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United States
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Congressional Record

PROCEEDINGS AND DEBATES OF THE *107th* CONGRESS, SECOND SESSION

HOUSE OF REPRESENTATIVES—*Thursday, October 10, 2002*

The House met at 9 a.m.

The Reverend Won Sang Lee, the Korean Central Presbyterian Church, Vienna, Virginia, offered the following prayer:

Heavenly Father, creator of the heavens and the earth, You are the sovereign Lord over all.

We thank You for blessing us with our lives, our loves and all our pursuits of happiness. We thank You for forming us as "one Nation under God." And, Lord, we thank You for calling these men and women to be, for this Nation, faithful and true representatives.

Heavenly Father, may You now enable these men and women of our Congress to lead our country with integrity, zeal and compassion.

Help them to embrace and realize their diversity to strengthen our country and keep it indivisible. Give them supernatural courage and determination to oppose any who threaten our liberty. Fill them with wisdom and impartiality to mete out justice for all.

For Your glory and honor, we pray all these things in Jesus' name. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Wisconsin (Mr. Green) come forward and lead the House in the Pledge of Allegiance.

Mr. GREEN of Wisconsin led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The gentleman from Wisconsin will be recognized for 1 minute. All other 1-minutes will be at the end of today's business.

WELCOMING THE REVEREND WON SANG LEE

(Mr. GREEN of Wisconsin asked and was given permission to address the House for 1 minute.)

Mr. GREEN of Wisconsin. Mr. Speaker, it is my honor today to introduce our guest chaplain this morning, Reverend Won Sang Lee, senior pastor of the Korean Presbyterian Church in Vienna, Virginia. I do this on behalf of the gentleman from Virginia (Mr. Tom Davis).

Reverend Lee has been a spiritual leader in the 11th District of Virginia for over 25 years and he has spearheaded his church's efforts towards community outreach both locally and internationally. Reverend Lee is president of Seed International, a mission agency which provides support to missions around the world, including the United States and Korea. He is also Moderator for the Coalition of the Korean Churches in the Presbyterian Church in America, and cochairs the Korean World Mission Council for Christ.

Reverend Lee earned his B.A. in Philosophy from KeiMyung University and an M.A. in Philosophy from KyungBook University in Korea. He has also earned a Theological Master in the Old Testament from the Dallas Theological Seminary and a Master of Arts in Near Eastern Studies from the University of Pennsylvania.

In November 2001, Reverend Lee received the Virginia Governor's Award for "Outstanding Religious Institution" in Richmond, Virginia. This award was granted for his work in the Korean Central Senior Center, where he has served as Chairman of the Board of Directors since 1994. Earlier this year, Reverend Lee was asked to lead the Virginia State House of Delegates with opening prayer in Richmond, Virginia.

I ask my colleagues in the House to join myself and the gentleman from Virginia (Mr. Tom Davis) in welcoming Reverend Lee to this Chamber.

AUTHORIZATION FOR USE OF MILITARY FORCE AGAINST IRAQ RESOLUTION OF 2002

The SPEAKER pro tempore (Mr. Bonilla). Pursuant to section 3 of House Resolution 574, proceedings will now resume on the joint resolution (H.J. Res. 114) to authorize the use of United States Armed Forces against Iraq.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. When proceedings were postponed on the legislative day of Wednesday, October 9, 2002, all time for debate on the joint resolution, as amended, under section 1 of House Resolution 574 had expired.

It is now in order to consider amendment No. 1 printed in House Report 107–724.

AMENDMENT IN THE NATURE OF A SUBSTITUTE NO. 1 OFFERED BY MS. LEE

Ms. LEE. Mr. Speaker, I offer an amendment in the nature of a substitute.

The SPEAKER pro tempore. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute No. 1 offered by Ms. Lee:

Strike the preamble and insert in lieu thereof the matter preceding the resolved clause, below, and strike the text and insert in lieu thereof the matter following the resolved clause, below:

Whereas on April 6, 1991, during the Persian Gulf War, Iraq accepted the provisions of United Nations Security Council Resolution 687 (April 3, 1991) bringing a formal cease-fire into effect;

Whereas, in accordance with Security Council Resolution 687, Iraq unconditionally accepted the destruction, removal, or rendering harmless of "all chemical and biological weapons and all stocks of agents and all related subsystems and components and all research, development, support and manufacturing facilities related thereto", and "all ballistic missiles with a range greater than one hundred and fifty kilometers, and related major parts and repair and production facilities";

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Whereas, in accordance with Security Council Resolution 687, Iraq unconditionally agreed not to acquire or develop any nuclear weapons, nuclear-weapons-usable material, nuclear-related subsystems or components, or nuclear-related research, development, support, or manufacturing facilities;

Whereas Security Council Resolution 687 calls for the creation of a United Nations special commission to "carry out immediate on-site inspection of Iraq's biological, chemical, and missile capabilities" and to assist and cooperate with the International Atomic Energy Agency in carrying out the "destruction, removal or rendering harmless" of all nuclear-related items and in developing a plan for the ongoing monitoring and verification of Iraq's compliance;

Whereas United Nations weapons inspectors (UNSCOM) between 1991 and 1998 successfully uncovered and destroyed large stockpiles of chemical and biological weapons and production facilities, nuclear weapons research and development facilities, and Scud missiles, despite the fact that the Government of Iraq sought to obstruct their work in numerous ways;

Whereas in 1998, UNSCOM weapons inspectors were withdrawn from Iraq and have not returned since;

Whereas Iraq is not in compliance with United Nations Security Council Resolution 687, United Nations Security Council Resolution 1154, and additional United Nations resolutions on inspections, and this noncompliance violates international law and Iraq's ceasefire obligations and potentially endangers United States and regional security interests;

Whereas the true extent of Iraq's continued development of weapons of mass destruction and the threat posed by such development to the United States and allies in the region are unknown and cannot be known without inspections;

Whereas the United Nations was established for the purpose of preventing war and resolving disputes between nations through peaceful means, including "by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional arrangements, or other peaceful means";

Whereas the United Nations remains seized of this matter;

Whereas the President has called upon the United Nations to take responsibility to assure that Iraq fulfills its obligations to the United Nations under existing United Nations Security Council resolutions;

Whereas war with Iraq would place the lives of tens of thousands of people at risk, including members of the United States armed forces, Iraqi civilian non-combatants, and civilian populations in neighboring countries;

Whereas unilateral United States military action against Iraq may undermine cooperative international efforts to reduce international terrorism and to bring to justice those responsible for the attacks of September 11, 2001;

Whereas unilateral United States military action against Iraq may also undermine United States diplomatic relations with countries throughout the Arab and Muslim world and with many other allies;

Whereas a preemptive unilateral United States first strike could both set a dangerous international precedent and significantly weaken the United Nations as an institution; and

Whereas the short-term and long-term costs of unilateral United States military action against Iraq and subsequent occupation may be significant in terms of United States casualties, the cost to the United States treasury, and harm to United States diplomatic relations with other countries: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States should work through the United Nations to seek to resolve the matter of ensuring that Iraq is not developing weapons of mass destruction, through mechanisms such as the resumption of weapons inspections, negotiation, enquiry, mediation, regional arrangements, and other peaceful means.

The SPEAKER pro tempore. Pursuant to House Resolution 574, the gentlewoman from California (Ms. LEE) and the gentleman from Illinois (Mr. HYDE) each will control 30 minutes.

The Chair recognizes the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today our Nation is debating the very profound question of war and peace and the structure and nature of international relations in the 21st century.

Before us today is the serious and fundamental question of life and death: whether or not this Congress will give the President authority to commit this Nation to war.

Always a question of the greatest importance, our decision today is further weighted by the fact that we are being asked to sanction a new foreign policy doctrine that gives the President the power to launch a unilateral and preemptive first strike against Iraq before we have utilized our diplomatic options.

My amendment provides an option and the time to pursue it. Its goal is to give the United Nations inspections process a chance to work. It provides an option short of war with the objective of protecting the American people and the world from any threat posed by Iraqi weapons of mass destruction.

The amendment urges the United States to reengage the diplomatic process, and it stresses our government's commitment to eliminating any Iraqi weapons of mass destruction through United Nations inspections and enhanced containment.

It emphasizes the potentially dangerous and disastrous long-term consequences for the United States of codifying the President's announced doctrine of preemption.

The administration's resolution forecloses alternatives to war before we have even tried to pursue them.

We do not need to rush to war, and we should not rush to war. If what we are worried about is the defense of the United States and its people, we do not need this resolution.

If the United States truly faced an imminent attack from anywhere, the President has all of the authority in the world to ensure our defense based on the Constitution, the War Powers Act and the United Nations Charter.

Our own intelligence agencies report that there is currently little chance of chemical and biological attack from Saddam Hussein on U.S. forces or territories. But they emphasize that an attack could become much more likely if Iraq believes that it is about to be attacked. This is a frightening and dangerous potential consequence that requires sober thought and careful reflection.

President Bush's doctrine of preemption violates international law, the United Nations Charter and our own long-term security interests. It will set a precedent that could come back to haunt us.

Do we want to see our claim to preemption echoed by other countries maintaining that they perceive similar threats? India or Pakistan? China or Taiwan? Russia or Georgia?

I would submit that we would have little moral authority to urge other countries to resist launching preemptive strikes themselves. This approach threatens to destabilize the Middle East, unleash new forces of terrorism and instability and completely derail any prospects for peace in the region.

Unilateralism is not the answer. Iraqi weapons of mass destruction are a problem to the world community, and we must confront it and we should do so through the United Nations. Multilateralism and steadfast commitment to international law should be the guiding principle as we move into the 21st century.

As I said, the purpose of my amendment is to let the United Nations do its work. Let us give inspections and other containment mechanisms a chance to succeed once again. Inspections did make real progress in eliminating weapons of mass destruction in the 1990s despite Saddam Hussein's best effort at obstruction and deceit. U.N. inspectors destroyed large stockpiles of chemical weapons, missiles and weapons of mass destruction. We can and should renew and expand this process.

In addition to inspections, we should improve border monitoring through an enhanced containment system to prevent shipments of nuclear materials or other weapons to Iraq. And we should install surveillance technology on the border to detect such materials.

As part of enhanced containment, we should work with the countries bordering Iraq and with regional seaports to ensure that United Nations Security Council resolutions are enforced, and we should plug holes in the current arms embargo blanket. We should also work on nonproliferation efforts globally to secure weapons materials.

All of these are diplomatic options that we can and should undertake and which can lead to success.

What we are doing today is building the framework for 21st century international relations. It will either be a framework of unilateralism and insecurity or multilateral cooperation and security. It is our choice.

During the Cold War, the words "first strike" filled us with fear. They still should.

I am really appalled that a democracy, our democracy, is contemplating taking such a fearsome step and really setting such a terrible international precedent that could be devastating for global stability and for our own moral authority.

We are contemplating sending our young men and women to war where they will be doing the killing and the dying. And we, as representatives of the American people, have no idea where this action will take us, where it will end and what price we will pay in terms of lives and resources. This too should cause us to pause. We have choices, however, and we have an obligation to pursue them, to give U.N. inspections and enhanced containment a chance to work.

What this resolution does state very clearly and firmly is that the United States will work to disarm Iraq through United Nations inspections and other diplomatic tools. It states that we reject the doctrine of preemption, and it reaffirms our commitment to our own security and national interests through multilateral diplomacy, not unilateral attack.

I urge you to protect our national interests by giving the United Nations a chance by supporting this amendment.

It does not foreclose any future options.

Mr. Speaker, I reserve the balance of my time.

Mr. HYDE. Mr. Speaker, I yield myself such time as I may consume.

I rise in strong opposition to the amendment in the nature of a substitute offered by the gentlewoman from California. I certainly do not mean to offend her. She is one of the very good Members of the House Committee on International Relations, but I think her amendment suffers from terminal anemia. It is like slipping someone an aspirin who has just been hit by a freight train.

Let us review Saddam Hussein's pattern of lawlessness. He is employing the vast wealth of his country and a legion of capable scientists and technicians to develop biological, chemical and nuclear weapons at the expense of food and medicine for the women and children of Iraq. He invades neighboring countries, and continues his support for some of the world's most notorious terrorists and the groups that support them.

In the mid 1990s, U.N. inspectors unearthed detailed drawings for constructing a nuclear device. In 1998, the International Atomic Energy Agency began dismantling nuclear weapons facilities in Iraq, including three uranium enrichment plants. Over the past decade, he subjected tens of thousands of political opponents to arbitrary arrest, imprisonment, starvation, mutilation and rape.

On Monday night, President Bush announced that Saddam possesses a growing fleet of manned and unmanned aerial vehicles that could be used to disburse his stockpile of chemical and biological weapons across broad areas.

While Saddam repeatedly violates the myriad of U.N. Security Council resolutions passed since 1991, the world watches, the world waits and the world does nothing.

So how do supporters of the Lee substitute propose to respond to Saddam's continuing affront to international law and norms? With conciliation and negotiation.

For 11 years, the international community has attempted to do just that. Weapons inspectors have been banned from Iraq since 1998. During the 7 years inspectors were permitted in the country, their efforts were undermined by Iraqi coercion and cover-up.

The gentlewoman is certainly correct that the United States should work to build an international consensus to ferret out and destroy Saddam's weapons of mass destruction. And as we speak, the Bush administration is engaging the United Nations to employ arms to force Saddam to comply with Security Council resolutions. But in the last analysis, the security of the United States cannot be held hostage to a failure by the United Nations to act because of a threat of a Security Council veto by Russia, China or France.

The Lee substitute essentially advocates the futile policies of the previous decade and fails to recognize the United States as a sovereign Nation with an absolute right of self-defense, a right clearly recognized by Article 51 of the U.N. Charter.

Without a strongly worded Congressional resolution that gives the President the flexibility he needs, the Iraqi regime will have no incentive to comply with existing or new U.N. resolutions. Only clear and direct action of this Congress will send the essential message to the United Nations that the current stalemate must end. Only resolute action by this Congress can ensure the peace that all of us claim as a goal.

The Lee substitute is a well-intentioned but perilous receipt for inaction, based on wishful thinking, and that is what makes it so dangerous. We have had more than a decade of obfuscation by Saddam Hussein. At what point do the United States and the international community say enough? Enough lies, enough evasions, enough duplicity, enough fraud, enough deception. Enough.

I think the time has now come. I urge a no vote on this amendment.

Mr. Speaker, I reserve the balance of my time.

Ms. LEE. Mr. Speaker, I yield 1 minute to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Speaker, this resolution represents neither conciliation nor negotiation. It is a resolution for continued containment, deterrence, that would be bolstered by intrusive, effective, forced, unfettered inspections. They worked before. They can work again. The most dispositive report on how effective those inspections were came from Tony Blair to the Parliament, and Saddam Hussein did not cooperate. He tried to hide the stuff. He could not hide it.

These inspections worked. There was the destruction of 40,000 munitions for chemical weapons, 2,610 tons of chemical precursors, dismantling of their prime chemical weapons development and production complex at at-Muthanna, the destruction of 48 SCUD-type missiles, the removal and destruction of the infrastructure for the nuclear weapons program, including the al-Athir weaponization/testing facility.

Intrusive, unfettered inspections with our allies will work. This cowboy, go-it-alone, to-heck-with-our-allies, to-heck-with-the-rest-of-the-world principle with an attack before we try this alternative is wrong.

Mr. HYDE. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Georgia (Mr. LINDER).

Mr. LINDER. I thank the gentleman for yielding me this time. Mr. Speaker, I rise in opposition to the amendment offered by the gentlewoman from California. Let us contemplate for a moment the ramifications of substituting this amendment for the underlying Hastert-Gephardt resolution. If next February Saddam Hussein limits the ability of U.N. inspectors to check for weapons of mass destruction, the Lee amendment says let's talk. If next April Saddam Hussein kills several thousand innocent Iraqi men, women and children using biological agents, the Lee amendment says again, let's talk. If next June a terrorist attempts to use a crude nuclear device facilitated by Iraq against a major U.S. city, the Lee amendment says, let's talk.

Mr. Speaker, the lack of enforcement contained in this amendment is a bit like a senior citizen trying to stop a mugging by suggesting they dance the polka. Supporters of this amendment say, let's support the return of weapons inspectors to Iraq. We have done that. They say, let's go to the U.N. for a solution. We have done that. They say, let's engage our allies in this effort. I say again, we have done that.

Mr. Speaker, what cannot be disputed today is that peace and freedom are the ends to which we now seek our means. President Bush has demonstrated the courage to lead and to draw a line in the sand. Now is the time for Congress to support his leadership. I am proud to join a broad bipartisan coalition of Members by standing up to tyranny and oppression and opposition to freedom by voting no on this amendment. By rejecting this spurious amendment we will ensure that America's promise to uphold the rule of law and to protect the peace-loving people of the world actually has meaning.

Ms. LEE. Mr. Speaker, I yield 1 minute to the gentlewoman from Michigan (Ms. KILPATRICK).

Ms. KILPATRICK. I thank the gentlewoman for yielding me this time.

Mr. Speaker, I rise in support of the Lee amendment and as a cosponsor of the amendment. The amendment asks what the American people want. They want us to work through the United Nations, work through that process, and I want to report and you all know the United Nations has said yes, we will work with you, we will go in, we will have unfettered inspections and we will work and come back. It is not an "if" kind of situation, it is an "is." And the "is" is that the American people want the United Nations involved and they want the inspections to go forward and at a date determined to come back and report. Our CIA, our intelligence agency, has reported to this Congress and this Nation that there is no imminent threat that Saddam Hussein will attack America. He does not have the capability. Let the U.N. process work, and that is what the Lee amendment asks.

Ms. LEE. Mr. Speaker, I yield 1 minute to the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. Mr. Speaker, our Constitution entrusts to Congress alone the power to declare war, a power we should invoke with great care on evidence of a clear and present danger to our country.

President Bush has asked Congress to cede that power to him to be wielded against Iraq at a time of his choosing, with or without United Nations support, in a unilateral, preemptive strike of his own determination of the level of threat Iraq poses to our national security.

I will not surrender our constitutional authority. I will not vote for the committee resolution which confers upon the President fast-track war-making power. The President should first win U.N. Security Council approval of a new, more rigorous round of arms inspections in Iraq.

If Iraq resists the international inspectors and the mandated inspections fail, the President should then obtain a Security Council authorization of force, as was done in 1990, following which he should ask Congress for approval to wage war against Iraq. The resolution offered by the gentlewoman from California respects the Constitution and the American people and will give renewed diplomacy a chance.

The Committee Resolution grants the President a new foreign policy and national security tool that charts us on a fundamental departure from historic U.S. foreign policy toward a dangerous precedent of first strike military authority for future Presidents. Once established, this resolution has enormous global consequences and will set the standard for other nations to attack preemptively, without restraint.

This policy is contrary to our entire national tradition. The United States did not pursue a policy of first strike military authority against the Soviet Union during the Cold War when the Soviets had nuclear weapons directed at U.S. cities and military targets. Nor did the United States strike first against Iraq in 1990–1991.

For most U.S. citizens, the real threat to the nation is our deteriorating domestic security: unemployment, the loss of retirement income, access to affordable prescription drugs, and corporate misfeasance and malfeasance that are eroding workers' retirement and health care security.

Our domestic economy is in serious decline. Congress and the President should, as our top priority, mobilize investments in infrastructure and job training to put the unemployed back to work. We have to mount new strategies to counter unfairly-traded imports that undermine our national security through loss of jobs and income.

Earlier this year, the President made important recommendations in this Section 201 Steel Remedy plan. Since then, however, he has backtracked, granting numerous exemptions to allow significant subsidized steel imports to pour into our nation undermining our domestic steel and iron ore industries. These are essential national security issues.

Our national security begins with domestic security, expressed in a living wage, job security, livable communities, investments in education, health care, and transportation that will ensure a better future for our nation.

The Administration's obsession with Iraq has deflected our national energies from the need to shore up domestic security. We must not allow the pursuit of terrorists at home and abroad, nor vigilance over the threat from Iraq divert our attention from critically urgent domestic priorities.

Ms. LEE. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. HONDA).

Mr. HONDA. I thank the gentlewoman for yielding me this time.

Mr. Speaker, I rise today in support of the Lee amendment. In effect, the Lee amendment says that if there are weapons of mass destruction in Iraq, we must work to seek and destroy these weapons with our allies in the United Nations.

The amendment further indicates that we will not provide our stamp of approval for a unilateral, preemptive strike unless the administration can verify an imminent threat to our Nation.

Why should we change our national policy from being defenders of freedom and democracy to that of first-strike aggressors?

This amendment does not prevent the President from performing his constitutional duties. He is still the commander in chief of this great Nation. However, it is our constitutional duty to declare war. We must not delegate our authority to declare war to the executive branch.

Support the Lee amendment.

Mr. HYDE. Mr. Speaker, I am pleased to yield 3 minutes to the distinguished gentleman from Wisconsin (Mr. GREEN).

Mr. GREEN of Wisconsin. I thank the gentleman for yielding me this time.

Mr. Speaker, with due respect to the authority of this amendment and the preceding speakers, I really believe that adopting this amendment would be worse for America than taking no action at all. Adopting this amendment would sanction and legitimize the shameful gamesmanship that Saddam Hussein has shown for 11 years. Saddam views diplomacy without force as his personal game without rules.

We cannot, we dare not ignore his history.

Remember, the world builds an Oil for Food program and Saddam Hussein turns it into a way to rebuild his military and to amass personal wealth. The world builds a no-fly zone to protect innocents from Iraqi aggression. Yet Iraqi forces have fired on coalition planes hundreds of times this year alone.

The world demands and Saddam agrees to destroy his biological and chemical weapons. Yet every objective observer says he still has them and he is building more.

The world demands and Iraq agrees to bring in international weapons inspectors, but when they arrive, they are told that thousands of buildings are off limits. They are delayed, they are hassled until they go home in frustration.

Finally, Saddam declares with a smile that he does not support terrorism. Yet every day, including today, we learn more and more about the training, the resources, the protection that Saddam gives al Qaeda and others.

Mr. Speaker, this amendment, with its ambiguous references to negotiation and resumption of weapons inspections, would continue that game. In fact, it would have this House legitimize that game.

The gentlewoman from California speaks of the dangers of war, and she is right. War is very dangerous. But the last 11 years have shown that giving Saddam Hussein diplomatic cover to build weaponry, terrible weaponry, is even more dangerous.

There is a middle path: diplomacy with teeth. It is the underlying resolution that I support. Let us show that we have learned our lessons. As many have said here today and yesterday, and will say later today, the American people are watching what we do. So is the world.

Mr. Speaker, I would suggest to you, so is Saddam Hussein. Let us show Saddam Hussein that the games are over. They will go on no more.

Let us vote against and reject the Lee amendment.

Ms. LEE. Mr. Speaker, I yield 1 minute to the gentleman from Washington (Mr. MCDERMOTT).

Mr. MCDERMOTT. Mr. Speaker, we should support the Lee amendment by giving unfettered, unconditional support for U.N. inspections for disarmament.

Our government has a history of undermining the United Nations and has been particularly bad regarding Iraq. In 1990, we bribed and threatened and punished the Security Council to force a vote endorsing our war. We bribed poor countries with cheap Saudi oil. We bribed China with diplomatic rehabilitation and new development aid.

And we told Yemen, the only Arab country on the Council, that its vote against our war would be "the most expensive vote you ever cast." And then we punished Yemen, the poorest country in the Arab world, with a cutoff of our entire $70 million aid package.

As we try to impose our war again on a reluctant United Nations, I fear that the Yemen precedent is being recalled at the U.N. today. I hope that our friends and our allies who might be considering a different approach in the U.N. will not be intimidated by our unilateral abuse of this multilateral institution.

The President can always call us back, if he is ready. He says he is not ready. He says war is not imminent. So why are we giving him such an order?

Mr. Speaker, I include for the RECORD an article from The Guardian entitled "The U.S. Has Been Seeking to Prevent a Resolution of the Iraq Crisis for the Past 8 Years."

[From the Guardian, Oct. 8. 2002]

THE U.S. HAS BEEN SEEKING TO PREVENT A RESOLUTION OF THE IRAQ CRISIS FOR THE PAST EIGHT YEARS

(By George Monbiot)

There is little that those of us who oppose the coming war with Iraq can now do to prevent it. George Bush has staked his credibility on the project; he has mid-term elections to consider, oil supplies to secure and a flagging war on terror to revive. Our voices are as little heeded in the White House as the singing of the birds.

Our role is now, perhaps, confined to the modest but necessary task of demonstrating the withdrawal of our consent, while seeking to undermine the moral confidence which could turn the attack on Iraq into a war against all those states perceived to offend US strategic interests. No task is more urgent than to expose the two astonishing lies contained in George Bush's radio address on Saturday, namely that "the United States does not desire military conflict, because we know the awful nature of war" and "we hope that Iraq complies with the world's demands". Mr. Bush appears to have done everything in his power to prevent Iraq from complying with the world's demands, while ensuring that military conflict becomes inevitable.

On July 4 this year, Kofi Annan, the secretary-general of the United Nations, began negotiating with Iraq over the return of UN weapons inspectors. Iraq had resisted UN inspections for three and a half years, but now it felt the screw turning, and appeared to be on the point of capitulation. On July 5, the Pentagon leaked its war plan to the New York Times. The US, a Pentagon official revealed, was preparing "a major air campaign and land invasion" to "topple President Saddam Hussein". The talks immediately collapsed.

Ten days ago, they were about to resume. Hans Blix, the head of the UN inspections body, was due to meet Iraqi officials in Vienna, to discuss the practicalities of re-entering the country. The US Airforce launched bombing raids on Basra, in southern Iraq, destroying a radar system. As the Russian government pointed out, the attack could scarcely have been better designed to scupper the talks. But this time the Iraqis, mindful of the consequences of excluding he inspectors, kept talking. Last Tuesday, they agreed to let the UN back in. The State Department immediately announced, with more candor than elegance, that it would "go into thwart mode".

It wasn't bluffing. The following day, it leaked the draft resolution on inspections it was placing before the UN Security Council. This resembles nothing so much as a plan for unopposed invasion. The decision about which sites should be "inspected" would no longer be made buy the UN alone, but also by "any permanent member of the security council", such as the United States. The people inspecting these sites could also be chosen by the US, and they would enjoy "unrestricted rights to free, unrestricted and immediate movement" within Iraq, "including unrestricted access to presidential sites". They would be permitted to establish "regional bases and operating bases throughout Iraq", where they would be "accompanied . . . by sufficient U.S. security forces to protect them". They would have the right to declare exclusion zones, no-fly zones and "ground and air transit corridors". They would be allowed to fly and land as many planes, helicopters and surveillance drones in Iraq as they want, to set up "encrypted communication" networks and to seize "any equipment" they choose to lay hands on.

The resolution, in other words, could not have failed to remind Iraq of the alleged infiltration of the U.N. team in 1996. Both the Iraqi government and the former inspector Scott Ritter maintain that the weapons inspectors were joined that year by CIA covert operations specialists, who used the U.N.'s special access to collect information and encourage the republican guard to launch a coup. On Thursday, Britain and the United States instructed the weapons inspectors not to enter Iraq until the new resolution has been adopted.

As Milan Rai's new book War Plan Iraq documents, the U.S. has been undermining disarmament for years. The U.N.'s principal means of persuasion was paragraph 22 of the security council's resolution 687, which promised that economic sanctions would be lifted once Iraq ceased to possess weapons of mass destruction. But in April 1994, Warren Christopher, the U.S. secretary of state, unilaterally withdrew this promise, removing Iraq's main incentive to comply. Three years later his successor, Madeleine Albright, insisted that sanctions would not be lifted while Saddam remained in power.

The U.S. government maintains that Saddam Hussein expelled the U.N. inspectors from Iraq in 1998, but this is not true. On October 30, 1998, the U.N. rejected a new U.N. proposal by again refusing to lift the oil embargo if Iraq disarmed. On the following day, the Iraqi government announced that it would cease to cooperate with the inspectors. In fact it permitted them to continue working, and over the next six weeks they completed around 300 operations.

On December 14, Richard Butler, the head of the inspection team, published a curiously contradictory report. The body of the report recorded that over the past month "the majority of the inspections of facilities and sites under the ongoing monitoring system were carried out with Iraq's cooperation", but his well-publicized conclusion was that "no progress" has been made. Russia and China accused Butler of bias. On December 15, the U.S. ambassador to the U.N. warned him that his team should leave Iraq for its own safety. Butler pulled out, and on the following day the U.S. started bombing Iraq.

From that point on, Saddam Hussein refused to allow U.N. inspectors to return. At the end of last year, Jose Bustani, the head of the Organization for the Prohibition of Chemical Weapons, proposed a means of resolving the crisis. His organization had not been involved in the messy business of 1998, so he offered to send in his own inspectors, and complete the job the U.N. had almost finished. The U.S. responded by demanding Bustani's dismissal.The other member states agreed to depose him only after the United States threatened to destroy the organization if he stayed. Now Hans Blinx, the head of the new U.N. inspectorate, may also be feeling the heat. On Tuesday he insisted that he would take his orders only from the security council. On Thursday, after an hour-long meeting with U.S. officials, he agreed with the Americans that there should be no inspections until a new resolution had been approved.

For the past eight years the U.S., with Britain's help, appears to have been seeking to prevent a resolution of the crisis in Iraq. It is almost as if Iraq has been kept on ice, as a necessary enemy to be warmed up whenever the occasion demands. Today, as the economy slides and Bin Laden's latest mocking message suggests that the war on terrorism has so far failed, an enemy which can be located and bombed is more necessary than ever. A just war can be pursued only when all peaceful means have been exhausted. In this case, the peaceful means have been averted.

Ms. LEE. Mr. Speaker, I yield 1 minute to the gentlewoman from Michigan (Ms. RIVERS).

Ms. RIVERS. Mr. Speaker, I rise in support of this resolution for several reasons.

First, it retains Congress' constitutional authority and obligation to publicly act on any commitment of American troops or resources to military action. Unlike the other two resolutions before us, it does not endow the President with powers that do not exist in the Constitution.

Secondly, it promotes a multilateral solution to the world's problems. It repudiates the administration's recently announced preemptive doctrine, which would change the United States from a worldwide defender of democracy into a first-strike aggressor on the world stage.

Lastly and most importantly, it does not preclude any further action by Congress, should circumstances change, despite the hand-wringing that has gone on about our inability to deal with future instances.

Of course, the President is free to come back and ask the Congress for action. This is best of the three resolutions before us, and I hope my colleagues will support it.

Ms. LEE. Mr. Speaker, I yield 1 minute to the gentleman from North Carolina (Mr. WATT).

Mr. WATT of North Carolina. Mr. Speaker, I rise in support of the Lee amendment and encourage my colleagues to support the amendment.

I have been very disappointed with a number of my colleagues who have suggested to me that the Lee amendment is not viable. I submit to them that they must not have read what the Lee amendment says.

It simply says that we resolve that the United States should work through the United Nations to seek to resolve the matter of ensuring that Iraq is not developing weapons of mass destruction through mechanisms such as the resumption of weapons inspections, negotiation, inquiry, mediation, regional arrangements and other peaceful means.

This is a peace resolution, a desire to do everything that is reasonably possible through peaceful means before we resort to what is really an unviable option, and that unviable option is war.

I encourage my colleagues to support the amendment to this resolution.

Ms. LEE. Mr. Speaker, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, let me thank the distinguished gentlewoman from California for yielding time and express the reason that I come to this floor because it is with a heavy heart. I remind my colleagues, as I know all of them are very conscious of, it is a question of life and death. That is why I rise to support the Lee amendment, because I believe it does not preclude the constitutional duties that this Congress has, and that is the singular duty to declare war.

Might I note in her amendment that she specifically notes that Iraq is not in compliance with the United Nations Security Council resolution. She acknowledges that the additional United Nations resolutions on inspections, that they are in noncompliance and that they violate international law. Iraq cease-fire obligations potentially endanger the United States and regional security interests.

We know the dangers of Iraq. But what we also say to this body is that the President of the United States has every authority to be able to protect the United States upon the basis of imminent danger, of immediate danger. But what the President does not have, what we are seeking to do is to give him authority for a first strike without the constitutional obligation of Congress to declare war. I rise to support the Lee amendment.

Ms. LEE. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, I rise in support of the Lee amendment because it recognizes that in this time of crisis we have the opportunity to pursue a new vision for the world. This vision affirms the character of our Nation and refutes mistaken attempts to use violence to bring about peace. We have been down that road before. It is time to choose a new way. My constituents understand this. They are overwhelmingly opposed to the war. In fact, they wish I had more than one vote today.

A woman from Santa Rosa wrote to a local paper asking, and I quote, what would war with Iraq accomplish? U.S. aggression would only create more homeless and victimized refugees, more hatred of the United States by the rest of the world, and the death of our sons and daughters in the military. She continues: Violence only creates more violence. The United States is the greatest, the most powerful country in the world. We have the opportunity to be leaders of peace.

Mr. Speaker, that is why I support the Lee resolution and oppose authorizing force in Iraq.

Ms. LEE. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. FILNER).

Mr. FILNER. Mr. Speaker, the gentlewoman from California is a woman of courage, a woman of peace. We thank her for her leadership.

I heard the gentleman from Illinois, the chairman, earlier worry about our status as a sovereign Nation if this motion passes. This is a motion which makes our sovereign Nation safer. In the 21st century, the wars against terrorism, those wars require and will require international cooperation. We cannot go it alone in the 21st century. We cannot go it alone in a war against terrorism. We must have the world community with us.

We will be less safe if we do not pass this resolution. America will be less safe if we pass the resolution that the President wants. We dilute our war against terrorism, we increase the possibility of terrorists getting weapons of mass destruction. The al Qaeda I would think would be cheering the passage of the underlying resolution because the instability of the area, for example, in Pakistan would more likely give them a nuclear weapon. Let us work with the international community. Let us work with the United Nations. Let us follow the path of peace. Let us support the Lee amendment.

Mr. HYDE. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from California (Mr. LANTOS), the distinguished ranking member of the Committee on International Relations.

Mr. LANTOS. I want to thank my friend, chairman of the committee, for yielding me this time.

Mr. Speaker, I first want to commend my friend and colleague from California for her active and valuable contribution to the work of the Committee on International Relations and to the work of this House. I appreciate the views of my colleague from California and I share her view that we must exhaust all diplomatic and peaceful means for disarming Saddam Hussein, and we all agree that war can be only our very last resort. Indeed, Mr. Speaker, the joint resolution before us supports the diplomatic process at the United Nations and it requires the President to exhaust all peaceful means before resorting to war. Our distinguished Secretary of State, Colin Powell, is working nonstop at the United Nations to move towards a peaceful and diplomatic resolution of this crisis, and I fully support Secretary Powell's efforts.

However, Mr. Speaker, I strongly believe that our diplomacy will achieve its purpose only if the Iraqi regime knows that a sword of Damocles hangs over its head. Our joint bipartisan resolution represents that statement of resolve.

I am also concerned that my friend's amendment disregards the very serious threat posed by Iraqi sponsorship of international terrorism, clearly a serious danger to the security and safety of the United States.

I am convinced, Mr. Speaker, that the bipartisan and bicameral agreement reached with the White House is approaching a final decision in both the House and the Senate. Our chances of obtaining the support of friends and allies will be dramatically increased by our show of decisiveness and unity in this House. This is not the time to unravel an agreement that is on the verge of ratification. It is for these and many other reasons that I regretfully and respectfully oppose the gentlewoman's amendment.

Ms. LEE. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. STARK).

Mr. STARK. Mr. Speaker, I am proud to rise in support of the resolution, the amendment by my distinguished colleague and neighbor, the gentlewoman from California. The reason we should support her amendment is very simple. There is absolutely no evidence that any thinking person could give that says we are in any danger from Saddam Hussein today. You are in more danger from the snipers running around in Prince Georges County that we cannot find.

If you vote against the Lee substitute, you are automatically sentencing, some of you old men who have never been in service or never worn a uniform like the last speaker, thousands of Americans to sure death. You know that the President wants blood. He wants to go to war. That is why we are going through this. And so you are giving an inexperienced, desperate young man in the White House the execution lever to kill thousands of Americans. Some of you did that and you could look at the 50,000 names on the wall down on the Mall. And is Vietnam still in business? The last time I looked. Don't do it again. Support the Lee amendment.

Mr. HYDE. Mr. Speaker, I am pleased to yield 3½ minutes to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Speaker, I thank the gentleman for yielding me this time and wanted to say there is a curious suggestion here that the people in the U.N. care more about American citizens than their own representatives. That seems to be a theme that I am hearing over and over again. Yet, Mr. Speaker, as we debate this, there is also a second suggestion, that this resolution today, well thought of, well debated not just during the course of the summer and the previous months but in fact going back to 1990, that this is something new, that suddenly we have decided that Iraq is a problem.

Mr. Speaker, the Congressional action on Iraq goes back to 1990, to the 101st Congress, the 102nd Congress, 103rd, 104th, 105th, 106th and now 107th, and there are resolutions after resolutions of instruction, of threat, of demands against Iraq and the people because of the repression they had. That is just the United States Congress, Mr. Speaker. Then let us go to the U.N. itself.

Keep in mind America is a sovereign Nation. Unlike the supporters of this amendment, I do not believe that we need to have the U.N.'s permission to defend our own national interests. That is what nations do. We cannot get mad at Germany or France if they do not stand up for something that is not in their national interest. But I do not think the U.N. should interfere with something that is in our national interest, because this attack, this terrorist attack that we are suffering from, 9–11, happened in the United States of America.

But, Mr. Speaker, let us also think about Kosovo. This Congress agreed for President Clinton to bomb Kosovo because of repression of the Muslim population by the largely Christian population, and we in America sided with the Muslims. And President Clinton, I do not know how the supporters of this amendment voted on that, but he did not sit around and say, "I'd like to take some action in Kosovo. Gee whiz, what would the U.N. say?" I did not hear that cry and hue from the supporters of this amendment at that time. But if we were to go to the U.N., going back to U.N. Resolution 660, violated; U.N. Resolution 678 on November 1990; Resolution 686 in March 1991; Resolution 687, April 1991; Resolution 688, April 1991; Resolution 707, August 15, 1991; October 11, 1991, Resolution 715.

Mr. Speaker, the list goes on and on and on. I would like to submit these for the RECORD. But the reality is that the U.N. has been calling for Iraq to act and to comply and to discontinue certain activities which they have flagrantly ignored. It is not time to go back to the U.N. for one more resolution. If the U.N. was going to act, they would have done it. They have had countless opportunities since 1991.

Mr. Speaker, we have not had weapons inspectors in Iraq since 1998. The minimum agreement here between the hawks and the doves, if you will, is that Iraq has chemical and biological weapons and is near nuclear capability. The minimum agreement is they are anti-American, they are dangerous, they are a barbaric regime. The minimum agreement, they have violated 16 U.N. resolutions.

Mr. Speaker, the time to act is now, not waiting on the U.N.

Mr. Speaker, I include the following material for the RECORD:

[From the Congressional Research Service, Oct. 1, 2002]

CONGRESSIONAL ACTION ON IRAQ 1990–2002: A COMPILATION OF LEGISLATION

(By Jeremy M. Sharp)

SUMMARY

This report is a compilation of legislation on Iraq from 1990 to the present. The list is composed of resolutions and public laws relating to military action and/or diplomatic pressure to be taken against Iraq. The list does not include foreign aid appropriations bills passed since FY 1994 that deny U.S. funds to any nation in violation of the United Nations sanctions regime against Iraq. Also, measures that were not passed only in either the House or the Senate are not included (with the exception of the proposals in the 107th Congress). For a more in-depth analysis of U.S. action against Iraq, see CRS Issue Brief IB92117, Iraq, Compliance, Sanctions and U.S. Policy. This report will be updated as developments unfold.

CONGRESSIONAL ACTION ON IRAQ 1990–2002

101st Congress

House

H. Con. Res. 382: Expressed the sense of the Congress that the crisis created by Iraq's invasion and occupation of Kuwait must be addressed and resolved on its own terms separately from other conflicts in the region. Passed in the House: October 23, 1990.

H. J. Res. 658: Supported the actions taken by the President with respect to Iraqi aggression against Kuwait and confirmed United States resolve. Passed in the House: October 1, 1990.

Senate

S. Res. 318: Commended the President for his actions taken against Iraq and called for the withdrawal of Iraqi forces from Kuwait, the freezing of Iraqi assets, the cessation of all arms shipments to Iraq, and the imposition of sanctions against Iraq. Passed in the Senate: August 2, 1990.

Public Laws

P.L. 101–509: (H.R. 5241). Treasury, Postal Service, and General Government Appropriations Act FY 1991 (Section 630). Urged the President to ensure that coalition allies were sharing the burden of collective defense and contributing financially to the war effort. Became public law: November 5, 1990.

P.L. 101–510: (H.R. 4739). Defense Authorization Act FY 1991 (Section 1458). Empowered the President to prohibit any and all products of a foreign nation which has violated the economic sanctions against Iraq. Became public law: November 5, 1990.

P.L. 101–513: (H.R. 5114). The Iraq Sanctions Act of 1990 (Section 586). Imposed a trade embargo on Iraq and called for the imposition and enforcement of multilateral sanctions in accordance with United Nations Security Council Resolutions. Became public law: November 5, 1990.

P.L. 101–515: (H.R. 5021). Department of Commerce, Justice, and State Appropriations Act FY 1991 (Section 608 a & b). Restricted the use of funds to approve the licensing for export of any supercomputer to any country whose government is assisting Iraq develop its ballistic missile program, or chemical, biological, and nuclear weapons capability. Became public law: November 5, 1990.

102nd Congress

Public Laws

P.L. 102–1: (H.J. Res. 77). Authorization for Use of Military Force Against Iraq Resolution. Gave Congressional authorization to expel Iraq from Kuwait in accordance with United Nations Security Council Resolution 678, which called for the implementation of eleven previous Security Council Resolutions. Became public law: January 12, 1991.

P.L. 102–138: (H.R. 1415). The Foreign Relations Authorization Act for FY 1992 (Section 301). Stated that the President should propose to the Security Council that members of the Iraqi regime be put on trial for war crimes. Became public law: October 28, 1991.

P.L. 102–190: (H.R. 2100). Defense Authorization Act for FY1992 (Section 1095). Supported the use of "all necessary means to achieve the goals of United Nations Security Council Resolution 687 as being consistent with the Authorization for Use of Military Force Against Iraq Resolution (P.L. 102–1)." Became public law: December 5, 1991.

103rd Congress

Public Laws

P.L. 103–160: (H.R. 2401). Defense Authorization Act FY 1994 (Section 1164). Denied defectors of the Iraqi military entry into the United States unless those persons had assisted U.S. or coalition forces and had not committed any war crimes. Became public law: November 30, 1993.

P.L. 103–236: (H.R. 2333). Foreign Relations Authorization Act FY 1994, 1995 (Section 507). Expressed the sense of Congress that the United States should continue to advocate the maintenance of Iraq's territorial integrity and the transition to a unified, democratic Iraq. Became public law: April 30, 1994.

104th Congress

House

H. Res. 120: Urged the President to take "all appropriate action" to secure the release and safe exit from Iraq of American citizens William Barloon and David Daliberti, who had mistakenly crossed Iraq's border and were detained. Passed in the House: April 3, 1995.

Senate

S. Res. 288: Commended the military action taken by the United States following U.S. air strikes in northern Iraq against Iraqi radar and air defense installations. This action was taken during the brief Kurdish civil war in 1996. Passed in the Senate: September 5, 1996.

105th Congress

House

H. Res. 322: Supported the pursuit of peaceful and diplomatic efforts in seeking Iraqi compliance with United Nations Security Council Resolutions regarding the destruction of Iraq's capability to deliver and produce weapons of mass destruction. However, if such efforts fail, "multilateral military action or unilateral military action should be taken." Passed in the House: November 13, 1997.

H. Res. 612: Reaffirmed that it should be the policy of the United States to support efforts to remove the regime of Saddam Hussein in Iraq and to promote the emergence of a democratic government to replace that regime. Passed in the House: December 17, 1998.

H. Con. Res. 137: Expressed concern for the urgent need of a criminal tribunal to try members of the Iraqi regime for war crimes. Passed in the House: January 27, 1998.

Senate

S. Con. Res. 78: Called for the indictment of Saddam Hussein for war crimes. Passed in the Senate: March 13, 1998.

Public Laws

P.L. 105-174: (H.R. 3579). 1998 Supplemental Appropriations and Rescissions Act (Section 17). Expressed the sense of Congress that none of the funds appropriated or otherwise made available by this act be used for the conduct of offensive operations by the United States Armed Forces against Iraq for the purpose of enforcing compliance with United Nations Security Council Resolutions, unless such operations are specifically authorized by a law enacted after the date of the enactment of this act. Became public law: May 1, 1998.

P.L. 105-235: (S.J. Res. 54). Iraqi Breach of International Obligations. Declared that by evicting weapons inspectors, Iraq was in "material breach" of its cease-fire agreement. Urged the President to take "appropriate action in accordance with the Constitution and relevant laws of the United States, to bring Iraq into compliance with its international obligations." Became public law: August 14, 1998.

P.L. 105-338 (H.R. 4655): Iraq Liberation Act of 1988 (Section 586). Declared that it should be the policy of the United States to "support efforts" to remove Saddam Hussein from power in Iraq and replace him with a democratic government. Authorized the President to provide the Iraqi democratic opposition with assistance for radio and television broadcasting, defense articles and military training, and humanitarian assistance. Became public law: October 31, 1998.

107th Congress

House

H.J. Res. 75: Stated that Iraq's refusal to allow weapons inspectors was a material breach of its international obligations and constituted "a mounting threat to the United States, its friends and allies, and international peace and security." Passed in the House: December 20, 2001.

Senate

S. 1170 (H.R. 4): Would prohibit the direct or indirect importation of Iraqi-origin petroleum into the United States, notwithstanding action by the Committee established by United Nations Security Council Resolution 661 authorizing the export of petroleum products from Iraq in exchange for humanitarian assistance. Last major action: July 12, 2001 (Referred to Senate Committee on Finance).

S. Con. Res. 133: Expresses the sense of Congress that "the United States should not use force against Iraq, outside of the existing rules of engagement, without specific statutory authorization or a declaration of war under Article I, Section 8, Clause 11 of the Constitution of the United States." Last major action: July 30, 2002 (Referred to Senate Committee on Foreign Relations).

S.J. Res. 41: Calls for the "consideration and vote on a resolution for the use of force of the United States against Iraq before such force is deployed." Last major action: July 18, 2002 (Referred to Senate Committee on Foreign Relations).

UNSCR 678—NOVEMBER 29, 1990—VIOLATED!

Iraq must comply fully with UNSCR 660 (regarding Iraq's illegal invasion of Kuwait) "and all subsequent relevant resolutions."

Authorizes UN Member States "to use all necessary means to uphold and implement resolution 660 and all subsequent relevant resolutions and to restore international peace and security in the area."

UNSCR 686—MARCH 3, 1991—VIOLATED!

Iraq must release prisoners detained during the Gulf War.

Iraq must return Kuwaiti property seized during the Gulf War.

Iraq must accept liability under international law for damages from its illegal invasion of Kuwait.

UNSCR 687—APRIL 3, 1991—VIOLATED!

Iraq must "unconditionally accept" the destruction, removal or rendering harmless "under international supervision" of all "chemical and biological weapons and all stocks of agents and all related subsystems and components and all research, development, support and manufacturing facilities."

Iraq must "unconditionally agree not acquire or develop nuclear weapons or nuclear-weapons-usable material" or any research, development or manufacturing facilities.

Iraq must "unconditionally accept" the destruction, removal or rendering harmless "under international supervision" of all "ballistic missiles with a range greater than 150 KM and related major parts and repair and production facilities."

Iraq must not "use, develop, construct or acquire" any weapons of mass destruction.

Iraq must reaffirm its obligations under the Nuclear Non-Proliferation Treaty.

Creates the United Nations Special Commission (UNSCOM) to verify the elimination of Iraq's chemical and biological weapons programs and mandated that the International Atomic Energy Agency (IAEA) verify elimination of Iraq's nuclear weapons program.

Iraq must declare fully its weapons of mass destruction programs.

Iraq must not commit or support terrorism, or allow terrorist organizations to operate in Iraq.

Iraq must cooperate in accounting for the missing and dead Kuwaitis and others.

Iraq must return Kuwaiti property seized during the Gulf War.

UNSCR 688—APRIL 5, 1991—VIOLATED!

"Condemns" repression of Iraqi civilian population, "the consequences of which threaten international peace and security."

Iraq must immediately end repression of its civilian population.

Iraq must allow immediate access to international humanitarian organizations to those in need of assistance.

UNSCR 707—AUGUST 15, 1991—VIOLATED!

"Condemns" Iraq's "serious violation" of UNSCR 687.

"Further condemns" Iraq's noncompliance with IAEA and its obligations under the Nuclear Non-Proliferation Treaty.

Iraq must halt nuclear activities of all kinds until the Security Council deems Iraq in full compliance.

Iraq must make a full, final and complete disclosure of all aspects of its weapons of mass destruction and missile programs.

Iraq must allow UN and IAEA inspectors immediate, unconditional and unrestricted access.

Iraq must cease attempts to conceal or move weapons of mass destruction, and related materials and facilities.

Iraq must allow U.N. and IAEA inspectors to conduct inspection flights throughout Iraq.

Iraq must provide transportation, medical and logistical support for U.N. and IAEA inspectors.

UNSCR 715—OCTOBER 11, 1991—VIOLATED!

Iraq must cooperate fully with U.N. and IAEA inspectors.

UNSCR 949—OCTOBER 15, 1994—VIOLATED!

"Condemns" Iraq's recent military deployments toward Kuwait.

Iraq must not utilize its military or other forces in a hostile manner to threaten its neighbors or U.N. operations in Iraq.

Iraq must cooperate fully with U.N. weapons inspectors.

Iraq must not enhance its military capability in southern Iraq.

UNSCR 1051—MARCH 27, 1996—VIOLATED!

Iraq must report shipments of dual-use items related to weapons of mass destruction to the U.N. and IAEA.

Iraq must cooperate fully with U.N. and IAEA inspectors and allow immediate, unconditional and unrestricted access.

UNSCR 1060—JUNE 12, 1996—VIOLATED!

"Deplores" Iraq's refusal to allow access to U.N. inspectors and Iraq's "clear violations" of previous U.N. resolutions.

Iraq must cooperate fully with U.N. weapons inspectors and allow immediate, unconditional and unrestricted access.

UNSCR 1115—JUNE 21, 1997—VIOLATED!

"Condemns repeated refusal of Iraqi authorities to allow access" to U.N. inspectors, which constitutes a "clear and flagrant violation" of UNSCR 687, 707, 715, and 1060.

Iraq must cooperate fully with U.N. weapons inspectors and allow immediate, unconditional and unrestricted access.

Iraq must give immediate, unconditional and unrestricted access to Iraqi officials whom U.N. inspectors want to interview.

UNSCR 1134—OCTOBER 23, 1997—VIOLATED!

"Condemns repeated refusal of Iraqi authorities to allow access" to U.N. inspectors, which constitutes a "flagrant violation" of UNSCR 687, 707, 715, and 1060.

Iraq must cooperate fully with U.N. weapons inspectors and allow immediate, unconditional and unrestricted access.

Iraq must give immediate, unconditional and unrestricted access to Iraqi officials whom U.N. inspectors want to interview.

UNSCR 1137—NOVEMBER 12, 1997—VIOLATED!

"Condemns the continued violations by Iraq" of previous U.N. resolutions, including its "implicit threat to the safety of" aircraft operated by U.N. inspectors and its tampering with U.N. inspector monitoring equipment.

Reaffirms Iraq's responsibility to ensure the safety of U.N. inspectors.

Iraq must cooperate fully with U.N. weapons inspectors and allow immediate, unconditional and unrestricted access.

UNSCR 1154—MARCH 2, 1998—VIOLATED!

Iraq must cooperate fully with U.N. and IAEA weapons inspectors and allow immediate, unconditional and unrestricted access, and notes that any violation would have the "severest consequences for Iraq."

UNSCR 1194—SEPTEMBER 9, 1998—VIOLATED!

"Condemns the decision by Iraq of 5 August 1998 to suspend cooperation with" U.N. and IAEA inspectors, which constitutes "a totally unacceptable contravention" of its obligations under UNSCR 687, 707, 715, 1060, 1115, and 1154.

Iraq must cooperate fully with U.N. and IAEA weapons inspectors, and allow immediate, unconditional and unrestricted access.

UNSCR 1205—NOVEMBER 5, 1998—VIOLATED!

"Condemns the decision by Iraq of 31 October 1998 to cease cooperation" with U.N. inspectors as "a flagrant violation" of UNSCR 687 and other resolutions.

Iraq must provide "immediate, complete and unconditional cooperation" with U.N. and IAEA inspectors.

UNSCR 1284—DECEMBER 17, 1999—VIOLATED!

Created the United Nations Monitoring, Verification and Inspections Commission (UNMOVIC) to replace previous weapon inspection team (UNSCOM).

Iraq must allow UNMOVIC "immediate, unconditional and unrestricted access" to Iraqi officials and facilities.

Iraq must fulfill its commitment to return Gulf War prisoners.

Calls on Iraq to distribute humanitarian goods and medical supplies to its people and address the needs of vulnerable Iraqis without discrimination.

Ms. LEE. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. PAYNE).

Mr. PAYNE. Mr. Speaker, give the United Nations inspectors a chance. That is what the Lee amendment asks.

What does it do? It sets out the potential threat posed by Iraq. She says that there are dangers and that we must eliminate these weapons of mass destruction. But it gives the United Nations inspectors a process to go through diplomatically. It rejects the idea, though, of a unilateral, preemptive first strike in the absence of a verified imminent threat to the United States.

What it does not do, it does not limit the President's authority if we are in danger of a verified, imminent threat. It does not preclude pursuing other paths such as those proposed by the gentleman from South Carolina (Mr. SPRATT).

Let us make it clear, the Lee amendment simply says, let us push for peace, let us destroy those weapons of mass destruction if they are there; and we think they are, but let us give diplomacy a chance. Let us not be preemptive. Let us not use first strike. Let us try to see if, with our power, we can have peace through power.

Ms. LEE. Mr. Speaker, I yield 1 minute to the gentlewoman from North Carolina (Mrs. CLAYTON).

Mrs. CLAYTON. Mr. Speaker, I rise today in support of the amendment being offered by the gentlewoman from California entitled The Alternative to War. It could not be more aptly named. It seeks to commit the United States to fully engaging the diplomatic processes and to work multilaterally through the United Nations to achieve unfettered inspections of Iraq's chemical, biological and nuclear weapons capabilities, disarm and, indeed, dismantle.

There is no one in this Chamber who does not believe that the world would be better off without Saddam Hussein. But the President has not made a convincing case that the Hussein regime in Iraq indeed poses an immediate threat. In fact, our own intelligence experts tell us that the most likely threat of the use of such weapons of mass destruction by Iraq would occur if the United States invaded Iraq.

What that suggests is that we should not be authorizing the President to act unilaterally, sending our brave young men and women into harm's way. Indeed, the President has most recently said that war should be the last resort.

This amendment certainly puts peace first and puts war as a last resort. Support this amendment to the resolution.

Mr. HYDE. Mr. Speaker, I am very pleased to yield 3 minutes to the distinguished gentleman from California (Mr. COX).

Mr. COX. Mr. Speaker, it will reward us to read the resolution we are being asked to vote upon. It is self-refuting. This resolution would have this Congress find that Iraq and Saddam Hussein unconditionally accepted U.N. Security Council Resolution 687, their obligation to destroy their chemical and biological weapons. That was unconditional.

The resolution has us find that Iraq unconditionally accepted its obligation not to proceed with the development of nuclear weapons. The resolution has us find that Iraq agreed to immediate and unconditional inspections.

The resolution goes on to have us find that Iraq has failed to comply with these obligations over a period of more than a decade. The resolution has us find that Iraq obstructed the inspectors and ultimately expelled them in 1998.

Finally, the resolution has us find that this noncompliance with the United Nations Security Council resolutions, including specifically Resolution 687, quote, "endangers U.S. security."

That is the preamble in this resolution. That is the predicate. Then what would the resolution have us do? Pass yet one more U.N. resolution which, by its terms, lacks enforcement. Only a U.N. resolution that lacks enforcement would be acceptable if we were to pass the resolution that is before us.

What have we learned in 11 years? Surely, without at least the threat of military force, we will get exactly the same result that we have had 16 times in a row. There is a cost, indeed a much heavier cost of doing nothing, of temporizing, of adding a 17th, toothless U.N. resolution to the 16 that Saddam Hussein has already violated.

And to the charge that what we are doing is unilateral, we must say, we have already earned the cooperation of Britain, Turkey, Canada, Poland, Romania, Israel, Bulgaria, Australia, Singapore, Japan and others. If we vote to deny the President of the United States the backing of this Congress at this moment and think that then he can win the support of other nations, we are delusional.

All of us must surely hope that the United Nations passes its next resolution, that Saddam Hussein will, this time, finally see reason and disarm. But as the proverb says, He who lives only by hope will die in despair.

My colleagues, let us unite hope with reason and practicality and a willingness to act. Let us defeat this resolution.

Ms. LEE. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. JACKSON).

Mr. JACKSON of Illinois. Mr. Speaker, I rise in support of the Lee amendment.

What is our goal? Our goal is to end the threat of Iraq's weapons of mass destruction through comprehensive and unfettered inspections and disable their ability to develop or deliver them.

How do we get there? Until the Lee amendment, most suggested, with a military stick. I think a carrot is more likely to succeed.

What carrot? The carrot of lifting economic sanctions on Iraq in exchange for comprehensive and unfettered inspections. Offering to lift economic sanctions in exchange for unfettered inspections will rally support within Iraq and among our allies.

This positive incentive to get Iraq to comply has not and is currently not being offered by the Congress of the United States. But until we make this overture and change our policy of only lifting economic sanctions after a regime change, we will not have exhausted all peaceful means and alternatives to force.

Give peace a chance, Mr. Speaker. Nonviolence, negotiations and inspections deserve a chance. Lift economic sanctions on the people of Iraq in exchange for unfettered inspections in Iraq. It will gain support within Iraq and amongst our allies.

I thank the gentlewoman for offering the amendment.

Ms. LEE. Mr. Speaker, I yield 10 seconds to the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN).

Mrs. CHRISTENSEN. Mr. Speaker, I rise in support of the Lee amendment which would give the U.N. inspections process and multilateral diplomacy time and opportunity to work.

Ms. LEE. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Mr. Speaker, the resolution before the House without the

Lee amendment takes this country and the world on a dangerous and potentially tragic course.

It is so, first of all, because the resolution violates our own Constitution because it devolves war-making authority from the Congress to the executive branch. It also puts us in violation of our commitments to the United Nations.

But fundamentally it puts us on a dangerous and potentially tragic course because if we follow the resolution, if that resolution is prosecuted by the administration and attacks Iraq unilaterally, that action will galvanize the most fundamental, radical elements of Islam.

It strengthens Wahhabism and it will bring to their cause tens of thousands of new recruits who are prepared to wage war against this country in the way it was waged on September 11 of last year. That will be the end result of the passage and prosecution of the resolution, absent the Lee amendment.

We must pass this amendment.

Mr. HYDE. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Pennsylvania (Mr. WELDON).

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise in opposition to this amendment. I rise as an educator, a teacher who for 7 years spent my time in the schools of Pennsylvania, someone who desperately does not want to see war occur.

But I also understand, Mr. Speaker, that contrary to what we are hearing on the other side, there are times when you have to stand up and you have to be bold and you have to lay down a marker.

The reason I ran for public office in the first place was that my hometown of 5,000 people had become overwhelmed by the Pagans motorcycle gang. Sixty-five of them lived in my neighborhood; all of their drug dealing was controlled from my town. If I listened to the other side, maybe to solve the problem, I should have got them all in a circle, held hands and we should have sang Kum Bay Yah. The problem is, the Pagans do not want to sing Kum Bay Yah. The Pagans do not deal in reality. The Pagans were only concerned with harming people and selling their drugs.

□ 1000

Saddam Hussein is a pagan. Saddam Hussein does not want to deal in realistic terms. We need to give the President the authority to rally the world opinion and the U.N. to follow through on not just the inspections but on disarming weapons of mass destruction.

I would say to my colleagues on the other side where were they during the 1990s when 37 times, 37 times, we had evidence of technology being transferred from Russia and China to Iraq and Iran? Where were they when the administration then only imposed sanctions four times? Where were they when nine times we saw chemical and biological technology being transferred into Iraq and Iran and we sat on our hands? Where were they?

Where were they in 1995 when we caught these going from Russia to Iraq? These are guidance systems for missiles, a violation of the NTCR. Because Clinton did not want to embarrass Yeltsin we never imposed the required sanctions.

Mr. Speaker, this did not just happen. This technology has been flowing for years. Now we have Saddam equipped with chemical and biological and potentially nuclear capability. He has missiles which he has now enhanced, the same missile that sent 28 young Americans home in body bags in 1991.

Mr. Speaker, everyone wants peace. No one wants war, but there are times where we have to stand up and we have to lay down a marker and back it up with force just as I had to do as a teacher when I ran for mayor and became mayor of my hometown. The pagans did not want to listen to reason. The pagans did not want to respond to what was in the best interests of the citizens. If I had listened to the other side, somehow I would come together and somehow convince them to change their ways, and that did not happen. We fought them with force and we won, and today my hometown is prospering because the pagans no longer have their residence there.

We have to stand together and show the world with the support of this President that we will stand up to the aggression of Saddam, we will stand up to his use of chemical agents on his people, we will stand up to his potential use of biological weapons, and we will lay the foundation for a more peaceful world where the Iraqi people can enjoy the benefits of a new government.

Ms. LEE. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. OWENS).

Mr. OWENS. Mr. Speaker, this alternative offers a nonviolent and diplomatic way to wage the peace. We should be serious about this process of waging the peace with U.N. inspections. We should not take a bargain basement approach to U.N. inspections. We are willing to talk casually about spending billions of dollars for war. Let us spend what we need to have these U.N. inspections be credible.

I refer my colleagues to Nightline of last night, Wednesday, October 9, where the inspection process was presented in a way which ridiculed it and showed that a handful of inspectors, scientists and college professors were bullied and harassed and we sent the wrong signal to Saddam Hussein about inspections. Let us have inspections, let us pursue the diplomatic and the nonviolent alternative with the same vigor and seriousness that we will pursue a violent alternative.

Let us have full administrative support, full logistical support, transportation, everything the inspectors need to go in and conduct large numbers of inspections all over Iraq at the same time and have a chain of command that goes right to the Security Council.

Ms. LEE. Mr. Speaker, I yield 1 minute to the gentlewoman from Ohio (Mrs. JONES).

Mrs. JONES of Ohio. Mr. Speaker, first of all, I want to compliment the gentlewoman from California for all of her leadership on this issue.

One of the prior speakers asked where we were in 1991 and pulled out all these examples of what war was all about. I do not know where he was in 1991, but in 1991 I was back being a prosecutor in Cuyahoga County, but had I been here I would have said let us push and continue to push to reach a resolution and a peaceful resolution.

I am not going to down anybody for their religion. I happen to be Baptist. I happen to be a Protestant, but whatever it is people are we all are a part of this world, and in this United States we talk about freedom of religion and our entitlement to be whoever we are, but all of us want peace, and if we are the big bully, if we are the big dog on the street, then we can afford to be the big dog and sit back and say come on to the table, let us use all of our resources.

I question whether or not the United States has, in fact, in many instances, put all of its power to the U.N. to allow the U.N. to be as strong as it should be. Support the Lee amendment.

Ms. LEE. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Mr. Speaker, I thank my friend from California for yielding me the time.

For 40 years our policy was to contain and deter Joseph Stalin and the Soviets, to detain and deter Fidel Castro and the Cubans, to detain and deter and restrain Communist aggression by the Chinese, always without invasion. We were able to detain and deter the Soviets and the Chinese and the Communists in Cuba without invasion, but if we go first strike into Iraq the message to the world and to Putin is he can go into Georgia and chase down the Chechnyan rebels and the message to China is they can go into Taiwan and they can come down harder on Tibet and the message to the Pakistanis and the Indians is they can go into Kashmir, maybe even with their nuclear weapons.

Mr. President, go slow. Mr. President, we need aggressive, unfettered inspections in Iraq, complete, thorough, aggressive, unfettered inspections. Then go back to the United Nations. War should be a last resort.

Mr. Speaker, I support the Lee amendment.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BONILLA). The Chair reminds Members to address the Chair in their remarks and not directly the President when addressing the House.

Mr. HYDE. Mr. Speaker, I am pleased to yield 3 minutes to the distinguished gentleman from California (Mr. LEWIS).

Mr. LEWIS of California. Mr. Speaker, I appreciate my colleague yielding me the time.

Mr. Speaker, last evening we completed the work on the Defense appropriations bill. That measure is designed to provide the funding whereby America is able to carry forward its responsibility in the world as the force for peace in our world. I am very pleased with the results of that bill, and while we were not discussing this with the other body yesterday, I could not help but from time to time watch the discussions of this measure on the floor.

This resolution is a very, very important statement by the American Congress. It has been crafted by some of the most capable people in both of our bodies, and I want to congratulate the chairman, as well as others who have been so involved.

I could not help but come to the floor as I watched this discussion begin regarding some substitutes for this resolution. I must say, Mr. Speaker, it is most important that we reject those alternatives for the resolution is designed simply to give our Commander-in-Chief some flexibility as he goes forward in projecting our responsibilities for peace in the world.

Indeed, there are those who presume that this automatically means a war in Iraq. This resolution does not automatically take us to war. As a matter of fact, it is a tool for the Commander-in-Chief to indeed go forth with those efforts that are most important in terms of our future hopes for peace.

There is little doubt that America focused again upon the importance of our strength as a result of 9/11 just 1 year ago. There is little doubt that the world understands that a strong America is very important for peace.

I would suggest to my colleagues that the one thing that we could do to undermine that strength is to pass a resolution like this one that is before us at this moment. Indeed, my colleagues, there is much discussion about what the Commander-in-Chief has not done. In the past, there was a lot of discussion about the fact that perhaps his advisers were not as good as some would like.

We look at the Vice President, we look at the Secretary of State, we look at the Secretary of Defense. The community not so long ago was amazed at how great their strength might be. Do we presume that they have not been giving advice and counsel to the Commander-in-Chief?

Indeed, I believe they have a plan that will strengthen our ability to be a force in the world for the good.

Resolutions like this will take us exactly in the opposite direction. Let us not by actions today undermine the President's ability to lead.

At the same time, let me say that most of my colleagues know that I am a strong believer in a bipartisan force in this House. Let us not as a result of these votes today have one of our parties be the party working with the President for peace and have the other party be the party of the United Nations.

Ms. LEE. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Speaker, I rise in strong support of the Lee amendment and commend my colleague from California for all of her work on behalf of this peaceful effort to resolve this issue.

Ms. LEE. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, I have been told that he who lives by the sword shall eventually die by the sword.

The first call that I got this morning was from a woman named Barbara Mullarkey who said, "Danny, vote for peace."

I rise in strong support of the Lee amendment because it gives me the opportunity to vote the will of the people in my Congressional district who do not believe that we have made the case to go to war. The President has all of the flexibility that he needs to protect us. What he does not have is the flexibility to declare war. That flexibility is left to this Congress.

Vote for the Lee amendment. Vote for peace.

Ms. LEE. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. FARR).

Mr. FARR of California. Mr. Speaker, I thank the gentlewoman for yielding me the time.

I rise in support of the Lee amendment, and I am really surprised after listening to the debate for the last 17 hours why anybody would attack it. Indeed, the Lee amendment and the Lee resolution is the same as what the President has in his resolution if we see in section 2 where the President urges the support of the United States diplomatic efforts to strictly enforce through the United Nations, to obtain prompt and decisive action by the Security Council in the United Nations, that essentially this is the same thing that the Lee amendment does.

It seems to me that anybody who can support the President's amendment ought to support the Lee amendment. What the Lee amendment does not do is it does not leap before it looks. It says look before we leap into war, and I think the message here is very strong, that if the United States is going to leap into war before it looks. What kind of trust are we going to have with the rest of the arrangements around the world with the agreements we have had on treaties and trade treaties? What is going to happen to people who are traveling in the country? Is anybody going to be able to trust our country because we can say, well, if we do not like something we can go it alone?

It is very wise to support the Lee amendment. It is a good look before we leap.

PARLIAMENTARY INQUIRY

Ms. LEE. Mr. Speaker, a parliamentary inquiry. I understand the gentleman from Illinois (Mr. HYDE) has the right to close?

The SPEAKER pro tempore (Mr. BONILLA). That is correct.

Ms. LEE. Mr. Speaker, I yield myself the remaining time.

My alternative gives the United Nations a chance to do its job while we think through the ramifications of our actions, how many lives would be lost, what will this cost our economy. It provides a very pragmatic opportunity to step back and explain to the American people the implications of authorizing a war. It will give us an opportunity to explain to the American people what our own intelligence agency means, and let me quote this, "Our intelligence agency says should Saddam conclude that a U.S.-led attack could no longer be deterred, the probability would become much less constrained in adopting terrorist action."

Our action today could cause a reaction of catastrophic proportions, not only in terms of Saddam Hussein but in the destabilization of the Middle East and the setting of a dangerous precedent.

I plead with my colleagues to oppose this rush to war. It is morally wrong, it is financially irresponsible, and it is not in our national security interest. We must wait, we must ask these questions, we must know what the economic impact is. We must know what this does in terms of the loss of lives of our young men and women.

This is a day that we must urge reflection. We must urge this body to become attentive to the unanswered questions that are out there. If our own intelligence agencies say to us that authorizing the President's resolution to go to war; that is, supporting that effort to wage war, could be a provocative act against our country, that it could destabilize the region, that it could lead to possible terrorist action, that is very terrifying, Mr. Speaker.

□ 1015

I believe that the House of Representatives must say no to establishing this dangerous precedent. We must not rush to war. We must give the United Nations time to do its work. Inspections worked in the 1990s. We must use the time that the United Nations needs, use that time for us to think through, to debate, and to be truthful to the American people. They deserve it. We need to be truthful with them as to what the cost of this rush to war would mean.

Mr. Speaker, I yield back the balance of my time.

Mr. HYDE. Mr. Speaker, I am pleased to yield the balance of my time to the distinguished gentleman from Indiana (Mr. BUYER).

Mr. BUYER. Mr. Speaker, I rise in strong opposition to the Lee amendment. This amendment is another abdication of the United States' leadership in the world. It is tantamount to saying that Congress should contract out decisions on national security to foreign governments: Paris, Beijing, Damascus.

The United Nations is not an autonomous authority. It is a place to conduct diplomacy between nations. Our Nation's security and sovereignty are inextricably intertwined. We do not subrogate our sovereignty to the United Nations. The United States, as the sole remaining superpower, must have a policy of restraint to international conflict management, but we never give up our ability to act unilaterally in the world if we must move into a region to bring stability.

This amendment ties the hands of the Commander-in-Chief. We should never, ever do that. The President has spoken prudently, talking about bilateral action, meaning bringing other nations with us. Those who have been speaking here for the last hour in support of this amendment have been talking as if the United States is somehow wanting to unilaterally march off to war. They use the phrase "give peace a chance."

Mr. Speaker, we are the peaceful Nation. We want to work cooperatively with other nations around the world, and that is what the President is going to do. So when my colleagues say "give peace a chance," it has been 10 years. We have these 16 U.N. resolutions. Let us go back into this regime of the United Nations and weapons inspections. When we look at that, the U.N. was and is hesitant to back up the violations of these 16 U.N. resolutions. Their response has been tepid.

Also, I would ask my colleagues to look with regard to how the inspectors were undermined, as Iraq would appeal directly to the sympathetic Council members and to the Secretary General. Iraq worked consistently to erode the credibility and the positions of these U.N. inspectors over the last 10 years. They would complain to the Security Council, and then the challenges of the claims of the weapons inspectors would suffice. Unfettered access was strictly a myth. Respect for Iraqi concerns relating to national security, sovereignty and dignity took precedence over the findings and destroying of Saddam's weapons of mass destruction programs. Effectively, the actions of the Secretary General, when he intervened, made the Iraqis and the inspectors equal in presenting their case before the Security Council.

With regard to Saddam Hussein's motive for having weapons of mass destruction, he believes that they are vital to his power. The regime has two experiences in which it feels its very survival is linked to the possession of weapons of mass destruction. Deputy Prime Minister Tariq Aziz pointed out that hitting cities deep in Iran during the Iran-Iraq war with long-range missiles and countering human wave attacks with the massive use of chemical munitions saved Iraq in the Iran-Iraq war. Moreover, Baghdad believes that its possession of biological and chemical weapons during the 1991 Gulf War helped deter the United States from marching on to Baghdad.

Now, that is their dimension. That is their understanding. So Saddam will do everything he possibly can to maintain a stockpile of weapons of mass destruction. So this thing about give peace a chance, well, we have given peace a chance. The President has also used words of saying that military force will be the means of last resort.

So I think the President has been very clear. We will show the United States has the resolve and power to stand up against Iraq, seek their compliance, force their word in their violations of the cease-fire; but if they do not, then the world will act and disarm Saddam Hussein and change the regime, if necessary, to bring peace and stability to the Middle East as a region.

We should vote down the Lee amendment and support the sovereignty and national dignity of this country.

Ms. BROWN of Florida. Mr. Speaker, I stand in strong support today of the Lee substitute, which I urge my colleagues to vote in favor of. I wholeheartedly support the principles of this substitute, and believe they contain a much more humane answer to the grave issue of Iraq.

Like Congresswoman BARBARA LEE I urge the United States to re-engage in the diplomatic process of diplomacy. I also would like to urge our country to remain committed to the UN inspector process. I am also in complete agreement with the Lee substitute's premise that there will likely be horrific consequences of our actions if the United States delivers a first strike against Iraq, particularly without the support of the United Nations.

Like Congresswoman LEE and many of my colleagues in the Congressional Black Caucus, I stand in strong opposition to a unilateral first strike by the U.S. without a clearly demonstrated and imminent threat of attack on the United States. I would also like to emphasize that I categorically believe that we must not declare war until every diplomatic option is completely exhausted. The Bush Resolution authorizes the potential use of force immediately, long before diplomatic options have been exhausted or even fully explored. Furthermore, a unilateral first-strike would undermine the moral authority of the United States, result in substantial loss of life, destabilize the Mideast region and undermine the ability of our nation to address unmet domestic priorities.

The President is asking Congress to give him a blank check. And I say today Mr. President, that your account, has come back overdrawn. This blank check gives him too much power. A blank check that forces Congress to waive its constitutional duty to declare war. A blank check that lets the President declare war, and not consult Congress until 48 hours after the attack has begun.

Not only has the President economically taken us to deficit, but there is deficit in his arguments. Why Iraq, and why today??

You know, in my 10 years of serving in Congress, this is the most serious vote I've taken. And I have to say, the Resolution on Iraq the White House drafted is intentionally misleading. It misleads the American public, the international community, and yes, even the United States Congress.

This is a sad day. Almost as sad as it was 627 days ago when the Supreme Court selected George W. Bush as the President. You know, the White House talks about dictators, but we haven't done anything to correct what has happened right here in the United States. It amazes me that we question other governments, when in our own country, we did not have a fair election.

I recently traveled to Russia, China, and South Korea, and believe it would be most unfortunate to damage the good will our nation was receiving after September 11th because of the Bush Administration's reckless actions. We are on our own; NO ONE in the international community is behind us.

I have not seen any new information demonstrating that Iraq poses a threat to our country any more now than it did ten years ago, and certainly am without reason to believe we should attack unilaterally, without the support of the U.N.

In fact, recent poll numbers released suggest that many Americans do not support the way the President is handling the situation with Iraq either. Indeed, polls indicates what I imagined all along; namely, that a majority of Americans believe President Bush and Congress are spending too much time discussing Iraq, while neglecting domestic problems like health care and education. Many also said that they did not want the United States to act without support from allies and by a two to one margin, did not want the U.S. to act before U.N. weapons inspectors had an opportunity to enter Iraq and conduct further investigations.

Although the Administration is attempting to convince the American public otherwise, they have shown me little evidence of a connection between Iraq and 9–11. And little evidence that Iraq poses an immediate threat to our country.

Iraq's government is not democratic, but neither are many other countries listed on the

State Department's terrorist list: like Iran, Syria, Libya, North Korea, Cuba, and Sudan.

I reiterate my opposition to this Resolution, and to this war.

To my colleagues, it is in your hands. I do believe the world has good and evil, and what you are about to do here today, will tilt it in a negative direction. It will set us on a course, and I hope I'm wrong, but it could set us on a course, that our children's children, will pay for. That the entire world will pay for. And that will put thousands of American soldiers in harm's way.

Thank you, and I yield back the balance of my time.

Ms. CHRISTENSEN. Mr. Speaker, I rise in support of the Lee amendment.

I am particularly supportive of this amendment because it would place the emphasis where it ought to be—which is in multinational diplomacy and within the context of a strong commitment to the U.N. inspection process—in this important campaign to disarm Iraq and protect our allies national security.

Questions have been raised about our ability to do unfettered and complete inspections, and whether or not we were able to find anything that Sadaam Hussein did not want us to find the first time around.

Mr. Speaker, I would say, that if we have not learned from past experience with Iraq, and if we do not have the technology to search out, find and destroy biological or chemical weapons, or weapons of mass destruction, then we are also not prepared to go to war with Iraq.

Many of us have spoken over the past week about the dangerous precedent that would be set by the United States employing a unilateral first strike against Iraq. The other grave concern of many which was supported by the recently released CIA report, is that whatever weapons Sadaam had would be deployed in desperate retaliation bringing unimaginable death and destruction to us and our allies.

Mr. Speaker and colleagues. We must not set such a dangerous precedent, or commit our young men and women to an unjustified conflict. We must use our resources to strengthen our economy, and to invest in the needs of people here at home, and devote more effort to creating the kind of society that will increase U.S. moral authority and the respect of our world. And we must not weaken our democracy by ceding our authority to the executive branch.

Vote against H.J. Res. 114, and vote aye on the Lee amendment.

Mr. BLUMENAUER. Mr. Speaker, this amendment recognizes that diplomacy is an option that is not yet exhausted. The Administration's Resolution makes a number of assertions that are questionable at best; the clauses in this Amendment, on the other hand, are indisputable. Surely, we can get the United Nations to reinstate newly-empowered weapons inspectors, who can keep a step ahead of Baghdad—inspectors that are allowed to inspect Saddam's presidential sites without notice. We must build a coalition of nations with the support of the United Nations, a coalition similar to that formed by the former President Bush.

It is the duty of responsible nations to give a convincing case to the world before embarking on any military action on another country. And the world is not convinced. War is a last resort, and is recognized as such by Democrat and Republican alike. Because we are not yet at that point, I support the Lee amendment.

The SPEAKER pro tempore (Mr. BONILLA). All debate time on this amendment has expired.

The question is on the amendment in the nature of a substitute offered by the gentlewoman from California (Ms. LEE).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Ms. LEE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 72, nays 355, not voting 4, as follows:

[Roll No. 452]

YEAS—72

Abercrombie
Baldwin
Becerra
Blumenauer
Bonior
Brown (FL)
Brown (OH)
Capps
Capuano
Carson (IN)
Clayton
Clyburn
Condit
Conyers
Coyne
Cummings
Davis (IL)
DeFazio
Delahunt
Doggett
Farr
Fattah
Filner
Gutierrez
Hastings (FL)
Hilliard
Hinchey
Honda
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Jones (OH)
Kilpatrick
Kucinich
Lee
Lewis (GA)
McDermott
McGovern
McKinney
Meek (FL)
Meeks (NY)
Millender-McDonald
Miller, George
Morella
Napolitano
Oberstar
Owens
Payne
Pelosi
Rahall
Rangel
Rivers
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Schakowsky
Scott
Serrano
Solis
Stark
Tauscher
Thompson (MS)
Towns
Udall (NM)
Velázquez
Waters
Watson (CA)
Watt (NC)
Woolsey
Wynn

NAYS—355

Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Cardin
Carson (OK)
Castle
Chabot
Chambliss
Clement
Coble
Collins
Combest
Cooksey
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (CA)
Davis (FL)
Davis, Jo Ann
Davis, Tom
Deal
DeGette
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (TX)
Hansen
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Menendez
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Mollohan
Moore
Moran (KS)
Moran (VA)
Murtha
Myrick
Nadler
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Obey
Olver
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Simmons
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Messrs. SMITH of Texas, KELLER, GRAVES, Ms. CUBIN, Messrs. GREENWOOD, EHLERS, GRAHAM, BARTON of Texas, BOYD, DOOLEY of California, WALSH, WATKINS of Oklahoma, NETHERCUTT and Mrs. MYRICK changed their vote from "yea" to "nay."

Ms. SANCHEZ and Mr. WYNN changed their vote from "nay" to "yea."

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. BONILLA). It is now in order to consider amendment No. 2 printed in House Report 107–724.

AMENDMENT IN THE NATURE OF A SUBSTITUTE NO. 2 OFFERED BY MR. SPRATT

Mr. SPRATT. Mr. Speaker, I offer an amendment in the nature of a substitute which is next made in order by the rule.

The SPEAKER pro tempore. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of substitute offered by Mr. SPRATT:

Strike the preamble and insert in lieu thereof the matter preceding the resolved clause, below, and strike the text and insert in lieu thereof the matter following the resolved clause, below:

Whereas the Government of Iraq, without cause or provocation, invaded and occupied the country of Kuwait on August 2, 1990;

Whereas, in reaction to Iraq's aggression against Kuwait, President George H. W. Bush assembled a coalition of nations to liberate Kuwait and to enforce a series of United Nations Security Council resolutions adopted in opposition to Iraq's invasion of Kuwait;

Whereas the United Nations Security Council passed Resolution 660, condemning the invasion of Kuwait and demanding Iraq's immediate withdrawal, and thereafter passed Resolutions 661, 662, 664, 665, 666, 667, 670, 674, and 677, further demanding that Iraq withdraw from Kuwait;

Whereas the Government of Iraq defied the United Nations, flouting and violating each of these resolutions;

Whereas Iraq's defiance resulted in the adoption of United Nations Security Council Resolution 678 which authorized the use of all means necessary to repel Iraq from Kuwait and to compel its compliance with the above-referenced resolutions;

Whereas allied forces, led by the United States, attacked Iraqi forces on January 16, 1991, and drove them out of Kuwait;

Whereas, after the liberation of Kuwait in 1991, Iraq entered into a cease-fire agreement sponsored by the United Nations, pursuant to which Iraq agreed—

(1) to destroy, remove, or render harmless all chemical and biological weapons and stocks of agents and all related subsystems and components and all research, development, support, and manufacturing facilities related thereto;

(2) to destroy, remove, or render harmless all ballistic missiles with a range greater than 150 kilometers, and related major parts and production facilities;

(3) not to acquire or develop any nuclear weapons, nuclear-weapons-usable material, nuclear-related subsystems or components, or nuclear-related research, development, support, or manufacturing facilities; and

(4) to permit immediate on-site inspection of Iraq's biological, chemical, and missile capabilities, and assist the International Atomic Energy Agency in carrying out the destruction, removal, or rendering harmless of all nuclear-related items and in developing a plan for ongoing monitoring and verification of Iraq's compliance;

Whereas, in flagrant violation of the cease-fire agreement, Iraq sought to thwart the efforts of arms inspectors to uncover and destroy Iraq's stockpiles of weapons of mass destruction and long-range ballistic missiles, and the means of producing such weapons and missiles;

Whereas, because of Iraq's demonstrated will to attack neighboring countries and arm itself with weapons of mass destruction, the United Nations Security Council passed Resolutions 687, 707, 715, 1051, 1060, 1115, 1134, 1137, 1154, 1194, and 1205, demanding that Iraq destroy all weapons of mass destruction, cease further development of chemical, biological, and nuclear weapons, stop the acquisition of ballistic missiles with a range exceeding 150 kilometers, and end its support of terrorism;

Whereas Iraq has continued to defy resolutions of the United Nations Security Council and to develop weapons of mass destruction, has not stopped its support of terrorism, has refused to cooperate with arms inspectors of the United Nations, and since December 1998 has barred and denied all such inspectors any access to Iraq;

Whereas Iraq has materially breached its international obligations by retaining and continuing to develop chemical and biological weapons, by actively seeking a nuclear weapons capability and ballistic missiles with ranges exceeding 150 kilometers, and by supporting international terrorism;

Whereas the attacks of September 11, 2001, underscores the extent of the threat posed by international terrorist organizations, and makes clear the gravity of the threat if they obtain access to weapons of mass destruction;

Whereas the House of Representatives (in H. J. Res. 658 of the 101st Congress and H. Res. 322 in the 105th Congress) and the Senate (in S. Con. Res. 147 of the 101st Congress and S. J. Res. 54 in the 105th Congress) have declared support for international action to halt Iraq's defiance of the United Nations;

Whereas in the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190), Congress called upon "the President [to] consult closely with the partners of the United States in the Desert Storm coalition and with the members of the United Nations Security Council in order to present a united front of opposition to Iraq's continuing noncompliance with Security Council Resolution 687";

Whereas in H. Res. 322 of the 105th Congress, the House of Representatives affirmed that the "current crisis regarding Iraq should be resolved peacefully through diplomatic means, but in a manner which assures full compliance by Iraq with United Nations Security Council resolutions regarding the destruction of Iraq's capability to produce and deliver weapons of mass destruction";

Whereas on September 12, 2002, President Bush committed the United States to "work with the United Nations Security Council to meet our common challenge" posed by Iraq and to "work for the necessary resolutions", while making clear that "the Security Council resolutions will be enforced, and the just demands of peace and security will be met, or action will be unavoidable"; and

Whereas Congress supports the efforts by the President to enforce through the Security Council the United Nations Security Council resolutions referenced above: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This joint resolution may be cited as the "Elimination of Weapons of Mass Destruction from Iraq Resolution".

SEC. 2. SENSE OF THE CONGRESS.

It is the sense of Congress that—

(1) the President should be commended for calling upon the United Nations to address the threat to international peace and security posed by Iraq's refusal to meet its disarmament obligations under United Nations Security Council resolutions;

(2) the President should persist in his efforts to obtain approval of the Security Council for any actions taken against Iraq; and

(3) the President should continue to seek, and the Security Council should approve, a resolution that—

(A) demands full and unconditional compliance by the Government of Iraq with all disarmament requirements imposed by United Nations Security Council Resolutions 687, 707, 715, 1051, 1060, 1115, 1134, 1154, 1194, and 1205;

(B) mandates the immediate return to Iraq of United Nations arms inspection teams, empowered with increased staff and resources and unconditional access to all sites they deem necessary to uncover and destroy weapons of mass destruction and ballistic missiles with ranges exceeding 150 kilometers, and the means of producing such weapons and missiles, without regard to any objections or conditions that Iraq may seek to impose; and

(C) authorizes, if the President deems advisable, a military force, formed under the auspices of the United Nations Security Council but commanded by the United States, to protect and support arms inspectors and make force available in the event that Iraq impedes, resists, or in any way interferes with such inspection teams;

(4) if the United Nations Security Council fails to pass a resolution that satisfies the conditions of paragraph (3), and if the President determines that use of the United States Armed Forces is necessary to compel Iraq to comply with all such disarmament requirements, the President should seek authorization from Congress to use military force to compel such compliance by invoking the expedited procedures set forth in section 5;

(5) if the United States must resort to force, the President should endeavor to form a coalition of allies as broadly based as practicable to support and participate with United States Armed Forces, and should also seek multilateral cooperation and assistance, specifically including Arab and Islamic countries, in the post-conflict reconstruction of Iraq; and

(6) if the United States resorts to force, Congress will provide all possible support to the members of the United States Armed Forces and their families.

SEC. 3. AUTHORIZATION TO USE FORCE IN ACCORDANCE WITH NEW UNITED NATIONS SECURITY COUNCIL RESOLUTIONS.

The President is authorized to use United States Armed Forces pursuant to any resolution of the United Nations Security Council adopted after September 12, 2002, that provides for the elimination of Iraq's weapons of mass destruction and ballistic missiles with ranges exceeding 150 kilometers, and the means of producing such weapons and missiles. Nothing in the preceding sentence shall be construed to prevent or otherwise limit the authority of the Armed Forces to use all appropriate force for self defense and enforcement purposes.

SEC. 4. PRESIDENTIAL CERTIFICATIONS.

In the event that the United Nations Security Council does not adopt a resolution as described in section 3, or in the event that such a resolution is adopted but does not sanction the use of force sufficient to compel Iraq's compliance, and if the President determines that use of the United States Armed Forces is necessary for such compliance, the President should seek authorization from Congress to use military force to compel such compliance by invoking the expedited procedures set forth in section 5 after the President submits to the Speaker of the House of Representatives and the President pro tempore of the Senate a certification that—

(1)(A) the United States has sought passage by the United Nations Security Council of a resolution described in section 3, and the Security Council has failed to pass such a resolution, and no other action taken by the United Nations Security Council has been sufficient to compel Iraq to comply with the Security Council resolutions referred to in section 2; or

(B) the United Nations Security Council has passed a resolution that does not sanction the use of force sufficient to compel compliance, and—

(i) the United Nations Security Council is unlikely to take further action that will result in Iraq's compliance with such resolution; and

(ii) the use of military force against Iraq is necessary to compel compliance;

(2) the use of military force against Iraq will not impair international cooperation in the fight against terrorism or participation in United States military actions undertaken pursuant to Public Law 107-40; and

(3) the United States is in the process of establishing, or has established, a coalition of other countries as broadly based as practicable to support and participate with the United States in whatever action is taken against Iraq.

SEC. 5. EXPEDITED CONGRESSIONAL CONSIDERATION OF JOINT RESOLUTION AUTHORIZING USE OF FORCE.

(a) QUALIFYING RESOLUTION.—(1) This section applies with respect to a joint resolution of the Senate or House of Representatives—

(A) that is a qualifying resolution as described in paragraph (2); and

(B) that is introduced (by request) by a qualifying Member not later than the next legislative day after the date of receipt by the Speaker of the House of Representatives and the President pro tempore of the Senate of a certification by the President under section 4.

(2) For purposes of this section, a qualifying resolution is a joint resolution—

(A) that does not have a preamble;

(B) the title of which is the following: "Joint resolution authorizing the President to use all necessary means, including the Armed Forces of the United States, to compel the Government of Iraq to comply with certain United Nations Security Council resolutions." and

(C) the text of which is as follows: "The President is authorized to use all necessary and appropriate means, including the Armed Forces of the United States, to compel the Government of Iraq to comply with the disarmament provisions in the United Nations Security Council Resolutions 687, 707, 715, 1051, 1060, 1115, 1134, 1154, 1194, and 1205 and with any other resolution of the United Nations Security Council adopted after September 12, 2002, that requires the elimination of Iraq's weapons of mass destruction and ballistic missiles with ranges exceeding 150 kilometers, and the means of producing such weapons and missiles.".

(3) For purposes of this subsection, a qualifying Member is—

(A) in the case of the House of Representatives, the majority leader or minority leader of the House of Representatives; and

(B) in the case of the Senate, the majority leader or minority leader of the Senate.

(b) PLACEMENT ON CALENDAR.—Upon introduction in either House of a resolution described in subsection (a), the resolution shall be placed on the appropriate calendar of the House involved.

(c) CONSIDERATION IN THE HOUSE OF REPRESENTATIVES.—(1) A resolution described in subsection (a) shall be considered in the House of Representatives in accordance with the provisions of this subsection.

(2) On or after the first legislative day after the day on which such a resolution is introduced, it is in order (even though a previous motion to the same effect has been disagreed to) for any Member of the House of Representatives to move to proceed to the consideration of the resolution. All points of order against the resolution (and against consideration of the resolution) are waived. Such a motion is privileged and is not debatable. An amendment to the motion is not in order. It shall not be in order to move to postpone the motion or to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the resolution is agreed to, the House of Representatives shall immediately proceed to consideration of the resolution without intervening motion, and the resolution shall remain the unfinished business of the House of Representatives until disposed of.

(3) Debate on the resolution shall be limited to not more than a total of 20 hours, which shall be divided equally between the majority leader and the minority leader or their designees. A motion to further limit debate is not debatable. An amendment to, or motion to recommit, the resolution is not in order.

(6) Immediately following the conclusion of the debate on the resolution, the vote on final passage of the resolution shall occur.

(7) A motion to reconsider the vote by which the resolution is agreed to or disagreed to is not in order.

(d) CONSIDERATION IN SENATE.—(1) A resolution described in subsection (a) shall be considered in the Senate in accordance with the provisions of this subsection.

(2) On or after the first legislative day after the day on which such a resolution is introduced, such a resolution, it is in order (even though a previous motion to the same effect has been disagreed to) for any Member of the Senate to move to proceed to the consideration of the resolution. All points of order against the resolution (and against consideration of the resolution) are waived. The motion is privileged and is not debatable. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the resolution is agreed to, the Senate shall immediately proceed to consideration of the resolution without intervening motion, order, or other business, and the resolution shall remain the unfinished business of the Senate until disposed of.

(3) Debate on the resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than a total of 20 hours, which shall be divided equally between the majority leader and the minority leader or their designees. A motion to further limit debate is not debatable. An amendment to, or motion to recommit, the resolution is not in order.

(6) Immediately following the conclusion of the debate on a resolution and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the Senate, the vote on final passage of the resolution shall occur.

(7) A motion to reconsider the vote by which the resolution is agreed to or disagreed to is not in order.

(8) Appeals from the decisions of the Chair relating to the application of the rules of the Senate to the procedure relating to a resolution described in subsection (a) shall be decided without debate.

(e) ACTION ON MEASURE FROM OTHER HOUSE.—(1) If, before the passage by one House of a resolution of that House described in subsection (a), that House receives from the other House a resolution described in subsection (a), then the following procedures shall apply:

(A) The resolution of the other House shall not be referred to a committee and may not be considered in the House receiving it except as provided in subparagraph (B)(ii).

(B) With respect to a resolution described in subsection (a) of the House receiving the resolution—

(i) the procedure in that House shall be the same as if no resolution had been received from the other House; but

(ii) the vote on final passage shall be on the resolution of the other House.

(2) Upon disposition pursuant to paragraph (1)(B)(ii) of a resolution described in subsection (a) that is received by one House from the other House, it shall no longer be in order to consider such a resolution that was introduced in the receiving House.

(f) LEGISLATIVE DAY DEFINED.—For the purposes of this section, with respect to either House of Congress, a legislative day is a calendar day on which that House is in session.

(g) SECTION ENACTED AS EXERCISE OF RULEMAKING POWER OF THE TWO HOUSES.—The provisions of this section (other than subsection (h)) are enacted by the Congress—

(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and, as such, shall be considered as part of the rules of either House and shall supersede other rules only to the extent they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as they relate to the procedures

of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

(h) PRESIDENTIAL RECALL OF CONGRESS.—In the event that Congress is not in session upon submission of a Presidential certification under section 4, the President is authorized to convene a special session of the Congress to allow consideration of a joint resolution under this section.

SEC. 6. WAR POWERS RESOLUTION REQUIREMENTS.

(a) SPECIFIC STATUTORY AUTHORIZATION.—Consistent with section 8(a)(1) of the War Powers Resolution, the Congress declares that—

(1) section 3 of this joint resolution is intended to constitute specific authorization within the meaning of section 5(b) of the War Powers Resolution; and

(2) if a joint resolution described in section 5(a)(2) is enacted into law, such resolution is intended to constitute specific authorization within the meaning of section 5(b) of the War Powers Resolution.

(b) APPLICABILITY OF OTHER REQUIREMENTS.—Nothing in this resolution supersedes any requirement of the War Powers Resolution.

SEC. 7. REPORTS TO CONGRESS.

At least once every 60 days, the President shall transmit to Congress a report on matters relevant to this joint resolution. The President shall include in such report an estimate of expenditures by the United States and allied nations to compel Iraq's compliance with the above referenced United Nations Security Council resolutions and any reconstruction efforts in Iraq, including those actions described in section 7 of the Iraq Liberation Act of 1998 (Public Law 105–338; 22 U.S.C. 2151 note).

SEC. 8. INHERENT RIGHT TO SELF-DEFENSE.

Nothing in this joint resolution is intended to derogate or otherwise limit the authority of the President to use military force in self-defense pursuant to the Constitution of the United States and the War Powers Resolution.

The SPEAKER pro tempore. Pursuant to House Resolution 574, the gentleman from South Carolina (Mr. SPRATT) and the gentleman from Illinois (Mr. HYDE) each will control 30 minutes.

The Chair recognizes the gentleman from South Carolina (Mr. SPRATT).

Mr. SPRATT. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, on grave occasions like this when we pass a war powers resolution, surely, surely one of the things we should seek is a broad base of support. The amendment I propose in the nature of a substitute seeks to broaden the base for this resolution. If we adopt it, I believe that H.J. Res. 114 will gain votes and pass this House by an even bigger majority.

I want to make it clear that we have not broadened the appeal of this resolution by watering it down. My substitute unflinchingly supports the President's campaign and the Security Council for beefing up arms inspection and backing them up with force, and if the Iraqis defy the new inspectors and the Security Council responds with military action, as it should, it authorizes the use of our Armed Forces. It empowers President Bush to use our Armed Forces just as his father did in 1991 in the Persian Gulf War in a military action sanctioned by the Security Council. If on the other hand the Iraqis defy the inspectors and the Security Council fails to take action, fails to respond, the U.S. will be faced with going it alone.

In these dramatically different circumstances my amendment calls for a second vote by the Congress to approve an attack of the use of force, but it ensures the President a fast track for its consideration. There are various differences between these two resolutions. The preamble is different, but this is the key difference, and it is an important difference.

I want to make clear, however, that there is no difference with respect to our assessment of Saddam Hussein. Those of us who support this substitute see him as a menace and a threat. We agree with the President in demanding that the Security Council enforce its resolution and allow him no quarter. But for several reasons we do not want to see the United States act alone, and this is not just our concern. Over the last several weeks we have spent days talking to retired general officers who have experience in this field, to General Hoar and General Zinni, former commanders of Central Command, to General Clark and General Boyd, former Commanders of Europe, and they have agreed on this much. If we act alone, they told us, instead of being the United Nations versus Iraq, any war that happens, instead of being a war legitimated by the U.N. Charter, this will be the United States versus Iraq and in some quarters the U.S. versus the Arab and Muslim world. That is why one general officer told us "I fear if we go it alone we may pay a terrible price."

Point number two, in any conceivable military confrontation with Iraq with or without allies, the United States will win. But having allies, especially allies in the region, could be a big tactical advantage, like Saudi Arabia, Turkey, and it will make it easier to achieve victory and less costly in money and, most importantly, less costly in human life.

Three, the outcome after the conflict is actually going to be the hardest part, and it is far less certain. We do not want to win this war only to lose the peace and swell the ranks of terrorists who hate us. A broad-based coalition will raise our chances of success even more in the post-war period.

I know that some will say this is an imposition on the President's power, a second vote, but in truth it is nothing more than the age-old system of checks and balances built in our Constitution. It is one way that Congress can say what we believe, that any action against Iraq should have the sanction of the Security Council and the support of a broad-based coalition, and if it does not, we should have a further say on it.

Others will say that this resolution relies too heavily on the Security Council, but let me say, Mr. Speaker, the precedent it follows was the precedent set by President Bush in 1991. He turned to the United Nations first. He secured a series of resolutions from the Security Council that culminated in Resolution 678. He did not threaten not to go elsewhere, he went straight to the Security Council. The end was a successful military action and I think a model worth emulating. My substitute does just that. I urge my colleagues to follow the precedent set by President Bush in 1991 and support my substitute amendment.

Mr. Speaker, I reserve the balance of my time.

Mr. HYDE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I oppose the amendment in the nature of a substitute offered by the gentleman from South Carolina. First and foremost, this substitute neither recognizes nor protects American sovereignty. It clearly yields to the United Nations the right and obligation to protect America. It relies on the U.N. first as a trigger mechanism. The President must wait until the U.N. acts or if it does not act or if it does not act properly, and God only knows how long that will take, then the President must return to Congress for further authorization for the use of force. And then once authorization is obtained, the use of force is limited to dealing with weapons of mass destruction and ballistic missile threats, but what about other threats to the U.S. national security such as the use of conventional weapons or Iraqi terrorism?

Iraq is a terrorist nation. Evidence exists that Iraqi operatives met with al Qaeda terrorists. This amendment does not allow the President to use force now even if an immediate or imminent terrorist threat is present. When the U.N. fails to act or does not act properly, the President must come back to Congress and seek authorization to use military force, but first he must certify to Congress that the U.N. has failed to pass a resolution or the U.N. has passed an insufficient resolution and the use of military force against Iraq "will not impair international cooperation in the fight against terrorism." In other words, if a Nation, say Iran, North Korea or Syria, maintains that it will no longer cooperate in the war against terrorism, then international cooperation has been impaired. How can the President make such a certification? At that point is he unable to ask Congress for the authorization to use force? Why would we want to have these types of roadblocks impeding our President at a time when he is trying to defend the national security of the

United States? This amendment imposes a steeple chase on the President with one hurdle after another.

In conclusion, this substitute amendment would strike the bipartisan agreement that we have worked so hard to bring about and which is reflected in House Joint Resolution 114. Its primary focus is on approval of the U.N. before any military action can be taken against Iraq. It does not recognize the sovereignty of the United States, and it fails to acknowledge the President's warning in his speech on Monday that the danger from the Iraqi regime is an imminent and urgent threat to the United States. I do not propose that we subordinate our foreign policy to the Security Council whose permanent members include France, China, and Russia, and I urge a no on this amendment in the nature of a substitute.

Mr. Speaker, I reserve the balance of my time.

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Mr. SPRATT. Mr. Speaker, I yield 30 seconds to myself to read what the text of the resolution would provide: "The President is authorized to use all necessary and appropriate means, including the Armed Forces of the United States, to compel Iraq to comply with the disarmament provisions of the U.N.," and it cites those, "and any other resolution to require the elimination of weapons of mass destruction, ballistic missiles and the means of producing such weapons."

That is pretty sufficient language.

Mr. Speaker, I yield 2½ minutes to the gentleman from Missouri (Mr. SKELTON), the ranking member of the House Committee on Armed Services.

Mr. SKELTON. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I am happy to rise in support of the proposal by my friend and colleague, the gentleman from South Carolina (Mr. SPRATT).

Several weeks ago the gentleman from South Carolina (Mr. SPRATT) and I drafted a resolution for the use of the minority leader, the gentleman from Missouri (Mr. GEPHARDT) in negotiations with the White House. That draft contained a number of important principles, focusing on the role of the United Nations, on more narrowly defining the threat posed by Iraq as to its weapons of mass destruction, and on planning for what will be needed after the conflict, if military action should be taken.

These principles do not undermine, rather, they strengthen, American national security. Many of these principles have now been included in the resolution offered by the Speaker and the gentleman from Missouri (Mr. GEPHARDT).

On Tuesday night, I expressed my support for that resolution as it represents a significant improvement over the original draft submitted by the White House. But the Spratt substitute perfects a number of the principles contained in the base bill.

It connects American efforts more strongly to those of the United Nations. This resolution urges the President to work with the United Nations to enforce Iraqi compliance with its disarmament obligations. If the United Nations authorizes the use of force to achieve these goals, the Spratt resolution provides immediate congressional authorization. But if the United Nations cannot, or will not, act, then this Congress must consider the benefits of unilateral action under a second resolution using expedited procedures.

The Spratt resolution does not tie the President's hands. U.S. national security will be protected. This resolution sends a strong message to Iraq that the Congress insists that it comply with its obligations.

It also sends a strong message to the United Nations and to our friends and to our allies all around the world that we are committed to acting with them to the greatest extent possible to meet this threat. In these ways, the Spratt substitute improves the resolution already before us.

I urge my colleagues to vote with me to support it.

Mr. HYDE. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Missouri (Mr. BLUNT).

Mr. BLUNT. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I rise with some concern in my opposition to this resolution, because I have such high regard for my friend, the gentleman from Missouri (Mr. SKELTON), who just spoke in favor of the resolution. But I have read the resolution carefully, and I think this is a step backward in all of our actions. It really restricts, rather than broadens, the use of force against Iraq that already is authorized under current law.

Section 3 is even narrower than Public Law 102-1, which already authorizes the United States to use force to restore international peace and security. We are already authorized to stop Iraq from supporting terrorism. We are already authorized to prevent Iraq from threatening its neighbors. We have already authorized the United States to protect Iraq's own civilian population.

I believe you can read this resolution clearly. All of those things would no longer be authorized. I think you cannot even continue to enforce the no-fly zone under this resolution.

Section 3 would require the United States to wait for the United Nations Security Council to act before the President could take action to protect our national security interests against the dangers of weapons of mass destruction posed by Iraq. Even the United Nations Security Council approval of section 3 would not authorize the United States to act. We would have to have United Nations action, and then we would have to have a second vote in this Congress.

The vote in the Congress is restricted by the substitute.

This is a step backward. It sends a muddy signal about our resolve. It completely replaces the Gephardt-Hastert resolution that is before us, and really postpones a critical question to another day.

We have put this question off too long already. This resolution asks us to put it off yet longer. I encourage my colleagues to join me in rejecting this Spratt substitute resolution and moving forward to pass the Hastert-Gephardt resolution later today.

Mr. SPRATT. Mr. Speaker, I yield 1 minute to the gentleman from Arizona (Mr. PASTOR).

Mr. PASTOR. Mr. Speaker, I support the Spratt amendment because I believe that we should not rush into war without seeking the support of our allies. We should not send American troops into combat before making a good-faith effort to put U.N. inspectors back into Iraq under a more forceful resolution. We should not turn to a policy of preemptive attack without first providing a limited time option for peaceful resolution of the threat.

This amendment would authorize the use of U.S. forces in support of a new U.N. resolution mandating the elimination by force, if necessary, of all Iraqi weapons of mass destruction. If the Security Council does not pass such a resolution, the amendment calls on the President to then seek authorization for unilateral military action.

The Spratt amendment demonstrates our preference for a peaceful solution and coalition support without ruling out unilateral military force if it becomes necessary.

America has long stood behind the principle of exhausting diplomacy before resorting to war, and at times like this, we must lead by example.

Mr. HYDE. Mr. Speaker, I am pleased to yield 3 minutes to the distinguished gentleman from California (Mr. LANTOS).

Mr. LANTOS. Mr. Speaker, I thank the chairman of the Committee on International Relations for yielding me time.

First, Mr. Speaker, I want to commend my good friend from South Carolina (Mr. SPRATT), one of the most valued of this House, on a very thoughtful and creative amendment. I believe, however, that the amendment would weaken the hand of our Secretary of State in international negotiations that are occurring as we speak.

Every Member of this body prefers a diplomatic and peaceful solution. Every Member of this body prefers to have as many nations, friends, allies and others come with us as possible. But to enhance the prospects for a peaceful solution, both the Security Council and Saddam Hussein must perceive that diplomatic failure will lead to military action. This amendment fails to convey that critical message.

Mr. Speaker, the Spratt amendment requires the President to certify "that the use of military force against Iraq will not impair international cooperation in the fight against terrorism." This amendment effectively asks the President of the United States to certify the unknowable.

The initial impact of action in Iraq on international cooperation is uncertain. It may be argued that it will diminish it or it will enhance it. But one thing we are all certain of: Once Iraq is disarmed, international cooperation against terrorism will skyrocket, and international terrorism itself will have been dealt a severe blow.

While the principles behind the amendment and the underlying text have some similarities, I must oppose the amendment, Mr. Speaker, because I believe at this stage we must support the bipartisan-bicameral agreement reached with the White House.

I strongly urge my colleagues to reject this well-intentioned amendment. It would unravel the agreement which is on the verge of ratification, and it would undermine our goal of speaking with a strong and united voice.

Mr. SPRATT. Mr. Speaker, I yield 1½ minutes to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, the Spratt resolution would permit the use of military force, but only to eliminate the real danger we face, Iraq's possession of nuclear or chemical or biological weapons. The President's resolution would allow the administration to use military force to seek regime change in Iraq, a very dangerous course of action.

It is one thing to say to Saddam Hussein, we are going to disarm you of your weapons of mass destruction. It is another thing to say, we are going to kill you, which is what regime change means. Faced with that threat, with that assurance, there would be nothing to deter Saddam Hussein from deciding, like Sampson in the Philistine temple, that he might as well pull down the world around him. Why should he not go down in history as an Arab hero by attacking Israel with chemical or biological weapons? Israel may then feel well to retaliate, and no one can calculate the course of escalation from there.

Just the other day the Director of the CIA, George Tenet, warned the Senate that "if Saddam Hussein concluded the survival of his regime were threatened, he probably would become much less constrained in adopting terrorist action."

The Spratt substitute is the most effective way to go about disarming Saddam Hussein, while avoiding tactics that could very well end up in regional conflagration. It grants more limited, but still sufficient, power to the administration to meet the threat posed by Iraq's weapons program. It allows for the President to use force in conjunction with the U.N. if it becomes necessary.

It does not, however, grant the President a blank check, on the model of the Gulf of Tonkin resolution, as the main resolution before us does.

I am proud to support this resolution. It maximizes the chances we will disarm Saddam Hussein and eliminate the real danger, without getting into a major conflagration.

Mr. HYDE. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Ohio (Mr. OXLEY).

Mr. OXLEY. Mr. Speaker, let me first say to my friend, the gentleman from Illinois (Mr. HYDE), and to all of the participants in this historic debate how much I appreciate their leadership and their ability to debate this issue in a very courteous and effective manner.

One hundred thirty-eight Members of this House were present back when we debated the original Gulf resolution. Those of us who were here at the time, including myself, remember that as one of the historic times in this Chamber. We return today in many ways to debate some of the very same issues we debated so many years ago.

All of us, I think, feel a tremendous sense of honor to have an opportunity to debate these issues before us. But ultimately the substitute offered by my friend from South Carolina fails to put us in a position to be as effective as we were back in 1991. Indeed, it probably takes us a step backward.

If you look at the U.N. resolutions, 16 resolutions ultimately in that language, there is the ability of the world to go after Saddam without another U.N. resolution, without another resolution passed by the Congress. Yet the President came to the leadership of our body and requested that the Congress give this kind of authority. That is exactly what our leadership did.

My hat is off to the Speaker and to the minority leader, the gentleman from Missouri (Mr. GEPHARDT), for coming together and putting together a bipartisan resolution that should be supported.

This is a serious matter, that Saddam Hussein has continued to resist our efforts. Let us reject this substitute, pass the underlying resolution, stand firm, as we did back some 11 years ago, and send a signal that the United States and our allies will perform adequately.

□ 1115

Mr. SPRATT. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. LIPINSKI).

Mr. LIPINSKI. Mr. Speaker, I rise in support of the Spratt alternative resolution.

Mr. Speaker, I rise today in support of Congressman SPRATT's alternative to this resolution authorizing military force against Iraq. First of all, I would like to say that there is no question that Saddam Hussein is evil personified. He is Adolph Hitler and Joseph Stalin rolled into one reprehensible dictator. This world would no doubt be a better place without him.

But this record of cruelty does not give a lawful reason to attack Iraq without proof that their activities pose an imminent threat to the security of the United States. So I must ask: Why must we pass this resolution now? I still have not received a clear, convincing answer to that question.

I have asked it, and many other questions of those who support this resolution, including the Secretary of State. They have failed to make an effective case as to why Congress should authorize a historic shift in policy from containment and deterrence to that of preemptive attacks.

As far as I know Saddam Hussein has committed no new evil acts, since President Bush was sworn into office almost two years ago. Why didn't the President ask for this resolution at that time? During his campaign, President Bush himself said that the United States should not be the "world's policeman." Why the shift in policy? When the President first started talking about using military force against Iraq, it was said that Saddam Hussein was linked with September 11th, but then British and U.S. intelligence revealed that wasn't true. Also, when the President first started talking about removing Saddam Hussein, he claimed that he had the authority to do so under a 1998 resolution. However, now we are here considering the authorization of military forces at the President's request. Furthermore, the President was prepared to go it alone, and then he decided to ask for the support of as many allies as possible, including the United Nations. These are just some examples of the mixed messages from the Administration. The President's approach to the Iraq situation has had numerous changes in a short span of time.

Due to the President's disjointed approach, the lack of answers to many questions that various colleagues and I have, and the fact that containment of Saddam Hussein has worked for the past decade, I cannot support this resolution.

I have tried very hard to support the President and this resolution because I believe the President is sincere and truly thinks that military force is the only way to deal with Saddam Hussein. Perhaps he is right, but I cannot in good conscience support military force until we first seek U.N. weapons inspections and the support of the international community. Therefore, I urge my colleagues to join me in supporting Congressman SPRATT's substitute resolution.

Mr. SPRATT. Mr. Speaker, I yield myself 30 seconds to respond to the arguments made on the other side. First, they claim that this bill somehow, even though there is not a word in it, supplants Public Law 102–1, which has the authority to go after terrorists, which is not true, and then they say that we are wrong in saying to the

President, we do not want to dilute the focus on terrorism; we want you to certify to us that if we go to war in Iraq, it will in no way impair our first priority, and that is to get al Qaeda. We have to decide which way we want to go.

We say, that is still the law of the land, 102–1. We backed it then, we support it now, and we want to make al Qaeda our first priority.

Mr. Speaker, I yield 1½ minutes to the gentleman from Texas (Mr. REYES), a Vietnam veteran and a member of the Committee on Armed Services.

Mr. REYES. Mr. Speaker, I thank the gentleman for yielding me this time.

I rise this morning in strong support of this substitute. As I said yesterday, many of us know that there is a better way, and the gentleman from South Carolina (Mr. SPRATT) has focused our efforts with his leadership and with his guidance. He has led the way to a carefully constructed and well thought out resolution, one that takes into account the dynamic and the potentially dangerous situation in which we find ourselves today.

Unilateral action, Mr. Speaker, would cost billions of dollars and possibly thousands of lives. Carelessly stepping into a conflict is not something that should be undertaken lightly. I do not think that the administration, as I said yesterday, has made the case for this type of action. This appropriate resolution supports the President's request of the Security Council for arms inspections that is backed by force. This resolution authorizes President Bush to use the same Armed Forces of the United States as his father did in the Persian Gulf War in military action that is sanctioned by the Security Council. If the Iraqis defy the inspectors and the U.N. will not authorize force, this Congress will expedite a vote for a new resolution to authorize that force.

Saddam Hussein and his regime are a menace to our security, and I agree with the President that the Security Council should enforce resolutions and put a stop to his system of "cheat and retreat." The Security Council should compel Iraq to destroy its weapons of mass destruction and its means of producing such weapons, and if armed force is necessary, it should be with their concurrence as well.

This bill sets the stage for a prudent process to accomplish these objectives. More importantly, it emphasizes the tenet that war should be a last resort and not a first resort.

Mr. Speaker, I ask my colleagues to support this resolution.

Mr. HYDE. Mr. Speaker I am pleased to yield 2 minutes to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Speaker, I rise in opposition to this amendment.

Let us remember those words, and as I hear this debate they come back to me: "Gentlemen may cry 'peace,' 'peace,' but there is no peace. The war has actually begun."

Those are the words, of course, of Patrick Henry, who spurred on our people to fight for their liberty and fight for our country's security. And when all is said and done, America's security and our freedom is in the hands of our people. We do not choose to put the future of this country and the security of this country into the hands of the United Nations. As we debate this amendment, which again puts even more responsibility in the hands of the United Nations, let us take a brutal look at that organization and what this amendment accomplishes.

This amendment requires the United States to have the permission of the Communist Chinese and gangsters of other regimes to do what is necessary for our own security. That is ridiculous. Quit idealizing the United Nations for what it is not. It is not an international body that is run by saints. Instead, it is run by ordinary democratic countries, but also by despicable regimes which terrorize their own population.

Requiring the President, our President to get permission from the United Nations means we are requiring our President to make deals with governments like the Communist Chinese before doing what is necessary for our own security. No wonder the repressed people of China, like the Falun Gong, who had their demonstration here yesterday, like the people of Tibet, like the people of East Turkistan are afraid that our President may well make an agreement with the bosses in Beijing who terrorize them at the expense of those people who long for freedom.

We should not be relying on the United Nations. No, we should be relying on our strength and our commitment to those ideals that our Founding Fathers set forth so many years ago and have been fought for so many times by Americans. Let us remember what George Washington told us: "Put only Americans on guard tonight."

Mr. SPRATT. Mr. Speaker, I yield 1½ minutes to the gentleman from Maine (Mr. ALLEN).

Mr. ALLEN. Mr. Speaker, I thank the gentleman for yielding me this time.

I wish to respond to some of the comments made just now by the gentleman from California (Mr. ROHRABACHER) and earlier by the distinguished chairman of the Committee on International Relations, the gentleman from Illinois (Mr. HYDE).

It is true that this resolution seeks to have the United States first act in a multilateral basis through the U.N., but we are not transferring the job of protecting Americans to the United Nations. In section 8 of this resolution it says, "inherent right to self-defense." Nothing in this joint resolution, the Spratt substitute, is intended to derogate or otherwise limit the authority of the President to use military force and self-defense pursuant to the Constitution of the United States and the War Powers resolution.

But there is a reason why we need to act on a multilateral basis. It is because if we act against Saddam's weapons of mass destruction together with allies, we are less likely to provoke an Islamic fundamentalist uprising in the Middle East. We are more likely to diminish the number of recruits to Osama bin Laden, not to accentuate the number of recruits to terrorist causes.

Insofar as people have suggested this is a steeple chase or they are roadblocks to getting the second resolution passed, it is a week-long proposition. Come back, we have the resolution laid out in this substitute, there are no amendments, no points of order, it comes to the floor, we will have a debate of 20 hours, and it will be done.

This is critical. This is as important a vote as the vote on final passage, and I urge Members to support the Spratt substitute.

Mr. HYDE. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. BOEHNER).

Mr. BOEHNER. Mr. Speaker, I thank my colleague from Illinois for yielding me this time.

I rise today in strong opposition to the amendment offered by our friend, the gentleman from South Carolina (Mr. SPRATT). The amendment in the nature of a substitute basically puts us in a position of having to go to the U.N. and get a resolution of support or, if the U.N. cannot act or will not act, requires the Congress to come back and to have another vote.

I think one of the points that is missing in this debate is that it seems as though people think the President is not acting in a unilateral way.

We are the only superpower on the face of the Earth. We as a Nation, as a result, have a responsibility to lead. I think that the underlying resolution does, in fact, strengthen the President's hand to lead and to continue to build multilateral support. I believe that the amendment offered today basically undercuts the President's ability to continue to lead us and to build a multilateral action.

Secondly, the President is being very deliberate about this. This effort has been under way for the last 8 weeks. The President continues to consult with Members of Congress in both bodies, continues to work with our allies, continues to work with the U.N., and I think all of us would agree that the President made a forceful case for action because he was at the U.N.

Again, the amendment that we have before us handcuffs the President in terms of his ability to continue to bring about positive action at the United Nations.

Now, we have 16 amendments passed by the United Nations over the last 11 years dealing with chemical and biological weapons. What makes us believe that Saddam Hussein or anyone else who is going to act, if in fact the U.N. would ever act? But more importantly, why would we want to put the security and the freedom of the people of our country at risk or put them in the hands of the U.N. Security Council in hoping, maybe, that they will act.

The fact is in 1991 during the Gulf War we had a debate here and we kept hearing the same thing we are hearing now: wait, wait, wait. If we had waited any longer in 1991, the Iraqi regime would have been into Saudi Arabia and we would have had a much larger crisis than we have. The fact is that we have waited for a long time to bring this regime to a halt and to take away their threat, and I believe the underlying resolution done by the majority leader and the Speaker, along with the minority leader, gives the President the strongest hand possible in terms of building a multilateral coalition and, most importantly, protecting the American people whom we are sent here to represent.

Mr. SPRATT. Mr. Speaker, I yield such time as he may consume to the gentleman from Maine (Mr. BALDACCI).

Mr. BALDACCI. Mr. Speaker, I rise in support of the Spratt amendment as the right way to security; not having to go it alone, but with the help of our allies.

Mr. Speaker, I rise today with a heavy heart. The decision whether or not to send our young men and women into war is the most difficult one a Member of Congress can face. In considering this matter, I have done considerable research, been briefed by the White House, talked with my colleagues and listened to the voices of the people of Maine.

It is clear that Saddam Hussein is a dangerous dictator. He has not hesitated to attack his neighbors, and even his own people. Since weapons inspectors were forced out of Iraq in 1998, we know that Hussein has taken steps to rebuild his chemical and biological weapons production capability. We have strong evidence that he is beginning to rebuild his nuclear program. Based on all that we have seen, in the past and in the present, it is clear that the Iraqi regime is a threat to international peace and security.

I am convinced that it is in the best interests of our Nation and our world that we eliminate these weapons of mass destruction. If Hussein does not use them directly, I believe there is a good chance that he will provide them to other terrorists who will. This situation cannot stand.

The question now before us is how to achieve our common goal of disarming Saddam Hussein. I am not supportive of a unilateral pre-emptive strike. As President bush said on Tuesday night, force must be our last resort, not our first. I am convinced that we will be strongest if we address this situation with the support of a multilateral coalition.

For that reason, I will be supporting Representative SPRATT's substitute that calls for just such a multilateral approach. This resolution echoes the President's speech in which we urged the adoption of a new U.N. resolution that seeks to disarm Hussein, and if that resolution proves ineffective, calls for a coalition to disarm him. This substitute supports the President's intention to exhaust diplomatic approaches to disarming Iraq while still ensuring that he will be able to take action against Iraq if these methods prove ineffective.

To me, the most significant difference between Mr. SPRATT's approach and that of the administration is that Mr. SPRATT keeps Congress closely involved as the decision-making process moves forward, as is consistent with our Constitutional duty. Under the substitute, the administration will be required to return to Congress when and if it determines that diplomatic avenues have been pursued and have failed. At that time, expedited procedures will be in place to authorize military action if necessary.

When we are dealing with issues of this magnitude, I believe that there needs to be true consultation between the Congress and the administration. Simple notification is not enough. I agree that we need to speak with one voice, and this substitute gives us the tools to do that.

The bottom line is that yes, we must take action to protect our Nation and, indeed, the world from the weapons of mass destruction that Saddam Hussein has developed and continues to pursue. However, unilateral action is not, in my opinion, the most effective approach. I believe a multilateral approach offers the best chance to effectively disarm Saddam Hussein and put an end to his chemical and biological weapons programs. It's important for our government to work with other nations, and ensure that all non-military avenues have been exhausted, before taking action on our own. We should work with the world community and the United Nations Security Council. If these efforts fail, I support using force in concert with our allies.

I opposed the President's original resolution, and I commend my colleagues who have worked so hard to improve it. The underlying resolution has come a long way in addressing my concerns. However, I still believe that the Spratt approach is the best one at this time. It is a workable resolution, which neither ties the President's hands nor promotes unilateral action by the United States. I urge my colleagues to support this responsible approach.

Mr. SPRATT. Mr. Speaker, I yield 1 minute to the gentleman from Arkansas (Mr. SNYDER), also a Vietnam veteran and a member of the Committee on Armed Services.

Mr. SNYDER. Mr. Speaker, I thank the gentleman for yielding me this time.

Those of us that support this amendment do not believe that we are undercutting the President or somehow placing handcuffs on him. What, in fact, we believe we are doing is responding to the great common sense of the American people, the kind of discussions we all have at home and Americans are having all over the country in which they see a difference in the factual situations between America going in as an international body in cooperation with the United Nations versus America having to go it alone because the international community does not want to be with us. There are differences in those two scenarios, and the differences have different ramifications for the future of America's national security.

In fact, what the Spratt amendment does is give additional powers to the President not in the Constitution. It gives him the power to schedule this vote through an expedited process.

I think the Spratt amendment in fact is the kind of approach that the American people want us to take, to act in concert with the international community and, if that is not successful, to come back and expedite a way for a reevaluation by their elected representatives as expected by the Constitution.

Mr. HYDE. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, when you retire from Congress and the great summing up comes with your great-grandchildren or great-great-grandchildren, and people say, "What did you do in Congress," you say, "Well, I voted to yield sovereignty to the United Nations. I voted to have the decision to defend the United States national interests to the Security Council, which is composed of five members, three of which are France, China, and Russia."

What a precedent, to condition our taking action by getting approval and by getting a new resolution. What is that, Resolution No. 7,842? No, it is only about the seventeenth resolution. A new resolution authorizing the United States to defend its national interests?

This is not a preemptive strike. The shooting has never stopped from Desert Storm. There was a cease-fire, not a peace treaty, in February of 1991 and, after that, every day they shoot at us in the sky.

So this is not preemptive, it is just finishing what should have been finished several years ago.

Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. ROYCE).

□ 1130

Mr. ROYCE. Mr. Speaker, I rise in opposition to this amendment.

It is clear to me that most Members hope that the administration wins support at the United Nations for a robust weapons inspection regime. I am one who wishes this. That is the outcome that I think the gentleman's amendment aims for, but it does this, however, in a way that I believe sets the administration up for failure.

This amendment expedites congressional consideration of an authorization to act against Saddam Hussein should the administration be unable to secure an acceptable U.N. inspections resolution. That is its second step, but let us think a ways down the road.

Does this Congress really want to be in the position of spotlighting our possible failure at the U.N.? The story line for the second congressional deliberation on Iraq this amendment mandates would be "Failing at the U.N., Administration Forced to Try Congress Again." I have a hard time seeing how our Nation could possibly be strengthened by that.

In considering this amendment, we cannot afford wishful thinking about the U.N. The fact, often lost in this debate, is that the United Nations is a grouping of Nations with often differing political interests, some that share our values, others that do not. This is one of the reasons that, while working with the Security Council, we must always guard against its compromising our national security policy.

This amendment, in practice, gives the edge to the U.N. Security Council over our administration in facing the threat of Saddam. The negotiating hand of other Council members would surely be strengthened against the administration if they knew that our President would be forced to return to Congress if he could not strike a Security Council weapons inspections deal. Neither outcome, a weak weapons inspection resolution nor if the administration must walk away, a perceived and universally noted failure by our country to win at the U.N., is one we should be setting our administration up for.

Secretary of State Powell told the Committee on International Relations that his hand at the U.N. would be strengthened by a strong congressional authorization for action against Iraq, one, in his words, that was not watered down. I know that Secretary Powell has been working hard to gain support at the U.N. To kick the congressional authorization he seeks down the road, to grant it or even not grant it, based upon the U.N. Security Council's schedule and political landscape, is a big watering down.

It is the judgment of the gentleman from Illinois (Mr. HYDE), the chairman, and the gentleman from California (Mr. LANTOS), the ranking member, and the majority of Committee on International Relations members that the bipartisan resolution we are considering this week is the one Secretary Powell needs. That is why I urge the rejection of this amendment.

Mr. SPRATT. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, let me say to my very good friends on the other side, this amendment builds on the lessons of leadership from our success in the Persian Gulf War. Virtually no American lives lost and our specific mission accomplished.

We want to do just what we did in 1991. President Bush waited until after the congressional midterm elections. He secured the United Nations Security Council authorization to use international force. We had the support of Iraq's Arab neighbors. We did not position this country as a target for vengeance from Arab and Muslim extremists, and for a decade, we have contained and sanctioned Saddam.

We are fighting another war today, a war on terrorism, and our intelligence agencies tell us these are separate wars. This amendment focuses on winning both wars and securing our deserved position as the unparalleled leader and inspiration of the free world.

The rest of the free world is no less determined to protect their families and individual liberties. Let us make this war and the war on terrorism an international and definitive success.

Mr. PRICE of North Carolina. Mr. Speaker, will the gentleman yield?

Mr. MORAN of Virginia. I yield to the gentleman from North Carolina.

Mr. PRICE of North Carolina. Mr. Speaker, some of our friends today, in debate, have suggested that somehow adoption of the Spratt resolution would yield American sovereignty to the U.N. or, as one speaker put it, would subordinate foreign policy to the Security Council.

Is it not true that under the Spratt resolution the decision of the United States to back up U.N. inspections, to back up U.N. enforcement actions, would be ours to make and that, moreover, those troops would remain under U.S. command? Is there any ground for treating this as some kind of abdication of sovereignty?

Mr. MORAN. Mr. Speaker, my friend from North Carolina is absolutely right. This amendment strengthens the position, the leadership role of the United States. It builds on the lesson of 10 years ago that was a success then and should be a success today.

Mr. HYDE. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Mr. Speaker, I thank the Chairman for yielding me the time.

Mr. Speaker, I rise in strong opposition to the Spratt substitute. I have great respect for the gentleman from South Carolina, but believe that this resolution is very misguided. It divides, or bifurcates, American foreign policy instead of speaking with one voice.

Nothing in the resolution put forth by the committee, led by the gentleman from Illinois (Mr. HYDE) and the gentleman from California (Mr. LANTOS), prevents the very course of action outlined by the gentleman from South Carolina, but I fear that if this resolution offered by the gentleman from South Carolina (Mr. SPRATT) were adopted, it would have the opposite effect of that intended by the gentleman; and that is because it sends the message that the President, in his efforts to get strong United Nations action and support from our allies, does not have the support of our own Congress.

Between the votes on the two resolutions contemplated by the gentleman and while the President seeks international support, we will in effect be a cacophony of voices rather than speaking with one voice.

Many Members of Congress have differing opinions on what the U.N. resolution should be. It is time to speak to the U.N. with one voice. Politics must end at the water's edge.

In dealing with other Nations and especially with the United Nations, the President must have a strong hand. He must be able to say what he is authorized to do, if necessary, to push the U.N. to do the right thing itself. On the other hand, the Spratt substitute sends the message to Saddam Hussein that we are talk without action. He has relied upon that state of affairs for the past 12 years.

This resolution is little different than the 16 U.N. resolutions, all without consequences. This resolution demands the truth, but removes the consequences. This resolution prevents the President of the United States from taking action to protect our national security interests. It ties his hands, even to do the limited things we are already doing.

The Congress needs to speak with one voice. The Congress needs to speak now, not later, and the Congress needs to place into the hands of the President the necessary tools to implement a unified and effective foreign policy.

I urge my colleagues to reject this substitute.

Mr. SPRATT. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Missouri (Mrs. MCCARTHY).

Mrs. MCCARTHY of Missouri. Mr. Speaker, I rise in support of this measure. The Spratt-Moran substitute charts the right and responsible course.

Mr. Speaker, I rise in support of the Spratt-Moran Substitute to H.J. Res. 114. I join the sponsors in commending the President for calling upon the United Nations to enforce existing Security Council resolutions eliminating weapons of mass destruction in Iraq, as well as his seeking approval of a new resolution establishing tougher arms inspections. Should force be necessary, this substitute encourages the President to make every effort to obtain U.N. Security Council approval. It is essential that we execute a multilateral approach to Iraq by uniting with our allies as we did this past year in Afghanistan, and which we also did in prosecuting Desert Storm with a minimal loss of American lives. Indeed, mobilizing a broad coalition of nations to join us in Desert Storm helped avoid destabilizing the Middle East, something which we may be powerless to prevent if we act unilaterally now. It is important to acknowledge that, as with our responsibility to nurture and support the effort to democratize and help stabilize Afghanistan, it is also in our national interest to make a long term commitment to assist in the transition to a new and stable democratic government in Iraq. This is the way to build a collective security throughout the region and enhance the prospects for a lasting peace.

I concur with the U.S. Conference of Catholic Bishops that "the use of massive military force to remove the current government of Iraq could have incalculable consequences for a civilian population that has suffered so much from war, repression, and a debilitating embargo." In addition to concern for the people of Iraq who have been subjugated by Saddam Hussein and his evil regime, we must fully understand that an attack on Iraq, particularly without support from the world community, may have unintended, negative consequences to our global war on terrorism. We must not lose sight of the fact that it is the worldwide terrorist network which poses the most immediate danger to the people of the United States. We have the support of the world in combating terrorism. If we go it alone in Iraq, we risk destroying that support and impeding our ability to win the war against terrorism.

That is reason enough for making a strong and diligent effort to obtain support of the U.N. Security Council for an aggressive and immediate program of widespread on-site inspections for weapons of mass destruction in Iraq. The Spratt-Moran Substitute allows the President to use our troops to assist the U.N. inspections. Such inspections must be executed unrelentingly and must lead to the immediate disarmament of Iraq.

Mr. Speaker, historian Robert Dallek recently noted that during the Presidency of Harry Truman our defense policy was one of containment and deterrence quite unlike the policy proposed by the current administration. President Truman felt that the best way to preserve the peace following World War II was to contain our adversaries. Truman said, "There is nothing more foolish than to think that war can be stopped by war. You don't 'prevent' anything by war except peace." Mr. Dallek assessed the current administration's policy as "prevention" by removing a head of state who has the power to do harm to us. Such a unilateral act must be justified with facts that convince the American people to go it alone. The Spratt-Moran Substitute calls upon the President to justify that such force is the only option left available, and mandates that the President seek a second vote of the Congress to authorize use of our military might if the President determines a regime change in Iraq is the goal. I commend my fellow Missourian, Mr. SKELTON for his efforts to assure that we adhere to our Constitution by requiring this second vote.

Mr. Speaker, we are united in our desire to achieve peace and stability in this region. One of the strengths of our country is our right to express our views freely and not have our patriotism questioned if we disagree with a particular administration or policy. I realize my view may not be the prevailing opinion of this body or this administration, but I truly believe it represents the view of a majority of my constituents given the information that is available to us.

I recognize the tremendous sacrifices of the armed forces in this endeavor and I fully support them. The question before us is when and how they should be engaged. I support the multilateral approach stipulated in the substitute and the call for a vigorous, all encompassing inspection program by the U.N., and urge my colleagues to adopt the substitute. As anthropologist Margaret Meade wisely noted: "We must devise a system in which peace is more rewarding than war." The Spratt-Moran Substitute charts the right and responsible course.

Mr. SPRATT. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. FATTAH).

Mr. FATTAH. Mr. Speaker, I rise in support of the Spratt amendment.

Mr. Speaker, I rise today in support of the Spratt Substitute for the Use of Force Against Iraq Resolution.

The Spratt substitute authorizes the use of U.S. armed forces to support any new U.N. Security Council resolution that mandates the elimination, by force if necessary, of all Iraqi weapons of mass destruction, long-range ballistic missiles, and the means of producing such weapons and missiles. The substitute also calls on the president to seek authorization from Congress in the absence of a U.N. Security Council resolution sufficient to eliminate by force, if necessary, all Iraqi weapons of mass destruction.

If we go to war with Iraq, we must do so with the approval of the U.N. Security Council, and the general cooperation and support of the United Nations. We risk damaging the U.N. Security Council's legitimacy as an authoritative body in international law if the United States acts unilaterally. If the argument for involvement in Iraq is that we lead by example, then we signal to the rest of the world that it is okay to ignore the concerns voiced by the international community. This will only lead to further future conflict. If the United Nations is to impose sanctions, restore order, and be an effective international institution, it must have the respect and cooperation of the most powerful country in the world.

Rather than initiating a war with Iraq, let's make an effort to achieve a just and lasting peace in the Middle East between Israel and the Palestinians.

Mr. SPRATT. Mr. Speaker, I yield 1½ minutes to the gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. Mr. Speaker, America is a great Nation because it always at times of toil and tumble has followed great principles.

We have always matched the might of our Armed Forces with the force of our great principles, and it is a great American principle that at times of international trouble, we work with the international community, not without it. It is a great American principle that we do not launch unilateral first strikes without the support of the international community and the vote of the U.S. Congress.

The Spratt resolution follows and upholds those great American principles, and the underlying resolution violates them. No Congress should give any President a blank check to start a unilateral first strike for any reason, anytime, with or without any allies.

This Nation gave the world the great principles of freedom of speech and freedom of religion and ought to lead the Nation in the concept of going forward on the arc of human history which is working together for mutual security rather than backwards to the law of the jungle.

I do not want to vote to make it the legacy of this generation of American leaders to send us backwards where a strong nation devours the weak, and we do not work with the international community.

There is a practical reason for doing this. As General Hoar, or Zinni, I cannot remember which one, said, why would we supercharge Osama bin Laden's recruiting efforts with a unilateral first strike?

The Spratt resolution imbues great American principles. We should follow it is the American way.

Mr. SPRATT. Mr. Speaker, I yield 1 minute to the gentleman from Connecticut (Mr. LARSON).

Mr. LARSON of Connecticut. Mr. Speaker, I rise to unite this body and the Nation behind the Spratt resolution of which I am a proud cosponsor.

The Spratt resolution both strengthens the President's hand and demonstrates national resolve. It preserves the constitutional authority that resides with this Congress and does not abdicate our role to the United Nations.

Many have stepped forward, including many notable Republicans, Mr. Scowcroft, Mr. Eagleburger, Mr. Baker, and several others, who understand the deep importance and abiding concern that many of us on this aisle share with not only them, but people all across this Nation.

Thomas Friedman spoke at a recent book tour about the consequences of our doctrine, long term, and its effect, and he was struck by the one man in the audience who came up to him and reached into his wallet and produced but a picture of his children. It spoke volumes. We need say nothing else.

Support the Spratt alternative.

DICK CHENEY'S SONG OF AMERICA

(By David Armstrong)

Few writers are more ambitious than the writers of government policy papers, and few policy papers are more ambitious than Dick Cheney's masterwork. It has taken several forms over the last decade and is in fact the product of several ghostwriters (notably Paul Wolfowitz and Colin Powell), but Cheney has been consistent in his dedication to the ideas in the documents that bear his name, and he has maintained a close association with the ideologues behind them. Let us, therefore, call Cheney the author, and this series of documents the Plan.

The Plan was published in unclassified form most recently under the title of Defense Strategy for the 1990s, as Cheney ended his term as secretary of defense under the elder George Bush in early 1993, but it is, like "Leaves of Grass," a perpetually evolving work. It was the controversial Defense Planning Guidance draft of 1992—from which

Cheney, unconvincingly, tried to distance himself—and it was the somewhat less aggressive revised draft of that same year. This June it was a presidential lecture in the form of a commencement address at West Point, and in July it was leaked to the press as yet another Defense Planning Guidance (this time under the pen name of Defense Secretary Donald Rumsfeld). It will take its ultimate form, though, as America's new national security strategy—and Cheney et al. will experience what few writers have even dared dream: their words will become our reality.

The Plan is for the United States to rule the world. The overt theme is unilateralism, but it is ultimately a story of domination. It calls for the United States to maintain its overwhelming military superiority and prevent new rivals from rising up to challenge it on the world stage. It calls for dominion over friends and enemies alike. It says not that the United States must be more powerful, or most powerful, but that it must be absolutely powerful.

The Plan is disturbing in many ways, and ultimately unworkable. Yet it is being sold now as an answer to the "new realities" of the post-September 11 world, even as it was sold previously as the answer to the new realities of the post-Cold War world. For Cheney, the Plan has always been the right answer, no matter how different the questions.

Cheney's unwavering adherence to the Plan would be amusing, and maybe a little sad, except that it is now our plan. In its pages are the ideas that we now act upon every day with the full might of the United States military. Strangely, few critics have noted that Cheney's work has a long history, or that it was once quite unpopular, or that it was created in reaction to circumstances that are far removed from the ones we now face. But Cheney is a well-known action man. One has to admire, in a way, the Babe Ruth-like sureness of his political work. He pointed to center field ten years ago, and now the ball is sailing over the fence.

Before the Plan was about domination it was about money. It took shape in late 1989, when the Soviet threat was clearly on the decline, and, with it, public support for a large military establishment. Cheney seemed unable to come to terms with either new reality. He remained deeply suspicious of the Soviets and strongly resisted all efforts to reduce military spending. Democrats in Congress jeered his lack of strategic vision, and a few within the Bush Administration were whispering that Cheney had become an irrelevant factor in structuring a response to the revolutionary changes taking place in the world.

More adaptable was the up-and-coming General Colin Powell, the newly appointed chairman of the Joint Chiefs of Staff. As Ronald Reagan's national security adviser, Powell had seen the changes taking place in the Soviet Union firsthand and was convinced that the ongoing transformation was irreversible. Like Cheney, he wanted to avoid military cuts, but he knew they were inevitable. The best he could do was minimize them, and the best way to do that would be to offer a new security structure that would preserve American military capabilities despite reduced resources.

Powell and his staff believed that a weakened Soviet Union would result in shifting alliances and regional conflict. The United States was the only nation capable of managing the forces at play in the world; it would have to remain the preeminent military power in order to ensure the peace and shape the emerging order in accordance with American interests. U.S. military strategy, therefore, would have to shift from global containment to managing less-well-defined regional struggles and unforeseen contingencies. To do this, the United States would have to project a military "forward presence" around the world; there would be fewer troops but in more places. This plan still would not be cheap, but through careful restructuring and superior technology, the job could be done with 25 percent fewer troops. Powell insisted that maintaining superpower status must be the first priority of the U.S. military. "We have to put a shingle outside our door saying, 'Superpower Lives Here,' no matter what the Soviets do," he said at the time. He also insisted that the troop levels be proposed were the bare minimum necessary to do so. This concept would come to be known as the "Base Force."

Powell's work on the subject proved timely. The Berlin Wall fell on November 9, 1989, and five days later Powell had his new strategy ready to present to Cheney. Even as decades of repression were ending in Eastern Europe, however, Cheney still could not abide even the force and budget reductions Powell proposed. Yet he knew that cuts were unavoidable. Having no alternative of his own to offer, therefore, he reluctantly encouraged Powell to present his ideas to the president. Powell did so the next day; Bush made no promises but encouraged him to keep at it.

Less encouraging was the reaction of Paul Wolfowitz, the undersecretary of defense for policy. A lifelong proponent of the unilateralist, maximum-force approach, he shared Cheney's skepticism about the Eastern Bloc and so put his own staff to work on a competing plan that would somehow accommodate the possibility of Soviet backsliding.

As Powell and Wolfowitz worked out their strategies, Congress was losing patience. New calls went up for large cuts in defense spending in light of the new global environment. The harshest critique of Pentagon planning came from a usually dependable ally of the military establishment, Georgia Democrat Sam Nunn, chairman of the Senate Armed Services committee. Nunn told fellow senators in March 1990 that there was a "threat blank" in the administration's proposed $295 billion defense budget and that the Pentagon's "basic assessment of the overall threat to our national security" was "rooted in the past." The world had changed and yet the "development of a new military strategy that responds to the changes in the threat has not yet occurred." Without that response, no dollars would be forthcoming.

Nunn's message was clear. Powell and Wolfowitz began filling in the blanks. Powell started promoting a Zen-like new rationale for his Base Force approach. With the Soviets rapidly becoming irrelevant, Powell argued, the United States could no longer assess its military needs on the basis of known threats. Instead, the Pentagon should focus on maintaining the ability to address a wide variety of new and unknown challenges. This shift from a "threat based" assessment of military requirements to a "capability based" assessment would become a key theme of the Plan. The United States would move from countering Soviet attempts at dominance to ensuring its own dominance. Again, this project would not be cheap.

Powell's argument, circular though it may have been, proved sufficient to hold off Congress. Winning support among his own colleagues, however, proved more difficult. Cheney remained deeply skeptical about the Soviets, and Wolfowitz was only slowly coming around. To account for future uncertainties, Wolfowitz recommended drawing down U.S. forces to roughly the levels proposed by Powell, but doing so at a much slower pace; seven years as opposed to the four Powell suggested. He also built in a "crisis response/reconstitution" clause that would allow for reversing the process if events in the Soviet Union, or elsewhere, turned ugly.

With these new elements in place, Cheney saw something that might work. By combining Powell's concepts with those of Wolfowitz, he could counter congressional criticism that his proposed defense budget was out of line with the new strategic reality, while leaving the door open for future force increases. In late June, Wolfowitz, Powell, and Cheney presented their plan to the president, and within as few weeks Bush was unveiling the new strategy.

Bush laid out the rationale for the Plan in a speech in Aspen, Colorado, on August 2, 1990. He explained that since the danger of global war had substantially receded, the principal threats to American security would emerge in unexpected quarters. To counter those threats, he said, the United States would increasingly base the size and structure of its forces on the need to respond to "regional contingencies" and maintain a peacetime military presence overseas. Meeting that need would require maintaining the capability to quickly deliver American forces to any "corner of the globe," and that would mean retaining many major weapons systems then under attack in Congress as overly costly and unnecessary, including the "Star Wars" missile-defense program. Despite those massive outlays, Bush insisted that the proposed restructuring would allow the United States to draw down its active forces by 25 percent in the years ahead, the same figure Powell had projected ten months earlier.

The Plan's debut was well timed. By a remarkable coincidence, Bush revealed it the very day Saddam Hussein's Iraqi forces invaded Kuwait.

The Gulf War temporarily reduced the pressure to cut military spending. It also diverted attention from some of the Plan's less appealing aspects. In addition, it inspired what would become one of the Plan's key features: the use of "overwhelming force" to quickly defeat enemies, a concept since dubbed the Powell Doctrine.

Once the Iraqi threat was "contained," Wolfowitz returned to his obsession with the Soviets, planning various scenarios involved possible Soviet intervention in regional conflicts. The failure of the hard-liner coup against Gorbachev in August 1991, however, made it apparent that such planning might be unnecessary. Then, in late December, just as the Pentagon was preparing to put the Plan in place, the Soviet Union collapsed.

With the Soviet Union gone, the United States had a choice. It could capitalize on the euphoria of the moment by nurturing cooperative relations and developing multilateral structures to help guide the global realignment then taking place; or it could consolidate its power and pursue a strategy of unilateralism and global dominance. It chose the latter course.

In early 1992, as Powell and Cheney campaigned to win congressional support for their augmented Base Force plan, a new logic entered into their appeals. The United States, Powell told members of the House Armed Services Committee, required "sufficient power" to "deter any challenger from ever dreaming of challenging us on the world stage." To emphasize the point, he cast the United States in the role of street thug. "I want to be the bully on the block," he said, implanting in the mind of potential opponents that "there is no future in trying to challenge the armed forces of the United States."

As Powell and Cheney were making this new argument in their congressional rounds, Wolfowitz was busy expanding the concept and working to have it incorporated into U.S. policy. During the early months of 1992, Wolfowitz supervised the preparation of an internal Pentagon policy statement used to guide military officials in the preparation of their forces, budgets, and strategies. The classified document, known as the Defense Planning Guidance, depicted a world dominated by the United States, which would maintain its superpower status through a combination of positive guidance and overwhelming military might. the image was one of a heavily armed City on a Hill.

The DPG stated that the "first objective" of U.S. defense strategy was "to prevent the re-emergence of a new rival." Achieving this objective required that the United States "prevent any hostile power from dominating a region" of strategic significance. America's new mission would be to convince allies and enemies alike "that they need not aspire to a greater role or pursue a more aggressive posture to protect their legitimate interests."

Another new theme was the use of preemptive military force. The options, the DPG noted, ranged from taking preemptive military action to head off a nuclear, chemical, or biological attack to "punishing" or "threatening punishment of" aggressors "through a variety of means," including strikes against weapons-manufacturing facilities.

The DPG also envisioned maintaining a substantial U.S. nuclear arsenal while discouraging the development of nuclear programs in other countries. It depicted a "U.S.-led system of collective security" that implicitly precluded the need for rearmament of any kind by countries such as Germany and Japan. And it called for the "early introduction" of a global missile-defense system that would presumably render all missile-launched weapons, including those of the United States, obsolete. (The United States would, of course, remain the world's dominant military power on the strength of its other weapons systems.)

The story, in short, was dominance by way of unilateral action and military superiority. While coalitions—such as the one formed during the Gulf War—held "considerable promise for promoting collective action," the draft DPG stated, the United States should expect future alliances to be "ad hoc assemblies, often not lasting beyond the crisis being confronted, and in many cases carrying only general agreement over the objectives to be accomplished." It was essential to create "the sense that the world order is ultimately backed by the U.S." and essential that America position itself "to act independently when collective action cannot be orchestrated" or in crisis situations requiring immediate action. "While the U.S. cannot become the world's policeman," the document said, "we will retain the preeminent responsibility for addressing selectively those wrongs which threaten not only our interests, but those of our allies or friends." Among the interests the draft indicated the United States would defend in this manner were "access to vital raw materials, primarily Persian Gulf oil, proliferation of weapons of mass destruction and ballistic missiles, [and] threats to U.S. citizens from terrorism."

The DPC was leaked to the New York Times in March 1992. Critics on both the left and the right attacked it immediately. Then-presidential candidate Pat Buchanan portrayed candidate a "blank check" to America's allies by suggesting the United States would "go to war to defend their interests." Bill Clinton's deputy campaign manager, George Stephanopoulos, characterized it as an attempt by Pentagon officials to "find an excuse for big defense budgets instead of downsizing." Delaware Senator Joseph Biden criticized the Plan's vision of a "Pax Americana, a global security system where threats to stability are suppressed or destroyed by U.S. military power." Even those who found the document's stated goals commendable feared that its chauvinistic tone could alienate many allies. Cheney responded by attempting to distance himself from the Plan. The Pentagon's spokesman dismissed the leaked document as a "low-level draft" and claimed that Cheney had not seen it. Yet a fifteen-page section opened by proclaiming that it constituted "definitive guidance from the Secretary of Defense."

Powell took a more forthright approach to dealing with the flap: he publicly embraced the DPG's core concept. In a TV interview, he said he believed it was "just fine" that the United States reign as the world's dominant military power. "I don't think we should apologize for that," he said. Despite bad reviews in the foreign press, Powell insisted that America's European allies were "not afraid" of U.S. military might because it was "power that could be trusted" and "will not be misused."

Mindful that the draft DPG's overt expression of U.S. dominance might not fly, Powell in the same interview also trotted out a new rationale for the original Base Force plan. He argued that in a post-Soviet world, filled with new dangers, the United States needed the ability to fight on more than one front at a time. "One of the most destabilizing things we could do," he said, "is to cut our forces so much that if we're tied up in one area of the world . . . and we are not seen to have the ability to influence another area of the world, we might invite just the sort of crisis we're trying to deter." This two-war strategy provided a possible answer to Nunn's "threat blank." One unknown enemy wasn't enough to justify lavish defense budgets, but two unknown enemies might do the trick.

Within a few weeks the Pentagon had come up with a more comprehensive response to the DPG furor. A revised version was leaked to the press that was significantly less strident in tone, though only slightly less strident in fact. While calling for the United States to prevent "any hostile power from dominating a region critical to our interests," the new draft stressed that America would act in concert with its allies—when possible. It also suggested the United Nations might take an expanded role in future political, economic, and security matters, a concept conspicuously absent from the original draft.

The controversy died down, and, with a presidential campaign under way, the Pentagon did nothing to stir it up again. Following Bush's defeat, however, the Plan re-emerged. In January 1993, in his very last days in office. Cheney released a final version. The newly titled Defense Strategy for the 1990s retained the soft touch of the revised draft DPG as well as its darker themes. The goal remained to preclude "hostile competitors from challenging our critical interests" and preventing the rise of a new super-power. Although it expressed a "preference" for collective responses in meeting such challenges, it made clear that the United States would play the lead role in any alliance. Moreover, it noted that collective action would "not always be timely." Therefore, the United States needed to retain the ability to "act independently, if necessary." To do so would require that the United States maintain its massive military superiority. Others were not encouraged to follow suit. It was kinder, gentler dominance, but it was dominance all the same. And it was this thesis that Cheney and company nailed to the door on their way out.

The new administration tacitly rejected the heavy-handed, unilateral approach to U.S. primacy favored by Powell, Cheney, and Wolfowitz. Taking office in the relative calm of the early post—Cold War era, Clinton sought to maximize America's existing position of strength and promote its interests through economic diplomacy, multilateral institutions (dominated by the United States), greater international free trade, and the development of allied coalitions, including American-led collective military action. American policy, in short, shifted from global dominance to globalism.

Clinton also failed to prosecute military campaigns with sufficient vigor to satisfy the defense strategists of the previous administration. Wolfowitz found Clinton's Iraq policy especially infuriating. During the Gulf War, Wolfowitz harshly criticized the decision—endorsed by Powell and Cheney—to end the war once the U.N. mandate of driving Saddam's forces from Kuwait had been fulfilled, leaving the Iraqi dictator in office. He called on the Clinton Administration to finish the job by arming Iraqi opposition forces and sending U.S. ground troops to defense a base of operation for them in the southern region of the country. In a 1996 editorial, Wolfowitz raised the prospect of launching a preemptive attack against Iraq. "Should we sit idly by," he wrote, "with our passive containment policy and our inept cover operations, and wait until a tyrant possessing large quantities of weapons of mass destruction and sophisticated delivery systems strikes out at us?" Wolfowitz suggested it was "necessary" to "go beyond the containment strategy."

Wolfowitz's objections to Clinton's military tactics were not limited to Iraq. Wolfowitz had endorsed President Bush's decision in late 1992 to intervene in Somalia on a limited humanitarian basis. Clinton later expanded the mission into a broader peacekeeping effort, a move that ended in disaster. With perfect twenty-twenty hindsight, Wolfowitz decried Clinton's decision to send U.S. troops into combat "where there is no significant U.S. national interest." He took a similar stance on Clinton's ill-fated democracy-building effort in Haiti, chastising the president for engaging "American military prestige" on an issue" of the little or no importance" to U.S. interests. Bosnia presented a more complicated mix of posturing and ideologics. While running for president, Clinton had scolded the Bush Administration for failing to take action to stem the flow of blood in the Balkans. Once in office, however, and chastened by their early misadventures in Somalia and Haiti, Clinton and his advisers struggled to articulate a coherent Bosnia policy. Wolfowitz complained in 1994 of the administration's failure to "develop an effective course of action.' He personally advocated arming the Bosnian Muslims in their fight against the Serbs. Powell, on the other hand, publicly cautioned against intervention. In 1995 a U.S.-led NATO bombing campaign, combined with a Croat-Muslim ground offensive, forced the Serbs into negotiations, leading to the Dayton Peace Accords. In 1999, as Clinton rounded up support for joint U.S.-NATO action in Kosovo, Wolfowitz hectored the president for failing to act quickly enough.

After eight years of what Cheney et al. regarded as wrong-headed military adventures and pinprick retaliatory strikes, the Clinton Administration—mercifully, in their view—came to an end. With the ascension of George W. Bush to the presidency, the authors of the Plan returned to government, ready to pick up where they had left off. Cheney of course, became vice president, Powell became secretary of state, and Wolfowitz moved into the number two slot at the Pentagon, as Donald Rumsfeld's deputy. Other contributors also returned: Two prominent members of the Wolfowitz team that crafted the original DPG took up posts on Cheney's staff. I. Lewis "Scooter" Libby, who served as Wolfowitz's deputy during Bush I, became the vice president's chief of staff and national security adviser. And Eric Edelman, an assistant deputy undersecretary of defense in the first Bush Administration, became a top foreign policy adviser to Cheney.

Cheney and company had not changed their minds during the Clinton interlude about the correct course for U.S. policy, but they did not initially appear bent on resurrecting the Plan. Rather than present a unified vision of foreign policy to the world, in the early going the administration focused on promoting a series of seemingly unrelated initiatives. Notable among these were missile defense and space-based weaponry, longstanding conservative causes. In addition, a distinct tone of unilateralism emerged as the new administration announced its intent to abandon the Anti-Ballistic Missile Treaty with Russia in order to pursue missile defense; its opposition to U.S. ratification of an international nuclear-test-ban pact; and its refusal to become a party to an International Criminal Court. It also raised the prospect of ending the self-imposed U.S. moratorium on nuclear testing initiated by the President's father during the 1992 presidential campaign. Moreover, the administration adopted a much tougher diplomatic posture, as evidenced, most notably, by a distinct hardening of relations with both China and North Korea. While none of this was inconsistent with the concept of U.S. dominance, these early actions did not, at the time, seem to add up to a coherent strategy.

It was only after September 11 that the Plan emerged in full. Within days of the attacks, Wolfowitz and Libby began calling for unilateral military action against Iraq, on the shaky premise that Osama bin Laden's Al Qaeda network could not have pulled off the assaults without Saddam Hussein's assistance. At the time, Bush rejected such appeals, but Wolfowitz kept pushing and the President soon came around. In his State of the Union address in January, Bush labeled Iraq, Iran, and North Korea an "axis of evil," and warned that he would "not wait on events" to prevent them from using weapons of mass destruction against the United States. He reiterated his commitment to preemption in his West Point speech in June. "If we wait for threats to fully materialize we will have waited too long," he said. "We must take the battle to the enemy, disrupt his plans and confront the worst threats before they emerge." Although it was less noted, Bush in that same speech also reintroduced the Plan's central theme. He declared that the United States would prevent the emergence of a rival power by maintaining "military strengths beyond the challenge." With that, the President effectively adopted a strategy his father's administration had developed ten years earlier to ensure that the United States would remain the world's preeminent power. While the headlines screamed "preemption," no one noticed the declaration of the dominance strategy.

In case there was any doubt about the administration's intentions, the Pentagon's new DPG lays them out. Signed by Wolfowitz's new boss, Donald Rumsfeld, in May and leaked to the Los Angeles Times in July, it contains all the key elements of the original Plan and adds several complementary features. The preemptive strikes envisioned in the original draft DPG are now "unwarned attacks." The old Powell-Cheney notion of military "forward presence" is now "forwarded deterrence." The use of overwhelming force to defeat an enemy called for in the Powell Doctrine is now labeled an "effects based" approach.

Some of the names have stayed the same. Missile defense is back, stronger than ever, and the call goes up again for a shift from a "threat based" structure to a "capabilities based" approach. The new DPG also emphasizes the need to replace the so-called Cold War strategy of preparing to fight two major conflicts simultaneously with what the Los Angeles Times refers to as "a more complex approach aimed at dominating air and space on several fronts." This, despite the fact that Powell had originally conceived—and the first Bush Administration had adopted—the two-war strategy as a means of filling the "threat blank" left by the end of the Cold War.

Rumsfeld's version adds a few new ideas, most impressively the concept of preemptive strikes with nuclear weapons. These would be earth-penetrating nuclear weapons used for attacking "hardened and deeply buried targets," such as command-and-control bunkers, missile silos, and heavily fortified underground facilities used to build and store weapons of mass destruction. The concept emerged earlier this year when the administration's Nuclear Posture Review leaked out. At the time, arms-control experts warned that adopting the NPR's recommendations would undercut existing arms-control treaties, do serious harm to nonproliferation efforts, set off new rounds of testing, and dramatically increase the prospectus of nuclear weapons being used in combat. Despite these concerns, the administration appears intent on developing the weapons. In a final flourish, the DPG also directs the military to develop cyber-, laser-, and electronic-warfare capabilities to ensure U.S. dominion over the heavens.

Rumsfeld spelled out these strategies in Foreign affairs earlier this year, and it is there that he articulated the remaining elements of the Plan: unilateralism and global dominance. Like the revised DPG of 1992, Rumsfeld feigns interest in collective action but ultimately rejects it as impractical. "Wars can benefit from coalitions," he writes, " but they should not be fought by committee." And coalitions, he adds, "must not determine the mission." The implication is the United States will determine the missions and lead the fights. Finally, Rumsfeld expresses the key concept of the Plan: preventing the emergence of rival powers. Like the original draft DPG of 1992, he states that America's goal is to develop and maintain the military strength necessary to "dissuade" rivals or adversaries from "competing," with no challengers, and a proposed defense budget of $379 billion for next year, the United States would reign over all its surveys.

Reaction to the latest edition of the Plan has, thus far, focused on preemption. Commentators parrot the administration's line, portraying the concept of preemptory strikes as a "new" strategy aimed at combating terrorism. In an op-ed piece for the Washington Post following Bush's West Point address, former Clinton adviser William Galston described preemption as part of a "brand-new security doctrine," and warned of possible negative diplomatic consequences. Others found the concept more appealing. Loren Thompson of the conservative Lexington Institute hailed the "Bush Doctrine" as "a necessary response to the new dangers that America faces" and declared it "the biggest shift in strategic thinking in two generations." Wall Street Journal editor Robert Bartley echoed that sentiment, writing that "no talk of this ilk has been heard from American leaders since John Foster Dulles talked of rolling back the Iron Curtain."

Preemption, of course, is just part of the Plan, and the Plan is hardly new. It is a warmed-over version of the strategy Cheney and his coauthors rolled out in 1992 as the answer to the end of the Cold War. Then the goal was global dominance, and it met with bad reviews. Now it is the answer to terrorism. The emphasis is on preemption, and the reviews are generally enthusiastic. Through all of this, the dominance motif remains, though largely undetected.

This country once rejected "unwarned" attacks such as Pearl Harbor as barbarous and unworthy of a civilized nation. Today many cheer the prospect of conducting sneak attacks—potentially with nuclear weapons—on piddling powers run by tin-pot despots.

We also once denounced those who tried to rule the world. Our primary objection (at least officially) to the Soviet Union as its quest for global domination. Through the successful employment of the tools of containment, deterrence, collective security, and diplomacy—the very methods we now reject—we rid ourselves and the world of the Evil Empire. Having done so, we now pursue the very thing for which we opposed it. And now that the Soviet Union is gone, there appears to be no one left to stop us.

Perhaps, however, there is. The Bush Administration and its loyal opposition seem not to grasp that the quests for dominance generate backlash. Those threatened with preemption may themselves launch preemptory strikes. And even those who are successfully "preempted" or dominated may object and find means to strike back. Pursuing such strategies may, paradoxically, result in greater factionalism and rivalry, precisely the things we seek to end.

Not all Americans share Colin Powell's desire to be "the bully on the block." In fact, some believe that by following a different path the United States has an opportunity to establish a more lasting security environment. As Dartmouth professors Stephen Brooks and William Wohlforth wrote recently in Foreign Affairs, "Unipolarity makes it possible to be the global bully—but it also offers the United States the luxury of being able to look beyond its immediate needs to its own, and the world's, long-term interests. . . . Magnanimity and restraint in the face of temptation are tenets of successful statecraft that have proved their worth."

Perhaps, in short, we can achieve our desired ends by means other than global domination.

[From the Wall Street Journal, Aug. 15, 2002]

Don't Attack Saddam—It Would Undermine our Antiterror Efforts

(By Brent Scowcroft)

Our nation is presently engaged in a debate about whether to launch a war against Iraq. Leaks of various strategies for an attack on Iraq appear with regularity. The Bush administration vows regime change, but states that no decision has been made whether, much less when, to launch an invasion.

It is beyond dispute that Saddam Hussein is a menace. He terrorizes and brutalizes his own people. He has launched war on two of his neighbors. He devotes enormous effort to rebuilding his military forces and equipping them with weapons of mass destruction. We will all be better off when he is gone.

That said, we need to think through this issue very carefully. We need to analyze the relationship between Iraq and our other pressing priorities—notably the war on terrorism—as well as the best strategy and tactics available were we to move to change the regime in Baghdad.

Saddam's strategic objective appears to be to dominate the Persian Gulf, to control oil from the region, or both.

That clearly poses a real threat to key U.S. interests. But there is scant evidence to tie Saddam to terrorist organizations, and even less to the Sept. 11 attacks. Indeed Saddam's goals have little in common with the terrorists who threaten us, and there is little incentive for him to make common cause with them.

He is unlikely to risk his investment in weapons of mass destruction, much less his country, by handing such weapons to terrorists who would use them for their own purposes and leave Baghdad as the return address. Threatening to use these weapons for blackmail—much less their actual use—would open him and his entire regime to a devastating response by the U.S. While Saddam is thoroughly evil, he is above all a power-hungry survivor.

Saddam is a familiar dictatorial aggressor, with traditional goals for his aggression. There is little evidence to indicate that the United States itself is an object of his aggression. Rather, Saddam's problem with the U.S. appears to be that we stand in the way of his ambitions. He seeks weapons of mass destruction not to arm terrorists, but to deter us from intervening to block his aggressive designs.

Given Saddam's aggressive regional ambitions, as well as his ruthlessness and unpredictability, it may at some point be wise to remove him from power. Whether and when that point should come ought to depend on overall U.S. national security priorities. Our pre-eminent security priority—underscored repeatedly by the president—is the war on terrorism. An attack on Iraq at this time would seriously jeopardize, if not destroy, the global counterterrorist campaign we have undertaken.

The United States could certainly defeat the Iraqi military and destroy Saddam's regime. But it would not be a cakewalk. On the contrary, it undoubtedly would be very expensive—with serious consequences for the U.S. and global economy—and could as well be bloody. In fact, Saddam would be likely to conclude he had nothing left to lose, leading him to unleash whatever weapons of mass destruction he possesses.

Israel would have to expect to be the first casualty, as in 1991 when Saddam sought to bring Israel into the Gulf conflict. This time, using weapons of mass destruction, he might succeed, provoking Israel to respond, perhaps with nuclear weapons, unleashing an Armageddon in the Middle East. Finally, if we are to achieve our strategic objectives in Iraq, a military campaign very likely would have to be followed by a large-scale, long-term military occupation.

But the central point is that any campaign against Iraq, whatever the strategy, cost and risks, is certain to divert us for some indefinite period from our war on terrorism. Worse, there is a virtual consensus in the world against an attack on Iraq at this time. So long as that sentiment persists, it would require the U.S. to pursue a virtual go-it-alone strategy against Iraq, making any military operations correspondingly more difficult and expensive. The most serious cost, however, would be to the war on terrorism. Ignoring that clear sentiment would result in a serious degradation in international cooperation with us against terrorism. And make no mistake, we simply cannot win that war without enthusiastic international cooperation, especially on intelligence.

Possibly the most dire consequences would be the effect in the region. The shared view in the region is that Iraq is principally an obsession of the U.S. The obsession of the region, however, is the Israeli-Palestinian conflict. If we were seen to be turning our backs on that bitter conflict—which the region, rightly or wrongly, perceives to clearly within our power to resolve—in order to go after Iraq, there would be an explosion of outrage against us. We would be seen as ignoring a key interest of the Muslim world in order to satisfy what is seen to be a narrow American interest.

Even without Israeli involvement, the results could well destabilize Arab regimes in the region, ironically facilitating one of Saddam's strategic objectives. At a minimum, it would stifle any cooperation on terrorism, and could even swell the ranks of the terrorists. Conversely, the more progress we make in the war on terrorism, and the more we are seen to be committed to resolving the Israel-Palestinian issue, the greater will be the international support for going after Saddam.

If we are truly serious about the war on terrorism, it must remain our top priority. However, should Saddam Hussein be found to be clearly implicated in the events of Sept. 11, that could make him a key counterterrorist target, rather than a competing priority, and significantly shift world opinion toward support for regime change.

In any event, we should be pressing the United Nations Security Council to insist on an effective no-notice inspection regime for Iraq—any time, anywhere, no permission required. On this point, senior administration officials have opined that Saddam Hussein would never agree to such an inspection regime. But if he did, inspections would serve to keep him off balance and under close observation, even if all his weapons of mass destruction capabilities were not uncovered. And if he refused, his rejection could provide the persuasive casus belli which many claim we do not now have. Compelling evidence that Saddam had acquired nuclear-weapons capability could have a similar effect.

In sum, if we will act in full awareness of the intimate interrelationship of the key issues in the region, keeping counterterrorism as our foremost priority, there is much potential for success across the entire range of our security interests—including Iraq. If we reject a comprehensive perspective, however, we put at risk our campaign against terrorism as well as stability and security in a vital region of the world.

[From the New York Times, Aug. 25, 2002]

The Right Way To Change a Regime

(By James A. Baker III)

PINEDALE, WYO.—While there may be little evidence that Iraq has ties to Al Qaeda or to the attacks of Sept. 11, there is no question that its present government, under Saddam Hussein, is an outlaw regime, is in violation of United Nations Security Council resolutions, is embarked upon a program of developing weapons of mass destruction and is a threat to peace and stability, both in the Middle East and, because of the risk of proliferation of these weapons, in other parts of the globe. Peace-loving nations have a moral responsibility to fight against the development and proliferation of weapons of mass destruction by rogues like Saddam Hussein. We owe it to our children and grandchildren to do so, and leading that fight is, and must continue to be, an important foreign policy priority for America.

And thus regime change in Iraq is the policy of the current administration, just as it was the policy of its predecessor. That being the case, the issue for policymakers to resolve is not whether to use military force to achieve this, but how to go about it.

Covert action has been tried before and failed every time. Iraqi opposition groups are not strong enough to get the job done. It will not happen through internal revolt, either of the army or the civilian population. We would have to be extremely lucky to take out the top leadership through insertion into Iraq of a small rapid-strike force. And this last approach carries significant political risks for the administration, as President Jimmy Carter found out in April 1980.

The only realistic way to effect regime change in Iraq is through the application of military force, including sufficient ground troops to occupy the country (including Baghdad), depose the current leadership and install a successor government. Anyone who thinks we can effect regime change in Iraq with anything less than this is simply not realistic. It cannot be done on the cheap. It will require substantial forces and substantial time to put those forces in place to move. We had over 500,000 Americans, and more soldiers from our many allies, for the Persian Gulf war. There will be casualties, probably quite a few more than in that war, since the Iraqis will be fighting to defend their homeland. Sadly, there also will be civilian deaths. We will face the problem of how long to occupy and administer a big, fractious country and what type of government or administration should follow. Finding Saddam Hussein and his top associates will be difficult. It took us two weeks to locate Manuel Noriega in Panama, a small country where we had military bases.

Unless we do it in the right way, there will be costs to other Americans foreign policy interests, including our relationships with practically all other Arab countries (and even many of our customary allies in Europe and elsewhere) and perhaps even to our top foreign policy priority, the war on terrorism.

Finally, there will be the cost to the American taxpayer of a military undertaking of this magnitude. The Persian Gulf war cost somewhere in the range of $60 billion, but we were able to convince our many allies in that effort to bear the brunt of the costs.

So how should we proceed to effect regime change in Iraq?

Although the United States could certainly succeed, we should try our best not to have to go it alone, and the president should reject the advice of those who counsel doing so. The costs in all areas will be much greater, as will the political risks, both domestic and international, if we end up going it alone or with only one or two other countries.

The president should do his best to stop his advisers and their surrogates from playing out their differences publicly and try to get everybody on the same page.

The United States should advocate the adoption by the United Nations Security Council of a simple and straightforward resolution that Iraq submit to intrusive inspections anytime, anywhere, with no exceptions, and authorizing all necessary means to enforce it. Although it is technically true that the United Nations already has sufficient legal authority to deal with Iraq, the failure to act when Saddam Hussein ejected the inspectors has weakened that authority. Seeking new authorization now is necessary, politically and practically, and will help build international support.

Some will argue, as was done in 1990, that going for United Nations authority and not getting it will weaken our case. I disagree. By proposing to proceed in such a way, we will be doing the right thing, both politically and substantively. We will occupy the moral high ground and put the burden of supporting an outlaw regime and proliferation of weapons of mass destruction on any countries that vote no. History will be an unkind judge for those who prefer to do business rather than to do the right thing. And even if the administration fails in the Security Council, it is still free—citing Iraq's flouting of the international community's resolutions and perhaps Article 51 of the United Nations Charter, which guarantees a nation's right to self-defense—to weigh the costs versus the benefit of going forward alone.

Others will argue that this approach would give Saddam Hussein a way out because he might agree and then begin the "cheat-and-retreat" tactics he used during the first inspection regime. And so we must not be deterred. The first time he resorts to these tactics, we should apply whatever means are necessary to change the regime. And the international community must know during the Security Council debate that this will be our policy.

We should frankly recognize that our problem in accomplishing regime change in Iraq is made more difficult by the way our policy on the Arab-Israeli dispute is perceived around the world. Sadly, in international politics, as in domestic politics, perception is sometimes more important than reality. We cannot allow our policy toward Iraq to be linked to the Arab-Israeli dispute, as Saddam Hussein will cynically demand, just as he did in 1990 and 1991. But to avoid that, we need to move affirmatively, aggressively, and in a fair and balanced way to implement the president's vision for a settlement of the Arab-Israeli dispute, as laid out in his June speech. That means, of course, reform by Palestinians and an end to terror tactics. But it also means withdrawal by Israeli forces to positions occupied before September 2000 and an immediate end to settlement activity.

If we are to change the regime in Iraq, we will have to occupy the country militarily. The costs of doing so, politically, economically and an terms of casualties, could be great. They will be lessened if the president brings together an international coalition behind the effort. Doing so would also help in achieving the continuing support of the American people, a necessary prerequisite for any successful foreign policy.

Mr. SPRATT. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Speaker, the Spratt approach is the correct approach. It says that the President, should go to the United Nations, go to Kofi Annan and tell him that we authorize President Bush to use all of the Armed Forces necessary to eliminate the chemical, the biological and the nuclear weapons of Saddam Hussein; and if Kofi Annan and the U.N. say, "no, we will not authorize that," then it says that the President can come back to the United States Congress immediately, and then we would authorize the President to go in to Iraq with any other Nation in the world that would want to join us, and we will ensure that the chemical, biological and nuclear weapons of Saddam Hussein are taken from his possession.

This is the way to go. If the U.N. says no, then we can say "yes" but the President has an obligation to go to the United Nations first and to find out if Kofi Annan and the U.N. we will not forcibly ensure that these weapons of mass destruction are confiscated.

Vote yes on Spratt.

Mr. SPRATT. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Mrs. TAUSCHER).

Mrs. TAUSCHER. Mr. Speaker, I thank my colleague for yielding me the time.

Mr. Speaker, I would like to state my strong support for the gentleman from South Carolina's (Mr. SPRATT) substitute.

As a member of the Committee on Armed Services, I am deeply concerned by the threat posed by Saddam Hussein's weapons of mass destruction, but I also strongly believe that the United States has a responsibility as the world's only superpower to set a standard for international behavior. We must consider every peaceable alternative and contemplate every possible outcome before we turn to force.

The gentleman from South Carolina's (Mr. SPRATT) amendment is invaluable because it strengthens America's position at the United Nations in support of new Security Council resolutions that Secretary Powell is negotiating as we speak.

The gentleman from South Carolina's (Mr. SPRATT) amendment sends a strong signal to our allies and to Saddam that the United States is committed to defeating the threat posed by Iraqi weapons of mass destruction.

It ensures that our actions have international legitimacy and that, just like in 1991, we share the cost of war with our allies instead of putting the burden solely on the American people.

If we are unable to secure resolution at the U.N., it provides for expedited congressional consideration of a joint resolution authorizing the use of force.

I encourage my colleagues to vote for the Spratt amendment.

□ 1145

Mr. SPRATT. Mr. Speaker, I yield 1½ minutes to the gentleman from South Carolina (Mr. CLYBURN), my colleague.

Mr. CLYBURN. Mr. Speaker, I thank the gentleman from my home State for yielding me this time and for his leadership on this and many other issues in this body.

Mr. Speaker, there is not a single Member of this body who does not believe Saddam Hussein is a tyrant who has murdered his own people, violated U.N. sanctions, and thumbed his nose at the world community. However, this body and our Nation are deeply divided as to the proper course of action at this juncture.

My cosponsorship of the Spratt amendment reflects that uncertainty among my constituents. The American people and our allies around the world have placed calls to my office expressing overwhelming lack of support for preemptive military action. Shoot now and ask questions later has never been the American way and it should not be it now.

It is an awesome responsibility to have the power to set events in motion that could forever alter another country, an entire region, not to mention our Nation's future relationships in the world community. We should not put the lives of our youth at risk and further fuel the fervor of terrorist actions against our homeland. We should not duck our responsibilities as Members of Congress. I believe this substitute is the best action to take at this particular juncture.

Many of us lived through Vietnam and saw its wretched effects on our Nation. This is not the time to commit to an unpopular unilateral act of aggression, especially one with such great potential for devastating consequences.

Mr. Speaker, just because we can do it does not mean we should.

Mr. HYDE. Mr. Speaker, I yield myself 1 minute.

History is an exciting adventure. On April 28, 1999, in this very Chamber, right where we are now, this House voted to allow the President, President Clinton, without any U.N. resolution, to take military action: Bombing in Kosovo. And among those who voted to allow the President to do this, without a U.N. resolution, but to go ahead, gung ho, was virtually everybody that has spoken on that side of the Chamber.

Absolutely, I applaud them. I do not know what changed them, why they now demand we process this through the U.N., but they did not feel that way back then, in April of 1999, and I have the rollcall if anybody cares to see it. But everybody voted to bomb Kosovo.

Now, is that because that was President Clinton? There must be some explanation.

Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. COX).

Mr. COX. Mr. Speaker, I rise in strong agreement with all of the essential premises of the Spratt resolution and urge a "no" vote because of its conclusion. The Spratt resolution, like the Lee resolution before it, spells out precisely all of the reasons that we are here today; that Saddam Hussein and Iraq have unconditionally agreed to destroy all chemical and biological weapons there, ballistic missiles, to stop the development and the seeking of nuclear weapons; that Iraq unconditionally agreed to immediate inspections.

The Spratt resolution goes on to say, and would have this Congress find, that Iraq and Saddam Hussein have "flagrantly violated these unconditional terms." The Spratt resolution goes on to say that Saddam Hussein and Iraq are currently supporting international terrorism and continuing to develop chemical and biological weapons and actively seeking nuclear weapons and the ballistic missiles to deliver them. But here, unlike the Lee resolution before it, the Spratt resolution does not denounce the use of force but rather says that at this time we should have a U.N. resolution that expressly authorizes the use of force; and, if such a U.N. resolution is adopted, then, by section 3 of this Spratt resolution, the Congress today would have anticipatorily authorized the use of force, expressly authorized President Bush to use military force to eliminate weapons of mass destruction and missiles.

It even provides an expedited procedure for the President to get Congressional authority for war if the U.N. does not act. In short, this resolution, an alternative resolution that we are now considering, accepts every single premise of House Joint Resolution 114 that is supported by President Bush, the Speaker of the House, the Democratic leader of the House, the Republican leader of the Senate, and, as of today, the Democratic leader of the Senate.

The Spratt resolution accepts the operative conclusion of House Joint Resolution 114 that the authorization of military force is essential. It is essential if this time we are to succeed where 16 past U.N. resolutions have failed. So the only real difference is that this different way of going after all of the same objectives, based on all of the same premises, this Rube Goldberg mechanism that we have set up, will scuttle the broad agreement that has been reached among the House, the Senate, and the executive and legislative branches, this consensus that America will stand as one.

This resolution will jeopardize, in fact, passage of the very U.N. resolution that it purports to support.

Mr. SPRATT. Mr. Speaker, I yield 1 minute to the gentleman from Michigan (Mr. LEVIN).

Mr. LEVIN. Mr. Speaker, the gentleman from California (Mr. COX) is right, there are similarities in the two resolutions. The issue, though, is whether we are going to emphasize going together or going it alone. The difference is whether we are going to emphasize collective action, trying the U.N. first, or whether we are going to give to this President now the right to act unilaterally, without going back to this Congress.

We will strengthen the voice of the American people and we will speak with one voice more under the Spratt resolution because there is a division in this House under the resolution that has been brought forth on the majority side. If we want to speak with one voice, let us say try collective action. If it works, we will have acted together, as we did in Bosnia through NATO. If it does not, Mr. President, come back here on an expedited basis and we will act. That is the best chance for one voice.

A very vital vote here today will be on the Spratt resolution. I think it is the wise way to go and is consonant with where the American people are.

Mr. SPRATT. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding me this time and for his extraordinary leadership in presenting this option to the House of Representatives. I also want to commend him for his leadership as a person who speaks for our Armed Services in this Congress, his commitment to provide for the common defense, as provided for in the Preamble of our Constitution. Today, we are all benefiting from his wisdom.

The Spratt substitute, Mr. Speaker, captures many of the concerns of the American people who overwhelmingly support a multilateral approach to dealing with Saddam Hussein. The Spratt substitute also honors the Constitution when it says that Congress shall declare war.

Some who have opposed the Spratt substitute have done so on the basis that we do not have time to come back to the Congress. This is simply not true. As called for in the Spratt substitute, should the Security Council fail to act in a satisfactory way, we come back to the Congress.

I want to speak to the issue of time by quoting what is now declassified but is contained in a letter from the Director of the Central Intelligence Agency to the chairman of the Senate Permanent Select Committee on Intelligence, this letter, signed by George Tenet. When asked if Saddam did not feel threatened, is it likely he would initiate an attack using a weapon of mass destruction, the Director of Central Intelligence responds in this letter and says, "My judgment would be that the probability of him," Saddam, "initiating an attack, let me put a time frame on it, in the foreseeable future, given the conditions we understand now, the likelihood I think would be low."

This is the Director of Central Intelligence saying the likelihood of Saddam initiating an attack using weapons of mass destruction, the likelihood, would be low. So it is not about time. It is about the Constitution. It is about this Congress asserting its right to declare war when we are fully aware of what the challenges are to us, and it is about respecting the United Nations and a multilateral approach, which is safer for our troops.

Force protection. I have been on the Permanent Select Committee on Intelligence for 10 years, longer than anyone. My service there is coming to an end. But in the time that I have been there, force protection is one of our top priorities, to protect the men and women in uniform.

This letter goes on to say, "If we initiate an attack," if he felt he was threatened, "if we initiate an attack and he thought he was in extremis or otherwise, what is the likelihood in response to our attack that he would use chemical and biological weapons?" The response, "Pretty high."

We are placing our young people in harm's way in a way that can be avoided by taking a multilateral approach first. I commend the gentleman from South Carolina for his leadership. I will support this with great pride, and I thank him for giving us that opportunity.

Mr. SPRATT. Mr. Speaker, could I inquire of the Chair how much time I have remaining?

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from South Carolina (Mr. SPRATT) has 4 minutes remaining, and the gentleman from Illinois (Mr. HYDE) has 4 minutes remaining.

Mr. SPRATT. And the gentleman from Illinois has the right to close, or do I have the right to close?

The SPEAKER pro tempore. The gentleman from Illinois (Mr. HYDE) has the right to close.

Mr. SPRATT. Mr. Speaker, I yield myself the balance of my time to respond to some arguments that have been raised. Let me go back to Public Law 102-1; the allegation that somehow, somewhere this bill supplants it.

Far from supplanting that bill, which was the Afghan War Powers Act, we reassert in this legislation the primacy of our policy, and that is to go after al Qaeda. We do that by saying to the President, before we go off in pursuit of another armed objective, military objective, we want you to tell us that this is not going to divert our focus from the primary objective, which is to get the guys that did what they did in New York on 9/11. We do not want to divert or dilute our focus from that at all. That is in the centerpiece of this particular bill.

My good friend, the gentleman from Illinois (Mr. HYDE), has said that many of us on this side of the aisle voted for action in Kosovo. I did. And I am proud of it because we stopped another butchery in the backyard of Europe by doing so. We did not go to the U.N. then, and the gentleman knows why. Because the Russians are on the Security Council and they would have blocked us.

Politics and diplomacy is a pragmatic thing. That is why we did not go there. But it was muitilateral, because it was an undertaking by NATO, and we tried to use collective defense in that particular case. It simply proves the points.

Now, let me say something else that I said at the outset because it is important. A lot of good people have argued that we are relying too much, too heavily on the U.N., and specifically on the Security Council, because that is really the body that applies here. But I was here in 1991, and when President Bush asked for a vote to go to war in the Persian Gulf, I was one of 86 on this side of the aisle who said you have got my support, Mr. President.

□ 1200

But remember what he did then, just days after Iraq's invasion of Kuwait, President Bush said this invasion will not stand, but he also declared his vision was nothing less than a new world order. His words, a new world order.

He turned first to the United Nations and went to the Security Council and got the first in a series of resolutions that culminated in Resolution 678 which authorized the use of force. President Bush obtained all those Security Council resolutions, with our support, but without an express war powers resolution until literally days before the war began.

Rather than asserting that he could go it alone, stiffing the Security Council, he sought the Security Council approval. He sought allies to stand with us and cover approximately $62 billion out of the $66 billion total cost of the war. The result, a successful military action, a successful diplomacy, and I think a model worth emulating. And that is exactly what this resolution does.

Where does this resolution come from? A couple of weeks ago, we had one of the last of the general officers who testified before our committee who has experience in this area, Wes Clarke, whom I greatly respect. He is certainly no warrior who shrinks from a fight. He was always advocating force in Bosnia to straighten out that situation there and in the Balkans.

Here is what he told us. He said, First of all, time is on your side right now. Make the maximum advantage of it. First go for beefed-up arms inspections, a more truthful inspections program. This will have a couple of benefits. It will constrain Saddam, and it will give you legitimacy when he ultimately bucks you.

Secondly, he said, our diplomacy will be further strengthened if we have an act adopted by Congress expressing our resolve to use force if necessary. But he said the resolution need not at this point authorize the use of force. It need simply agree on the intent to authorize the use of force if other measures fail.

Mr. Speaker, that is exactly what we have done, both of those things.

Finally, he said, If efforts to resolve the problems by the United Nations fail, seek the broadest possible coalition to bring force to bear.

We have done what General Clark has recommended. It is embodied in this resolution. It follows the precedent set by President Bush. It is worthy of every Member's support, and I hope Members will vote for it.

Mr. HYDE. Mr. Speaker, I yield the balance of my time to the gentleman from South Carolina (Mr. GRAHAM).

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from South Carolina (Mr. GRAHAM) is recognized for 4 minutes.

Mr. GRAHAM. Mr. Speaker, this is a very worthy, appropriate debate and could not be more serious.

The gentleman from Connecticut, a very good friend of mine whom I admire greatly, indicated that, in his opinion, the Spratt resolution would strengthen the hand of the President.

Here is what the President believes. He rejects that. He does not believe that the Spratt resolution strengthens his hand.

He asked us Monday night to come together and speak with one voice. What has happened over the last few weeks is amazing, and the American public should rejoice in it. The Speaker of the House, the minority leader, a group of bipartisan Senators, MCCAIN and LIEBERMAN and others, have sat down with the White House and have structured a resolution that gives a one-voice approach to a very serious problem for our country.

I am not here to tell Members that they should follow blindly their President or their leadership. God knows, I have never been accused of that. But in matters such as this, we must try to achieve consensus because so much is at stake.

Many watch what we say and do here. Please do not believe otherwise. We will either be stronger, or weaker, in our ability to negotiate and to make the world safer. There is strength in HASTERT, GEPHARDT, HYDE and LANTOS. The strength comes from the Speaker, the minority leader, committee chairmen and ranking members and the President reaching consensus. No disrespect to the gentleman from South Carolina (Mr. SPRATT), but that is strength. The Spratt resolution would show weakness.

It would be a defeat for the House leadership. It would be a defeat for our President. Other Members can write the headlines tomorrow. I choose not to write that headline because our enemies are watching, and they read.

The Spratt resolution, I think, is ill-advised and ill-structured. To suggest that our President is not working with the United Nations would be wrong. The Speaker, the minority leader, and a bipartisan group of Senators believe he is; and the facts are clear that he is. He is working with our allies. He is trying to find a way to disarm this terrible, evil person before he does more damage.

The resolution that the gentleman from South Carolina (Mr. SPRATT) is asking us to adopt not only would be a rejection of this consensus, but it would mandate by U.S. law that the United Nations act before the President can act.

I speak again. The U.S. Congress would be telling the President he must go to the U.N. and he must win their political game. We would be making our President win a political game that I do not want to put him in.

I believe the resolution is clear on what would be required of the President before he could act. U.N. politics takes a dominance in the Spratt amendment, not the one we are trying to support here today.

If he loses the U.N. political battle, the President comes back to this body, and just imagine the frenzy. Write those headlines. The President comes back a loser in U.N. politics, and the forces in this world will seize upon that, and we will be weaker, not stronger, more division, a horrible scenario. Please reject it. I know many Members want to vote yes/yes. That may be good politics, but it would be bad for the country.

Mr. Speaker, there are forces for good in this world, none greater than the U.S. Congress. Use our powers wisely. The world is watching.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair must remind Members that positions of Senators may not be characterized beyond identifying a Senator as a sponsor of a measure.

Mr. HOLT. Mr. Speaker, I rise in support of the Spratt amendment to H.J. Res. 114. I applaud the respected gentleman from South Carolina, Mr. SPRATT, for his hard work and good sense on this amendment.

This proposal is not perfect. I also question whether this amendment will, in practice, serve as an adequate check on the Administration's rush to act unilaterally in Iraq.

But this Amendment is by far the best option we have on the floor today. It recognizes what the other two options on the floor do not: that while the U.S. may ultimately need to act alone to disarm Iraq, we should do so only if it is absolutely necessary.

The Spratt Amendment authorizes the use of the U.S. armed forces to support any new U.N. Security Council resolution that mandates the elimination, by force if necessary, of all Iraqi weapons of mass destruction.

If, in the absence of a satisfactory U.N. Security Council resolution, the President determines it is necessary to proceed with force, it calls on the President to seek the authorization of Congress and provides expedited consideration for authorization.

I firmly believe that military force should not be used until after the U.N. inspections. Force should not be used until all diplomatic channels have been exercised. And we should clearly understand what will be required for rebuilding the country. There are several good aspects of the Spratt Resolution worth emphasizing: it discusses force in the context of disarming Saddam Hussein, not as regime change; it places the burden of enforcing U.N. resolutions on the U.N. Security Council; and it allows the U.S. to act if the Security Council does not adequately fulfill its responsibility.

This is a reasoned approach that rejects the use of unilateral action, of preemptive action, and preserves the checks and balances that are required of our government.

I urge my colleagues to support the amendment.

Mr. CONYERS. Mr. Speaker, I am supporting the Spratt amendment because it provides many safeguards to war—it authorizes the use of force through a new UN Security Council Resolution; however, should the UN not adopt a resolution sanctioning the use of force or not take any action at all, the amendment would allow the President, if he deemed the UN Security Council's action insufficient, to come to Congress to obtain authorization to use the United States Armed Forces against Iraq. Most importantly, the Spratt amendment allows Congress to retain its rightful role in the constitutional process as the body having the authority to declare war.

The Spratt amendment is an especially important safeguard—becasue it would give the United Nations, essentially, the World, time to examine the threat that Hussein poses and then, in a sobering fashion, make a determination as to whether a new resolution regarding the elimination of Iraq's weapons of mass destruction should be adopted or whether to use of force is the appropriate response to the threat that Saddam Hussein poses.

We must not move hastily to the sobering decision to use force against another country. As it was discovered yesterday, it is now known that the CIA has concluded Saddam Hussein is unlikely to initiate a chemical or biological attack against the United States. Based on this CIA assessment, an attack on Iraq could provide the very thing the President claims he is trying to forestall—the use of chemical or biological weapons by Saddam.

I believe it is extremely important that we exhaust all avenues of peace, make use of all safeguards prior to sending our troops into battle. We cannot be injudicious, premature or inaccurate in our decision to go to war. The Spratt amendment makes the possibility of a unilateral attack on Iraq the last option—not the first. Lets give the UN and the U.S. a greater ability to work towards a peaceful resolution of our concerns with Saddam Hussein.

Mr. CAPUANO. Mr. Speaker, the substitute amendment introduced by Mr. SPRATT improves on the base resolution, H.J. Res. 114, because it requires that the United States continue working with the United Nations to enforce existing Security Council Resolutions and to craft stronger resolutions addressing concerns over weapons of mass destruction in Iraq. Instead of simply handing the President a blank check to wage war, this amendment urges the President to continue working with the UN Security Council.

I will vote for the Spratt amendment because I believe it is a better alternative than the base resolution. I do not believe that the amendment will pass. If it does, however, I will vote No on final passage because I do not believe that the Spratt amendment does enough to explore all options resorting to war.

Mr. WAXMAN. Mr. Speaker, we face today one of the most important questions that can ever come before us as Members of Congress: whether to authorize the use of force, and commit the men and women of our armed forces to defend liberty and to protect the United States, at the possible cost of their lives—and the lives of many in a country far from our shores.

It is an issue Americans care deeply about. I have received hundreds of calls during the past few weeks, and many of my constituents are raising similar and very serious concerns.

They are suspicious of the timing of this debate. They see political overtones to it, and question whether this vote is being used as political purposes.

Many are worried about the precedent of a preemptive and unilateral attack, and how that precedent might be used by other countries looking to justify aggressive and hostile acts.

Others have expressed doubts about the Bush Administration's handling of foreign policy. They point to the Administration's abysmal record on a series of international efforts, including the Kyoto Protocol, the Biological Weapons Convention, and the Anti-Ballistic Missile Treaty with Russia. The Administration has created its own credibility problem by consistently going its own way instead of being the leader of a world coalition.

Many callers have told me they don't see evidence that Saddam Hussein poses a current threat to the United States. They think terrorism by Al Qaeda is a greater and more immediate danger, and that Iraq is a diversion from our failure to capture Osama bin Laden.

And over and over I've been told that war should be a last resort. Unfortunately, to many of my constituents, the Administration has created the perception that war with Iraq is our first and only resort.

All of those concerns have been on my mind as I've deliberated on this vote. I've spent the good part of these last few weeks listening to experts from this Administration, from the Clinton Administration, and from nonpartisan, independent organizations. I've tried to sort out what we know to be true and what we just suspect to be true. And I've tried to evaluate our best course when faced with the uncertain but potentially catastrophic threat that Saddam poses and the unpredictable horror a war can bring.

Eleven years ago, in the face of Saddam's aggression against Kuwait, I voted reluctantly to oppose the use of force. I thought then that more time should be given to diplomacy, and to the enforcement of sanctions against Iraq. But once Congress acted, there was no question of the commitment of all of us to the success of Desert Storm. The liberation of Kuwait was effected; our casualties were thankfully quite small; and stability was, for an extended period of time, restored to the region.

To be certain, many of us thought, and fervently hoped, that the crushing military defeat suffered by Saddam would result in his overthrow. Other monstrous dictators—such as Milosevic in Serbia—have crumbled in the face of far less of an onslaught. It is a mark of Saddam's cunning and ruthlessness that he survived the upheavals in his country that did unfold after the Gulf War, that he is still in power, and that he is still able to oppress his people.

Whether one agrees or disagrees with the Administration's policy towards Iraq, I don't think there can be any question about Saddam's conduct. He has systematically violated, over the course of the past 11 years, every significant U.N. resolution that has demanded that he disarm and destroy his chemical and biological weapons, and any nuclear capacity. This he has refused to do. He lies and cheats; he snubs the mandate and authority of international weapons inspectors; and he games the system to keep buying time against enforcement of the just and legitimate demands of the United Nations, the Security Council, the United States and our allies. Those are simply the facts.

And now, time has run out. It has been four long years since the last U.N. weapons inspectors were effectively ejected from Iraq because of Saddam's willful noncompliance with an effective inspection regime.

What Saddam has done in the interim is not known for certain—but there is every evidence, from the dossier prepared by the Prime Minister of Britain, to President Bush's speech at the United Nations, that Saddam has rebuilt substantial chemical and biological weapons stocks, and that he is determined to obtain the means necessary to produce nuclear weapons. He has ballistic missiles, and more are on order. He traffics with other evil people in this world, intent on harming the United States, Israel, other nations in the Middle East, and our friends across the globe.

We know Saddam quite well. We know he kills a lot of people, even in his own family. We know when he gives his word it cannot be trusted. We know he is a shameless propagandist. We recall that he held women and children hostage for a time in Baghdad as human shields in 1990 to try to deter armed attack to liberate Kuwait. We know what he does to his own people in the north and south of his country and what he did to his neighbors in Iran and Kuwait.

We also know that Saddam is the patron saint of the homicide bombers in Israel. He pays their families when their youth go to kingdom-come from the streets of Tel Aviv and Jerusalem. And Iraq, under Saddam, is one of only seven nations designated as a state sponsor of terrorism because of his aid and training of terrorists, according to the U.S. State Department.

Whether he is tied in with al-Qaeda is still subject to debate, but they share an intense hatred for the United States, Israel, and our allies, and in their willingness to attack civilians to achieve their purposes.

In a perfect world the Iraqi people would have been able to seize their destiny and liberate their country. In a perfect world the U.N. resolutions calling for Saddam's disarmament would have been properly enforced.

But this is not a perfect world, and so today we struggle with how best to achieve that disarmament. That is our objective—our debate today is over the right means to that necessary end.

Eleven years ago, the United Nations Security Council approved a resolution calling for the liberation of Kuwait, and the disarmament of Saddam. This occurred before we voted in Congress to authorize the use of force against Iraq in January 1991.

Eleven years ago, in other words, we in Congress were voting to endorse the consensus reached in the United Nations over what the world should do to repel Saddam's aggression in the region and provide the basis for an Iraq that could not threaten its neighbors via war or weapons of mass destruction.

Today, the order is reversed and it is the Congress that is voting first on a resolution of war. And that is being done in the hope that it will help force a consensus in the United Nations so that the world—not just the United States—can pursue these issues on the soundest possible basis, with the strongest degree of support from as many nations as possible.

This is why we have to get this resolution right. And this is why I strongly support the substitute, which emphasizes action by the UN and the international community. It outlines the importance of working with a coalition, and before American lives are placed at risk, exhausting all other options through diplomacy and unfettered inspections. We should do all we can to secure a Security Council endorsement for an invasion of Iraq, and possibly to avoid a war by forcing Saddam to abide by the UN requirements for disarmament.

War must always be a last resort. In my view, Saddam has nearly brought us to that point. We have tried containment and sanctions over the last ten years, and both have failed. Sanctions hurt the people of Iraq and Saddam did not care about them. Inspections have failed because he has frustrated the inspectors and eventually forced them out of his country four years ago.

We've tried surgical strikes on his facilities and no fly zones over large parts of his territory. He has responded by continuing to try to obtain weapons of mass destruction. He has turned the humanitarian efforts to allow oil sales for food into a $2 billion pot of money for weapons.

In light of all this, if the UN does not act, it not only leaves Saddam unchecked but it undermines, perhaps fatally, the purpose of having or supporting a UN in the first place.

If the UN does not or cannot act, the substitute does nothing to compromise the ability of the Congress to authorize the use of force to protect America's interests—unilaterally if necessary—if we believe it necessary at a later time.

Under the substitute, we sacrifice none of our sovereignty—none—and maximize every opportunity for diplomacy and consensus. The substitute correctly recognizes that should we reach the point of last resort, that is the time for Congress to declare war.

For all those reasons, I urge the House of Representatives to adopt the substitute and hope it will be the course we follow. It is the better choice and is the one most of my constituents and other Americans support.

It is possible, however, that the substitute will be defeated. The question, then, is whether to support the Resolution President Bush has sent us, as modified through negotiations with Representative RICHARD GEPHARDT, the House Democratic Leader.

Although I disagree deeply with much of President Bush's domestic policies and some aspects of his foreign policy, I agree with his conclusion that we cannot leave Saddam to continue on his present course. No one doubts that he is trying to build a nuclear device, and when he does, his potential for blackmail to dominate the Persian Gulf and Middle East will be enormous, and our efforts to deal with him be even more difficult and perilous. The risks of inaction clearly outweigh the risks of action.

Despite my misgivings about the President's approach, I believe it's essential that Congress send the strongest bipartisan signal of unity possible so the U.N. will act. Some have even suggested that taking the threat of force out of the equation might undermine that result.

In a post September 11 world, it is important we speak with one voice and send one message—particularly when the lives of our men and women in the armed forces are at stake.

And it is important that we not send a confused signal to Iraq, so that there be no doubt about our resolve.

Mr. Speaker, the goal I want is decisive U.N. action and the effective disarmament of Iraq. The substitute achieves that goal and should be approved. But if it is defeated, I believe supporting the President's proposal brings us closer to realizing that goal than defeating the Resolution.

For that reason, Mr. Speaker, I will support the President's resolution if it is before us.

Mr. McGOVERN. Mr. Speaker, I thank the gentleman from South Carolina for yielding me this time, and for his important leadership on this critical issue and so many others.

I support the Spratt substitute because it is simply the right resolution for this House to adopt.

It is not soft on Iraq.

It requires that Saddam's weapons of mass destruction be destroyed.

It places the decisions Congress must make in their proper order.

It strengthens the role of the United States to build consensus and lead the international community through the U.N. Security Council.

Most importantly, the Spratt substitute ensures that war, if needed, is the last option exercised, not the first.

And should Congress need to act on a resolution to authorize military force, we would at least have the benefit of debating a well-defined mission for our troops.

Unlike the current resolution that provides no clues as to what we are actually committing our troops to do, the Spratt substitute ensures that we in the United States Congress remain accountable to the American people and our Constitutionally-mandated responsibilities.

The Spratt amendment reflects the successful model used by then-President Bush in 1991.

It is a model worth following.

I ask all my colleagues to support the Spratt substitute.

Mr. MATSUI. Mr. Speaker, the United States is both blessed and burdened with enormous power. We have a responsibility to our constituents, to our country, and to the world, to ensure that the United States wields this power wisely.

That's why I rise today in support of an amendment offered by Representative SPRATT of South Carolina, which recognizes the threat posed by Iraq and ensures that Congress deals with this threat appropriately. This amendment challenges the United Nations to live up to its responsibilities by forcing Iraq to abide by its commitments to the international community. It places value in multilateral action, but also recognizes the reality that sometimes the United States must be prepared to act alone. This is an amendment that each of us can support with a clear conscience.

The amendment encourages the President to continue working with the U.N. to craft a tough Security Council Resolution that leaves no room for Saddam Hussein to delay or impede weapons inspections on his territory, under the threat of immediate multilateral force.

Should the U.N. shirk or fail in its duty, Congress should then consider, in an expedited fashion, the authorization of force to be used against Iraq. That way, we will vote with the full knowledge that all diplomatic efforts have indeed failed. It is at that time and at that time alone, that we, as Members of Congress entrusted with the solemn and terrible duty to send our young men and women to war, should be called upon to cast that vote. In short, Congress should vote to authorize force when and only when there is no other option.

We are fortunate to have before us the opportunity to craft a sensible and responsible policy for the United States, one that reflects, I believe, the very reasonable view of the majority of Americans. Americans are not hungry for war. We do not seek conflict, but neither do we shrink from our responsibilities. We will go to war only when we must—but not a moment before.

But now Congress is faced with a vote on a resolution that asks us to authorize a war that may not be necessary at this particular time. That's not how Congress has dealt with issues of war and peace in the past, and there's no reason to violate that precedent now. A premature authorization of force is inconsistent with the traditions of the Congress and the character of this nation.

Mr. Speaker, we can and must act to deal with the threat posed by Saddam Hussein. But Congress should not grant this authority prematurely, nor should we seek to do so. The Spratt amendment treats this matter with the gravity and circumspection it deserves. I urge my colleagues to consider carefully the alternatives before them, to vote yes for the Spratt amendment, and no on the majority resolution.

The SPEAKER pro tempore.

The question is on the amendment in the nature of a substitute offered by the gentleman from South Carolina (Mr. SPRATT).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. SPRATT. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 155, nays 270, not voting 6, as follows:

[Roll No. 453]

YEAS—155

Allen
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Bartlett
Becerra
Bentsen
Berry
Bishop
Blagojevich
Blumenauer
Borski
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Clay
Clayton
Clyburn
Condit
Conyers
Costello
Coyne
Crowley
Cummings
Davis (CA)
Davis (FL)
DeFazio
DeGette
Delahunt
DeLauro
Dingell
Doggett
Doyle
Engel
Eshoo
Etheridge
Evans
Fattah
Filner
Ford
Frank
Gonzalez
Gutierrez
Hastings (FL)
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Holt
Hooley
Hoyer
Hulshof
Inslee
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (NC)
Kaptur
Kildee
Kilpatrick
Kind (WI)
Kleczka
LaFalce
Lampson
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Levin
Lipinski
Lofgren
Luther
Lynch
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McGovern
McIntyre
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mollohan
Moran (VA)
Morella
Nadler
Napolitano
Neal
Obey
Olver
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Price (NC)
Rahall
Reyes
Rodriguez
Roybal-Allard
Sabo
Sánchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Sherman
Simmons
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Udall (CO)
Udall (NM)
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Wexler
Wu
Wynn

NAYS—270

Abercrombie
Ackerman
Aderholt
Akin
Andrews
Armey
Bachus
Baker
Ballenger
Barton
Bass
Bereuter
Berkley
Berman
Biggert
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boozman
Boswell
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Carson (OK)
Castle
Chabot
Chambliss
Clement
Coble
Collins
Combest
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dooley
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Everett
Farr
Ferguson
Flake
Foley
Forbes
Fossella
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (TX)
Hansen
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Holden
Honda
Horn
Hostettler
Houghton
Hunter
Hyde
Isakson
Israel
Issa
Istook
Jackson (IL)
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (OH)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
Kucinich
LaHood
Lantos
Latham
Leach
Lee
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Manzullo
Matheson
McCrery
McDermott
McHugh
McInnis
McKeon
McKinney
McNulty
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Moore
Moran (KS)
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Osborne
Ose
Otter
Owens
Oxley
Pence
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Rangel
Regula
Rehberg
Reynolds
Riley
Rivers
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Royce
Rush
Ryan (WI)
Ryun (KS)
Saxton
Schaffer
Schrock
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stenholm
Sullivan
Sununu
Sweeney
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Towns
Turner
Upton
Velázquez
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Young (AK)
Young (FL)

NOT VOTING—6

Barr
Cooksey
Fletcher
Ortiz
Roukema
Stump

□ 1228

Messrs. BAKER, FLAKE, RUSH, SCHAFFER, and Ms. VELÁZQUEZ changed their vote from "yea" to "nay."

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1230

The SPEAKER pro tempore (Mr. LAHOOD). It is now in order to proceed to a final period of debate on the joint resolution, as amended.

The gentleman from Illinois (Mr. HYDE) and the gentleman from California (Mr. LANTOS) each will control 30 minutes.

The Chair recognizes the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. EHLERS).

Mr. EHLERS. Mr. Speaker, casting a vote over whether to authorize military action may be the most difficult decision a member of Congress is asked to make. It certainly is for me. No matter who the opponent or what the circumstances, the consequences of a collective "yes" vote likely will be the loss of life. But failure to act holds the potential of even more terrible outcomes. Such a vote presents an excruciating moral dilemma.

For the past year, our nation has been engaged in a great civic debate. How do we protect our nation from those who would do us harm? How can we ensure the safety of our children and grandchildren here and around the world? Should we take action against potentially hostile nations? These are questions without simple answers.

President George W. Bush asked Congress to grant him the authority to take military action against Saddam Hussein and his regime in Iraq as part of our war on terrorism. No member of Congress takes such a request lightly. We may have different views and concerns, but each of us deals with this issue very seriously and solemnly.

On such issues, persons are often characterized as hawks or doves. I am neither. Instead, I seek to be wise as an owl. I listened to the concerns voiced by many of my constituents. I wrote President Bush informing him of their concerns and seeking answers to their questions and mine. I studied Saddam Hussein and his past actions. I sought and received extensive briefings from National Security Adviser Condoleezza Rice, Defense Secretary Donald Rumsfeld, the Central Intelligence Agency and others. And, because of my scientific background, I also received a detailed scientific briefing from civilian officials at the Pentagon about Saddam Hussein's weapons capabilities.

This information has convinced me of several things. Saddam Hussein continues to have dangerous, warlike ambitions. He is Hitler-like in his methods of repression, especially in gassing his own people. He has thumbed his nose at the United Nations by evicting inspectors and using the UN's "oil-for-food" program to fund weapons rather than feed his impoverished people.

Saddam Hussein continues, in violation of the U.N.'s sanctions and the peace agreement he signed, to develop and produce chemical and biological weapons for war and terror. Most troubling, he continues to develop nuclear weapons and may be as little as a year or two away from success. As a nuclear physicist, I know the destructive force of nuclear weapons. If a weapon of the type he is developing was detonated over Calder Plaza, the blast would devastate all of Grand Rapids and the near suburbs, a firestorm would consume the rest of the suburbs and a lethal dose of radiation would envelop much of the downwind area. All told, upwards of 300,000 people would be killed. Saddam Hussein's regime poses a very real threat to the safety of the United States, the safety of his own people and, indeed, the safety of the rest of the world.

Early in this debate, I thought President Bush and his advisers were seeking to strike Iraq preemptively. But I found they view that as a final alternative, not a first step. The Bush Administration continues to work with the U.N. and our allies to build a coalition and seek a peaceful end to this situation through inspections and disarmament. However, we must grant the President the power to take action against Iraq because Hussein will not acquiesce until he faces a superior force. We may have to put troops on Iraq's border before he will comply, but I hope, along with many others in Congress and the Administration, that military action ultimately will not be necessary.

I abhor the idea of the U.S. making a preemptive strike. Our philosophy has always been to take the first punch before we act. But when the first punch can destroy a city and kill hundreds of thousands of people, we must consider ways to stop that first punch.

I commend President Bush for his recent speeches in which he more clearly stated his intentions and reasons for requesting this resolution. I also commend him for working with Congress to craft a resolution that is not as broad as his original proposal and meets many of the concerns raised by Congress and our constituents. The legislative process has worked in structuring the approach and limiting action to only Iraq.

And so, after many days and weeks of thoughtful and prayerful consideration, I've decided to support this resolution. In this case, I've concluded not acting is more dangerous than acting.

Mr. LANTOS. Mr. Speaker, I am delighted to yield 2 minutes to my dear friend, the gentleman from New York (Mr. RANGEL), the ranking member of the Committee on Ways and Means.

Mr. RANGEL. Mr. Speaker, in June of 2000, President Clinton allowed me the great honor to take some veterans back to Korea in commemoration of the 50th anniversary of the Korean War. They were all members of the Second Infantry Division. We left Fort Lewis, Washington, in July and August of 1950, and we had left more men behind dead than came home.'

The raggedy group of veterans that went back, all black because we were in a segregated infantry unit, most had not gone to college, and, like myself, some had not even finished high school, we thought then that we were fighting for our country. But the more education I got, the more sophisticated I got, I realized we were fighting for the United Nations.

Then when I became a Member of Congress and I led this same group of tattered veterans back to the same battlefields, they asked, why did Congress send them to South Korea and expose them to North Korean and Chinese warfare? And I had to tell them that this Congress never did send them there. No vote was ever taken in this Congress to say that they were at war with the people of North Korea or the People's Republic of China.

I made a vow to them, and I am keeping it today, that never will I delegate the responsibility of considering the dangers of war. I will not leave it to the President, unless he brings me evidence that we are in danger. I will not give it to the United Nations, because I do not believe that this sacred responsibility should be transferred. And I do believe that each and every one of those veterans, if they thought our beloved country was in trouble, would be the first to stand up to salute the flag and be prepared to destroy what enemy we had, preemptive or not.

I am against this resolution.

Mr. HYDE. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. GILLMOR).

Mr. GILLMOR. Mr. Speaker, I rise in support of the resolution.

I rise today in strong support of this resolution, authorizing the use of the United States Armed Forces against Iraq and the dictatorial regime of Saddam Hussein. Our President needs the assurance of this body that it will support his actions to keep our nation and the global community safe, from the current Iraqi government and its demonstrated capability and willingness to use weapons of mass destruction.

As the Administration continues its negotiations with members of the United Nations Security Council, to compel Iraqi compliance with current U.N. resolutions, the rest of the world must know that we stand united in our actions. The United States government can not allow Saddam Hussein's continued development of chemical and biological agents and weapons of mass destruction. These actions are in direct violation of Iraq's obligations under the 1991 cease-fire agreement that brought an end to the Gulf War.

I was a member of this body during the 102nd Congress and do not consider lightly any congressional action that may lead to the loss of American Servicemen's lives, or those of innocent civilians. Let us be clear about what we are communicating with this resolution here today. Because it is vital to United States' national security, we are supporting the President's efforts through the UN Security Council "to ensure that Iraq abandons its strategy of delay, evasion and noncompliance and promptly and strictly" abides by all relevant Security Council resolutions. We are calling for war.

President Bush has made clear his commitment to work with the United Nations to address the common threat posed by the Iraqi regime but we can not restrict his options for protecting the American people. I have full confidence in our President and Administration to continue productive negotiations; and, if the decision is made necessary, lead this country in effective military action to bring an end to this clear and present danger.

I urge my colleagues to join me in supporting this resolution.

Mr. HYDE. Mr. Speaker, with great pleasure, I yield 3 minutes to the distinguished gentlewoman from Wyoming (Mrs. CUBIN)

Mrs. CUBIN. Mr. Speaker, I thank the chairman for yielding me time.

Mr. Speaker, as I have traveled through Wyoming, my fellow citizens have made their feelings very clear on the threat posed by Saddam Hussein, the threat posed by his weapons of mass destruction and the threat posed by his support of terrorism.

They support the President's actions to ensure that Saddam Hussein's arsenal of chemical and biological weapons is totally dismantled, his ties to terrorist organizations are severed and the people of Iraq are given a chance to emerge from Saddam's oppressive shadow. The people of Wyoming hope and pray for peace, but they will not accept peace at the price of fear.

Wyoming has a proud history of defending our Nation, from the Peacekeeper and the Minuteman missile silos based in our State that helped win the Cold War, to our many sons and daughters who made the ultimate sacrifice in the defense of liberty.

One of the first casualties in our war on terror was a young man from Cheyenne, Wyoming. His name was John Edmunds. Should we let this threat build and tell John Edmunds' widow and his parents, Donn and Mary, that his death was in vain, that it did not mean anything? How would we explain that we lacked the will to finish what we started? By explaining that the U.N. was not ready?

Saddam Hussein has long been an enemy of humanity and freedom. He has murdered his own people with poison gas. He has attempted to assassinate an American president. He heaps praise on homicide bombers and rewards their families. Right now, as we debate in this Chamber, agents work to provide him with nuclear weapons. Should we wait a little longer to see if he gets it right this time?

I understand that some in Congress are concerned about international support of his actions. But our first obligation is not to European governments like Paris or Berlin. It is to the safety and the security of the people of the United States of America.

In an ideal world, we would not have to go it alone, and I believe we will not have to go it alone. But thanks to the likes of Saddam Hussein, this is not an ideal world. Saddam has made it clear to the world where he stands. Now Congress must let the world know where we stand, against him and with our President.

Mr. Speaker, I end with a final question: Ask yourselves, why does Saddam Hussein seek an atom bomb? The people of Wyoming know. I know. I believe we all know.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 3 minutes to my good friend, the gentleman from California (Mr. BERMAN), a distinguished member of the Committee on International Relations.

Mr. BERMAN. Mr. Speaker, I was a fervent opponent of the Vietnam War and a strong supporter of sensible detente with the Soviet Union. But under today's circumstances, the best way to give peace a chance and to save the most lives, American and Iraqi, is for America to stand united and for Congress to authorize the President to use force if Saddam does not give up his weapons of mass destruction. Confront Saddam now, or pay a much heavier price later.

We dismissed the first World Trade Center bombing as an isolated incident. When two embassies were bombed, we failed to see the broader implication of those acts. When the USS *Cole* was attacked, still we did not read the handwriting on the wall. It was irrational, we thought, that madmen would grow bold enough to attack America on her own shores. We wanted to give peace a chance.

But then came 9/11, and it is time to say "no more." The Democratic leader, the gentleman from Missouri (Mr. GEPHARDT), and many of my colleagues have told us why a yes vote is necessary.

We have brought key members of the Clinton national security team to the Hill, architects of our past policy to contain Saddam. These foreign policy experts from the Democratic Party have told us to a person that containment will no longer do the job and that the policy we are asked to endorse today is the right one for a peace-loving people.

On the issue of Saddam Hussein, I have some experience. I begged both the Reagan and first Bush administrations to stop selling Iraq materials and technology that could be used for weapons of mass destruction, to put Iraq on the terrorist list, to impose economic sanctions. Saddam, with a nuclear weapon, is too horrifying to contemplate, too terrifying to tolerate.

As one who has watched this man for 20 years, let me pose an analogy. It is just an analogy, because I reject the unproven efforts to tie Saddam to the events of 9/11.

We are on an airplane, and we know that a few passengers have smuggled box cutters on board. We know these passengers have taken courses to learn how to fly a jumbo jet. We know that their friends have already flown a small plane into a building, killing hundreds of their own neighbors. But those armed passengers have not yet lunged for the cockpit.

What should a peace loving people do? We know that people sitting near these dangerous passengers could be hurt if we take aggressive action. Should we wait until they kill the pilot and take over the airplane before we act? Of course not. We admire those with the courage to surround the armed passengers and demand that they give up their weapons under threat of force. That is what this resolution does.

Is the threat imminent? Well, surely Saddam has box cutters, Saddam has a history of using them, Saddam is in the process of upgrading the box cutters, Saddam has boarded the plane with the box cutters.

Confront Saddam now, or pay a much heavier price later.

Mr. HYDE. Mr. Speaker, I am pleased to yield 7 minutes to the distinguished gentleman from Oklahoma (Mr. WATTS), the Chairman of our Conference.

Mr. WATTS of Oklahoma. Mr. Speaker, I rise to support the resolution before the House today. Our Nation and our military may very well need to right the wrongs being perpetrated from an evil dictatorship in Iraq. Saddam Hussein poses a long-term threat that could jeopardize the freedoms and the way of life enjoyed by Americans from coast to coast, from border to border, a threat that grows more menacing over time.

I have listened to some of the debate over the last several hours, over the last 24 hours. It has been said time and time again that there is no evidence that Saddam Hussein is an imminent threat.

□ 1245

Mr. Speaker, I would say to all that would say that, if you want evidence, look no further than September 11, 2001.

I am pleased the President has sought congressional approval for possible military action and has worked diligently with Congress to craft a resolution that is both appropriate and constitutional. There are very few things Congress is explicitly given the sole authority to execute; to declare war is one of them. Article I, section 8 is very clear on that point.

These 24 hours, 24-plus hours reserved for debate on this question is more than we debated Haiti, Bosnia, and Kosovo combined. President Bush should be commended for acknowledging Congress's authority with regard to any military action in Iraq.

Mr. Speaker, this leads us to the merits of authorizing such a serious action. Putting our Armed Forces into harm's way should never be an easy decision for anyone. As one who represents a district with two significant Air Force bases and a large Army post, I have talked with countless active duty personnel and military families during my service here in Congress. The pilots, the airmen, soldiers, and other highly trained heroes at Tinker Air Force Base, Altus Air Force Base, Fort Sill Army Post are my friends, my neighbors, they are my constituents. I care deeply for these brave Americans.

They understand, like so many across this country, that freedom is not free, liberty is not easy, and keeping the peace often requires sacrifice. America did not become the leader of the Free World by looking the other way to heinous atrocities and unspeakable evils.

The President told the Nation this past Monday that Iraq has a massive stockpile of chemical and biological weapons that has never been accounted for, that is capable of killing millions and millions of people. Surveillance photos reveal that the regime is rebuilding facilities it used to produce chemical, biological, and nuclear weapons.

Mark my words on the latter form of destruction. The moment Saddam Hussein acquires a nuclear weapon is the moment the world will be in even more danger, grave danger. I hope my colleagues will reflect deeply on this chilling possibility.

Some people have pondered whether a military strike in Iraq would be just. Will the action of our government constitute a just war? Saint Augustine, the father of just war theory said, "A just war is wont to be described as one that avenges wrongs, when a nation or State has to be punished, for refusing to make amends for the wrongs inflicted by its subjects, or to restore what it has seized unjustly."

This Congress must decide whether the situation in Iraq warrants military response. I am with the President. I believe this vote supports the just war theory when Saint Augustine wrote, "We do not seek peace in order to be at war, but we go to war that we may have peace."

Saddam Hussein has murdered his own people. His record on human rights is abysmal. He has aided and abetted terrorists. He hates America, he hates freedom, he hates independence, he hates our allies. He hates us.

Mr. Speaker, at this very hour, we know a tyrant in Iraq is devising great evil. We know harm is inevitable if nuclear weapons are indeed acquired by Saddam Hussein. As testimony by a former Iraqi scientist before the Committee on Armed Services said, as he revealed last week, Saddam is on a break-neck pace to acquire those very weapons. I hope my colleagues put their trust and confidence in our military, America's sons and daughters, who love freedom and love liberty, to wage a worthy and just cause.

Military options are the President's last choice. But we must give him the prerogative if the situation in Iraq requires the use of force. I urge the House to pass this legislation to support the President, support our Armed Forces, and support freedom throughout the world. We will prevail. As the President said, we must prevail. Vote "yes" on this resolution.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 2 minutes to my good friend, the gentleman from Texas (Mr. DOGGETT), the ranking member, distinguished senior member of the Committee on Ways and Means.

Mr. DOGGETT. Mr. Speaker, to the occasional charge of "hand-wringing" and "weakness" leveled at the many of us who are voting today against this resolution, perhaps the same could be said of this statement: "Trying to eliminate Saddam, extending the ground war into an occupation of Iraq . . . would have incurred incalculable human and political costs. . . . Had we gone the invasion route, the United States could conceivably still be an occupying power in a bitterly hostile land. It would have been a dramatically different—and perhaps barren—outcome."

But this statement comes from American patriots, our first President Bush and his National Security Adviser General Scowcroft, in explaining why they rejected the approach some urge today.

As most Democrats today vote against launching a ground invasion of Iraq, we must candidly recognize that some of the most insightful arguments supporting our position were advanced by Republicans and military leaders like Scowcroft, Schwarzkopf, and Zinni.

Party affiliations will not be chiseled on the gravestones of young Americans who die to win this war, nor on those of the American families jeopardized by diverting precious resources from the real war on terrorism, nor those harmed by new terrorists provoked by what too many will view as a new crusade against Islam.

Why in the face of overwhelming support do so many of us vote "no" today? We respond not just to those we represent but, most of all, because individually we must answer to the face we see each day in the mirror. We must answer to history. We must answer to our children and our grandchildren.

When more than one of every four members of this House cast our vote against this ill-considered resolution, we vote not against President Bush, who deserves our support and respect, but aware of the conflicting advice he is still receiving we say: listen to the voices of your better nature. The prudent choice remains—first, attempt holding Iraq accountable through effective, comprehensive international inspections.

Mr. HYDE. Mr. Speaker, I am pleased to yield 1½ minutes to the distinguished gentleman from California (Mr. HUNTER).

Mr. HUNTER. Mr. Speaker, in 1991 when we went into Iraq, we thought, our best projection was that he was 3 to 5 years away from having a nuclear device. We found out when we got there that he was actually only 6 months to a year away from having a nuclear device. To have waited at that time, as many folks proposed, would have been disastrous.

Now, the Committee on Armed Services, Democrats and Republicans, have held now three classified briefings inviting every Member of the House to participate to see and to understand the weapons of mass destruction program that is ongoing and robust and working toward completion right now in Iraq with respect to nuclear, chemical, and biological systems. My own opinion is that there are going to be nuclear devices manufactured in Iraq within 24 months.

To have waited in 1991 would have been disastrous. To wait today would be disastrous. We have got one leader, one person elected by all the people, our President, who is now our Commander in Chief. It is time for us, having been informed, having understood the problem, to rally behind him and take up this burden. Let us support this resolution.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 3 minutes to my good friend, the gentleman from Texas (Mr. FROST), our distinguished chairman of the Democratic Caucus.

Mr. FROST. Mr. Speaker, I rise in support of this bipartisan resolution. It provides the best opportunity for a peaceful resolution by giving the President the discretion to use force if Iraq does not permit full and comprehensive inspections of all sites that could be used to develop biological, chemical, or nuclear weapons.

I hope, as do the American people, that the President will use this discretion wisely and that Saddam Hussein will understand that the community of nations will not permit him to develop and maintain weapons of mass destruction.

Mr. Speaker, today's vote is a difficult one. Many House Members have worn their country's uniform in time of war and have seen the horror of battle firsthand. We all understand the sacrifices that we may be asking our brave young men and women to make in the months to come.

As chairman of the Democratic Caucus, I have presided over numerous meetings on this subject. I have listened carefully to my colleagues and to policy experts who have followed Saddam Hussein's activities over the years.

In the end, I have come to the conclusion that the course set out in this resolution is the wisest path for our Nation.

The resolution makes clear that our first preference is for the President to work through the United Nations to obtain multilateral support for a tough regime of weapons inspections. It requires the President to report back to Congress and to consult with us on an ongoing basis. But in the end, it gives the President the authority to commit U.S. troops if all diplomatic efforts fail.

Mr. Speaker, giving the President this discretion is highly appropriate. In so doing, we make clear to Saddam Hussein that it is in his interests to permit the inspectors full and unfettered access now. Should he fail to do so, he will face the full might of the United States military, the strongest and finest fighting force in the world today.

Mr. Speaker, no one wants war. We all want peace, and peace is best achieved from a position of strength.

So I want to personally recognize the work of our Democratic leader, the gentleman from Missouri (Mr. GEPHARDT), in narrowing and improving the resolution originally offered by the administration. We vote today on a better, more focused approach because of the hours he spent negotiating with the White House over the final product.

I want to say a word about the role of the minority in our system of government. Some suggest that the minority's role is to automatically oppose everything sought by the President. I disagree. The minority can play a constructive role by working to improve a Presidential proposal and, therefore, helping achieve a national consensus. That is particularly true in matters of foreign policy.

So I urge all of my colleagues, regardless of how my colleagues voted on the Spratt or Lee substitutes, to join Democrats and Republicans in voting for this bipartisan resolution.

Mr. Speaker, this bipartisan resolution will send a strong, clear signal that America is committed to ending the threat that Saddam Hussein poses to the world through democracy, if he will allow it, but through military action if he refuses.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 2 minutes to my good friend, the gentleman from Ohio (Mr. KUCINICH), a respected member of our caucus.

Mr. KUCINICH. Mr. Speaker, more than two millennia ago, the world began a shift from the philosophy of an eye for an eye. We were taught a new gospel of compassion of doing unto others as you would have them do unto you. It is that teaching, that faith and compassion that has sustained the human heart and this Nation.

I believe, as did Washington and Lincoln, that America has been favored by divine providence. But what if we lose our connection to our source by an abuse of power?

We are at a dangerous moment in human history when 20 centuries of moral teachings are about to be turned upside down. Instead of adherence to the Golden Rule, we are being moved toward the rule of liquid gold: do unto others before they do unto you.

No longer are we justified by our faith; we are now justified by our fear. Iraq was not responsible for 9–11, but some fear it was. There is no proof Iraq worked with al Qaeda to cause 9–11, but some fear it did.

It is fear which leads us to war. It is fear which leads us to believe that we must kill or be killed, fear which leads us to attack those who have not attacked us, fear which leads us to ring our Nation and the very heavens with weapons of mass destruction.

The American people need the attention of their government today. People who have worked a lifetime are finding the American dream slipping away. People who have saved, who have invested wisely are suffering because of corruption on Wall Street, the failing economy, and the declining stock market.

□ 1300

People have lost their homes, they have lost their jobs, they have lost their chances for a good education for their children. The American dream is slipping away, and all the people hear from Washington, D.C., is war talk, so loud as to drown out the voices of the American people calling for help.

Seventy years ago, Franklin Roosevelt said, "We have nothing to fear but fear itself," calling America to a domestic agenda, a New Deal for America. Faith in our country calls us to that again. Faith in our country calls us to work with the world community to create peace through inspection, not destruction. Faith in our country calls us to use our talents and abilities to address the urgent concerns of America today.

Let us not fear our ability to create a new, more peaceful world through the science of human relations. Faith, America; courage, America; peace, America.

Mr. HYDE. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from South Dakota (Mr. THUNE).

Mr. THUNE. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, today Congress faces a momentous decision. We have had a spirited and vigorous debate about an issue of the utmost importance to this institution, to our government, and to our Nation. In the end, each of us must decide for our constituents and for ourselves whether or not to support authorizing President Bush to use force against Iraq.

President Bush has called for an end to the international appeasement of Saddam Hussein. He has challenged the world to face up to its responsibilities and stop this evil man with his evil designs.

Clearly, Mr. Speaker, we would all prefer that diplomacy could solve this problem. At the same time, we must understand that diplomacy has not worked with Iraq. We have been patient over this last decade, yet Iraq continues to defy the world community. Saddam has had his opportunity. The United States must now determine for itself how we should protect our Nation and our citizens.

It is we, Members of Congress, the President, and the American people who should determine the fate of our Nation. Members of Congress have the difficult decision of determining whether or not the Nation should go to war. As a Member of Congress, I accept my responsibilities to weigh the evidence and to vote yea or nay, knowing full well what the consequences may be. I take this job seriously, and am willing to do my part to protect our Nation and ensure that Americans, both at home and abroad, are safe.

I have concluded that, to protect the lives and safety of our country and our people, we must act. Mr. Speaker, it is time to give the President the authority he has requested to deal with the imminent threat that Saddam Hussein poses to the United States and to the world. I hope that diplomacy will work and that Saddam will finally yield unconditionally to international inspections for weapons of mass destruction. I also hope that the United Nations will join the United States in this effort.

However, we cannot, as a Nation, make our national security dependent upon any other institution, no matter how well-intentioned it may be. In the end, the growing coalition of countries supporting our efforts will see the overwhelming bipartisan support in the vote today as a symbol of the unity and commitment of this Nation to disarming Saddam Hussein.

In the end, our actions today, Mr. Speaker, will be seen as the correct course for our Nation and for our world.

Mr. Speaker, I urge my colleagues to join me in support of this resolution and in support of our President as we cast our votes today.

Mr. LANTOS. Mr. Speaker, I am happy to yield 2 minutes to my good friend, the gentleman from Maine (Mr. ALLEN), a senior member of the Committee on Armed Services.

Mr. ALLEN. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in opposition to the resolution. Saddam Hussein is a tyrant to his own people and a threat to ourselves and to others. If this were simply a referendum on him, the vote today would be unanimous.

But the resolution before us raises two questions of fundamental importance, questions that are agonizing for Members of this body: First, how do we diminish the threat from Iraq without empowering Islamic fundamentalism and creating new recruits for terrorist groups; and, second, how do we avoid setting a dangerous global precedent for other nations to launch unilateral preemptive attacks as a legitimate tool of national policy?

The resolution negotiated between the President and House leadership is still a blank check. The Spratt substitute, in its essence, said that we are not willing to provide a blank check now for unilateral military action, though we are willing to provide or authorize military force multilaterally.

This resolution unwisely justifies action against Iraq under the Bush administration's new doctrine of preemption and regime change. This justification has the potential to create precedents that will come back to haunt us if adopted by our Nation or by others.

Under the Constitution, the President and Congress share warmaking powers. Yet, the underlying resolution represents an abdication of Congress' historic role. We cannot look into the future. If we act unilaterally, we do not know today what support we might have from some allies, how many troops it would take, what the President has in mind. A decision to use unilateral force should be postponed to a later date.

In the war on terrorism, we need more friends and allies and fewer enemies. We will get to that place if we first make a commitment to working with our allies, and only later, if necessary, authorize the use of unilateral force.

I urge my colleagues not to give our rights away in this Congress, and to reject the resolution.

Mr. HYDE. Mr. Speaker, I am pleased to yield 1½ minutes to the distinguished gentleman from Illinois (Mr. KIRK).

Mr. KIRK. Mr. Speaker, I thank the chairman and my colleague, the gentleman from Illinois, for yielding time to me.

Mr. Speaker, we have seen this movie before: The Inter-Allied Control Commission of inspectors were granted full freedom of movement, all necessary facilities, documents, and designs. Three hundred thirty-seven weapons inspectors were deployed in 11 districts.

They reported that they destroyed 33,384 cannons, 37,211,551 artillery shells, 87,000 machine guns, and 920 tons of poison gas. In sum, they reported 97 percent of artillery and 98 percent of men under arms were rendered ineffective.

These reports were not about Iraq, they were about post World War I Germany, and told us not to worry. When the Commission finally started reporting on German violations on inspections, the leading French diplomat wrote to President Wilson the following:

"Elements in each of the nations of the League will be quite naturally inclined to deny reports disturbing to their peace of mind and more or less consciously espouse the cause of the German government which will deny the said reports. We must recall the opposition of these elements at the time when Germany armed to the teeth and openly made ready the aggression of 1870 and 1914.

"To sum up, the Germans will deny, their government will discuss, and, meanwhile, public opinion will be divided, alarmed, and nervous."

In the end, Germany rearmed under the eyes of 300 international inspectors. As evidence of violations mounted, the international community lost its nerve to impose the will of international law.

This resolution offers the best hope that Secretary Powell will get inspectors, real inspectors, back to Iraq.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 3 minutes to my good friend, the gentleman from Missouri (Mr. SKELTON), the distinguished ranking member of our Committee on Armed Services.

Mr. SKELTON. Mr. Speaker, today I speak of duty. This is the third time that I have stood at this podium with the question of military action in the balance. There is no more serious vote nor more sacred duty than this, deciding to ask those who serve this great country to go into harm's way.

So it is a decision that must be taken soberly and deliberately. It must be taken mindful of the regional implications, and it must balance the risks of not acting with those of not acting prudently.

Winston Churchill's book "The Gathering Storm" details the world's slide into holocaust. I point out, Mr. Speaker, that his book is subtitled "How the English-Speaking Peoples, Through Their Unwisdom, Carelessness, and Good Nature, Allowed the Wicked to Rearm." Many of us saw firsthand the consequence of that rearmament. Never again, Mr. Speaker, never again.

The issue of Iraq was never whether evil should be confronted, but how. My own questioning began in a letter to the President on September 4. My concerns were to emphasize multilateral action, understanding the implications of using military force for the United States' role in the world.

We must have a plan for the rebuilding of the Iraqi government and society if the worst comes to pass and armed conflict is necessary. We must ensure that America's commitments to the war on terrorism and to other missions throughout the globe will be upheld.

In short, to paraphrase the great military strategist, Carl von Clausewitz, we must not take the first step in this conflict without considering the last.

This resolution, while not perfect, is a vast improvement from that originally sent by the White House. To my mind, this resolution makes clear Congress's intention that America achieve its goals multilaterally if possible. As importantly, it announces our determination to stay the course and deal with the aftermath if military action is taken.

Having achieved these clarifications, the question before the House is this: Shall we stay the hand of the miscreant, or permit the world's worst government to brandish the world's worst weapons?

I believe that, Mr. Speaker, difficult as it is, there can be only one answer. I support the resolution.

Mr. HYDE. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. COX).

Mr. COX. Mr. Speaker, as was so horribly demonstrated on September 11, the greatest threat to our country today comes not from the world's greatest powers but, rather, from unstable and dangerous individuals scattered across much of the world with nothing more in common than their hatred of the United States.

Some of these individuals are itinerant phantoms, like Osama bin Laden. A very few control territory and governments, like Mullah Omar and Saddam Hussein.

It is for this reason that we are forced to deal with Iraq. It is not merely that Iraq's brutal and ruthless dictatorship is hostile to America, or that it has given comfort to the al Qaeda terrorists, or even that it possesses the most gruesome weapons of mass murder.

Beyond all of this, Iraq's barbaric dictator, like the al Qaeda fanatics whom he supports, is unstable and a proven killer. We cannot deal with him or the territory that he controls by terror as if it were a nation state like any other. It is not. Saddam Hussein does not merely possess chemical weapons; he has used them. He does not merely mouth hatred for the United States; it is well known that he attempted to assassinate our President. He does not merely tolerate global terrorism; he is one of its main incubators.

We must ask, however, is confronting Saddam Hussein worth the cost that we will surely have to bear if we are required to make good on our threat of force? To that we must answer that there is potentially an even heavier cost of temporizing, of doing nothing, of adding a 17th toothless U.N. resolution to the 16 that Saddam Hussein has already violated.

What we learned on September 11 is that turning a blind eye to the metastasizing of cancer cells, of terrorist cells, is the costliest choice we can make.

What of our friends and sometime allies, such as, for example, France and Russia, who have accused us of going it alone? If we approve this resolution today without their prior agreement, will we not simply display to Saddam Hussein that the world lacks the international agreement that is necessary to win the war on terror?

To that I am afraid we must answer that if even such great nations as France and Russia cannot be convinced to see their own self-interest in protecting the civilized world from the likes of Saddam Hussein, then, in fact, the war on terrorism will indeed be compromised.

But this is not the end, it is the beginning. Just as Saddam Hussein must know that America is serious, so, too, must our friends and allies. If we vote to deny the President the backing of this Congress and think that then he can win the support of additional nations, we are delusional.

Mr. Speaker, our purpose is a good one; and we must lead. To save a nation from terrorist rule, as with Mullah Omar and Saddam Hussein, protects not only the citizens of those countries but our own country and the entire world. All of us must hope that when the United Nations passes its resolution, Saddam Hussein will this time finally see reason and disarm.

□ 1315

But as the proverb says, he who lives only by hope will die in despair. I ask my colleagues to unite hope with reason and practicality and willingness to act. Let us support this resolution.

Mr. LANTOS. Mr. Speaker, I yield such time as he may consume to my good friend, the gentleman from Minnesota (Mr. LUTHER).

Mr. LUTHER. Mr. Speaker, the language of the resolution has been improved significantly. I will vote to give this administration authority, and I ask that this authority be exercised judiciously and morally.

Mr. Speaker, the intense debate we are having is what the American people deserve on a subject as serious as the matter before us.

Like most Americans, I believe Saddam Hussein has chemical and biological weapons and that he has stepped up his nuclear program. Left unchecked, these activities are a serious threat to Iraq's neighbors and to the United States.

While this alone may not justify military action, we are living in a changed world today. The new challenges we face require a new way of thinking, and our country's leaders must make every effort to anticipate and prevent future attacks on the people of our country.

I will therefore support the resolution to use force, if necessary, to disarm Saddam Hussein. I am concerned that the administration initially approached the situation in Iraq in a hasty and simplistic manner. While the administration is now pursuing a more responsible course of action that could over time unify the American people and the world community, I remain concerned about the timing, ultimate objectives, international effects, long-term consequences and human cost of any large-scale invasion of Iraq.

Nevertheless, the language of the resolution has been improved significantly since proposed by the administration and Congress will have additional opportunities to consult and work with the President in the future. In supporting this resolution it is my hope and expectation that the President will use his authority in a thoughtful, measured and responsible way consistent with the moral leadership America needs to provide the world.

First, the Administration should work in concert with the global community, including our allies in the Middle East, to build an international coalition in support of our goals, as was successfully shown by the first President Bush in the Gulf War. Any plan to go it alone has the potential to inflame global mistrust of the United States and increase the possibility of renewed terrorist activity.

Second, our country must get its fiscal house in order as the war on terrorism continues. Military action is very costly and common sense dictates that our allies and other nations that benefit from ridding the world of Iraq's weapons of mass destruction should also share the financial burden.

Third, it is important to have a clear plan and commitment on how to ensure stability in the region after our goals in Iraq are achieved. Disarming Iraq and removing Saddam Hussein from power without a concrete plan to ensure a stable and less hostile new regime would be a mistake.

Finally, the administration must continue to engage the American people, Congress, the United Nations and our international allies to build support for the disarmament of Iraq. This course is our best hope for achieving our goals without war.

Since coming to Congress in 1994, I have consistently supported an activist role for the United States in the world community. I have supported giving the administration, regardless of political party and despite intense criticism at times, the necessary military authority and resources to combat threats to our national security and to promote human rights and American values around the globe. I strongly supported our country's attacks during the 1990's on military targets in Iraq, Afghanistan and the Sudan, and I wholeheartedly supported our country's efforts in Bosnia and Kosovo long before the tragedy of September 11th.

I will vote to give this administration similar authority and I ask that this authority be exercised judiciously and morally.

Mr. LANTOS. Mr. Speaker, I yield 3 minutes to my good friend, the gentleman from Virginia (Mr. MORAN), a distinguished member of the Committee on Appropriations.

Mr. MORAN of Virginia. Mr. Speaker, I thank my good friend from California (Mr. LANTOS) for yielding me time.

Mr. Speaker, there are compelling, fundamental reasons why this body should oppose this resolution. With great power comes great responsibility, great responsibility to conduct our foreign policy in a manner worthy of our world leadership, consistent with the international standards of conduct that we have worked so hard to establish for the better part of the 20th century. The United States must continue to act in a manner that serves as an example to the rest of the world.

Mr. Speaker, this Congress is the people's body. That is why before we offer up the lives of our sons and daughters in the cause of war, we must have the final say. The amendment that just failed was about upholding the integrity of this institution and the U.S. Constitution that must guide all our actions. We should be making Saddam Hussein irrelevant, not marginalizing the United States Congress. We make him irrelevant by disarming him, discovering and destroying all of his weapons of mass destruction and his means of delivering them.

We can accomplish that objective without leaving our allies on the sidelines or further inflaming the passions of people, especially in the Arab and Muslim world, who do not understand or trust our noble intent.

We are not the only people prepared to sacrifice our lives for the family security and individual freedoms that motivate the human race.

We oppose this resolution for the same reasons the first President Bush delayed a comparable debate until after the midterm congressional elections a decade ago, why he pressed so hard and successfully for the United Nations Security Council's support, and why he successfully achieved the support of Iraq's Arab neighbors.

Mr. Speaker, we do not need a new national security strategy that, with a policy of unilateral preemption, tramples the foundation of the international rules of law that has been this generation's legacy to this small planet. We should be standing on the shoulders of the great leaders who have preceded us in this body and who are the true authors of our existing national security strategy that remains the best hope of peace and progress for all of mankind.

Mr. LANTOS. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, I wish to end my part in this great debate as I began in tribute to the patriotism of every Member of this body and with special thanks to my dear friend and distinguished counterpart on the Republican side, the gentleman from Illinois (Mr. HYDE), a combat veteran of World War II.

Over the course of the last 2 days, my colleagues have expressed many different views, but all have affirmed their commitment to safeguard our national security, to pursue peace and to wage war only as a very last resort. The depth and dignity of the debate is worthy of this great subject and of our great democracy.

At the outset, Mr. Speaker, I wish to commend our Democratic leader, my good friend, the gentleman from Missouri (Mr. GEPHARDT). In the proud tradition of that great Republican Senator, Arthur Vanderberg, half a century ago, the gentleman from Missouri (Mr. GEPHARDT) transcends parties and politics to craft and champion a bipartisan resolution that best serves the interest of our Nation. His leadership has been a true profile in courage.

Mr. Speaker, as our debate has shown, none deny the danger posed by Saddam Hussein. We differ only in the means of addressing this mounting threat; and in doing so, we grapple with two paradoxes. The first is the paradox of peace: Faced with an implacable and belligerent foe, how do we avert war? The answer, as our resolution affirms, lies not in disavowing the use of force, but in authorizing it. It is only when the Iraqi dictator is certain of our willingness to wage war, if necessary, that peace becomes possible. Saddam, like his mentor, Stalin, and all dictators, recoils before strength and pounces on weakness.

The second paradox, Mr. Speaker, is the paradox of leadership. Faced with skepticism from some friends and timid bystanders, how do we form the broadest possible coalition to confront Saddam? Publicly, few nations have responded to our call to arms against Iraq. Privately, as I have learned in innumerable meetings with heads of state, foreign ministers and ambassadors from the Arab world and beyond, the United States enjoys strong support. Bridging the divide between public opposition and private support requires that the United States assert leadership. Our joint resolution will demonstrate to the world our steadfast resolve. It will convince others that joining us is the best hope for securing peace. If we show the courage to lead, others will follow.

To preserve peace, we must authorize force. To build support, we must be prepared to lead. Our resolution resolves these paradoxes and represents the best means of averting war and of marshaling international cooperation. It is for these reasons that I urge support for our bipartisan resolution.

Mr. Speaker, in moments we will be casting our vote and we will make history. In so doing, we dare not repeat the history of the last century, a history characterized too often by appeasement and inaction in the face of tyranny. It is a history that should haunt all of us. Let us cast a vote in favor of this resolution. It will be a vote for American leadership. It will be a vote for peace.

Mr. HYDE. Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota (Mr. KENNEDY).

Mr. KENNEDY of Minnesota. Mr. Speaker, I believe history tells us that supporting this resolution and empowering the President for peace is the surest chance to removing the threat to America without conflict and giving the authority to defend America and freedom, if necessary.

Mr. Speaker, I would quote Theodore Roosevelt, from a speech he gave in 1916 while the rest of the world was engaged in the Great War, "The belief that international public opinion, unbacked by force, has the slightest effect in restraining a powerful military nation in any course of action has been shown to be a pathetic fallacy."

Mr. Speaker, in the weeks since the Iraq policy debate came to the forefront of the national agenda, I have thought long and hard about how I would vote if it became my responsibility. This vote is the most important vote I will cast since I was elected to serve in Congress.

As Members of this august body, the people's house, it is the essence of our constitutional oath to defend America against all enemies foreign and domestic.

It is at times like these that I reflect on the words of a man who inspired me to the cause of public service, John F. Kennedy: "I do not shrink from this responsibility, I welcome it."

Mr. Speaker, in framing my thoughts on this momentous debate, I looked to history as a guide. I am unable to escape its harsher lessons.

I think of that lone voice in the House of Commons in the 1930s, who tried to alert his country to a growing danger. Winston Churchill warned against making agreements with an aggressor who had no intention of honoring them, all in the name of "peace." Others' reluctance to confront a growing evil resulted in countless deaths and untold suffering.

More recently, Ronald Reagan challenged America and the rest of the free world to remember its historical roots and stand up to Soviet expansionism. With the simple words, "Evil Empire," he succinctly characterized the nature of our adversary in the decades-old standoff between East and West. Many in the international community believed Ronald Reagan's abandonment of détente for his policy of peace through strength would bring war. Instead, the Soviet Union collapsed and because of the bold stand of an American president, countless millions were liberated without a shot being fired and the bright light of freedom was able to shine anew.

The age-old struggle of freedom against tyranny has entered a new century. Yet when faced with the choice of negotiating with an aggressor in the name of peace, or confronting aggression before it is too late, history's lesson is clear.

Mr. Speaker, it has been our tradition to fight for freedom and prosperity, going back to our Republic's infancy and America's lonely fight against the Barbary Pirates on the shores of Tripoli.

It is this chapter of our history that brought to mind the undesirable possibility that America would again have to confront evil on its own.

I am relieved that this is not the case in our struggle with Iraq with friends and allies like Britain, Italy, Spain, Norway, Denmark, Australia, and Qatar publicly stating their support for our efforts to rid the world of this great danger.

Yet, as we now ask the United Nations to act in the name of its own relevancy, Mr. Speaker, I think we should ask ourselves, should America's ability to defend her citizens be held hostage to countries that have more to lose, because of strong commercial ties, and less to gain from the liberation of Iraq?

We should ask ourselves; would Paris or Moscow or Beijing be in Saddam Hussein's crosshairs or would it be New York or Washington?

I have thought seriously about the concerns that dealing with Iraq would prove to be a distraction from the War on Terror.

But it's integral to the war on terror to remove one of the foremost sponsors of terrorist activity in the world. It is well known that this is a man who subsidizes suicide bombers, providing support to those who stand in the way of progress toward Mideast peace.

The War on Terror's central tenet is, if you stand with the terrorists, you will be treated as one.

Many are rightfully concerned about a long-term American commitment in Iraq. But, Mr. Speaker, we are already committed to the region and to Iraq. We have stationed a large military force in the region for more than a decade. We have maintained a military force throughout the Gulf region to keep the peace and enforce no-fly zones. We can and must nurture an open and democratic Iraq.

Some of those whose voices are loudest in protest of an American-led liberation of Iraq may themselves fear it will undermine their own authoritarian regimes. Is the real fear of Iran's mullahs instability or a free Iraq next door?

What excuses will be left to the leaders of a failed Palestinian state once the Saddam regime joins the tyrannies of the 20th century on the ash heap of history?

I have an 18-year-old son I took to college a little over a month ago. It never leaves my thoughts what a war means in human terms. But no member of this body should forget the consequences of inaction.

As Theodore Roosevelt said, "Wars are, of course, as a rule to be avoided; but they are far better than certain kinds of peace."

For all these reasons, I will pray for peace. But at the same time, Mr. Speaker, I will vote to give President Bush the authority he needs to defend America, to defend freedom, and keep our people safe. I pray that by following history's guide, we will again find peace and freedom without using force.

Mr. HYDE. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. PORTMAN).

Mr. PORTMAN. Mr. Speaker, I thank the gentleman from Illinois (Mr. HYDE) for yielding me time.

Mr. Speaker, as we reach the conclusion of this historic and dignified debate, now is the appropriate time to review the facts that compel the United States to act in self-defense and in defense of the civilized world.

The fact, Mr. Speaker, is that the Iraqi regime is employing the vast wealth of his country to develop biological, chemical and nuclear weapons in direct violations of the 1991 cease-fire agreement and in violation of numerous United Nations Security Council resolutions.

The fact is that the Iraqi regime is responsible for two wars against its neighbors resulting in the deaths of hundreds of thousands.

The fact is that the regime's abuse of the U.N. administered Oil For Food Program is creating catastrophic shortages of food and medicine for thousands of Iraqi women and children.

The fact is that the regime's association with terrorists undermines stability in the Middle East and threatens the security of the United States of America.

The fact is that weapons of mass destruction in the hands of someone who sanctions the wholesale murder, starvation, rape and mutilation of ethnic Kurds, Shiite Muslims and other opponents is a clear and present danger to the security of the world.

Does the discovery by U.N. inspectors of detailed drawings for constructing a small nuclear device in Saddam's three as-yet-undismantled uranium enrichment facilities not sufficiently reveal the dangerous ambitions of this dictator?

Time and time again over the course of this debate, Mr. Speaker, these facts have been acknowledged by all of those who have spoken. And yet opponents of this resolution continue to resist what I believe is the obvious conclusion.

Yes, the President should continue the diplomacy, should work with the United Nations to fashion stronger sanctions and a regime of coercive inspections. That work is under way as I speak. But what incentive does the Iraqi regime have to honor its international obligations if Congress fails to give the President the tools he needs to compel them to do so? What incentive is there for the United Nations to act with courage and conviction if Congress fails to do so?

Mr. Speaker, we cannot wish this problem away. We must save ourselves. We must act. I support the resolution.

Mr. LANTOS. Mr. Speaker, I yield such time as she may consume to my good friend, the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, because I believe the debate on this resolution is a matter of life or death for hundreds of thousands of Americans and other innocent persons and believe that it should only be done on a declaration of war by this constitutionally constituted body, this Congress, I rise to oppose this resolution.

Mr. LANTOS. Mr. Speaker, I yield 5 minutes to the gentlewoman from California (Ms. PELOSI), my San Francisco neighbor and dear friend, our distinguished whip, a person of extraordinary talents and qualifications.

Ms. PELOSI. Mr. Speaker, I thank the distinguished ranking member for his recognition and his kind words.

First, I wish to congratulate all of the Members of the House of Representatives for the patriotism that has been demonstrated on this floor in the last 2 days. I think the American people saw something very special. They saw what we show every day, that people here love our country, are committed to its value, and are committed to and respect our men and women in uniform.

I come to this debate, Mr. Speaker, as one at the end of 10 years in office on the Permanent Select Committee on Intelligence, where stopping the proliferation of weapons of mass destruction was one of my top priorities. I applaud the President on focusing on this issue and on taking the lead to disarm Saddam Hussein.

From that perspective, though, of 10 years on the Permanent Select Committee on Intelligence, I rise in opposition to the resolution on national security grounds. The clear and present danger that our country faces is terrorism. I say flat out that unilateral use of force without first exhausting every diplomatic remedy and other remedies and making a case to the American people will be harmful to our war on terrorism.

For the past 13 months, it will be 13 months tomorrow, we have stood shoulder to shoulder with President Bush to remove the threat of terrorism posed by the al Qaeda. Our work is not done. Osama bin Laden, Mullah Omar and the other al Qaeda terrorist leaders have not been accounted for. We have unfinished business. We are risking the cooperation that we have from over 60 nations of having their intelligence and their cooperation in fighting this war on terrorism.

☐ 1330

There are many, many costs involved in this war, and one of them is the cost to the war on terrorism. We cannot let this coalition unravel.

Others have talked about this threat that is posed by Saddam Hussein. Yes, he has chemical weapons, he has biological weapons, he is trying to get nuclear weapons. This is a threat not only from him but from other countries of concern in the past.

I want to call to the attention of my colleagues a statement about Saddam's use of chemical and biological weapons that was just declassified and sent to the Chairman of the Senate Select Committee on Intelligence.

The question is: If we initiate an attack and he thought he was an extremist or otherwise, what is the likelihood in response to our attack that Saddam Hussein would use chemical and biological weapons? This is a letter from George Tenet, the head of the CIA to the committee. The response: Pretty high, if we initiate the attack.

Force protection is our top priority on the Permanent Select Committee on Intelligence. We must protect our men and women in uniform. They are courageous. They risk their lives for our freedom, for our country. We cannot put them in harm's way unless we take every measure possible to protect them. So another cost is not only the cost on the war on terrorism but in the cost of human lives of our young people by making Saddam Hussein the person who determines their fates.

Another cost is to our economy. The markets do not like war. They do not like the uncertainty of war. Our economy is fragile as it is. The President has spoken. In his speech the other night, he talked about rebuilding Iraq's economy after our invasion. We have problems with our own economy. We must focus on building our own economy before we worry about Iraq's economy after we invade Iraq.

So let us do what is proportionate, what is appropriate, which mitigates the risk for our young people.

Another cost in addition to human lives, the cost of terrorism, cost to our economy, another cost is to our budget. This cost can be unlimited, unlimited. There is no political solution on the ground in Iraq. Let us not be fooled by that. So when we go in, the occupation, which is now being called liberation, could be interminable and so could the amount of money, unlimited that it will cost, $100-, $200 billion. We will pay any price to protect the American people, but is this the right way to go, to jeopardize in a serious way our young people when that can be avoided?

We respect the judgments of our military leaders. It is a civilian decision to go to war, but the military leaders present us with options which they know are to be a last resort.

These costs to the war on terrorism, the loss of life, the cost to our economy, the cost in dollars to our budget, these costs must be answered for. If we go in, certainly we can show our power to Saddam Hussein. If we resolve this issue diplomatically, we can show our strength as a great country, as a great country.

Let us show our greatness. Vote no on this resolution.

Mr. HYDE. Mr. Speaker, I am pleased to yield 8 minutes to the distinguished gentleman from Texas (Mr. DELAY).

Mr. DELAY. Mr. Speaker, I thank the chairman for yielding me the time, and I commend the chairman and the ranking member for the work that they have done, not just on this but the whole issue of the war on terror.

Mr. Speaker, Americans have always had to summon courage to disregard the timid counsel of those who would mortgage our security to the false promises of wishful thinking and appeasement. The perils of complacency were driven home to us in September of last year. We saw in tragic detail that evil is far more than some abstract concept. No longer should America allow dangers to gather and multiply. No longer should we stand idle as terrorists and terrorist states plot to murder our citizens.

As a free society, we have to defeat dangers before they ripen. The war on terrorism will be fought here at home, unless we summon the will to confront evil before it attacks.

President Bush certainly understands this imperative for action. The President is demonstrating the strong, moral leadership to find and defeat threats to the United States before they strike. Because once a madman like Saddam Hussein is able to deliver his arsenal, whether it is chemical, biological or nuclear weapons, there is no telling when an American city will be attacked at his direction or with his support.

A nuclear armed Iraq would soon become the world's largest safe haven and refuge for the world's terrorist organizations. Waiting to act until after Saddam has nuclear weapons will leave free nations with an awful dilemma. Will they, on the one hand, risk nuclear annihilation by confronting terrorists in Iraq or will they give in to fear by failing to confront these terrorist groups?

For that reason, regime change in Iraq is a central goal of the war on terror. It is vital because a war on terrorism that leaves the world's leading purveyor and practitioner of terror in power would be a bald failure.

Some call Hussein a diversion, but far from being a diversion, confronting Saddam Hussein is a defining measure of whether we still wage the war on terror fully and effectively. It is the difference between aggressive action and misguided passivity.

The question we face today is not whether to go to war, for war was thrust upon us. Our only choice is between victory or defeat.

And let us just be clear about it. In the war on terror, victory cannot be secured at a bargaining table.

Iraq's vile dictator is a central power of the axis of evil. President Bush and this Congress are committed to removing the threat from Saddam Hussein's terrorist state. Only regime change in Iraq can accomplish that objective. Only regime change can remove the danger from Saddam's weapons of mass destruction. Only by taking them out of his hands and destroying them can we be certain that terror weapons will not wind up in the hands of the terrorists.

Saddam Hussein is seeking the means to murder millions in just a single moment. He is trying to spread that grip of fear beyond his own borders, and he is consumed with hatred for America.

But I am not here today to offer that definitive indictment of Iraq's tyrant. That has already been very clearly documented and well-established in this debate.

In the wicked litany of crimes against humanity, Saddam Hussein has composed a scarlet chapter of terror. Our only responsible option is to confront this threat before Americans die. Time works to the advantage of our enemies, not ours.

Under our Constitution, America speaks through the United States Constitution; and our resolution is very, very clear. The enemies of a free and a moral people will find no safe harbor in this world.

Today, the free world chooses strength over temporizing and timidity. Terrorists and tyrants will see that the fruits of their evil will be certain destruction by the forces of democracy.

Now we seek broad support, but I am telling my colleagues that fighting this war on terrorism by committee or consensus is a certain prescription for defeat. We will defend our country by defeating terrorists wherever they may flee around the world.

None of us take the gravity of this vote and its ramifications lightly, but history informs us that the dangers of complacency and inaction far outweigh the calculated risks of confronting evil.

In the fullness of time, America will be proud that in our hour of testing we chose the bold path of action, not the hollow comfort of appeasement.

So let us just take this stand today against tyranny. Let us take this stand against terror. Let us take this stand against fear. Let us stand with the President of the United States.

I say to my colleagues, just trust the cherished principles on which we were founded. Put faith in freedom and raise our voices and send this message to the world: The forces of freedom are on the march and terrorists will find no safe harbor in this world.

Mr. LANTOS. Mr. Speaker, it is with great pride in his judgment, wisdom and statesmanlike leadership that I yield the balance of our time to the gentleman from Missouri (Mr. GEPHARDT), the Democratic leader.

Mr. GEPHARDT. Mr. Speaker, 26 years ago, I was fortunate to be elected by my constituents to serve in this House, and I represent today the district in which I was born. I am proud that the people of my district trust me to try to represent them every day. It is an honor that I feel every day that I walk into this building, that I am carrying the hopes and wishes of over a half a million people in Missouri, and I know today is a moment of sacred responsibility.

We come into this building hundreds of times during the year to cast very important votes, but on days like today, when we consider how we will protect our Nation, our people, the districts we come from and represent, these are the days when we must look deep inside and make sure that what we are doing is right.

Our gravest responsibility as legislators is authorizing the President to use military force. Part of the majesty of our democracy is that we do not entrust this power to one human being, the President, but we share it with a co-equal branch of this government; and in a democracy, the decision to put American lives on the line or perhaps go to war is ultimately a decision of the American people through their elected representatives.

No one wants to go to war. No one wants to put our young men and women in harm's way, and I know we hope that our actions today will avert war. But our decision is not so simple, because we must weigh the dangers of sending our young people into hostilities against the threat presented by Iraq to our citizens' safety.

Every Member of Congress must make their own decision on the level of the threat posed by Iraq and what to do to respond to that threat. I have said many times to my colleagues that each Member should be guided by his or her conscience, free from others trying to politicize the issue or questioning others' motives.

This is an issue of life and death, and the preoccupation by some to ascribe political motives to the conclusion of each of us demeans all of us and what we are here to do.

Let me say to my colleagues and my constituents in Missouri why I have decided to vote for this resolution.

First, September 11 has made all the difference. The events of that tragic day jolted us to the enduring reality that terrorists not only seek to attack our interests abroad but also to strike us here at home. We have clear evidence now that they even desire to use weapons of mass destruction against us.

Before 9/11, we experienced the terrorist attacks on Khobar Towers, the USS *Cole*, on two embassies in Africa, but we did not believe it would happen here. On 9/11, it did happen here; and it can happen again.

September 11 was the ultimate wake-up call. We must now do everything in our power to prevent further terrorist attacks and ensure that an attack with a weapon of mass destruction cannot happen. The consequences of such an attack are unimaginable. We spent 50 years in a Cold War and trillions of dollars deterring a weapon of mass destruction attack on the United States by another country. Now we must prevent such an attack by terrorists who, unlike our previous adversaries, are willing to die.

□ 1345

In these new circumstances, deterrence well may not work. With these new dangers, prevention must work.

If my colleagues worry about terrorists getting weapons of mass destruction or their components from country's, the first candidate we must worry about is Iraq. The 12-year history of the U.N. effort to disarm Iraq convinces me that Iraq is a problem that must be dealt with diplomatically if we can, militarily if we must.

I did not come to this view overnight. It has, instead, evolved over time, as we have learned the facts about the Iraqi regime with clarity. As you know, I opposed the use of force against Iran in 1991 in favor of giving sanctions more time to work. Others supported force, but thought that by dislodging Iraq from Kuwait we would neutralize the threat. In hindsight, both of these assessments were wrong.

In 1991, no one knew the extent to which Saddam Hussein would sacrifice the needs of his people in order to sustain his hold on power, deceive the international community in order to preserve his weapons of mass destruction programs, or take hostile actions against U.S. interests in the region.

Saddam Hussein's track record is too compelling to ignore, and we know that he continues to develop weapons of mass destruction, including nuclear devices; and he may soon have the ability to use nuclear weapons against other nations. I believe we have an obligation to protect the United States by preventing him from getting these weapons and either using them himself or passing them or their components on to terrorists who share his destructive intent.

As I stated in a speech in June, I believe we must confront the threat posed by the current Iraqi regime directly. But given the stakes involved, and the potential risks to our security and the region, we must proceed carefully and deliberately. That is why I felt it was essential to engage in negotiations in order to craft an effective and responsible authorization for the use of force, if necessary, so we can defend our Nation and enforce U.N. resolutions pertaining to Iraq.

At the insistence of many of us, the resolution includes a provision urging President Bush to continue his efforts to get the U.N. to effectively enforce its own resolutions against Iraq. I have told the President directly, on numerous occasions, that in my view, and in the view of a lot of us, he must do everything he possibly can to achieve our objectives with the support of the United Nations. His speech to the U.N. on September 12 was an excellent beginning to this effort.

Exhausting all efforts at the U.N. is essential. But let us remember why. We started the U.N. over 50 years ago. We remain the greatest advocate of the rule of law, both domestically and internationally. We must do everything we can to get the U.N. to succeed. It is in our own self-interest to do that. In 1945, Harry Truman told the Senate that the creation of the U.N. constituted, in his words, an expression of national necessity. He said the U.N. points down the only road to enduring peace. He said let us not hesitate to start down that road, with God's help, and with firm resolve that we can and will reach our goal: peace and security for all Americans.

Completely bypassing the U.N. would set a dangerous precedent that would undoubtedly be used by other countries in the future to our and the world's detriment. It is too high a price to pay. I am glad the President said in his speech Monday that diplomacy is the first choice for resolving this matter.

This resolution also limits the scope and duration of the President's authority to use force. It requires Presidential determinations before our Armed Forces may be used against Iraq, including assurances to Congress that he has pursued all diplomatic means to address this threat and that any military action will not undermine our ongoing efforts against terrorism.

Finally, the bill provides for regular consultation with and reporting to Congress on the administration's diplomatic and military efforts and, of great importance to all Americans, the planning for assistance, reconstruction, and regional stabilization efforts in a postconflict Iraq.

The efforts we must undertake in a postconflict Iraq could be the most enduring challenge we face in this entire endeavor, which is another reason for doing everything humanly possible to work through the U.N. to reach our goals.

Now a word on what this resolution, in my view, is not. In my view, it is not an endorsement or an acceptance of the President's new policy of preemption. Iraq is unique, and this resolution is a unique response. A full discussion of the President's new preemption policy must come at another time. But the acceptance of such a momentous change in policy must not be inferred from the language of this resolution.

It is also important to say that, thus far, the President's predominant response to 9–11 has been the use of military power. Obviously, self-defense requires the use of effective military force. But the exercise of military power is not a foreign policy. It is one means of implementing foreign policy. In the post-9–11 world, we must motivate and inform our citizens about how we construct a foreign policy that promotes universal values, improves living standards, increases freedom in all countries and, ultimately, prevents thousands and thousands of young people across this world from deciding to become terrorists. We will never defeat terrorism by dealing with its symptoms. We must get to its root causes.

In anticipation of the serious debate and vote that we have finally reached today, I have had many conversations with my colleagues and friends in this body, friends and colleagues that I respect deeply. I know for many of you this resolution is not what you want, and it is true for Democrats and some Republicans. And in some ways it is true for me. Many of my colleagues have had compelling arguments and important differences with this language. These differences do not diminish my respect or my trust for my colleagues as the true representatives of the people in this great Nation.

I believe, as a whole, the resolution incorporates the key notion that we want to give diplomacy the best possible opportunity to resolve this conflict, but we are prepared to take further steps, if necessary, to protect our Nation. I have heard in this debate some Members say they love America. I love America. I think every Member of this body loves America. That is not the issue. The issue is how to best protect America, and I believe this resolution does that.

I want to say a final word to those watching beyond our borders. To our friends around the world, I say thank you for standing with us in our time of trial. Your support strengthens the bonds of friendship between our people and the people of the world.

To our enemies, who watch this democratic debate and wonder if America speaks with one voice, I say have no doubt. We are united as a people in defending ourselves and we debate the best means for doing that. Do not mistake our resolve. Do not underestimate our determination. Do not misunderstand that we stand here today not as arguing Republicans and Democrats but as Americans, using the sacred right of free speech and thought and freedom to determine our collective course.

Finally, I thank God for those who have gone before us and used their freedom wisely, for those who have died to protect it and have created a stronger Nation and a better world because of their bravery. I pray that we may act today as wisely and courageously as those who have gone before. God bless this House. God bless America.

Mr. Speaker, as a co-author of H.J. Res. 114, I would like to take this opportunity to address certain elements of the joint resolution in order to clarify their intent.

As I stated in a speech I delivered in June, I believe we must confront the threat posed by the current Iraqi regime directly. But given the stakes involved and the potential risks to our security and the region, we must proceed carefully and deliberately.

That's why I felt it was essential to engage in negotiations in order to craft an effective and responsible authorization for the use of force if necessary—so we can defend our nation and enforce U.N. resolutions pertaining to Iraq.

At the insistence of many of us, the resolution includes provisions urging President Bush to continue his efforts to get the U.N. to effectively enforce its resolution against Iraq. I have told the President directly, on numerous occasions, that in my view of a lot of us, he must do everything he possibly can to achieve our objectives with the support of the United Nations. His speech to the U.N. on September 12 was an excellent beginning to this effort. Exhausting all efforts at the U.N. is essential.

Completely bypassing the U.N. would set a dangerous precedent that would undoubtedly be used by other countries in the future to our and the world's detriment. That is too high a price to pay. I am glad the President said in his speech Monday that diplomacy is the first choice for resolving this critical matter.

This resolution also limits the scope and duration of the President's authority to use force, unlike the Administrations original proposal. The resolution and its accompanying report define the threat posed by Iraq as consisting primarily of its weapons of mass destruction programs and its support for international terrorism. They also note that we should continue to press for Iraqi compliance with all outstanding U.N. resolutions, but suggest that we only contemplate using force to implement those that are relevant to our nation's security.

As for the duration of this authorization, this resolution confines it to the continuing threat posed by Iraq; that is, its current and ongoing weapons programs and support for terrorists. We do not want Congress to provide this or subsequent Presidents with open-ended authority to use force against any future threats that Iraq might pose to the United States that are not related to its current weapons of mass destruction programs and support for international terrorism. The President would need to seek a new authorization from Congress to respond to any such future threats.

Third, this resolution requires important presidential determinations to Congress before our Armed Forces are used against Iraq. These include assurances by the President that he has pursued all diplomatic and other peaceful means to address the continuing threat posed by Iraq, and that any military action against Iraq will not undermine our ongoing efforts against terrorism. These determinations ensure that the Executive Branch remains accountable to Congress if it resorts to military force, and stays focused on the broader war on terrorism that must remain of highest priority.

Finally, the bill provides for regular consultation with and reporting to Congress on the Administration's diplomatic and military efforts and, of great importance to all Americans, on the planning for assistance, reconstruction and regional stabilization efforts in a post-conflict Iraq. The efforts we must undertake in a post-conflict Iraq could be the most enduring challenge we face in this entire endeavor, which is another reason for doing everything humanly possible to work through the U.N. to reach our goals.

Mr. HYDE. Mr. Speaker, I yield the balance of my time to the gentleman from Texas (Mr. ARMEY), the majority leader.

Mr. ARMEY. Mr. Speaker, I thank the gentleman from Illinois for yielding me this time.

Mr. Speaker, let me just take a moment to appreciate this body. I had resolved to cherish my last days in this body by being as attentive as I could to everything that I had the privilege of experiencing.

For the past 2 days, I have watched my friends in this body, from both sides of the aisle, from both sides of the issue, conduct what has to be regarded as one of the greatest debates we have seen in this body during my tenure here. I have been struck in the last 2 days with the sobriety, the thoughtfulness, the eloquence, and the respect with which the countervailing positions have been presented. And I would like to say thank you to my colleagues for letting me be part of this debate.

The distinguished minority leader, the gentleman from Missouri (Mr. GEPHARDT), had a sentence in his speech we heard just a minute ago where he said we had to see the facts with clarity. To see the facts with clarity. This is not an ideological debate. This is not a debate about philosophy. This is a debate about the sober business of safety in the face of danger, honor in the face of fear, responsibility in the face of timidity. We must turn to the facts when we face issues of this gravity, and we have done that.

Intensely, for the last month or so, most of us have been looking at the facts that we hoped we would never have to pay attention to. Let me just relate some of my travels in this past month through the facts.

Is Saddam evil? Who could doubt it? The evils that this man perpetrates, as described on this floor by our young colleague, the gentleman from Wisconsin (Mr. RYAN), from a book he read from, strike terror in the heart of the worst that we have ever seen before.

This man is evil. It is an evil that this world should never have to observe and that the poor victims, particularly those in Iraq, should not have to live with on a daily basis. The atrocities are beyond belief, beyond tolerance. And those poor people in Iraq live with it each day, afraid to leave their home, afraid to speak at their own dinner table, frightened for their children who might be tortured in order to punish the parents' careless moment.

□ 1400

Saddam is evil. That is a fact.

Does he have dangerous assets? More so than we thought, more so than we ever wanted to believe. And does he have an ongoing, consistent program and plan to acquire, to enhance those evil assets that are described by the term weapons of mass destruction, beyond what any of us imagined?

The acquisition of the weaponry, the resources, the resourcefulness, the ability to put together the device that would destroy hundreds of thousands in a fell swoop has never been even mitigated against by the commitments he made to the U.N. 11 years ago.

Can he strike our interests, our citizens, our land, and our responsibilities with them? Irrefutably, yes. Through the conventional means that we recognize and fear, things like SCUD missiles, yes. American people, American citizens, American resources in his immediate area, through the insidious means that would be deployed by his ongoing working relationship with a myriad of evil terrorist organizations, yes. Through simple-looking, innocent-looking little suitcases left in a train depot, a service station, an airport in Chicago, Illinois. Yes, he can strike us, our interests and our responsibilities. I know no other way to put that.

America is the most unique Nation ever in the history of the world. We have accepted responsibility for freedom, safety, and dignity of people other than ourselves. Those proud nations with those brave people that live as islands of freedom and hope within seas of threat and terror look for and understand they can depend upon the protection of the United States. That is who we are, that is who we have been, our heroes, our parents.

They spent their heroism, they spent their life all too often on foreign, distant lands fighting for the freedom of people other than themselves. No other nation has ever done that like we have done.

A nation such as Israel, not exclusively Israel, but right now in the world today, at a level of danger that is unparalleled by any other nation of the world, Israel struggles for its freedom, safety and dignity; and it is in imminent, immediate danger by a strike from Saddam Hussein. And that represents a responsibility we have, not only to what role we have played in the world, not only to our heroes who have acted it out and sacrificed, but to the character of this Nation that we cherish and protect.

I have said it as clearly as I can. To me, an attack on Israel is an attack on America; and it is imminently in danger.

Will he do so? Who can doubt that? He has a record of having done so that is deplorable in the most evil and insidious ways. The question is when will he do so; not will he do so.

Why does one violate one's own commitments to the world, to the United Nations accord with resolve, and consistently acquire these resources if you have no intent to use them? Why do you deny your own citizens the resources for food and shelter and clothing and health care in order to divert that to the expenditure on weapons of mass destruction and instruments of horror if you do not intend to use them? Why would he deny his own clear volitions in actions past if he had the resources to strike? Saddam will strike.

Is action against Saddam compliant with the character of our great Nation? I struggled with this. It was a hurdle for me for a long time. It all gets involved with this question of preemptive strike.

First of all, it is not a preemptive strike. This is a man who has consistently been in violation of his own commitments to the world for 11 years. As I put it, this snake is out of his hole. We are not striking an innocent here, we are correcting an error of complacency. So it is not a question of a new doctrine.

But even if we were to examine the doctrine of preemptive strike, let us not forget the Cuban missile crisis. An embargo on the high seas is an act of war, and the threat to us I would submit was not as dangerous as it was at that time, and it was certainly not so insidious as it is today.

There have been other instances in our history. When necessary, America does what it needs to do to keep America safe. America does have a pride which is exhibited in movies like "13 Days" for the courage that was displayed when the action was necessary.

There is an argument that this is a diversion from the war on terrorism. If we are going to conduct a war on terrorism, then we must stop that person who is most likely and most able to arm the terrorists with those things which will frighten us the most. A strike on Saddam is an integral part, a necessary part, of the war on terrorism.

Now we turn to questions about our ability. Can we be swift and decisive and conduct this operation with minimal risk to the brave men and women that we ask to carry it out?

It is possible. We saw that in Desert Storm. It is even more possible now. It will be a difficult operation, and our people will be at risk. But we have the resources and the resourcefulness, and we have the ability to plan and execute an operation that rids the world of this scourge conducted by our young men and women and their allies in such a manner to keep them at minimal risk.

That is all we can do, the moral imperative that we have, when we ask our brave young men and women who have volunteered to serve this Nation and the world in the cause of freedom, to take the field of danger, we have an obligation, and we can say we can construct the plan, outfit you in such a way, support you in such a manner that you can carry out this deed with minimal risk. We can do that. We will do that. We have an administration. We have a Secretary of Defense that respects our people.

Should we vote this resolution that says in effect that we, the Congress of the United States, the representation of the people of the United States, say, Mr. President, we trust you and we rely on you in a dangerous time to be our Commander-in-Chief and to use the resources we place at your disposal? Yes, even by two bills we will vote on later today, to protect freedom? The answer is, yes.

Mr. President, we are about to give you a great trust. Those brave young men and women who have volunteered in our Nation's military services of their own free will to take their place in history alongside the American heroes of the past deserve our respect and our support, Mr. President. We trust that you will plan for them, use them, care for them, and be guided by your own notion of tender mercies.

But we also have an obligation to the parents, the children, the siblings, the grandparents of those brave young men and women. We lend our children to the cause of liberty. I have said so many times. I do not care if he is 240 pounds of solid muscle, the brightest kid in the class, when he puts on that uniform, he is my baby and I have fear, and I demand that you treat him properly as his Commander-in-Chief.

We all have that right to expect. Can we expect that from this President? I would say so.

Mr. Speaker, I was speaking yesterday with the gentleman from Indiana (Mr. BUYER), who remembered embarking for Desert Storm, saying good-bye to his family. At the last moment, he approached his father, proud veteran of the Korean War with his veteran's hat. His proud father put his hands on Steve's shoulder and looked at him and said, "You are the best I have to give."

Mr. President, we trust to you the best we have to give. Use them well so they can come home and say to our grandchildren, Sleep safely, my baby.

Mr. MARKEY. Mr. Speaker, the President has asked this Congress to support action that foresees the possibility of sending our loved ones—our sons and daughters, brothers and sisters, friends and neighbors—into combat in a foreign land. No more serious a decision ever faces Congress.

The threat that we confront is Saddam Hussein. Saddam is in a category of his own. No other head-of-state has been the subject of an 11-year international campaign to disarm and sanction him. He has invaded two of his neighbors, assassinated 16 of his own family members, tried to assassinate former President Bush, lied about his weapons buildup, fired missiles at Israel, and gassed his own people. The prospect that such a despot has biological and chemical weapons—anthrax, sarin gas, smallpox—and is nearing nuclear capability is a looming threat to millions.

We as a nation have the responsibility to stop him.

I would have preferred that we proceed in the manner outlined in the Spratt substitute, which would have given the President all the authority needed at this time to disarm Saddam. The Spratt substitute would have allowed the UN to proceed with tough "anytime-anywhere" inspections, given the UN the military backing to make those inspections work, and ensured that Saddam Hussein lost his capacity to threaten the world.

Unfortunately, the Spratt substitute failed, and we are now faced with a vote, up or down, on the broader resolution negotiated between the White House, Minority Leader GEPHARDT, and others.

This too would accomplish the goal of giving the President sufficient authority to enforce UN resolutions regarding Iraq, particularly those that address the continuing threat posed by Iraq's possession and development of chemical, biological and nuclear capabilities.

Although this is a broader resolution than the Spratt resolution, I will vote for it because it represents the best remaining hope of disarming Saddam. While the resolution does not require it, the President has said that it is his intention to continue to work towards a new UN resolution that can make the inspections program effective.

The President initially resisted going to the UN, but he changed course. He initially resisted coming to Congress to explain his purpose and to seek our support, but he changed course. We should respect the distance he has traveled towards a multilateral, measured process that includes the UN. We should support him as long as he remains on that course.

I do so today knowing full well this administration's record on the issue of nonproliferation, arms control and multilateral treaties has often been incomprehensible. At times he has spoken and acted as if he would prefer to act without allies and without the UN. Several weeks ago, the President announced a strategic doctrine that embraces the "preemptive use of force" as its touchstone. This new Bush Doctrine is dangerous and destabilizing in its own right. It makes it harder to hold together the fragile international coalition on which we rely for success in the ongoing war on terror.

The contradictions and double-standards that define his non-proliferation policy are particularly troubling. His "Axis of Evil" speech, for example, lumped together Iraq, Iran and North Korea in a turn of the phrase that is hard to untie. They have all been accused of attempting to acquire weapons of mass destruction. Yet our response in Iran is not to use force, but to complain to the Russians about their sale of reactors to Iran that could facilitate the acquisition of nuclear weapons. And in North Korea, our response is to make our own sale of nuclear reactors to that country. The President has also failed to seek Senate ratification of the Comprehensive Test Ban, pursued new nuclear weapons like the earth penetrating warheads, and turned his back on the biological weapons convention. This makes no sense and belies a lack of any coherent policy at all.

It is certainly true that George W. Bush is not the first president to be self-contradictory regarding weapons of mass destruction. I have spent considerable effort during the last 26 years working to prevent the constant undermining of nonproliferation policy by both Democratic and Republican administrations. The Carter Administration shipped nuclear fuel to India notwithstanding that country's ongoing undeclared nuclear weapons program. The Reagan Administration condemned Israel in the UN for destroying Saddam's Osirak nuclear reactor. The same administration promoted nuclear trade with the apartheid regime in South Africa. Both President Reagan and President Clinton allowed trade with Communist China to trump efforts to stop China from retransferring nuclear materials and technology to Pakistan.

Now it is the Bush administration that fails to connect the dots of weapons proliferation. When he promotes nuclear reprocessing, or tritium production for bombs in commercial reactors, he undermines nonproliferation. When he allows the export of sensitive nuclear technology, discards the Comprehensive Test Ban Treaty, or fails to negotiate progressive measures leading to global disarmament—as mandated by Article VI of the Nuclear Non-Proliferation Treaty—he strengthens the proliferators.

These decisions come back to haunt us when, as now, we find that diplomatic options are exhausted and the use of force appears necessary.

But even as our overall nonproliferation policy keeps lurching from side to side, the United States and the international community have, in the particular case of Iraq, remained focused for more than a decade on the very real menace of Saddam's drive to acquire and use weapons of mass destruction against his perceived enemies.

Now, after 11 years of insufficient inspections and sanctions, we cannot stand idle. Something has to change. We have nearly exhausted the non-violent alternatives. The sanctions are contributing to a significant loss of innocent life daily. Saddam has built up his chemical and biological weapons capacities during this period and he has missiles to deliver a nuclear payload and the money to buy it. It is apparent that but for our demonstration of resolve to follow through the UN-sponsored goal of disarming him, Saddam Hussein intends to make good on his pledge to acquire nuclear weapons.

I wish the resort to force were unnecessary and, if the inspections can be made effective, armed conflict can still be avoided. But while force is a last resort, is an option that cannot be ruled out if we intend to deal effectively with Saddam Hussein.

Ms. ROYBAL-ALLARD. Mr. Speaker, like my colleagues of both parties and in both chambers, the national debate on whether or not to go to war with Iraq, and under what circumstances, has weighed heavily on my mind and heart.

For, clearly, sending the young men and women of our armed forces into harm's way is one of the most serious and far reaching decisions a member of Congress will ever have to make.

Like all Americans, I take pride in the fact that we are a peaceful nation, but one that will defend itself if needed against real and imminent dangers.

Like all Americans, I take very seriously our responsibility as the world's global superpower, and realize how our words and actions can have huge repercussions throughout the world.

For that reason, I attended briefings and studied the materials provided us. I have listened to the administration, my constituents, my colleagues on both sides of the issue, both sides of the aisle, and both sides of this Congress, and I remain deeply concerned about our march to war without a supportive coalition, nor a clear and moral justification.

Before making a final decision on how to cast my vote, I also asked myself, as a mother, what would I want our nation's leaders to do before sending my son, my daughter or any loved one to war.

While I support our President's efforts to keep our nation and the world safe, I firmly believe that the President has not made the case for granting him the far-reaching power to declare preemptive and unilateral war against Iraq.

There is no question that Saddam Hussein is a dangerous and unconscionable dictator with little regard for human life. And, there is no question that he must be disarmed and removed from power.

The facts presented thus far however, do not support the premise that Saddam is an immediate danger to our country. For that reason, I believe it is in the best interest of our nation and our American troops to make every possible effort to prevent war by exhausting diplomatic efforts, by giving United Nations weapons inspectors the resources and opportunity to perform their work, and by establishing a United Nations Security Council multilateral coalition to use force if necessary.

If this fails, the President can then bring his case to Congress on the need to initiate a unilateral pre-emptive strike against Iraq because a blank check authorization for military force at this time is unacceptable. I cannot in good conscience support the administration's request for near 'carte blanche' authority to wage war when the case to do so has not been justified.

I will, however, support the resolutions of my colleagues Representative BARBARA LEE and Representative JOHN SPRATT. The Lee resolution urges Congress to work with the United Nations using all peaceful means possible to resolve the issue of Iraqi weapons of mass destruction. The Spratt resolution includes similar requirements with regard to the United Nations, but also authorizes the use of force if the United Nations efforts fail.

The Spratt resolution brings responsibility and accountability to our effort to protect our country against Saddam Hussein, and makes the Administration and the Congress joint partners in any military action against Iraq. The Spratt proposal honors our nation's fundamental system of checks and balances.

And, makes it possible for me to say to my constituents, and our sons and daughters: "I did everything in my power to keep you from harm's way."

Mr. UNDERWOOD. Mr. Speaker, on behalf of the people of Guam, I would like to express my support for President Bush and the international community in forcefully addressing the threat posed by Saddam Hussein and his regime in Iraq. In this regard, I strongly support the efforts of the President to seek and secure unconditional Iraqi compliance with full-fledged arms inspections. His seeking United Nations renewal and approval of these efforts is to be commended and supported by this Congress. However, while I believe that the United States must act to disarm Iraq, I hope that we do not do so alone. I support efforts to gain as much international backing as possible to meet our disarmament objective. We must act alone only if absolutely necessary and only after the international community has been given the full opportunity to support this important cause.

In the course of debate on this important issue, I believe that I must also express my concerns about the impact that an impending armed conflict in the Middle East will have on my home island of Guam. As the Member of Congress representing a district located closest to the area of concern and to the theater of operation that our Armed Forces may be increasingly engaged in as a result of this resolution, I remain acutely aware of the challenges we find ourselves confronted with today. As I indicated on the House floor last week, these challenges do not affect all communities around the country in the same way. The people of Guam will undoubtedly feel the effects of a decision to use force against Iraq in many disproportionate ways. History proves this to be the case.

Servicemen and women from Guam will likely find themselves contributing to the war effort in higher numbers per capita than most other U.S. jurisdictions. Sadly, this may result in higher casualties for our service members than it would for other communities. During each major war of the last century, World War I, World War II, Korea, Vietnam and the Persian Gulf War, Guam endured disproportionate military casualties of native sons per capita in the United States. Today, our people serve disproportionately in high numbers in the armed services. While this demonstrates our support for the nation's military, it also underscores our vulnerability to war's disproportionate effects on our community.

Although, we would inevitably witness a build-up in military activity on our island, the economy of Guam would be adversely impacted by any decision to go to war. We are directly economically challenged by this impending armed conflict because our economy is primarily based on tourism. Eighty percent of our visitors come from Japan and nothing is more disconcerting to Japanese tourists than the prospect of war and conflict. If the situation which occurred in Guam immediately after the Gulf War crisis or immediately after September 11 of last year again unfolds as a result of an armed conflict with Iraq, we will see a dramatic downturn in visitor arrivals which in turn will further weaken our struggling economy.

However, despite these probable disproportionate effects, for which we will prepare to cope with, I stand in strong support to the use of force should Saddam Hussein continue to pose an imminent threat to regional and world peace and security. His efforts to produce weapons of mass destruction are just as troubling to us in Guam as they are for the rest of the country. His weapons of mass destruction stockpile and capability must be permanently eliminated. His threatening and deplorable behavior must be confronted and stopped. His flagrant violation of international law must be directly dealt with and his disarmament obligation must be compelled. As a member of the House Armed Services Committee, I understand, through voluminous testimony that has been presented to the committee over the past few weeks, that this is a matter of serious importance that demands our immediate action.

Guam has time and time again done its part to support the foreign and military policy of the United States in the Western Pacific region. In 1975, more than 115,000 evacuees from the fall of Vietnam were repatriated via Guam as part of Operation New Life. In 1996, 6,600 Kurdish refugees who feared retaliation by Saddam Hussein were housed and comforted on Guam as part of Operation Pacific Haven. In the aftermath of the terrorist attacks of September 11, 2001, Guam has served as a vital part of our national effort to protect our homeland and an essential military base in the war against terrorism. Combat aircraft capable of intercepting and diverting any unauthorized or threatening aircraft that would approach the continental United States from the Pacific were quickly positioned on Guam as part of Operational Noble Eagle. Andersen Air Force Base has served as a critical air bridge for airlift in support of Operation Enduring Freedom. Here again, we find ourselves ready to support the nation during this urgent situation, ready to do our part in the effort to further rid the world of terror.

As our country prepares to address the threat posed by Saddam Hussein and his regime, I want to reiterate the people of Guam's support for our troops and Guam's role to assist our nation in our national security needs in the Western Pacific region.

Mr. BLUMENAUER. Mr. Speaker, thank you for the opportunity to offer my support for Mr. SPRATT's Amendment to the proposed Joint resolution. Its emphasis—on international action, the role of the United Nations and diplomatic means to achieve full compliance with multinational efforts to destroy Iraq's capability to produce and deliver weapons of mass destruction—is exactly right.

This amendment includes key elements of the proposal for compulsory arms inspections put forward by the Carnegie Endowment for International Peace to the House International Relations Committee. I was impressed with the wisdom of that third approach then, and I am now.

This Amendment recognizes and honors Congress' role in the initiation of war and in monitoring its conduct. It rightly places our actions within a broader multi-lateral framework and calls on the international community, particularly Arab and Islamic countries, to work with the United States in the post-conflict reconstruction of Iraq.

For all these reasons, I urge adoption of the Amendment offered by the gentleman from South Carolina.

Mr. LEVIN. Mr. Speaker, the more one hears of this debate in Congress and among the American people, the more puzzling it is that the approach in the Spratt resolution was not adopted.

The Spratt Resolution states clearly the need to act to totally disarm Saddam Hussein of his weapons of mass destruction.

It authorized the use of U.S. Armed Forces within the framework of international collective action as embodied in U.N. Security Council resolutions seeking to disarm Iraq and providing for force by member states to ensure compliance.

If that collective international effort fails, the Spratt resolution spelled out an expedited procedure for the President to seek the authorization to proceed unilaterally in a war against Iraq.

So, why not the Spratt resolution?

It would have far more effectively achieved the goal of the President that we speak today with one voice.

The approach in the Spratt resolution would have maximized the chances of success in disarming Saddam Hussein and minimized the potential adverse consequences for the U.S. in going it alone, in terms of reactions throughout the world, stability in the region, cooperation in the war against terrorism and in broad participation in the aftermath of a war in Iraq.

It would keep the pressure on the U.N. to act, avoiding the inconsistency in the Administration's approach of saying to the U.N. "act," "be relevant," "hold Iraq to account" but potentially taking it off the hook in advance because the U.S. will go it alone.

While emphasizing collective action, the Spratt alternative explicitly did not bind the U.S. to whatever is done by the U.N., but leaves the U.S. what it must have, final say over its policies and actions. We are not ceding to the U.N. We are leading the world as the remaining superpower.

So why not Spratt?

Because its emphasis is on achieving collective action rather than proceeding unilaterally. The resistance of the Administration to that approach is consistent with the general strategy laid out in its new doctrine stated a few weeks ago, our use of pre-emptive first strikes in situations short of imminent danger with only cursory effort to proceed collectively. It is that very backdrop for the Administration's approach on Iraq that should make us all pause.

Or, because Spratt does state clearly the objective is total disarmament of all weapons of mass destruction. While sometimes implying otherwise, the President's speech earlier this week make clear that the Administration sine qua non is regime change, whatever the success in disarming Saddam Hussein. That also must give us pause.

We should not blur these important differences.

These are the reasons that I voted for the Spratt resolution and opposed the Administration's resolution.

Mr. TAUZIN. Mr. Speaker, today I rise in support of the bipartisan resolution to authorize the use of military force against Iraq.

When President Bush addressed the nation following the terrorist attacks of September 11th, he made it entirely clear that the United States would not tolerate nations that harbor terrorists. Like the President, I believe a nation that provides a safe-haven for the likes of al-Qaeda is no different than the terrorists themselves. We know Saddam Hussein harbors terrorists in Iraq, funds terrorist training camps, and supports the families of suicide bombers.

He possesses and continues to develop biological and chemical weapons and seeks to build a nuclear bomb. We know he will try to use this bomb against the United States or our allies if he gets his hands on one. He already has unleashed biological and chemical weapons upon his own people, killing thousands. What more do we need to know? We must stand ready to take action before it is too late.

I want to make clear to every American, especially the folks in my home state of Louisiana, that this decision to possibly send our young service men and women into harms way is not about settling unfinished business. Nor is it about oil or taking control of Iraqi oil fields. This is about a grave and present threat against our people, today.

Saddam Hussein is a tyrannical dictator who hates America and who will use any means possible to attack us if given the opportunity. We cannot allow Saddam that opportunity. Our only option is to take every precaution to ensure the safety of our citizens.

Whether the next direct threat against the United States comes in the form of retaliation from Iraq or from any other terrorist entity, we must be prepared for the possibility of a biological or chemical attack against Americans, here or abroad. Today, I can say with confidence that America's public health emergency system is better prepared to respond to such an attack as a result of the comprehensive bioterrorism preparedness bill that I worked hard to help write and enact.

This sweeping legislation, signed into law by the President in June, dramatically improves our nation's ability to respond swiftly and effectively to new and emerging terrorist threats. This major milestone covers everything from public health preparedness and improvements, to enhancing controls on deadly biological agents, to protecting our food, drug, and drinking water supplies and improving communications between all levels of government, public health officials, first responders and health providers.

Mr. Speaker, this threat to our national security is one we can conquer. We have the means, and I believe as the President does that "we must act now before waiting for final proof—the smoking gun—that could come in the form of a mushroom cloud."

Mr. OSE. Mr. Speaker, my greatest responsibility as a Member of Congress is to protect America against all enemies, foreign and domestic. This responsibility includes taking preemptive action, if necessary, to protect our homeland and national security interests. On September 14, 2001, Congress adopted a resolution that authorized the President to take such action.

Iraq must follow the terms it agreed to at the end of the Gulf War, cease its attacks on U.S. and other peacekeepers in the region, end its promotion of terrorism and weapons of mass destruction, and end its persecution of its own people. Should Iraq continue to ignore the 12 U.N. Resolutions and the agreements he made at the end of the Gulf War, I will support President Bush in the actions he sees necessary to ensure the safety of our citizens, as well as our allies and interests abroad. The vote today makes clear to Saddam Hussein that time for Iraq to finally meet the requirements of the international community has run out.

Mr. SIMPSON. Mr. Speaker, I want to take just a few minutes to outline my thoughts on the Resolution before the House today and the reasons why I have decided I must vote in its favor.

Throughout the past few months, I have been supportive of efforts that would allow our nation to first pursue Iraq's compliance with existing U.N. resolutions and eventually engage our allies in a united effort to force a regime change in Iraq. Early discussions and versions of the Congressional Resolution on which we are about to vote had very broad authorities for the President associated with the threat posed by Iraq—something that caused concern for me and many of my colleagues on both sides of the political aisle.

As more evidence of Iraq's growing ability to develop and deliver weapons of mass destruction has emerged, I think it is clear that the patience required to avoid armed conflict must be balanced against the severe and catastrophic consequences of waiting too long to act. We simply cannot wait to act, either with the United Nations or unilaterally, until Iraq actually uses its weapons of mass destruction against its enemies or completes its development of a working nuclear weapon. I believe a recent dossier on Iraq, written by the British Government, clearly illustrates the threat posed by Saddam Hussein. Among its findings were the following:

Iraq has continued to develop chemical and biological weapons, including anthrax, mustard gas, sarin nerve gas, and VX nerve gas;

Iraq has military plans for the use of chemical and biological weapons, some of which are deployable within 45 minutes;

Iraq has developed mobile laboratories for the production of biological weapons;

Iraq has tried to covertly acquire technology and materials for use in the production of nuclear weapons;

Iraq has sought uranium from South Africa despite having no active civil nuclear power program that might need it;

Iraq is in various stages of development and deployment of a number of missile systems capable of delivering weapons of mass destruction over vast distances; and

Iraq has learned a great deal from past experiences with weapons inspections and has undertaken an aggressive program to conceal sensitive equipment and documentation in the event weapons inspectors return in the future.

To even the most cynical critic of armed conflict, these realities have to represent a clear and present danger to the security of the middle-east and an undeniable threat to the security interests of the United States.

I think it is also important to note that the development and possession of these weapons of mass destruction by Iraq are in direct violation of international law. Iraq, under a variety of U.N. resolutions, is required to destroy its vast inventory of these weapons under the supervision of the United Nations. Sadly, this is not the only way in which Iraq has violated its international obligations. In 2002 alone, Iraqi forces have fired on U.S. and British pilots 406 times and continue this hostility every day. In addition, recently released classified photos shows Iraq rebuilding its weapons factories and U.S. National Security Advisor Condoleezza Rice recently revealed that Iraq provided training to al-Qaida in chemical weapons development and trained terrorists—information corroborated in the British Dossier.

I want to commend President Bush and leaders of both parties of Congress, including House Speaker DENNIS J. HASTERT and House Minority Leader RICHARD GEPHARDT, for working together, setting political differences aside, and drafting the Resolution before us today. I firmly believe this Resolution provides the President the authority he needs to protect the American people and the rest of the world from Saddam Hussein's growing appetite for weapons of mass destruction—including nuclear weapons. At the same time, the Resolution leaves open the possibility for a peaceful end to this international crisis and places the responsibility for avoiding armed conflict directly on Saddam Hussein. His actions over the coming weeks will determine whether the United States, Great Britain, and a number of our allies are forced to act to protect the world from his own aggression.

Specifically, the Resolution:

Authorizes the President to defend the U.S. by military force against threats from Iraq, and enforce existing U.N. Security Council resolutions;

Requires the President to determine that further diplomacy initiatives will not adequately protect our national security;

Requires a report to Congress at least every 60 days on the status of efforts to protect the U.S.;

Authorizes action by the President consistent with the War Powers Resolution; and

Contains a sense of Congress resolution supporting the President's efforts to obtain a U.N. Security Council resolution to ensure that Iraq immediately complies with all relevant Security Council resolutions.

I want to report that this Resolution is not the blank check for war that some of its opponents are portraying it to be. In fact, this Resolution leaves plenty of room for a peaceful resolution to this conflict, urges cooperation with the United Nations and our allies, and ensures Congress's constitutional role is protected.

While I have been a proponent of seeking the participation of our allies in any action we might take against Iraq, I think it is important to remember that we have the right to act unilaterally in the defense of our nation and its interests. This resolution protects that right while recognizing the importance of securing the cooperation of the international community.

Although I feel it is regrettable that we are now at a point where we must consider armed conflict with Iraq to protect the world from its aggression, it is impossible to ignore any longer the devastating risks of continued inaction. Saddam Hussein is solely responsible for bringing the United States and the international community to this point. While I remain hopeful we can find a peaceful resolution to this dispute, the overwhelming body of evidence points to only one conclusion—Saddam Hussein must be disarmed immediately through either his actions or our own.

For that reason, Mr. Speaker, I will vote in support of the Resolution before us today and stand behind President Bush in his efforts to protect our nation from the horrors Saddam Hussein seems committed to unleashing on his enemies and the world.

Mr. HOLT. Mr. Speaker, this past Sunday during a pancake breakfast at a firehouse in my hometown, one of my constituents sat down with me. "Why have we gotten into this headlong rush into war," he asked? Why haven't we first exhausted all the other possibilities for dealing with Saddam?" His questions reflected both my feelings and those of so many other Americans: Where is the pressing need to send our Nation, our servicemen and women, into a potentially bloody, costly war that could threaten rather than strengthen our national security?

I will vote "no" on this resolution.

It is true that Saddam Hussein has for years presented a threat to his own people, to the Middle East, to the world. His relentless pursuit of weapons of mass destruction is unconscionable. We have a legal and a moral obligation to hold him accountable for his flagrant violation of international law and his maniacal disregard for human decency.

I applaud the President for refocusing international attention on the Iraqi threat. This is something that I have followed with concern since I worked in the State Department 15 years ago on nuclear nonproliferation. However, I believe it is at the least premature, and more likely contrary to our national interest, for Congress to authorize military action against Iraq now.

As I reviewed the arguments for and against this resolution, I found myself returning repeatedly to some basic questions. Would unilateral American military action against Iraq reduce the threat that Saddam Hussein poses? In other words, would a Saddam facing certain destruction be less likely or more likely to unleash his weapons of mass destruction on his neighbors, his own people, or on Americans? Will an attack against Iraq strengthen or weaken our more pressing effort to combat al Qaeda and global terrorism? Will it bolster our ability to promote our many other national security interests around the world and make Americans more secure? I believe the answer to all of these questions is a resounding no.

Why should we undertake action that makes more likely the very thing we want to prevent? A cornered Saddam Hussein could release his arsenal of chemical, biological, and possible nuclear weapons on American soldiers or on his neighbors in the region, including Israel. The CIA recently reported that Iraq is more likely to initiate a chemical or biological attack on the United States if Saddam concludes that a U.S.-led invasion can no longer be deterred.

In addition, I am also concerned that a unilateral American invasion of Iraq would send a destabilizing shockwave throughout the Middle East and ignite violent anti-Americanism, giving rise to future threats to our national security. While I have no doubt that we can successfully depose Saddam Hussein, I am concerned that the act of extinguishing Saddam would inflame, rather than diminish, the terrorist threat to the United States. And the ensuing anti-American sentiment could reinvigorate the terrorists' pursuit of the loose nuclear weapons in the former Soviet Union—a greater threat than Iraq, I might add, one that American has largely neglected.

The Administration has tried and failed to prove that Saddam's regime is a grave and immediate threat to American security. It has also simply failed to explain to the American public what our responsibilities would be in a post-Saddam Iraq. How will we guarantee the security of our soldiers and the Iraqi people? How will we guarantee the success of a democratic transition? How many hundreds of billions of dollars would it cost to rebuild Iraq?

This resolution would give the President a blank check, in the words of many of my constituents, and would allow him to use Iraq to launch a new military and diplomatic doctrine. By taking unilateral, preemptive military action against Iraq, we would set a dangerous precedent that would threaten the international order.

Instead, we can and should take the lead in eliminating the threat posed by Saddam Hussein not by taking unilateral military action. If we consult actively with our allies in the region, with NATO, with the U.N. Security Council, we will be able to undertake effective inspections and end Saddam's threat. I do not believe that we need the permission of our allies to take action, but I do believe that we need their partnership to be successful in the long run.

As the world's leading power, we should use the full diplomatic force at our disposal to work with our allies to get inspectors back into Iraq without any preconditions—including access to Saddam's presidential palaces. We can and we will disarm Iraq and end Saddam's threat. The United Nations and the international community may recognize the need to take military action. The American people will understand and be prepared for that possibility. Now, they are not. Now, they are saying that, for the United States, war should and must always be our last resort.

Mr. MALONEY of Connecticut. Mr. Speaker, I rise in support of the Spratt substitute to H.J. Res. 114, the Hastert/Gephardt resolution authorizing military action against Iraq. Nearly all of us agree that Saddam Hussein is a mass murderer who is in control of biological and chemical weapons of mass destruction—and reaching for nuclear weapons as well. The Spratt substitute recognizes the grave threat that Saddam Hussein poses to security in the Middle East and around the world. The Spratt substitute authorizes the use of force through a prudent multinational approach. In contrast, the Hastert/Gephardt resolution, which I will oppose, authorizes unilateral military action on the part of the United States without first making sure that all possible steps have been taken to organize multinational, world-wide support against Saddam Hussein.

I also note that I am opposed to the substitute amendment offered by Representative LEE of California, but for the opposite reason. That resolution does not re-enforce our commitment to wage the critically important War on Terrorism, nor does it set out any path that would require Saddam Hussein to rid his regime of weapons of mass destruction. While it is clearly a mistake to act in haste, it would be an even worse mistake to not act at all.

As Connecticut's senior member on the House Armed Services Committee, as well as a member of the Committee's Special Oversight Panel on Terrorism, I want to share my deep concern regarding four key issues relating to the Hastert/Gephardt resolution on Iraq.

First, it would be a fundamental abdication of American leadership if, before taking action against Iraq, we don't make every effort to bring the family of nations with us, just as we did in the first Gulf War, and have done in the War on Terrorism. Unilateral action by this nation against Iraq raises very disturbing issues, including the reaction of other Arab states, which could further destabilize the Middle East, incite further terrorist hatred against us, and even potentially metastasize the Middle East conflict into the ongoing nuclear standout between Pakistan and India. Only a cohesive multinational approach, most preferably under the authority of the United Nations, would minimize these risks.

Second, it seems unlikely that unilateral war with Iraq can be carried out without an adverse impact on the War on Terrorism. America certainly has the ability to do militarily almost anything it wants. The issue is prudence not capability. As President Abraham Lincoln said during the middle of the American Civil War, when England was looking to pick a fight with the United States, it is best to fight "One war at a time." We have successfully built a global coalition to fight terrorism. Many nations, some even traditionally hostile to our interests, have assisted in our efforts to destroy the al Qa'ida network, and bring to justice the perpetrators of the September 11 attacks. This work should remain the first priority of national security. A unilateral attack on Iraq will destroy that coalition, and make it much more difficult—perhaps even impossible—for us to complete our anti-terrorism efforts. Many Arab nations would break with our coalition, and nations like Russia and China, even France, might well follow suit.

Third, a less than fully multinational approach increases the chance that Saddam Hussein will use weapons of mass destruction against us. In a letter dated October 7, 2002, to the Senate Intelligence Committee, the Director of the Central Intelligence Agency said, "Saddam might decide that the extreme step of assisting Islamist terrorists in conducting a WMD attack against the United States would be his last chance to exact vengeance by taking a large number of victims with him." Should we act unilaterally, the United States would expose ourselves to the greatly increased likelihood of a weapons of mass destruction attack. Saddam Hussein cannot achieve the same kind of "vengeance" in attacking a coalition that includes fellow Arab states. We can best mitigate the threat of Saddam Hussein using weapons of mass destruction against us by having our actions endorsed by the U.N. Security Council and by operating in cooperation with the nations of the region. That is also the strategy that appears to be most likely to produce a resolution of the matter without Saddam Hussein using force of any kind. Saddam Hussein, facing a united, determined opposition coalition of nations would be more likely to assent to real inspections and disarmament if his only alternative was total defeat, including his being stripped of the ability to single out the United States for vengeance.

Fourth, and finally, we need a clear exit strategy for any military engagement. The commitment to disarm Iraq and oust Saddam Hussein brings with it, according to the best military estimates, at least a decade of occupation and engagement in the stability and security of that country. I have great pride and confidence in our military and its capabilities, but there is a large danger in devoting them to such a huge task while other major threats still persist around the world, including North Korea and Iran, the other two nations of the "Axis of Evil." Operating in conjunction with the United Nations will provide our forces with such a clear exit strategy. Specifically, U.N. peacekeeping forces will be put in place following the liberation of Iraq. The U.N. can then help bring Iraq back into the community of law-abiding nations, which is a task properly and fully within its mission.

I have based these decisions on the series of briefings I have attended as a member of the House Armed Services Committee, numerous conversations with constituents and my colleagues, and my own best judgment of what is patriotically both in the long and short-term interests of our country. I have listened intently to all sides in the debate, most recently meeting this morning with Secretary Rumsfeld at the Pentagon.

Having carried out the due consideration that this issue demands, I conclude that I cannot support the Hastert/Gephardt resolution that would allow a pre-emptive unilateral attack without requiring that every effort at a multinational approach had been exhausted. I therefore urge my colleagues to join me in supporting the strong, but prudent and responsible, Spratt substitute that authorizes the use of force, but assures that such force (1) is carried out in concurrence with the community of nations, or (2) failing to secure such concurrence, is specifically authorized in the cold light of a future day reserved for that purpose. Any more open-ended resolution, including that offered by Speaker HASTERT and Leader GEPHARDT, does not provide the thorough, specific review and deliberation that the authorization of war demands of the Congress of the United States.

I conclude by expressing my heartfelt appreciation, shared by my colleagues on all sides of this debate, for our men and women in uniform. Whatever the decision made today, I stand in full support of our dedicated and courageous service men and women who may well soon find themselves in harm's way. As a member of the Armed Services Committee, I re-affirm to them, and all Americans, my commitment to make sure that they continue to be the best trained, best equipped, and best led military force in the world. I pray them God's speed and protection in all that they do.

Mr. HOUGHTON. Mr. Speaker, this is an important—no, a critical debate. It is right that we have it. I stand here as one who enlisted in the Marine Corps in 1994, voted for Desert Storm, and has always believed that the first federal dollar spent each year should go to the military. These men and women provide for our ultimately security.

However, I am prepared to vote against this particular resolution. It will not be a happy vote. I will be in the minority. I sadly will not stand with my President, a man I admire so much. Yet as with literally the thousands of votes cast in this chamber, I've found that following one's instinct is the most honest, if not always the most politically popular, approach.

What we're discussing is all unknown territory. We're talking about the future—and that talk, out of necessity, means guesses, estimates, and personal interpretation. The one thing we do know is that since September 11, 2001, we are living in a new world. It's an unsettling world requiring different defenses—secrecy, stealth operations, armies without uniforms—but maybe of greatest importance, an adhesive-like working relationship with our friends.

Following 9/11 we were told that the enemy was terrorism in all its forms. The al Qaeda, Osama bin Laden would be hunted down, Afghanistan was to be stabilized and rebuilt, and we were to work closely with our allies and near-allies. We could not go it alone.

Now we hear that priorities have changed. Iraq is the prime target. Saddam Hussein is a heinous criminal, with frightening weapons. And I believe all that. But the question remains: what does this have to do with terrorism, our original objective? There is little evidence that Iraq had anything to do with 9/11.

I happen to be a hawk on Iraq. Saddam Hussein is a disturbed, dangerous leader. We should deal with him. But absent any immediate threat, our eye ought to be on the security of the American people. The fight is against terrorism in all the emerging subtle forms and that has little to do with Saddam Hussein. So without finishing what we started and with no sure knowledge that he is near producing nuclear weapons, why is it that within the last few months we recalibrate our objectives? War would be hugely costly. We already are in deep deficit. We are not backed by the essential allies, and we could easily unleash additional terrorism.

Last weekend I spent a whole day with Jewish and Palestinian representatives. One Arab comment was, "The Iraqis hate Saddam Hussein, but remember they hate the United States more."

Iraq is one of the few secular countries in the Middle East. Unleashing, without careful ground work, the hatred of two mortal internal enemies—the Sunnis and the Shi'ites—could produce another angry fundamentalist state.

The bill in front of us says, "The President is authorized to use the Armed Forces of the United States as he determines to be necessary and appropriate . . ."

I have the greatest respect for the President. And you know what? He may be right. But I am given the opportunity to express my opinion and to cast my vote. I feel uncertain at this time, in this place, sanctioning that authority.

Unilateralism scares me. We haven't shown a lot of patience since the President's speech to the U.N. Our historic rule of thumb has been to bring people together, not divide them. This war will not be a cake walk. People fight differently in defense of their homeland, their families. I worry about the Israeli-Palestinian conflict, and our lack of attention to it.

I think we've got the cart before the horse. Let the U.N. first work its will.

Finally, Mr. Speaker, a right decision at the wrong time is a wrong decision. Why don't we win the war against terrorism before we start another fight?

Mr. PUTNAM. Mr. Speaker, during this Congress I have been honored to serve as Vice Chairman of the Government Reform Committee's Subcommittee on National Security, Veterans Affairs and International Relations. Under Chairman SHAYS' leadership our Subcommittee has conducted at least 14 hearings and briefings, many of them well before September 11, 2001, which addressed in some measure the threat from the proliferation of chemical, biological and nuclear weapons.

Congress has recently conducted hearings on who missed the signals leading to 9/11.

The signals of the potential for an even greater catastrophe have been writ large before our subcommittee over the past two years of testimony. These hearings provided ample evidence establishing that Iraq is one of the premier consumers—if not the—premier consumer of the components and precursors of weapons of mass destruction. This unprecedented build-up serves no positive purpose, but rather demonstrates an attempt to dominate the region and threaten our peaceful interests. Let me share with you just a few examples:

1. Iraq is seeking to purchase chemical weapons agent precursors and applicable production equipment, and is making an effort to hide activities at the Fallujah plant, which was one of Iraq's chemical weapons production facilities before the Gulf War.

2. At Fallujah and three other plants, Iraq now has chlorine production capacity far higher than any civilian need for water treatment, and the evidence indicates that some of its chlorine imports are being diverted for military purposes.

3. Saddam Hussein is continuing to seek and develop biological weapons. In 2001, an Iraqi defector, Adnan Ihsan Saeed al-Haideri, said he had visited twenty secret facilities for chemical, biological and nuclear weapons. Mr. Saeed, a civil engineer, supported his claims with stacks of Iraqi government contracts, complete with technical specifications.

4. Saddam Hussein is continuing to seek and develop nuclear weapons. A new repot released on September 9, 2002, from the International Institute for Strategic Studies—an independent research organization—concludes that Saddam Hussein could build a nuclear bomb within months if he were able to obtain fissile material.

5. Saddam Hussein is continuing to seek and develop prohibited long-range, ballistic missiles. Iraq is believed to be developing ballistic missiles with a range greater than 150 kilometers—as prohibited by the U.N. Security Council Resolution 687. Discrepancies identified by UNSCOM in Saddam Hussein's declarations suggest that Iraq retains a small force of Scud-type missiles and an undetermined number of launchers and warheads.

6. There is ample evidence that Saddam Hussein is using his Presidential palace sites to hide prohibited WMD and missile technologies. In December 1997 Richard Butler reported to the U.N. Security Council that Iraq had created a new category of sites, "Presidential" and "sovereign" from which it claimed that UNSCOM inspectors would henceforth be barred. The terms of the ceasefire in 1991 foresaw no such limitations. However, Iraq consistently refused to allow UNSCOM inspectors access to any of these eight Presidential sites. Many of these so-called "palaces" are in fact large compounds, which are an integral part of Iraqi counter-measures designed to hide prohibited weapons and material.

7. To implement the agreement that ended the gulf war the United Nations Security Council passed a number of resolutions demanding that President Saddam Hussein stop pursuing weapons of mass destruction and allow inspectors total access to his country to verify his compliance. In 1998 Saddam Hussein suspended cooperation with the U.N. inspectors. The U.N. General Assembly has subsequently failed to enforce the sixteen (16) existing Security Council Resolutions that Iraq has violated. While the United States is working with our allies to craft yet another resolution for consideration by the Security Council, it should be noted that the Saddam Hussein regime has already rejected this proposal before it has even been brought before the Security Council.

Mr. Speaker, this is a particularly difficult decision for me, because I recognize that it is largely the men and women of my generation, those in their twenties or younger, who will fight this war—if war comes. Today, Marine Lance Cpl. Antonio J. Sledd, 20 rests in honor under our flag somewhere between Kuwait and his home in Hillsborough County, Florida. We would be remiss in our responsibilities if we do not acknowledge that there will be a cost, and there is a price being paid this very day, by America's young defenders and their families.

Opponents of military action against Iraq argue that until it is clear that Iraq poses an imminent threat, the United States should continue to contain and deter Saddam Hussein. Our hearings have demonstrated that Saddam Hussein is not deterred, and that the threat posed by his regime's continued pursuit of weapons of mass destruction and missile technology is in fact imminent. Today, we are at the point, very much as the democracies of the world once were in their great confrontation with Hitler, where we have a choice to confront or appease an aggressor. I intend to vote in favor of House Joint Resolution 114 and support President Bush in his decision to confront Saddam Hussein and end the threat to the United States, and the world, posed by Iraq's development of weapons of mass destruction.

Mr. HILLEARY. Mr. Speaker, I rise today in support of the Hastert-Gephardt Iraq resolution, in opposition to the Spratt and Lee amendments, and in strong support of our President.

I do not take this action lightly. No one enjoys the idea of placing sons and daughters of America in harm's way. Twelve years ago, while serving as an Air Force C–130 navigator, I was one of those troops on the receiving end of a resolution like this one. I know it was an agonizing decision for many members of Congress. I know many members are struggling with this resolution here today. And I have received phone calls, letters, and emails from many concerned Tennesseans on both sides of this issue.

To all of them, I would offer the advice Margaret Thatcher gave President George H.W. Bush in 1990: "Now is no time to get wobbly." The resolution Congress passed before Desert Storm was right, both for America and for the world. This one is too.

The Spratt amendment and the Lee amendment would each tie the President's hands, subjecting U.S. foreign policy to the dictates of the U.N. Security Council. United Nations opposition to removing the corrupt Iraqi regime in 1991 is a major reason why we're here today. I am not comfortable with China, Russia, and France having a veto on American security decisions. America is a peaceful nation, but when our freedom and security have been challenged in the past, we have consistently done whatever it took to protect our way of life. We are challenged again today, and America must take the lead against this tyranny.

I take issue with those who call any action in Iraq "a preemptive strike". It is surely not. For Saddam, the gulf war has never ended. In the past two years, forces at his command have fired over 1,600 times at American and British planes patrolling the no-fly zone Saddam agreed to at the end of the gulf war. They've fired at our pilots more than 60 times since September 18th, the day Saddam promised to "allow the return of United Nations inspectors without conditions."

By using chemical weapons to kill thousands of his own people, Saddam has proven his ruthlessness. In invading Iran and Kuwait, he has shown his inclination toward aggression and his ambition for dominating the region. In violating 16 United Nations resolutions, he has consistently lied to the world and refused to allow the Iraqi people to join the ranks of civilized nations.

Now, financed by his immense oil wealth, Saddam has relentlessly pursued building nuclear, chemical and biological weapons. These weapons in the hands of a ruthless tyrant like Saddam Hussein present a direct threat we cannot ignore. He could launch an attack on Israel that plunges many nations into war. He could also use them as blackmail as he pursues domination of the Middle East. But his main threat to America is as a supplier.

Intelligence reports have indicated that Saddam's people have been in contact with al-Qaeda operatives. We know they share a common interest in harming America and the West. If Saddam provides al-Qaeda with the weapons of mass destruction they desire but cannot make themselves, they will find a way to transport those weapons into this country. And the magnitude of the subsequent attack and its casualties would rival or exceed anything we experienced on September 11th, December 7th, or any other tragic date in our history.

Remember President Bush's words from his State of the Union speech earlier this year. "America will do what is necessary to ensure our Nation's security. We will be deliberate, yet time is not on our side. I will not wait on events, while dangers gather. I will not stand by, as peril draws closer and closer. The United States of America will not permit the world's most dangerous regimes to threaten us with the world's most destructive weapons."

President Bush and his national security team may find a way short of war that may force Saddam to disarm. An overwhelming vote for this resolution could actually help the President avoid war while protecting our citizens, by making it clear to Saddam that we are united and complete disarmament is his only way out. During his speech in Cincinnati this past Monday, President Bush made clear that war is not his first option, but his last. But given Saddam's history, that last option may be the only way to avoid the greater danger of nuclear, biological or chemical weapons falling into the hands of those who will use them against America.

The situation we face is not all that unlike the situation Europe faced with the rise of another previously defeated enemy, Germany. Winston Churchill's pleas throughout the 1930's that Europe deal with Hitler early fell on deaf ears. Western Europe's negligence was followed by fear, appeasement, and eventually, the most destructive war in history.

This President is determined not to allow history to repeat itself. The American people now face a clear choice—whether to put our head in the sand—or draw a line in it. We will choose action over fear. The President is right—in this battle, time in not on our side. But freedom is. And in the end, victory will be as well. I strongly support this resolution, and I will encourage all Americans to do the same. My God bless our country, our President, and our men and women in uniform at this critical time.

Mr. PLATTS. Mr. Speaker, just off the rotunda of the U.S. Capitol building stands a statue of a fellow Pennsylvanian by the name of John Muhlenberg. In early 1776, this 29 year-old Lutheran Minister gave a sermon in Woodstock, Virginia in which he called upon the men of his congregation to join him in fighting for our Nation's independence. Quoting the Book of Ecclesiastes, Pastor Muhlenberg said: "There is an appointed time for everything. And there is a time for every event under heaven . . . A time for war and a time for peace." Contending that the time for war had arrived, Pastor Muhlenberg then concluded his sermon by casting off his clerical robes to reveal the uniform of a Continental Army officer. Pastor Muhlenberg went on to serve as a general in the Continental Army.

More than a century and a half later, in an address at Chautauqua, New York in 1936, President Franklin Delano Roosevelt stated, "I hate war." Yet, after Pearl Harbor roused our nation from a slumbering isolationism, President Roosevelt knew that the time for war had come. The actions of Pastor Muhlenberg and President Roosevelt remind us that, from the very beginning of our great Nation to modern times, war is always regrettable, but sometimes necessary to protect the lives of our citizens and to secure the important principles for which our Nation stands.

As our Nation now seeks to address the very serious and immediate threat that Saddam Hussein's regime poses to American lives, both abroad and here at home, it remains to be seen whether war will be a necessary part of our Nation's efforts. I certainly hope and pray that it will not. Unfortunately, however, Saddam Hussein's actions, past and present, do not provide much reason to believe that my hopes and prayers will be fulfilled.

If diplomacy is to have any chance of success, Saddam Hussein must fully and unequivocally understand that, if necessary, the United States and other peace-loving nations will no longer stand idly by while he further enhances his chemical and biological weapons of mass destruction (WMD) and aggressively pursues the production of nuclear weapons. Saddam Hussein must understand that, if necessary, we will use military force to eliminate the threat that his weapons pose to our citizens.

It is thus imperative for the United States Congress to pass legislation authorizing President George Bush to use military force to "defend the national security of the United States against the continuing threat posed by Iraq" and to "enforce all relevant United Nations Security Council resolutions regarding Iraq." I therefore join my Republican and Democrat colleagues in voting in favor of this legislation, House Joint Resolution 114. Importantly, H.R. Res. 114 requires that, prior to using military force against Saddam Hussein's regime, President Bush must officially determine that further reliance on "diplomatic or other peaceful means alone either will not adequately protect the national security of the United States" or will not likely "lead to enforcement of all relevant United Nations Security Council resolutions regarding Iraq." Such determination must be shared with the House and Senate.

My decision to support H.J. Res. 114 followed much deliberation and was the product of countless hours of careful review of information from many sources. I have fully considered the views and concerns of hundreds of 19th District residents. As a member of the House Subcommittee on National Security, Veterans Affairs, and International Relations, I have participated in numerous classified briefings with various Administration officials, including Secretary of Defense Donald Rumsfeld, National Security Advisor Condoleezza Rice, Chairman of the Joint Chiefs of Staff General Richard Myers, and Deputy Director of the Central Intelligence Agency John McLaughlin. I have also met overseas and in Washington with leaders of the Iraqi National Congress (INC), a coalition of Shi'a, Sunni, and Kurdish Iraqi dissidents seeking to liberate their people from Saddam Hussein's oppressive rule. Although very diverse in their backgrounds, they are united in a common belief that Saddam Hussein's military regime must be replaced with a more humane government. My interactions with the INC representatives leads me to believe that the removal of Saddam Hussein will be embraced enthusiastically by the overwhelming majority of the Iraqi people—just as the people of Afghanistan embraced their liberation from the Taliban.

My challenge is to fully explain my support for H.J. Res. 114 when much of the most important factual basis for this extremely serious decision is classified information. While I cannot legally share such classified material publicly, I can frankly and honestly state that my review of said material has wholly convinced me that Saddam Hussein's military regime poses a grave threat to the safety and security of American citizens, including here at home. There is compelling evidence of Iraq's biological and chemical capabilities and Saddam Hussein's intended use of such weapons. There is also strong evidence of his pursuit of nuclear weapons. Of significant concern is Iraq's growing fleet of unmanned aerial vehicles (UAVs) that are capable of dispensing biological or chemical weapons. As President Bush stated in his recent address to the Nation, our intelligence information indicates that Saddam Hussein is "exploring ways of using these UAVs for missions targeting the United States."

Please allow me to address various actions by Iraq over the past 11 years that are in the public domain. First, Iraq has a long record of abetting terrorist groups. For example, Hussein has regularly praised Palestinian suicide bombers who have taken the lives of countless innocent civilians, including American citizens. He has also financially rewarded the families of said suicide bombers. Although no direct Iraqi involvement in the September 11 attacks has been proven, there is also strong evidence that Iraq is serving as a safe harbor for al Qaeda terrorists since the fall of the Taliban regime in Afghanistan.

Second, as part of the United Nations sponsored cease-fire agreement following the liberation of Kuwait, Iraq agreed to dismantle its weapons of mass destruction (WMD) programs and allow inspections to ensure its compliance with the agreement. Iraq has been in continuous violation of the cease-fire terms, playing "cat-and-mouse" games with United Nations inspectors while continuing to develop WMD. Since weapons inspectors were effectively expelled in 1998, Iraq has been completely free to continue its pursuit of developing WMD and the means to deliver them. Saddam Hussein has used chemical WMD in the past against a neighboring country, Iran, as well as against his own people, including innocent children.

Third, Saddam Hussein has demonstrated his continuing hostility towards the United States by attempting to assassinate former President George Bush in 1993 and firing regularly on U.S. aircraft attempting to enforce United Nations-sanctioned "no fly zones" in northern and southern Iraq, the only protection that the persecuted people in those regions possess. In fact, according to the Joint Chiefs of Staff, U.S. and other allied aircraft enforcing the "no fly zones" have been fired upon several thousand times by Iraqi military units.

Fourth, Saddam Hussein has engaged in heinous human rights violations against his own people. He has intimated political opponents by ordering the systematic rape of wives and mothers of said opponents and he has forced parents to watch their children be tortured as a means of political coercion.

"Finally, it is important to note that "regime change" in Iraq is not a new policy adopted by the Bush Administration. Rather, the Iraq Liberation Act, which states that it is the policy of the United States government "to support efforts to remove the regime headed by Saddam Hussein from power in Iraq and to promote the emergence of a democratic government to replace that regime," was enacted in 1998. Sponsored by Congressman BEN GILMAN in the House and Senators TRENT LOTT and JOSEPH LIEBERMAN in the Senate, the Iraq Liberation Act passed the House by a vote of 360–38 and the Senate unanimously. President Bill Clinton signed this act into law on October 31, 1998.

If the use of military force against Saddam Hussein's regime does prove to be necessary to protect our Nation's security, such military action must be carefully designed to minimize the risk of injury and death to Iraqi civilians and American military personnel. The enemy is the regime of Saddam Hussein, not the Iraqi people.

Ideally, President Bush, working hand-in-hand with our allies and the United Nation's Security Council, will be successful in fully addressing the threat that Saddam Hussein and his military regime pose to world peace and to our Nation's security without having to resort to military force. But if diplomatic efforts fail to truly eliminate this grave threat to American lives, then we must be prepared to act decisively, just as our forefathers did during the Revolutionary War and World War II.

President Bush well captured the challenge before us when he stated, "As Americans, we want peace. We work and sacrifice for peace. But there can be no peace if our security depends on the will and whims of a ruthless and aggressive dictator."

Mr. OTTER. Mr. Speaker, I rise today to express my support for House Joint Resolution 114, authorizing the use of United States Armed Forces against Iraq. After careful consideration of the information provided by the President it is clear that the threat posed by the current Iraqi regime can no longer be tolerated.

Thousands of my constituents have contacted me about this resolution, and many have expressed the earnest hope that war can be avoided. I share that hope, and urge our President to use every means short of war to persuade Iraq to end their violations of Security Council resolutions, to stop developing weapons of mass destruction, and to allow their people to live in peace and freedom. Unfortunately, the current regime has shown no willingness to do any of these things.

The Iraqi regime, controlled by Saddam Hussein and his family, is unique in its level of violence, both against its own people and its neighbors. Since Mr. Hussein came to power he has invaded both Iran and Kuwait. He has fired ballistic missiles against Saudi Arabia, Bahrain, and Israel. He has sponsored terrorist attacks against American citizens and Iraqi dissidents abroad.

The Hussein regime is also unique in its unquenched thirst for weapons of mass destruction. Iraq has used chemical weapons against its own people and Iran. It has developed biological weapons. Most disturbingly, Iraq seeks to acquire nuclear weapons.

Some have said that the Iraqi weapons problem can be solved by inspections, but Iraq consistently hindered international inspections when they allowed them, and since 1998 has not permitted them at all. Meanwhile they go ahead with their research program funded by illegal oil smuggling.

An Iraq armed with nuclear armed ballistic missiles would not only be the dominant military power of the Middle East, but it would be the natural ally of all states and groups that oppose the United States. We cannot allow unbridled power into the hands of such an unscrupulous regime. America's future cannot be made dependent on a regime armed with the ultimate weapon.

The Iraqi regime led by Saddam Hussein is based on the ruthless use of force, and only responds to the use of force by those it threatens. If force must be used to resolve this crisis, we must ask ourselves: Should we use it now to defend peace and freedom, or later to avenge the murder of innocent men, women, and children by Saddam Hussein's weapons of mass destruction. I believe that the answer to this question is clear and that our President is correct. I urge my colleagues to join me in voting for House Joint Resolution 114.

I am grateful for those allies such as the United Kingdom, the Czech Republic, and others who are standing with us, and remain hopeful that other nations will join our cause. I ask our President to seek the support of as many nations and international organizations as possible, and to make available whatever additional intelligence or security they need. I also must reiterate that our quarrel is with the Iraqi regime, not its people. As we move forward I urge my fellow Americans to remain tolerant of their neighbors and to avoid any action based on the ethnicity or religious persuasion of others. I also urge all Americans, and all sides in this debate, to support our troops who may be called upon to enforce this resolution and defend their country.

Mr. McDERMOTT. Mr. Speaker, we are standing at the abyss of a horrifying war. President Bush himself told us Monday night that this war was neither "imminent nor unavoidable." And yet we are pushing, hurrying, racing against time to give the President our approval of a future war, a war without limits or boundaries, a war waged because the President thinks diplomacy has failed.

I do not believe diplomacy has failed. And I do not believe we have to go to war. President Bush's speech was designed to frighten the American people, and to intimidate the United Nations. It wasn't addressed to us, the Congress, because President Bush and his advisers already believe that they have our backing. But they don't have the backing of the American people. The pools tell us that. Our constituents tell us that. The phone calls and faxes and emails and letters to our offices, running 100 to one, 500 to one against this war, all tell us that. I, for one, am not afraid. And I do not think my colleagues in the House and in the Senate should be afraid either. We should not be afraid of standing up to an unnecessary war. We should not be afraid to stand up to a President when he is wrong. We should not be afraid of the American people; they are right.

President Bush tells us how important it is, for his campaign to win support in the United Nations, that we here in the United States speak with one voice. But we do not have only one voice; we cannot and will not lend our voices to support a war that we know is wrong. When my colleagues and I went to Iraq, we went to tell the Iraqis that they must allow free and unfettered U.N. inspections. We went to investigate the situation facing Iraqi civilians after 12 years of crippling economic sanctions. And we went knowing that our democracy is strengthened when we see, and hear, and learn and debate all sides. We didn't have to go to Iraq to know why we're against going to war against Iraq. There are plenty of reasons back home to oppose this juggernaut towards a unilateral preemptive strike on Iraq.

The first reason is that disarmament should be on top of our Iraq agenda. And getting the United Nations inspectors back in should be the first step towards accomplishing that task. The U.N. must be allowed to take the lead; their inspectors were already close to finishing work on the technical arrangements so they could get to work right away. Iraq had proposed the inspection team arrive as early as October 16th.

Initial meetings between Iraqi and U.N. officials were held in March of this year to begin discussions about the return of inspectors to Iraq after they had been excluded for almost four years. Further meetings were held in May and again on the 4th of July. That July meeting was particularly useful, coming in the context of growing international pressure on Iraq and seeming to set the stage for the serious possibility of inspectors returning to Baghdad. But the next day, July 5th, the Pentagon leaked its latest provocative war plan to the New York Times, calling for a major air attack and land invasion to "topple Saddam Hussein." The Iraqis pulled back.

But pressure continued to build, and in August the Iraqi Parliament invited members of Congress to come to Baghdad with inspectors of our choosing and to look for ourselves. On September 13th I went to New York to meet with Iraqi Foreign Minister Naji Sabri, and told him I would accept his invitation to Iraq with the understanding that the inspectors I would choose to accompany me would be the UNMOVIC inspectors themselves. We talked about the absolute necessity of the U.N. resuming unfettered inspections in Iraq, and he said they were ready for such inspections, and they understood that if no weapons were found the Security Council would lift the economic sanctions. I made no promises except to say I would come. Forty-eight hours later, on September 16, Sabri told Kofi Annan that Iraq was prepared to accept the inspectors back into Iraq.

Unfortunately, instead of welcoming this development, it became clear that the Bush administration was not prepared to take Iraq's "yes" for an answer. The State Department's answer to the long-delayed Iraqi acquiescence was to announce that it was now in "thwart mode," determined to prevent the inspections from going forward.

There has been no solid information regarding Iraq's weapons of mass destruction since UNSCOM and IAEA arms inspectors left Iraq in December 1998 in advance of the U.S. Desert Fox bombing operation. Prior to leaving, the last report (November 1998) of the UNSCOM chief Richard Butler stated explicitly that although they had been hindered by Iraqi non-compliance in carrying out a small number of inspections, "the majority of the inspections of facilities and sites under the ongoing monitoring system were carried out with Iraq's cooperation." the IAEA report was unequivocal that Iraq no longer had a viable nuclear program. The UNSCOM report was less definitive, but months earlier, in March 1998, UNSCOM Chief Richard Butler said that his team was satisfied there was no longer any nuclear or long-range missile capability in Iraq, and that UNSCOM was "very close" to completing the chemical and biological phases.

Since that time, there have been no verifiable report regarding Iraq's WMD programs. It is important to get inspectors back into Iraq, but U.S. threats for years made that virtually impossible by setting a "negative incentive" in place. This pattern has been underway for years. It began when then-Secretary of State Warren Christopher announced in April 1994 that the U.S. was no longer bound by the U.N. resolution's language promising an end to sanctions when disarmament of Iraq's WMD programs was complete. Similarly, in 1997 Christopher's successor, Madeleine Albright, affirmed that economic sanctions would remain as long as Saddam Hussein was in power—regardless of the U.N. position linking sanctions only to the WMD programs. So Baghdad was told that sanctions would remain regardless of Iraqi compliance with U.N. disarmament requirements. Similarly, the U.S. message today is that a U.S. military strike will likely take place regardless of Iraq's compliance with U.N. resolutions regarding inspections, so they have no reason to implement their own obligations. If the United States refuses to abide by the requirements of U.N. resolutions and the rule of international law, why are we surprised when an embattled and tyrannical government does the same thing?

Inspections remain vitally important. Throughout the 1980s the U.S. sent to Baghdad a lethal assortment of high-quality germ seed stock for anthrax, botulism, E. coli, and a host of other deadly diseases. It is certainly possible that scraps of Iraq's earlier biological and chemical weapons programs remain in existence, but their shelf life is likely only three or four years. More significantly, since it is also possible (though we have seen no evidence) that Iraq has manufactured additional chemical or biological weapons material, Iraq has no delivery system capable of using them against the U.S. or U.S. allies. The notion that the U.S. must go to war against Iraq because of the existence of tiny amounts of biological material, insufficient for use in missiles or other strategic weapons and which the U.S. itself provided during the years of the U.S.-Iraq alliance in the 1980s, is simply unacceptable.

Regarding the nuclear level threat, the IAEA confirmed in 1998 that Iraq had no viable nuclear weapons program. Despite constant allegations, we still have seen no clear evidence that Iraq is anywhere close to being able to manufacture a nuclear weapon. The breathless claim that "if it obtained sufficient missile material and massive external assistance" Iraq could manufacture a nuclear weapon in one year is simply spurious. The same statement could be said for Cameroon or Vanuatu—that's why we have military sanctions and that's why we ought to hold the Non-Proliferation Treaty (NPT) and other disarmament treaties in much higher regard.

Pretty much the whole world believes that inspections and disarmament should be our goal—not the overthrow of the government in Iraq. The Bush administration knows it is isolated in the world on this issue: to say that the U.S. goal is regime overthrow, rather than disarmament would violate the UN Charter.

The second reason we should oppose this war has to do with its impact on our relations with allies all over the world. There is virtually no international support, at the governmental or public level, for a U.S. attack on Iraq. Our closest allies throughout Europe, in Canada, and elsewhere, have made clear their opposition to a military invasion. While they recognize the Iraqi regime as a brutal, undemocratic regime, they do not support a unilateral preemptive military assault as an appropriate response to that regime. Our European friends are pleading with us not to go to war, reminding us that disarmament, starting with inspections, is their goal. Russia and China say the same thing. Are we to simply ignore our friends' opinions and go it alone?

Throughout the Middle East, the Arab states, including our closest allies, have made unequivocal their opposition to an invasion of Iraq. Even Kuwait, once the target of Iraqi military occupation and ostensibly the most vulnerable to Iraqi threats, has moved to normalize its relations with Baghdad. The Arab League-sponsored rapprochement between Iraq and Kuwait at the March 2002 Arab Summit is now underway, including such long-overdue moves as the return of Kuwait's national archives. Iraq has now repaired its relation with every Arab country, and not a single one of Iraq's neighbors publicly supports a U.S. war. Turkey has refused to publicly announce its agreement to allow use of its air bases, and Jordan and other Arab countries have made clear their urgent plea for the U.S. to abjure a military attack on Iraq.

Again, it is certain unlikely that a single government in the region would ultimately stand against a U.S. demand for base rights, use of airspace or overflight rights, or access to any other facilities. The question we must answer therefore is not whether our allies will ultimately accede to our wishes, but just how high a price are we prepared to exact from our allies? Virtually every Arab government, especially those most closely tied to the U.S. (Jordan and Egypt, perhaps even Saudi Arabia) will face dramatically escalated popular opposition. The existing crisis of legitimacy faced by these non-representative regimes, absolute monarchies and president-for-life style democratics, will be seriously exacerbated by a U.S. invasion of Iraq. Region-wide instability may be expected to result, and some of those governments might even face the possibility of being overthrown.

In the entire Middle East region, only Israel supports the U.S. build-up to war in Iraq. Prime Minister Sharon has made no secret of his view that the chaos caused by a U.S. attack on Iraq might well provide him with the opportunity for a large-scale escalation against the Palestinians.

When President Bush repeats his mantra that "you are either with us or with the terrorists," no government in the world wants to stand defiant. But a foreign policy based on international coercion and our allies' fear of retaliation for noncompliance, is not a policy that will protect Americans and our place in the world.

Still another reason to oppose this has to do with the human toll. During the Vietnam war, I was lieutenant commander in the U.S. Navy Medical Corps. My job, as a psychiatrist, was to treat young soldiers who returned from that war terribly damaged by what they saw and what they suffered. I carry those memories with me still.

While official estimates of casualties among U.S. service personnel are not public, we can be certain they will be much higher than in the current war in Afghanistan. We do know, from Pentagon estimates of two years ago; the likely death toll among Iraqi civilians: about 10,000 Iraqi civilians would be killed.

The most recent leaked military plan for invading Iraq, the so-called "inside-out" plan based on a relatively small contingent of U.S. ground troops with heavy reliance on air strikes, would focus first and primarily on Baghdad. In fact, all of the leaked military plans begin with air assaults on Baghdad. The Iraqi capital is described as being ringed with Saddam Hussein's crack troops and studded with anti-aircraft batteries. Those charges may or may not be true. But what is never mentioned in the military planning documents is the inconvenient fact that Baghdad is also a crowded city of five million or more people; a heavy air bombardment would cause the equivalent human catastrophe of—and look very similar to—a heavy air bombardment of Los Angeles.

And it is here that my trip to Iraq taught me a great deal. It reminded me again of the costs of war. I remembered again what Iraqis would suffer with this war. My colleagues and I visited hospitals, where we saw young cancer patients dying before their mothers eyes from lack of chemotherapy drugs.

Further, the destruction of civilian infrastructure such as water, electrical and communications equipment, would lead to tens, perhaps hundreds of thousands of more civilian deaths, particularly among children, the aged and others of the most vulnerable sectors. We can anticipate that such targeted attacks would be justified by claims of "dual use." But if we look back to the last U.S. war with Iraq, we know that the Pentagon planned and carried out studies ahead of time, documenting the likely impact on civilians of specific attacks. In one case, Pentagon planners anticipated that striking Iraq's civilian infrastructure would cause "Increased incidence of diseases [that] will be attributable to degradation of normal preventive medicine, waste disposal, water purification/distribution, electricity, and decreased ability to control disease outbreaks. . . ." The Defense Intelligence Agency's document (posted on the Pentagon's Gulflink website), is titled "Disease Information—Subject: Effects of Bombing on Disease Occurrence in Baghdad" and is dated 22 January 1991, just six days after the war began. It itemized the likely outbreaks of diseases to include: "acute diarrhea" brought on by bacteria such as E. coli, shigella, and salmonella, or by protozoa such as giardia, which will affect "particularly children," or by rotavirus, which will also affect "particularly children." And despite this advance knowledge, the bombing of the water treatment systems proceeded, and indeed, according to UNICEF figures, hundreds of thousands of Iraqis, "particularly children," died from the effects of dirty water. Just as predicted.

I traveled with my colleagues to the southern city of Basra, where we heard from physicians that the first question new mothers ask after giving birth is not whether the baby is a boy or a girl, but whether it is normal or not—because the rates of birth defects are so high. Many think those high rates of birth defects, skyrocketing rates of leukemia and other cancers, have something to do with the depleted uranium weapons our military used so efficiently during the war 12 years ago.

Many of our own Gulf War veterans—and their children—are also suffering higher than normal rates of cancers and birth defects. And the Veterans Administration medical care budget has just been slashed. Do we want to go to war again, a war that will cost perhaps $60 to $100 billion, and create a whole new generation of wounded veterans, along with too many who will not come home at all? We have not yet heard an answer from the Pentagon to the question of how they plan to protect our men and women in uniform—as well as vulnerable Iraqi civilians—from the danger of depleted uranium weapons. So far the Pentagon has still not conducted the full-scale scientific study of the impact of DU on the human body. We should not go to war to use our troops as guinea pigs again.

I oppose this war because it is a war of empire, not of legitimate self-defense. We claim to be a nation of laws. But too often we are prepared to put aside the requirements of international law and the United Nations Charter to which we hold other nations appropriately accountable.

When it comes to policy on Iraq, the U.S. has a history of sidelining the central role that should be played by the United Nations. This increasingly unilateralist trajectory is one of the main reasons for the growing international antagonism towards the U.S. By imposing its will on the Security Council—insisting on the continuation of economic sanctions when virtually every other country wants to lift them, announcing its intention to ignore the UN in deciding whether to go to war against Iraq—the U.S. isolates us from our allies, antagonizes our friends, and sets our nation apart from the international systems of laws that govern the rest of the world. This does not help, but rather undermines, our long-term security interests.

International law does not allow for preemptive military strikes, except in the case of extreme emergency to prevent an immediate attack. President Bush himself told us on October 7th that war with Iraq is "neither imminent nor unavoidable." Therefore it does not qualify as self-defense under the UN Charter. We simply do not have the right—no country does—to launch a war against another country that has not attacked us. If the Pentagon had been able to scramble a jet to take down the second plane flying into the World Trade Center last September, that would be a legal us of preemptive self defense. An attack on Iraq—which does not have the capacity, and has not for a decade or more shown any specific intention or plan or effort to attack the U.S.—violates international law and the UN Charter.

The Charter, in Article 51, outlines the terms under which a Member State of the United Nations may use force in self-defense. That Article acknowledges a nation's "inherent right of individual or collective self-defense *If an armed attack occurs* against a member of the United Nations, *until* the Security Council has taken measures necessary to maintain international peace and security." [Emphasis added.] The Charter does not allow military force to be used absent an armed attack having occurred.

Some administration spokespeople are fond of a sound bit that says "the UN Charter is not a suicide pact." Others like to remind us that Iraq (and other nations) routinely violate the Charter. Both statements are true. But the United States has not been attacked by Iraq, and no evidence has been brought forward that Iraq is anywhere close to being able to carry out such an attack. The U.S. is the strongest international power—in terms of global military reach, economic, cultural, diplomatic and political power—that has ever existed throughout history. If the United States—with such massive global power—does not recognize the UN Charter and international law as the foundation of global security and hold ourselves accountable to them, how can we expect others to do so?

President Bush's October 7th speech was clearly designed to frighten the American people. Once again that speech disingenuously linked the true horror and legitimate fear of the September 11th attacks with an implied connection to Iraq. The events of September 11 must never happen again, the president proclaims, and we will go to war against Iraq to make sure that they don't.

Few of us in the Congress, and too few journalists and pundits, stood to challenge that claim, to remind the American people that no link has been shown between Iraq and the events of September 11th. That there is a war against terrorism that has so far failed to find the perpetrators of those events. That of all the four thousand or more people killed in Afghanistan, not one of them was named Osama bin Laden.

It is now clear that (despite intensive investigative efforts) there is simply no evidence as yet of any Iraqi involvement in the terror attacks of September 11. The most popular theory, of a Prague-based collaboration between one of the 9/11 terrorists and an Iraqi official, has collapsed. On July 17th, the Prague Post quoted the director general of the Czech foreign intelligence service UZSI (Office of Foreign Relations and Information), Frantisek Bublan, denying the much-touted meeting between Mohamed Atta, one of the 9/11 hijackers, and an Iraqi agent. The Czech Republic simply had no evidence that such a meeting ever took place, he said.

More significantly, the Iraqi regime's brutal treatment of its own population has generally not extended to international terrorist attacks. The State Department's own compilation of terrorist activity in its 2001 Patterns of Global Terrorism, released May 2002, does not document a single serious act of international terrorism by Iraq. Almost all references are to political statements.

We are told that we must go to war preemptively against Iraq because Baghdad might, some time in the future, succeed in crafting a dangerous weapon and might, some time in the future, give that weapon to a terrorist group—maybe Osama bin Laden—who might, some time in the future, use that weapon against the U.S. The problem with this analysis, aside from the fact that preemptive strikes are illegal under international law, is that it ignores the widely known historic antagonism between Iraq and bin Laden. According to the New York Times, "shortly after Iraqi forces invaded Kuwait in 1990, Osama bin Laden approached Prince Saltan bin Abdelaziz al-Saud, the Saudi defense minister, with an unusual proposition. . . . Arriving with maps and many diagrams, Mr. bin Laden told Prince Sultan that the kingdom could avoid the indignity of allowing an army of American unbelievers to enter the kingdom to repel Iraq from Kuwait. He could lead the fight himself, he said, at the head of a group of former mujahideen that he said could number 100,000 men."[2] Even if bin Laden's claim to be able to provide those troops was clearly false, bin Laden's hostility towards the ruthlessly secular Iraq remained evident. There is no evidence that that has changed.

Ironically, an attack on Iraq would increase the threat to U.S. citizens throughout the Middle East and beyond, as another generation of young Iraqis come to identify Americans only as the pilots of high-flying jet bombers and as troops occupying their country. While today American citizens face no problems from ordinary people in the streets of Baghdad or elsewhere in Iraq, as I found during my visit to Iraq in September 2002, that situation would likely change in the wake of a U.S. attack on Iraq. In other countries throughout the Middle East, already palpable anger directed at U.S. threats would dramatically escalate and would provide a new recruiting tool for extremist elements bent on harm to U.S. interests or U.S. citizens. It would become far more risky for U.S. citizens to travel abroad.

Many accusations have been made regarding the role of oil in this war. What is clear is that the public statements of some in the private sector match the undenied whispers of others, such as administration figures themselves. those statements include the intention to render null and void all existing oil exploration contracts signed between Iraq and various national oil companies, particularly those of France and Russia, when the current Iraqi regime is replaced after a U.S. war. I do not want to support a war partly designed to redraft the global oil markets in the interest of undermining French or Russian oil companies and privileging our own.

Any of us who are serious about opposing this war must also be serious about alternatives to war. We must take seriously the threat of weapons of mass destruction in Iraq. Disarmament must be on top of our agenda. We must support the weapons inspection team, not undermining it. We must support the United Nations, not threatening it with irrelevance if its member states don't agree with our war.

And we should go beyond the existing efforts to get serious about military sanctions. Denying Iraq access to weapons is not sufficient, nor can it be maintained as long as Iraq is surrounded by some of the most overarmed states in the world. U.S. weapons shipments to all countries in the region aggravate this situation and, as the biggest arms exporter in the world, the U.S. can change it.

We can expand the application of military sanctions as defined in UN Resolution 687. Military sanctions against Iraq should be tightened—by expanding them to a system of regional military sanctions, thus lowering the volatility of this already arms-glutted region. Article 14 of resolution 687—the same resolution that calls for sanctions, inspections and destruction of Iraq's WMD programs—points the way. It recognizes that the disarmament of Iraq should be seen as a step towards "the goal of establishing in the Middle East a zone free from weapons of mass destruction and all missiles for their delivery and the objective of a global ban on chemical weapons.

We are told we must attack Iraq preemptively so that it can never obtain nuclear weapons. While we know from IAEA inspectors that Iraq's nuclear program was destroyed by the end of 1998, we do not know what has developed since. We do know, however, a few things. We know that nuclear facilities are of necessity large, visible to surveillance satellites, and detectable by a host of telltale chemical and radiological footprints. Such facilities cannot be mounted on the back of a pick-up truck. Our intelligence indicates that Iraq does not have access to fissile material, without which any nuclear program is a hollow shell. And we know where fissile material is. Protection of all nuclear material, including insuring continuity of the funding for protection of Russian nuclear material, must be an ongoing priority.

We should note that U.S. officials are threatening a war against Iraq, a country known not to possess nuclear weapons. Simultaneously, the administration is continuing appropriate negotiations with North Korea, which does have something much closer to nuclear weapons capacity. Backed by IAEA inspections, the model of negotiations and inspections is exactly what the U.S. should be proposing for Iraq.

And what about "the day after"? There is no democratic opposition ready to take over in Iraq. Far more likely than the creation of an indigenous, popularly-supported democratic Iraqi government, would be the replacement of the current regime with one virtually indistinguishable from it except for the man at the top. In February 2002 Newsweek magazine profiled the five leaders said to be on Washington's short list of candidates to replace Saddam Hussein. The Administration has not publicly issued such a list of its own, but it certainly typifies the model the U.S. has in mind. All five of the candidates were high-ranking officials within the Iraqi military until the mid-1990s. All five have been linked to the use of chemical weapons by the military; at least one admits it. The legitimacy of going to war against a country to replace a brutal military leader with another brutal leader must be challenged.

And whoever is installed in Baghdad by victorious U.S. troops, it is certain that a long and possibly bloody occupation would follow. The price would be high; Iraqis know better than we do how their government has systematically denied them civil and political rights. But they hold us responsible for stripping them of their economic and social rights—the right to sufficient food, clear water, education, medical care—that together form the other side of the human rights equation. Economic sanctions have devastated Iraqi society. After twelve years those in Washington who believe that Iraqis accept the popular inside-the-Beltway mantra that "sanctions aren't responsible, Saddam Hussein is responsible" for hunger and deprivation in Iraq, are engaged in wishful thinking. The notion that everyone in Iraq will welcome as "liberators" those whom most Iraqis hold responsible for 12 years of crippling sanctions is simply naive. Basing military strategy on such wishful speculation becomes very dangerous—in particular for U.S. troops themselves.

An U.S. invasion of Iraq would risk the lives of U.S. military personnel and kill potentially thousands of Iraqi civilians, it is not surprising that many U.S. military officers, including some within the Joint Chief's of Staff, are publicly opposed to a new war against Iraq. such an attack would violate international law and the UN Charter, and isolate us from our friends and allies around the world. An invasion would complicate the return of UN arms inspectors, and will cost billions of dollars urgently needed at home. And at the end of the day, an invasion will not insure stability, let alone democracy, in Iraq or the rest of the volatile Middle east region. Rather, it will put American civilians at greater risk than they are today.

We need disarmament, not a war for empire, oil, or "regime change." We need the UN inspectors to go in and finish their work. Until they do, we simply don't know what weapons Iraq has or doesn't have.

Let us not go to war, in pursuit of oil or the blandishments of empire. War is too important and its consequences too disastrous.

Mr. KENNEDY of Rhode Island. Mr. Speaker, the resolution before us requires us to make an enormously difficult decision. There are many cases to be made against Iraq and Saddam Hussein, but the only one that justifies this debate is the danger Iraq's weapons of mass destruction, and particularly its nuclear program, pose to the United States. Recognizing this danger, however, does not inform the appropriate response, and in this extremely complex situation, finding the right response is not easy.

A GRAVE DECISION

There is no greater responsibility for a Member of Congress than voting whether to initiate war. This is a responsibility I take very seriously. For the last several weeks I have immersed myself in the details of the situation with Iraq. I have consulted with experts and people whole opinions I value. I have spoken with Rhode Island veterans and have considered the opinions of the more than 1,100 constituents who have contacted me on this matter. I have received a number of security and intelligence briefings from Administration officials, the National Security Advisor, the Director of Central Intelligence, Defense Department officials and military leaders. I have been carefully deliberating, weighing the potential risks of a war with Iraq against the inevitable danger of a nuclear-armed Iraq.

In considering the options, I have paid careful attention to the position of President Bush, to his speech this week and his other statement on Iraq. Since September 11, I have consistently supported the President's efforts to safeguard our national security and eliminate the threat of terrorism. I believe he deserves great credit for rallying the American people to a new challenge and building strength from tragedy.

While giving special consideration to the request of the Commander-in-Chief, I must also exercise my own judgment on this most critical life and death question of war. One of the great strengths of a democracy is that decisions that emerge from the marketplace of ideas tend to be stronger, for they have been challenged and questioned. If we do not question and do not challenge, if we do not carefully deliberate, we weaken rather than strengthen our nation's purpose.

It is for this reason that the Framers of our Constitution, in their wisdom, gave the power to declare war to Congress. Congress represents the voice of the people, and it is only the people of a democracy who should have the power to send their sons and daughters to war. I therefore feel that it is incumbent upon every Member of Congress, indeed on every citizen, to carefully weigh the factors counseling for and against war with Iraq and make a decision accordingly.

After much deliberation, I have concluded that the dangers of an Iraq armed with nuclear weapons are so significant that we have no choice but to act. At the same time, I recognize that a U.S. war with Iraq could complicate our struggle against terrorism and create new, serious risks. It is therefore clear that we must make every effort to enlist the United Nations in our effort to disarm Iraq and address that threat. Whether we accomplish our goals through diplomacy or by arms, our course will be less dangerous if the world community is with us. I will support the bipartisan resolution negotiated by President Bush and House leaders because I believe it represents our best hope for delivering the multilateral coalition we seek to eliminate the threat posed by Iraq's nuclear weapons program.

THE THREAT POSED BY IRAQ

In his address to the nation this week, his speech to the United Nations, and his other statements, President Bush has clearly and forcefully articulated Iraq's threat to U.S. security. Saddam Hussein unquestionably is one of the world's most detestable tyrants. He harbors a deep hostility towards the United States and an unquenchable thirst for conquest and power. He has demonstrated that he does not view weapons of mass destruction merely as deterrents, but rather as offensive weapons to be used to further his quest for power and give him leverage over the United States.

Given this record, it is a national security imperative that he not develop a nuclear weapon. Nuclear non-proliferation is a long-standing objective of this country, but nowhere is it more critical than Iraq. Saddam Hussein has made clear that he believes a nuclear weapon would give him the ability to act with impunity. The experts I have spoken with from former Middle East envoy Dennis Ross to former Ambassador to the United Nations Richard Holbrooke to members of the current Administration believe that the risk of terrorism would increase substantially after Iraq obtained nuclear capability. Iraq would then be more apt to provide shelter, technology, and weapons to terrorists targeting the U.S. The large chemical and biological weapons stockpiles would pose a much greater risk to our security at that point then they do now. A nuclear Iraq would be an enormous danger to the U.S. and be a major setback in our war on terrorism.

Not only would the direct threat to the U.S. be intolerable, but acquisition of nuclear weapons by Iraq would roil an already volatile region. Saddam Hussein's hegemonic ambitions for the Gulf region virtually ensure that he would resume his military adventurism if he believed he had a deterrent to U.S. action. Hussein said after the Gulf War that his greatest regret was not waiting to invade Kuwait until after he had acquired a nuclear weapon.

Experts like Jim Steinberg, former Deputy National Security Advisor to President Clinton, have predicted an arms race in the Middle East in response to the threat of a resurgent Iraq. Countries like Saudi Arabia, Iran, and Turkey would feel a need to counter Iraq's new strategic advantage.

In a region as unstable as the Middle East, the prospects of a nuclear arms race should make us all shudder.

Of course, the most ominous threat is that Iraq would pass nuclear technology to terrorists. September 11th showed us that there are people willing to do the unspeakable. The spectre of nuclear terrorism, which previously seemed remote and only theoretically frightening, has suddenly become a real and horrible possibility. We can no longer count on those Cold War limits that we assumed even our enemies shared. With this new, visceral understanding, who is willing to take the risk that a nuclear-armed Iraq will not share its weapons? The degree of cooperation between Iraq and al Qaeda, and other terrorists targeting the U.S. is unclear, but if we wait for that unholy alliance to form, we will have waited too long.

Unfortunately, the possibility that Iraq might develop a nuclear weapon is not remote. Its nuclear program has been disrupted but never fully dismantled. Current intelligence suggests that Iraq could have a functional bomb within a year of acquiring a sufficient quantity of highly enriched uranium or plutonium. Given the potential of acquiring these materials from the crumbling infrastructure of the former Soviet Union's arsenal, we cannot assume that a willing buyer will find no seller.

The people with whom I have spoken who know the region best, from the current Administration, from the Clinton Administration, and those who have spent lifetimes studying the Middle East, are nearly unanimous in concluding that we simply cannot allow Iraq to acquire nuclear capability. The risks of nuclear terrorism, of the potentially catastrophic destabilization of a Middle East arms race, and of future nuclear war in the region are all too real. Our national security will be severely compromised if we do not prevent Iraq's development of nuclear weapons.

Many have asked, why now? For eleven years we have relied on containment and deterrence to respond to Iraq. But Kenneth Pollack, a former CIA analyst of Iraq, has explained that Saddam Hussein's history suggests a streak of irrationality that makes these policies unreliable given the stakes. Whether because he is sheltered from the facts by underlings who tell him what he wants to hear or simply unbalanced, Hussein has repeatedly and dramatically misjudged the reactions his actions would generate. From his 1974 attack on Iranian-supported Kurds that provoked a military response by Iran leading to Iraqi territorial concessions, to his ill-fated war with Iran in 1980, to the invasion of Kuwait, he has consistently miscalculated. Deterrence is predicated on rational actors operating with similar sets of assumptions. These examples raise serious questions about whether we can expect Hussein to make rational choices, and that is a risk we cannot take when the use of nuclear weapons hang in the balance.

President Bush has convincingly articulated the danger that Saddam Hussein poses and his long history of undermining security in the Middle East and throughout the world, cannot be denied. We must act to disarm Iraq, and we must act soon, before he acquires nuclear weapons and before he writes the next chapter in a long history of irrational and highly destructive aggression. The question is how we act.

FREEDOM IS NOT FREE

The first choice is, of course, a diplomatic solution. The goal is a new U.N. resolution that will convince Saddam Hussein that he cannot avoid complying with international law. We must appreciate, however, that given Hussein's history, this process may well end in confrontation. And so we also need to understand the many implications of a war in Iraq.

We know, as is inscribed at the Korean War Memorial, that freedom is not free. There are times that we are called upon to sacrifice to protect our values, our homeland, and our way of life. When our national security is at stake, we will not hesitate to make the necessary sacrifice. But we know from painful experience the consequences of launching a war without first establishing the political will to see it through, and the American people have to know what sacrifices they may be called upon to make.

Obviously, the risks of war would be most directly borne by the courageous men and women who wear our Nation's uniform. I know that they stand prepared to go and fight wherever their Commander-in-Chief sends them. I have made it a priority during my eight years in Congress to ensure that they are the best-trained, best-equipped, most effective fighting force in the history of the world, so that if we have to send them into harm's way, we know they will be victorious.

Regarding a war with Iraq, we have not been told what to expect in the way of call-ups, casualties, length of combat, and the like. Some experts predict that the Iraqi military will overthrow Hussein rather than face destruction and possible war crimes prosecutions. It is my greatest hope that they prove correct. But we need to be prepared for the possibility of combat involving chemical or biological attacks. We may face block-by-block, building-by-building combat in Iraqi cities that, in the words of General Joseph P. Hoar, the former commander-in-chief of the U.S. Central Command whose area of responsibility includes Iraq, could resemble the last fifteen minutes of "Saving Private Ryan." Planning conservatively, we have to assume that we may face a months-long guerrilla campaign and that casualties may be far higher than in the Gulf War.

Our armed forces are unquestionably prepared to carry out this and any mission they might be given. Should they be called upon, they will have my unconditional support for the duration of any armed conflict. I will do my utmost to give the men and women who put their lives on the line to defend our nation whatever they need to accomplish their mission. We should not send them into battle, however, until the American people have been fully prepared for the cost in American lives that we may pay for victory.

The American people must also be better prepared for the long-term consequences of action in Iraq. Even if the war goes quickly and the worst-case scenarios do not play out, there is a consensus that an extended American presence in Iraq will be required to maintain stability in that ethnically and politically divided country. It is critical that a centralized, unified Iraq emerge, and we cannot leave that outcome to chance. If we win the war but do not win the peace, the great risks we take and blood we shed will be for naught.

American troops will, at least initially, be responsible for protecting Iraq's borders with Iran and Syria, governing tinder-boxes on the brink of civil war, like the city of Kirkuk, and preventing revenge-induced massacres in the Shiite south. The economic costs will be high and the risks to our troops serious. Although specifics may vary depending on the breadth and impact of the war, under virtually any scenario we face the prospect of a major, long-term reconstitution of Iraq in dollars, energy, attention, and most importantly, lives.

I know that we are capable of meeting the challenge of rebuilding Iraq, just as we are capable of meeting the military challenges. Like possible economic and budgetary implications, these are not considerations which will deter us from acting to protect our national security, but they are consequences of war that we must be prepared to realize.

WAR IN IRAQ AND THE IMPACT ON ANTI-TERRORISM EFFORTS

As great a danger as Iraq represents, we should not pursue military action there without considering its impact on the wider war on terrorism that we are currently fighting. As many thoughtful commentators have noted, a war in Iraq carries its own dangers above and beyond the immediate risks to our soldiers, sailors, and airmen.

The fight against Al Qaeda is not only a military engagement at this point, but even more so, a law enforcement and intelligence operation. Unilateral war with Iraq runs the risk of drying up critical support in the war on terrorism. We need the cooperation of foreign governments in countries like Yemen and Pakistan to find and detain Al Qaeda's leadership. The arrest of Ramzi Binalshibh in Pakistan last month is the perfect example. A suspected ringleader in the planning of the September 11th attacks, he is now providing us with valuable intelligence. If what is perceived to be an American imperialistic attack on Iraq costs us allies in our struggle against terrorism, it could become much more difficult for us to thwart future terrorist attacks.

While an Iraqi war could cause some governments to stop working as closely with us, more troubling is the prospect that it could cause massive destabilization in the Middle East and surrounding areas. The first President Bush's National Security Advisor, Brent Scowcroft, and others have cautioned that a war in Iraq could metastasize into a regional war. If Iraq attacks Israel and Israel responds as promised, the smoldering Israeli-Arab conflict could explode. Turkey, Syria, and Iran all have substantial Kurdish populations and could be drawn into war.

A geopolitical nightmare scenario is President Musharraf's government in Pakistan toppling and a radical Islamic regime taking control of Pakistan's nuclear arsenal. Experts have said his grip on power is somewhat shaky. Could an American attack on Iraq prompt large street demonstrations in Pakistan? Could that in turn lead to Musharraf's downfall?

Middle East experts are even more concerned about the impact of a war on the moderate government of Jordan's King Abdullah. Not only could a change of governments there cost us a reliable ally in the fight against terrorism, but it could lead to a cataclysm whose ripple effects would harm us in other ways. Jordan is one of the few countries that has signed a peace treaty with Israel. But half of its population is made up of Palestinian refugees. If Jordan were to fall into the hands of a radical government, the Israeli-Palestinian conflict could explode into a multi-front war. An Arab-Israeli war is the surest way to inflame Islamic militants.

Even without a deterioration of the Israeli-Palestinian situation, General Wesley Clark, the former Supreme Allied Commander of NATO, warned the Senate Armed Services Committee that a unilateral war by the United Sates on Iraq would "supercharge" Al Qaeda's recruitment. There are a billion Muslims in the world, some of whom unfortunately harbor a great distrust of the United States. Saddam Hussein and Al Qaeda and their sympathizers would portray a U.S. attack on Iraq as an attack on Islam, and many would view it that way.

We can assume that in the event of war, Hussein will place anti-aircraft guns and other military targets in mosques, schools, hospitals, and residential neighborhoods. In order to win, the U.S. military may be forced to strike these sites, and al-Jezeera would likely broadcast daily images of U.S. bombs destroying important cultural, religious, and other apparently civilian buildings. Military victory could well come at the cost of an enormous public relations defeat, one which make us an army of new enemies willing to take their own lives to inflict pain on Americans.

It is also far from clear that war with Iraq will reduce the threat of Iraqi chemical and biological weapons being used against Americans or our allies. A newly released CIA report details the danger that an attack on Iraq could lead Hussein to aid terrorists in chemical or biological attack as a way to exact a last measure of revenge.

We know that Iraq has mobile labs producing these potentially devastating weapons. Can we be sure that our troops would eliminate them before he had a chance to launch weapons at Israel or put them in the hands of terrorists? For that matter, can we be sure they are not already in the hands of Iraqi agents or other terrorists outside of Iraq, awaiting a signal to use them? When you corner a dangerous animal, you have to expect it to lash out. A war to disarm Hussein may paradoxically increase rather than decrease Americans' vulnerability to those very weapons.

If there is one lesson of warfare that has been true throughout human history, it is that wars have unintended consequences. Writing 2400 years ago, the Chinese military strategist Sun Tzu, called this uncertainty the "fog of war." We ignore this timeless truth of warfare at our peril. It would be the hubris of the world's lone superpower to assume that our plans will be carried out exactly as we foresee them.

MINIMIZING THREATS IN IRAQ AND ELSEWHERE

While these dangers are real and caution us against war, inaction still leaves us with the prospect of a nuclear Iraq in the relatively near future. Through no choice of our own we have entered a minefield. On one side lies the danger of Iraq with nuclear weapons. On the other, an unfinished war against fanatics who hide in shadows and who may be inadvertently strengthened by our actions in Iraq. We need to pick our way carefully through this minefield, making every effort to minimize the risks on both sides.

Obviously, our best option is to disarm Iraq without resort to war. This outcome can only happen if the world unites in pressuring Iraq to comply with UN resolutions. For this reason, I am pleased that the President has brought our case to the United Nations and has been aggressively pursuing a new, forceful resolution in the Security Council. The Security Council should pass a new resolution, giving weapons inspectors truly unfettered access to any site in Iraq at any time with no conditions. I believe any new resolution should be backed up with the realistic threat of force.

But it must act quickly. If the UN is to remain a credible international agent of stability, it must, as the President has insisted, begin disarming Iraq in a matter of days and weeks not months and years. Sandy Berger, President Clinton's National Security Advisor, has told me that we can expect an inspections and disarmament regime to take several years. Given the timeline for Iraq's development of a nuclear weapon, the window for diplomatic action is therefore very small. If we want a peaceful option to prevail, we must set down that road immediately.

We can hope that Saddam Hussein will recognize that he has lost the battle for world opinion and will capitulate to international law by giving up his weapons of mass destruction. Even if diplomacy fails, however, our national security would be much better protected if we forcibly disarm Iraq at the head of a multilateral coalition rather than on our own.

As the first President Bush realized, perceptions are critically important in global diplomacy. A number of the dangers war poses to our efforts against terrorism are exacerbated by a perception, warranted or not, that the United States is using its military dominance to bully Arabs or Muslims. If, on the other hand, the U.S. is seen exhausting diplomatic efforts and any conflict is between Iraq and the community of nations rather than just the sole superpower, a war at that point is less likely to undermine American efforts to combat terrorism.

A multilateral war with Iraq would do less to diminish the support we have received from Muslim nations in the war on terrorism. It would be less risky to our fragile allies in the region. It would be harder for the terrorists and anti-American propagandists to use to inflame young Muslims to attack the United States.

We seek the auspices of the United Nations not because we must, but because doing so is in the nation's best interest. As President Kennedy said forty years ago during the Cuban Missile Crisis, "This nation is prepared to present its case against the Soviet threat to peace, and our own proposals for a peaceful world, at any time and in any forum—in the Organization of American States, in the United Nations, or in any other meeting that could be useful—without limiting our freedom of action."

We will not defer decisions of our national security to the United Nations, but where it is useful we should take advantage of the international structures that our nation was instrumental in creating. In this case, it is in the overwhelming best interest of the United States to push the UN to disarm Iraq, and I therefore stand foursquare behind President Bush's efforts to push the Security Council to address Iraq's lawlessness.

THE DEBATE IN THE HOUSE OF REPRESENTATIVES

These are the considerations I have been weighing over the past several weeks and upon which I will cast my vote in Congress. My decision is based on grave concerns about the prospect of a nuclear-armed Iraq and equally serious fears that a war with Iraq will create new, highly dangerous risks of terrorism. I will vote for the resolution I feel is most likely to lead to a multilateral disarmament of Iraq, which is the best route to safeguard our national security.

I was troubled by the first draft of the resolution sent to Congress because it was an extremely broad mandate that authorized any action not only to disarm Iraq and enforce UN resolutions, but to "restore peace and stability in the region." The process of deliberation has worked, however, Bipartisan, bicameral negotiations have subsequently improved the resolution and led to a more thorough discussion of the complex factors that must inform this decision.

The new resolution now requires the President to exhaust diplomatic efforts before resorting to force. Equally important, it authorizes the use of force in Iraq only upon certification by the President that such action will not undermine the international war on terrorism. We walk a fine line between the risks of a rogue Iraq on one side and hindering our war on terrorism on the other. These two features of the new resolution ensure that our Iraq policy walks that line if at all possible.

President Bush has made it clear that his preferred option is to lead the United Nations in enforcing its own resolutions. Secretary of State Colin Powell and others in the Administration are working to convince a reluctant Security Council that a new resolution with teeth, authorizing unconditional access by inspectors to any site in Iraq is the surest way to avoid armed conflict. Secretary Powell, his predecessor, Madeleine Albright, the U.S. ambassador to the UN in the Clinton Administration, Richard Holbrooke, and others have told me that to persuade the international community to follow us, the President needs as strong a hand as possible.

Those of us who strongly believe that America's safest path among the dangers that confront us is a multilateral approach and who want to avoid war must show the world that our nation is resolute in its determination to respond to the threat in Iraq. We know that Saddam Hussein will capitulate only if he senses that the only alternative is destruction. A clear declaration of our unity and our determination to eliminate the Iraqi threat to our own security and that of the community of nations is the best way to the multilateral, diplomatic solution that we seek.

I remain convinced that a unilateral attack by the United States on Iraq creates grave threats to the security of our people, even while it eliminates others. But I also agree with the President that a failure to confront Saddam Hussein now, before he has nuclear capabilities, would be a colossal mistake. To maximize our national security, we must balance these two dangerous and uncertain possibilities. The resolution before the United States Congress ensures that, to as great an extent possible, that precarious balance is struck. Through its focus on diplomacy, its concern for the broader war on terrorism, and the resolve it communicates to the rest of the world, it is the most likely vehicle to the multilateral, diplomatic disarmament of Iraq that I and most Americans seek. I will, therefore, vote for the resolution in the most fervent hope that the force it authorizes should never have to be used.

Mr. WELLER. Mr. Speaker, I rise in support of the resolution to Authorize the Use of the United States Armed Forces Against Iraq. This resolution grants to the President all the authority he needs to protect U.S. national security interests—including the use of military force if necessary—against the threat posed by Iraq.

After more than a decade of deception and defiance since the end of the Gulf War, Saddam Hussein poses a new and growing threat to the world. He has deceived and defied the will and resolutions of the United Nations Security Council through many means including; continuing to seek and develop chemical, biological, and nuclear weapons; brutalizing the Iraqi people, using chemical weapons against his own people and committing gross human rights violations and crimes against humanity; and supporting international terrorism.

Saddam Hussein's evil regime wields a massive stockpile of chemical and biological weapons that remains unaccounted for and is capable of killing millions of innocent people. Evidence also reveals that Iraq is rebuilding facilities that it has used to produce chemical and biological weapons—and to develop nuclear weapons technology.

The facts are clear—Saddam Hussein desperately wants a nuclear weapon—and the wretched history of his evil regime demonstrates that he will use it.

This threat grows more dangerous with the knowledge of ties between Hussein and Al-Qaida. Iraq and the al-Qaida terrorist network share a common enemy—the United States of America and its allies in the War on Terror. After September 11th, Saddam Hussein's regime gleefully celebrated the terrorist attacks on America. But Saddam Hussein doesn't limit his involvement in the death of innocents to merely cheering from the sidelines. In April 2002, Saddam Hussein increased from $10,000 to $25,000 his regime's payment to families of Palestinian homicide bombers. He continues to encourage violence in the Middle East and hopes his funding will help the violence to continue.

I urge my colleagues to speak with one voice in support of this bipartisan resolution. While use of military force should be used as a last resort we must support the President and speak with one voice. History has taught us that we can not wait. We must act now.

Mr. CRANE. Mr. Speaker, I rise in strong support of H.J. Res. 114, to provide authorization for the use of military force against Iraq. While I hope and pray President Bush does not have to commit our troops to such action, I believe that he must have the authority he needs to protect U.S. national security interests.

The events of September 11th showed us that we are not protected from an attack on our homeland. A first strike made with weapons of mass destruction can result in millions dead, and the U.S. must be prepared to act preemptively.

I did not reach this conclusion easily, Mr. Speaker. But in a world with biological, chemical, and nuclear weapons, a first strike capability carries with it the possibility that it will be the last strike, with millions left dead in its wake.

There can be no doubt that Saddam Hussein possesses and continues to cultivate weapons of mass destruction; the U.N. weapons inspectors were thrown out of Iraq four years ago for a reason. In addition, we know that he is violating the U.N.'s oil-for-food program to the tune of several billion dollars a year; rather than feeding innocent Iraqi citizens, this is money that is undoubtedly being spent on the development of weapons of mass destruction. And we know that if he is able to buy a softball-sized amount of plutonium on the black market, he will have a nuclear weapon within a year.

Some of my colleagues ask why we must act against this threat in particular, when there are many other threats of a grave and serious nature confronting us as we wage a global war against terror. The answer is that this threat is unique; an evil dictator has gathered together the most serious dangers of our time in one place. In Iraq we see Saddam stockpiling weapons of mass destruction, and I trust I need not remind anyone that he has used such weapons already, against his own people. In addition, he has tried to dominate the Middle East, 2nd has struck other nations in the region, including our ally Israel, without warning.

Some of my colleagues have suggested that disarming Hussein will dilute the war against al-Qaeda, but I believe that the opposite is true; these dual goals are inextricably linked. We know that Saddam has harbored and trained high-level al-Qaeda who fled to Iraq after we invaded Afghanistan. Indeed, there can be no doubt that Saddam and al-Qaeda share a common enemy: The United States of America, and the freedom we represent. And let me be clear: either could attack us at any time.

Keeping this in mind, it seems to me that we, as guardians of freedom, have an awesome responsibility to act to ensure that Saddam Hussein cannot carry out such a first strike against the United States or our allies.

Mr. Speaker, some of my colleagues object to this Resolution because we do not have a groundswell of international support for military intervention. The distinguished Chairman of the International Relations Committee has highlighted the key question as regards this issue: on whom does the final responsibility for protecting ourselves rest? Is it ours or do we share it with others?

While there is no doubt that unqualified support from the United Nations is preferable, we must be prepared to defend ourselves alone. We must never allow the foreign policy of our country to be dictated by those entities that may or may not have U.S. interests at heart.

Mr. Speaker, the Resolution before us does not mandate military intervention in Iraq. It does, however, give President Bush clear authority to invade Iraq should he determine that Saddam is not complying with the conditions we have laid before him. Chief among these conditions is full and unfettered weapons inspections; if Saddam fails to comply, as has been the unfortunate historical trend, we will have no choice but to take action. Our security demands it.

Mr. Speaker, the world community watching this debate ought not conclude that respectful disagreements on the Floor of this House divide us; on the contrary, we find strength through an open airing of all views. We never take this privilege for granted, and we need look no further than to Iraq to understand why.

Let us not forget those who continue to suffer under the evil hand of Saddam. To take just one example, the more than one and a half million Assyrians in Iraq have been displaced from their ancestral homes, tortured, raped, murdered and caused to suffer every conceivable degradation at the hands of the Hussein regime. They have much to lose in any failed effort to remove Saddam, yet they fully support President Bush.

And they certainly will not stand alone. As President Bush noted in his address to the nation on Monday, "When these demands are met, the first and greatest benefit will come to Iraqi men, women and children. The oppression of Kurds, Assyrians, Turkmen, Shi'a, Sunnis and others will be lifted. The long captivity of Iraq will end, and an era of new hope will begin." In other words, as in Afghanistan, when given hope, an oppressed people will rise up and seize the opportunity for freedom.

At the end of this debate, Congress will speak with one voice. I have no doubt that the world will witness the same expression of unity as was demonstrated by Americans across the country following the attacks on September 11th. I find comfort in the knowledge that this unity represents a promise that we will never back down from preserving our freedoms and protecting our homeland from those who wish to destroy us, and our way of life.

Mr. HASTINGS of Florida. Mr. Speaker, we are about to set the course for our nation's foreign policy that will impact the rest of this century, and we are about to decide the destiny of many of our young men and women.

There is not doubt in my mind that Saddam Hussein poses a real threat to the United States. He has violated every U.N. Security Council Resolution and has committed unspeakable atrocities against his own people. If there is an axis of evil, then Saddam Hussein is its lynchpin. However, the question before the Congress today is not whether or not Saddam Hussein is a threat. The question is what do we do about it? And when? And how?

To begin, war must be the last option, not the first solution. We must demonstrate to the world that we will continue to exhaust diplomatic and peaceful options to protect our security and national interests.

As a permanent member of the U.N. Security Council, we must demand a Resolution that allows unhampered—any time any place—access to any and all areas within Iraq for inspection, and we must equip the inspection teams with thousands of coalition forces to ensure both their protection and the United Nations' commitment to peace.

A preemptive strike will have serious repercussions on the entire Middle East region. While the threat posed by Saddam Hussein is obvious, it is equally obvious that any aggressive actions taken by the United States will prompt Saddam Hussein to strike back not only on the U.S. directly, but also on our allies and interests in the region, and specifically, Israel.

The provocation of an Iraqi strike by the U.S. is the last thing we should be doing as Israel continues to seek peace with the Palestinians, Syria, and Lebanon. Should Iraq attack Israel, as it did in 1991, Israel will respond—and who can blame them?

This won't be a war that Israel has asked for, but it may well be one they are forced to engage in. I do not want to have to explain to my constituents why I voted for a war that guarantees the injury or death of Israelis.

While there is not doubt in my mind that the U.S. can prosecute a war to successful conclusion, I remind the Commander in Chief that the men and women of our Armed Forces are already fully engaged in a war on terrorism.

In addition to that war, we have military commitments in Japan, Germany, and South Korea. We also have over 3 thousand troops in Bosnia and Herzegovina, almost 5 thousand in Saudi Arabia, over 4 thousand in Kuwait, and another 5 thousand in Serbia, to name a few. How will a war with Iraq, and make no mistake, this will be a full-fledged war, affect our peacekeeping and peace enforcement obligations in these and other parts of the world?

H.J. Res 114 lacks even the barest essentials for good foreign policy and is bereft of any consideration of global politics. It does not include any short or long term planning. I submitted an amendment in the nature of a substitute that authorized the use of U.S. Armed Forces against Iraq, and my Resolution included a number of preconditions that the President would have been forced to follow, prior to receiving authority from Congress to engage U.S. troops in war.

Those preconditions included verification that all peaceful means to obtain compliance with U.N. Security Council Resolutions have been exhausted, a commitment that the war on terrorism remain the nation's highest priority, a plan for stabilizing a free Iraq, and a commitment to protect the health and safety of the Iraqi people. I am sorry that the full House was not to permitted to vote on my proposal.

We are about to determine the destiny of far too many of our nation's young men and women. We must be absolutely certain that peaceful options have been exhausted and that we have achievable goals for stability in the region.

I am not yet certain that we have these plans or have exhausted these options. I will not support H.J. Res 114, or any other Resolution that authorizes a preemptive military strike against another nation, until these preconditions have been met. I urge my colleagues to adhere to these same standards.

Mr. BILIRAKIS. Mr. Speaker, 12 years ago, I came to this floor and voted, with a heavy heart, to authorize military action against Iraq after Saddam Hussein invaded Kuwait. Sadly, I rise today to support another resolution which once again authorizes the use of military force against Iraq and Saddam Hussein.

I think everyone agrees that military action, especially unilateral action, should never be undertaken lightly, and that judicious thought must be given to the consequences of such action. While I strongly believe that diplomacy is always preferable, it has become clear to me that we can no longer afford to ignore the threat posed by Saddam Hussein and his brutal regime.

It has been well documented by previous speakers today that since the end of the Persian Gulf War, the threats posed by Iraq have actually increased rather than diminished. For more than a decade, Saddam has persisted in violating numerous United Nations resolutions designed to ensure that Iraq does not pose a threat to international peace and security. At the same time, he has consistently tried to circumvent U.N. economic sanctions against his brutal regime. Iraq continues to breach its international obligations by pursuing its efforts to develop a significant chemical and biological weapons capability, actively seeking nuclear weapons capability and supporting and harboring terrorist organizations.

Given his abysmal record for violating international obligations, there is no reason to believe that Saddam can be trusted to abide by his most recent promises for cooperation. Rather than making a true commitment to international peace, his latest statements are nothing more than a ruse designed to give him more time to further strengthen his own arsenal of weapons to use against us and our allies.

We cannot sit idly by and let Saddam Hussein wreck havoc on the world. Nor can we afford to wait until another terrorist attack claims the lives of more innocent Americans. History has taught us that there are severe consequences for inaction against a brutal dictator.

The United States is unique because it is the only country whose very existence was based on an idea—the idea of freedom; it is an idea that must be constantly guarded. It is a noble but a fragile thing that can be stolen or snuffed out if not protected.

Mr. Speaker, I sincerely hope that the use of military force can be avoided but we cannot shy away from it out of fear. Giving the president the authority to use military force as a last resort may be the best way to avoid actually having to use it at all.

I urge my colleagues to support H.J. Res. 114.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise this evening to speak about the question of life or death as we have considered the steps we will take to deal with the problem of Saddam Hussein's regime in Iraq.

The Constitution was not created for us to be silent. It is a body of law that provides the roadmap of democracy in this country, and like any roadmap, it is designed to be followed.

Saddam Hussein is indeed an evil man. He has harmed his own people in the past, and cannot be trusted in the future to live peacefully with his neighbors in the region. I fully support efforts to disarm Iraq pursuant to the resolutions passed in the aftermath of the gulf war, and I do not rule out the possibility that military action might be needed in the future to defend the United States.

Right now, however, we are moving too far too quickly with many alarmist representations yet undocumented. There is no proof that our Nation is in imminent danger, because if there were, every single member of this body would rightfully expect and approve of the President acting immediately to protect the country.

It is not too late for peace. With tough weapons inspections and strict adherence to the Security Council resolutions dealing with weapons of mass destruction, war can still be averted if we are willing to pursue aggressive diplomacy. Since we are a just nation, we should wield our power judiciously—restraining where possible for the greater good.

We should make good on the promise to the people that we made in the passage of the 1998 Iraqi Liberation Act. We should do all that we can to assist the people of Iraq because as President Dwight Eisenhower said, "I like to believe that people in the long run are going to do more to promote peace than our governments. Indeed, I think that people want peace so much that one of these days, governments had better get out of the way and let them have it."

Mr. GONZALEZ. Mr. Speaker, all Members of Congress agree that Saddam Hussein is a dangerous and tyrannical man. He is the enemy of the United States and all other civilized nations and his ability to wage biological and chemical warfare must eventually be extinguished. But this can and must be accomplished without imperiling the security of our citizens or the moral integrity that has characterized the United States as the greatest democracy in the world.

Mr. Speaker, Congress cannot abdicate its responsibility in the decision to wage war and invade another country. This resolution makes possible a unilateral declaration of war against Iraq based on the sole determination of the President. He can do this without exhausting multi-national efforts and for any reason he deems appropriate. This is an overly broad delegation of authority from the legislative branch to the executive branch which is contrary to Constitutional authority.

Mr. Speaker, the substitute offered by Congressman SPRATT, which failed today, would have told the United Nations, Saddam Hussein and the entire world that the United States insists on unrestricted inspections, an abbreviated and absolute inspection timetable, strict standards of verification and accountability, and disarmament by any appropriate means at the proper time. Under this substitute, failure to accomplish these goals under U.N. auspices would have resulted in a vote in the U.S. Congress on whether to proceed unilaterally. This approach was the superior, more reasoned choice . . . both in responsibly protecting the American people and remaining faithful to Congress' Constitutional duties.

Mr. Speaker, it has been said that a smart man wins a war, a wise man avoids a war. Today Congress did not act wisely.

Mr. PASCRELL. Mr. Speaker, many years from now, when those so inclined decide to examine the Congress of this era, I am confident that they will find ours to be a thoughtful, involved House, one that judiciously examined every issue essential to the defense and freedom of our Nation and her allies.

For 3 days, members marched to the floor to offer their support for, or opposition to, this bipartisan resolution. Indeed, the true essence of democracy has been displayed on the floor of the House of Representatives. I am proud to have been a part of the dialogue concerning this important issue of our time.

And it was with much deliberation, consultation, and discussion that I came to support the resolution authorizing the use of military force against Iraq if that force becomes necessary and if all other means of eliminating this threat fail.

Let me be clear. This is not a declaration of war from the Congress. This was Congress ensuring that the President has the authority he needs to deal with the very real threat of Iraq.

Saddam Hussein is a tyrant and a threat. He is the epitome of malevolence. Indeed, the record of this murderous regime has been outlined forcefully in this body, and by our Commander in Chief.

Saddam has used weapons of mass destruction against his own people. He waged war with Iran; he invaded Kuwait. For the last 11 years he has defied the will of the entire planet as expressed in resolutions by the United Nations Security Council.

I know of no thinking person who argues against the profound necessity of eliminating Saddam's weapons technology. We all agree on the menace he poses and desire a world where he is not a factor.

Saddam Hussein's repeated defiance when it comes to permitting weapons inspections is a strong indication that his regime poses a very real threat to the civilized world right now.

Ultimately, I believe that Saddam Hussein is dangerous. Dangerous in his country, dangerous to his region, and dangerous to the United States. Therefore I feel that giving the President the authority to use force against Iraq is an important matter of international-national security. Iraq poses an immediate biological and chemical threat to 50,000 American troops in the Middle East. This exacerbates the already enormous instability in the region.

However, I do not give the President this authority without reservation. To be sure, in my view, there are still important lingering questions that demand further discussion from the President and this Administration.

For example, should military force be required, when what? After the intervention, how will the situation likely evolve?

Why have more nations thus far chosen not to join us in this coalition against the threat of Saddam? How will we share the costs of war with those allies who have joined with us?

If Iraq is truly part of our war on terror, what about those other nations that seem to fit this criteria of harboring terrorists and possessing weapons of mass destruction? Will we address those threats next, and if so, how? The President must be prepared to answer this question of why Iraq and not others.

Further, we must make absolutely certain that whatever is done in Iraq does not negatively impact the broader war that we authorized 12 months ago—the war on terrorism. Al Queada has already taken thousands of our sons and daughters, fathers and mothers. We cannot waver one bit in our pursuit of those who attacked this nation on September 11, 2001.

An we must continually emphasize that our nation must work with its allies. It is critical that we try to attain as much international support as possible. Working together with other nations on this front will expedite the intervention process and enhance the chances for post-war success.

It is this last point that I find absolutely critical. That is why I was a cosponsor of the Spratt substitute resolution. It mandated the administration to fully work through the possibility of securing a new resolution from the United Nations Security Council calling for the disarmament of Iraq's weapons of mass destruction before any pursuit of unilateral action.

Although I am disappointed that the mandate of the Spratt substitute did not pass, I am confident that as long as Congress exercises thorough oversight, then the president will proceed judiciously.

The resolution that passed the House today was negotiated with the Democratic leadership. This was a bipartisan compromise, incorporating may provisions that were left out of the President's initial draft proposal. President Bush has shown good faith thus far in his dealings with our party. It is time to unite behind our commander-in-chief.

Nobody wants this conflict to end up in war. Nobody fails to comprehend the gravity of this decision. Nobody wants one American soldier to be in harm's way.

In fact, we all hope that through the use of other means, including exhausting our diplomatic options, Iraq can be disarmed such that the world community determines that force is not necessary.

But shall that avenue fail, our nation must be prepared to protect its citizens fully and completely from those who wish us harm.

Indeed, it is imperative that the United States speaks with one voice to Saddam Hussein. There can be no ambiguity in our resolve to protect and defend this nation, and the House accomplished this today.

Mr. BRYANT. Mr. Speaker, I rise today in support of this important resolution. Mr. Speaker, I represent Fort Campbell, home of the 101st Airborne. These brave men and women may likely be among the first soldiers called into duty in the event we go to war with Iraq. The 101st was called into service during Operation Desert Storm, and more recently they continue to serve their country with pride in Afghanistan.

Saddam Hussein is an evil man who cannot be trusted. Almost everyone in this esteemed body agrees with that statement. If we allow Saddam to develop or obtain weapons of mass destruction, how then will we be able to stop him? As the President said on Monday night, we don't fully know what his weapons capabilities are, and we need to have our inspectors go to Iraq to find out. If Saddam continues to defy the will of the United Nations Security Council and of the global community, we must act.

No one wants to go to war with Iraq. I would prefer that the men and women at Fort Campbell, who I represent, not be forced to leave their families. However, I know that they are ready for another "rendezvous with destiny" should they be called upon.

Four years ago, an overwhelming majority of this House, including many of those who now speak out against action in Iraq, voted to make regime change in Iraq the official policy of our government. What has changed since then? Has Saddam allowed weapons inspectors full unfettered access in Iraq? Has he destroyed his weapons of mass destruction and stopped programs to develop these weapons? The answer is no.

Saddam has defied the U.N. Security Council and the global community by ignoring countless U.N. resolutions. Our Commander-in-Chief has called upon this great body to give him the authority to hold Saddam accountable. We must Act.

After World War II, when what some have deemed our "greatest generation" fought for freedom in Europe and in the Pacific, we promised ourselves "never again." Never again would we allow tyrannical dictators to threaten the global peace and to use unjust and immoral force against his own or other people. Unfortunately, again may be happening. I know that this generation will live up to its calling, and someday, we may just be calling those brave men and women our greatest generation.

Mr. Speaker, I urge my colleagues to support this resolution. It is not only important for our security, but for the security of the entire free world.

Mr. MOORE. Mr. Speaker, I rise in support of this resolution.

Because this action could ultimately send our sons and daughters to war, my decision to support this resolution is one I have considered very carefully. I have spent the past several months gathering information from experts in this and previous administrations, from other experts in the field, and from my constituents in Kansas. I have spoken to community leaders, religious leaders, and my family.

When I began this process, I stated my belief that the President should present to Congress, the American people, and the international community a compelling case for intervention in Iraq. I have been presented with evidence and intelligence—some of it classified—regarding the threat posed by Saddam Hussein. I am convinced that we must take action to rid Iraq of its weapons of mass destruction.

This resolution is not the same as the measure originally proposed by the White House. The resolution is a compromise agreed to by the President and Democratic and Republican leaders in Congress. It requires that the President exhaust all diplomatic options and notify Congress before implementing military action. Diplomacy must be our Nation's first priority in resolving the crisis in Iraq. I hope the use of force won't be necessary. But in order for diplomacy to be successful, the threat to use force must be credible.

The resolution also encourages the President to work with our allies and the United Nations in dealing with Saddam. We were successful in the Persian Gulf War and, more recently, in Afghanistan by working cooperatively with our allies and the United Nations. That policy should guide the President and Congress as we confront the threat from Iraq.

As a father and grandfather, this decision that could send our sons and daughters to war is the most difficult one I have faced as your congressman. But we must confront Saddam's threat to our security. And we must keep America safe. The resolution allows us to do that.

There is no question that Saddam Hussein possesses weapons of mass destruction in the form of chemical and biological weapons. There is also no question that he is working to develop a nuclear capability. He could be in possession of a working nuclear device in a matter of several months to a few years.

There is also no question that Saddam has shown a willingness to use weapons of mass destruction against other countries and his own people. And there is growing evidence of his willingness to share his weapons with terrorists and rogue agents who might use those weapons against America.

Saddam's aggressive nature knows few bounds. He represents a clear and present danger to the United States, our citizens, and our interests in the world. Based upon the evidence and intelligence I have reviewed, I believe Iraq presents a clear threat to the United States. I will support and vote for the use of force resolution the President and congressional leadership agreed to on October 2. This measure gives the President the authority he needs to enforce the U.N. resolutions Iraq has violated, while limiting the scope and duration of the authority to address the current threats posed by Iraq.

There's an old saying: "Politics stops at the water's edge." That is the case here. We must show the world that we are united in our determination to protect our Nation and our people from threat posed by Iraq.

Mr. HOLT. Mr. Speaker, this past Sunday during a pancake breakfast at a firehouse in my hometown, one of my constituents approached me. "Why have we gotten into this headlong rush into war," he asked? "Why haven't we first exhausted all the other possibilities for dealing with Saddam?" His questions reflected both my feelings and those of so many other Americans: Where is the pressing need to send our Nation, our service men and women, into a potentially bloody, costly war that could threaten rather than strengthen our national security?

I will vote "no" on this resolution.

It is true that Saddam Hussein has for years presented a threat to his own people, to the Middle East, to the world. His relentless pursuit of weapons of mass destruction is unconscionable. We have a legal and a moral obligation to hold him accountable for his flagrant violation of international law and his maniacal disregard for human decency.

I applaud the President for refocusing international attention on the Iraqi threat. This is something that I have followed with concern since I worked in the State Department 15 years ago on nuclear nonproliferation. However, I believe it is at the least premature, and more likely contrary to our national interest, for Congress to authorize military action against Iraq now.

As I reviewed the arguments for and against this resolution, I found myself returning repeatedly to some basic questions. Would unilateral American military action against Iraq reduce the threat that Saddam Hussein poses? In other words, would a Saddam facing certain destruction be less likely or more likely to unleash his weapons of mass destruction on his neighbors, his own people, or on Americans? Will an attack against Iraq strengthen our greater and more pressing effort to combat al Qaeda and global terrorism? Will it bolster our ability to promote our many other national security interests around the world and make Americans more secure? I believe the answer to all of these questions is a resounding no.

Why should we undertake action that makes more likely the very thing we want to prevent? A cornered Saddam Hussein could release his arsenal of chemical, biological, and possible nuclear weapons on American soldiers or on his neighbors in the region, including Israel. The CIA recently reported that Iraq is much more likely to initiate a chemical or biological attack on the United States if Saddam concludes that a U.S.-led invasion can no longer be deterred.

In addition, I am also concerned that an American invasion of Iraq would send a destabilizing shockwave throughout the Middle East and ignite violent anti-Americanism, giving rise to future threats to our national security. While I have no doubt that we would successfully depose Saddam Hussein, I am concerned that the act of extinguishing Saddam would inflame, rather than diminish, the terrorist threat to the United States. And the ensuing anti-American sentiment could reinvigorate the terrorists' pursuit of the loose nuclear weapons in the former Soviet Union—a greater threat than Iraq, I might add, one that America has largely neglected.

The Administration has tried and failed to prove that Saddam's regime is a grave and immediate threat to American security. It has also simply failed to explain to the American public what our responsibilities would be in a post-Saddam Iraq. How will we guarantee the security of our soldiers and the Iraqi people? How will we guarantee the success of a democratic transition? How many hundreds of billions of dollars would it cost to rebuild Iraq?

This resolution would give the President a blank check, in the words of many of my constituents, and would allow him to use Iraq to launch a new military and diplomatic doctrine. By taking unilateral, preemptive military action against Iraq, we would set a dangerous precedent that would threaten the international order. Instead, we can and should take the lead in eliminating the threat posed by Saddam Hussein, not by taking unilateral military action. If we consult actively with our allies in the region, with NATO, with the U.N. Security Counsel, we will be able to undertake effective inspections and end Saddam's threat. I do not believe that we need the permission of our allies to take action, but I do believe that we need their partnership to be successful in the long run.

As the world's leading power, we should use the full diplomatic force at our disposal to work with our allies to get inspectors back into Iraq without any preconditions—including access to Saddam's presidential palaces. We can and we will disarm Iraq and end Saddam's threat. The United Nations and the international community may recognize the need to take military action. The American people will understand and be prepared for that possibility. Now, they are not. Now, they are saying that, for the United States, war should and must always be our last resort.

The SPEAKER pro tempore (Mr. LaHood). All time for debate has expired.

Pursuant to House Resolution 574, the previous question is ordered on the joint resolution, as amended.

The question is on engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair notes a disturbance in the gallery in violation of the rules of the House and directs the Sergeant-at-Arms to restore order.

MOTION TO RECOMMIT OFFERED BY MR. KUCINICH

Mr. KUCINICH. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the joint resolution?

Mr. KUCINICH. I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Kucinich moves to recommit the joint resolution H.J. Res. 114 to the Committee on International Relations with instructions to report the same back to the House forthwith with the following amendment:

Page 9, after line 2, insert the following:

(c) Additional Requirement.—Prior to the exercise of the authority granted in subsection (a) to use force, the President shall transmit to Congress a report, in unclassified form, that addresses the impact of such use of force on the national security interests of the United States. The report shall contain, at a minimum, the following:

(1)(A) An estimate of the costs associated with military action against Iraq, as determined by the Secretary of Defense, and an estimate of the costs associated with the reconstruction of Iraq, as determined by the Secretary of State.

(B) An estimate by the Director of the Office of Management and Budget of any additional funding to pay the costs referred to in subparagraph (A) to be derived from one of more of the following:

(i) Offsetting reductions in other Federal programs.

(ii) Increases in Federal revenues.

(iii) Increases in public borrowing.

(2) An analysis by the Secretary of the Treasury of the impact on the United States economy likely to result from military action against Iraq, including the impact on the gross domestic product, the unemployment rate, the Federal Funds rate, and the financial markets.

(3) An estimate by the Secretary of Energy of any change in the price of crude oil and downstream products likely to result from

military action against Iraq and an analysis of the impact of such change on the United States economy.

(4) A comprehensive plan developed by the Secretary of the Treasury and the Secretary of State for United States financial and political commitment to provide short-term humanitarian assistance to the people of Iraq and to provide long-term economic and political stabilization assistance for Iraq.

(5) An assurance by the Secretary of Defense that all United States Armed Forces to be deployed pursuant to the exercise of authority granted in subsection (a) have been provided with equipment to protect against chemical and biological agents (A) in levels sufficient to meet minimum required levels previously established by the Department of Defense, and (B) in conditions that are neither defective nor expired.

(6) An estimate by the Secretary of Defense of the number of United States military casualties and Iraqi civilian casualties that would result from military action against Iraq, including an estimate of the number of such casualties that would result from military actions in and around Baghdad.

(7) A comprehensive statement by the Secretary of the Defense and the Secretary of State that details the nature and extent of the international support for military action against Iraq, and the effects, if any, military action against Iraq would have on the broader war on terrorism, including, but not limited to, the effect on the support of United States allies in the Middle East.

(8) An analysis by the Inspector General of the Department of Defense, the Inspector General of the Central Intelligence Agency, and the Comptroller General of the assertions of the intelligence community with respect to Iraq's current capability to produce and deliver weapons of mass destruction. In the preceding sentence, the term "intelligence community" has the meaning given that term in section 3(4) of the National Security Act of 1947.

(9) A comprehensive analysis by the Secretary of State of the effect on the stability of Iraq and the region of any change in the government of Iraq that may occur as the result of United States military action, including, but not limited to, the effect on the national aspirations of the Kurds, Turkey and its continued support for United States policy in the region, the economic and political impact on Jordan and the stability of the Jordanian Monarchy, and the economic and political stability of Saudi Arabia.

(10) A comprehensive analysis by the Secretary of State of the long-term impact of a preemptive first strike attack by United States Armed Forces against Iraq on the stability of the United States and the world. The analysis should include, but not be limited to, the impact on regional conflicts involving the Russian Federation and the Republic of Georgia, Pakistan and India, Israel and the Palestinians, and the People's Republic of China and Taiwan. The analysis should also include the long-term impact on the United States of the international sentiment that a preemptive first strike attack by United States Armed Forces against Iraq would breach international law.

Page 9, line 3, strike "(c)" and insert "(d)".

Mr. KUCINICH (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The SPEAKER pro tempore. The gentleman from Ohio (Mr. KUCINICH) is recognized for 5 minutes in support of his motion to recommit.

□ 1415

Mr. KUCINICH. Mr. Speaker, I yield 30 seconds to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Speaker, I rise in support of the motion to recommit.

We know that for every action there is a reaction. We do not know what danger lies before us. Every American has the right to know what price in terms of human lives and economic resources that they will have to pay. We owe them some answers. This is about life or death. We owe them answers to the questions the gentleman from Ohio has raised and will raise, and far more. In a democracy the people have a right to know.

Mr. KUCINICH. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. BROWN), my colleague and neighbor.

Mr. BROWN of Ohio. Mr. Speaker, I thank the gentleman for yielding me this time.

In the Committee on International Relations, I offered this language embodied in the Kucinich recommittal motion: if we give the President the authority to radically change, to radically change, our decades-old military doctrine of containment and deterrence, we need answers to questions the American people are asking. If we strike Iraq on our own, will our coalition against terrorism fracture? Most of our allies in the war on terror oppose U.S. unilateral action against Iraq. And what will a unilateral strike tell the world? Does it embolden Russia to attack Georgia to chase down Chechneyan rebels? Does it set an international precedent for China to go into Taiwan or to deal even more harshly with Tibet? Does it embolden India, Pakistan, or both, each with nuclear weapons from going to war to protect their interests in Kashmir? And if we win a unilateral war, will we be responsible for unilaterally rebuilding Iraq?

This Congress should not authorize the use of force unless the administration can detail what it plans to do and how we deal with the consequences of our actions. Vote "yes" on the recommittal motion.

Mr. KUCINICH. Mr. Speaker, I yield myself 3½ minutes.

The joint resolution, H.J. Res. 114, gives the President the authority to use all necessary force at his discretion. This motion to recommit is neutral on this central point. And I know there are people on both sides of the aisle, on both sides of the proposition before us, who are interested in knowing that, that that resolution does not take a position on the underlying bill. But with power comes responsibility, and in a democracy the responsibility is to the people. This motion to recommit would assign the administration with the responsibility to inform the American people on key questions raised by a use of force in Iraq, questions that Members on both sides of this proposition have raised.

The American people want to know what will use of force in Iraq cost, and how will it be paid for. With budget cuts? With more borrowing? With tax increases? The American people want to know what financial commitment the administration is making to address humanitarian consequences of a use of force in Iraq. The American people want to know what impact will the use of force in Iraq have on the economy of the United States and on the important price of oil. The American people want to know how a use of force in Iraq will affect efforts to prevent further terrorist attacks. The American people want to know these things because they know that ultimately they will be required to pay the price. They are entitled to answers, and the motion to recommit ensures that they will get those answers before they get the bill.

Mr. Speaker, as the ranking Democrat on the Subcommittee on National Security, Veterans' Affairs and International Relations of the Committee on Government Reform, I have sat in on several meetings where the Department of Defense, Inspector General, and the General Accounting Office have informed the Congress that 250,000 biological and chemical protective suits are defective; 250,000 of these suits are defective, but the Department of Defense cannot account for them. This motion before us would help protect our troops by requiring assurance that the United States Armed Forces deployed have been provided with functioning equipment to protect against chemical and biological agents in sufficient levels and that this equipment is not defective. Mr. Speaker, this becomes particularly urgent since the Central Intelligence Agency has just informed the Congress that if the United States invades Iraq, Saddam Hussein can be expected to use whatever biological or chemical weapons he may have.

Whatever our position on the war, I am certain that we want to protect our troops who would be called upon to put their lives on the line to protect this country. This is an example of the information which the American people have a right to know.

Mr. Speaker, this has been an important debate for our Nation. People on both sides of this proposition as to whether or not the United States should pursue action against Iraq are doing the best they can to represent our country. All of us love our country; but our love of country should include our desire to get answers on behalf of our constituents, answers on behalf of those who would be called to serve overseas. So it is in that spirit that I ask my colleagues on both sides of the aisle and both sides of this proposition to join in support of this motion to recommit with instructions.

The SPEAKER pro tempore (Mr. LAHOOD). Is the gentleman from Illinois (Mr. HYDE) opposed to the motion to recommit?

Mr. HYDE. I certainly am, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Illinois is recognized for 5 minutes.

Mr. HYDE. Mr. Speaker, I oppose the motion to recommit; and if anybody wants detailed reasons, I suggest they read it. It sets up roadblocks that I think are virtually insurmountable.

In the thousands of words we have heard in the last couple of days uttered on Iraq, a few important truths emerge. First, Saddam Hussein is a very dangerous person. The history of his regime is one of unrestrained violence against Iran, against Kuwait, against the Kurds, against the Shias, and against others whose only offense is to oppose his despotic regime. Secondly, he hates America. Thirdly, he is making a feverish attempt to arm with weapons of immeasurable destructive capacity; and when he is ready, he will use them.

Do you remember the first time you saw the films of the mushroom cloud engulfing Hiroshima and then you learned about the deadly effect of radiation on humans? That was 1945. Does the fact that modern thermal nuclear weapons would unleash a thousand times the destructive power of Hiroshima worry you at all? You might ask why are we debating this resolution at this moment in time. The answer should be apparent: September 11, which was more than a wake-up call. It shook us out of a long, deep sleep and held us by the throat. It taught us there are people in the world willing to destroy themselves to gratify their hatred and we had better take them seriously.

We tend to visualize what we call weapons of mass destruction in terms of bombs reducing buildings to rubble, but missiles can carry bombs with chemical and biological agents that can poison a city as well as destroy its infrastructure. Either way, it is death and destruction on a horrendous scale. Is such an attack imminent? Did we know Pearl Harbor was imminent? Did we know the World Trade Center attacks were imminent? The willingness to destroy must never marry the capability to destroy. And Santayana was right, those who do not read history are condemned to relive it.

In a book written sometime after, I suppose, in the 1940's by William C. Bullit, who was our first ambassador to Russia appointed by President Roosevelt called "The Great Globe Itself," he said: "To beat our swords into plowshares while the spiritual descendants of Genghis Khan stalk the earth is to die and leave no descendants."

The world looks to us for leadership. The world looks to us for strength and resolve. We make no demands for territory or commercial advantage. All we want is a peaceful world. "If you love peace, prepare for war," said the ancient Romans. There are ideals and ideas worth fighting for. They are the civilizing forces that make life worth living, that respect the dignity that is every person's entitlement. Those ideals and principles are under attack and we must defend them. By supporting the President, we send a message to the forces of conquest and chaos that America, the West, is not as decadent as they may think. Support the President.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. KUCINICH. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 101, nays 325, not voting 5, as follows:

[Roll No. 454]

YEAS—101

Allen
Baldwin
Barrett
Becerra
Blumenauer
Bonior
Brown (FL)
Brown (OH)
Capps
Capuano
Carson (IN)
Clay
Clayton
Clyburn
Condit
Conyers
Coyne
Crowley
Cummings
Davis (IL)
DeFazio
DeGette
Delahunt
Dingell
Doggett
Eshoo
Evans
Farr
Fattah
Filner
Frank
Green (TX)
Harman
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Holt
Honda
Hooley
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kaptur
Kilpatrick
Kleczka
Kucinich
Lee
Lewis (GA)
Maloney (NY)
Markey
Matsui
McCollum
McDermott
McGovern
Meehan
Meek (FL)
Meeks (NY)
Miller, George
Moran (VA)
Napolitano
Neal
Oberstar
Obey
Olver
Owens
Pascrell
Pastor
Paul
Payne
Pelosi
Rangel
Rodriguez
Roybal-Allard
Rush
Sabo
Sánchez
Sanders
Sawyer
Schakowsky
Scott
Slaughter
Solis
Stark
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Velázquez
Watson (CA)
Watt (NC)
Waxman
Wexler
Woolsey
Wu

NAYS—325

Abercrombie
Ackerman
Aderholt
Akin
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Ballenger
Barcia
Barr
Bartlett
Barton
Bass
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Cardin
Carson (OK)
Castle
Chabot
Chambliss
Clement
Coble
Collins
Combest
Cooksey
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (CA)
Davis (FL)
Davis, Jo Ann
Davis, Tom
Deal
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Etheridge
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (TX)
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoeffel
Hoekstra
Holden
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Isakson
Israel
Issa
Istook
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kind (WI)
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Manzullo
Mascara
Matheson
McCarthy (MO)
McCarthy (NY)
McCrery
McHugh
McInnis
McIntyre
McKeon
McNulty
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, Jeff
Mollohan
Moore
Moran (KS)
Morella
Murtha
Myrick
Nadler
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Pallone
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Royce
Ryan (WI)
Ryun (KS)
Sandlin
Saxton
Schaffer
Schiff
Schrock
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster

Simmons
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sununu
Sweeney
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Toomey
Turner
Upton
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wynn
Young (AK)
Young (FL)

NOT VOTING—5

Gutierrez
McKinney
Ortiz
Roukema
Stump

☐ 1447

Messrs. BAIRD, GOSS, LATHAM, PORTMAN, GARY G. MILLER of California, SMITH of Michigan, and LUTHER, and Mrs. NORTHUP changed their vote from "yea" to "nay."

Mr. RODRIGUEZ, Ms. DEGETTE, and Mr. MATSUI changed their vote from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated for:

Ms. WATERS. Mr. Speaker, on rollcall No. 454 I inadvertently voted "nay". I intended to vote "yea".

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the passage of the joint resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HYDE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 296, nays 133, not voting 3, as follows:

[Roll No. 455]

YEAS—296

Ackerman
Aderholt
Akin
Andrews
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Bartlett
Barton
Bass
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Borski
Boswell
Boucher
Boyd
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Carson (OK)
Castle
Chabot
Chambliss
Clement
Coble
Collins
Combest
Cooksey
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (FL)
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dooley
Doolittle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Etheridge
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (TX)
Hansen
Harman
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoeffel
Hoekstra
Holden
Horn
Hoyer
Hulshof
Hunter
Hyde
Isakson
Israel
Issa
Istook
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kind (WI)
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Lampson
Lantos
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
McCarthy (NY)
McCrery
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Moore
Moran (KS)
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Pascrell
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Riley
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Royce
Ryan (WI)
Ryun (KS)
Sandlin
Saxton
Schaffer
Schiff
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Spratt
Stearns
Stenholm
Sullivan
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Toomey
Turner
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wynn
Young (AK)
Young (FL)

NAYS—133

Abercrombie
Allen
Baca
Baird
Baldacci
Baldwin
Barrett
Becerra
Blumenauer
Bonior
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Clay
Clayton
Clyburn
Condit
Conyers
Costello
Coyne
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dingell
Doggett
Doyle
Duncan
Eshoo
Evans
Farr
Fattah
Filner
Frank
Gonzalez
Gutierrez
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Holt
Honda
Hooley
Hostettler
Houghton
Inslee
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Jones (OH)
Kaptur
Kildee
Kilpatrick
Kleczka
Kucinich
LaFalce
Langevin
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Maloney (CT)
Matsui
McCarthy (MO)
McCollum
McDermott
McGovern
McKinney
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mollohan
Moran (VA)
Morella
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Paul
Payne
Pelosi
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roybal-Allard
Rush
Sabo
Sánchez
Sanders
Sawyer
Schakowsky
Scott
Serrano
Slaughter
Snyder
Solis
Stark
Strickland
Stupak
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Woolsey
Wu

NOT VOTING—3

Ortiz
Roukema
Stump

☐ 1505

So the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 5531. An act to facilitate famine relief efforts and a comprehensive solution to the war in Sudan.

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 5010, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2003

Mrs. MYRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 579 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 579

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 5010) making appropriations for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

The SPEAKER pro tempore (Mr. THORNBERRY). The gentlewoman from North Carolina (Mrs. MYRICK) is recognized for 1 hour.

Mrs. MYRICK. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. FROST), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, the rule waives all points of order against the conference report to accompany H.R. 5010, the Department of Defense Appropriations

Act for fiscal year 2003, and against its consideration. The rule provides that the conference report shall be considered as read.

The defense appropriations conference report provides the tools and the resources for our military to wage an aggressive war against terrorism while defending our Nation against ever-changing military threats.

Mr. Speaker, each generation of Americans has been called to defend our freedom. Each time, our forefathers and mothers have answered the call. Our generation's time of national trial has come. We are being called to stop a new kind of enemy, different from any we have ever fought before. This enemy is patient, building resources and striking where and when we are least prepared. The enemy uses a different method each time. This enemy requires a new kind of defense, and that is what this conference report is attempting to build.

I agree with President Bush when he says that our Armed Forces must be ready to confront every threat from any source that could bring sudden terror and suffering to America. Our forces must be ready to deploy to any point on the globe on short notice.

This bill increases operation and maintenance by over $9.7 billion. This Nation must have, will have, ready forces that can bring victory to our country and safety to our people.

The world's best soldiers, sailors, airmen, and Marines also deserve the world's best weaponry; and, to ensure that, our Nation must invest in procurement accounts. This defense conference report contains $71.6 billion for procurement. Our Nation must give our military the weapons it needs to meet future threats. If the war against terror means that we must find terror wherever it exists, pull it out by its roots, and bring people to justice, our military must have the means to achieve that objective.

I am also pleased this bill makes significant improvements in the quality of life for the men and women who serve in the Armed Forces. These improvements include a 4.1 percent military personnel pay raise and targeted pay raises to midgrade noncommissioned officers, generous housing allowances that will significantly decrease service personnel's out-of-pocket expenses, and access to high-quality health care.

We can never pay our men and women in uniform on a scale that matches the magnitude of their sacrifice.

□ 1515

But this bill reflects our respect for their selfless service. I feel very strongly that we need a strong national defense and we need to be prepared and, indeed, we are with this defense conference reports.

The primary responsibility for us as elected officials is to provide for the common defense of our fellow countrymen; and to that end, I urge my colleagues to support the rule and support the underlying bill.

Now more than ever we must improve our national security.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, earlier today the House demonstrated its bipartisan resolve to end the threat posed by Saddam Hussein. Now with this conference report, funding the Department of Defense for the next fiscal year, Democrats and Republicans once again demonstrate our bipartisan support for America's national defense and for the men and women of the United States Armed Forces.

Over the past year, Mr. Speaker, the world has been reminded of the skill, courage, and professionalism of the U.S. military. America's men and women in uniform have done everything this country has asked of them and they have done it well. So I would like to commend the chairman and ranking members of the Committee on Appropriations and the Subcommittee on Defense, the gentleman from Florida (Mr. YOUNG), the gentleman from Wisconsin (Mr. OBEY), the gentleman from California (Mr. LEWIS), and the gentleman from Pennsylvania (Mr. MURTHA) for the tremendous job they have done to bring this conference report to the floor.

It provides U.S. soldiers, sailors, airmen and Marines with the resources they need to ensure our national security. It represents our bipartisan commitment to our troops and to the war on terrorism. Overall, it provides $355.4 billion for the Department of Defense for fiscal year 2003, which is an increase of $37.8 billion over last year's level. It continues to fund the wide range of weapons programs that ensure America's military superiority throughout the world. And, very significantly, it provides for a substantial quality-of-life improvement for America's men and women in uniform and their families. In particular, this conference report includes funds for a 4.1 percent military pay raise; and it provides $14.8 billion for military health care and $7.7 billion for Tricare-for-Life, the health care plan for military retirees over age 65.

Mr. Speaker, maintaining our status as the world's premier military power requires continued investments in the advanced weapons upon which our troops rely. The conference report makes these investments. It includes $4 billion for 23 F–22 Raptor aircraft, the high-technology air dominance fighter for the Air Force. It also provides $3.5 billion for the Joint Strike Fighter, the next generation, multi-role fighter for the future of the Air Force, the Navy and the Marines. And it includes nearly $1.5 billion for the V–22 Osprey aircraft, and $129 million to procure three Global Hawk UAWs, which have been instrumental in the war in Afghanistan.

Mr. Speaker, I am pleased to note that the conference report provides $136 million, an increase of $70 million over the Pentagon's request for the joint U.S.-Israel ARROW program to provide effective theater-missile defense.

Finally, Mr. Speaker, I would like to point out that our Armed Forces depend heavily on the men and women who serve in the National Guard and Reserve. So I am pleased this conference report provides more than $28 million in personnel and readiness funding for the Guard and Reserve, and $100 million more than the President requested for the equipment they need.

I urge the Republican leadership after we have completed this conference report to allow the House to pass a Senate-amended version of H.R. 5557, the Armed Forces Tax Fairness Act of 2002. This important bill will restore the tax deductibility of the training expenses incurred by our National Guard and Reservists. These Americans are serving their country honorably, and they should not have to pay out of their own pockets to get to their duty stations.

All in all, however, this conference report does a good job providing our troops with the resources they need to do the jobs we ask of them. For that reason, I ask my colleagues to join me in supporting it and the rule to bring it up.

Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin (Mr. OBEY), the ranking member of the full Committee on Appropriations.

Mr. OBEY. Mr. Speaker, I have no quarrel with the bill that will come to the floor after this resolution. But I do most certainly have a quarrel with the fact that the conferees deep-sixed the Wellstone amendment, an amendment which would have said that no American corporation which tries to move its mailing address to Bermuda or some other exotic place in order to escape their fair share of taxes may participate in obtaining government contracts.

I think the practice of American corporations moving their mailing address, especially in time of war, to escape their duty to help pay for the services which they are provided with by the government, and to help pay for the common defense, is outrageous and indefensible. I think it is un-American. And I find it ironic that the bill which goes to the heart of our obligation to defend our country does not take that added step of also protecting our taxpayers.

Just 8 days ago, the General Accounting Office reported that $2.7 billion in Federal contracts in fiscal 2001 went to four corporate expatriates. The GAO estimated that a substantial share of those contracts were defense related. The joint tax committee has estimated that over the next 10 years corporate expatriates will cost us more than $4 billion in funds that could help pay for our Nation's security or any other government obligation.

Now, these are not foreign corporations. These are American corporations with their plants, employees and headquarters in your districts and mine all around the country. They simply incorporated in Bermuda or some other exotic place with nothing more than a post office box, and they do so for no other reason than to avoid helping pay their fair share of the Nation's costs, including the Nation's defense costs. That action is obscene.

Those companies have abandoned our country at its most critical hour, but they still seek to profit directly from the challenges we face. They should be ashamed of themselves and so should any Congress that avoids their responsibilities in bringing that kind of behavior under control.

This House adopted the DeLauro amendment, which was aimed at this same item; and the Senate adopted the Wellstone amendment. And, yet, the Congress, as usual, has found a way to make it easy for some of the most privileged corporations in this country to avoid their responsibilities to the Nation, to their workers, and to the taxpayers. It is a shameful sham. We should not reward them with defense contracts or any other contracts with the Federal Government.

We have now finished debating Iraq. My question is, What is next, boys and girls? Are we going to do anything at all to deal with our domestic problems before we run home to our constituents pretending that we have finished our job? I want to know what we will do to protect pensions. I want to know what we will do to provide a decent education budget, a decent housing budget, a decent environmental protection budget. I want to know what we are going to do to protect family security as well as national security.

But, evidently, what this institution is going to do is to pass two appropriations bills, military construction and DOD, and then cut and run and go home.

I do not think this ought to be known as the 107th Congress. I think it ought to be known as the Cut and Run Crowd.

Mrs. MYRICK. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Speaker, my friend and colleague, the gentleman from Pennsylvania (Mr. MURTHA), just told me to cut it off. So instead of 3 minutes, I will take a minute or 30 seconds. But I was going to spend the time talking about the chairman, the gentleman from California (Mr. LEWIS), and the ranking member, the gentleman from Pennsylvania (Mr. MURTHA). He still wants me to cut my time.

Mr. Speaker, I wanted to say there is no better committee to serve on. One does not know Republican from Democrat on that committee. They are there to help the men and women in this armed services, and I am very, very proud to serve on that committee and with the men and the women that serve and with the staff. God bless them.

Mr. NEAL of Massachusetts. Mr. Speaker, I rise today in support of funding our Defense Department, but also to oppose the efforts of those who excuse corporate expatriation.

Since September 11, this nation has pulled together to fight the war on terrorism. And now, with more military action looming, we must face the fact that war costs money. To fully fund the needs of our military, every American taxpayer, individual and corporation alike, must be prepared to pay their fair share.

If corporate expatriates are not paying their tax bills (and evidence shows they avoid paying $4 billion worth), the American people know that someone will have to pick up the slack. We should use everything in our arsenal to stop corporate expatriation. No more government contracts for financial traitors. No more tax benefits for runaway corporations.

I regret that the Conferees struck the very reasonable federal contract ban from this bill.

Corporate expatriates cheat the federal government out of needed tax revenues and then have the audacity to return for a federal handout.

Let's take Tyco, formerly of New Hampshire, now of Bermuda, for example. Tyco avoids paying $400 million a year in U.S. taxes by setting up a shell headquarters offshore, but was awarded $156 million in lucrative Defense Department contracts in 2001 alone. If Tyco had just paid its tax bill, the conferees could have easily awarded the Coast Guard the extra $300 million that was left out of this bill.

Or let's examine corporate expatriate Ingersoll-Rand, formerly of New Jersey, and now also in Bermuda. Ingersoll-Rand's tax avoidance would pay for half the money we're going to spend in order to protect Israel from Iraqi Scud missiles.

Mr. Speaker, the leadership of this House has thwarted all efforts to have a legitimate debate and vote on the Neal-Maloney Corporate Patriot Enforcement Act, a bipartisan bill to deny the benefits to corporations who flee to tax havens. We must show the American people that this Congress will not coddle corporate abusers. These financial traitors are escaping income taxes, and then, profiting from the very government they had left behind.

I urge my colleagues to fight for tax fairness, any way we can get it.

Mr. FROST. Mr. Speaker, I urge adoption of the resolution.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mrs. MYRICK. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. THORNBERRY). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. OBEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 374, nays 37, not voting 20, as follows:

[Roll No. 456]

YEAS—374

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Ballenger
Barcia
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (SC)
Bryant
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clement
Clyburn
Coble
Collins
Combest
Condit
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Grucci
Gutierrez
Gutknecht
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin

Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, Jeff
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Olver
Ose
Otter
Oxley
Pallone
Pascrell
Pastor
Paul
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reyes
Reynolds
Riley
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sánchez
Sanders
Sandlin
Saxton
Schaffer
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Stupak
Sullivan
Sununu
Sweeney
Tancredo
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Toomey
Towns
Turner
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watson (CA)
Watts (OK)
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (FL)

NAYS—37

Baldwin
Barrett
Brown (OH)
Clayton
Conyers
DeFazio
DeGette
Delahunt
Doggett
Filner
Gephardt
Hilliard
Hinchey
Holt
Jones (OH)
Kucinich
Lee
Lewis (GA)
McDermott
Miller, George
Oberstar
Obey
Owens
Payne
Rangel
Rivers
Sawyer
Schakowsky
Slaughter
Stark
Strickland
Tierney
Udall (CO)
Udall (NM)
Waters
Watt (NC)
Woolsey

NOT VOTING—20

Baldacci
Barr
Berman
Bonior
Brady (TX)
Burr
Cooksey
Coyne
Frank
Greenwood
Hilleary
McKinney
Ortiz
Osborne
Portman
Roukema
Stump
Tanner
Weldon (FL)
Young (AK)

□ 1556

Messrs. GEORGE MILLER of California, DELAHUNT and SAWYER changed their vote from "yea" to "nay."

Mr. DAVIS of Illinois and Mr. MALONEY of Connecticut changed their vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. LOFGREN. Mr. Speaker, yesterday I was unavoidably detained for rollcall votes 448, 449, 450, and 451. Had I been present, I would have voted "aye" on all.

GENERAL LEAVE

Mr. LEWIS of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report to accompany H.R. 5010, making appropriations for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes, and that I may include tabular and extraneous material.

The SPEAKER pro tempore (Mr. THORNBERRY). Is there objection to the request of the gentleman from California?

There was no objection.

CONFERENCE REPORT ON H.R. 5010, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2003

Mr. LEWIS of California. Mr. Speaker, pursuant to House Resolution 579, I call up the conference report on the bill (H.R. 5010) making appropriations for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 579, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of October 9, 2002).

The SPEAKER pro tempore. The gentleman from California (Mr. LEWIS) and the gentleman from Pennsylvania (Mr. MURTHA) each will control 30 minutes.

The Chair recognizes the gentleman from California (Mr. LEWIS).

Mr. LEWIS of California. Mr. Speaker, I yield myself such time as I may consume.

(Mr. LEWIS of California asked and was given permission to revise and extend his remarks, and include extraneous material.)

Mr. LEWIS of California. Mr. Speaker, Members will be very pleased to hear that I prepared a half-hour address regarding this measure, but I gave those remarks this morning.

Mr. Speaker, I submit for the RECORD a document relating to the 2002 and 2003 Defense appropriations.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2003 (H.R. 5010)
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
TITLE I						
MILITARY PERSONNEL						
Military Personnel, Army	23,752,384	27,079,392	26,832,217	26,939,792	26,855,017	+3,102,633
Military Personnel, Navy	19,551,484	22,074,901	21,874,395	21,975,201	21,927,628	+2,376,144
Military Personnel, Marine Corps	7,345,340	8,558,887	8,504,172	8,507,187	8,501,087	+1,155,747
Military Personnel, Air Force	19,724,014	22,142,585	21,957,757	22,036,405	21,981,277	+2,257,263
Reserve Personnel, Army	2,670,197	3,398,555	3,373,455	3,402,055	3,374,355	+704,158
Reserve Personnel, Navy	1,654,523	1,927,152	1,897,352	1,918,352	1,907,552	+253,029
Reserve Personnel, Marine Corps	471,200	557,883	553,983	554,383	553,983	+82,783
Reserve Personnel, Air Force	1,061,160	1,243,904	1,236,904	1,237,504	1,236,904	+175,744
National Guard Personnel, Army	4,041,695	5,128,988	5,070,188	5,128,588	5,114,588	+1,072,893
National Guard Personnel, Air Force	1,784,654	2,135,611	2,124,411	2,126,061	2,125,161	+340,507
Total, title I, Military Personnel	82,056,651	94,247,858	93,424,834	93,825,528	93,577,552	+11,520,901
TITLE II						
OPERATION AND MAINTENANCE						
Operation and Maintenance, Army	22,335,074	23,961,173	23,942,768	24,048,107	23,992,082	+1,657,008
Operation and Maintenance, Navy	26,876,636	28,697,235	29,121,836	29,410,276	29,331,526	+2,454,890
Operation and Maintenance, Marine Corps	2,931,934	3,310,542	3,579,359	3,576,142	3,585,759	+653,825
Operation and Maintenance, Air Force	26,026,789	26,772,768	27,587,959	27,463,678	27,339,533	+1,312,744
Operation and Maintenance, Defense-Wide	12,773,270	14,169,258	14,850,377	14,527,853	14,773,506	+2,000,236
Operation and Maintenance, Army Reserve	1,771,246	1,880,110	1,976,710	1,963,710	1,970,180	+198,934
Operation and Maintenance, Navy Reserve	1,003,690	1,159,734	1,239,309	1,233,759	1,236,809	+233,119
Operation and Maintenance, Marine Corps Reserve	144,023	185,532	189,532	185,532	187,532	+43,509
Operation and Maintenance, Air Force Reserve	2,024,866	2,135,452	2,165,604	2,160,604	2,163,104	+138,238
Operation and Maintenance, Army National Guard	3,768,058	4,049,567	4,231,967	4,266,412	4,261,707	+493,649
Operation and Maintenance, Air National Guard	3,988,961	4,062,445	4,113,010	4,113,460	4,117,585	+128,624
Overseas Contingency Operations Transfer Fund 1/	50,000	50,000	---	50,000	5,000	-45,000
United States Court of Appeals for the Armed Forces	9,096	9,614	9,614	9,614	9,614	+518
Environmental Restoration, Army	389,800	395,900	395,900	395,900	395,900	+6,100
Environmental Restoration, Navy	257,517	256,948	256,948	256,948	256,948	-569
Environmental Restoration, Air Force	385,437	389,773	389,773	389,773	389,773	+4,336
Environmental Restoration, Defense-Wide	23,492	23,498	23,498	23,498	23,498	+6
Environmental Restoration, Formerly Used Defense Sites	222,255	212,102	212,102	252,102	246,102	+23,847
Overseas Humanitarian, Disaster, and Civic Aid	49,700	58,400	58,400	58,400	58,400	+8,700
Former Soviet Union Threat Reduction	---	416,700	416,700	416,700	416,700	+416,700
Support for International Sporting Competition, Defense	15,800	19,000	19,000	19,000	19,000	+3,200
Defense emergency response fund 2/	---	19,338,151	---	---	---	---
Total, title II, Operation and maintenance	105,047,644	131,553,902	114,780,366	114,821,468	114,780,258	+9,732,614

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2003 (H.R. 5010)
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
TITLE III						
PROCUREMENT						
Aircraft Procurement, Army	1,984,391	2,061,027	2,214,369	2,249,389	2,285,574	+301,183
Missile Procurement, Army	1,079,330	1,642,296	1,112,772	1,585,672	1,096,548	+17,218
Procurement of Weapons and Tracked Combat Vehicles, Army	2,193,746	2,248,558	2,248,358	2,242,058	2,266,508	+72,762
Procurement of Ammunition, Army	1,200,465	1,159,426	1,207,560	1,258,599	1,253,099	+52,634
Other Procurement, Army	4,183,736	5,168,453	6,017,380	5,783,439	5,874,674	+1,690,938
Aircraft Procurement, Navy	7,938,143	8,203,955	8,682,655	8,849,955	8,812,855	+874,712
Weapons Procurement, Navy	1,429,592	1,832,617	2,384,617	1,856,617	1,868,517	+438,925
Procurement of Ammunition, Navy and Marine Corps	461,399	1,015,152	1,167,130	1,169,152	1,165,730	+704,331
Shipbuilding and Conversion, Navy	9,490,039	8,191,194	8,127,694	9,151,393	9,032,837	-457,202
Other Procurement, Navy	4,270,976	4,347,024	4,631,299	4,500,710	4,612,910	+341,934
Procurement, Marine Corps	995,442	1,288,383	1,369,383	1,357,383	1,388,583	+393,141
Aircraft Procurement, Air Force	10,567,038	12,067,405	12,492,730	13,085,555	13,137,255	+2,570,217
Missile Procurement, Air Force	2,989,524	3,575,162	3,185,439	3,364,639	3,174,739	+185,215
Procurement of Ammunition, Air Force	866,644	1,133,864	1,290,764	1,281,864	1,288,164	+421,520
Other Procurement, Air Force	8,085,863	10,523,946	10,622,660	10,628,958	10,672,712	+2,586,849
Procurement, Defense-Wide	2,389,490	2,688,515	3,457,405	2,958,285	3,444,455	+1,054,965
National Guard and Reserve Equipment	699,130	---	---	130,000	100,000	-599,130
Defense Production Act Purchases	40,000	73,057	73,057	73,057	73,057	+33,057
Total, title III, Procurement	60,864,948	67,220,034	70,285,272	71,526,725	71,548,217	+10,683,269
TITLE IV						
RESEARCH, DEVELOPMENT, TEST AND EVALUATION						
Research, Development, Test and Evaluation, Army 3/	7,106,074	6,820,333	7,447,160	7,410,168	7,669,656	+563,582
Research, Development, Test and Evaluation, Navy	11,498,506	12,496,065	13,562,218	13,275,735	13,946,085	+2,447,579
Research, Development, Test and Evaluation, Air Force	14,669,931	17,564,984	18,639,392	18,537,679	18,822,569	+4,152,638
Research, Development, Test and Evaluation, Defense-Wide	15,415,275	16,598,863	17,863,462	16,611,107	17,924,642	+2,509,367
Operational Test and Evaluation, Defense	231,855	222,054	242,054	302,554	245,554	+13,699
Total, title IV, Research, Development, Test and Evaluation	48,921,641	53,702,299	57,754,286	56,137,243	58,608,506	+9,686,865
TITLE V						
REVOLVING AND MANAGEMENT FUNDS						
Defense Working Capital Funds	1,312,986	1,499,656	1,832,956	1,784,956	1,784,956	+471,970
National Defense Sealift Fund: Ready Reserve Force	432,408	934,129	944,129	934,129	942,629	+510,221
Total, title V, Revolving and Management Funds	1,745,394	2,433,785	2,777,085	2,719,085	2,727,585	+982,191

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2003 (H.R. 5010)
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
TITLE VI						
OTHER DEPARTMENT OF DEFENSE PROGRAMS						
Defense Health Program:						
Operation and maintenance	17,659,475	14,234,041	13,916,791	14,283,041	14,100,386	-3,559,089
Procurement	267,915	278,742	283,743	284,242	284,242	+16,327
Research and development	463,804	67,214	400,214	394,214	458,914	-4,890
Total, Defense Health Program	18,391,194	14,579,997	14,600,748	14,961,497	14,843,542	-3,547,652
Chemical Agents & Munitions Destruction, Army:						
Operation and maintenance	739,020	974,238	974,238	974,238	974,238	+235,218
Procurement	164,158	213,278	213,278	213,278	213,278	+49,120
Research, development, test and evaluation	202,379	302,683	302,683	302,683	302,683	+100,304
Total, Chemical Agents	1,105,557	1,490,199	1,490,199	1,490,199	1,490,199	+384,642
Drug Interdiction and Counter-Drug Activities, Defense	842,581	848,907	859,907	916,107	881,907	+39,326
Office of the Inspector General	152,021	157,165	157,165	157,165	157,165	+5,144
Total, title VI, Other Department of Defense Programs	20,491,353	17,076,268	17,108,019	17,524,968	17,372,813	-3,118,540
TITLE VII						
RELATED AGENCIES						
Central Intelligence Agency Retirement and Disability System Fund	212,000	212,000	212,000	212,000	222,500	+10,500
Intelligence Community Management Account	160,429	147,754	162,254	122,754	163,479	+3,050
Transfer to Department of Justice	(42,752)	(34,100)	(34,100)	(34,100)	(34,100)	(-8,652)
Payment to Kaho'olawe Island Conveyance, Remediation, and Environmental Restoration Fund	67,500	25,000	25,000	80,000	75,000	+7,500
National Security Education Trust Fund	8,000	8,000	8,000	8,000	8,000	---
Total, title VII, Related agencies	447,929	392,754	407,254	422,754	468,979	+21,050

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2003 (H.R. 5010)
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
TITLE VIII						
GENERAL PROVISIONS						
Additional transfer authority (Sec. 8005)	(2,000,000)	(2,500,000)	(2,500,000)	(2,000,000)	(2,000,000)	---
Additional 2002 transfer authority (Sec. 8005)	---	---	---	---	(500,000)	(+500,000)
Indian Financing Act incentives (Sec. 8021)	8,000	---	8,000	8,000	8,000	---
FFRDCs (Sec. 8029)	-40,000	---	---	-91,600	-74,200	-34,200
Disposal & lease of DOD real property (Sec. 8035)	19,000	29,730	29,730	29,730	29,730	+10,730
Overseas Mil Fac Invest Recovery (Sec. 8038)	3,362	---	1,000	1,000	1,000	-2,362
Rescissions (Sec. 8050)	-531,475	---	-192,932	-190,700	-402,750	+128,725
Excess Foreign Currency Cash Balance (Sec. 8082)	-240,000	---	-615,000	-338,000	-338,000	-98,000
Travel Cards (Sec. 8087)	8,000	10,000	10,000	10,000	10,000	+2,000
Defense Cooperation Account	---	5,000	5,000	---	---	---
United Service Organizations	8,500	---	---	---	---	-8,500
Transfer within SCN (Sec. 8101)	---	---	---	---	---	---
Transfers within SCN (Sec. 8125)	---	---	---	---	---	---
Government Purchase Card (Sec. 8103)	-100,000	---	-97,000	---	-97,000	+3,000
National D-Day Museum	4,250	---	---	---	---	-4,250
American Red Cross (Sec. 8129)	3,500	---	---	4,000	8,100	+4,600
Newmark	8,500	---	---	---	---	-8,500
Special needs students (Sec. 8108)	---	---	---	5,000	7,750	+7,750
Fisher House (Sec. 8099)	1,700	---	2,000	---	1,700	---
Zero emission steam technology demo	1,700	---	---	---	---	-1,700
CAAS/Contract Growth (Sec. 8100)	-1,650,000	---	-51,000	-850,000	-850,000	+800,000
Utilities	-105,000	---	---	---	---	+105,000
IT cost growth reduction (Sec. 8109)	---	---	---	-400,000	-400,000	-400,000
Tethered Aerostat Radar System	3,000	---	---	---	---	-3,000
Fairchild Air Force Base	6,000	---	---	---	---	-6,000
Coast Guard	---	---	---	300,000	---	---
Army Acquisition Restructuring	-5,000	---	---	---	---	+5,000
USS Alabama Museum Memorial	4,200	---	---	---	---	-4,200
Special Needs Learning Center	3,500	---	---	---	---	-3,500
Eisenhower Commission	2,600	---	---	---	---	-2,600
Travel cost growth (Sec. 8133)	-262,000	---	---	-59,260	-59,260	+202,740
Legislative liaison savings	-50,000	---	---	---	---	+50,000
Reserve Component Incentive and Bonus programs	10,000	---	---	---	---	-10,000
Fort Des Moines Memorial Grant	4,500	---	---	---	---	-4,500
Clear Radar Upgrade	8,000	---	---	---	---	-8,000
Defense Counter-Terrorism Fellowship prog	17,900	---	---	---	---	-17,900
Missile defense/counterterrorism	---	---	---	814,300	---	---
Revised economic assumptions reduction (Sec.8135)	---	---	---	-814,300	-1,674,000	-1,674,000
Padgett Thomas Barracks	15,000	---	---	---	---	-15,000
USS Intrepid Museum Memorial	4,250	---	---	---	---	-4,250
Armed Forces Retirement Home	5,200	---	---	---	---	-5,200
Working Capital Funds Cash Balance (Sec.8112)	---	---	-470,000	---	-120,000	-120,000
Working Capital Funds Excess Carryover (Sec. 8113)	---	---	-475,000	---	-48,000	-48,000
Ctr for Mil Recruiting Assessment & Vet Emp(Sec. 8115)	---	---	4,000	---	3,400	+3,400
Army Venture Capital Funds (Sec. 8105)	---	---	17,000	---	17,000	+17,000
Total, title VIII, General Provisions	-2,832,813	44,730	-1,824,202	-1,571,830	-3,976,530	-1,143,717

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2003 (H.R. 5010)
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
TITLE IX						
COUNTER-TERRORISM & DEFENSE AGAINST WEAPONS OF MASS DESTRUCTION						
Counter-Terrorism & Operational Response Transfer Fund	478,000	---	---	---	---	-478,000
Transfer to Department of Justice	(10,000)	---	---	---	---	(-10,000)
Former Soviet Union Threat Reduction	403,000	---	---	---	---	-403,000
Total, title IX, Counter-terrorism and Defense Against Weapons of Mass Destruction	881,000	---	---	---	---	-881,000
Total for the bill (net)	317,623,747	366,671,630	354,712,914	355,405,941	355,107,380	+37,483,633
OTHER APPROPRIATIONS						
Emergency Response Fund (PL 107-117)	3,395,600	---	---	---	---	-3,395,600
2002 Supplemental (PL 107-206) (emergency)	13,982,815	---	---	---	---	-13,982,815
2002 Supplemental (PL 107-206) (rescission)	-389,100	---	---	---	---	+389,100
2002 Supplemental (PL 107-206) (rescission of emergency funding)	-224,000	---	---	---	---	+224,000
Net grand total (including other appropriations)	334,389,062	366,671,630	354,712,914	355,405,941	355,107,380	+20,718,318

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2003 (H.R. 5010)
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
CONGRESSIONAL BUDGET RECAP						
Scorekeeping adjustments:						
Stockpile collections (unappropriated)............	-150,000	---	---	---	---	+150,000
O&M, Army transfer to National Park Service:						
Defense function.............................	-1,000	---	---	---	---	+1,000
Nondefense function..........................	1,000	---	---	---	---	-1,000
Disabled military retiree payments (mandatory)....	55,000	55,000	55,000	55,000	55,000	---
Military personnel accounts (discretionary)...	-55,000	-55,000	-55,000	-55,000	-55,000	---
	---	---	---	---	---	---
Total adjustments............................	-150,000	---	---	---	---	+150,000
Adjusted total (incl scorekeeping adjustments) 4/	334,239,062	366,671,630	354,712,914	355,405,941	355,107,380	+20,868,318
Appropriations.............................	(335,159,637)	(366,671,630)	(354,905,846)	(355,596,641)	(355,510,130)	(+20,350,493)
Rescissions................................	(-920,575)	---	(-192,932)	(-190,700)	(-402,750)	(+517,825)
Total (including adjustments)........................	334,239,062	366,671,630	354,712,914	355,405,941	355,107,380	+20,868,318
Amount in this bill................................	(334,389,062)	(366,671,630)	(354,712,914)	(355,405,941)	(355,107,380)	(+20,718,318)
Scorekeeping adjustments..........................	(-150,000)	---	---	---	---	(+150,000)
Prior year outlays................................	---	---	---	---	---	---
Total mandatory and discretionary....................	334,239,062	366,671,630	354,712,914	355,405,941	355,107,380	+20,868,318
Mandatory...	267,000	267,000	267,000	267,000	277,500	+10,500
Discretionary.....................................	333,972,062	366,404,630	354,445,914	355,138,941	354,829,880	+20,857,818

Footnotes:

1. Budget amendment (H. Doc. 107-189) reduced Overseas Contingency Operations Transfer Fund by $2,632,000.
2. The FY 2003 budget request for the 'Defense Emergency Response Fund' was reduced by $716,849,000 and transferred to Military Construction.
3. Budget Amendment (H. Doc. 107-219) terminated the Army's Crusader artillery program of $475,609,000 and reallocated these funds to other R&D, Army programs.
4. The fiscal year 2003 budget request was adjusted to not include $3,412,561,000, the proposed cost to cover the accrued costs related to retirement benefits of Civil Service Retirement System employees and retiree health benefits for all civilian employees.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2003 (H.R. 5010)
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
RECAPITULATION						
Title I - Military Personnel	82,056,651	94,247,858	93,424,834	93,825,528	93,577,552	+11,520,901
Title II - Operation and Maintenance	105,047,644	131,553,902	114,780,366	114,821,468	114,780,258	+9,732,614
Title III - Procurement	60,864,948	67,220,034	70,285,272	71,526,725	71,548,217	+10,683,269
Title IV - Research, Development, Test and Evaluation	48,921,641	53,702,299	57,754,286	56,137,243	58,608,506	+9,686,865
Title V - Revolving and Management Funds	1,745,394	2,433,785	2,777,085	2,719,085	2,727,585	+982,191
Title VI - Other Department of Defense Programs	20,491,353	17,076,268	17,108,019	17,524,968	17,372,813	-3,118,540
Title VII - Related agencies	447,929	392,754	407,254	422,754	468,979	+21,050
Title VIII - General provisions (net)	-2,832,813	44,730	-1,824,202	-1,571,830	-3,976,530	-1,143,717
Title IX - Counter-terrorism & Defense against Weapons of Mass Destruction (net)	881,000	---	---	---	---	-881,000
Prior year outlays	---	---	---	---	---	---
Total, Department of Defense (in this bill)	317,623,747	366,671,630	354,712,914	355,405,941	355,107,380	+37,483,633
Other appropriations	16,765,315	---	---	---	---	-16,765,315
Total DoD funding available (net)	334,389,062	366,671,630	354,712,914	355,405,941	355,107,380	+20,718,318
Scorekeeping adjustments	-150,000	---	---	---	---	+150,000
Total mandatory and discretionary	334,239,062	366,671,630	354,712,914	355,405,941	355,107,380	+20,868,318
RECAP BY FUNCTION						
Mandatory	267,000	267,000	267,000	267,000	277,500	+10,500
Prior year outlays	---	---	---	---	---	---
Total, Mandatory	267,000	267,000	267,000	267,000	277,500	+10,500
Discretionary:						
General purpose discretionary:						
Defense discretionary	333,969,362	366,404,630	354,445,914	355,138,941	354,829,880	+20,860,518
Prior year outlays	---	---	---	---	---	---
Total, Defense discretionary	333,969,362	366,404,630	354,445,914	355,138,941	354,829,880	+20,860,518
Nondefense discretionary	2,700	---	---	---	---	-2,700
Prior year outlays	---	---	---	---	---	---
Total, Nondefense discretionary	2,700	---	---	---	---	-2,700
Total discretionary	333,972,062	366,404,630	354,445,914	355,138,941	354,829,880	+20,857,818
Grand total, mandatory and discretionary	334,239,062	366,671,630	354,712,914	355,405,941	355,107,380	+20,868,318

Mr. Speaker, I reserve the balance of my time.

□ 1600

Mr. MURTHA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have done the best that we can do with the amount of money that was appropriated to us.

Mr. BEREUTER. Mr. Speaker, this Member rises in strong support for the conference report on H.R. 5010, the Defense appropriations bill for FY2003. This Member would like to offer particular thanks to the Chairman of the Subcommittee on Department of Defense Appropriations, the distinguished gentleman from California (Mr. LEWIS), and the Ranking Minority Member on the Subcommittee on Department of Defense Appropriations, the distinguished gentleman from Pennsylvania (Mr. MURTHA) for their work on this important bill.

Furthermore, this Member is very appreciative that the Committee has approved the appropriations of $3.5 million for a bioprocessing facility at the University of Nebraska-Lincoln (UNL). These funds will be used for the third phase of the project to establish and validate a current Good Manufacturing Practices (cGMP) processing facility with the capability to make vaccines as therapeutic countermeasures against biological warfare agents. Tow cGMP pilot plants, one dedicated to yeast/bacterial culture and the other dedicated to mammalian cell culture will be built within the new Chemical Engineering building on the UNL campus. The funds will be used to build and equip the laboratories.

This will be a commercial-grade facility, giving UNL the capability, if requested by the Department of Defense (DoD), to make vaccines against biological warfare agents and products that can be used as therapeutic countermeasures to treat people who have been exposed to biological agents. Currently, UNL is doing this on a smaller scale and, therefore, is well suited to pursue this expansion. This new facility certainly will enhance our nation's ability to respond to biological warfare.

This Member sincerely thanks the Committee on Appropriations for including $1.375 million in fiscal year 2003 for the Air National Guard's Project ALERT. Currently, Project ALERT serves as an on-line training tool developed and used by the Nebraska National Guard in collaboration with the Department of Defense, the National Guard Bureau, the University of Nebraska, and Nebraska Educational Television. The $1.375 million appropriated in the conference report will assist with the development of the new courses and the modification of existing courses.

Indeed, the implications of Project ALERT extend nationwide and to components of both the active and reserve military forces. Allowing military forces to complete some training courses on their own time, as Project ALERT does, provides an opportunity to cut on-site training costs and time and to maximize exercise time. For the U.S. military to meet the challenges it will face during the current war on terrorism and throughout the 21st Century, it is crucial that Congress invest in innovative and flexible training tools such as Project ALERT.

In closing, Mr. Speaker, this Member urges his colleagues to vote in support of the conference report for H.R. 5010.

Mr. BLUMENAUER. Mr. Speaker, earlier today the House voted to authorize the President to unilaterally use force against Iraq. It's appropriate that we immediately follow the Iraq debate with the largest Department of Defense appropriations bill ever put before Congress. I did not support the Iraq resolution and I do not support spending $1 billion per day on a variety of wasteful programs, many of which do not improve the security of our nation.

The bill spends $355.1 billion; $35 billion more than the current level. The conference report is $395 million more than what we passed in the House in June. Unfortunately, $7.4 billion of this conference report is for a misguided missile defense system, which will do nothing to protect us against terrorists like Osama bin Laden. At this critical time in our nation's struggle against terrorism, we must spend our resources on America's immediate defense needs. Missile defense is not among them.

In addition, this bill supports a controversial plan to lease as many as 100 Boeing 767 aircraft for the Pentagon. Leasing, rather than buying the aircraft will cost taxpayers more money in the long term. There are some aspects of this bill that I find encouraging. The bill provides no funds for the outmoded Crusader mobile howitzer, a weapons system designed for a war from an age long past. Providing an additional $368 million for work on a lighter and more flexible weapons system is more appropriate.

The bottom line is that we are spending almost a billion dollars a day on programs that do not do all they should to protect our country from threats to its national security.

Ms. KAPTUR. Mr. Speaker, for our nation to have a strong defense capability, we need to make certain that critical manufacturing capacity and skills are maintained. Some of the most vital are tool and die, mold making and precision machining. They represent the first step in manufacturing. These companies are family owned businesses located in every state of the union. They are characterized by highly skilled employees that provide the economic bedrock of our defense industrial base.

Many of America's small businesses that offer this capability to our defense infrastructure are closing their doors due to economic difficulties caused by the current economic recession facing our manufacturing industry. The National Tooling and Machining Association has stated that over 400 companies have closed since January of this year. We often find that prime contractors are subcontracting with foreign firms rather than American businesses. If steps are not taken now to assess and correct the situation, America may find itself without these critical capabilities and skills. As was learned in the West Coast dock work stoppage, some parts that are required by the U.S. military were unavailable. This situation highlights an important decision we must make. If we do not take steps immediately, our country will lose the capability to produce the parts that are needed to protect our country.

I appreciate the commitments I have received from the distinguished chairman and ranking member to work with us to secure within 60 days from the Department of Defense a report regarding what steps can be taken to increase procurement, development of contracts, and subcontracts, with these vital American small businesses.

Mr. HAYES. Mr. Speaker, I rise in support of the rule that will allow for consideration of H.R. 5010, the defense appropriations bill for fiscal year 2003. The tragic events of just over a year ago, have thrust our Nation's military into the spotlight and called to duty the brave men and women of the U.S. Armed Forces. Once again, U.S. citizens are rallying behind them in strong support of the harrowing mission they have been called upon to do; and today the United States Congress has a duty to pass this important legislation that will help provide the necessary resources for these brave men and women to do their job.

This legislation first and foremost takes care of our most vital asset in the military, our people. It provides every servicemember with a 4.1 percent pay raise. The legislation gives our military personnel the necessary resources to do their job. It fully funds budgeted increases in steaming, flying, and training hours and resources needed for increases for spare parts and real property maintenance. For the soldiers and airmen in my district at Fort Bragg and Pope Air Force Base, the ability to adequately care for their families and train for the mission for which they are called are the two issues which are second to none. I believe this legislation builds upon our work from last year, continuing to reverse the decline of military readiness by funding key operations, maintenance, and training accounts. This financial support devoted to our national security is long in coming. We must adequately provide the men and women from Fort Bragg and Pope Air Force Base and all of our military personnel who are currently prosecuting the war on terrorism adequate and necessary resources to do their job.

I would like to specifically mention that this bill provides some funding for some key capabilities for our U.S. Special Forces, many of whom make their home in my district at Ft. Bragg, NC. While they, alongside members from all our Armed Forces, serve in Afghanistan and all over the world today, we show our support by providing the funding necessary to effectively and safely do their job. The $355.1 billion we are voting on today will help do that. It is targeted at two of the most critical areas crucial to maintaining a quality of life and readiness. Furthermore, this legislation funds important projects in research and development, such as the optoelectronics program just getting underway in my district at the University of North Carolina at Charlotte.

Mr. Speaker, it is gross injustice and misfortune that it took the tragedy in September to focus the public eye on the need for a more robust defense budget; but I feel the legislation in front of us takes that step, and the rule provides for its consideration. I urge Members to vote strongly in favor of the rule and the final legislation.

Mr. BENTSEN. Mr. Speaker, I rise in support of this Conference Report, which provides $355.1 billion in new discretionary spending authority to the Department of Defense, a very necessary increase of $37.5 billion over Fiscal Year 2002 spending levels. As our Nation confronts the security challenges facing us, we must ensure that adequate and secure funding is provided for our armed forces to confront these challenges swiftly and effectively. I am pleased that this legislation provides not only the material resources to continue our vigilant efforts in the war on terrorism, but also provides the necessary funding towards an improved quality of life for our men and women in uniform.

Mr. Speaker, I do continue to have concerns about the implications of passing this legislation ahead of other appropriations bills, and the possibility that funding for other necessary appropriations bills may be marginalized. At a time when our Nation's economy is weak and our citizens have paid the price, Congress must refrain from politics in the appropriations of the government's limited funds. I am pleased that this Conference Report reflects that which our Nation's security demands: a large increase in foreign intelligence spending, increased funding for the strategic mobility or armed forces need to deploy swiftly in forward engagements, and increased funding to confront the threat of unconventional nuclear, biological, and chemical threats. I believe this legislation provides the appropriate and responsible increases in Department of Defense funding that will assist our armed forces in confronting the unanticipated demands in the global fight against terror.

I am pleased that this conference report includes funding for three initiatives which I have long supported to protect the lives of the people of this Nation. Of particular interest is the funding of $11 million for the Texas Training and Technology for Trauma and Terrorism (T5) program at the University of Texas Health Science Center at Houston (UTHSC). The T5 program is a continuation of the successful Disaster Relief and Emergency Medical Services (DREAMS) program at UTHSC. The goal of the T5 project is to identify the best ways of protecting Houston, or any other city, from the morbidity, mortality and cost of terrorism and other disasters. The project will consist of several components including creating digital emergency medical services to patients who are linked by mobile wireless video, establishing a Center for Disaster Preparedness at the University of Texas School of Public Health, developing hand-held software called Responder to enable first responders to have at their fingertips critical information including the local fire department, State, local, and Federal authorities, and establishing a high-security building at the University of Texas Research Park for isolation, decontamination, and triage center for public health and bioterrorism threats.

The second project will provide $9 million for the Biology, Education, Screening, Chemoprevention and Treatment (BESCT) lung cancer research program at the University of Texas M.D. Anderson Cancer Center at the Texas Medical Center in Houston, Texas. This is the fourth installment in my five-year effort to expand medical research on lung cancer. Lung cancer claims the lives of more than 160,000 each year and is devastating to the families who are affected by this disease. For many lung cancer patients, there are not adequate treatments to cure the disease. The five-year survival rate for lung cancer is less than 15 percent. This $9 million in research will build upon the $15 million that Congress has already provided to the UT M.D. Anderson Cancer Center will have the funds necessary to help save lies and reduce health care costs.

The third project will provide $750,000 for a joint chiropractic health initiative between the 147th Fighter Squadron at Ellington Field and Texas Chiropractic College in Pasadena, Texas. This funding will allow Moody Clinic at Texas Chiropractic College to provide the men and women of the 147th Fighter Squadron with new diagnostic imaging assets and other tools that will enhance the chiropractic, pain management, and related health services available to them. This funding will be matched by private sector donations and will help active duty personnel to obtain chiropractic care in accordance with current law. Many active duty personnel will for the first time have access to chiropractic services which have been shown to be cost effective and helpful to improve productivity of personnel.

I urge my colleagues to support this conference report to ensure that we provide adequate Federal funding to defend our Nation and to ensure that our Nation's armed forces received the necessary benefits which they deserve.

Mr. MURTHA. Mr. Speaker, I yield back the balance of my time.

Mr. LEWIS of California. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. THORNBERRY). Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 409, nays 14, not voting 8, as follows:

[Roll No. 457]

YEAS—409

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, George
Miller, Jeff
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Obey
Olver
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sánchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watson (CA)
Watts (OK)

Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NAYS—14

Blumenauer
Filner
Frank
Jackson (IL)
Kucinich
Lee
Lewis (GA)
McDermott
Oberstar
Paul
Payne
Waters
Watt (NC)
Woolsey

NOT VOTING—8

Baldacci
Bonior
Cooksey
Coyne
McKinney
Ortiz
Roukema
Stump

□ 1625

Mr. KUCINICH changed his vote from "yea" to "nay."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to recommit was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.J. RES. 122, FURTHER CONTINUING APPROPRIATIONS, 2003

Mrs. MYRICK, from the Committee on Rules, submitted a privileged report (Rept. No. 107–739) on the resolution (H. Res. 580) providing for consideration of the joint resolution (H.J. Res. 122) making further continuing appropriations for the fiscal year 2003, and for other purposes, which was referred to the House Calendar and ordered to be printed.

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 5011, MILITARY CONSTRUCTION APPROPRIATIONS ACT, 2003

Mrs. MYRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 578 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 578

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 5011) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

The SPEAKER pro tempore (Mr. THORNBERRY). The gentlewoman from North Carolina (Mrs. MYRICK) is recognized for 1 hour.

Mrs. MYRICK. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. McGOVERN), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purposes of debate only.

Mr. Speaker, the rule waives all points of order against the conference report to accompany H.R. 5011, Military Construction Appropriations Act of Fiscal Year 2003, and against its consideration. The rule provides that the conference report shall be considered as read.

Mr. Speaker, I find this bill very timely and of the utmost importance since this morning the House voted to authorize the use of the United States Armed Forces against Iraq. We are asking a lot of our military today. Our military personnel on active duty know that they may very well be deployed overseas and perhaps on dangerous missions. So we want to provide them a quality of life for themselves and for their families that will allow them to serve, knowing that their families will be taken care of in good housing and with good health care.

□ 1630

H.R. 5011 recognizes the dedication and commitment of our troops by providing for their most basic needs, improved military facilities, including housing and medical facilities.

Mr. Speaker, we must honor the most basic commitments we have made to the men and women of our Armed Forces. We must ensure reasonable quality of life to recruit and retain the best and the brightest to America's fighting forces. Most importantly, we must do all in our power to ensure a strong, able, dedicated American military so that this Nation may stay ever vigilant, ever prepared.

H.R. 5011 provides nearly $1.2 billion for barracks and $151 million for hospital and medical facilities for troops and their families. It also provides $2.87 billion to operate and maintain existing housing units and $1.34 billion for new housing units.

Military families also have a tremendous need for quality child care, as do other people in the country, especially single parents and families in which one or both parents may face lengthy deployments. To help meet this need, the bill provides $18 million for child development centers.

Mr. Speaker, earlier today we passed the resolution to authorize the President to use military force against Iraq, if necessary, so now it is time for Congress to keep its promise to our Armed Forces. To that end, I urge my colleagues to support this rule and to support the conference report.

Mr. Speaker, I reserve the balance of my time.

Mr. McGOVERN. Mr. Speaker, I yield myself such time as I may consume.

I want to thank my friend for yielding me the customary 30 minutes.

Mr. Speaker, we have before us a fair rule for the consideration of the Military Construction Appropriations Conference Report for Fiscal Year 2003. The rule provides for one hour of general debate, and waives all points of order against consideration of the bill. I urge my colleagues to vote for the rule.

I would like to express my appreciation for the work of the gentleman from Ohio (Chairman HOBSON) and the ranking member, the gentleman from Massachusetts (Mr. OLVER) of the Subcommittee on Military Construction, along with Committee on Appropriations chairman, the gentleman from Florida (Mr. YOUNG) and the ranking member, the gentleman from Wisconsin (Mr. OBEY), for continuing the tradition of strong bipartisan support in the drafting of the military construction appropriations bill.

While there were some difficulties in negotiating this usually noncontroversial bill, both Chambers were able to resolve the differences and we now have a compromise conference report.

This is a very difficult year for the Committee on Appropriations; and I commend the gentleman from Ohio (Chairman HOBSON) and the ranking member, the gentleman from Massachusetts (Mr. OLVER), for bringing to this House a very fine bill, given the limited amount of funds allocated for military construction needs.

This conference report provides $400 million more than the bill this body approved on June 27; and, although this funding level is better than the original bill, the total funding for these important military construction programs is still less than fiscal year 2002 levels. Frankly, Mr. Speaker, this bill is woefully inadequate; and the men and women who serve in our Armed Forces deserve much better.

However, this final product is an improvement over the original House bill; and I urge the adoption of this rule and the conference report.

Mr. Speaker, I wish I could stand here and say that with the adoption of this bill our appropriation work is done. Far from it. The simple fact of the matter is that the leadership of this House has failed to do its job. Out of 13 appropriations bills, this House is going to skip town having completed work on exactly two, two for 13. That is a batting average of .154, which does not even cut it in Little League. It is terrible, it is outrageous, and the American people should know that this Congress did not meet its responsibilities.

Mrs. MYRICK. Mr. Speaker, I reserve the balance of my time.

Mr. McGOVERN. Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, first of all, let me say I rise to support this rule and previously rose by way of my vote to support the defense appropriations and the rule. I thank the Chair Mr. HOBSON and ranking member Mr. OLVER for their good work.

However, it is interesting that we would discuss this particular rule in the shadow of our recent vote dealing with the question of the decision of whether or not this Nation should go to war. I do believe that it is important for those of us who support our United States military to ensure better housing conditions and better pay and improve their quality of life issues, should make it very clear—we are concerned about a strong military.

Just recently, I was able to travel to Guantanamo Bay. I have seen the work that we do to enhance the living conditions of our troops, and I do want to thank the committee whose responsibility it is to do that.

Likewise, having recently returned from Afghanistan, I saw the frontline troops doing their job. That is why I think it is very important that, as we leave this body, that we realize that those of us who had a differing opinion on the question of going to war realize the sacred responsibility that we had and realize that, as the President is the Commander-in-Chief, that we who might have opposition stand with the people of the United States to ensure our security, but, at the same time, reflect upon the importance of the Constitution that says only Congress can declare war.

We stand ready to fight terrorism, but I think it is very important for the American people to be wise and aware that we can find a way to resolve these matters with our frontline troops being strong and ready by continuing diplomacy first and working with the United Nations Security Council and not giving the authority of first strike to the Commander-in-Chief without the authorization under the Constitution that we have to declare war.

This is an important admonition. It is not stepping away from our responsibilities. It is not fear, for I look fear in the eye, and I will stand against it. It is not a fear of fighting terrorism, for I look terrorism in the eye and will fight against it. But it is a recognition of my sacred duty and responsibility to declare my standing with saving the lives of young men and women who offer themselves to fight for our freedom and justice in the United States military.

We will go off to our respective districts and each of us will have cast a vote of conscience. I believe that each of us should be respected as patriots and Americans, realizing that we have made a decision on the facts at hand. But it cannot be denied that the Constitution was written by our Founding Fathers for us not to be silent. It was written to be the underpinnings of democracy. So that as we look to give guidance to this Nation, we can be thankful for those who serve us in the United States military, but, as well, Mr. Speaker, as I close, we can say thank you, but, as well, we can stand for saving the lives of the young men and women in the military because it is a question of life and death—that's why it is our duty as Members of Congress to make decisions of war on fact and constitutional grounds.

Mrs. MYRICK. Mr. Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield 2½ minutes to its gentlewoman from Ohio (Mrs. JONES).

Mrs. JONES of Ohio. Mr. Speaker, I rise in support of this legislation. Thanks to my colleague, the gentleman from Ohio (Mr. HOBSON), I have had an opportunity in the time that I have been in the U.S. Congress to visit a number of military bases; and I have been totally impressed with the people that I have had an opportunity to meet. It is so very, very important, having met them, that they have sufficient housing to live at least the kind of life that many of us are able to have in our own homes across this country.

I was surprised when I went to a couple of bases when I saw the schools. I saw schools that looked like many other schools that existed in the 1960s when I was in school. The kids were still going to school in the trailer houses that, unfortunately, have become permanent schoolhouses for many of these young people. I think it is important that, as we move forward, we assure the young people across this country that we are going to be supportive of them in all that they do.

I have a number of friends who have children who are now of age and are serving in military operations across this world, and I want to be able to assure my friends and their grandparents, who are the friends of my mother and father, that the young people we send out on our behalf are well taken care of. So I rise in support of this legislation, having seen some of the things we have been able to do.

If I get too far along, I may be talking out of school, but we are moving from one-plus-one or two-plus-two or whatever the living arrangements for the military are right now.

I want to congratulate the gentleman from Massachusetts (Mr. OLVER), who I also had a chance to visit some of these facilities with, and my good friend the gentleman from Ohio (Mr. HOBSON), on the great work they have done.

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just close by again congratulating the gentleman from Ohio (Chairman HOBSON) and the ranking member, the gentleman from Massachusetts (Mr. OLVER), for their great work on this bill.

I would again urge the leadership of this House to move out of the way and let the gentleman from Florida (Chairman YOUNG) and the ranking member, the gentleman from Wisconsin (Mr. OBEY), do what so many of us want them to do and what the people of this country want them to do, and that is finish the appropriations bills.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mrs. MYRICK. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HOBSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report to accompany H.R. 5011, and that I may include tabular and extraneous material.

The SPEAKER pro tempore (Mr. GUTKNECHT). Is there objection to the request of the gentleman from Ohio?

There was no objection.

CONFERENCE REPORT ON H.R. 5011, MILITARY CONSTRUCTION APPROPRIATION ACT, 2003

Mr. HOBSON. Pursuant to the rule just adopted, I call up the conference reported to accompany the bill, (H.R. 5011) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 578, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of October 9, 2002, at page H7345.)

The SPEAKER pro tempore. The gentleman from Ohio (Mr. HOBSON) and the gentleman from Massachusetts (Mr. OLVER) each will control 30 minutes.

The Chair recognizes the gentleman from Ohio (Mr. HOBSON).

Mr. HOBSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is a good bill. I urge its adoption.

Mr. Speaker, I include the following for the RECORD:

MILITARY CONSTRUCTION, FY 2003 (H.R. 5011)
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
Military construction, Army	1,778,256	1,450,438	1,414,557	1,456,747	1,472,022	-306,234
Defense emergency response fund (DERF)	---	222,465	100,000	222,465	211,688	+211,688
Subtotal	1,778,256	1,672,903	1,514,557	1,679,212	1,683,710	-94,546
Rescission	-36,400	---	-18,676	-13,676	-49,376	-12,976
Emergency appropriations (P.L. 107-117)	20,700	---	---	---	---	-20,700
Total	1,762,556	1,672,903	1,495,881	1,665,536	1,634,334	-128,222
Military construction, Navy	1,144,221	884,661	1,036,335	995,913	1,095,698	-48,523
Defense emergency response fund (DERF)	---	220,730	209,430	220,730	209,430	+209,430
Subtotal	1,144,221	1,105,391	1,245,765	1,216,643	1,305,128	+160,907
Rescission	-19,588	---	-1,340	-1,340	-1,340	+18,248
Emergency appropriations (P.L. 107-117)	2,000	---	---	---	---	-2,000
Total	1,126,633	1,105,391	1,244,425	1,215,303	1,303,788	+177,155
Military construction, Air Force	1,194,880	644,090	783,705	987,320	891,650	-303,230
Defense emergency response fund (DERF)	---	190,597	180,597	188,297	188,597	+188,597
Subtotal	1,194,880	834,687	964,302	1,175,617	1,080,247	-114,633
Rescission	-4,000	---	-10,281	-10,281	-13,281	-9,281
Emergency appropriations (P.L. 107-117)	46,700	---	---	---	---	-46,700
Total	1,237,580	834,687	954,021	1,165,336	1,066,966	-170,614
Military construction, Defense-wide	840,558	740,535	876,366	895,942	841,345	+787
Defense emergency response fund (DERF)	---	31,300	24,700	31,300	33,300	+33,300
Subtotal	840,558	771,835	901,066	927,242	874,645	+34,087
Rescissions	-69,280	---	-2,976	-2,976	-2,976	+66,304
Emergency appropriations (P.L. 107-117)	35,000	---	---	---	---	-35,000
Total	806,278	771,835	898,090	924,266	871,669	+65,391
Total, Active components	4,933,047	4,384,816	4,592,417	4,970,441	4,876,757	-56,290
Military construction, Army National Guard	405,565	101,595	159,672	208,482	241,377	-164,188
Military construction, Air National Guard	253,386	53,473	110,680	209,055	194,880	-58,506
Defense emergency response fund (DERF)	---	8,933	8,933	8,933	8,933	+8,933
Total	253,386	62,406	119,613	217,988	203,813	-49,573
Military construction, Army Reserve	167,019	58,779	99,059	66,487	100,554	-66,465

MILITARY CONSTRUCTION, FY 2003 (H.R. 5011)
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
Military construction, Naval Reserve	53,201	51,554	68,704	51,554	67,804	+14,603
Defense emergency response fund (DERF)	---	7,117	7,117	7,117	7,117	+7,117
Rescission	-925	---	---	---	---	+925
Total	52,276	58,671	75,821	58,671	74,921	+22,645
Military construction, Air Force Reserve	74,857	31,900	69,200	54,633	63,650	-11,207
Defense emergency response fund (DERF)	---	6,076	6,076	3,576	3,576	+3,576
Total	74,857	37,976	75,276	58,209	67,226	-7,631
Total, Reserve components	953,103	319,427	529,441	609,837	687,891	-265,212
Total, Military construction	5,886,150	4,704,243	5,121,858	5,580,278	5,564,648	-321,502
Appropriations	(5,911,943)	(4,017,025)	(4,618,278)	(4,926,133)	(4,968,980)	(-942,963)
Defense emergency response fund	---	(687,218)	(536,853)	(682,418)	(662,641)	(+662,641)
Emergency appropriations	(104,400)	---	---	---	---	(-104,400)
Rescissions	(-130,193)	---	(-33,273)	(-28,273)	(-66,973)	(+63,220)
North Atlantic Treaty Organization Security Investment Program	162,600	168,200	168,200	168,200	167,200	+4,600
Family housing, Army:						
Construction	312,742	283,346	283,346	282,856	280,356	-32,386
Rescission	---	---	-4,920	-4,920	-4,920	-4,920
Operation and maintenance	1,089,573	1,119,007	1,119,007	1,119,007	1,106,007	+16,434
Total, Family housing, Army	1,402,315	1,402,353	1,397,433	1,396,943	1,381,443	-20,872
Family housing, Navy and Marine Corps:						
Construction	331,780	375,700	380,268	374,468	376,468	+44,688
Rescission	---	---	-2,652	-2,652	-2,652	-2,652
Operation and maintenance	910,095	867,788	867,788	867,788	861,788	-48,307
Total, Family housing, Navy and Marine Corps	1,241,875	1,243,488	1,245,404	1,239,604	1,235,604	-6,271
Family housing, Air Force:						
Construction	550,703	676,694	689,824	676,694	684,824	+134,121
Rescission	---	---	-8,782	-8,782	-8,782	-8,782
Operation and maintenance	844,715	844,419	844,419	844,419	833,419	-11,296
Defense emergency response fund (DERF)	---	29,631	29,631	29,631	29,631	+29,631
Total, Family housing, Air Force	1,395,418	1,550,744	1,555,092	1,541,962	1,539,092	+143,674

MILITARY CONSTRUCTION, FY 2003 (H.R. 5011)
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
Family housing, Defense-wide:						
Construction	250	5,480	5,480	5,480	5,480	+5,230
Operation and maintenance	43,762	42,395	42,395	42,395	42,395	-1,367
Total, Family housing, Defense-wide	44,012	47,875	47,875	47,875	47,875	+3,863
Department of Defense Family Housing Improvement Fund	2,000	2,000	2,000	2,000	2,000	---
Homeowners assistance fund, Defense	10,119	---	---	---	---	-10,119
(By transfer)	(7,730)	---	---	---	---	(-7,730)
Total, Family housing	4,095,739	4,246,460	4,247,804	4,228,384	4,206,014	+110,275
Base realignment and closure account	632,713	545,138	545,138	645,138	561,138	-71,575
(Transfer out)	(-7,730)	---	---	---	---	(+7,730)
Total	632,713	545,138	545,138	645,138	561,138	-71,575
GENERAL PROVISIONS						
General provision (sec. 130)	-60,000	---	---	---	---	+60,000
General provision (sec. 132)	-112,802	---	---	---	---	+112,802
Total, General provisions	-172,802	---	---	---	---	+172,802
Grand total:						
New budget (obligational) authority	10,604,400	9,664,041	10,083,000	10,622,000	10,499,000	-105,400
Appropriations	(10,630,193)	(8,947,192)	(9,566,143)	(9,954,578)	(9,890,055)	(-740,138)
Defense emergency response fund	---	(716,849)	(566,484)	(712,049)	(692,272)	(+692,272)
Emergency appropriations	(104,400)	---	---	---	---	(-104,400)
Rescissions	(-130,193)	---	(-49,627)	(-44,627)	(-83,327)	(+46,866)
(Transfer out)	(-7,730)	---	---	---	---	(+7,730)
(By transfer)	(7,730)	---	---	---	---	(-7,730)

Mr. OLVER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, before yielding back my time, I want to thank all the conferees for their efforts in reaching this agreement, but especially our chairman, the gentleman from Ohio (Mr. HOBSON). The two bills had very significant differences, and he has led us to a fair resolution that I think all of us can support.

Mr. Speaker, I want also to thank the committee staff from both sides of the aisle who have worked so hard to put this bill together: Valerie Baldwin, Brian Potts, Mary Arnold, Luis James, and, of course, Tom Forhan, on our side. Working together, they crafted an agreement that we can all support.

I urge Members to vote "yes" on this conference report.

Mr. Speaker, I yield back the balance of my time.

Mr. HOBSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I also would like to thank, in addition to the other people, Luis James, our detailee.

Mr. BLUMENAUER. Mr. Speaker, today I vote in support of the Military Construction Conference Report, H.R. 5011. I am encouraged that the conference report provides $835 million more than the Administration requested for barracks construction, family housing, medical facilities, and environmental clean up.

I am especially pleased that this conference report includes $561 million for the Defense Department's Base Realignment and Closure program, which is $16 million more than what we passed in the House earlier this summer. I am disappointed that the Conference Committee could not support the Senate's request for $645 million, but what we have is a good step. This increase will help the Department meet its environmental restoration and reuse commitments.

I would also like to express my appreciation to Chairman HOBSON, Ranking Member OLVER and Mr. FARR on the House Committee for focusing on one aspect of the military construction budget that deals with the problem of unexploded ordnance, the bombs and shells and military toxins, that have been left over and littered across the landscape of this country. I thank them for their foresight and leadership in bringing this issue front and center.

Mr. HAYES. Mr. Speaker, today, I rise in support of the rule that will allow for consideration of H.R. 5011, the Military Construction Appropriations Bill for fiscal year 2003. This bill provides $10.08 billion for military construction projects. Providing adequate housing and facilities for our men and women in uniform enables them to do their job. This bill provides $5.41 billion for safe and secure housing, allowing servicemen and women to know that their families are out of harm's way while they are deployed or serving our country overseas. This assurance is a key component of our nation's military readiness and today we take steps to further improve and make adequate the housing and facilities of our military families.

Mr. Speaker, I would like to highlight a significant component of the Milcon Appropriations Bill that will help all soldiers at Ft. Bragg, in my district in NC. Since I came to Congress, I have been working to secure funds for the Soldier Support Center at Ft. Bragg. This center, to be named in honor of General Hugh Shelton, currently recovering from a spinal cord injury, will provide a one-stop in and out-processing facility for soldiers at Ft. Bragg. Today we take the first step in providing the first half of the funding for this important resource for the epicenter of the universe, Ft. Bragg, North Carolina.

The tragic events of September 11, 2001 have thrust our nation's military into the spotlight, and called to duty the brave men and women of the U.S. Armed Forces. Once again U.S. citizens are rallying behind them, in strong support of the harrowing mission they have been called upon to do, and today the U.S. Congress has the duty to pass the Military Construction Appropriations Bill for fiscal year 2003, and the Rule that provides for its consideration, that will help provide the necessary resources and security for these brave men and women to do their job.

I urge my colleagues to vote in favor of the rule and in favor of H.R. 5011, the Military Construction Appropriations Bill for fiscal year 2003.

Mr. HOBSON. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 419, nays 0, not voting 12, as follows:

[Roll No. 458]

YEAS—419

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, George
Miller, Jeff
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sánchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)

Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—12

Berman
Bonior
Cooksey
Coyne
Diaz-Balart
Ortiz
Paul
Reyes
Roukema
Slaughter
Stump
Towns

□ 1710

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.J. RES. 122, FURTHER CONTINUING APPROPRIATIONS, 2003

Mr. HASTINGS of Washington. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 580 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 580

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the joint resolution (H.J. Res. 122) making further continuing appropriations for the fiscal year 2003, and for other purposes. The joint resolution shall be considered as read for amendment. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except: (1) one hour of debate on the joint resolution equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations; and (2) one motion to recommit.

The SPEAKER pro tempore (Mr. GUTKNECHT). The question is, Will the House now consider House Resolution 580.

The question was taken; and (two-thirds having voted in favor thereof) the House agreed to consider House Resolution 580.

The SPEAKER pro tempore. The gentleman from Washington (Mr. HASTINGS) is recognized for 1 hour.

Mr. HASTINGS of Washington. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. FROST), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for purposes of debate only.

Mr. Speaker, House Resolution 580 is a closed rule providing for the consideration of House Joint Resolution 122, making further continuing appropriations for the fiscal year 2003, and for other purposes.

The rule provides 1 hour of debate in the House, equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. The rule waives all points of order against consideration of the joint resolution, and provides one motion to recommit.

Mr. Speaker, House Joint Resolution 122 makes further continuing appropriations for the fiscal year 2003 and provides for funding at current levels. We had agreed in the Committee on Rules that this would be through November 22.

At the conclusion of the debate on this, by consent on both sides there will be an amendment offered to change that date of November 22 to October 18, 2000, a week from tomorrow. This measure is necessary in order that all necessary and vital functions of government may continue uninterrupted until Congress completes the work on the spending measures for the next fiscal year.

Mr. Speaker, I urge my colleagues to pass the rule, as we will amend it, and of course the underlying resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, if the Members here in the Chamber and Members watching this on television in their offices are a little confused, there is very good reason that they should be confused. Let me kind of review the bidding here, what has gone on today.

Mr. Speaker, the Republican leadership is in a total and utter state of disarray and denial.

□ 1715

First today we were told, well, there would be a continuing resolution until next week, until October 18. And then, no, they changed their minds; and it was going to be a continuing resolution until November 22. Now, apparently they have changed their minds again and now the resolution is going to be until October 18, which is next week.

The question really is, Why are they doing this? Why can they not decide to let the House work its will on the appropriations bills? Why do they say one thing to Members at one moment, another thing 5 minutes later, another thing another 10 minutes later?

This is a disgrace, a disgrace, Mr. Speaker.

Mr. Speaker, on September 30 the fiscal year ended, and the deadline passed for House Republicans to do their most basic job, passing the appropriations bills to fund priorities like education and health care. In the 10 days since then, the stock market has dropped to a 5-year low, and we have learned that another 417,000 Americans filed unemployment claims at the end of last month.

By stubbornly refusing to do their jobs they are getting paid to do, the Republican leaders are hurting the millions of Americans who are busy looking for work. This House has failed to fund important initiatives in education, health care, and other key priorities.

Well, here we go again, Mr. Speaker. Republicans are still fiddling while America's economy burns. So in a few minutes we will vote on a continuing resolution that was November 22. Now it is October 18. Who knows what it will be an hour from now.

Republican leaders want this CR so they can hide evidence of their fiscal mismanagement. It is the same cynical strategy they are using to hide their secret plan to privatize Social Security.

Mr. Speaker, why will Republicans not be honest with the American people? Not too long ago they insisted that Congress had to vote on an Iraq resolution before the election. As the President himself said, and I quote, "I cannot imagine an elected United States, elected Members of the United States Senate or House of Representatives saying, 'I think I am going to wait for the United Nations to make a decision.' "

To paraphrase the President, I cannot imagine being a House Republican who has presiding over this failed economy and saying, I am not going to do anything about it. Because that is exactly what House Republicans are going to do, postpone action on important domestic and economic issues. They are desperate to hide their failed economic policies and dangerous Social Security plan from the voters. But they cannot hide the truth.

The Republicans' refusal to govern is hurting American priorities from the economy to education. In a recent memo to the Speaker, the chairman of the Committee on Appropriations outlined just how harmful this refusal to govern is. According to the gentleman from Florida (Chairman YOUNG), "A long-term continuing resolution would have disastrous impacts on the war on terror, homeland security and other important government responsibilities."

The gentleman's memo pointed out that a long-term CR, and we do not know how they define long term, is it a week, is it a month, that a long-term CR would undermine the war on terror by denying nearly $40 billion in additional homeland security funds requested by the President. It would short change our veterans by funding VA medical care at 2.5 billion less than what is needed to meet their needs, and would hurt our children's education by underfunding Pell grants by nearly $1 billion.

Mr. Speaker, Republicans' failed economic policies have driven America into a huge deficit ditch that poses a grave threat to Social Security and other priorities like education, prescription drugs, and homeland security. So Republican leaders hope that by refusing to fund the government no one will notice the fiscal straitjacket they have put the country in.

The shell game is most obvious on education. Many Republican Members want to go home to tout their bipartisan No Child Left Behind Act we passed with so much fanfare last year; but they refuse to actually provide schools with the resources they need to carry out the reforms Congress mandated. Indeed, the bill funding the Departments of Labor, Education and Health and Human Services backed by most Republican Members would gut education and other priorities, and that is why they do not want to bring it to the floor.

Mr. Speaker, it is time to be straight with the American people and start digging out of this fiscal ditch. That will require Republicans owning up to the disaster they have made of the Federal budget. For that reason, Members are going to be called on in just a moment. We will have very serious questions about this particular continuing resolution.

Mr. Speaker, the American people deserve honesty from the Republicans on critical domestic issues. There is no excuse for this House putting off its most basic work. The economy is weak, prescription drugs are still sky high, the budget is back in deficit, and many Republicans want to privatize Social Security.

It is time to quit playing politics. It is time to get back to doing the American people's business and to actually pass appropriations bills rather than this shell game of "Maybe we have a one week CR, maybe we have a one month CR. Gee, we do not know. We just want to leave so we can go home and campaign."

Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin (Mr. OBEY), the ranking member of the Committee on Appropriations.

Mr. OBEY. Mr. Speaker, what now? We have since Labor Day focused almost exclusively on Iraq, Iraq, and then Iraq. And then Iraq. We have now finally finished that business.

And the average American family is sitting home and they are saying, "You know, I wonder when those guys and gals are going to get around to doing the stuff that deals with our family security. I wonder when they are going to get around to dealing with unemployment. I wonder when they are going to get around to dealing with the fact that people are losing their shirts in their 401(k)'s, their now 101(k)'s." And they are asking, "I wonder when they are going to get around to protecting the integrity of our pension plans from corporate marauders. And I wonder when they are going to get around to dealing with the fact that a lot of Americans have lost their health insurance in the last year."

I do not understand this institution's reaction. I know virtually every Member of this House, some a lot more than others. And I know that when I talk to each and every one of you that you are, individually, people of good will who want to solve the country's problems. But when you get together, the collective result of that individual talent and concern is disastrous. Because instead of producing a determination to attack problems, what apparently is produced is a determination to avoid them.

Now, the gentleman from Texas (Mr. FROST) has described the confusion on the Republican side of the aisle today. Here is what I think is at the root of that confusion. You have passed a budget resolution at the beginning of the year that told fibs. It pretended that you could hold education spending to a level that would stop and grind to a halt the progress we have made in expanding investments in education over the past 5 years.

You pretended you could afford a health care budget which cuts a billion and a half dollars out of health care services to the American people. And you have pretended a lot of other things, and now those pretensions are coming home to roost. And so the leadership is trying to figure out how they can get out of town without having to face up to those irreconcilable contradictions. And so their original game plan today was to have a continuing resolution that puts us over until November 22, after the election, conveniently putting aside until after the election all issues.

The administration, which has made so much of its desire to see accountability in our schools, is doing as much as it can possibly do to avoid accountability for each and every one of us in our stewardship. And so what happened in the Republican Caucus is that some of the Members got a little ditsy, and they said, "Gee whiz," some Members said for instance, "You mean we are going to go home without dealing with the drought? Gee, we want more time to deal with the drought."

So all of the sudden the November 22 date is changed to next week because the leadership still has not figured out how to resolve that because they have a problem. Because while some of their Members want to attack the drought problem, their President, our President, has already said that he is going to veto a bill which pays for those drought expenses. So they have that problem.

Then they have the huge problem of wanting to hide from their constituents the fact that they were bringing progress in education investments to a screeching halt. They have their votes from the No Child Left Behind Act which promised all kinds of progress on teacher training, on handicapped education, on education for kids who need help with language skills. They have that vote, but the problem is that bill does not deliver the money. The appropriation bill that delivers the money is being bottled up because they do not want to have to admit that they are not going to provide the money to fund the promises they made just a few months ago. So as a result this place looks silly.

We have done our dead-level best as an institution to try to deal with the challenges facing us in Iraq. We ought to turn to those same challenges at home. This continuing resolution does not allow us to do that. I will, therefore, vote against it. I am against any continuing resolutions that are more than one or two days at a time. When I see that the majority has scheduled action on education and on health care, I will vote for them and not until.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, less than 40 minutes ago we were in the Committee on Rules, the gentleman from Washington (Mr. HASTINGS), myself, all of us were there to pass a rule. We passed a rule. The gentleman from Florida (Mr. YOUNG) was there. The ranking member, the gentleman from Wisconsin (Mr. OBEY) was there. We passed a rule that allowed that we would have a continuing resolution until the 22nd of November.

I came down here to the floor of the House and began talking with Members indicating that we would have the CR until the 22nd, and lo and behold, telling them that it is distinctly possible that we may be back next week or at some other point in time; but then I hear the Clerk read and the gentleman from Washington (Mr. HASTINGS) stand up and say that it has changed.

What has happened in this institution? Do we have a phantom Committee on Rules somewhere? Why is it that I continue to go upstairs thinking that I am participating in a process of importance?

Somewhere along the lines we are losing our rudder; and we have things that need to be done, and Republicans need to do it and Democrats need to do it. Liberals need to do it, and conservatives need to do it on behalf of this country. We cannot continue down this path.

Mr. Speaker, I yield 5½ minutes to the distinguished gentleman from Maryland (Mr. HOYER), my very good friend.

□ 1730

Mr. HOYER. Mr. Speaker, I thank the gentleman from Florida for yielding me the time. I want to speak on the substance, but I want to spend 30 seconds on the process.

I want to tell those of my colleagues who were not here prior to 1994 that their side of the aisle was regularly outraged at procedures that were pursued, none of which were as egregious as some of the process that we are confronted with. I do not believe this is a process that anybody on the Committee on Appropriations would sanction, on either side of the aisle. The gentleman from Florida (Mr. HASTINGS) is absolutely correct, and I join him in those comments.

Mr. Speaker, I will be the first to admit this House can point to real legislative accomplishments this week. We considered our most solemn duty, a resolution authorizing our Commander-in-Chief to use our Armed Forces. We finally passed two appropriations conference reports; two down, 11 to go. We will soon take up landmark election reform legislation, the Help America Vote Act of 2002.

But, Mr. Speaker, one week does not a session make.

There is little doubt that the preceding 5 weeks were anything but an evasion of leadership and responsibility. While we bobbed and weaved, the American people took it on the chin again and again and again.

The unemployment rate showed a tiny reduction from 5.7 to 5.6 percent from August to September, but it still was far above the rate of 3.9 percent in October, 2000.

There are 8.1 million unemployed Americans today, according to the Bureau of Labor Statistics, an increase of 2½ million Americans from just 2 years ago.

The year before President Bush took office, the economy created 1.7 million new jobs. Since January of 2001, we have lost 1.5 million jobs.

The poverty rate increased for the first time in 8 years in 2001. In the first year of the Bush administration, 1.3 million Americans slipped back into poverty, with 32.9 million now living in poverty and this the richest nation on the face of the earth.

The median household income fell 2.2 percent in 2001, after increasing every year since 1992. More than 400,000 bankruptcies were filed in the second quarter of this year, an all-time high. In the same quarter, 1.23 percent of home loans were in foreclosure, a record high, but that is not all.

The number of Americans without health insurance increased by 1.4 million people from the end of 2000 to the end of 2001. Health insurance costs increased 12.7 percent in 2002, the largest annual increase since 1990. Prescription drug prices increased by nearly twice the rate of inflation in 2001. And then, of course, as all of us know, the stock market has lost $4.5 trillion in value between January, 2001, and September, 2002.

But the topper, the most egregious statistic for which we have a large share of the responsibility, has been the historic reversal of the Federal budget.

The $86.6 billion surplus inherited by this administration, excluding Social Security, that President Bush inherited has turned into a $314 billion deficit, almost half a trillion dollars; and the only medicine the Republican party's economic gurus can prescribe is this—cut taxes.

As we consider this continuing resolution, I urge the American people to ask themselves Ronald Reagan's famous question: Are we better off today than we were 2 years ago? The answer tragically and unfortunately is we are not.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, last week we went through a very similar debate when we passed the CR last week to get us to this point. There was some heated discussion on the floor, and there was a bit of finger pointing. I do not think it does this institution all that good to point fingers, but I suppose that is just the nature of a political body that that has to happen.

I think in that light it may be instructive just to review where we started in the 107th Congress and the start of this year and where we are right now. That perhaps has added to some of the sounds of confusion that we are going through this time.

We are required by law, as we all know, to pass a budget and agree on some numbers between the House and the Senate. We have talked about that at length on the floor of this House, and we all know that the House responded to that in a way and passed a budget according to the rules and laws that we abide by. We also know that the Senate did not do that.

It presents a problem, obviously, simply because we do not have an agreement on both sides by which to argue about our differences. It causes some dissension, certainly does not make the appropriators' job very easy, but that is the framework by which we have to work with this appropriation process.

So we have tried then to get bills out at least and have broad consensus. Five of them, if my number is correct, have passed the House, now await action in the Senate, and we have some contentious appropriations bills that need to be acted on later.

Every year, as a matter of fact, the same bills tend to pop up that are contentious, and the appropriators are working very hard to try to work out the differences so we can narrow that gap, but unfortunately, this year happens to be an election year. Everybody, or at least one-third of the other body and everybody in this body, desires to go home to campaign and hopefully come back and start the 108th Congress anew, but before we do that, of course, we have to finish this process.

It is true when we were up in the Committee on Rules meeting earlier this afternoon, the CR was to take us until November 22. The reason for that time between then and now was to give the appropriators a little bit more time to work out the differences that they may or may not have and try to take a deep breath, come back after the election and get it resolved.

Of course, in this body there are a lot of discussions that go on under the radar, and it was felt, probably through a signal of Members perhaps on both sides of the aisle, that a resolution carrying the CR to November 22 may not have passed. We do not know that, we did not put it to a vote, but sometimes we take a gauge and we learn where the levels are.

The determination was made, because there had been talk not only last week but the week before, that probably the last CR would be on the 18th of this month, a determination was made then that we would have the CR until the next week to allow the appropriators to go back to work, and that is what this rule is all about, is to allow us to have a CR to take us into next week. We will come back next week.

I suppose that we will hear the same sort of rhetoric next week as we try to get all of our business done, but I think this is a responsible way to do it.

There are some major issues, I might add, that are overhanging the whole Capitol, not just this body. Today, we passed a very historic piece of legislation that, as my colleagues know, we debated for 2½ days regarding the Iraqi situation. But in line with the Iraqi situation and the potential that we may have to go to war is the issue of homeland security, and we have acted on that.

When the President came to the Congress with his proposal for homeland security, there were Members, probably on both sides of the aisle, that said would it not be great if we could create an Office of Homeland Security and have that done by September 11. We did not get it done by September 11, but the House did act on that bill, and that is waiting in the other body, again, for that bill to pass so we can work out whatever differences we may have.

I think it would be unconscionable for us as a Congress, in view of what we did today and the action on Iraq, to leave here, to leave here and not pass the homeland security bill. I hope that the other body will work on that. I hope they work extremely hard on that in the next week so that when we come back, we will have to come back next week to at least, if nothing else, respond to the CR.

I believe that for us as a Congress one of the things that we need to do is to put the final exclamation point on what I think all Americans want us to do, in lieu of the threat that we have coming from the Middle East and particularly Iraq, is to make sure that our homeland security is as strong as it can be. It can only be stronger, in my view, if the Senate acts on that bill, we can go to conference and work out the differences and pass it.

Mr. Speaker, I reserve my time.

Mr. HASTINGS of Florida. Mr. Speaker, would the Speaker be so kind as to inform us as to the amount of time remaining on both sides?

The SPEAKER pro tempore (Mr. GUTKNECHT). The gentleman from Florida (Mr. HASTINGS) has 12 minutes remaining, and the gentleman from Washington (Mr. HASTINGS) has 22½ minutes remaining.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

I was going to ask my good friend and namesake, the gentleman from Washington (Mr. HASTINGS), whether or not we needed a budget resolution to pass the Defense bill today.

We did not need one.

And are we going to take up appropriations measures next week when we return?

Mr. HASTINGS of Washington. Mr. Speaker, will the gentleman yield?

Mr. HASTINGS of Florida. I yield to the gentleman from Washington.

Mr. HASTINGS of Washington. Mr. Speaker, in the best of all worlds, of course, it would be nice if we could do that. Anything is possible. It is likely probably not, in all honesty.

Mr. HASTINGS of Florida. Mr. Speaker, did my colleague not just say, though, that that was the purpose of the CR?

Mr. HASTINGS of Washington. Mr. Speaker, if the gentleman will continue to yield, I am sorry if the gentleman misinterpreted what I said on that. The purpose of the CR is to fund the government for one more week, if, in fact, under that period of time these things can come together.

Mr. HASTINGS of Florida. Mr. Speaker, reclaiming my time, my colleague is not going to answer my question. They did not need a budget resolution, as argued that we needed, in order for us to go forward with the Defense bill today. The answer to that is, no, we did not. The answer to are we going to take up appropriations measures next week, absolutely not. We are going to come back here and do another CR, and we need to get on with it.

Mr. Speaker, I yield 4 minutes to the gentleman from Minnesota (Mr. SABO).

Mr. SABO. Mr. Speaker, I thank the gentleman for yielding me the time, and I am wondering if my friend from Wisconsin would answer a question.

I am very curious about this explanation that we cannot act on appropriations bills because there is no conference agreement on a budget resolution. As our friend the gentleman from Florida (Mr. HASTINGS) indicated, we passed two final bills today. Is that not right? How could we do that?

Mr. OBEY. Mr. Speaker, will the gentleman yield?

Mr. SABO. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Speaker, the answer is very simple. When they had the will to pass a bill, they passed it. When they do not want to pass the bills, they do not pass them. They were not trying to hide what they were doing on Defense, but they are trying to hide what they are doing on Education and Agriculture and Transportation.

Mr. SABO. Mr. Speaker, do we have a number of bills that have been passed out of committee available for floor action?

Mr. OBEY. Mr. Speaker, if the gentleman will continue to yield, you bet. We have the Agriculture bill. We have the Labor H, could be ready very quickly if they would let us bring it to a vote. We have the HUD independent offices bill. We have a number of others as well.

Mr. SABO. Mr. Speaker, I will have another question for the gentleman.

I read this continuing resolution, and there is something that bewilders me. As we all know, our economy is fragile and there is always a dispute about what we can or should do at the Federal level to help speed up the economy.

Clearly, one of the areas in this country where we have major problems is our transportation and infrastructure.

□ 1745

Am I right that this year we are having highway obligation limit of about $31.8 billion?

Mr. OBEY. Mr. Speaker, if the gentleman will continue to yield, the language in this CR——

Mr. SABO. No, this year.

Mr. OBEY. Right now we are operating under the level the gentleman described, yes.

Mr. SABO. In our previous continuing resolutions we were told we had an obligation limit of $31.8 billion.

Mr. OBEY. Right.

Mr. SABO. What is this language in the bill today? I read it, and it seems to me we are writing into law something about 31.8, that appears to be a smoke screen to make people feel good, then there is an exception for it which indicates and takes us back to a highway obligation limit to 21.7.

Mr. OBEY. That is correct. This resolution cuts the amount that would be available to the States to $27.7 billion. So the gentleman's State is going to lose $54 million, my State will lose $69 million, if it is carried to term, and so on.

Mr. SABO. This is confusing. I know that there is disagreement between House and Senate bills, but from all the interpretations of what we have been doing, I think it is clear that no one can dispute that if we want to spend money that has impact on jobs, maintaining or creating jobs, the best money spent is on existing programs, where plans are made, where States are ready to spend it. Am I wrong?

Mr. OBEY. If the gentleman will continue to yield, the gentleman is right, and what is at stake here is 200,000 jobs.

Mr. SABO. And so this bill goes contrary to what we have done in our first couple of CRs and actually writes into the CR that we are reducing funding for highways next year.

Mr. OBEY. That is right. Instead of having a disagreement between the House and the Senate, we have a disagreement between the House and the House.

Mr. SABO. I thank the gentleman.

Mr. HASTINGS of Washington. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Florida (Mr. YOUNG), the chairman of the Committee on Appropriations.

Mr. YOUNG of Florida. Mr. Speaker, I thank the gentleman for yielding me this time, and I feel a sense of frustration similar to some who have expressed it on the floor today, because I joined some of my colleagues in the Committee on Rules in seeking support for a rule to allow the CR to be brought up to do one primary thing, to keep the government running beyond tomorrow night at midnight.

Now, there may be some who would like to see the government close down and play the blame game: "it is your fault, or it is your fault, or it is our fault, or it is their fault." The problem is, the blame game does not get us anywhere.

Now, we are here today with a CR because the appropriations bills have not become law. Today we passed the conference reports on the defense bill with a very healthy bipartisan vote and on the military construction bill with a very bipartisan vote. Those are two good bills, and we had promised the President we would get them to his desk before any others. But if anybody listening to this debate believes that we have not passed the appropriations bills because the Committee on Appropriations has not done its job, they are mistaken. If anyone believes that the appropriations process has broken down, they are mistaken.

There was a breakdown. The breakdown was in the budget process. It totally collapsed. And it collapsed because the law was not followed. The Budget Act was not obeyed. The Budget Act provides that the House pass a budget resolution; send it to the other body, the way we do other legislation; the other body passed a budget resolution; the two Houses come together in a conference committee and work out the differences; and then report back to the House and report back to the Senate the ideal budget resolution with the same numbers and the same words. As all my colleagues know, a conference report has to be identical.

Here is where the breakdown occurred. The House passed a budget resolution. Whether you voted for it or did not vote for it, whether you liked it or did not like it, the House passed a budget resolution. The other body did not. So during the appropriations process we have been dealing with a broken budget process because the top number, the 302(a) number which is the overall budget number for discretionary spending, is one number in the other body and a different number in the House.

Now, I have been seeking a mathematician ever since that happened to tell me how we can reconcile these appropriations bills when one top number is $9 billion higher than the other one. Either the high one has to come down or the low one has to come up or they have to meet in the middle somewhere. This has not happened so the budget process totally collapsed.

Nevertheless, the Committee on Appropriations has continued to do its work. We have already passed and sent to the other body a number of appropriations bills, including the two we passed today, the Defense and Military Construction bills. We have also sent the Interior bill to the other body and, we have sent the Treasury, Postal bill the legislative branch bill to the other body. And I would report to you, Mr. Speaker, that we are prepared to send all the other bills to the other body after they are considered here. The committee has marked up those appropriation bills and they are ready for consideration.

Someone asked about an omnibus bill, and I would have to suggest that at this late period in this process that may be the way out, that is, to do an omnibus bill. As a matter of fact, seeing this day coming, I could prepare an omnibus bill, and I could add it to a CR. We are going to be back here next week. By the time we get back here next week, I could have another CR ready that would have an omnibus appropriation bill on it that would finalize our business as far as the House is concerned.

So that is sort of the history of where we are and why we are here. The appropriations process did not break down; the budget process did. And most of the bills that we reported from committee had general support from both parties; and all of those bills were reported out of the committee with good solid votes. But now the bill we are considering today, Mr. Speaker, has to do with a continuing resolution to keep the government functioning beyond midnight tomorrow night.

After writing and rewriting several different continuing resolutions, we introduced the first one last night. Since then, we have introduced three additional ones. We went to the Committee on Rules, they gave us a rule that would allow us to take up the CR that would take us to the 22nd of November. That does not mean we will quit and run and go home tomorrow or tonight. That means we have that much more time available to work on trying to conclude our business.

But along the way we ran into another obstacle, and that obstacle was that there are some people who did not think there was enough in this CR for an interest that they had. And I think their interest is legitimate, but there are legitimate interests all over this Congress that are not included in this CR because a CR is a temporary funding measure.

So we were hoping to bring this rule to the floor, get a bipartisan vote for it, take up the CR, and keep the government functioning so that the Congress could continue to do its work. Now we have found out that we may not have all the votes we need on our side to pass it and we may not get any votes on the minority side. That doesn't make it very bipartisan, to say the least. I have asked a number of my friends on the other side if we could have some votes to help us pass this rule, to make up for the votes we may lose on our side; and the answer was no, we are not going to vote for it.

If we could have had a little bit of cooperation, this rule could be out of here, the CR could be out of here, and all my colleagues could be on airplanes headed for home; and I would go back to the office and put the finishing touches on that omnibus appropriation bill and have it ready by next week. But instead, we are here.

We could use a little cooperation. Some of my friends on this side would not like it if we passed the rule the way it is currently written because they want their interests in this resolution, and I do not blame them. But sometimes we have to settle down, cut, and go to the finish line. And that is where we thought we were today, but evidently we are not.

Other than that, Mr. Speaker, I hope everybody has a nice day, nice weekend; and we will see everyone next week.

Mr. HOYER. Mr. Speaker, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from Maryland if I have any time left, Mr. Speaker.

Mr. HOYER. I believe there is time, as I understand it, Mr. Speaker.

We have heard much about the budget and the fact we have not passed the budget in the same form through two Houses. But as I recall, we passed a deeming resolution budget, which means the House numbers are the numbers we are supposed to adhere to. Am I not correct that we used that deeming resolution to pass the five bills to which the gentleman previously referred that have passed the House? Is that correct?

Mr. YOUNG of Florida. Reclaiming my time, Mr. Speaker, the gentleman is correct. We are functioning under the deeming resolution.

Mr. HOYER. If the gentleman will continue to yield, could we not, therefore, have passed the other eight bills in the same manner?

Mr. YOUNG of Florida. I would like to think that we could. The problem would be that conferencing those bills would be impossible, at least if we did all of them.

Mr. HOYER. I agree with the gentleman, because there are very substantial differences. The gentleman mentioned a number of differences in our priorities. But what that would have done, Mr. Speaker, is to make it clear what those differences are for the American people in terms of education, in terms of health care, in terms of biomedical research.

So we could have done that and set before the American people the differences that exist between our body and the other body, could we not?

Mr. YOUNG of Florida. Well, Mr. Speaker, I am only going to respond to the gentleman in this way: that we deemed a budget number because we could not get a real budget, and we had to have a top line that the House had previously agreed to. As I pointed out in my remarks, I know a lot of Members did not vote for it. Nevertheless, the House worked its will, and that is the budget number we are now working with.

It would have been much easier for me and for the gentleman from Maryland, as the ranking member on a very important subcommittee, and for the gentleman from Wisconsin (Mr. OBEY), as the ranking member on the full committee, and for all of us, if we had a common top number so that we could have then created common 302(b) numbers and we could have been well on our way to conferencing these bills.

Mr. HOYER. Again, Mr. Speaker, if the gentleman will continue to yield, I agree that would have been easier; and, furthermore, I believe, had there been agreement and a majority for the House-passed budget numbers, we could have passed our bills.

It seems to me, Mr. Speaker, the problem is that the votes are not there to sustain the budget the House passed and put forward, and that really is the nub of the problem, that we passed a budget that was not realistic and that, therefore, we and the Committee on Appropriations are unable to pass bills which can garner the requisite votes to pass. And I sympathize with the gentleman's challenge.

Mr. YOUNG of Florida. Mr. Speaker, reclaiming my time, my friend, the gentleman from Maryland, is very smooth in the way that he makes his points, but his comment would be speculation because there are those of us who believe that we could pass those bills at the number that we deemed. And if the other body would have had the same number, whether it was $768 billion, $759 billion, or $749 billion, we could have made this work.

Mr. HOYER. Mr. Speaker, we did not have the same numbers on the five bills we did pass.

Mr. YOUNG of Florida. The gentleman is correct, but he understands that we did not get to conference on those bills.

Mr. Speaker, reclaiming my time, I wish we could conclude this business today and let the Members have a weekend at home, because for those who have strong election campaigns, they need a little bit of time at home to reconnect with their constituents. But I am not sure that is going to happen today. We will do the best we can, and I thank the gentleman for yielding me all of his time.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Speaker, I have listened to this discussion and wonder what the American people might be asking themselves about this inside-the-beltway discussion of budget resolutions, continuing resolutions, and deeming resolutions.

Let me bring it back home to Americans in real terms. Because we have not done the one thing Congress has the responsibility to do each year, pass appropriation bills, the children of military families who might be put at risk in a war against Iraq, and I voted for that military authorization today, the children of military families, their schools, will not be getting the Impact Aid funding as they should be this November.

□ 1800

The Fort Hood school district in my congressional district will be losing millions of dollars that they otherwise would have gotten in November.

I am told Fort Leavenworth in Kansas might have a serious financial crisis in the next month or two because of Impact Aid funding not having been passed in the appropriation bill.

What all this esoteric discussion means, the children of the military families, those families which we might be sending into combat in Iraq, are not going to get the education funding they deeply deserve; which is somewhat ironic on the same day that we just voted to authorize the use of military force in Iraq.

Secondly, this means a lot in regard to highway spending and American jobs. A vote for this rule is a vote to cut highway spending by $4.1 billion. What does that mean? It means the loss of over 190,000 jobs in an economy which has already lost 2 million jobs. It means the loss of good-paying jobs from New York to California to Texas. It means we cannot repair the aging highway infrastructure in America at the rate that we were even doing last year, considering the fact that 21 percent of the bridges in the Federal highway system are substandard and many of those are unsafe.

It means that the 4 days a year that Americans already spend in congestion away from their work, it means more pollution, more time away from their families and less efficient businesses. According to the Texas Transportation Institute, a loss of $75 billion a year because of congestion, extra fuel and lost time because of inadequate highways and inadequate transportation systems.

So this is not an esoteric, inside-the-Beltway debate, it is a debate about jobs and cleaner air and more efficient businesses.

Mr. Speaker, we have not met our responsibility. Because of the leadership in this House, we have not been allowed to do our one responsibility that we must do: pass appropriations bills. What I think has happened is a combination of a slow economy, the war against terrorism, and an irresponsibly large tax cut which has cut the budget so drastically that we cannot afford to fund the Leave No Child Behind education bill, and many Members want us to not vote on these until after the election. That is irresponsible. We should do our work. It is our responsibility.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 4 minutes to the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Speaker, I was in my office watching this debate. If I could do one thing in this Congress, being one of the longest-serving congressmen, it would be to shut off the television. The nonsense I heard from that side of the aisle that affects my committee is pure, pure BS. That is exactly what it is. And they are playing the political game on television so the people at home can watch this dishonesty as they present it.

I worked very hard on this and I must tell the gentleman from Minnesota (Mr. SABO), the gentleman from Wisconsin (Mr. OBEY), I worked very hard, including the gentleman from Minnesota (Mr. OBERSTAR), who is the ranking member, to make sure as it came down that we reinstated, and $31,799,104,000 is going to be spent. Yes, that is what it is. Just read it. Has the gentleman read it?

Mr. SABO. Mr. Speaker, will the gentleman yield?

Mr. YOUNG of Alaska. I yield to the gentleman from Minnesota.

Mr. SABO. Yes.

Mr. YOUNG of Alaska. Mr. Speaker, I reclaim my time. I reclaim my time.

This was an agreement we reached, the gentleman from Minnesota (Mr. OBERSTAR) and myself, to in fact have the money spent as a continuing resolution to the level of $31,799,104,000, and it reverts back to $27.7 billion. That is what this House agreed to.

It also says that none of the obligated funds will be affected. That is in there, too.

It also says, by the way, it can be changed at a later date; and that will probably be true, too.

But to allude to those people that depend upon our highways, and no one defends those highways better than I do, no one works harder to make sure that the transportation system is improved. It is so much better than what was proposed.

Mr. Speaker, to stand up on television and play the political game on this floor of the House is wrong. The Committee on Appropriations chairman is trying to do his job. I have 64 bills over in the other body that have not been acted on. How many bills in the other body belong to the gentleman that the majority leader in the Senate has not acted on?

Do not ask us to play the political game against my leaders in this House and say it is all their fault. Look at the Senate side. Look at the Senate side. What have they done? Have they passed a budget? Have they looked at the appropriating bills? No, they have not.

In addition, when we get done, I will probably insist on the Senate side to bring us more money. But, in reality, they worked in good faith. Our leaders worked in good faith. I worked in good faith. My ranking member worked in good faith. And to stand up on this floor and play the political card is absolutely wrong for this House.

If the gentleman wants to have power that bad, go at it. But I am thinking of the people of the United States right now. I am thinking about the people who depend on transportation and on the bridges the gentleman talked about. There is more money in this. We have $4.4 billion put back into it when we passed the budget. And the gentleman voted for it.

I am a little excited right now because my back hurts, but the fact of the matter is I have watched this 30 years. I have watched this body for 30 years, and ever since we put the television cameras in, debate on this floor has deteriorated and is for political purposes instead of solving problems.

Our job is to solve the problems and represent the people of this Nation for the best of this Nation, not for political purposes.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LATOURETTE). The Chair reminds Members not to characterize Senate action or inaction.

The Chair would also ask the courtesy of all Members to engage in debate only when yielded time.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, I know the gentleman from Alaska (Mr. YOUNG) is suffering some back pain today; and, unfortunately, it is affecting his ability to read. If he would read the language, it says, "Notwithstanding any other provision of this joint resolution, the annual rate of operations for Federal aid highway programs for fiscal year 2003 shall be $31,799,104,000, provided that total obligations to this program while operating under joint resolution making continuing appropriations for fiscal year 2003 shall not exceed $27.7 billion unless otherwise specified a subsequent appropriation act."

That means, baby, all you get to spend as far as the States are concerned is 27.7 billion bucks, unless you pass different language than the language that is in this resolution.

I do not know if the gentleman is reading in Turkish, Russian, or Egyptian, but if you read it in English, that is what it says. If you vote for this rule, you are voting to cut highway funding by $4 billion.

And as Lily Tomlin used to say, "That's the truth!"

Mr. HASTINGS of Washington. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota (Mr. GUTKNECHT).

Mr. GUTKNECHT. Mr. Speaker, until just a few minutes ago, I was up in the Speaker's rostrum and I was listening to all of this debate. I will try to not get too emotional about this, but the gentleman is probably correct. That is what it says, but this resolution is only for one week.

And as the gentleman from Alaska (Mr. YOUNG) just said, what that means is for the period of one week, yes, it may be reduced; but they also have language and an agreement it will not be reduced. So we are straining out the gnat and gulping down the camel.

The issue is, will the House agree with a resolution that will keep the Federal Government open for one week? That is a pretty simple question, and I think the answer is, or should be, yes.

Mr. Speaker, I want to congratulate the chairman of the Committee on Appropriations. I think he said it correctly. The House from the very beginning has been prepared and willing and has done its work. The problem is the House is only one part of Congress, and we have had problems from the very beginning because we have a budget resolution which we have deemed and which we will abide by, and the other side has not. Now, that makes it impossible to come to an agreement.

Somebody said earlier, Well, does the House have the will to pass appropriation bills? I think the answer to that question is, yes. But we do not have an agreement. If there is no agreement, what is the point?

I think the gentleman from Maryland said, what are our priorities? Let me ask a question. What are the priorities of the other side of the aisle? Not only for the first time in 26 years did one branch of the Federal Government not pass a budget, in violation of Federal law, but our friends on the left never offered a budget resolution. They ask what our priorities are, what our blueprint is. We have a budget. We can tell the American people, this is what the Republican blueprint was.

Now, how do we compare that to the plan on the other side of the aisle? The other side of the aisle never offered a budget plan.

Mr. FROST. Mr. Speaker, I yield 1½ minutes to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Speaker, the gentleman from Minnesota (Mr. GUTKNECHT) just asked what are our priorities. Here is what they are.

Our priority is not to run the government by spending Social Security money the way theirs apparently are.

Our priorities are to increase funding for special education, a prescription drug benefit for senior citizens, superfund cleanup and other things the American people support, and many things the majority side of the aisle would like to support.

The reason we are going through this exercise is the majority does not wish to be held accountable before the election for the choices that it has presented to itself. When the majority enacted its tax cut in 2001 and the recession was prolonged and the unforeseen events of September 11 occurred, the majority put itself into a box. Because it refuses to reconsider the speed and scope of the tax cut, the majority has only two choices to fund the government.

The first choice is to dramatically reduce what we spend on schools, on the environment, on health care, on veterans' benefits and other desirable programs; and they do not want to cast those votes before the election.

The other choice is to fund those problems at a higher level but dip into the Social Security surplus and spend Social Security money to run the government, and they do not want to do that before the election either.

So their strategy is to play rope-a-dope, is to come back week after week, continuing resolution after continuing resolution, and not own up to the consequences of what they have done. What they are doing is wrong.

Mr. FROST. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, this has been somewhat of a peculiar situation that we find ourselves in. The other side, after being all over the ballpark all day, has now decided on a one-week CR. That is fine. That is their prerogative. They are in the majority. It would have been nice if they decided this 12 hours ago. Presumably, we will be back on Tuesday, maybe Wednesday or maybe Thursday.

The only regret I think any of us have is, while the gentleman from Florida (Mr. YOUNG), the chairman of the Committee on Appropriations, is an honorable man, and certainly his committee has completed a lot of its work, he has been prevented by his own leadership from bringing his work product to the floor. He has only been permitted to bring five appropriation bills to the floor. Eight have not been brought to the floor. They should have been. Most of them have been completed by the gentleman's committee. It would be nice if they were brought to the floor so they could be voted on one at a time and resolve the problems that face this country.

Mr. Speaker, I will be calling for a rollcall vote on this rule. A number of our Members will be voting "no" to express their displeasure in the way that the majority has been handling this matter.

☐ 1815

Mr. HASTINGS of Washington. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. DREIER), the distinguished chairman of the Committee on Rules.

Mr. DREIER. Mr. Speaker, I am very proud of what we have been able to accomplish here. Some of us were just going through the litany of items which the 107th Congress, specifically the House of Representatives with this very narrow 5-to-6-vote margin that we have been able to do. And it is true, one of the first things we did, as the gentleman from Alaska (Mr. YOUNG) has pointed out so well, we were able to pass a budget, and no budget has passed in the Senate; but we have been able to pass a budget here, and we have gone through a rigorous debate on that. But let us look at some of the other things that we have been able to accomplish to help the American people, and I think it is very important to note that one of the greatest successes we had back in 1996 has proved to be passage of welfare reform. We have been able to pass a very meaningful, positive welfare reform measure from this House of Representatives.

One of the other items obviously, as we have looked at now bipartisan support for President Bush's initiative to potentially use force in dealing with the horror of Saddam Hussein and Iraq and, along with that, the potential for some kind of response to that from Iraq, we have passed out of this House a measure that was called on by the gentleman from Missouri (Mr. GEPHARDT), the minority leader, to do it by September 11; and we have passed a bill establishing a Department of Homeland Security. That is something we are very proud of as we deal with the war on terrorism.

We also are very proud of the fact that in a bipartisan way, both Houses of Congress and with the President's signature ultimately, we passed the No Child Left Behind Act, dealing with education, what before September 11 of last year was our number one priority.

Prescription drugs, a very important issue which was talked about in the Presidential campaign, we are proud of the fact that we have been able to pass out, within the guidelines of our budget, a $350 billion prescription drug program so that seniors can have access to affordable prescription drugs. The other body has not taken action on that.

We have been able to pass out of this body a very, very meaningful reform of the pension structure; and we all know with the economic challenges that we are facing, our retirees, those who are looking towards retirement in the future, the challenges they are facing, we have been able to bring about meaningful reform on that issue.

I am very proud about something that we worked to try to give President Clinton beginning back in 1994 when it expired, we have been able to pass Trade Promotion Authority. Both Houses of Congress have done that. The President signed it. Our ambassador, the U.S. Trade Representative, Mr. ZOELLICK, is in the process of trying to work out new market-opening opportunities for us. That is going to provide an economic boost for the United States of America; and we have been able to pass that out of this House, again something we have not been able to do in 8 years.

We also were able to bring about meaningful middle-income taxpayer tax relief. We have heard this criticism of the tax package, but it was focused towards middle-income wage earners with the provisions that we have had in there on the marriage penalty, the death tax, the child tax credit. These are things that have been designed to help working Americans.

We also have been able to deal with the challenge of corporate fraud, and we all have been horrified by the actions of some top executives in this country. We have been able to pass out of this House and the other body meaningful reform when it comes to corporate fraud.

We hope very much that we will be able to get election reform passed. We have had what I believe to be a very good conference package. Again, it started right here in this House of Representatives. We did it in a bipartisan way. I am very, very proud of that. We have been able to increase veterans benefits. We have much to be very proud of, much of it done in a bipartisan way.

So let us not criticize what we have got. We have got a 1-week continuing resolution; let us pass it and continue with our work.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. HASTINGS of WASHINGTON

Mr. HASTINGS of Washington. Mr. Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. HASTINGS of Washington.

Strike all after the resolved clause and insert:

That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the joint resolution (H.J. Res. 122) making further continuing appropriations for the fiscal year 2003, and for other purposes. The joint resolution shall be considered as read for amendment. The amendment specified in section 2 shall be considered as adopted. The previous question shall be considered as ordered on the joint resolution, as amended, to final passage without intervening motion except: (1) one hour of debate on the joint resolution, as amended, equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations; and (2) one motion to recommit with or without instructions.

SEC. 2. The amendment referred to in the first section of this resolution is a follows:

Page 1, line 4, strike "inserting 'November 22, 2002'." and insert "inserting 'October 18, 2002'."

Mr. HASTINGS of Washington. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the amendment and on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. LATOURETTE). The question is on the amendment in the nature of a substitute offered by the gentleman from Washington (Mr. HASTINGS).

The amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on the resolution, as amended.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FROST. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 225, nays 193, not voting 13, as follows:

[Roll No. 459]

YEAS—225

Aderholt
Akin
Armey
Bachus
Baldacci
Ballenger
Barr
Bartlett
Barton
Bass
Bereuter
Biggert
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Brady (PA)
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Castle
Chabot
Chambliss
Coble
Collins
Combest
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Dicks
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoeffel
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCrery
McHugh
McInnis
McKeon
McKinney
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Mollohan
Moran (KS)
Morella
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sununu
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—193

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barcia
Barrett
Becerra
Bentsen
Berkley
Berry
Bishop
Blagojevich
Blumenauer
Borski
Boswell
Boucher
Boyd
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Cramer
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dingell
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Hall (TX)
Harman
Hastings (FL)
Hill
Hilliard
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Moore
Moran (VA)
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo

Sánchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Shows
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—13

Baker
Berman
Bonior
Cooksey
Coyne
Ganske
Gutierrez
Lewis (CA)
Meek (FL)
Ortiz
Reyes
Roukema
Stump

☐ 1842

Mrs. THURMAN, Mr. BOUCHER and Mr. RANGEL changed their vote from “yea” to “nay.”

So the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on table.

GENERAL LEAVE

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.J. Res. 122, and that I may include tabular and extraneous material.

The SPEAKER pro tempore (Mr. LATOURETTE). Is there objection to the request of the gentleman from Florida?

There was no objection.

☐ 1845

FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2003

Mr. YOUNG of Florida. Mr. Speaker, pursuant to House Resolution 580, the rule just adopted, I call up the joint resolution (H.J. Res. 122) making further continuing appropriations for fiscal year 2003, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The text of House Joint Resolution 122, as amended pursuant to H. Res. 580 is as follows:

H.J. RES. 122

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Law 107–229 is further amended by striking the date specified in section 107(c) and inserting “October 18, 2002”.

SEC. 2. Section 101(2) of Public Law 107–229 is amended by striking “section 15” and all that follows through “(Public Law 103–236), and”.

SEC. 3. Section 114 of Public Law 107–229 is amended by inserting before the colon at the end of the first proviso the following: “: *Provided further*, That section 3001 of the 21st Century Department of Justice Appropriations Authorization Act (H.R. 2215) is amended by striking subsection (d), and such amendment shall take effect as if included in such Act on the date of its enactment”.

SEC. 4. Section 117 of Public Law 107–229 is amended to read as follows:

“SEC. 117. (a) The Congress finds that section 501 of title 44, United States Code, and section 207(a) of the Legislative Branch Appropriations Act, 1993 (44 U.S.C. 501 note) require that (except as otherwise provided in such sections) all printing, binding, and blankbook work for Congress, the Executive Office, the Judiciary, other than the Supreme Court of the United States, and every executive department, independent office, and establishment of the Government, shall be done at the Government Printing Office.

“(b) No funds appropriated under this joint resolution or any other Act may be used—

“(1) to implement or comply with the Office of Management and Budget Memorandum M–02–07, ‘Procurement of Printing and Duplicating through the Government Printing Office’, issued May 3, 2002, or any other memorandum or similar opinion reaching the same, or substantially the same, result as such memorandum; or

“(2) to pay for the printing (other than by the Government Printing Office) of the budget of the United States Government submitted by the President of the United States under section 1105 of title 31, United States Code.”.

SEC. 5. Public Law 107–229 is amended by adding at the end the following new sections:

“SEC. 120. For entitlements and other mandatory payments whose budget authority was provided in appropriations Acts for fiscal year 2002, and for activities under the Food Stamp Act of 1977, activities shall be continued at a rate to maintain program levels under current law, under the authority and conditions provided in the applicable appropriations Act for fiscal year 2002, to be continued through the date specified in section 107(c): *Provided*, That notwithstanding section 107, funds shall be available and obligations for mandatory payments due on or about November 1, and December 1, 2002, may continue to be made.

“SEC. 121. Notwithstanding any other provision of this joint resolution, the annual rate of operations for the Commodity Futures Trading Commission (CFTC) Salaries and Expenses Account shall not exceed $71,960,000 and shall include the cost of lease of office space for the CFTC's New York regional office at an annual rate not to exceed $1,949,000.

“SEC. 122. In addition to funds made available in section 101, the Department of Justice may transfer to the Immigration User Fee Account established by section 286(h) of the Immigration and Nationality Act (8 U.S.C. 1356(h)) such sums as may be necessary from unobligated balances from funds appropriated to the Immigration and Naturalization Service by Public Law 107–77 and division B of Public Law 107–117, at a rate not to exceed $90,000,000 for the first quarter, through the date specified in section 107(c): *Provided*, That the sums transferred under this section shall be reimbursed from the Immigration User Fee Account by not later than April 1, 2003.

“SEC. 123. Notwithstanding section 105(a)(2), in addition to amounts made available in section 101, and subject to sections 107(c) and 108, for purposes of calculating the rate of operations of General Legal Activities (GLA) in the Department of Justice, $7,300,000 available during fiscal year 2002 from the Executive Office of the President shall be credited to GLA for purposes of administering the Victims Compensation Program.

“SEC. 124. Activities authorized by the Parole Commission and Reorganization Act, P.L. 94–233, as amended, may continue through the date specified in section 107(c).

“SEC. 125. Notwithstanding any other provision of this joint resolution, in addition to amounts made available in section 101, and subject to sections 107(c) and 108, such funds, from fee collections in fiscal year 2003, shall be available for the Securities and Exchange Commission to continue implementation of section 8 of Public Law 107–123.

“SEC. 126. Notwithstanding any other provision of this joint resolution, except section 107, the District of Columbia may expend local funds at a rate in excess of the rate under authority applicable prior to October 1, 2002 to cover payments that would be funded under the heading ‘Repayment of Loans and Interest’.

“SEC. 127. No funds appropriated in this joint resolution or any other Act may be used to implement any restructuring of the Civil Works Program of the US Army Corps of Engineers which would involve the transfer of Civil Works missions, functions, or responsibilities from the US Army Corps of Engineers to any other executive branch agency or department without explicit congressional authorization.

“SEC. 128. Notwithstanding any other provision of this joint resolution, during fiscal year 2003, direct loans under section 23 of the Arms Export Control Act may be made available for Poland, gross obligations for the principal amounts of which shall not exceed $3,800,000,000: *Provided*, That such loans shall be repaid in not more than 15 years, including a grace period of up to 8 years on repayment of principal: *Provided further*, That no funds are available for the subsidy costs of these loans: *Provided further*, That the Government of Poland shall pay the full cost, as defined in section 502 of the Federal Credit Reform Act of 1990, as amended, associated with the loans, including the cost of any defaults: *Provided further*, That any fees associated with these loans shall be paid by the Government of Poland prior to any disbursement of loan proceeds: *Provided further*, That no funds made available to Poland under this joint resolution or any other Act may be used for payment of any fees associated with these loans.

“SEC. 129. Notwithstanding section 1(c) of Public Law 103–428, as amended, sections 1(a) and (b) of Public Law 103–428 shall remain in effect until the date specified in section 107(c).

“SEC. 130. Notwithstanding any other provision of this joint resolution, there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for payment to John F. Mink, widower of Patsy Mink, late a Representative from the State of Hawaii, $150,000.

“SEC. 131. Notwithstanding section 105(a)(2), in addition to amounts made available in section 101, and subject to sections 107(c) and 108, for purposes of calculating the rate of operations for the Transportation Security Administration (TSA) and the Federal Emergency Management Agency (FEMA), the amount transferred by Public Law 107–206 from TSA to FEMA shall be credited to TSA, and such amount shall be deducted from FEMA.

“SEC. 132. Activities authorized by section 24 of the United States Housing Act of 1937 (24 U.S.C. 1437v) may continue through the date specified in section 107(c) of this joint resolution.

"SEC. 133. (a) Each specified department or agency shall, by December 6, 2002, submit directly to the Committees on Appropriations a report containing an evaluation of the effect on the specified management areas of operating through September 30, 2003, under joint resolutions making continuing appropriations for fiscal year 2003 that fund programs and activities at not exceeding the current rate of operations.

"(b) For purposes of subsection (a):

"(1) The term 'specified department or agency' means a department or agency identified on page 49 or 50 of the Budget of the United States Government, Fiscal Year 2003 (H. Doc. 107-159, Vol. I), except for the Department of Defense.

"(2) The term 'specified management areas' means the following management priorities described in the President's Management Agenda (August 2001): strategic management of human capital, competitive sourcing, improved financial performance, expanded electronic government, and budget and performance integration.

"SEC. 134. (a) The Director of the Office of Management and Budget shall submit to the Committees on Appropriations a monthly report on all departmental and agency obligations made since the beginning of fiscal year 2003 while operating under joint resolutions making continuing appropriations for such fiscal year.

"(b) Each report required by subsection (a) shall set forth obligations by account, and shall contain a comparison of such obligations to the obligations incurred during the same period for fiscal year 2002.

"(c) Reports shall be submitted under subsection (a) beginning 1 month after the enactment of this section, and ending 1 month after the expiration of the period covered by the final joint resolution making continuing appropriations for fiscal year 2003.

"(d)(1) Each report required by subsection (a) shall include a list of all executive branch accounts for which departments and agencies are operating under apportionments that provide for a rate of operations that is lower than the current rate, within the meaning of sections 101 and 105. For each such account, the report shall include an estimate of the current rate for the period covered by this joint resolution and the estimate of obligations during such period.

"(2) By December 6, 2002, the Comptroller General shall submit to the Committees on Appropriations a report identifying executive branch accounts for which apportionments made from funds appropriated or authority granted by this joint resolution provide for a rate of operations that differs from the current rate, within the meaning of sections 101 and 105.

"SEC. 135. Appropriations made by this joint resolution are hereby reduced, at an annual rate, by the amounts specified and in the accounts identified for one-time, non-recurring projects and activities in Attachment C of Office of Management and Budget Bulletin No. 02-06, Supplement No. 1, dated October 4, 2002.

"SEC. 136. Activities authorized for 2002 by sections 1902(a)(10)(E)(iv) and 1933 of the Social Security Act, as amended, with respect to individuals described in section 1902(a)(10)(E)(iv)(I) of such Act may continue through 60 days after the date specified in section 107(c) of Public Law 107-229, as amended.

"SEC. 137. Notwithstanding any other provision of this joint resolution, except sections 107(c) and 108, during fiscal year 2003, the annual rate of operations for the Federal-aid highways program for fiscal year 2003 shall be $31,799,104,000: *Provided*, That total obligations for this program while operating under joint resolutions making continuing appropriations for fiscal year 2003 shall not exceed $27,700,000,000, unless otherwise specified in a subsequent appropriations Act. This section shall not affect the availability of unobligated balances carried forward into fiscal year 2003 that would otherwise be available for obligation.".

The SPEAKER pro tempore (Mr. LaTOURETTE). Pursuant to House Resolution 580, the gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY) each will control 30 minutes.

The Chair recognizes the gentleman from Florida (Mr. YOUNG).

Mr. YOUNG of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would announce to the House that the legislation before us, H.J. Res. 122, is the third continuing resolution for fiscal year 2003. It extends the date of the original CR that took us to midnight tomorrow night until midnight, Friday of next week, October 18th. The terms and conditions of the CR, the original CR remain in effect. We have gone over these terms twice already, so I will not go through them again. However, because the calendar has caught up with us a bit, we did have to add some new anomalies.

First of all, we provided funding to meet the fiscal year 2001 caseload for all appropriated entitlements, including child nutrition programs, food stamp programs, Medicaid grants to States, payments to Medicare trust funds, trade adjustment assistance programs, veterans entitlements, and supplemental security income payments. One of the new anomalies also provides for a 60-day window to process Medicare part B premiums for certain Medicaid-Medicare dual eligibles under a provision that expires on December 31, 2002.

In addition, new anomalies would provide funding adjustments for the following programs to ensure sufficient resources when we calculate the operating rate for the period of the CR, and those include the Commodity Futures Trading Commission, Immigration User Fee Account, Victims Compensation Program, Securities and Exchange Commission, District of Columbia repayment of loans and interest, Transportation Security Administration, and the Federal Aid Highway program.

This particular CR also provides legislative authorization to implement a new, no-subsidy cost to the United States, $3.8 billion foreign military financing 15-year loan to the Government of Poland so they can purchase 48, F-16 aircraft from the United States. And it is important that we do this in a timely fashion because there is competition; and if, by a certain date in November, this financing arrangement has not been agreed to, the Poles are going to another buyer or provider.

It extends the otherwise expiring authorizations for the U.S. Parole Commission and the HOPE 6 revitalization of severely distressed public housing program through the date of the CR, and prohibits the transfer of civil works missions of the Corps of Engineers to other agencies. It reinstates the dual-use authority, through the date of the CR, to allow the Export Import Bank to make loans that may include military equipment. It includes a correction to the Department of Justice authorization bill as passed by the House in H. Con. Res. 503, and provides a gratuity to the widower of our late friend and colleague, Patsy Mink, the late Representative from the State of Hawaii. It requires reports from agencies of the executive branch on the effects of operating under a full year CR and monthly reports on obligations; and I certainly hope that a full year CR does not happen.

Mr. Speaker, there are some other comments that I could make about what we are doing here, why we are here and why we are not doing something else, but I will reserve for now.

Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Missouri (Mr. GEPHARDT), the minority leader.

Mr. GEPHARDT. Mr. Speaker, this House has precious little time left in this session. Today we finished important business on Iraq. We worked across the aisle with Republican colleagues to come up with that resolution. We could use that same type of framework to get more of the Nation's business done if the Republican leadership would put aside their my-way-or-the-highway attitude and reach across the aisle to work out a bipartisan economic plan for our country.

We should not be passing 7-day CRs when the Republican leadership has no plan to actually complete the Nation's business when people are looking to us for leadership.

I will vote against this continuing resolution.

Since we returned from our August recess, we have done nothing, practically nothing of substance aside from the Iraq resolution. We have had nothing on the schedule. We have spent all of our time, the people's time, on meaningless "Non-Sense of the House" resolutions urging the Senate to pass tax cuts for the wealthy beginning in 2011. Their resolutions have no legal force. Their so-called economic program would affect no one until 2011. What are people going to do between now and 2011? People are suffering today. They are receiving their 401(k) statements this week. The stock market is falling like a lead balloon. People are out of work, and they are giving up hope of finding new jobs.

This economy is in the tank and some people have been put out of work through no fault of their own and many cannot find a new job. The Republican leadership has a failed economic plan that has contributed to the conditions that we are living with today. Republicans cannot even pass a budget to provide for the Nation's critical priorities. A responsible House right now would be addressing the people's serious concerns that they face in their day-to-day lives.

In the few remaining days, this Congress should extend unemployment benefits for people who are still trying to find work in a struggling economy, pass a real pension bill that helps secure people's retirement savings against future Enrons, close the loophole that allows corporations to incorporate overseas to avoid paying taxes. We could pass a good generic drug reform bill that will help lower the cost of prescription medicine now, and we could finish our legislation for education, health care, worker programs so that we can make good on our commitment to actually leave no child behind, and we could provide adequate resources to ensure excellent health care for our Nation's seniors and provide our workers with adequate help to weather these rough times.

If Republicans continue to duck their responsibilities, there will be serious consequences in people's lives. Their inability to act will lead to cuts in education, homeland defense, medical care for veterans, and the National Institutes of Health; and the chairman of the Committee on Appropriations has made this plain.

I think the inaction today is unacceptable.

As we did earlier today, we need to come together on a bipartisan plan of action to solve our serious economic problems and address the most important problems people are facing right now. Let us not leave here before we address that agenda. Let us not have a 7-day continuing resolution. Let us have a 1- or a 2-day continuing resolution. Let us stay here and do the people's work. We will not win the war against terrorism if the economy of this country is imploding around our ears. We will only beat terrorism if we have a strong economy with good jobs and good wages for the American people.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself 2 minutes.

I have to suggest to the distinguished minority leader, and he is distinguished, and I have a lot of respect for him, and I understand being in the minority. I served in this House for 24 years in the minority, so I know what it means to be in the minority.

But when he says that we did not pass a budget, he is wrong. That is not accurate. We passed a budget. And when we could not get it through the whole process because the other body would not pass one, we deemed our own budget. So the House did its job. It was not our fault that the other body controlled by the other party refused to even take up a budget. Just like in the House, their party did not offer a substitute for our budget.

So, yes, Mr. Minority Leader, we passed a budget and when we could not get in conference with the other body, we deemed our own budget here in this House. So I just wanted to correct that.

Then I wanted to say to the gentleman about ducking responsibilities, I have avoided getting into the partisanship and the political business here in this House. A lot of it takes place, and that is natural. We are approaching an election. I have done my best to keep the official business of the appropriations process on a nonpartisan, on a bipartisan, on a productive basis, what is good for the country. But, Mr. Speaker, my party did not duck its responsibilities. We have had a very productive year in this House of Representatives, only to find our efforts stymied by the other body who refused even to take it up. One of the appropriations bills that we passed early on they worked on for 3 weeks, and could not pass it, so they pulled it off of consideration. Talk about ducking responsibilities. We passed that bill.

Anyway, Mr. Speaker, as the Speaker knows, I seldom get exercised to that extent.

Mr. Speaker, I yield 3 minutes to the very honorable gentleman from Alaska (Mr. YOUNG), my distinguished colleague.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would again admonish Members that it is not appropriate to characterize the action or inaction of the Senate.

Mr. YOUNG of Alaska. Mr. Speaker, it is unfortunate we cannot do that.

Mr. Speaker, I rise in support of this joint resolution making further continuing appropriations for fiscal year 2003.

In consultation with my good friend, the gentleman from Florida (Mr. YOUNG), the chairman of the Committee on Appropriations, and in consultation with the leadership, I am pleased that this resolution ensures that the Federal highway program will continue at the fiscal year 2002 rate of $31.8 billion. This reverses the Office of Management and Budget's surprising decision last week to reduce the highway program to a $27.7 billion rate of operations. This decision was contrary to the Congress's intent that programs be continued at the current rate until final appropriation bills can be agreed to and enacted.

The language in this joint resolution is in no way binding with regard to the final fiscal year 2003 transportation appropriations bill that will eventually be enacted. This year's final highway funding level will be appropriately determined at a later date in the context of House and Senate negotiations on that bill.

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In the meantime, this resolution ensures that funding for the highway program will continue at the fiscal year 2002-enacted rate of $31.8 billion. This will protect the good-wage jobs and make our infrastructure whole.

Again, I want to stress this has been done with the work of the minority on my committee and myself and the leadership of the gentleman from Florida (Mr. YOUNG), chairman of the Committee on Appropriations, and the Speaker of the House.

We will continue what we said we were going to do. When there is a budget, when there is an appropriation bill, when there are negotiations done, that can be a different date and a different amount. Now we are on the right track to make sure that our highways are continuing to be built and rebuilt, and that our bridges are built and repaired, also.

Mr. OBEY. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I know the chairman of the committee did not intend to misspeak, because much of what he said I totally agree with. That is, it is not the Committee on Appropriations that has in fact got us to this point of impasse, but it is the leadership of their party that has us here. It is their unwillingness to bring the appropriation bills under the budget that passed the House, that everybody talks about. That is what is keeping us held up.

The misspeaking, Mr. Speaker, was when he said no one on this side of the aisle offered a budget alternative.

I do not know how many times I have to take to the floor to remind everyone, and Members can check this in the RECORD, we brought a substitute amendment, the Blue Dog Democrats, the gentleman from Kansas (Mr. MOORE), the gentleman from Texas (Mr. STENHOLM), the gentleman from Utah (Mr. MATHESON), the gentleman from Tennessee (Mr. TANNER), and the gentleman from Indiana (Mr. HILL), we brought an alternative budget to the floor of the House. We respectfully asked the majority to allow us to debate that on the floor of the House, and we were denied.

So I would appreciate it if no further Members on the other side would say that no one on this side of the aisle offered an alternative, a substitute budget, because some of us did but were prevented by the same leadership that has got us into the impasse tonight; and it is not the Committee on Appropriations.

Mr. Speaker, they would have a much stronger argument if they brought the appropriation bills to the floor under the budget that they passed, and they would have had a much better argument tonight and last week and the week before that and next week if they had passed all 13 appropriation bills, because some of us on this side of the aisle will support them, regarding that budget that everybody talks about.

I have been here 24 years, and I remember all of the years in which appropriators said, when I was on the Committee on the Budget, we really do not need you folks. We honestly do not need the Committee on the Budget, because we can do the job ourselves. It is amazing here now, suddenly listening, week after week after week, they now are suddenly saying that the only reason they cannot do their work is because the Senate did not pass a budget. Now everybody in here knows better than that.

We had a very impassioned speech a moment ago from the gentleman from Alaska (Mr. YOUNG) talking about the transportation bill, et cetera. Well, if we just did our work, then we could point the finger to the other body, and there would be enough blame to go around.

But I will say tonight, Mr. Speaker, the only blame that can honestly be affixed to why we are in this position tonight is on the leadership on the other side of the aisle that have refused to do that which they insist that the Senate do; that is, live by a budget.

We could do it, or at least we could try. Why did they not bring the other eight appropriation bills to the floor of the House and allow them to be discussed and debated? Where are they? If they are going to point the finger of blame, it has to start right here, I believe.

Mr. YOUNG of Florida. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Wisconsin (Mr. PETRI) of the Committee on Transportation and Infrastructure.

Mr. PETRI. Mr. Speaker, I thank the chairman of the Committee on Appropriations for yielding time to me.

Mr. Speaker, I am pleased to support this resolution, as it contains a provision clarifying that, under this continuing resolution, the Federal Highway Program will be funded at $31.8 billion. This continuing resolution is designed to be a temporary measure continuing funding for government programs at current levels until annual appropriation bills for 2003 can be enacted into law.

I know the Committee on Appropriations has approved a bill with a $27.7 billion obligation limitation for the Federal Highway Program, while the Senate Appropriations Committee has funded the program at $31.8 billion. A final level of funding will be decided later as the appropriation process continues. This process in no way ties our hands in determining what the final appropriation level should be.

Again, the purpose of the CR is to continue funding at the current rate; and it should not be used to inhibit Congress's prerogative to set final spending levels for this budget year, which I hope will be at the Senate level.

Mr. OBEY. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, despite the comments that have been made about highway funding levels, the language is clear. It indicates that the total obligations will be $27,700,000,000, instead of the $31.799 billion that were available in the previous fiscal year. That $27 billion level cannot be changed unless a subsequent appropriation bill passes to change it.

So the fact is that this bill does single out highways for a reduction below last year, when almost no other program is asked to bear that kind of a reduction. That will result in 200,000 fewer construction jobs.

Mr. YOUNG of Florida. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Georgia (Mr. ISAKSON).

Mr. ISAKSON. Mr. Speaker, I thank the distinguished chairman for yielding time to me.

Mr. Speaker, I rise because there have been references already made to education. I know in previous CRs there have been comments about education. I want to commend our chairman, and I want to tell the Members why I am supporting this.

I am not at the pay grade to answer some of the questions that have been raised by the gentleman from Texas (Mr. STENHOLM) and others, but I am at the pay grade end of the knowledge to know that this Congress increased education funding in the 2002 budget by 18 percent. Every nickel of that under a CR is being forwarded and appropriated again in this continuing resolution, the largest increase in investment America has made in its poorest and most deserving students in decades.

For 35 years, we spent $125 billion on Title I, and our lowest-performing students did not move up a percentile in improvement. But in No Child Left Behind, 373 Democrats and Republicans, including great leadership from the gentleman from California (Mr. GEORGE MILLER), forged through No Child Left Behind. This gentleman forged through the largest increase in education spending and funded the President's program.

This continuing resolution brings forward every single improvement that we made, 1 billion new dollars for Reading First, Early Reading First; money for the testing we now require to show that we have accountability for the performance we seek; and the $1 billion increase we put in the supplemental just last year in Pell grants.

So while there may be arguments over leadership and timing and what we are and are not doing, no one should tell us that we are not making the investment in our children and that this CR somehow cuts that investment. It brings forward the largest single increase in education funding this Congress has made with the accountability the American people sought and desired and wanted.

Today, in the classrooms of America, under a continuing resolution, children are learning to read, schools are being held accountable, performance will begin improving. When we reach a final determination on the next budget, we will continue to do what this Congress has done, Republicans and Democrats alike, and that is improve the lives of our children.

Mr. OBEY. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, that is one of the most selective and interesting rewrites of history I have heard on this House floor in at least an hour. I would like to give a little different interpretation of what has happened to education funding.

It is most certainly true that in each of the last 5 years we have provided substantial increases for education. That was, and the RECORD will show, that was because the Democratic Members of this House had to pull the majority party Members of this House kicking and screaming into supporting higher education levels.

Last year, the gentleman talks about the very large increase in education funding we had. That is correct. That is because the Democrats on the Committee on Appropriations again pounded the White House day after day after day until we forced them to accept a $4 billion increase in the President's education budget.

So that means that over the last 5 years, on average, with prodding from the minority party in this House and the then minority party in the Senate, the Democratic minority, we had an average increase per year for education funding of about 13 percent.

The President followed that up with the No Child Left Behind Act, which most of us supported. That promised a continuation of that very steep trajectory for education funding. This is too small a chart to show it, but the chart nonetheless demonstrates what that trajectory was. That No Child Left Behind Act promised that we would provide very substantial increases in funding for the next 5 years to continue the progress that we had made the last 5 years.

Instead, this continuing resolution is freezing the budget funding for education. That means that, on a per child basis, it is cutting education funding for the kids who need it most.

The gentleman is shaking his head no. Check the numbers on per child appropriations for children who need funding for language programs, children who do not speak English as a first language. They are being cut in the President's budget by 10 percent in real terms on a per child basis.

Mr. GEORGE MILLER of California. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from California.

Mr. GEORGE MILLER of California. Mr. Speaker, I thank the gentleman for yielding.

I think the gentleman makes an important point. If in fact the test is whether or not we are going to go to the President's budget or whether or not we are going to go forward with the appropriations bills, which I think both the chairman and the gentleman from Wisconsin would pass to increase education funding but are being held up, if we go back to the President's budget, we have a real cut of about $90 million below last year in the No Child Left Behind Act, a real cut of $90 million. The gentleman makes a very important point.

Mr. OBEY. Mr. Speaker, there is no question that if the majority party on the Committee on Appropriations were left to its own devices that we would have a very respectable and decent education appropriation bill.

The gentleman from Ohio (Mr. REGULA) is a strong champion of education, and so is the gentleman from Florida (Mr. YOUNG). But the fact is when that committee began to move forward to produce such a bill which provided those increases for education, they were cut off at the pass by the most reactionary elements in the majority party caucus. Those elements went to leadership and said, if you appropriate one dime for education above the President's budget, we are going to bring down the labor, health, education bill.

They further said that, until you produce an education funding level freeze at the level of last year for education, that they would not support any other appropriation bills. That is why we are wrapped around the axle. Let me continue with other categories.

Title I, the No Child Left Behind Act promised that we would have an increase in funding of at least $4 billion this year. Instead, they got a $1 billion increase financed by other cuts in other education programs aimed at the same children.

Then if we take a look at handicapped education, we increased them annually by over $1 billion over the last 3 years. We wanted to do so again on a bipartisan basis, both sides of the aisle. Under the President's budget, we cannot do that. The President's budget falls half a billion dollars below where we would be if we kept the trajectory going that we had established the last 3 years for that program.

Mr. Speaker, I would invite the gentleman to review the report which we just issued called "All Rhetoric, No Resources." It will demonstrate the facts that I have tried to illustrate.

Mr. YOUNG of Florida. Mr. Speaker, I am happy to yield 3 minutes to the gentleman from Georgia (Mr. ISAKSON).

Mr. ISAKSON. Mr. Speaker, I would say to the distinguished ranking member on the Committee on Appropriations, the chart is small. I cannot see it. In fact, I have my glasses off, and I can hardly see the gentleman right now.

I would ask the gentleman, is it not true that the chart that he showed was the level of authorizations for education over the next 5 years?

Mr. OBEY. Mr. Speaker, will the gentleman yield?

Mr. ISAKSON. I yield to the gentleman from Wisconsin.

Mr. OBEY. No, it is not.

Mr. ISAKSON. I ask the gentleman, what did he show?

Mr. OBEY. This chart showed the appropriation increases that we had the last 5 years.

Mr. ISAKSON. The last 5 years?

Mr. OBEY. The last 5 years. Then it shows the fact that the President's budget essentially freezes that appropriated number.

Mr. ISAKSON. I do not want to put any words in the distinguished gentleman's mouth, but I kept hearing the word "cut."

Mr. OBEY. No. What I said is that, on a per student basis, if we take English as a second language programs, that those programs were cut on a per child basis in real terms by 10 percent, because we have an increasing population and inflation and the President's freeze does not provide for that.

□ 1915

Mr. ISAKSON. Reclaiming my time, and hoping for a brief response, would the gentleman agree with me that in real dollars between the 2002 budget and the operation of a continuing resolution in 2003, there is not a cut in expenditures this year versus last year?

Mr. OBEY. In real dollars, no, I would not agree with that. There is, as the gentleman from California said, $80 million cut in real terms.

Mr. ISAKSON. Again, without getting into detail, I am talking about overall, not in a program like bilingual or anything else, but I am talking about overall appropriation, in the aggregate, not by program.

Mr. OBEY. You need $90 million to keep up with the No Child Left Behind Act, and on a per-student basis, you have to look at this on a per-student basis to see what is happening on a per-child basis.

Mr. ISAKSON. Reclaiming my time, and I am sorry to interrupt, but I do not want to take any more time than I should, this continuing resolution continues to fund education at the level in the aggregate, and I am not going to yield any more time, you will have plenty more, that we passed in the 2002 budget. The authorization levels, I will admit, are higher. I also know the 5-year plan, and I do not have the quote in hand, the authorization of the President is a substantial increase over that period of time. But that is a time out in the future.

The only point I am trying to make for the benefit of the people in the United States of America that may be listening is that by continuing the appropriations that we made last year this year, until we resolve this budget, we are not reducing the amount of money that we are investing in education.

You were making a point that by doing it and by not funding it at either the authorization level or by taking certain programs in it, we are reducing it. That is the only point I want to make. I appreciate the gentleman's time. I continue to support the resolution because I know the sincere interest this Congress has, Republican and Democrat alike, in seeing to it that America's most disadvantaged children get the very best shake they have ever had. No Child Left Behind did it. And last year we made the most significant increase in education funding, which is being continued through this CR, this Congress has ever made.

Mr. OBEY. Mr. Speaker, I yield myself 1½ minutes.

Mr. Speaker, the fact is over the last 5 years we had average annual increases for education of almost 13 percent. That progress is being brought to a screeching halt. The dollar amount in aggregate is being frozen at last year's level, which means because there are more students, especially in these needy categories, that on a per-student basis we have a real reduction in education at a time when State governments and local governments are also pulling the plug on education. The result: contrary to No Child Left Behind, there are going to be hundreds of thousands of kids who are left behind and they are going to be the most vulnerable kids in America.

Mr. ISAKSON. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Georgia (Mr. ISAKSON).

Mr. ISAKSON. I want to agree with about three-fourths of what the gentleman said.

The increase has been 13 percent over the last 5 years. The gentleman is absolutely correct. The continuing resolution continues those increases until we pass a Labor-HHS budget. My point is, it is unfair to say that until we have passed that that anybody has cut anything. And the gentleman actually verifies the point I have been making in terms of the substantial investment this Congress has made in improving education which is being continued.

Mr. OBEY. No, I do not grant that at all and I do not verify that.

The fact is the increases are not being continued by the continuing resolution. The increases are being brought to a screeching halt. You are now freezing the progress we have been making on a bipartisan basis for the last 5 years. That is what you are doing. Your own subcommittee on appropriations, own Republican members know that is not enough. They want to provide more but they are not being allowed to do so by the most right wing elements of your caucus. That has been in the newspapers. You have all told me that. You know what the facts are.

Mr. YOUNG of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Mr. Speaker, first I want to say thanks to the chairman of the Committee on Appropriations, who is in the unenviable position of getting battered by everybody all of the time. I appreciate that of the cardinals and our appropriators.

On the one hand, some of us most right wing elements of the Republican Party, as I and others are sometimes called, criticize the Committee on Appropriations for spending too much. Then others say they are not spending enough.

The fact is that every year when we get to the final appropriations bills, I have supported the Committee on Appropriations because they have tried to work within a budget, and we understand that it is a system in which the Senate is probably going to come up with a higher number. We come in. We like to have a budget. We would like to work it out and probably the numbers are going to be higher than our initial numbers and lower than their numbers.

I know it is very frustrating for the appropriators because often inside the majority will of our conference may be different than their particular goals. They see all the requests that all of us put into the Committee on Appropriations, and at the same time try to balance what are the long-term goals. We have had extraordinary increases in the amount in education. We have just heard basically 65 percent over the last 5 years. All of the sudden we are facing a deficit in this country. We do not want interest rates to go up. We do not want inflation to go up. Yes, we do not want to leave any child left behind.

We are trying to work this out. This CR gives us more time to work out a compromise with the Senate where those final numbers can be agreed upon. Labor-HHS appropriations bill is always the toughest. It is always at the end. It certainly will not be resolved, most likely, in the last few weeks before an election. It is easy to be outside of power and to criticize those who are inside power, but I want to thank our appropriators and our leadership for trying to work this through.

Hopefully, we can finally get some of the appropriations bills through. They are likely to be higher than some of the conservatives would like. And they are likely to be lower than some of the liberals would like. But that is how you get a balanced budget that does not drive up interest rates, that does not kill inflation and also gives children in America the best education possible.

Mr. OBEY. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, the fact is this continuing resolution is a cut of $372 million below the President's budget and a 2.4 percent cut in real terms after adjusting for inflation and enrollment growth. That translates on a per-child basis into a cut.

We can pretend it is not in Washington, but at the local level, that is a cut that is felt.

Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Mr. Speaker, I rise in strong opposition to this sham of a continuing resolution.

We are back again for a third time because this Congress refuses to do the work it is responsible to do. Tonight it is not only the American taxpayer who is suffering, but specifically it is the thousands of men and women, firefighters, police officers, EMT, volunteers, iron workers, laborers who were the first people to respond to the World Trade Center attack on September 11 of last year. These are the men and women who responded to the attack upon our Nation, who looked for survivors, cleared debris, and began the rebuilding process amidst the most difficult and extreme conditions.

The President and this Congress promised $90 million for the health care of the workers at Ground Zero. The thousands of workers who again were the first to respond and rushed down to Ground Zero are only now starting to show the signs of exposure to the most heinous of contaminants. Their afflictions include asthma, sinusitis, chemical bronchitis, and psychological distress.

Thirty-five thousand workers were exposed, but only 3,000 have been screened. Fifty percent of those screened have respiratory illness. Fifty percent of those screened need additional psychological assistance. This administration said that $90 million was too much. This was after President Bush was at Ground Zero promising $20 million to New York to rebuild.

The most this Congress could do was $12 million for the health of workers. But tonight in this CR they are saying to the firefighters, police officers, those who worked 18 hours a day-plus at Ground Zero in its darkest days, those who sifted through the debris to find their fallen brethren and sisters, their health does not matter.

The message is loud and clear in this CR. This Congress promised the workers at Ground Zero $90 million. The word of the Republican congressional leadership to those heroes is worthless. The value of the work done by those workers at Ground Zero is priceless. The behavior of the Republican leadership in this House is simply shameless.

Mr. YOUNG of Florida. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Ohio (Mr. LATOURETTE).

Mr. LATOURETTE. Mr. Speaker, I thank the chairman very much, and if I could ask the attention of the distinguished ranking member, the gentleman from Wisconsin (Mr. OBEY) for just a moment if he has a minute.

One of the things I have learned over the last 8 years being here and getting the opportunity to preside from time to time is that there is not a more abler Member of this body than the gentleman from Wisconsin (Mr. OBEY) or the gentleman from Florida (Chairman YOUNG) when it comes to the appropriations process. And I am just a slug transporter who believes in building roads and bridges and dredging harbors and things of that nature.

When this continuing resolution came out the other day, we were very upset on our side of the aisle, as was the gentleman from Minnesota (Mr. OBERSTAR) and the Democrats on the Committee on Transportation and Infrastructure, because we were told that the original language would put us at the $27 billion mark for the fiscal year, which was in violation of the $4.4 billion that we thought we restored.

We notified our leadership that we would en masse vote against the rule for this continuing resolution unless the language was changed. The language was in fact changed, and today we were told that this continuing resolution spends out the transportation trust fund at $31.8 billion until October 18. I guess I am asking the gentleman because he is a lot smarter than I am, were we hoodwinked or do we have to go back to our leadership and say that somehow they have fooled us or is that in fact the case?

Mr. OBEY. Mr. Speaker, will the gentleman yield?

Mr. LATOURETTE. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Speaker, I am not sure I got the full import of the gentleman's question. All I can say is, if we read the language of the provision in the CR before us, it says that "total obligations for this program while operating under joint resolutions making continuing appropriations for fiscal year 2003, shall not exceed $27,700,000,000 unless otherwise specified in a subsequent appropriations act."

Now, there may be a deal in the works to raise that number in the future. But the number we are voting on right now, in fact, contains a $4 billion reduction in what can be made available to States in comparison to the CR that we are operating under right now.

Mr. LaTOURETTE. Can the gentleman tell me at all what the difference is on the language we are voting on tonight as compared to what was in the CR when it first came out of the committee yesterday? Because, again, we were told that the significant changes, that this spends out at $31.8 billion until this CR expires next Friday. And if that is not accurate, then we have a bone, I suppose, to pick with the leadership on our side of the aisle.

Mr. OBEY. Frankly, I do not know what the original language was that the gentleman was shown. All I know is the language that we are voting on right now, and it contains a $4 billion cut from the existing continuing resolution.

Mr. LaTOURETTE. Mr. Speaker, I thank the gentleman. I thank the chairman for his work and for yielding me time.

Mr. OBEY. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Mr. Speaker, I want to congratulate the majority party in this House on the success of the Republican economic plan.

About 22 months ago the Bush administration roared into town and rammed a record more than $1 trillion tax cut for millionaires through this Congress, when both Houses were controlled by the Republican Party.

What is the record since then? Unemployment is increasing, job creation has reversed. The jobs that were created during the previous decade have now fallen off. Poverty is on the rise. Poverty in America is increasing again. For the previous 9 years, the poverty rate went down in America, year after year after year. Last year, the first year of this administration, as a result of an economic program rammed through this House, the poverty rate is going back up again and this year it is the same thing.

Incomes are falling. The fact of the matter is the rich are getting richer and everybody else is getting poorer as a result of this great economic plan. Hundreds of thousands of Americans are now filing for bankruptcy. Mortgage foreclosures across the country are at record highs.

The Federal budget deficit is increasing. Two years ago we had a budget surplus of almost $87 billion. This year the on-budget deficit will be $314 billion. That is a $400 billion turnaround in less than 2 years. This represents the largest budget decline in U.S. history in that period of time; the third largest on-budget deficit in history, exceeded in size only by the deficits of 1991 and 1992 when the first Bush was the President.

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The continuing resolution that we are being asked to pass today has to be seen in the context of this plan. We are passing this continuing resolution because we have not been able to pass appropriations bills; and we have not been able to pass appropriations bills, not because of the work of the Committee on Appropriations, because the Committee on Appropriations, under the leadership of the gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY), the ranking member, has done its work. We have not been able to pass the appropriations bills because this House passed a budget resolution this year which was unreasonable and impossible to meet because of that tax cut.

We are not able to fund the needs of the American people, and perhaps that is why we have frozen education spending.

That is why the wanted Leave No Child program is essentially not advancing the interests of one single child in America, because we have not put a nickel in the Leave No Child Behind program, and this is probably why we are reducing funding for transportation in this continuing resolution by another $4 billion, because the budget resolution that we have is unreasonable and unrealistic, and we are unable to get a spending program that meets the needs of the people of this country.

That is the problem we face right now.

Mr. YOUNG of Florida. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, we are here tonight because the other body has not had a good year. It is a fact that the United States Senate did not pass a budget. It is a fact that the United States Senate has not passed the faith-based initiative. It is a fact that the United States Senate has not passed welfare reform. The Senate has not passed pension reform. They have not passed the energy package. And during a time of war when an unprecedented attack on America has taken place, they have not even been able to pass homeland security.

In fact, it appears to me that the only thing the other body has had time to do is kill presidential appointments and judicial nominees, something they are very proud of.

Yet we in the House, we are ready with our appropriation bills. We are ready with our appropriation process.

As my colleagues know, Mr. Speaker, we cannot sit down with another body when they do not have a budget, when there is no top end to it. If we sit down right now with a group, the House has a budget, the House has a bottom line and a top line. The Senate does not, because they do not have a budget. We cannot go into negotiations with somebody like that. It is like asking our kids to limit their Christmas list. They are not going to do it. They are just going to keep on wishing and wishing and wishing.

I notice something curious here tonight, Mr. Speaker. So much of the problems seem to come back to the tax reduction for middle class families that the President started and was overwhelmingly supported by the American people. But if I am hearing correctly, the Democrats are suggesting that that is the problem. Therefore, should they win the majority back, I can only assume that their plan is to increase taxes. Because if they do not want to increase taxes, obviously they are going to cut Social Security or defense spending to fund these other programs.

I know they do not want to cut Social Security and they do not want to tax it, because they taxed it in 1993 under President Clinton when the Democrats were in charge of this House. And we Republicans, unlike the Democrats, we have no plans to tax Social Security. We have no plans to cut Social Security. I am concerned that if the Democrats take back over there might be some hidden scheme, but I am hearing over and over again so much of this is because of the tax reduction.

So the only conclusion a logical, objective listener could come to is that the Democrats want to increase taxes as a way to eliminate what they consider a budget shortfall. I do not know that there is a budget shortfall. I still am amazed that in Washington that a cut is considered a reduction in the expected increase, and I still find that mind-boggling in itself.

I want to say this, we are ready to roll in the House. It is just too bad that the other body decided not to pass a budget this year, because we cannot sit down and negotiate with somebody who does not have a bottom line or a top line.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON). Members are reminded to refrain from characterization of Senate action.

Mr. OBEY. Mr. Speaker, I yield myself 1 minute.

I am going to give the gentleman from Georgia my Alibi Ike of the Cosmos Award tonight for that speech.

Let us put the record straight. The Senate has not passed three appropriation bills which the House has sent to it, the Legislative bill, Interior, Treasury and Post Office. That constitutes about 10 percent of the entire domestic budget. The House has not yet considered 90 percent of the domestic budget, the eight appropriation bills that it is still to deliver.

The gentleman says, "Oh, you cannot sit down and negotiate an appropriations bill with the other body if they have not passed a budget resolution." We just did. We just passed a DOD bill today, and we just passed a Military

Construction bill today, and both of those passed despite the fact that, guess what, the Senate had not passed an irrelevant budget resolution on those either.

All it proves is that when the majority party in this House wants to pass an appropriation bill, they can find a way to do it, and to duck it, when they want to duck it, I tell you they are World Series class in ducking them, and that is what they have done this year.

Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Speaker, we are really living under the budget that passed the majority in the House. We are really living under this budget.

What has it given us? We have borrowed $400 billion over the last 12 months, enforcing the budget that passed the House, regardless of whether the Senate passes a budget or not because we are living under this one. That is what we are living under.

It is amazing, the gentleman from Georgia who just spoke a moment ago, it was amazing what he said. Basically, we need to pass the appropriation bills. It has nothing to do with a budget. Pass the appropriation bills that my colleagues' budget called for and then send them to the Senate. Then they can have a quarrel with the other body, but yet we keep wanting to blame the other body for us not doing our work.

I do not understand that, and I am on the floor on behalf of the budget. I have no quarrel with the appropriators, but I have a lot of quarrel with the leadership on the other side that has tried the blame game instead of dealing with doing our work.

Just today, the same Blue Dog group asked that we be allowed to have in the continuing resolution the PAYGO and the spending caps.

We want to enforce some level of spending. I am perfectly willing to live with the level in my colleagues' budget. I am perfectly willing to live with that. That is what the Blue Dogs said this year with one exception. We said, when the new estimates came in in August, if we were spending Social Security trust funds, let us sit down and revisit the budget to see whether or not we really want to continue down that road. That is what they refused to let us do.

Next week, I am told we are going to have another tax cut. Where is that tax cut going to come from? Right out of the Social Security trust funds, period. Any additional spending that anybody wants to spend for any purpose is coming right out of the Social Security trust funds or the Medicare trust fund, but yet we will have that because the same leadership believes that is good politics, and, boy, the ads come out at home for the opponent as we talk about this.

Let me repeat, and anyone that wants to challenge me, I would welcome almost a little bit of debate from the leadership on that side, because many times I make these statements and the phone starts ringing, this guy from Texas is just shooting his mouth off about spending and what have you, and nobody comes in and challenges it. Well, if what I am saying is not true, I would welcome and yield to the other side.

We asked to put some restraints on it. The leadership said, no thanks, we do not want PAYGO. We want to pass another tax cut next week so that we can run on that, and we do not want to talk about that is going to come out of the Social Security trust funds, which is where it is going to come.

The Concorde Coalition has warned that, unless we put some budget enforcement, we are going to run into bigger troubles. How much bigger can we get? The deficit has gone up $400 billion. One would not think so listening to the leadership on this side. One would think the deficit has come down in the brilliant leadership of the last 2 or 3 years. It has gone up in the last 12 months $400 billion, and it is going to go up another $300 billion in the next 12 months. That is the fact, and yet here we are trying to do our work, a CR.

The appropriators are trying to do their work. They do not have a chance. They have got an 8,000 pound weight tied around their neck because of the lack of the leadership in this body to do what we should do, is do our work. If we do our work, my colleagues would be surprised at what might happen.

Mr. OBEY. Mr. Speaker, how much time do we have remaining?

The SPEAKER pro tempore. The gentleman from Wisconsin (Mr. OBEY) has 5 minutes remaining and the gentleman from Florida (Mr. YOUNG) has 8½ minutes remaining.

Mr. OBEY. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Speaker, I thank the gentleman for yielding me the time.

It is really incredibly unfortunate, and when we see that the gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY), the gentleman from Georgia (Mr. ISAKSON) and myself, we are arguing over education, and given the chance, all four of us would increase this year's education budget as it should properly be increased, as it is called for under Leave No Child Behind, and we would be able to deal with the Senate and get an increase for America's schoolchildren, but we are prevented from doing that because the Republican leadership will not let that bill come to the floor.

The gentleman from Georgia (Mr. KINGSTON) says we cannot do that because we do not have a budget. We just passed a Military Construction bill without a budget. We just passed a Defense appropriations bill without a budget. We sent the Interior bill to the Senate without a budget. For 200 years we did not have a budget in this country, but this Committee on Appropriations, they fought the Second World War, they fought the Korean War, they fought the Depression, they launched a great society, they created Medicare, they created Social Security, and we did not have a budget, but we built America.

All of a sudden today we feel because we do not have a budget we cannot take care of the needs of America's schoolchildren, of America's teachers, of our school districts, because we do not have a budget.

It is just a phony argument. The fact of the matter is, the Republican leadership does not want to bring to the floor the Education budget as it is being insisted on being brought to the floor by the most right wing element of the Republican Caucus because it is an insufficient number for Education. They do not want to admit it before the election.

The States have cut $9 billion because of the economy from the Education budget. The least we can do is uphold the Federal role in that effort, but we are told we cannot do it because we do not have a budget, and yet we are going to have a $50 billion tax cut bill out here next week. We do not need a budget to do that.

The American public ought to be getting terribly tired of this argument. I know the Members of Congress are getting terribly tired of it, because most of us on both sides of the aisle would like to do our work, finish up, go home, see if we can get our option renewed for another 2 years with the public and get on about the public's business, but that is being thwarted here.

The terrible thing is here it is not the punishment of us, it is not the punishment of the President or the Committee on Appropriations or any other committee in this Congress. It is starting to punish the schoolchildren of this country. Because this is not the money that we need to carry out the reforms that we have insisted upon as a Congress on a bipartisan basis to change the educational experience of the poorest children in this country, but that cannot be done without this money.

School districts and States all over this country are engaging in the most dramatic reforms of the education systems at the local level in the last 30 years, and we told them we would give them the money to help them do that, and this budget does not do that. In one year's time we have broken faith. This was a 12-year contract with the school districts of this country, and in the first year, in the first year, the Republican leadership in the House of Representatives and the President's budget have broken faith with those school districts, with those school board members, with those parents and with those children.

Give us the Health and Education appropriations bill so we can vote on it up or down. Let us go.

Mr. OBEY. Mr. Speaker, I yield myself 2 minutes.

Mr. Chairman, I really do not feel like saying anything else. We have chewed this cud so many times now, as they say in my part of the country. The fact is that there are many Republicans and many Democrats who want to do right by the children of this country, and the fact is if the Committee on Appropriations had been allowed to proceed with its original plans, we would have produced a budget which did, in fact, keep the promises of the No Child Left Behind Act.

Instead, however, because of an internal war in the Republican Caucus, the committee has been reduced to going through these motions time and time again. We are being slow walked and slow danced to the end of the session. The leadership desperately wants to get out of town without ever having voted on some of these issues until after the election.

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We cannot do much about that in the minority except point it out and hope that the people who want action to improve the quality of their schools will understand and hold this Congress accountable, even though this Congress is turning itself into a pretzel trying to avoid accountability on issues as crucial as education.

I regret that. I know that a lot of Members of the majority party as well regret it, but they have a leadership which is being held captive by their most extreme Members and they are as helpless as we are on this right now.

With that, Mr. Speaker, I thank the gentleman from Florida for trying to do the right thing, even though he has been blocked many times in trying to meet his responsibility, and I thank the Chair for his courtesy.

Mr. Speaker, I yield back the balance of my time.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I want to thank the gentleman from Wisconsin (Mr. OBEY) and all the members of the Committee on Appropriations on both sides of the aisle for having worked together so well this year to get our work where we are prepared to move, with very little notice, to complete this appropriations process. And it has been a good bipartisan effort.

On a bipartisan note, I wanted to thank the gentleman from Texas (Mr. STENHOLM). He and I exchanged some words earlier in the debate. He mentioned just in the last few minutes about the $400 billion increase in the debt. I want to talk about that just for a couple of minutes.

He is right. He has been a trooper in this House ever since he came here to try to balance the budget, as have many of us been here to try to balance the budget. But I think the gentleman from Texas would agree with me in what I am about to say. The discretionary appropriation bills that the gentleman from Wisconsin and I and our chairman and ranking members present to the House are not the real culprit in the deficit. Mandatory spending, back-door spending, spending over which the appropriations process has no control whatsoever, that is the problem.

For every dollar that we appropriate through our discretionary funds, there are two additional dollars, two additional dollars for every one that is spent through back-door spending, through mandatory programs. The latest example: the farm bill, the agriculture bill, which was like $106 billion over the baseline for a 10-year period. That is a lot of money over the baseline. But some of those who are giving us trouble on the discretionary spending bills lined up and voted for that bill. The director of the Office of Management and Budget, who has put such a top line lid on discretionary spending, signed off on that big agriculture bill.

So we have to be consistent. If we are going to control this budget deficit, we have to turn off both spigots. We watch the discretionary; we watch the mandatory. Because mandatory spending programs spend $2 for every $1 that we appropriate in the discretionary programs.

Mr. STENHOLM. Mr. Speaker, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from Texas.

Mr. STENHOLM. I thank the gentleman for yielding, and I want to agree with him totally regarding his statement on the discretionary spending.

But I would also point out the record will show that the farm bill the gentleman talks about this year will save $5.6 billion from that mandatory spending as a result of the work of the Committee on Agriculture. But I agree with the gentleman on the general gist of it. It is ridiculous for us to be talking about discretionary spending being the culprit in the $400 billion. The gentleman is absolutely correct.

Mr. YOUNG of Florida. Mr. Speaker, reclaiming my time, I thank the gentleman for his comments.

Mr. Speaker, this has been an interesting afternoon. Changes came and went and were never implemented, but we are finally at the point to vote on this continuing resolution to keep the government functioning beyond midnight tomorrow night, and to keep us going until midnight Friday of next week.

I am satisfied that between now and then we will have another exercise very similar to this one. I look forward to that exercise, and I am sure all the Members of the House do. But for now, I would just ask the Members to vote this CR and let us adjourn for the night.

Mr. NUSSLE. Mr. Speaker, I rise in strong support of H.J. Res. 122, making continuing appropriations for fiscal year 2003.

While the Congressional Budget Office has yet to release an estimate of this bill, it appears to adhere to both the letter and the spirit of the budget resolution agreed to by the House and supported by the President.

Even once the defense bill just agreed to and the house-passed military construction bill became law, this CR will be fully consistent with the budget resolution.

Under the leadership of the distinguished Chairman YOUNG, the Appropriation Committee has gone to great lengths to avoid carrying forward almost $16 billion in one-time spending that was provided in response to September 11th.

Moreover, the Appropriations Committee has accomplished this without sacrificing Congressional prerogatives. Rather than cede authority to the Executive branch to make these determinations, the Appropriations Committee has wisely identified each of these one-time expenditures.

Once again, I want to commend Chairman YOUNG and all the Members of the Appropriations Committee for their work on this bill. I strongly urge all my colleagues to support the resolution.

Mr. BLUMENAUER. Mr. Speaker, today marks an appropriate conclusion to the closing days of this 107th Congress under the guidance of Republican Leadership. First this House voted to authorize the President to unilaterally use force against Iraq. Next, they passed the largest Department of Defense appropriations bill ever put before Congress. And now we are debating a resolution to put off our remaining funding responsibilities until after the election.

The Republican Leadership continues to stymie the appropriations process because they cannot come to an agreement within their own party on how to fund important programs in the wake of their massive tax cut. Simply continuing funding at fiscal year 2002 level is a way of skirting the tough decisions before the election. However, there are significant consequences to this strategy.

By keeping funding at 2002 levels we are compromising our Nation's security and a host of other important programs that the American people care about. For example, the Coast Guard is awaiting a $500 million budget increase, which would allow more hires and increased harbor patrols. The current appropriations hold up is threatening $3.5 billion in anti-terrorism grants for emergency rescue teams. The spending freeze represents a $372 million cut from the President's budget, which is already grossly inadequate and falls far short of the promises made in the No Child Left Behind Act. The Securities and Exchange Commission will continue to wait for the funding increases promised to protect investors and monitor corporate activities.

Many projects across the country are threatened, even though they have agreements with the federal government, because discretionary funds cannot be allocated without a fiscal year 2003 bill. In Oregon, this threatens $70 million for Portland's Interstate Max, $3 million for the Sauvie Island Bridge, and $2.8 million for Jobs Access.

The Republican Leadership should be embarrassed to turn its back on its responsibilities to return home and campaign instead of dealing with their unfinished business.

Mr. YOUNG of Florida. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SIMPSON). All time for debate has expired.

The joint resolution is considered as having been read for amendment.

Pursuant to House Resolution 580, the previous question is ordered on the joint resolution, as amended.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the resolution?

Mr. OBEY. I most certainly am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. OBEY of Wisconsin moves to recommit the joint resolution, House Joint Resolution 122, to the Committee on Appropriations with instructions to report the same back to the House forthwith with the following amendment:

On page 1, beginning on line 4:

Strike "October 18, 2002" and insert "October 12, 2002".

The SPEAKER pro tempore. The gentleman from Wisconsin is recognized for 5 minutes in support of his motion to recommit.

Mr. OBEY. Mr. Speaker, virtually all of us want to go home. I think probably the only Member of this body who wants to stay here late into the evening, every evening, because he enjoys it so much, is the gentleman from Pennsylvania (Mr. MURTHA). But outside of him, we would all like to go home and campaign.

Saturday I am scheduled to be in a little town called Thorp, Wisconsin. It is my favorite political event of the year. It is the annual Clark County Democratic dinner. We meet in the basement of the local VFW hall, and we have the best doggone kielbasa in the United States of America; and I always look forward to that dinner. But I think, in light of what we are neglecting to do in this House, that we should all be here. So I think I ought to be willing to forego that kielbasa and sauerkraut and chicken dinner, and I think all of the other Members of this House ought to be willing to forego what they have planned so that we can get some of our real work done. And that is what this recommit motion tries to accomplish.

The resolution before us is yet another continuing resolution to take us through next Friday. That means that this House will do nothing on appropriation bills between now and next Friday because we have not yet caused inconvenience for Members. I think the time has come to inconvenience Members in order to try to up the pressure on this place to actually get our work done. So this recommittal motion simply changes the date of the continuing resolution before us from October 18 to October 12.

That means, in essence, it is a 1-day CR. It means that I am willing personally to vote to extend the government every day by 1 day in order to keep people here on the job working. But I am not willing to vote for long-term CRs in the absence of an assurance by the leadership on the majority side of the aisle that they will schedule the education appropriation bill, the housing appropriation bill, the agriculture appropriation bill, and the other appropriation bills that we ought to pass to do our duty before we go home.

We have just finished dealing with what we consider our obligations to be with respect to our differences with Iraq. We need now to turn homeward and deal with our obligations to deal with the problems here at home, and the purpose of this continuing resolution is to accomplish that. I would urge a "yes" vote for the motion to recommit because that is the only way that we can force this House to actually bring to the floor the appropriation bills that could allow this Congress to conclude our work with a note of pride.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Does the gentleman from Florida (Mr. YOUNG) claim time in opposition to the motion to recommit?

Mr. YOUNG of Florida. I do, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Florida is recognized.

Mr. YOUNG of Florida. Mr. Speaker, the motion to recommit offered by the gentleman from Wisconsin does not really work. I realize that he and I spend so much time together it is hard to create the separation, even for a weekend; but what this would do is a 1-day CR, a 1-day CR, a 1-day CR. And if all we do is a 1-day CR at a time, that is all we do. We would never get down to the real business.

So we cannot agree to this 1-day CR. And I hope that everybody will vote "no" on the motion to recommit and then vote "yes" on the resolution, so that then we will get back about our business, the rest of our business, after we conclude the CR.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. OBEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—yeas 202, nays 214, not voting 15, as follows:

[Roll No. 460]

YEAS—202

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Becerra
Bentsen
Berkley
Berry
Bishop
Blagojevich
Blumenauer
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Cramer
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (TX)
Harman
Hastings (FL)
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Rivers
Rodriguez
Roemer
Ross
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Shows
Skelton
Slaughter
Smith (WA)
Snyder
Solis

Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NAYS—214

Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Bereuter
Biggert
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Castle
Chabot
Chambliss
Coble
Collins
Combest
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hunter
Hyde
Isakson
Issa
Istook
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCrery
McHugh
McInnis
McKeon
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—15

Berman
Bonior
Cooksey
Coyne
Ganske
Hulshof
Jenkins
McKinney
Meek (FL)
Ortiz
Reyes
Roukema
Stump
Sununu
Taylor (NC)

☐ 2018

Messrs. FOLEY, TIAHRT, HOUGHTON, REYNOLDS, CASTLE, BLUNT, and ISTOOK changed their vote from "yea" to "nay."

Messrs. FORD, CARSON of Oklahoma, LIPINSKI, NEAL of Massachusetts, HALL of Texas, OBERSTAR, MEEHAN, LANGEVIN, HONDA, and Ms. EDDIE BERNICE JOHNSON of Texas changed their vote from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the passage of the joint resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. OBEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 272, noes 144, not voting 15, as follows:

[Roll No. 461]

AYES—272

Abercrombie
Aderholt
Akin
Armey
Bachus
Baker
Baldacci
Ballenger
Barcia
Barr
Bartlett
Barton
Bass
Bereuter
Biggert
Bilirakis
Bishop
Blagojevich
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (SC)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clement
Coble
Collins
Combest
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
Engel
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (TX)
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoeffel
Hoekstra
Holden
Holt
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Isakson
Israel
Issa
Istook
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Larsen (WA)
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Manzullo
Mascara
Matheson
McCarthy (MO)
McCrery
McHugh
McInnis
McKeon
McKinney
Menendez
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Mollohan
Moore
Moran (VA)
Morella
Murtha
Myrick
Napolitano
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Pascrell
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tanner
Tauzin
Taylor (MS)
Terry
Thomas
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Toomey
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—144

Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrett
Becerra
Bentsen
Berkley
Berry
Blumenauer
Borski
Brown (OH)
Capps
Capuano
Clay
Clayton
Clyburn
Condit
Conyers
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dingell
Doggett
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Gephardt
Gonzalez
Gutierrez
Harman
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Honda
Hooley
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kaptur
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lynch
Maloney (NY)
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meeks (NY)
Millender-McDonald
Miller, George
Moran (KS)
Nadler
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Paul
Payne
Pelosi
Price (NC)
Rahall
Rangel
Rivers
Rodriguez
Roemer
Roybal-Allard
Rush
Sabo
Sánchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Slaughter
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Woolsey
Wu
Wynn

NOT VOTING—15

Berman
Bonior
Burton
Cooksey
Coyne
Ehrlich
Ganske
Jenkins
Meek (FL)
Ortiz
Reyes
Roukema
Stump
Sununu
Taylor (NC)

☐ 2029

Mr. HUNTER changed his vote from "no" to "aye."

So the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 2030

REPORT ON H.R. 5605, DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2003

Mr. YOUNG of Florida, from the Committee on Appropriations, submitted a privileged report (Rept. No. 107–740) on the bill (H.R. 5605) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations and offices for the fiscal year ending September 30, 2003, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore (Mr. SIMPSON). All points of order are reserved on the bill.

NOTING THE PASSING OF THE HONORABLE LAWRENCE H. FOUNTAIN, MEMBER OF CONGRESS FROM 1953–1983

(Mrs. CLAYTON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CLAYTON. Mr. Speaker, I rise to note with sadness the passing today of one of the Tar Heel State's true elder statesmen, the Honorable Lawrence H. Fountain, who represented what was then North Carolina's Second Congressional District between the years of 1953 and 1983.

Congressman Fountain will be remembered as the first champion of improving the relationship and cooperation between Federal, State and local governments, and the father of the first, independent, presidentially-appointed Office of Inspector General.

Congressman Fountain was born in Edgecombe County and attended public schools, including the University of North Carolina. He entered World War II as a private and was promoted to a Lieutenant Colonel. He then came to Congress.

We extend our sympathy to the family, who indeed will receive other expressions of respect at Carlisle Funeral Home in Tarboro, North Carolina. A memorial service celebrating the life of Lawrence H. Fountain will be held at the Howard Memorial Presbyterian Church in Tarboro at 3 p.m. this Sunday, October 13, 2002.

Mr. Speaker, our thoughts and prayers go out to the many friends and family of Congressman Fountain, who is in my district in Tarboro, North Carolina.

ANNOUNCEMENT OF INTENTION TO OFFER MOTIONS TO INSTRUCT CONFEREES ON H.R. 4, ENERGY POLICY ACT OF 2002

Mr. WAXMAN. Mr. Speaker, pursuant to clause 7(c) of rule XXII, I hereby give notice of my intention to offer a motion to instruct conferees on H.R. 4. The form of the motion is as follows:

> Mr. WAXMAN moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendments to the bill H.R. 4 be instructed to insist, to the extent possible, within the scope of the conference, that the conferees reject provisions that mandate the use of ethanol in gasoline.

Mr. Speaker, I further have another motion to instruct conferees. The form of that motion is as follows:

> Mr. WAXMAN moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendments to the bill H.R. 4 be instructed to insist, to the extent possible, within the scope of the conference, that the conferees reject provisions that limit the liability of a responsible party for the contamination of groundwater with a fuel or fuel additive.

CONFERENCE REPORT ON H.R. 3295, HELP AMERICA VOTE ACT OF 2002

Mr. NEY. Mr. Speaker, pursuant to the order of the House of October 9, 2002, I call up the conference report on the bill (H.R. 3295) to establish a program to provide funds to States to replace punch card voting systems, to establish the Election Assistance Commission to assist in the administration of Federal elections and to otherwise provide assistance with the administration of certain Federal election laws and programs, to establish minimum election administration standards for States and units of local government with responsibility for the administration of Federal elections, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to the order of House of Wednesday, October 9, 2002, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of October 8, 2002, at page H 7247.)

The SPEAKER pro tempore. The gentleman from Ohio (Mr. NEY) and the gentleman from Maryland (Mr. HOYER) each will control 30 minutes.

The Chair recognizes the gentleman from Ohio (Mr. NEY).

GENERAL LEAVE

Mr. NEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3295.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. NEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this has been a long, winding process that is about to conclude tonight, in what I think is going to be known as one of the most important votes that any Member of this body can cast, not only for this session but for the future, for decades to come, of the future of the voting process for the citizens of the United States.

I am pleased to present to the House the conference report for H.R. 3295, the Help America Vote Act of 2002. This legislation will have a profound and positive impact on the way we conduct Federal elections in this country. At the heart of the bill are some fundamental principles:

One, that every eligible citizen shall have the right to vote.

Two, that no legal vote will be canceled by an illegal vote.

Three, that every vote will be counted equally and fairly, according to the law.

When this legislation goes into effect, the voting citizens in this country will have the right to a provisional ballot, so no voter will be turned away from a polling place, no voter will be disenfranchised, just because their name does not appear on a registration list.

Henceforth, instead of simply being told to go home, the voters will be able to cast a provisional ballot which will be counted according to State law.

Voters will now also be able to have the opportunity to check for errors and verify the accuracy of their ballot in privacy before it is cast. No more will voters have to wonder if their vote was properly recorded or not. By guaranteeing them the right to verify the accuracy of their ballot in privacy, voters will be able to leave the polling place confident and certain that their vote was cast and counted in complete secrecy as they intended it to be.

This bill contains tremendous advances for individuals with disabilities. This legislation requires that every polling place in the country have at least one voting system that is accessible to the disabled, meaning individuals with disabilities, including the blind and visually impaired. They will now have the right to cast a secret and secure ballot in the same manner as all other Americans do.

No longer will individuals with disabilities have to rely on an assistant, or compromise the secrecy of their ballot. They will be able to vote in a private and independent manner, the same way all their fellow citizens do, many for the first time in their lives.

The legislation establishes a maximum error rate for voting system performance. This error rate is a measure of the performance of voting system prototypes under laboratory conditions to determine that the system counts votes accurately in accordance with national standards stands in Section 3.2.1 of the Voting System Standards adopted by the FEC.

I will include Section 3.2.1. for the record.

At the heart of our elections system is the process of how we maintain our records on who is eligible to vote. Currently, thousands of election jurisdictions across the country manage these records independently. Some employ the latest technologies and database management techniques to ensure accuracy and reliability. Others need improvement.

This bill will require each State to develop a Statewide registration system. These systems will modernize, centralize and improve current methods for ensuring the accuracy of registration lists.

The current system in many States creates inefficiencies and duplications, as voters often move from one jurisdiction to another within a State without notifying the jurisdiction that they used to live in before they made the move. The result is that a single individual may appear on more than one registration list in a State.

These Statewide systems will make it possible for States to more effectively maintain voter registration information, as they should. States will have more accurate systems to protect voters from being mistakenly removed from the list, while ensuring that costly duplicates that invite voter fraud are quickly removed.

The lists maintained by the State will be the official list used to determine who is registered to vote on Election Day. Uniformity and integrity in the system will be assured as local election jurisdictions will no longer be able to maintain separate lists.

This bill contains important new guarantees for military and overseas voters. Military voters will be guaranteed assistance and information that they need from the Department of Defense so they can complete and return their ballots on time. The military is required to mark all ballots so it can be determined when they were mailed, so no valid military ballot will be rejected for lack of a postmark. All enlistees will receive a voter registration form upon enlistment. We all know how important that is for those who are serving their country and laying their lives on the line.

State election officials must establish a single office where military and overseas voters can get information on how to vote in that State. For the first time, they will be required to accept ballots mailed early from military personnel whose duties, for example, on a submarine, may prevent them from mailing ballots on a date close to the election. For the first time, we will have a report on the number of applications received and absentee ballots sent out to military and overseas voters, together with the number of those ballots that have been returned. Studies of these numbers may help us determine how to future improve participation and turnout among those voters.

Our election system is dependent on tens of thousands of election officials and 1.5 million volunteer poll workers in over 7,000 jurisdictions serving over 150 million voters across this great country. In the general election for Federal office, all of these people come together during a 24-hour period to chose our leaders. It is an incredibly complicated process that must be choreographed precisely to ensure its success. This means that education and training is critical to the success of our elections system. This legislation provides needed funds to complete that task across the United States.

A provision in this package that has been the subject, frankly, of some controversy is the voter ID provision that was included in the Senate-passed bill and is included in this conference report.

I want to emphasize this provision does not require voters to present an actual photo ID. In recognition of the fact that some citizens do not have such an ID, the bill allows a voter a number of options to identify themselves, including a bank statement, utility bill or government check. The provision applies only to first-time voters who register by mail. Language has been added to ensure it will be administered in a uniform and non-discriminatory manner, Mr. Speaker.

The voter ID provision is very important and will go a long way toward enhancing the integrity of our election process. People should not be permitted to register by mail and then vote by mail without ever having to demonstrate in some fashion they are the actual human being who is eligible to vote. I think this is at least the minimal we can ask.

This provision will help to end the practice of ghost voting, whereby people who do not exist are miraculously somehow able to vote. We should all keep in mind that a person whose vote is canceled out by an illegal vote has been disenfranchised every bit as much as an individual who has simply also been turned away from the polls. In either case, that is not the correct thing to do. This ID provision will protect against fraud of this type, and I am glad the conference saw fit to include it in the package.

Mr. Speaker, the election that took place in November of 2000 demonstrated there are serious problems in our election system. While the initial attention was focused on Florida, we have all learned over the past 2 years that the problems encountered were not unique but in fact were widespread. We just simply did not know it because there was not an election of the magnitude of the presidential that brought all of this to light through the national media.

While the problems varied from State to State, one common problem was a failure to devote sufficient resources to election infrastructure. Not surprising, when State and local officials are faced with the decision of how to spend their limited resources and have to choose between things citizens use every day, like roads and schools, or spend it on equipment that might get used only a couple of times a year, like election equipment, the latter has often come up short; and this bill will help to solve that.

This lack of resources has left States with old and unreliable voting equipment, inadequate training and education of voters and poll workers and, frankly, poor registration systems.

□ 2045

While State and local governments have been charged with the responsibility of running elections for Federal office, they have simply received no assistance from the Federal Government. This bill changes that.

It is time for the Federal Government to provide some funding to make sure that the world's greatest democracy has an election system it can have pride and confidence in. And remember, when we take our thoughts of democracy across the waters and we try to monitor elections, we have to have our own house in order so that we have the confidence that other countries will see that our system is the best it can be.

The Help America Vote Act will provide Federal financial assistance to the tune of $3.9 billion in authorized funding over the next 3 years. We can no longer ask State and local governments to bear all of the expense without any assistance from us.

I would also note that according to figures from the Congressional Research Service and the State Department, the United States has spent more than $3 billion over the past 7 years to promote democracy abroad. I support that; I think we need to be promoting democracy in other countries. I just believe we need to start spending some Federal dollars to bolster our own democracy here at home.

I would also note that meeting the requirements of this act will not be cheap. If we want and expect State and local governments to meet the requirements we are imposing on them, we will have to provide the funding that will make it possible for them to do so. If we do not, we have done nothing more than pass another unfunded mandate to the States, and we do not want to do that. This bill will cause States and localities to fundamentally restructure their election systems in a host of tremendous ways. We need to provide the funding to make sure that happens.

In addition to the funding it provides, the bill will assist the States with their election administration problems by creating a new Federal election assistance commission. This independent, bipartisan entity will be responsible for providing advice, guidance, and assistance to the States. It will act as a clearinghouse for information and make recommendations on best practices.

I want to stress that the name of the commission, the Election Assistance Commission, is not an accident. The commission's purpose is to assist States with solving their problems. It is not meant and does not have the power to dictate to States how to run their elections. This will not be a bill where Washington, D.C. turns around and says, this is the way you do it. It will not have rulemaking authority. The fundamental premise of the legislation on the commission was to have no rulemaking authority, and it cannot impose its will on the States; but I have to tell my colleagues, it has a heart to this commission, and it has the ability to make changes.

This commission was an important point the gentleman from Maryland (Mr. HOYER) and I talked about when we devised the Ney-Hoyer bill, because we wanted to make sure it worked for local governments and we wanted to make sure that this would be carried out.

Historically, elections in this country have been administered at the State and local level. This system has had many benefits that have to be preserved. The dispersal responsibility for election administration has made it impossible for a single centrally controlled authority to dictate how elections will be run and thereby be able to control the outcome. This leaves the power of responsibility for running elections right where it needs to be: in the hands of the citizens of this country. Local control has the further added benefits of allowing for flexibility so that local authorities can tailor their procedures to meet demands and unique community needs.

Further, by leaving the responsibility for election administration in the hands of local authorities, if a problem arises, the citizens who live within their jurisdictions know whom to hold accountable. The local authorities who bear the responsibility cannot now and not in the future be able to point the finger of blame at some distant, unaccountable, centralized bureaucracy.

By necessity, elections must occur at the State and local level. One-size-fits-all solutions do not work and only lead to inefficiencies. States and locales must retain the power and the flexibility to tailor solutions to their own unique problems. This legislation will pose certain basic requirements that all jurisdictions will have to meet, but they will retain the flexibility to meet the requirements in the most effective manner.

State and local officials from every State in America will have a voice on this commission. While the commissioners will have expertise and experience with election issues and administration, they can still benefit from the advice and council of those who are on the ground, running elections around this country. State and local election officials in each State will ultimately bear the responsibility for carrying out the commission's recommendations so their voices must be heard as these guidelines and recommendations and best practices are developed.

The Help America Vote Act strikes the appropriate balance between local and Federal involvement. It provides for Federal assistance, acknowledging the responsibility we share to ensure that the elections that send all of us to Washington are conducted properly, without concentrating power in Washington in a manner that will prove at best ineffective, and at worst dangerous.

This conference report has received the support of a very diverse group of organizations that care about how elections are run in this country. I would like to introduce into the RECORD the statements of support from the following organizations: the National Commission on Federal Election Reform (Ford-Carter Commission), National Conference of State Legislatures, National Association of Secretaries of State, National Association of Counties, The Election Center, National Federation of the Blind, Common Cause, National Association of State Election Directors, United Auto Workers, AFL-CIO, NAACP, American Foundation for the Blind, National Association of Protection Advocacy Systems, and United Cerebral Palsy Association.

Mr. Speaker, let me also say that I have presented the thrust of the bill, I have presented the heart of the bill. We have a couple of speakers, and then I am going to conclude by also telling how this bill got here.

[Media release from the National
Commission on Federal Election Reform]

FORMER PRESIDENTS FORD AND CARTER WELCOME THE AGREEMENT REACHED BY THE CONGRESS ON ELECTION REFORM LEGISLATION

Oct. 4, 2002.—Today, former Presidents Gerald R. Ford and Jimmy Carter, along with Lloyd Cutler and Bob Michel, co-chairs of the National Commission on Federal Election Reform, welcomed the bipartisan agreement struck by the House and Senate Conference Committee on a bill to reform federal elections.

"The bill represents a delicate balance of shared responsibilities between levels of government," Ford and Carter said. "This comprehensive bill can ensure that America's electoral system will again be a source of national pride and a model to all the world." Indeed, all four of the co-chairs share the belief of Congressman John Lewis (D–GA) and others that, if passed by both Houses and signed by President Bush, this legislation can provide the most meaningful improvements in voting safeguards since the civil rights laws of the 1960s.

For more information on the National Commission on Federal Election Reform, please contact Ryan Coonerty at 202–321–8862 or Margaret Edwards at 434–466–3587.

NATIONAL CONFERENCE
OF STATE LEGISLATURES,
Washington, DC, October 7, 2002.

Hon. ROBERT BYRD,
Chairman, Senate Appropriations Committee, Capitol Building, Washington, DC.
Hon. BILL YOUNG,
Chairman, House Appropriations Committee, Capitol Building, Washington, DC.

DEAR CHAIRMEN BYRD AND YOUNG: On behalf of the nation's state legislators, we urge to make reform of our nation's election processes a reality by providing sufficient funding to implement H.R. 3295. The conference agreement announced today will provide an effective means for states and counties to update their election processes without federalizing election administration. NCSL worked closely with the conferees in the development of this legislation and is satisfied that it keeps election administration at the state and local level, limits the role of the U.S. Justice Department to enforcement, does not create a federal private right of action, and establishes an advisory commission that will include two state legislators to assist with implementation. NCSL commends the conferees for their work on this landmark legislation and is committed to implementing the provisions of H.R. 3295 to ensure every voter's right to a fair and accurate election.

To ensure proper implementation and avoid imposing expensive unfunded mandates on the states, it is critical that the federal government immediately deliver sufficient funding for states to implement the requirements of this bill. Neither of the existing versions of appropriations legislation provides sufficient funding for election reform. We urge you to fully fund H.R. 3295 at the authorized level of $2.16 billion for FY 2003.

The Congressional Budget Office has estimated that it may cost states up to $3.19 billion in one-time costs to begin implementing the provisions of this legislation. In this current fiscal environment, it will be extraordinarily difficult for states to implement the minimum standards in the bill without immediate federal financial support. States are already facing budget shortfalls for FY 2003 of approximately $58 billion. Thirteen states have reported budget gaps in excess of 10 percent of their general fund budgets. To satisfy their balanced budget requirements, states are being forced to draw down their reserves, cut budgets, and even raise taxes.

We look forward to working with you to keep the commitment of the states and the federal government to implementing H.R. 3295. If we can be of assistance in this or any other matter, please contact Susan Parnas Frederick (202–624–3566; susan.frederick@ncsl.org) or Alysoun McLaughlin (202–624–8691; alysoun.mclaughlin@ncsl.org) in NCSL's state-federal relations office in Washington, D.C.

Sincerely,

Senator ANGELA Z. MONSON, Oklahoma,
President, NSCL.
Speaker, MARTIN R. STEPHENS, Utah,
President-elect, NCSI.

National Association
of Secretaries of State,
Washington, DC, October 9, 2002.
Committee on House Administration,
Longworth Building,
Washington, DC.

Dear Chairman Ney and Ranking Member Hoyer: The National Association of Secretaries of State (NASS) congratulates you on the completion of H.R. 3295, the "Help America Vote Act." The bill is a landmark piece of bipartisan legislation, and we want to express our sincere thanks for your leadership during the conference negotiations. We also commend your Senate colleagues: Senators Chris Dodd, Mitch McConnell and Kit Bond.

The nation's secretaries of state, particularly those who serve as chief state election officials, consider this bill an opportunity to reinvigorate the election reform process. The "Help America Vote Act" serves as a federal response that stretches across party lines and provides a substantial infusion of federal money to help purchase new voting equipment and improve the legal, administrative and educational aspects of elections. In fact, our association endorsed the original draft of H.R. 3295 in November 2001.

Specifically, the National Association of State (NASS) is confident that passage of the final version of H.R. 3295 will authorize significant funding to help states achieve the following reforms:

Upgrades to, or replacement of, voting equipment and related technology;

Creation of statewide voter registration databases to manage and update voter registration rolls;

Improvement of poll worker training programs and new resources to recruit more poll workers throughout the states;

Increases in the quality and scope of voter education programs in the states and localities;

Improvement of ballot review procedures, whereby voters would be allowed to review ballots and correct errors before casting their votes;

Improved access for voters with physical disabilities, who will be allowed to vote privately and independently for the first time in many states and localities;

Creation of provisional ballots for voters who are not listed on registration rolls, but claim to be registered and qualified to vote.

We want to make sure the states will get the funding levels they've been promised, and that Congress will provide adequate time to enact the most substantial reforms. Please be assured that the nation's secretaries of state are ready to move forward once Congress passes H.R. 3295 and the President signs it.

If we can be of further assistance to you, your staff members, or your colleagues in the U.S. House of Representatives, please contact our office at (202) 624-3525.

Best regards,

Dan Gwadosky,
NASS President,
Maine Secretary of State.

National Association of Counties,
Washington, DC, October 9, 2002.
Hon. Bob Ney,
Chairman, House Administration Committee, House of Representatives, Longworth House Office Building, Washington, DC.
Hon. Steny Hoyer,
Ranking Democrat, House Administration Committee, House of Representatives, Longworth House Office Building, Washington, DC.

Dear Chairman Ney and Representative Hoyer: We would like to congratulate you and thank you for your leadership, perseverance and hard work in reaching agreement in the House-Senate conference on the "Help America Vote Act of 2002." We believe the final bill is a balanced approach to reforming election laws and practices and to providing resources to help counties and states in improving and upgrading voting equipment. The National Association of Counties supports H.R. 3295 as it was approved by the House-Senate conference Committee.

We are very concerned about Congress providing the funds to implement the new law. While there is much confusion at this time about the appropriation process for FY2003, we strongly urge the leadership of the House and Senate and President Bush to support inclusion of $2.16 billion in a continuing resolution. This is the amount authorized for FY2003 by the "Help America Vote Act." We believe that funding and improving voting practices in the United States is as important as our efforts to strengthen homeland security.

Thank you again for your continuing efforts to fund and implement this new law.

Sincerely,

Larry E. Naake,
Executive Director.

Election Center,
Houston, TX, October 8, 2002.
Hon. Robert Ney,
Hon. Steny Hoyer,
Hon. Christopher Dodd,
Hon. Mitch McConnell,
House Administration Committee and Senate Rules Committee, Washington, DC.

Congressmen Ney and Hoyer and Senators Dodd and McConnell: On behalf of the elections community of America, I want to congratulate each of you for accomplishing what grizzled veterans said could not be done: you have produced bi-partisan legislation that will help America cure the worst of the problems discovered in Election 2000.

The Election Center neither supports nor opposes legislation—our members nationwide will do that on their own—but we can state what we believe the impact of the legislation will do for American elections.

This bill is not perfect. Few pieces of legislation that deal with complex issues are. And I know that there have been public comments from some quarters that they dislike provisions contained in the legislation. I hope that we all can remember that agreements between the two parties are hard to satisfy when we talk about something as fundamental as the democratic process.

As leaders of the committees of jurisdiction in the U.S. House and the U.S. Senate you have fashioned legislation which does, however, address many of the serious problems discovered in Election 2000. You have found methods which reach and solve many of the real problems and provides a role for each level of government. Real progress is offered in your legislation in assuring Americans that they will be able to go exercise their right to vote and have those votes counted.

Finding the right balance of voter protections, integrity of the process, and yet not upsetting the ability of states and local governments to maintain responsibility for this process has not been an easy task. You have managed to reach consensus that protects the rights of minorities, extends new services to the blind and disabled, to military and overseas voters, and allows the states to help rebuild the infrastructure of elections. The months of delay waiting on bi-partisan legislation have developed a true compromise bill. While perfection may not have been reached, it is a good compromise for our democracy.

Congratulations on a job well done. This is responsible legislation.

Sincerely,

R. Doug Lewis,
Executive Director.

National Federation
of the Blind,
Baltimore, MD, October 9, 2002.
Hon. Robert Ney,
Chairman,
Hon. Steny H. Hoyer,
Ranking Minority Member,
Committee on House Administration, House of Representatives, Washington, DC

Dear Mr. Chairman and Congressman Hoyer: I am writing to express the strong support of the National Federation of the Blind (NFB) for the Help America Vote Act of 2002. Thanks to your efforts and strong bipartisan support, this legislation includes provisions designed to guarantee that all blind persons will have equal access to voting procedures and technology. We particularly endorse the standard set for blind people to be able to vote privately and independently at each polling place throughout the United States.

While the 2000 election demonstrated significant problems with our electoral system, consensus regarding the solution proved to be much more difficult to find. Part of that solution will now include installation of up-to-date technology for voting throughout the United States. This means that voting technology will change, and devices purchased now will set the pattern for decades to come.

With more than 50,000 members representing every state, the District of Columbia, and Puerto Rico, the NFB is the largest organization of blind people in the United States. As such we know about blindness from our own experience. The right to vote and cast a truly secret ballot is one of our highest priorities, and modern technology can now support this goal. For that reason, we strongly support the Help America Vote Act of 2002 and appreciate your efforts to enact this legislation.

Sincerely,

James Gashel,
Director of Governmental Affairs.

Common Cause President Praises Election Reform Agreement

Statement by Scott Harshbarger, president and chief executive officer of Common Cause, on the conference agreement on the election reform bill:

"The Help America Vote Act of 2002 is, as Senator Christopher Dodd (D-CT) has said, the first major piece of civil rights legislation in the 21st century. Nearly two years after we all learned that our system of voting had serious flaws, Congress will pass these unprecedented reforms.

"For the first time, the federal government has set high standards for state election officials to follow, while authorizing grants to help them comply. Billions of dollars will be spent across the country to improve election systems.

"This bill, while not perfect, will make those systems better. Registration lists will be more accurate. Voting machines will be modernized. Provisional ballots will be given to voters who encounter problems at the polling place. Students will be trained as poll workers.

"As Common Cause knows from a seven-year fight to pass campaign finance reform, compromise often comes slowly. We thank the bill's sponsors, Senators Dodd, Mitch McConnell (R-KY), Christopher Bond (R-MO), and Representatives Robert Ney (R-OH) and Steny Hoyer (D-MD) for their work. Their persistence—even when negotiations bogged down—brought this bill through.

"After the President signs this bill, states will need to act. Implementing this bill will require state legislatures to change laws, election officials to adopt new practices, polling places to alter their procedures, and poll workers to be retrained.

"These far-reaching changes will not come easily. The bill's enforcement provisions are not as strong as the 1993 Motor Voter law or the 1965 Voter Rights Act. Some states may lag behind and fail to implement these changes properly; some polling places will experience problems like in Florida this year; others may have problems implementing the new identification provisions.

"Common Cause and our state chapters will work with civil rights groups and others to ensure that states fully and fairly implement the new requirements. We will help serve as the voters' watchdogs: citizen vigilance can protect voters from non-compliant states.

"Voters can now look forward to marked improvements at the polls in the years ahead, thanks to the bipartisan leadership of the bill's sponsors."

National Association of State Election Directors,
Washington, DC, October 10, 2002.

Hon. Bob Ney,
Hon. Steny Hoyer,
House Administration Committee, Longworth House Office Building, Washington, DC.

Dear Congressmen Ney and Hoyer: The National Association of State Election Directors (NASED) congratulates you on the successful completion of the final conference report on H.R. 3295. This initiative will significantly affect the manner in which elections are conducted in the United States. On balance, H.R. 3295 represents improvements to the administration of elections. As administrators of elections in each state we express our appreciation to you and your staff for providing us access to the process and reaching out to seek our views and positions on how to efficiently and effectively administer elections.

As with all election legislation, H.R. 3295 is a compromise package, which places new challenges and opportunities before state and local election officials. We stand ready to implement H.R. 3295 once it is passed by Congress and signed into law by the President. Implementation of this bill will be impossible without the full $3.9 billion appropriation that is authorized. The success of this bold congressional initiative rests in large measure upon the appropriation of sufficient funds to bring the bill's objectives to reality.

We found the bipartisan approach to this legislation refreshing and beneficial. Thank you again for including NASED in the congressional consideration of the bill.

If we can be of further assistance, please contact our office at (202) 624-5460.

Sincerely,

Brook Thompson,
President.

International Union, United Automobile, Aerospace & Agricultural Implement Workers of America,
Washington, DC, October 8, 2002.

Dear Senator Dodd: This week the Senate may take up the conference report on the election reform legislation (H.R. 3295, the Help America Vote Act). The UAW supports this important legislation and urges you to vote for this conference report.

In our judgment, the conference report on H.R. 3295 will make significant improvements in our nation's election system. In particular, this legislation will require the states to allow registered individuals to cast provisional ballots if their names are mistakenly excluded from voter registration lists at their polling places. It also requires the states to ensure that voting machines allow voters to verify and correct their votes before casting them. And it requires the states to develop centralized, statewide voter registration lists to ensure the accuracy of their voter registration records. The legislation authorizes substantial new federal funding to help the states implement these reforms.

The UAW urges Congress to closely monitor progress by the states and federal government in implementing the provisions of this legislation. We believe it is especially important to make sure that the voter identification requirements are not implemented in a manner that disenfranchises or discriminates against any group of voters.

Thank you for considering our views on this important legislation to reform our nation's election system.

Sincerely,

Alan Reuther,
Legislative Director.

American Federation of Labor and Congress of Industrial Organizations,
Washington, DC, October 8, 2002.

Dear Senator: The AFL-CIO supports the conference report on H.R. 3295, the Help America Vote Act.

This conference report will help improve our nation's election system in several important ways. It will allow registered individuals to cast provisional ballots even if their names are mistakenly excluded from voter registration lists at their polling places. It will require states to develop centralized, statewide voter registration lists to ensure the accuracy of their voter registration records. It will also require states to provide at least one voting machine per polling place that is accessible to the disabled and ensure that their voting machines allow voters to verify and correct their votes before casting them.

Since the actual number of individuals enfranchised or disenfranchised by the conference report on H.R. 3295 will depend on how the states and the federal government implement its provisions, the AFL-CIO will closely monitor the progress of this new law—especially its voter identification requirements. We will also increase our voter education efforts to ensure that individuals know and understand their new rights and responsibilities.

Sincerely,

William Samuel,
Director,
Department of Legislation.

National Association for the Advancement of Colored People,
Washington, DC, October 8, 2002.

Re conference report to H.R. 3295, the Help America Vote Act (election reform).

Dear Senators: The National Association for the Advancement of Colored People (NAACP), our Nation's oldest, largest and most widely-recognized grassroots civil rights organization supports the conference report on H.R. 3295, the Help America Vote Act and we urge you to work quickly towards its enactment.

Since its inception over 90 years ago the NAACP has fought, and many of our members have died, to ensure that every American is allowed to cast a free and unfettered vote and to have that vote counted. Thus, election reform has been one of our top legislative priorities for the 107th Congress and we have worked very closely with members from both houses to ensure that the final product is as comprehensive and as nondiscriminatory as possible.

Thus we are pleased that the final product contains many of the elements that we saw as essential to addressing several of the flaws in our Nation's electoral system. Specifically, the NAACP strongly supports the provisions requiring provisional ballots and statewide voter registration lists, as well as those ensuring that each polling place have at least one voting machine that is accessible to the disabled and ensuring that the voting machines allow voters to verify and correct their votes before casting them.

The NAACP recognizes that the actual effectiveness of the final version of H.R. 3295 will depend upon how the states and the federal government implement the provisions contained in the new law. Thus, the NAACP intends to remain vigilant and review the progress of this new law at the local and state levels and make sure that no provision, especially the voter identification requirements, are being abused to disenfranchise eligible voters.

Again, on behalf of the NAACP and our more than 500,000 members nation-wide, I urge you to support the swift enactment of the conference report on H.R. 3295, the Help America Vote Act. Thank you in advance for your attention to this matter; if you have any questions or comments I hope that you will feel free to contact me at (202) 638-2269.

Sincerely,

Hilary O. Shelton,
Director.

American Foundation for the Blind,
Washington, DC, October 2, 2002.

Hon. Christopher Dodd,
U.S. Senate, Russell Senate Office Building, Washington, DC.

Dear Senator Dodd: The American Foundation for the Blind supports the conference report for S. 565 and H.R. 3295. We are pleased that the conference report contains the disability provisions of the Senate bill.

Already this year, in some jurisdictions, blind and visually impaired voters have, for the first time, been able to cast a secret and independent ballot. We look forward to the day when all voters with visual impairments will have full and independent access to the electoral process.

The mission of the American Foundation for the Blind (AFB) is to enable people who are blind or visually impaired to achieve equality of access and opportunity that will ensure freedom of choice in their lives. AFB led the field of blindness in advocating the enactment of the Americans with Disabilities Act of 1990 (ADA). Today, AFB continues its work to protect the rights of blind and visually impaired people to equal access to employment, information, and the programs and services of state and local government.

Sincerely,

Paul W. Schroeder,
Vice President,
Governmental Relations.

UNITED CEREBRAL
PALSY ASSOCIATIONS,
Washington, DC, October 9, 2002.

DEAR SENATOR DODD: United Cerebral Palsy Association and affiliates support the conference report on H.R. 3295, the Help America Vote Act. We also take this opportunity to commend you for the work you did to ensure that all people with disabilities have equal access under this act.

This legislation, while not perfect, will go a long way in improving the ability of people with disabilities to exercise their constitutional right and responsibility to vote. The funding allocated for the multiple provisions of H.R. 3295 is critical, and we pledge to work with Congress to ensure that this funding is made available.

UCP stands ready to assist states' and local entities as they work toward compliance of this very important legislation. The changes outlined in the bill must be adopted swiftly, correctly and fairly, and it will be incumbent upon us all to help in this process.

Finally, UCP applauds you and your colleagues on your dogged determination to pass legislation that will make distinct improvements at the polls and in the lives of voters with disabilities.

Sincerely,

PATRICIA SANDUSKY,
Interim Executive Director.

NATIONAL ASSOCIATION OF
PROTECTION & ADVOCACY SYSTEMS,
October 9, 2002.

Hon. CHRIS DODD,
U.S. Senate, Russell Senate Office Building,
Washington, DC.

DEAR SENATOR DODD: The Protection and Advocacy System (P&A) and the Client Assistance Programs (CAPs) comprised a federally mandated, nationwide network of disability rights agencies. Each year these agencies provide education, information and referral services to hundreds of thousands of people with disabilities and their families. They also provide individual advocacy and/or legal representation to tens of thousands of people in all the states and territories. The National Association for Protection and Advocacy Systems (NAPAS) is the membership organization for the P&A network. In that capacity, NAPAS wants to offer its support for the passage of "The Help America Vote Act of 2002 (H.R. 3295).

NAPAS believes that the disability provisions in the bill go far to ensure that people with all types of disabilities—physical, mental, cognitive, or sensory—will have much improved opportunities to exercise their right to vote. Not only does this bill offer individuals with disabilities better access to voting places and voting machines, but it also will help provide election workers and others with the skills to ensure that the voting place is a welcome environment for people with disabilities. NAPAS is very pleased that P&A network will play an active role in helping implement the disability provisions in this bill.

NAPAS is well aware that there are still some concerns with certain provisions of the bill. We hope that these concerns can be worked out, if not immediately, then as the bill is implemented. It would be extremely unfortunate if people continued to face barriers to casting their ballot after this bill is signed into law.

Finally, we want to thank the bill's sponsors, Senators Dodd (D-CT) and McConnell (R-KY) and Representatives Ney (R-OH) and Hoyer (D-MD) for their hard work and perseverance. We look forward to working with each of them to ensure the swift and effective implementation of this important legislation.

Sincerely,

BERNADETTE FRANKS-ONGOY,
President.

FEDERAL ELECTION COMMISSION

VOTING SYSTEM STANDARDS—SECTION 3.2.1

3.2.1 Accuracy Requirements

Voting system accuracy addresses the accuracy of data for each of the individual ballot positions that could be selected by a voter, including the positions that are not selected. For a voting system, accuracy is defined as the ability of the system to capture, record, store, consolidate and report the specific selections and absence of selections, made by the voter for each ballot position without error. Required accuracy is defined in terms of an error rate that for testing purposes represents the maximum number of errors allowed while processing a specified volume of data. This rate is set at a sufficiently stringent level such that the likelihood of voting system errors affecting the outcome of an election is exceptionally remote even in the closest of elections.

The error rate is defined using a convention that recognizes differences in how vote data is processed by different types of voting systems. Paper-based and DRE systems have different processing steps. Some differences also exist between precinct count and central count systems. Therefore, the acceptable error rate applies separately and distinctly to each of the following functions:

a. For all paper-based systems: (1) Scanning ballot positions on paper ballots to detect selections for individual candidates and contests; and (2) conversion of selections detected on paper ballots into digital data.

b. For all DRE systems: (1) Recording the voter selections of candidates and contests into voting data storage; and (2) independently from voting data storage, recording voter selections of candidates and contests into ballot image storage.

c. For precinct-count systems (paper-based and DRE): Consolidation of vote selection data from multiple precinct-based systems to generate jurisdiction-wide vote counts, including storage and reporting of the consolidated vote data.

d. For central-count systems (paper-based and DRE): Consolidation of vote selection data from multiple counting devices to generate jurisdiction-wide vote counts, including storage reporting of the consolidated vote data.

For testing purposes, the acceptable error rate is defined using two parameters: the desired error rate to be achieved, and the maximum error rate that should be accepted by the test process.

For each processing function indicated above, the system shall achieve a target error rate of no more than one in 10,000,000 ballot positions, with a maximum acceptable error rate in the test process of one in 500,000 ballot positions.

Mr. Speaker, I reserve the balance of my time.

Mr. HOYER. Mr. Speaker, I yield myself 3 minutes.

Twenty-three months ago, uncertainty gripped our great democracy. The United States of America, the wealthiest and most technologically advanced Nation in the world had failed, in my opinion, its most basic election duty: the duty to count every citizen's vote and count it accurately.

The votes of an estimated 4 million to 6 million Americans went uncounted in November of 2000. This national disgrace cried out for comprehensive Federal reform. Thus, I am proud today to strongly support the historic, bipartisan conference report before us, the first Civil Rights Act of the 21st century.

The Help America Vote Act of 2002 is the most comprehensive package of voting reforms since enactment of the Voting Rights Act of 1965. The conference report authorizes unprecedented Federal assistance: $3.9 billion over 3 years to help States improve and upgrade every aspect of their election systems. This funding will replace outdated voting equipment, train poll workers, educate voters, upgrade voter lists, and make polling places accessible for the disabled.

Furthermore, this legislation prescribes an array of new voting rights and responsibilities. States will now be required to provide provisional balance to ensure no voter is turned away at the polls. It requires that we give voters the opportunity to check for and correct ballot errors. It provides at least one voting machine per precinct that allows disabled voters, including those with visual impairments, to vote privately and independently; and it provides for an implementation of a computerized statewide voter registration database to ensure accurate lists.

In addition, the conference report will require States to set standards for counting ballots and to define what constitutes a vote. To ensure the integrity of our election system, first-time voters who register by mail will be required to produce some form of identification and States will be obligated to maintain accurate voting registration lists.

This legislation, Mr. Speaker, also establishes a bipartisan 4-member elections assistance commission which will issue voluntary guidelines regarding voting systems, administer grants, and study election issues. To ensure compliance, the conference report requires States to set up administrative grievance procedures. The U.S. Department of Justice will also be responsible for Federal enforcement.

Finally, let me remind my colleagues that passage of this conference report does not finish the journey. We now have, in my opinion, Mr. Speaker, a moral opportunity to ensure that this authorization is fully funded. I urge my colleagues to support this conference report. It will strengthen the foundation of democracy and shore up public confidence in this most basic expression of American citizenship, the right to vote and to have one's vote counted.

Mr. Speaker, I reserve the balance of my time.

Mr. NEY. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan (Mr. EHLERS).

Mr. EHLERS. Mr. Speaker, I rise to engage the chairman of the Committee on House Administration and sponsor of this legislation in a brief colloquy.

I commend the chairman's effort in crafting this important legislation and bringing it before us today. In particular, I wish to thank him and his staff for working so closely with me in incorporating provisions of H.R. 2275, which I introduced with the gentleman from Michigan (Mr. BARCIA) and which was passed by the Committee on Science last year. My legislation established an independent commission charged with developing technical standards to ensure the usability, accuracy, security, accessibility, and integrity of voting systems. This concept is included in the conference report in section 221 in the form of the Technical Guidelines Development Committee.

The conference report charges this committee with the duty of developing voluntary voting system guidelines and then recommending these technical standards to the newly created election assistance commission.

I am seeking clarification from the chairman that it is his intent that these guidelines should include standards to ensure the usability, accuracy, security, accessibility, and integrity of voting systems, including those areas described in section 221(e)(2).

Mr. Speaker, I yield to the gentleman from Ohio (Mr. NEY), the chairman of the Committee on House Administration, to respond to this request.

Mr. NEY. Mr. Speaker, the gentleman's interpretation of the language in the conference agreement is correct.

Mr. EHLERS. Mr. Speaker, I thank the chairman for his assurance and for his hard work on this conference report.

Mr. Speaker, reclaiming my time, I rise in support of the conference agreement on H.R. 3295, the Help America Vote Act of 2002. I thank the gentleman from Ohio (Mr. NEY), the chairman, and the gentleman from Maryland (Mr. HOYER), the ranking member, for their hard work on this. We have all worked very hard to produce this bill, but their leadership is what pulled it through.

For a month after the November 2000 election, we watched in disbelief as Florida's troubled election system became a national drama and fodder for the late-night talk shows. Polling station workers across Florida struggled to discern the true intent of a voter based on their interpretation of the now-infamous hanging chad. Because of Florida's problems, the most precious component of our democracy, the expression of the free will of individual voters, was turned into a battle between attorneys. After the dust settled, we put Florida's voting system under a microscope and analyzed the flaws that troubled citizens and legislators alike.

After the Florida voting problems occurred, I, as a scientist, quickly realized that we needed to improve the technical flaws in our voting systems before State and local officials made large investments of taxpayer dollars in new voting equipment that may, in fact, be substandard. Scientists at MIT and Cal Tech came to the same realization and launched a joint research project to uncover the technicals flaws in our voting systems and equipment. I thank them for their work and for their cooperation with us in this area.

After careful analysis of the problem and the MIT and Cal Tech study, I was appalled to discover many potential problems. For example, a high school computer hacker, or any other hacker, could sabotage some computer voting systems and make them display erroneous vote totals. In response to these problems, I drafted H.R. 2275 in conjunction with my colleague, the gentleman from Michigan (Mr. BARCIA).

In analyzing flaws of voting equipment, one of the key issues I identified was that the FEC's standards for voting equipment had been woefully inadequate for many years. It was very clear that we needed legislation to improve the process for developing technical standards for voting equipment, and H.R. 2275 was designed to address this need.

The legislation before us today contains almost all of H.R. 2275's provisions. It will improve voting equipment, because while we can debate the particulars of how to administer an election or which voting equipment to buy, no one will disagree that any voting system should be based on the best possible standards to ensure the usability, accuracy, security, accessibility, and integrity of voting equipment.

I know that new technical standards do not capture the public's attention, but they are the very foundation upon which voting accuracy and reliability rests, just as all of our commerce rests on reliable universal standards.

□ 2100

This conference report takes the concepts from H.R. 2275 and corrects a glaring flaw in our existing technical standards development process by creating a new 14-member panel chaired by the director of the National Institute of Standards and Technology. This panel will develop and recommend voluntary technical standards to ensure the usability, accuracy, security, accessibility and integrity of voting systems. A newly created Election Assistance Commission will then determine whether or not to adopt these voluntary standards.

Finally, the Commission will publish a central list of systems that are certified as meeting the current Federal standards. Since these standards are voluntary, States are still free to choose voting systems that are not certified, but now State election officials will be able to use this list to guide the purchasing decisions. This is a relatively simple, straightforward process that will lead to great improvement throughout our voting system.

With these provisions, voters can rest assured that casting their vote on equipment that meets the new Federal standards will mean that their vote counts.

I would also like to point out the strong anti-fraud provisions in this legislation. We must not only guarantee that each vote counts, we must also ensure these votes are not diluted by fraudulent votes. This bill will guard against fraud of many different types and will ensure that votes will be recorded accurately. We certainly do not want a return to the Tammany Halls or the Boss Prendergasts of the past.

Once again, I thank the gentleman from Ohio (Chairman NEY) and the ranking member, the gentleman from Maryland (Mr. HOYER), for working with me to incorporate my thoughts in this legislation. I believe our collaboration has made a good bill even better, and I urge all of my colleagues to support this bill.

Mr. Speaker, I rise in support of the conference agreement on H.R. 3295, the Help America Vote Act of 2002.

For a month after the November 2000 election, we watched in disbelief as Florida's troubled election system became a national drama and fodder for the late night network shows. Polling station workers across Florida struggled to discern the true intent of a voter based on their interpretation of the now infamous "hanging chad." Because of Florida's problems, the most precious component of democracy—the expression of the free will of individual voters—was turned into a battle between lawyers. After the dust settled, we put Florida's voting system under a microscope and analyzed the flaws that troubled citizens and legislators alike.

But the problems Florida faced weren't unique, nor were they new. Fraud, outdated and inadequate voting equipment, poor access for handicapped voters, poor training of polling station workers, and voter disenfranchisement have occurred in local, state, and national elections for years. But it took Florida's elections to spur Congressional action to correct these flaws. We can be proud that the agreement before us today addresses, and takes action to correct, each of these issues, among others.

After the Florida voting problems occurred, as a scientist I quickly realized that we needed to improve the technical flaws in our voting systems before state and local officials made large investments of taxpayer dollars in new voting equipment that may, in fact, be substandard. Scientists at MIT and Caltech came to the same realization and launched a joint research project to uncover the technical flaws in our voting systems and equipment. I thank them for their work and for their collaboration with me in this area.

After careful analysis of the problem and the MIT and Caltech study, I was appalled to discover many potential problems. For example, a high school computer hacker, or any other hacker could sabotage some computer voting systems and make them display erroneous vote totals. In response I drafted H.R. 2275, in conjunction with my colleague from Michigan, Mr. BARCIA, to address the many problems we found. In analyzing the flaws in voting equipment, one of the key issues I identified was that the Federal Election Commission's standards for voting equipment have been woefully inadequate for many years. It was very clear that we needed legislation to improve the process for developing technical standards for voting equipment, and H.R. 2275 was designed to address this need. My legislation was reported out of the House Science Committee with the encouragement of Science Committee Chairman BOEHLERT.

The legislation before us today contains almost all of H.R. 2275's provisions. It will improve voting equipment because, while we can debate the particulars of how to administer an election or which voting equipment to buy, no one will disagree that any voting system should be based on the best possible standards to ensure the usability, accuracy, security, accessibility, and integrity of voting equipment. I know that new technical standards do not capture the public's attention, but they are the very foundation upon which voting accuracy and reliability rests, just as all our commerce rests on reliable, universal standards. From the moment that you walk into a voting booth until your vote is officially recorded, the adequacy of the standards underlying this process will help determine whether or not your vote is recorded correctly. For example, standards help ensure that new "touch screen" technology does not bias your vote for one candidate over another, that voting equipment will afford access to all individuals with disabilities, and that your vote will be transmitted securely and recorded correctly.

This conference report takes the concepts from H.R. 2275 and corrects a glaring flaw in our existing technical standards development process by creating a new 14-member panel, chaired by the Director of The National Institute of Standards and Technology (NIST). This panel will develop and recommend voluntary technical standards to ensure the usability, accuracy, security, accessibility, and integrity of voting systems. A newly created Election Assistance Commission will then determine whether or not to adopt these voluntary standards. Once the Commission adopts these standards, labs accredited by the Commission will be able to test voting equipment and certify that new equipment meets the federal standards. Finally, the Commission will publish a central list of systems that are certified as meeting the current federal standards. Since these standards are voluntary, states are still free to choose voting systems that are not certified, but now state election officials will be able to use this list to guide their purchasing decisions.

The legislation also includes a research and development program to support the standards development process and to develop better voting technology and systems. This is critical because research must underpin decisions that the standards development committee will be making. In addition, we need research to help improve our voting equipment and systems for future elections.

This is a relatively simple, straightforward process that will lead to great improvement throughout our voting system. With these provisions, voters can rest assured that casting their vote on equipment that meets the new federal standards will mean that their vote counts. I would also like to point out the strong anti-fraud provisions in this legislation. We must not only guarantee that each vote counts; we must also insure those votes are not diluted by fraudulent votes. While flawed voting equipment can undermine a person's right to have their vote recorded accurately, fraud can undermine our entire voting system. In my 25 years in elected office I have seen voting fraud in many different forms. It occurs more often than the American people know. The anti-fraud provisions in this legislation are common-sense measures that reasonable people will agree that we must have in order to preserve the integrity of our elections. We don't want any new Tammany Halls or Boss Preudergasts in the USA!

I want to thank Chairman NEY and Ranking Member HOYER again for working with me to incorporate my thoughts on this legislation. I believe our collaboration has made a good bill even better, and I urge all of my colleagues to support the bill.

Mr. HOYER. Mr. Speaker, I yield 4½ minutes to the gentleman from Michigan (Mr. CONYERS), one of the most senior Members of this House, the ranking member of the Committee on the Judiciary, a giant in the civil rights movement of this country, whose voice is always heard on behalf of those who are dispossessed, downtrodden, or discriminated against. It is an honor to be his friend and an honor to serve with him in this House.

Mr. CONYERS. Mr. Speaker, I want to thank the manager, the gentleman from Maryland (Mr. HOYER), for his kind introduction, but, more importantly for what he did to help us come here today; on February 28 for his bill; on March 27 for my bill. We have been working tirelessly, and I have come to know the gentleman from Iowa (Mr. NEY), the chairman of the committee that had jurisdiction. I commend him. We have come a long, long way together.

I am very grateful to the gentleman from Michigan (Mr. EHLERS) for his technological contributions.

To the gentlewoman from California (Ms. WATERS), who headed the Election Reform Task Force for the Democratic Caucus, I praise her, whose study was a classic, along with that of the Commission on Civil Rights, the Carter-Ford Election Reform Commission, and more than a dozen other historic studies that have gone into this measure.

I am also pleased to have had and enjoy the support of the caucus of which I am a dean, the Congressional Black Caucus. I am very grateful to all of them for their work, not just in forming the legislation and contributing to the process, but going to Florida and going across the country and putting their time in.

I am looking at the gentlewoman from Florida (Ms. BROWN) in particular, who I appreciate; and our other sister on the Committee on the Judiciary, the gentlewoman from Texas (Ms. JACKSON-LEE); and the Chairperson of the caucus, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON), who was heroic in this matter.

So I stand here, Mr. Speaker, commending all of our friends. I cannot omit the chairman of the committee in the Senate, CHRIS DODD, who worked tirelessly for 18 months to bring us to this point, a point that was brought to us by the fact that 6 million votes were thrown out in the last Presidential election. Forty-seven percent of the disabled encountered physical barriers at the voting place, and 10 times as many African American voters in Florida were likely to have had their ballot discarded in the last Presidential election. So we have worked on a bill with major standards.

What does this bill do?

One, nobody can spoil a ballot anymore in America when this bill becomes law, no way. If you vote, the machine selected by the State, or another apparatus, has to make sure that the voter has not spoiled his ballot or her ballot before they walk out of that booth.

Number two, there is provisional voting, so any election dispute is protected; that one is not sent to a phone number that nobody ever answers or a building where the office is closed. The vote is allowed in a separate stack, and then the determination that it be included or not is a permanent record kept to be re-examined by the voter or authorities.

Three, it says that that voting site must be accessible to the disabled.

Finally, we have provisions written about language requirements. Many people went to the polls and could not read the English language carefully or clearly enough.

Then, of course, there is $3.9 billion of funds.

The last point, this is not a perfect bill. We fought against voter ID provisions, citizen check-offs, Social Security numbers. We are going to watch it carefully in the next Congress. If it requires correcting, everybody on this side of the aisle and the chairman of the subcommittee promises that we will take whatever corrective action is necessary.

I thank Congress for their efforts in this movement.

Mr. HOYER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman for his contribution; but not just tonight, I thank the gentleman for his contribution over a career of fighting for people and ensuring that their rights are observed and expanded.

Mr. Speaker, I yield 4 minutes to the gentleman from Texas (Mr. GONZALEZ), the son of an extraordinary Member of this House who fought for the little people of America all the time and was a giant in this House; and his son, of which he would be supremely proud, promises to be equally committed to people.

Mr. GONZALEZ. Mr. Speaker, I thank the gentleman for yielding time to me.

To my esteemed colleague, the gentleman from Maryland, I thank him very much for those wonderfully kind words. Dad was incredibly unique for many, many reasons; and he is missed.

First, I would like to start off saying that I stand here today in opposition to this bill. It is a difficult time to stand here against a bill that does contain some very good language and make some giant strides in election reform. The drawbacks, though, basically will cancel out the true benefits of this bill.

I will start off by giving credit where credit is due, and that is for everyone who worked so hard out of this House to get out a decent bill that took the best parts of what the Senate had to offer to attempt a compromise, bring it in here in some form that would be acceptable to a majority of the Members. I know that took a lot of work, and there has been progress. I thank the Members for their efforts.

For the first time in the United States election history, an ID requirement is mandated. I attended hearings in Pennsylvania; missed a couple, I believe, in Illinois; was in Florida and Texas, California, because we had committees, we had commissions, that conducted hearings throughout this Nation. Not once, not once was there ever pointed out that there was a problem that would require a national ID requirement. This came out of the clear blue.

The Members that sit in this House tonight will tell us in their conversations, it did not emanate out of this House, not from Members of the House of Representatives.

What am I talking about? I will tell the Members what I am talking about: They have made voter registration, and the very act of voting, more difficult. As good as this bill is, it complicates the process, and it will disenfranchise individuals, individuals that live in my community, because all of the Members run for office. We know the registration process, and we know the voting process because we become part of it, and we are in those neighborhoods.

What this bill does for mail-in registration: no driver's license, no ballot; no utility bill, no ballot; no government check, no ballot; no bank statement, no ballot; no Social Security number, no ballot.

Now, Members may say, we will provide them provisional ballots. Those do not count. Those do not really count. We are talking about what happened in Florida. This gives some sort of a voting right, whatever a provisional ballot really is, because that vote truly is not going to be counted until something is cleared up.

On top of it, on top of it now, we are going to have a driver's license or a Social Security or a special four-digit assigned number. That is not just for mail-in ballots, Mr. Speaker, that is anybody, first-time registrants within a State. Even if they cross the county line, they still go through all of this. If they do not have a driver's license, they should give us the last four digits of their Social Security number. If they do not have that, we will assign them a number.

But if they do have a driver's license, if they do have a Social Security number and we use the last four digits, we need those verified. We are going to have those verified before we have a database system in place by 2004, because all this goes into effect. States will get waivers, move it to 2006. We will not even have the ability to do this.

If any Member has ever been part of a voter registration drive, they know how it is done. There is a deputy that goes up there, because no one can simply go and have something filled out and take it back. They will be asking for the driver's license. They do not have it? Then the Social Security.

But for a mail-in ballot, which a majority of the ballots in my community are submitted in this fashion, why? How long has it been since these Members have actually looked at the voter registration card in their counties? It is simple, it is unique, it is efficient. There has never been a problem that would mandate the type of requirement that we will be instituting on a nationwide basis. This will impact communities. It will impact the Latino communities.

I end by advising everybody that the Mexican American Legal Defense and Educational Fund, the NAACP Legal Defense and Educational Fund, the National Council of La Raza, the National Association of Latino Elected and Appointed Officials, and the National Puerto Rican Coalition all oppose this legislation.

Mr. NEY. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. MENENDEZ).

Mr. MENENDEZ. Mr. Speaker, I thank the distinguished chairman for yielding time to me, and I thank the ranking member.

Mr. Speaker, let me say, in this great country of ours democracy can only flourish when we make all our voices heard. That is why it is important to do all we can to ensure that no vote is nullified.

I want to commend the sponsors of the Help America Vote Act. Much hard work went into crafting this legislation that seeks to address the problems that plague our Nation's voting system; and when this bill was first debated on the House floor, I sought to offer an amendment to enhance the civil rights provisions of the bill, including ensuring accessibility of polling places, provision for provisional voting, and strengthening the National Voter Registration Act. I am pleased that some of these things were included in the final bill.

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However, I want to join my colleague, the gentleman from Texas (Mr. GONZALEZ), in our concerns about other provisions that were added in the conference report. While these new identification provisions may be offered to ensure that our voting system is free of error and fraud, I fear these provisions may lead to further disenfranchise many Latino voters.

Under this bill, a Federal requirement for voter identification is created. This will be the first time ever such a provision exists in our Nation's law. I fear this starts a dangerous precedent. States will be required to ask a voter registration applicant or a first-time voter for a current driver's license number or the last four digits of their Social Security number or have a new four-digit number created and assigned to this applicant.

At a time that we should be encouraging people to come and register and be part of the democratic process, these new requirements add burdensome responsibilities in the process of voter registration and ultimately discourage voters. These people are citizens, and they know that you have to be a citizen to register to vote, which is why this whole other provision of checkoff, of citizenship checkoff, further delays the process and causes the possibility for registrars who may not see that checkoff take place to delay the ability of that individual to ultimately vote.

Lastly, we speak from experience, through manipulation of voter laws and voter intimidation. Many parts of our community and many parts of this country, including in my home State of New Jersey, have had laws used against them to ensure that they cannot vote. So in our objection we are concerned about the implementation of laws as written, and we are raising concerns about the potential or unequal administration of the law. We have seen it happen in the past, and we hope it will not continue in the future.

It is not just Hispanics, by the way. When Wisconsin looked at making changes to their voting laws, they conducted a study that found over 120,000 Wisconsin residents who did not have a driver's license or photo identification cards. Well, individuals such as these have their voices and their votes ultimately will be heard.

I intend to vote for the bill because clearly there are many good provisions in it, and it provides desperately needed resources so that all of our States can update their voting systems, but we want to wave our sabers now and let it be understood that we intend to follow this process every step of the way, through the regulatory process, through what is promulgated in that regard, through its implementation to make sure that no citizen, particularly citizens of Hispanic decent, enter this democratic process with greater difficulty or with the inability to have their vote and their voice considered.

Mr. HOYER. Mr. Speaker, I thank the gentleman from New Jersey (Mr. MENENDEZ) for his comments. I think they were well taken, as the comments from the gentleman from Texas were well taken. And I will join him and I know the gentleman from Ohio (Mr. NEY) will as well to ensure that their fears are not realized.

Mr. Speaker, how much time remains on our side?

The SPEAKER pro tempore (Mr. SIMPSON). The gentleman from Maryland (Mr. HOYER) has 18½ minutes remaining. The gentleman from Ohio (Mr. NEY) has 6½ minutes remaining.

Mr. HOYER. Mr. Speaker, I yield 1 minute to my distinguished colleague, the gentleman from Pennsylvania (Mr. FATTAH), the next ranking Democrat on the committee who has been such a critical participant in forging this legislation.

Mr. FATTAH. Mr. Speaker, let me thank the managers of this bill for their work, not just here on the floor but more importantly in the conference committee. And also I add kudos to Senator DODD, who has really worked hard with the gentleman from Ohio (Mr. NEY) and the gentleman from Maryland (Mr. HOYER) and also to pay deference to the dean, the gentleman from Michigan (Mr. CONYERS).

This is a good bill. It is not, as we now know, a perfect bill; but it is a bill that moves this process forward.

Mr. Speaker, I served as a teller here in the House, and I had to record the results from the Florida election and the Presidential race in the year 2000. And we know that not only were there votes not counted by many in the State of Florida, but throughout this country there are holes in our democracy. And this bill is an attempt to respond to that.

We have worked the will of the conference committee, merging ideas in the Senate and the House. There are things in this bill that I am sure your Senate colleagues would rather not be there and things we prefer not be a part of this bill, but there is a shared consensus of the conferees; and we would hope that it would receive an overwhelming favorable endorsement here in the House, and I think it will move our democracy toward a more perfect Union.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind Members that it is not in order to cast reflections on the Senate, either positively or negatively on individual Senators.

Mr. HOYER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I know the Speaker of the House, the gentleman from Illinois (Mr. HASTERT), is on the floor and he is about to leave. With him is his deputy chief of staff, Mr. Stokke. Before he leaves, I want to take the opportunity to thank him and Mr. Stokke. Both of these gentlemen were vitally interested in this legislation. Both were extraordinarily helpful in seeking its passage. The Speaker has committed to the gentleman from Ohio (Mr. NEY) and I that he will work with us to make sure that this obligation is not an unfunded mandate, but in fact that we give the States the resources necessary. I wanted to thank the Speaker before he leaves the floor and thank Mr. Stokke, as well.

Mr. NEY. Mr. Speaker, I reserve the balance of my time.

Mr. HOYER. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Florida (Mr. DAVIS), a member of our committee who has been intimately involved throughout this consideration and was so important in making sure that we had a bill that we could pass.

Mr. DAVIS of Florida. Mr. Speaker, I wanted to commend the gentleman from Maryland (Mr. HOYER) and the gentleman from Ohio (Mr. NEY) on their work.

Mr. Speaker, as a Floridian I need to provide a little more sober assessment as to where we are and where we need to go.

I painfully need to first point out that we began discussing this issue right after the November 2000 elections, and it has taken the verge of the next set of elections to revisit the issue. We should not just be talking about this issue at election time. This is a burden we all bear, Federal, State and local. The people that testified before the House Administration Committee pointed out to us that the legislation, if it was going to work, was not just about replacing machines. It was about making sure that we had qualified people who were trained to use the machines. And, unfortunately, once again in my home State of Florida we have provided another painful lesson as to just how right they were.

Let me also point out that tonight is only half the battle. This is an authorization bill; but the guts of the bill, apart from some of the issues that have been discussed earlier, have to do with some of the funding that needs to be provided. I want to urge the President for the first time to stand up and be counted on this and to release the funds that he has sequestered that would provide the first $400 million in installment for this bill and to work with Democrats and Republicans to fund this bill, because without funding, the bill will only be an expression. It will not be action by this Congress.

So this is the beginning tonight. I applaud the gentleman from Maryland (Mr. HOYER) and the gentleman from Ohio (Mr. NEY), but we need to get to work on finishing the bill.

Mr. HOYER. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. WATERS), who chaired the special committee on election reform and held hearings all over this country and heard from literally hundreds of citizens on the issues confronting them at election time. "Revitalizing Our Nation's Election System" is a report issued by the Waters Commission, which was extraordinarily helpful to the gentleman from Ohio (Mr. NEY) and me in bringing this legislation to fruition. I thank her for that. I thank her for the contributions she has made. I am honored to serve with her.

Ms. WATERS. Mr. Speaker, I would like to thank the gentleman from Maryland (Mr. HOYER) and the gentleman from Ohio (Mr. NEY) for the hard work they put in trying to get this election law passed so that we would not experience what we have experienced in Florida and other parts of this country.

Mr. Speaker, my ancestors could not vote. My ancestors were blocked from being able to vote with such tactics as forcing them to have to pay poll taxes and take literacy tests. And we saw some of the same kind of tactics used in Florida and some other parts of this country in the national election that basically stunned the world. And so when the Democratic House minority leader, the gentleman from Missouri (Mr. GEPHARDT), asked me to lead the Democratic Caucus Special Committee on election reform, I said, yes, I must do this.

The committee was given the responsibility to travel throughout America and examine our Nation's voting practices and equipment. Over a 6-month period, this committee held six public field hearings in Philadelphia, San Antonio, Chicago, Jacksonville, Cleveland, and Los Angeles. We heard from election experts.

We heard from election experts and hundreds of voters about what is right and wrong with our election system. I was overwhelmed about the outpouring of interest and the support we received from our Nation's voters.

The conference report before us today authorizes grants to test new voting equipment and increases access to polling places by voters with disabilities. The conference report establishes election standards that require States to allow voters to check and correct their ballots, provide access to disabled voters, allow provisional voting when there is question of an individual's eligibility.

This is not a perfect conference report, and I had to think long and hard about supporting it. I do not like any ID requirements. We do not have any in California. I do not like having to ask people for a driver's license or a Social Security number.

But despite those things that I do not like and what I think is wrong with this bill, I am going to support it because we need to get started with correcting what is wrong with our election systems here in America. And hopefully, we will continue to work on this so that we can come up with perfect legislation to deal with those problems.

Mr. HOYER. Mr. Speaker, I thank the gentlewoman for her comments and again would pledge with the gentleman from Ohio (Mr. NEY) and myself and the gentleman from Michigan (Mr. CONYERS) and others to continue to work with her towards those solutions.

Mr. Speaker, I yield 1 minute to the distinguished gentleman from North Carolina (Mr. PRICE). The gentleman has been involved with election reform as long as I can remember. He is an extraordinary leader on this bill and in this House on these issues.

Mr. PRICE of North Carolina. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I rise in strong support of the conference report on the Help America Vote Act. I want to congratulate the gentleman from Maryland (Mr. HOYER), the gentleman from Ohio (Mr. NEY), the gentleman from Michigan (Mr. CONYERS), and others who have relentlessly pursued this historic bipartisan agreement.

Mr. Speaker, the problems that Florida experienced at the polling places and its primaries again this year demonstrate that our last national election was not just a once-in-a-life-time phenomenon. The problems that plagued us 2 years ago will continue to occur if we do not take action to address them. This legislation takes that action.

It requires States to meet minimum Federal election standards. It authorizes funds to help implement those standards and to educate voters, improve equipment, train poll workers and improve access for disabled voters. It also incorporates key elements of legislation I helped author, the Voting Improvement Act, H.R. 775, to buy out unreliable and outdated punch card machines, the type of equipment that has the highest error rate.

Mr. Speaker, now more than ever we need to make sure that every American can participate fully in our democratic form of government. We must ensure that every vote is counted. I urge my colleagues to take a significant step towards achieving these goals by joining me in support of the conference report, H.R. 3295.

Mr. HOYER. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON), the distinguished chair of the Congressional Black Caucus, who has been involved since the very first day in demanding that we pass election reform, in focusing in on election reform and working towards the adoption of the bill; and I thank her for her efforts.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I want to use this minute to say that I want to thank the gentleman from Ohio (Mr. NEY), whom I visited the very first day of the session to talk about this, and the gentleman from Maryland (Mr. HOYER), who stayed the course, and Senator DODD and the Senate who led the deliberations in the Senate.

There was such an overwhelming outcry from this Nation and internationally that came to the Black Caucus after January 6, 2001, that we knew we had to act.

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This became the number one priority for the Congressional Black Caucus to do something about election reform.

The faith in the system had gone. Today hopefully it will start to restore it. This is not to say this is a perfect bill, but it is to say that it is a major, major step in the right direction; and we hope that the President will keep his word to me. He made it a public statement when he said he will support it, and he would see that the money would be in the budget.

We appreciate it; and, Mr. Speaker, this is the civil rights bill of the new millennium.

Mr. Speaker, I rise today in support of H.R. 3295, a bill that will restore integrity to our nation's voting system. I strongly urge my colleagues to support this legislation.

Mr. Speaker, today is a proud day for the Congressional Black Caucus. Throughout this Congress, election reform has been our number one legislative priority.

On January 6, 2001, our Members walked out of this chamber to protest the voting irregularities and intimidation that resulted in a President who was appointed by the Supreme Court, rather than elected by the people.

We said we would not rest until the right to vote of every American was protected.

Mr. Speaker, I am proud to say that after 21 months of floor speeches and field hearings, we are very, very close to delivering on our word.

Now, this legislation is not perfect. But it is a tremendous step forward. And, with the 2002 elections just a mere 26 days away, and the 2004 elections on the horizon, it's time to move the ball down the field.

It's time to implement the centralized voter registration and standardized balloting called for by this bill.

It's time that we fund training and technical assistance programs to educate poll workers and replace faulty voting machinery.

And it's time to implement provisional balloting, so that no voter will get turned away from the polls if their eligibility is challenged.

These provisions will all go a long way toward correcting the disenfranchisement that we witnessed in 2000.

However, because I believe that these regulations should be enacted quickly, I am concerned that this legislation gives states waivers to push back their deadlines for many of these protections.

I am also troubled that this legislation authorizes funding for these programs without appropriating the $3.9 billion dollars that they will require.

Lastly, for far too long, we have seen voting regulations corrupted and used to deny the votes of millions of people, especially people of color.

We must remain vigilant that the voter protections in this legislation are implemented evenly and effectively. And we must ensure that they are enforced with the full weight of our justice system.

Our work is cut out for us. It is easy to see that this legislation is really only the beginning. But it is a good beginning.

Now, I must thank the Members of the Conference Committee from both Chambers for working many, many late nights to complete their work on this legislation.

In particular, I would like to thank the gentleman from Maryland, Mr. HOYER, who has been battling to extend these important protections to our nation's voters. I would also like to commend Chairman NEY for his work in helping reach this compromise.

Finally, let me thank the Members of the Congressional Black Caucus for their extraordinary work. In particular, I must commend the gentleman from Michigan, Mr. CONYERS, for his leadership in co-authorizing one of the original House election reform bills and for working to ensure that this bill became a reality.

As I conclude, let me remind my colleagues: The time to improve our elections system is now. We must make sure all Americans can register to vote, remain on the rolls once registered, vote free from harassment, and have those votes counted. I believe that this bill achieves those goals.

I call upon my colleagues to vote in favor of this legislation today. Mr. Speaker, we must act before another day has passed.

Mr. HOYER. Mr. Speaker, I yield 1 minute to the gentleman from Rhode Island (Mr. LANGEVIN), a freshman Member of this House, an extraordinary Member of this House, who has been very much involved in the adoption of this bill as former Secretary of State in the administration of elections and a person who has confronted the challenges of barriers to participation. His participation was critical to the passage of this measure.

Mr. LANGEVIN. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I am pleased to be here on this historic day to urge passage of H.R. 3295, the Help America Vote Act. The measure sets minimum standards for elections and provides States with the much-needed resources to upgrade voting equipment, improve election accuracy and provide voter education and poll worker training.

This legislation has rightly been called the first civil rights legislation of the 21st century because it will ensure that all Americans can participate fully in our democracy by being guaranteed the fundamental right to vote.

We would not be here without the leadership of the gentleman from Ohio (Mr. NEY) and the gentleman from Maryland (Mr. HOYER), my good friends on the Committee on House Administration. Their diligent efforts to craft a bipartisan election reform bill demonstrates the successes that we may enjoy by setting aside our differences and working for the good of the American people. I particularly appreciate their work to make our polling places and election equipment accessible to people with disabilities.

I encourage my colleagues to vote for this measure.

Mr. HOYER. Mr. Speaker, I yield 1 minute to the gentlewoman from Florida (Ms. BROWN), who has stood on this floor, stood up in Florida and stood in every forum to demand that we do what we can to ensure that every person's vote counts.

Ms. BROWN of Florida. Mr. Speaker, to the gentleman from Ohio (Mr. NEY), the gentleman from Maryland (Mr. HOYER), Congressional Black Caucus, and I have got to say Senator DODD, we would not be here today if it was not for their leadership.

I tell my colleagues this is a great day. I know this is not a perfect bill, but it is the perfect beginning. I say that over and over again because, as I stand here today, 27,000 of my constituents' votes were thrown out because of old equipment. Do my colleagues hear me? Twenty-seven thousand votes that have not been counted to date.

And I want to say to the young people, it does matter who is in charge. It matters who is in charge, and this is the first step that we have taken to correct that, the first step.

I know that all of the civil rights community is not happy with this bill. I am not happy with it. The reason why I am not happy with it is because it took so long to get here. I wanted it here for the midterm elections. It is not, but it will be for the 2004 election.

Mr. Speaker, this is not a perfect bill but, for me, it is the greatest accomplishment of the 107th Congress. The greatest thing we have done is to make sure that what happened in the 2000 election never happens again in this country.

Mr. Speaker, I am here today to say that it matters who is in charge.

To the young people, I want you to know that your vote does matter, and that every vote counts. And voting matters because the person in charge sets the agenda. In Florida, and here in Washington, it is very clear just who is in charge and who is setting the agenda. Clearly, the Republican party thinks it is much more important to cut taxes and send the Federal budget into deficit than to focus on issues like election reform, health care, Social Security, and education.

There is no perfect bill, but this bill is a beginning. It has been 628 days since the 2000 election, and here we are, nearly 2 years later, and have just passed an election reform bill. I am thrilled we finally have an election reform bill though: We now have a bill which gives over $170 million to the State of Florida for election reform, and $3.6 billion to the States overall. Not perfect, but a good start. This bill requires States to do things they should have done long, long ago: Provisional balloting, replacing outdated punch-card voting machines, properly trained poll workers, educating voters, and upgrading voter lists . . . and making polling places more accessible for the disabled.

Everyone in this country and throughout the world knows that the 2000 elections were a complete sham. In my district alone, Florida's Third Congressional District, 27,000 of my constituents' votes were thrown out. Let me repeat that: 27,000. Now I know who won the last election and it was not the person sitting in the White House right now who is guiding this country into war.

And the incredible thing is that since the 2000 elections, in the State of Florida, Governor Bush has only spent $32 million to overhaul the voting system. So, Florida, with 16 million people, spent $32 million, while our neighbor, Georgia, with only 8 million residents, spent $54 million on election reform.

I guess we see where the Florida Governor's priorities lie. He, like the Republican party here in Washington, is mainly interested in tax cuts for the country club group. Election reform just isn't very high up on their list.

In fact, the Governor did not even allow enough time during the Florida primaries to hold mock elections to educate voters and poll workers before the primaries.

Now I know there is no perfect bill, and I know many in the civil rights community and many here tonight are not happy with this compromise. And I am disappointed it has taken so long to reach a compromise and get an election reform bill passed. And I'm unhappy the conference report today will not pass in time to affect the mid-term elections. But I am happy to see we are ending the 107th Congress with a bill, and that we are finally addressing the problem of elections in this country. No, Mr. Speaker, this bill is not perfect, but it is to me, the greatest accomplishment of the 107th Congress, and I urge my colleagues to vote "yes" on the conference report.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON). The Chair would remind all Members it is not in order to refer to individual Senators except as the sponsor of a measure.

Mr. HOYER. Mr. Speaker, I yield 1 minute to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Speaker, I rise in support of the conference report and important civil rights bill that will make much-needed reforms in the way that we vote. For too long Americans had to deal with outdated polling practices, alleged fraud and confusing voting equipment and inexperienced poll workers. While the bill is not perfect, with this legislation we will begin to make improvements that prevent election controversies that continue to emerge in different parts of the Nation.

I am pleased to see that two provisions that I offered along with the gentleman from New York (Mr. REYNOLDS), my friend and colleague, have been included in the legislation. The bill ensures that overseas voters who fill out an application for voter registration will automatically receive an absentee ballot for two Federal general elections following registration. Additionally, the bill establishes an office in each State to respond to overseas voters inquiries. Overseas voters deserve the same opportunities to cast their ballots in elections as those who are able to make it to their local polling place on election day.

This is a movement towards truly every vote counting, and I commend the great leadership of the gentleman from Maryland (Mr. HOYER) and the gentleman from Ohio (Mr. NEY).

Overseas voters deserve the same opportunities to cast their ballots in elections as those who are able to make it to their local polling place on election day.

I have spoken with Ambassadors, members of the armed services, and other American citizens living abroad who have expressed their desire to establish a more effective voting process for those living overseas.

Our constituents deserve to be a part of the electoral process no matter where they live.

With the passage of this legislation, we will ensure that each citizen's vote truly does count.

I'd like to commend my colleagues Chairman NEY and Ranking Member HOYER for their work on this issue and for bringing this bipartisan legislation to the floor.

I urge my colleagues to support this bill.

Mr. HOYER. Mr. Speaker, I yield 1 minute to the gentlewoman from Michigan (Ms. KILPATRICK).

Ms. KILPATRICK. Mr. Speaker, I thank the gentleman from Ohio (Mr. NEY), as well as the gentleman from Maryland (Mr. HOYER) for yielding the time and bringing the bill to the floor, some 20 plus months after the worst catastrophe in American history happened in our country.

The right to vote and have that vote counted is the most sacred thing an American citizen can have, and this bill begins the process of rectifying the very bad past that we experienced in 2000.

I want to commend the work of the committee. I want to work with my colleagues to see it implemented properly. I like the emphasis on high school and college students and voter education.

On that, I want to work with the committee to see that literacy is addressed. Too many people in America cannot read or read between the 4th and 6th grade level. We have got to make sure that the election materials reach that population so that it can vote.

With that, Mr. Speaker, I will cast my vote for this bill and ask that we continue to do the things necessary so all people's vote count and all people who are registered can vote.

Mr. Speaker, I rise today in support of the conference report on H.R. 3295, the Help America Vote Act. I also want to commend Chairman NEY and Ranking Member HOYER for their hard work on this landmark legislation.

In the aftermath of the 2000 election and the ensuing controversy that prevailed, it became abundantly clear that it was essential for our Nation to overhaul election administration processes. Our consideration of this act could not occur at a more favorable time because the specter of possible voter fraud, voter disenfranchisement and ballot confusion remain.

H.R. 3295 authorizes $3.9 billion over 3 years to help States replace punch card and lever voting machines to improve the administration of elections. As we prepare for midterm elections, once again the political stakes are high.

H.R. 3295 is important legislation because its enactment will enable voters to check for and correct ballot errors in a private and independent manner. The act will also ensure that legitimate voters will not be turned away from the polls. Furthermore, H.R. 3295 requires that States maintain clean and accurate voter lists.

As the Representative for the 15th Congressional District in Michigan, I am acutely aware of the vital importance of empowering every prospective voter. In the recent past, numerous black voters were disenfranchised due to the imposition of insidious practices designed to prohibit voter participation. Literacy tests, poll taxes, and voter intimidation were employed successfully to thwart black voter participation. However, a new day has dawned and Americans can now look forward to the overhaul of election administration.

I do, however, want to alert my colleagues to a concern I have about voter literacy, a problem that affects American voters. The average American reads on a 4th to 6th grade level. Therefore, it is imperative that we take steps to ensure that voting instructions and materials accommodate the literacy level of the average American. I am pleased that the conference report includes provisions to make voting sites accessible to persons with disabilities, and it affirms the Voting Rights Act of 1965. Nonetheless, I continue to have reservations about the potential for voter disenfranchisement.

As a former educator, I recognize the importance of reading and comprehending written material. I refer my colleagues to the provision in the bill that authorizes a total of $3 billion over fiscal year 2003 through fiscal year 2005 that can be used in part to provide voter education. It is my hope that some part of those resources will be used to address voter literacy.

I am pleased to support the conference report, and I am confident the provisions of the bill will usher in critical changes that will serve to enhance the legitimacy of our electoral process.

Mr. HOYER. Mr. Speaker, I yield 1 minute to the gentlewoman from Florida (Mrs. MEEK), an extraordinary Member of this body who will be leaving this body and we will be poorer for it, who experienced firsthand the trauma of people coming to the ballot box and being unable to cast their vote and being assured that it counts.

Mrs. MEEK of Florida. Mr. Speaker, I want to thank the gentleman from Maryland (Mr. HOYER), my good friend, for yielding me the time.

It was once said that all that is required for evil to triumph is for good people to do nothing. We had some very good people doing something on this: the gentleman from Maryland (Mr. HOYER), the gentleman from Ohio (Mr. NEY), the gentlewoman from California (Ms. WATERS), the Congressional Black Caucus, the gentlewoman from Florida (Ms. BROWN) and the entire lot, they wanted to do something, not just say nothing could be done because of the problems. The problems were faced.

We do not have a perfect bill, but we have the very best we could get, and it could not have been done without the people that I just mentioned. So I am glad that I lived to see this bill happen, and we all are very emotional about it because of the fact this, to us, is an emancipation of some of the problems we have had with voting in this country, and I want to thank the writers of this bill and the people who participated in it.

For once, we will go forward to do something better for this country and so that everybody can be created equal.

Mr. Speaker, this Conference Report is an important milestone for democracy in America. I am thrilled that the election reform conferees have heeded the will of the Congress and the American people and reached an Election Reform Conference Agreement that takes enormous steps toward ensuring that every voter counts equally and that every vote cast is counted. Last week, when this House overwhelmingly approved my Motion to Instruct the Election Reform Conferees to produce a Conference Report by October 4, 2002, the prospects for election reform were still very much in doubt.

I congratulate my good friends Representative STENY HOYER, Senator CHRIS DODD, Chairman BOB NEY, Senator MITCH MCCONNELL, Senator CHARLES SCHUMER, Senator KIT BOND, the Chair of the Congressional Black Caucus Representative EDDIE BERNICE JOHNSON, Representative JOHN CONYERS, Representative MAXINE WATERS, Representative CORRINE BROWN, Representative ALCEE HASTINGS, my other CBC Colleagues, and my South Florida Democratic Colleagues PETER DEUTSCH and ROBERT WEXLER on this outstanding achievement.

From the day of the 2000 Presidential election catastrophe in Florida and elsewhere to today, including last month's primary election fiasco in Florida, I vowed that I would not rest until the Congress passed and adequately funded a real election reform bill and the President signed it into law. The Conference Agreement is an important step toward achieving my goal. The next step is to honor our shared commitment to adequately fund the implementation of this legislation through our appropriations process so that we do not create an unfunded mandate for the states.

As many of you know, I had a problem myself in last month's primary election when I stopped by a library branch in my precinct to cast an early vote. I was delayed from voting for more than 30 minutes because the only computer available was not working and the election officials on duty said that they couldn't verify that I was an eligible voter. So the need for election reform is not some abstract matter to me. It is something real and very personal. When I said, "No more Florida voting problems", I meant it. It remains extremely important to me to achieve real election reform for my constituents before I conclude my congressional service.

Mr. Speaker, the Conference Report is an historic achievement, certainly the most important piece of election and voting rights legislation since the Voting Rights Act of 1965. It will mean millions of dollars in Federal assistance to Florida and every other state and will go a long way toward making voting rights problems, such as those that occurred in Florida, a thing of the past.

The Conference Report contains such important protections as provisional voting, 2nd-chance voting, privacy in voting for voters with disabilities, statewide computerized lists of registered voters, and uniform and nondiscriminatory standards for counting ballots so that your chance to have your vote counted will not depend on where you live. It also authorizes $3.8 billion in funding over the next three years to help states replace and renovate voting equipment, train poll workers, educate voters, upgrade voter lists, and make polling places more accessible for the disabled.

When this Conference Report becomes law, no qualified voter can ever again be turned away from the polling place without first being offered the opportunity to cast a provisional ballot. Voters will be able to correct their ballots easily if they make a mistake and vote for the wrong candidate, or nullify their ballot by voting for too many candidates.

Mr. Speaker, this is not a perfect bill. Like virtually every Conference Agreement, the Conference Report is the product of negotiation and compromise. As a result, it contains some provisions from the Senate bill, like the voter ID requirements for first time voters and the related and redundant citizenship check-off declaration, that would not be in the bill if I alone had been able to draft it.

Some civil rights organizations have expressed their concerns that the voter ID provisions and the citizenship check-off requirement could have a discriminatory and disproportionate impact on those prospective voters, such as racial and ethnic minorities, students, the poor, and people with disabilities, who are substantially less likely to have photo identification than other voters. Given my commitment to voting rights, I take these concerns seriously, but, they do not affect my support for this Conference Report.

To address the concerns about voter ID, I urge the Election Assistance Commission to be established by this Conference Report to carefully monitor the implementation of the voter ID requirements by the states so that the Commission may make recommendations for further reform if it uncovers evidence that these requirements are interfering with the opportunity of any qualified voter to vote and have his vote counted.

Mr. Speaker, when the House and the Senate approve this Conference Report and the President signs it, and we fully fund its implementation, we will take an enormous step toward ensuring that all qualified voters receive an equal right to vote and to have their vote counted.

I urge all my Colleagues to support this Conference Report.

Mr. HOYER. Mr. Speaker, I yield 1 minute to the gentlewoman from Connecticut (Ms. DELAURO), assistant Democratic leader, outspoken strong fighter for a citizen's right to vote and have that vote counted, an extraordinarily effective worker on behalf of the passage of this bill.

Ms. DELAURO. Mr. Speaker, I rise in strong support of this legislation and thank those who have made it possible.

Not long ago we took our right to vote for granted, but what occurred in Florida 2 years ago and again last month reminded all Americans how very sacred that right is. The right to vote is a cornerstone of our democracy, the most basic and most essential expression of citizenship. When that right is put into doubt, when citizens cannot know that a ballot cast is a ballot counted and that their unique voice has not been heard, it undermines confidence in our entire political system as well as the government formed on the foundation of our ballots.

People must simply have the confidence that their vote counts. That is what this legislation is about. It authorizes nearly $4 billion during the next 3 years to modernize our equipment, poll worker training, voter education, improved voter lists, improved voter access, provisions that would alert voters to improperly marked ballots like those we saw during the last presidential election. It goes a long way toward restoring the integrity of our electoral system.

Our work is not done. We must make sure that the funds for this bill are not merely authorized but appropriated so that this historic legislation does not become just another empty promise. At a time when American leadership in the world is critical, following through reforming on our election system is simply too important to address halfheartedly.

I am proud to support it.

Mr. HOYER. Mr. Speaker, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON-LEE), a member of the conference committee who succeeded Barbara Jordan in her seat, an extraordinary fighter for our Constitution and for our people, and she is following in that tradition.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentleman from Maryland very much for yielding me the time.

The gentleman from Maryland (Mr. HOYER) did stay the course and the gentleman from Ohio (Mr. NEY), the chairman and the gentleman from Michigan (Mr. CONYERS), and to be admonished, I know I will be, Senator DODD. The work that they all have done has brought us to this place.

When I went to Florida, I saw many people in the aftermath of the 2000 election as we sought the recount; and they were minorities, they were elderly, they were Jewish Americans, they were Hispanic Americans. They were Americans, and each of them said that their vote had not been counted.

Today, let me thank my colleagues because we do have the civil rights act of the millennium but, more importantly, the most historic piece of legislation since the Voter Rights Act of 1965 which helped create the seat that Barbara Jordan held in this United States Congress.

So I am very gratified that we will now have provisional balloting. We will now have State-wide registration. We will now have the ability for disabled individuals to access the voting place. We will now have the ability for funding so that we can get rid of punch cards and we can get rid of paper ballots if the communities desire to do so.

Might I say that I am very grateful as well that the thousands of people who have been purged from the rolls now will have language in this legislation that they must have notice before they are purged. I am grateful that that particular provision that I desired to get in in working with the advocacy groups, we were able to clarify it. Because thousands of persons were purged off the rolls without knowing in the State of Texas, and thousands were purged off in the State of Florida. We have much work to do.

I am opposed to the photo ID. I am opposed to discriminating against people because they are Hispanic or ethnic minorities. The photo ID, let us work on that.

This is a great bill, and I offer my support, but there is more work to be done.

Mr. Speaker, first, I would like to thank Mr. HOYER, Mr. CONYERS, Mr. DODD in the Senate, Mr. HALL and Mr. BARCIA of the Science Committee

I rise in support of the Help America Vote Act, although there are issues that should still be resolved. After the election debacles of the past two years, I had hoped that we could have produced a perfect solution to the problems that plague our voting systems. Unfortunately, we did not. But I feel that that should not keep us from passing this landmark piece of legislation. This is a major civil rights initiative of this century.

The bill we have before us takes a great stride toward giving the American people the fair and efficient system of voting that the American people deserve, but it should not be the final step. Even after this Act is signed into law, as I assume it will be, we must continue to be vigilant—looking for obstacles that disenfranchise legal voters, and removing those obstacles.

As a Member of the Judiciary Committee and of the Science Committee, I have been actively involved in the development of this bill. Indeed, I served as a conferee on several parts of the legislation. In it, there is much in it to be pleased with. Voting is the cornerstone of any democracy, and must be above all suspicion. Every vote should be counted to ensure that every voter is being heard.

One excellent provision of this bill is that it follows the recommendation of the National Commission on Election Reform by taking full advantage of the expertise and experience at the National Institute of Standards and Technology (NIST). NIST has long been reporting on voting standards and technologies, and should be the perfect group to direct and coordinate efforts to develop performance-based standards for voting equipment. Such standards will improve the accuracy, integrity, and security of our polling systems.

When this bill first came out of conference, it included language that would have forced any state employing these standards to pay royalties to the company that developed it, although those standards were developed with taxpayers' funds. Thanks to a well-coordinated, bipartisan effort by us conferees from the Science Committee, this language was removed. We also ensured that once standards are created, that NIST will also be charged with accrediting the labs that will certify election equipment, to make it more likely that smart plans will translate into real benefits.

Other victories have come in the field of purging of registered voter lists. Although purging of voter rolls, may be a well-intentioned attempt to remove inappropriate votes from being cast—such purging has rarely, if ever, been done effectively and fairly. Done improperly, purging can be an expensive tool for discrimination or mistreatment. Consistently through the history of our nation, purging has been a mechanism for silencing minorities, and the socio-economically disadvantaged.

In Florida alone, thousands of eligible voters have been misidentified as being felons who are unable to vote: 3,700 before election 1998, and 11,000 before election 2000. There is no reason to think that this is a Florida-specific problem. This means that perhaps hundreds of thousands of American citizens, living in the richest Democracy in the world, are having their fundamental right to vote stripped due to clerical errors. This is absolutely unacceptable. I have fought to preserve language in this bill that will ensure that voters are not unfairly purged from the voting rolls. In Texas thousands of voters were purged from the rolls without notice. The language I insisted on adding requires notice to be given to the voter and two federal elections to occur before that voter would be purged.

I know that this is a somewhat contentious piece of legislation. I had hoped that election reform would draw us all together in the name of reaffirming the principles of democracy. There are several groups, whose opinions I deeply respect, who feel we should reject this bill because it is not perfect. They are, as I am, concerned that some provisions—such as the reliance on driver's licenses and social security numbers and utility bills as forms of identification—could be used to disenfranchise the elderly, the disabled, the homeless, racial and ethnic minorities who might not have such documentation. This would bring about a disproportionate burden on voters who deserve to vote and have their vote counted.

We are also worried that simple errors in filling out registration forms—such as the failure to check a box, or to supply a driver's license number—could jeopardize a person's ability to vote. Such restrictions could significantly hamper the efforts of get-out-the-vote campaigns that enable hundreds of thousands of Americans to take part in the Democratic process each election year. There will always be a balancing-act between making it easy for people to vote, and making it difficult for people to commit voter fraud. Although it is not perfect, I feel the present bill is a decent compromise.

As the world's greatest Democracy, we must ensure that our elections meet the highest standards of integrity. Pushing the cause of Democracy is primary part of our foreign policy. The eyes of the world are upon us every two years as Americans go to the polls. It is a disservice, not only to the American people, but to all people around the world who aspire to our level of freedom—when we sink to the lows that were seen in Florida in 2000, and again this year.

The Help America Vote Act of 2002, will set the bar for our elections, and election-systems of the future. We should always seek to raise that bar as technology improves and obstacles are recognized. However, with elections upcoming, now is the perfect time to demonstrate our commitment to progress in making each vote count. Mr. Speaker, I support the Help America Vote Act, and urge my colleagues to do the same, and look forward to the bill being fully funded.

Mr. HOYER. Mr. Speaker, I yield 1 minute to the gentlewoman from Illinois (Ms. SCHAKOWSKY), a member of the Waters Commission on which I also had the opportunity to serve.

Ms. SCHAKOWSKY. Mr. Speaker, I want to congratulate the gentleman from Maryland (Mr. HOYER) and the gentleman from Ohio (Mr. NEY) for succeeding in bringing forward an election reform bill that will help move our election system into the 21st century. I thank the gentleman from Maryland (Mr. HOYER) for making this a top priority and relentlessly fighting for its passage.

I had the privilege of being one of the vice chairs of the Democratic Caucus Special Committee on Election Reform under the able leadership of our chairwoman, the gentlewoman from California (Ms. WATERS), who tirelessly traveled the country holding many hearings. From young and old voters, people of color and with disabilities, we heard a clear message. Without minimum election standards and a commitment of Federal dollars, voters will continue to be disenfranchised and history doomed to repeat itself.

I am particularly pleased that this legislation includes a crucial proposal similar to legislation I introduced last year, the Provisional Voting Rights Act of 2001. Under provisional voting, duly registered voters can feel confident that if their name does not appear on the registration list they will be permitted to vote. They will not have to go to a police station or leave the polling place in order to get their provisional ballot.

Any meaningful election reform proposal must include this measure and the Help Americans Vote Act does.

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It is not perfect, but it will bring us closer to ensuring that every citizen can vote and every vote will be counted.

Mr. HOYER. Mr. Speaker, I yield myself the balance of my time.

We come now to the end of this debate. It has been a short debate, too short a debate; but it has been a long road from November 2000 to today. It was a road taken by many people.

Paul Vinovich, the chief counsel of our committee, Chet Kalis, who has done an extraordinary job on this bill and was one of the anchors, in my opinion, as we worked through this bill. Roman Buehler, who had strong contributions to this bill and a great knowledge that he brought to the consideration of this bill. Pat Leahy, who did an extraordinary job himself. Matt Petersen, Maria Robinson, Keith Abouchar, Dr. Abouchar, of my staff, who from the very first of this bill has worked daily on its provisions. Len Shambon, Bill Cable, Matt Pinkus, Noah Wofsy, Bob Bean, Neil Volz, who are no longer with us; and Beth Stein, who now works in the Senate.

All of these staffers have played an extraordinary role.

Mr. Speaker, I acknowledged earlier the Speaker of the House. I want to acknowledge the gentleman from Missouri (Mr. GEPHARDT), who was steadfast in his support of this process and whose help was absolutely critical to the final product and who met with the gentleman from Ohio (Mr. NEY) and me when we requested him to do so to discuss how we could move this bill forward.

And then, Mr. Speaker, let me say to the gentleman from Florida (Mr. YOUNG), who is on the floor here today, that the gentleman from the State of Florida, the chairman of the Committee on Appropriations, my dear and close friend, one of the giants of this institution, his commitment to funding this legislation was and is absolutely critical. He and the Speaker have been extraordinarily supportive. And now we come to a challenge to get the $2 billion that we are going to need for this year and the $1 billion after that and the $1 billion after that to ensure that this is not an empty promise.

Mr. Speaker, there are two bills I think that when I end my career I will look back on as being the most important bills in which I was involved: one that I had the privilege of sponsoring, the Americans with Disabilities Act, and this bill I have had the privilege of cosponsoring with my friend, the gentleman from Ohio (Mr. NEY).

There was an article in the paper just a few days ago talking about the gentleman from Ohio and me and our relationship and how we worked together in a nonpartisan fashion. Not in a bipartisan fashion, but in a nonpolitical, nonpartisan fashion, knowing full well that Americans expect us to work together to make sure this institution works as well as it possibly can, with fairness to all 435 Members. I am blessed by the fact that the gentleman from Ohio is committed to that objective and he runs an open, fair, and effective committee. I am pleased and honored to be his colleague.

I want to say as well that I am honored to have served in this House that has come to this day in a bipartisan fashion. When the roll is called, we are going to see the overwhelming majority of Republicans and the overwhelming majority of Democrats vote to ensure that every American not only has the right to vote but will be assured that this greatest of democracies will ensure that every individual, high or low, black or white, rich or poor, will be assured that their vote will count.

Mr. NEY. Mr. Speaker, I yield myself the balance of my time.

It has been said that this bill will make it easier to vote and harder to cheat, and that is true; but this bill goes way beyond a simple phrase, and I want to thank everybody that has made this bill possible.

I want to thank the people who worked on the Ford-Carter Commission, obviously, Presidents Ford and Carter. Their commission performed a tremendous service and their recommendations had a profound effect. I had the pleasure 2 days ago to be able to talk personally to Presidents Ford and Carter, and they expressed their tremendous support for this measure and their thanks to the Congress for passing it.

I want to thank the members of the conference committee. First, of course, the gentleman from Maryland (Mr. HOYER). If it were not for the gentleman from Maryland, and he came to me and he proposed the ideas and he had a vision, if it were not for him, we simply would not have had the product in the direction obviously out of the House to be where we are at today, and I want to thank him for his integrity. He is a distinguished ranking member.

He heeded the call to make elections work, to restore the faith in our system; and without his persistence and gentle persuasion at critical moments, this bill would not have been possible. And I want to thank him for what he has done for his country and for the citizens.

I want to recognize the gentleman from Michigan (Mr. EHLERS), who provided invaluable support for the scientific end of it; the gentleman from New York (Mr. REYNOLDS), whose concern over the rights of military and overseas voters are strongly reflected in this bill; the gentleman from California (Mr. DOOLITTLE), who insisted on strong anti-fraud and privacy protections; the gentleman from Arizona (Mr. STUMP) and the gentleman from New York (Mr. MCHUGH), from the Committee on Armed Services, who helped to make this bill a landmark piece of legislation for military voters; the gentleman from Illinois (Mr. KIRK).

And although he is not a conferee, I want to especially mention the gentleman from Indiana (Mr. BUYER), whose detailed input on the military voting issue significantly improved the bill. The gentleman from California (Mr. THOMAS) and the gentleman from Florida (Mr. SHAW), from the Committee on Ways and Means, should be given the credit for crafting the provisions to protect voter privacy. The gentleman from New York (Mr. BOEHLERT) and the gentlewoman from Maryland (Mrs. MORELLA) made sure also that the voice of the scientific community came through.

I also want to pay special tribute to the gentleman from Missouri (Mr. BLUNT), the chief deputy whip, whose advice and guidance through the process based on his experience as the Missouri Secretary of State was essential to the final compromise.

I also want to thank the Members on the minority side who served on the conference committee: the gentleman from Pennsylvania (Mr. FATTAH), the gentleman from Florida (Mr. DAVIS), who are tremendous Members. We are very blessed on House Administration, on both sides of the aisle, to have such terrific members: the gentleman from Missouri (Mr. SKELTON) and the gentleman from Michigan (Mr. CONYERS), who gave advice and who was always willing to be there; the gentleman from Michigan (Mr. BARCIA); the gentlewoman from Texas (Ms. JACKSON-LEE); the gentleman from New York (Mr. RANGEL); and the gentleman from Rhode Island (Mr. LANGEVIN), whose support on the disabilities issue was tremendous; the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON), who always was concerned through the whole process to be part of it; and many other Members, Mr. Speaker.

I especially wanted to thank also the gentleman from Missouri (Mr. GEPHARDT), who met with the gentleman from Maryland (Mr. HOYER) and me, and also I want to thank the Speaker of the House, the gentleman from Illinois (Mr. HASTERT), whose unwavering support through the past 2 years kept this process on track and has gotten us to where we are today. He had the commitment and the faith this could be done. And Mike Stokke, his staff member.

I want to thank the groups whose efforts and support made this possible: the National Association of Counties, including their staff, Ralph Tabour; the National Association of Secretaries of State, including our Secretary of State Ken Blackwell of Ohio, who picked up the phone on the first day after the gentleman from Maryland (Mr. HOYER) and I got together and said he wanted to be a part of the process to help, through the Secretaries of State; Ron Thornburg, past president of NASS, Secretary of State for Kansas; also Sharon Priest, Secretary of State of Arkansas, valuable input, and their executive director, Leslie Reynolds.

The National Conference of State Legislatures, NCSL, including Speaker Marty Stephens from Utah and staff Susan Parnes-Frederick. The Election Center and their executive director, Doug Lewis. The National Federation of the Blind, including their staff Jim McCarthy. The National Commission on Federal Election Reform, executive director Phillip Zelikow.

And I want to mention our staff for their extraordinary, and I mean extraordinary, efforts. People talk about conference committees. There were discussions and they started at 10 a.m. and they ended at 3:15 and then started the next day at 8 a.m. and they ended at 2:15. There was a great deal of time put in on a very technical bill.

But I want to thank, from the Committee on House Administration, Paul Vinovich, our staff director, Chet Kalis, Roman Buhler, Matt Petersen, Pat Leahy, Maria Robinson, Chris Krueger, and also Will Heaton, our chief of staff of our personnel office, who kept that going. Not with us today, Neil Volz, who was originally in the process, and Jim Forbes, who was press secretary then, and our current press secretary, Brian Walsh. All of them had an integral part in making this happen.

For the gentleman from Maryland (Mr. HOYER) and the staff of the Committee on House Administration, Bill Cable, Keith Abouchar, Lenny Shambon, all were extremely valuable.

Mr. Speaker, I want to thank my wife, Liz, and my son, Bobby, and my daughter, Kayla, for putting up with me not spending enough time with them in the last couple of weeks.

Also the staff of Senator CHRIS DODD: Kennie Gill and Ronnie Gillespie and Sean Marr. The staff of Senator MITCH MCCONNELL: Brian Lewis and Leon Sequeria. For Senator KIT BOND: Julie Damman and Jack Bartling. And especially legislative counsel Noah Wofsy for the House and Jim Scott for the Senate.

From the Senate side, there is no question the integrity, the desire, the vision, the perseverance of Senator DODD. If it were not for that, we also would not be here tonight. He has done something that will live on for a long time, also along with the other two Senators, MITCH MCCONNELL and KIT BOND.

As I said at the beginning of this process, Mr. Speaker, so many months ago, that for this effort to succeed we would have to be doing it in a bipartisan manner. We are about to witness the realization and fulfillment of that prediction.

I am grateful to my friends on the other side of the aisle, as well as on the other side of the Capitol, for their willingness to put partisanship aside and work together to produce this much-needed piece of legislation for the American people.

The United States of America is the world's greatest democracy. We need an election system that is worthy of that legacy. This bill will give us an election system that all Americans can have pride in. Langston Hughes, the poet, wrote, "Dream your dreams, but be willing to pay the sacrifice to make them come true." Our veterans have sacrificed with their blood, from the beginning of this country through the revolution, to make sure we can be here tonight to debate and argue all these points that are important to us. And on top of that, people died to get the right to vote in this country. We cannot forget that.

So, therefore, this bill is important. This is the bill that is going to produce, long after we are gone, the results that we need to have faith in the system.

In closing, Mr. Speaker, we talk about what we can do for our constituency, and there are a lot of issues. We debate important issues, such as if we are going to go to war or not, and issues important to our domestic agenda. But people have to be here to be able to vote on those issues. They have to be elected at all levels throughout the United States. And the greatest gift we can give, as Members of this House tonight, the greatest gift we can give to our constituency is to vote for this measure and take back to our constituency the ability to have them have faith in the system; a knowledge that tonight America did her work on the floor of this House, as boards of elections do their work every single election across our great country.

And also Members can take the gift back to their people that tonight the body politic worked for the good of the people. The body politic did something that, again, long after we are gone, people will benefit from. Tonight

America shines. We need everyone's vote and support.

Mr. DAVIS of Illinois. Mr. Speaker, I wish to express my support for the conference bill on election reform, H.R. 3295. Members of both parties have worked very hard to reach agreement on this measure over several months. Although I am concerned that some of the bill's provisions relating to voter identification will not make it easier for new voters to cast their ballots, I believe this legislation represents significant progress in addressing the problems we witnessed in our last national election.

I am especially pleased that the language in this bill relating to the accessibility of voting systems for people with disabilities reflects the stronger provisions for participation outlined in Mr. LANGEVIN's July 9 motion to instruct, which I and several of my colleagues cosponsored.

Thanks to Mr. SHIMKUS and Mr. EHRLICH for their help in making the conferees aware of the importance of these provisions. Their recognition that this bill must ensure people with disabilities will be able to exercise their fundamental right to cast a secret ballot demonstrates that full participation in the electoral process by all Americans is truly a bipartisan concern.

I commend the members of the conference committee for their work on this bill and I urge its passage.

Ms. SOLIS. Mr. Speaker, I rise to express my concerns about the Help America Vote Act Conference Report, H.R. 3295. I am pleased that this conference report includes provisions that help voters in the greater Los Angeles area. For example, it provides money for the upgrade of our voting system. This will greatly assist the Los Angeles County Registrar Recorder and County Clerk transition out of the punch-card voting system.

However, I'm disappointed that this conference agreement also includes provisions that can lead to the disproportionate disenfranchisement of our Nation's minority voters. It requires first-time voters who register by mail to bring current photo identification to the polls or a copy of a current utility bill, bank statement, paycheck, or other government document that shows the name and current address of the voter. Our Federal courts have recognized that the use of a photo ID causes a disparate impact on ethnic and racial minority communities. Nevertheless, the photo ID requirement is still part of this bill.

Also problematic is the variation in consequences for failing to meet presumably equal voting prerequisites—being a citizen and being over the age of 18. Unfortunately, this bill has harsher consequences for voters who inadvertently forget to check a box affirming their citizenship than for voters who forget to certify they are 18 or older. This may lead to the disenfranchisement of voters who are English language learners or new to the voting system, including Latinos and Asians.

In addition, I am concerned about the provision that restricts access to information about provisional ballots to the individual who cast that ballot. Unquestionably, the confidentiality of votes cast as well as personal information should be protected. But information about provisional ballots such as where they were issued, should not be hidden from commissions that review and ensure fair voting. Based on this provision, it is unclear if commissions would have full access to information that would help them determine any inconsistencies in the provisional voting process.

While this bill is called the Help America Vote Act, I am afraid it may not help the fastest growing population in America—Latinos—vote.

Mr. HOLT. Mr. Speaker, I support the Help America Vote Act and applaud Representatives HOYER and NEY for their good work on this legislation.

The turmoil surrounding the 2000 Presidential election showed our Nation that we need to improve the instruments of voting and the means of electing our office holders. Even the Supreme Court Justices spoke of the need for uniform voting procedures. This bill does much to advance democracy.

Many of the problems with our electoral process lie in the disparities of our voting system. For instance, while some counties have modern voting machines that leave little room for error, others use dated punch-card ballots that can lead to the now-famous hanging and dimpled chads. In fact, studies show that 18 percent of Americans vote using technology that prevailed around the time Thomas Edison invented the light bulb. And nearly 33 percent of Americans vote by punching out chads, a system implemented during the Johnson administration. Yet many States and localities continue to use these outdated systems because of the exorbitant cost to replace them.

This bill takes many important steps towards that much-needed electoral reform. The Help America Vote Act would create the Election Assistance Commission and authorizes studies to analyze issues ranging from ballot design to voter accessibility.

However, this legislation goes beyond studies and agencies. It would authorize over $400 million to buyout existing punch card voting devices from states and counties. Moreover, this legislation will provide $2.25 billion to establish and maintain more accurate voter registration lists.

The bill also establishes minimum standards for State election systems. These standards include uniform means for determining what constitutes a vote on different types of equipment, sets new standards to accommodate individuals with disabilities, gives voters the opportunity to correct voting errors, ensures that uniformed and overseas voters have their votes counted, and requires more accurate registration lists.

Moreover, this bill authorizes the Attorney General to monitor and enforce these standards.

I am happy to support this bill as a step ahead in civil and voting rights.

Mr. BOEHLERT. Mr. Speaker, I rise in strong support of the Help America Vote Act, a bill that is the product of many days and nights of hard work on both sides of the aisle and both Houses of Congress. It is the product, too, of the collaborative efforts of the Science Committee and the House Administration Committee.

This bill is a carefully constructed compromise. It expands the right to vote by requiring that states allow provisional voting. It includes commonsense measures to prevent fraud. And, by providing over $3 billion to States to buy out antiquated voting machines, train poll workers, educate voters, and improve the administration of Federal elections, the bill helps ensure that fiscally strapped States and localities will still be able to meet the tough requirements the bill imposes.

But perhaps one of the most fundamental reforms—taken from provisions passed by the Science Committee last year—is the improvement the bill makes in the way technical standards are developed for voting equipment. Most Americans pay no attention to this arcane field of technical specifications, tolerances, and error rates—and that's as it should be. For when it goes right, no one notices.

But when it goes wrong—when the chads of punch card ballots don't align correctly, or when electronic voting machines automatically shut down before the polls are supposed to—the entire world quickly becomes all too familiar with its technical vocabulary.

Strong technical standards will become even more important as the country strives to live up to the new requirements of this bill, especially the requirement that each state compile a computerized database of all its registered voters. Such lists will surely make vast improvements in how America votes, but if they are not also to expose us to the misdeeds of hackers and other cyber criminals, we must develop robust computer security standards to protect these systems.

I want to thank Mr. NEY, the chairman of the House Administration Committee, for his hard work on crafting this bill and his willingness to include provisions of the Science Committee's to strengthen the way critical, but often overlooked, voting equipment standards are developed.

I urge my colleagues to support this important bill.

Mrs. JONES of Ohio. Mr. Speaker, I rise to talk about a piece of legislation that, if passed, will remove the barriers that have blocked many American citizens' right to vote. If Congress agrees to the passage of H.R. 3295, the Help America Vote Act of 2002, antiquated machines will be replaced, adequate assistance will be provided for our Nation's elections, nondiscriminatory and uniform requirements would be enforced, improved military and overseas voters ballot access will be provided, and the opportunity for young Americans to be involved in the voting process will be established.

Without legislation that helps Americans to have their vote count, barriers of participation will continue to plague many of our communities, and; therefore, increase the growing number of outdated voting equipment, alleged intimidation by police and lack of translators, as mandated by law.

As recent as the last Presidential election, the National Association for the Advancement of Colored People, NAACP, requested an investigation into the voting practices. The 14th amendment, which ensures equal protection under the law, was the basis for the Supreme Court's decision not to allow recounting in Florida. Ironically, an amendment designed in 1866 to protect the rights of minorities was used to protect a system which disenfranchised them in 2000.

It is also interesting that in addition to the votes that were not counted in Florida, there were voting irregularities in the 11th Congressional District of Ohio. Thousands of voters on the mostly African American east side of Cleveland, OH, went to vote, only to be turned away. Because of a 1996 State law cutting Cleveland precincts by a quarter, their polling places had been changed. The Cuyahoga County Board of Elections said that it sent postcards to registered voters telling them of the switch. But of 85 African Americans who were asked about the postcards during 2½ days of interviews done by the Los Angeles Times, only one said he received notification.

"I never got a card, never," said Francis Lundrum, an East Cleveland native. He said he bellowed at an election worker: "I am a veteran of the United States armed forces! I want to vote!"

It did no good.

Lundrum and the others who were turned away should have been given provisional ballots, to be certified later. Among those who did not get a voting ballot was Chuck Conway, Jr., who stated, "I think there was some stinky stuff going on."

As a U.S. Representative, it truly saddens me to hear of voting irregularities, not only with my constituency, but to all who were not afforded the right to have their vote count. I urge my colleagues to seriously consider what will happen to the future of our democratic process if we do not pass this sensible piece of legislation. It is my hope that for our next general election cycle, Americans can proudly say that every vote does count. I urge my colleagues to vote in favor of H.R. 3295.

Ms. McCARTHY of Missouri. Mr. Speaker, I rise in support of the conference report on H.R. 3295, the Help American Vote Act. I wholeheartedly endorse the meaningful collaboration of the bipartisan group, led by my colleagues Congressman NEY and Congressman HOYER.

The Help American Vote Act corrects the mistakes with our election system that were highlighted in the aftermath of the 2000 election. I have seen firsthand the challenges inadequately equipped polling places and poorly trained poll workers pose to our communities. This measure will go far in ensuring everyone's right and access to a vote.

I introduced bipartisan election reform legislation to establish a federal grant program to provide assistance to States for modernizing and enhancing voting procedures and administration. The substantive changes that my legislation proposes are contained in the detailed election reform conference report we will pass today. I applaud this bill because it provides states with both the standards and the funding to make real election reform happen. This legislation authorizes $3.0 billion over 3 years—for a grant program administered by the commission to help States meet election requirements, train poll workers, provide voter education, and administer elections.

The Help American Vote Act also requires States to abide by uniform and nondiscriminatory requirements, such as providing provisional ballots, implementing statewide voter registration databases and ensuring that each precinct has at least one machine that is accessible to the disabled. It also establishes an Election Assistance Commission, a bipartisan commission that will issue voluntary guidelines, issue grants, and administer research grants, and pilot projects.

Mr. Speaker, this bill would provide the most meaningful reform to our democratic election system since the civil rights laws were enacted in the 1960s. It is time to pass real election reform, time to Help American Vote. This legislation will restore the confidence of the American people in our election process and encourage all citizens to take part in one of the paramount processes that defines us as a nation. Strengthening our election system strengthens our democracy.

Mr. Speaker, I urge my colleagues to vote "yes" on this conference report.

Mr. VITTER. Mr. Speaker, I rise in support of the election reform conference report before us today.

I have strongly advocated election reform in my home State of Louisiana in the past and continue to do so here in Congress. I am pleased that this legislation is a strong step toward correcting many of the flaws in the current system.

Following the 2000 election, I was incensed that there would be any attempt by political operatives to disenfranchise our brave men and women in the Armed Services overseas. In response I introduced legislation to remedy the situation, and am pleased to see the conference report takes important measures similar to the ones I proposed to ensure military overseas ballots are counted. Our service personnel deserve no less.

I applaud the efforts of the conference to address the issue of voter fraud as well. Statewide voting lists, presenting identification when voting, purging names from lists for those that do not vote, and strengthening penalties for those convicted of voting fraud will all help States deal with the problem of vote fraud, which is an assault on our democratic system.

Lastly, I would like to commend the conferees for their work in helping ensure that the disabled have access to voting machines in each precinct. Voters should never be disenfranchised because of any sort of disability and I now hope Congress will follow through with funds.

I would like to commend Chairman NEY, who met with me on a number of occasions to work on a variety of election reform issues, as well as Ranking Member HOYER and all the conferees that worked out this compromise.

I urge my colleagues to support the election reform conference report.

Mr. HASTINGS of Florida. Mr. Speaker, I rise in strong support of the conference report of H.R. 3295, the Help America Vote Act.

I begin by thanking my good friend from Maryland, Mr. HOYER, for keeping this issue at the forefront of this body's agenda. Given the daunting task of bringing this conference report to the floor, the gentleman from Maryland has remained the voice of justice for the tens of thousands of Americans who had their right to vote stolen from them on Election Day 2000. I thank him for his work and leadership on this issue and so many others.

Additionally, I commend the chairman from Ohio, Mr. NEY, for his continued efforts to get this bill to the floor. Even while Members of the chairman's own party were fighting against this bill and the President still refuses to make election reform a priority, I have never doubted the chairman's sincerity and resolve to get this bill passed.

Mr. Speaker, 628 days have passed since Election Day 2000 and, until today, Congress has remained largely silent. Just last month, in Florida, my constituents reaped the first-hand benefits of Federal inaction. On November 5, voters throughout this country will be returning to the same broken election system of 2000 because it took Congress nearly 2 years to act.

So, while I will ultimately support this conference report, I cannot come to the floor today with the same jubilation and admiration for this bill that some of my colleagues have. Frankly, we should be ashamed of ourselves. While we improved our homeland security, we neglected the integrity of our democracy.

The conference report that the House is considering has many qualities that hold true to the title's implication. That is, the bill actually helps Americans vote. Improving voter accessibility, establishing statewide voter registration lists, determining what constitutes a vote, increasing voter education and poll worker training, and providing States with the dollars to meet these standards, are just a few of the good qualities of the report.

However, this bill is not perfect by any means. The ID provisions in the report drastically alter voter registration and absentee voting procedures. The inclusion of these provisions will ultimately discourage and intimidate first-time and veteran voters alike. Further, the opt-out until 2006 provisions provide States with an opportunity to delay reform until after the next Presidential election. After the last election, I expected these provisions to be removed. But they weren't.

Mr. Speaker, the passage of today's conference report is merely the first step in true election reform. Congress must now put its money where its mouth is and appropriate the $3.9 billion authorized in this report. Unfunded mandates are just lip service, and States need our help. If Congress fails to fund election reform in 2003, 2004, and 2005, then we can count on many states opting our until 2006. This places the reliability of our election system in jeopardy for 4 more years.

As I have said so many times before, we must never again find ourselves questioning the methods by which we choose our elected officials. Hopefully, we never will. After all, help is on the way—though it may take a few years to get there.

I urge my colleagues to support the conference report.

The SPEAKER pro tempore (Mr. SIMPSON). All time for debate has expired.

Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HOYER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 357, nays 48, not voting 26, as follows:

[Roll No. 462]

YEAS—357

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barrett
Bartlett
Barton
Bass
Bentsen
Bereuter
Berkley
Berry
Biggert
Bilirakis
Bishop
Blumenauer
Blunt
Boehlert
Boehner
Bono
Boozman
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Calvert
Camp
Cantor
Capito
Capps
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Combest
Condit
Conyers
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Dunn

Edwards
Ehlers
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Honda
Hooley
Horn
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin

Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, Dan
Miller, George
Mollohan
Moore
Moran (VA)
Morella
Myrick
Nadler
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Osborne
Ose
Owens
Oxley
Pallone
Pascrell
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reynolds
Riley
Rivers
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen

Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sánchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Schiff
Schrock
Scott
Serrano
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson

Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thompson (CA)
Thompson (MS)
Thune
Thurman
Tiahrt

Tiberi
Tierney
Towns
Turner
Udall (CO)
Upton
Visclosky
Vitter
Walden
Walsh
Waters
Watkins (OK)
Watson (CA)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (FL)

NAYS—48

Barr
Becerra
Bonilla
Callahan
Cannon
Capuano
Coble
Collins
Cubin
Duncan
Everett
Filner
Flake
Gonzalez
Goode
Goodlatte

Gutknecht
Hoekstra
Hostettler
Istook
Jones (NC)
Kerns
Kingston
Lucas (OK)
Mica
Miller, Jeff
Moran (KS)
Napolitano
Otter
Pastor
Paul
Putnam

Rodriguez
Sabo
Schaffer
Sensenbrenner
Sessions
Smith (MI)
Souder
Thomas
Thornberry
Toomey
Udall (NM)
Velázquez
Wamp
Watt (NC)
Watts (OK)
Whitfield

NOT VOTING—26

Berman
Blagojevich
Bonior
Cooksey
Coyne
Dicks
Ehrlich
Ganske
Gutierrez

Houghton
Jenkins
King (NY)
Lipinski
Manzullo
Matsui
Miller, Gary
Murtha
Neal

Ortiz
Reyes
Roukema
Stump
Sununu
Taylor (NC)
Waxman
Young (AK)

□ 2227

Messrs. COBLE, COLLINS, JEFF MILLER of Florida, CANNON, OTTER, WAMP, FILNER, CAPUANO, WHITFIELD, SOUDER, HOEKSTRA, and Ms. VELÁZQUEZ changed their vote from "yea" to "nay."

Messrs. SAWYER, PETRI, GREEN of Texas, and OBEY changed their vote from "nay" to "yea."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. SIMPSON). Without objection, the House insists on its disagreement to the Senate amendment to the title.

There was no objection.

CONSIDERING DISAGREEMENTS BETWEEN HOUSE AND SENATE WITH RESPECT TO H.R. 3295, HELP AMERICA VOTE ACT OF 2002, RESOLVED

Mr. NEY. Mr. Speaker I offer a concurrent resolution (H. Con. Res. 508) resolving all disagreements between the House of Representatives and Senate with respect to H.R. 3295, and ask unanimous consent for its immediate consideration.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request by the gentleman from Ohio?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 508

Resolved by the House of Representatives (the Senate concurring), That the conference report to accompany H.R. 3295 be considered to have resolved all disagreements between the two Houses thereon as proposed by the House of Representatives, which acted first on the conference report.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

□ 2230

INTENTION TO AMEND TIME ALLOCATION ON MOTION TO INSTRUCT CONFEREES ON H.R. 4546

(Mr. TAYLOR of Mississippi asked and was given permission to address the House for 1 minute.)

Mr. TAYLOR of Mississippi. Mr. Speaker, this is an issue of great importance to a great many disabled veterans in America. We know that the hour is late. Because of the courtesy of the gentleman from New York (Mr. MCHUGH), in order to expedite the matter, we are going to ask that the time be reduced by half.

We would ask that every Member who wishes to speak keep their remarks as short as possible. I am going to do my part to move it along. I am certain the gentleman from New York (Mr. MCHUGH) will.

MOTION TO INSTRUCT CONFEREES ON H.R. 4546, BOB STUMP NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2003

Mr. TAYLOR of Mississippi. Mr. Speaker, I rise to offer the motion to instruct that I presented yesterday pursuant to clause 7(c) of rule XXII.

The SPEAKER pro tempore (Mr. SIMPSON). The Clerk will report the motion.

The Clerk read as follows:

Mr. TAYLOR of Mississippi moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the House amendment to the Senate amendment to the bill H.R. 4546 be instructed to agree to the provisions contained in section 641 of the Senate amendment (relating to payment of retired pay and compensation to disabled military retirees).

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from Mississippi (Mr. TAYLOR) and the gentleman from New York (Mr. McHUGH) each will control 30 minutes.

Mr. UPTON. Mr. Speaker, I ask unanimous consent that debate on this motion be limited to 30 minutes, 15 minutes on each side.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan.

There was no objection.

The SPEAKER pro tempore. The gentleman from Mississippi (Mr. TAYLOR) and the gentleman from New York (Mr. McHUGH) each will control 15 minutes.

The Chair recognizes the gentleman from Mississippi (Mr. TAYLOR).

Mr. TAYLOR of Mississippi. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today almost 300 of us voted to give the President the authority to wage war, and a sad consequence of that is that there will be, if there is hostile action, young Americans coming home who have lost their arms, their legs, their vision, their ability to speak.

Traditionally, there has been a system where they are compensated for that loss. Unfortunately, for those people who have served our Nation for 20 years or more, that compensation comes at the expense of the retirement benefit they have already earned. A lot of us do not think that is fair.

The gentleman from Florida (Mr. BILIRAKIS) has been for 17 years pushing legislation to address this inequity, to allow those people who served our Nation honorably in the military for 20 years or more to collect their full pension benefits and be compensated for whatever injuries they incurred on active duty, because it has very much so reduced their ability to make a living in their post-military life.

Mr. Speaker, I yield 4 minutes to the gentleman from Florida (Mr. BILIRAKIS), the person who has worked so hard on this issue for 17 years.

Mr. McHUGH. Mr. Speaker, I yield 2 minutes to the gentleman from Florida.

The SPEAKER pro tempore. The gentleman from Florida (Mr. BILIRAKIS) is recognized for 6 minutes.

Mr. BILIRAKIS. Mr. Speaker, I thank the gentlemen for yielding me time.

Mr. Speaker, I rise in reluctant support of the Taylor motion to instruct conferees on H.R. 4546, the Bob Stump National Defense Authorization Act. I say reluctant not because I did not support the Senate provision to provide for the full concurrent receipt of military retired pay and VA disability compensation but because this motion should not even be necessary.

My legislation to completely eliminate the offset between military retired pay and VA disability compensation has received strong bipartisan support in both Houses of Congress. In fact, more than 90 percent of the Members of the House of Representatives and more than 80 percent of the Senate have cosponsored legislation to repeal the current offset.

This is the People's House, Mr. Speaker, and this is a Republic. The people, by way of their Representatives, want concurrent receipt, concurrent receipt based on two separate episodes, one having served 20-plus years and the other having suffered a service-connected disability. It is not double dipping.

The last Congress took the first steps toward addressing this inequity by authorizing the military to pay a monthly allowance to military retirees with severe service-connected disabilities rated by the Department of Veterans Affairs at 70 percent or greater. These provisions were expanded to include retirees with ratings of 60 percent.

Earlier this year, I was very pleased when the House took the next step in our fight to eliminate the offset by including funding for a partial repeal of the offset in its fiscal year 2003 budget resolution. Specifically, the budget resolution earmarks over $500 million as a first step in fiscal year 2003, with increasing amounts over the next 5 years, providing a cumulative total of $5.8 billion. I want to acknowledge and thank the gentleman from Iowa (Mr. NUSSLE) for this.

I repeat, Mr. Speaker, the money is in our budget. The money is in our budget. For years I have been told by the authorizers, get the money in the budget and we will authorize it. The money is in the budget. It will not come out of the military readiness allotment. The funding falls short of the funding needed to completely eliminate the current offset, but it will provide for a substantial concurrent receipt benefit.

The House Committee on Armed Services incorporated the budget resolution proposal into its authorization bill. As approved by the House, H.R. 4546 includes a provision to authorize military retirees who are 60 percent or greater disabled to receive their full retired pay and VA disability compensation benefit by fiscal year 2007; not complete elimination of the offset, but providing for concurrent receipt for the more seriously disabled.

Until the program is fully implemented, the bill establishes a transition program through which retirees will receive increasing amounts of their retired pay. Transition payment levels will increase annually until fiscal year 2007, when all retirees with a disability rating of 60 percent or greater will receive their full retired pay and VA disability compensation.

During its consideration of the authorization bill, the Senate approved an amendment to authorize full concurrent receipt immediately. While I would obviously prefer the Senate language because it does mirror my bill, H.R. 303, I recognize it may be difficult to achieve this goal in one step and that an incremental approach such as the House language may be necessary.

I am extremely disappointed, Mr. Speaker, by recent efforts by the Department of Defense to derail our progress on the concurrent receipt issue. I believe the arguments against concurrent receipt being used by the Defense Department are baseless and designed to be intentionally misleading.

I want to remind my colleagues of a quote by our first Commander-in-Chief, George Washington. He said, "The willingness with which our young people are likely to serve in any war, no matter how justified, shall be directly proportional to how they perceive the veterans of earlier wars were treated and appreciated by their nation."

We are at war, Mr. Speaker, and our first President's words are more applicable than ever.

At a time when our Nation is calling upon our Armed Forces to defend democracy and freedom, we must be careful not to send the wrong signal to our military service members. For those of them who have selected to make their career in the U.S. military, they face an additional unknown risk in the fight against terrorism. If they are injured, they will be forced to forgo their earned retired pay in order to receive their VA disability compensation. In effect, they will be paying for their own disability benefits with their retirement collection.

We must include a substantial concurrent receipt provision in a final defense authorization bill, and I urge my colleagues to support the Taylor motion to instruct conferees. The time has come to do what is right and support the elimination of the current offset between military retired pay and VA disability compensation.

Mr. McHUGH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me begin by thanking my friend from Mississippi (Mr. TAYLOR), both for bringing this question to the floor at this time, well, maybe not at this time, but at all, and join in his very gracious and I think very appropriate comments about the previous speaker, the gentleman from Florida (Mr. BILIRAKIS), who clearly has been, amongst many defenders and many fighters, the number one champion on behalf of this issue. All veterans and, indeed, all Members of this House and all people who live under the blanket of security and freedom provided by our military Armed Forces owe him a great debt of thanks.

This is obviously a very troubling issue. It has been a perplexing one for this House for a number of years. But it is not a new issue in terms of confronting Members of Congress.

This is a policy that has been in place for some 100 years. As the gentleman from Florida (Mr. BILIRAKIS) so clearly stated, the House has taken some very definitive steps, and I think thanks are due to, as the gentleman from Florida said, the gentleman from Iowa (Chairman NUSSLE) of the Committee on the Budget, the leadership on the Committee on Armed Services on both sides of the aisle and Members again on both sides of the aisle who have fought for and have been concerned about this for some time.

It is interesting to note, Mr. Speaker, that when the House provision was adopted in H.R. 4546, the vote on the floor was 359 to 58. Clearly every Member, Democrat and Republican, have expressed great concern and great support for trying to take an important step towards righting what most of us feel is a very clear wrong.

The gentleman from Florida (Mr. BILIRAKIS) also pointed out some realities in conference with respect to what we were able to achieve. The fact of the matter is, the Senate provision over 10 years costs nearly $46 billion. Maybe equally important is the fact that, over 10 years, $15 billion of that $46 billion amount is discretionary spending, money that would have to come out of the military services budget, money that would diminish the appropriations that we provide to do all kinds of good things in support of those very brave men and women that we all care so much about.

The House version, on the other hand, compared to the Senate version, is more affordable and less expensive; not $46 billion, but nearly $18 billion. Again, as the gentleman from Florida (Mr. BILIRAKIS) so correctly stated, it has, regrettably, caused a great deal of concern and expressions of opposition from the department and one that has placed the entire authorization bill into a great state of flux.

I want to give compliments to the leadership of the other body. They are working in the conference, Senators LEVIN and WARNER particularly, to try to find a way in which we can do all that is humanly possible in the confines of the bill at hand to right this wrong. They have been joined by the gentleman from California (Mr. HUNTER), with the great support, of course, of the gentleman from Arizona (Chairman STUMP) and the gentleman from Missouri (Mr. SKELTON), the ranking minority member, and all of the members of the committee to try to see what we can do to, as I say, make this situation better for every deserving veteran.

There is no disagreement tonight between myself and the objective that the gentleman from Mississippi (Mr. TAYLOR) has defined. I would certainly suggest, respectfully, to all of our Members that the objective of this motion to instruct is a very laudable and a very worthy goal that all of us support; and I certainly would not urge a single Member to vote against it.

Let me again give my appreciation to the gentleman from Mississippi (Mr. TAYLOR) and to all those other Members who have fought so long and hard to try to take a step in the right direction on this.

Mr. Speaker, I reserve the balance of my time.

Mr. TAYLOR of Mississippi. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri (Mr. SKELTON), a senior Democrat member of the Committee on Armed Services and a father of two members on active duty in the United States military.

Mr. SKELTON. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, my fellow Missourian Mark Twain once said, "The more you explain it to me, the more I don't understand it," and I have a difficult time in understanding why we cannot go forward with this issue.

The motion by the gentleman from Mississippi is well taken, and I thank him for it. I associate myself with the gentleman from Florida and with the gentleman from New York in their views. We in Congress need to ensure that our military retirees who have become disabled as a result of military service receive all the benefits to which they are entitled because of service-connected disabilities.

□ 2245

This is not brain surgery. This is what is fair; this is what is decent. They are the ones who made the sacrifices for our wonderful country, and the least we can do is to ensure that we repay the debt that we truly owe them.

Now, the House version of the authorization bill would authorize the payment of military retiree pay and VA disability compensation for all military retirees who are at least 60 percent disabled. The Senate version, more expensive. The Senate version of the bill would authorize both the military retiree pay and the VA disability compensation of any retiree who has been determined to be disabled at any percentage.

Well, out of all of this, there ought to be a compromise that we can live with. Unfortunately, the President has threatened a veto, to veto this conference bill in a time of war, with a lot of very, very important items in this bill such as pay raise, benefits; many, many items that they need with which to conduct the war against terrorism. I would simply say that we need to follow the dictates of this House as it has happened and voted before.

Mr. McHUGH. Mr. Speaker, I proudly yield 1 minute to the gentleman from California (Mr. CUNNINGHAM), a Member of this House that certainly knows firsthand about the sacrifices of the men and women of the military, and a gentleman who is a former member of the Committee on Armed Services and then moved over as a member of the Subcommittee on Military Construction of the Committee on Appropriations.

Mr. CUNNINGHAM. Mr. Speaker, I rise in strong support of this resolution. Remember the movie "Born on the 4th of July" with Ron Kovic? Remember Agent Orange, Desert Syndrome. These are folks that fought for our country. Some of them died, some of them came back with afflictions and they need this resolution. It is important. I would hope every Republican and every Democrat comes together on this particular bill, and I laud my colleagues who are supporting the bill.

Mr. TAYLOR of Mississippi. Mr. Speaker, I yield 30 seconds to the gentleman from Alexandria, Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, we are talking about people who have watched their families struggle all their adult lives because of their service-connected disability. Now that they are eligible for military retirement, they are being punished because they are eligible for both; and like most military retirees who are able to enhance their military retirement pay, because of their disability, they have not been able to.

It is only fair that they receive their military retirement and their service-connected disability. On the day that we voted to send more troops to war, this is the day we ought to fix this injustice. Let us do the right thing. Let us pass it.

Mr. McHUGH. Mr. Speaker, I yield such time as he may consume to the gentleman from Georgia (Mr. NORWOOD).

Mr. NORWOOD. Mr. Speaker, I rise in very, very strong support of this motion, and I would take this opportunity to congratulate the gentleman from Florida (Mr. BILIRAKIS) for years of work.

Mr. TAYLOR of Mississippi. Mr. Speaker, I yield 1½ minutes to the gentleman from Mississippi (Mr. SHOWS), someone who has worked very hard for the veterans for his duration of his time here in Washington.

Mr. SHOWS. Mr. Speaker, I rise in support of the gentleman's motion to instruct.

The gentleman from Mississippi (Mr. TAYLOR) and I have been working together to help restore the broken promise of health care for our country's military retirees. Our failure to make good on what is known as a concurrent receipt is one of those broken promises.

One of those promises is a pension when they retire, if they serve a career in uniform, at least 20 years. Another promise is that VA health care would be provided if they become disabled in the line of duty.

They do not know about the archaic law that requires them to deduct service-connected disability pay from their pensions. No other Federal employee has to do that. All other Federal employees earn VA health care benefits if they are service-connected disabled.

Some may argue that we cannot afford to pay for full concurrent receipt. I would argue that we cannot afford not to authorize full concurrent receipt. How can we expect to recruit troops for the conflict we are about to wage if we continue the cycle of broken promises?

Earlier this year, the gentleman from Mississippi (Mr. TAYLOR) and I offered an amendment that would include a full concurrent receipt in the Federal budget and it was paid for. We are already on record supporting full concurrent receipt. H.R. 303, which would institute full concurrent receipt, 402 cosponsors. It is long overdue.

Mr. Speaker, we need to instruct the defense authorization conferees to do the right thing and insist they support full concurrent receipt.

Mr. MCHUGH. Mr. Speaker, I am honored to yield such time as he may consume to the gentleman from Georgia (Mr. CHAMBLISS), the distinguished member of the Committee on Armed Services.

Mr. CHAMBLISS. Mr. Speaker, I am pleased to rise in strong support of the motion to instruct from the gentleman from Mississippi (Mr. TAYLOR).

This law is over 100 years old. It is time we fixed it. It is time that we recognize a disability as a disability and a retirement as a retirement. I urge strong support of the motion to instruct.

Mr. TAYLOR of Mississippi. Mr. Speaker, I yield 1 minute to the gentleman from Maryland (Mr. BARTLETT), someone who has been a great help on this issue.

Mr. BARTLETT of Maryland. Mr. Speaker, I want my colleagues to imagine two brothers. They are twin brothers, they joined the military at the same time, they go to war, they are both wounded, they are 60 percent disabled. One of them chooses to stay in the military and serve his country; the other leaves the military and gets a job in the private sector.

The inequity begins right now, because the person who leaves the military starts drawing disability pay, and it continues until he retires in the private sector. When he retires in the private sector, the private sector retirement is not cut by his disability pay. But that brother, that twin brother who chose to stay in the military does not collect any disability until he retires, and even when he retires and after the disability pay, they tell him that it has to be deducted from his retirement.

Mr. Speaker, it is obvious how inequitable this is and how wrong it is; and the fact that it is going to cost money to fix it is just more testimony of how egregious this treatment has been of our disabled veterans. We should have fixed this a long time ago. We do not need to do it tomorrow. We need to do it today.

Mr. MCHUGH. Mr. Speaker, I have no requests for time at this time, so I will reserve the balance of my time.

Mr. TAYLOR of Mississippi. Mr. Speaker, I yield 1½ minutes to the gentleman from Connecticut (Mr. MALONEY), a great member of the Committee on Armed Services.

Mr. MALONEY of Connecticut. Mr. Speaker, I thank the gentleman from Mississippi (Mr. TAYLOR) for yielding me this time. I want to associate myself with his remarks in urging the House to instruct the conferees to adopt the Senate's concurrent receipt provisions in the fiscal year 2003 defense authorization bill.

The Bob Stump National Defense Authorization Act for 2003 contains a provision to authorize military retirees who are 60 percent or greater disabled to receive their full retirement pay as well as disability compensation benefits by fiscal year 2007. The Senate bill, however, S. 2514, authorizes the concurrent receipt of retired pay and veterans disability compensation immediately and for all disabled military retirees with at least 20 years of service.

Concurrent receipt cannot come soon enough for the veterans of Connecticut. Veterans have made possible the very existence and continuation of our country and our way of life. Disabled veterans have made a great personal sacrifice to the security of the United States and are entitled to their due compensation as well as their retirement benefits in full. So I join with the veterans of my State and my colleagues on the House Committee on Armed Services in urging support for this stronger, timely, and comprehensive Senate language.

Mr. MCHUGH. Mr. Speaker, I am honored to yield 1 minute to the gentleman from New York (Mr. GILMAN), a true gentleman and my neighbor and friend from my home State, the dean of our conference and the New York State delegation and a former chairman of the Committee on International Relations.

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise in strong support of the Taylor motion to instruct. I think this is a long-overdue measure to provide equity for all of our veterans who have had retirement and disability benefits, and I urge my colleagues to fully support this measure.

Mr. TAYLOR of Mississippi. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. PHELPS).

Mr. PHELPS. Mr. Speaker, I thank the gentleman from Mississippi for his leadership on this issue.

Just a few hours ago, I gave in good faith my full-fledged support to the President to deal with Iraq in whatever manner possible. With that commitment I also pledged my support for those in the military, the men and women who have given their service with that commitment for whatever action necessary, and I also pledged support to those that are serving now. But also we should recognize even more those who have already served. It is not right that we would penalize them. We should be rewarding those who have disabilities because of their connection in service, not penalizing them and their pensions because of their service. Whose side are we on?

It is simple and clear. How can we ask those who serve that we are asking to commit now, with new action possibly coming about soon, and those who have already served that come back with injuries and who barely escape losing their lives, and tell them that we cannot afford to pay them what we owe them? That is a sad commentary on this country.

I stand with the gentleman from Mississippi and his motion to instruct, and I hope all of us can unite in this one action.

Mr. MCHUGH. Mr. Speaker, I yield 1½ minutes to the gentlewoman from Connecticut (Mrs. JOHNSON), another great Northeasterner who, as every Member of this House understands, has been a constant leader in health care issues for both veterans and the civilian community.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I thank the gentleman from New York for yielding me this time.

I rise in strong support of this motion. Nothing is more humiliating to me than to sit with a constituent whom I know is being treated in a grossly unfair manner, and I have sat with disabled veterans who have high costs associated with their disability, health care costs, accommodation costs, and their disability has imposed limits and hardships on their families. For them not to receive both their military pension and their disability pension is indeed simply unfair, and it is time we corrected that injustice; and I commend the members of the committee on doing that here tonight.

Mr. TAYLOR of Mississippi. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Mrs. DAVIS).

Mrs. DAVIS of California. Mr. Speaker, on behalf of the veterans of San Diego County, I want to thank all of the people that worked on this issue so hard over these years.

Mr. Speaker, during a Memorial Day breakfast last year, the President remarked, "America's veterans have earned not only honors, but specific benefits, and those only become more necessary with the years. My administration will do all it can to assist our veterans and to correct oversights of the past."

I believe that those were sincere words, and we must work together to turn them into reality. Over 400 Members have pledged their support to legislation to right an injustice and provide veterans with their well-deserved benefits. I hope both the Congress and the administration will accept the final version of the fiscal year 2003 National Defense Authorization Act.

□ 2300

Mr. TAYLOR of Mississippi. Mr. Speaker I yield 45 seconds to the gentleman from Texas (Mr. RODRIGUEZ).

Mr. RODRIGUEZ. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, let me urge colleagues on both sides of the aisle, this is embarrassing. We need to do the right thing. It is not going to be enough just to show the votes that are out there, we have to make it happen.

I know I get sick and tired when I go back, because I know we are doing the wrong thing. Those veterans are still approaching me and asking me. I can tell them that we did the language, and the President is supposed to do this and that, but we need to make it happen now.

I ask both Democrats and Republicans, let us vote on this. Let us make sure we do the right thing. I ask the conference committee that, after they look at this vote, that they go out there and stick to their guns and make it happen.

The reality is that these veterans have fought; they have been there. It is the fair thing for us to do. They have been our heroes. If we can declare war, this is the time for us to stand up. This is the time to make it happen.

I ask very seriously after this vote and after we make it happen, let the conference committee take a stand, and let us support them.

Mr. TAYLOR of Mississippi. Mr. Speaker, I yield 30 seconds to the gentlewoman from Oregon (Ms. HOOLEY).

Ms. HOOLEY of Oregon. Mr. Speaker, I thank the gentleman for yielding time to me.

Just a few hours ago, this body overwhelmingly voted to give our President the authority to go to war in Iraq. The least we can do is give the same level of overwhelming support to our veterans.

It is time to keep our promises to the men and women in our Armed Forces, the men and women who made a career of the military service, the men and women who have paid their taxes and were promised a pension. It is time to keep our promises.

If Members want a list of offsets, I would be happy to go over those. The bottom line is, it is time to do what is fair. It is time to keep our promises to our veterans.

Mr. MCHUGH. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, the hour is late. Obviously, the sentiment of this House and its Members is, as I have suggested in my opening remarks, very, very clear. It is a sentiment we all join in.

As a member of the Committee on Armed Services, as a conferee, as I know the gentleman from Mississippi (Mr. TAYLOR) understands, we are working on both sides of the aisle in both Houses of Congress to do all that we possibly can within the fiscal as well as the political realities of this bill.

Mr. Speaker, finally, I urge all of my colleagues to vote for this motion as a very clear indication of our ultimate objective.

Mr. TAYLOR of Mississippi. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, I thank all of the Members for their help tonight, Democrats and Republicans. We will send a message to the conferees: It is time, after 17 years of the efforts of the gentleman from Florida (Mr. BILIRAKIS), to do the right thing for those people who were injured serving us.

They paid the price for us; it is time for us to pay what is due to them.

Ms. CARSON of Indiana. Mr. Speaker, Concurrent receipt is the offsetting military retired pay, dollar-for-dollar, by the amount of Department of Veterans Affairs (VA) service-connected disability compensation.

I am appalled that this Congress has not been able to grant veterans what they have earned. The Senate version of the Defense Authorization bill completely eliminates the current offset between military retired pay and VA disability compensation.

Our men and women who have given of themselves deserve more for their sacrifices than an excuse about funding.

How dare those people who accept the freedom these brave people declare that any reason is good enough to deny them their due.

Four hundred and two House members have cosponsored H.R. 303, a bipartisan bill that would permit concurrent receipt in precisely the same manner as the Senate language to the Defense Authorization. The Taylor Motion appropriately insists that the House conferees accept the Senate provision which would eliminate the current offset entirely and allow veterans to collect full retirement pay and disability compensation to which they are entitled.

I am sure there is overwhelming support for veterans. Vote in favor of this motion to instruct.

Let's prove our appreciation for the veterans who preserved the land of the free.

Mr. FILNER. Mr. Speaker and colleagues, I rise today to express my support for the so-called concurrent receipt provision in the Senate Defense Authorization Act that would allow all disabled military retirees to receive both their military retired pay and their VA disability compensation. As we know, current law requires that the two are offset so, in effect, our disabled veterans are paying for their own disability! We must correct this unfair practice.

I am extremely dismayed with the word we have been hearing that the Administration is threatening to veto this bill if this concurrent receipt provision is included. Thousands of our disabled veterans are being cheated out of the pensions and disability compensation they have earned and that are their due!

I urge all members to, first, support concurrent receipt of military retired pay and VA disability compensation and, then, to contact the President and impress upon him the importance of this legislation.

Disabled veterans did not hesitate when called to serve. Disabled veterans returned home with wounds they did not have when they were called to duty. It is imperative that we meet our obligation to these brave men and women who have given so much to our nation. Please do what is right and support concurrent receipt.

Ms. SLAUGHTER. Mr. Speaker, I rise in strong support of the Taylor motion to instruct conferees on the Defense Authorization bill. Many of our retired military personnel have made tremendous sacrifices while defending our nation. As Congress debates entering a new military conflict, I find the timing of the Administration's reluctance to support this provision ill-chosen. Under current regulation, veterans must essentially pay their own disability compensation out of their retirement benefits. No other profession restricts the concurrent payment of disability and retirement benefits

One of my constituents, who served in the Army for nearly 20 years and fought in Vietnam where he was injured, must deduct his $864 monthly disability compensation from the $1650 monthly retirement benefit for which he is eligible. The Senate language would put $864 more dollars into this veteran's pocket each month. I am aware of many veterans who would benefit from this change.

I urge the conferees to include the Senate-passed language which would immediately assist the veterans in my district. They cannot afford to wait another four years for full relief. We owe it to these individuals to provide the entire compensation they deserve.

The SPEAKER pro tempore (Mr. SIMPSON). Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Mississippi (Mr. TAYLOR).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. TAYLOR of Mississippi. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 391, noes 0, not voting 40, as follows:

[Roll No. 463]

AYES—391

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berry
Biggert
Bilirakis

Bishop
Blumenauer
Boehlert
Bonilla
Bono
Boozman
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clayton
Clement
Clyburn
Coble
Collins
Condit
Conyers
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeMint
Deutsch
Dingell
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Frank
Frelinghuysen
Frost
Gallegly
Gekas
Gibbons
Gilchrest
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, George
Miller, Jeff
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Osborne
Ose
Otter
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sánchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOT VOTING—40

Berman
Blagojevich
Blunt
Boehner
Bonior
Clay
Combest
Cooksey
Coyne
DeLay
Diaz-Balart
Dicks
Dooley
Ehrlich
Fossella
Ganske
Gephardt
Gillmor
Gutierrez
Hoeffel
Houghton
Jenkins
King (NY)
LaFalce
Lipinski
Manzullo
Matsui
McKinney
Murtha
Ortiz
Oxley
Reyes
Roukema
Smith (MI)
Stark
Stump
Sununu
Taylor (NC)
Waxman
Young (AK)

☐ 2325

Mr. MORAN of Kansas changed his vote from "no" to "aye."

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

LEGISLATIVE PROGRAM

(Ms. PELOSI asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. PELOSI. Mr. Speaker, I would like to inquire about the schedule for next week, and I am pleased to yield to the distinguished majority leader.

Mr. ARMEY. Mr. Speaker, let me thank the gentlewoman from California for yielding; and, Mr. Speaker, I am pleased to announce that the House has completed its legislative business for the week.

The House will next meet for legislative business on Tuesday October 15 and may consider measures under suspension of the rules. No votes are expected on Tuesday.

On Wednesday, October 16, the House will meet at noon for legislative business, and no votes are expected before two o'clock p.m. The House will consider a continuing resolution and any conference reports that may be available.

Other legislation that may become available will be announced as soon as possible.

Obviously, Mr. Speaker, completion of the Department of Homeland Security which passed the House in July remains our highest priority. I am sure the gentlewoman shares my interest in getting this bill to conference as soon as the other body completes consideration of the legislation, and I am very hopeful that we will be able to finally get this critical bill into conference next week, and I thank the gentlewoman for yielding.

Ms. PELOSI. Mr. Speaker, just to clarify, there are no votes on Tuesday and no votes on Friday of next week? Suspension votes on Tuesday will be rolled until Wednesday?

Mr. ARMEY. Mr. Speaker, again, if the gentlewoman will continue to yield, that is exactly right. On Wednesday, we will begin votes at 2:00; and I must say that the Members should be prepared to be working yet on Thursday, but I do not expect us to be here on Friday of next week.

Ms. PELOSI. That is not definite yet?

Mr. ARMEY. Mr. Speaker, it is not definite.

Ms. PELOSI. I understand no votes until 2:00 p.m.

Will the investor tax bill be scheduled next week, and if so, what day?

Mr. ARMEY. Mr. Speaker, if the gentlewoman will yield, we have two bills that have been reported by the committee. We are continuing to work with the chairman of the committee with respect to the scheduling, and at this time we have not made a final determination. We will notify as soon as we do.

Ms. PELOSI. Mr. Speaker, does the majority leader wish to share with us how long the next CR will last?

Mr. ARMEY. I thank the gentlewoman for her inquiry, and if the gentlewoman would grant me just a moment, if I had extrasensory perception, I could probably answer her with a good deal more confidence, but these continuing resolutions are subject to negotiations between the two bodies and the ability on the part of both bodies in this respect, most notably the other body, to actually pass the agreements once they are made.

So it is what we in Texas call a running gunfight, and we can only give my colleagues updates as we see the progress that is made.

Ms. PELOSI. Mr. Speaker, so it is not the usual consultation with Puff the Magic Dragon?

Mr. ARMEY. It is a bicameral, bipartisan consultation that involves not only the leadership on both sides of the aisle, both sides of the building, but also, as very critically, the Committee on Appropriations as well.

Ms. PELOSI. Mr. Speaker, the hour is late. Other than the vote on Iraq today, we have not accomplished anything much in this body since July. Since there is no question we will have a lame duck, would my colleague wish to share with us when that might begin?

Mr. ARMEY. I thank the gentlewoman for her inquiry, and I share her regret that since July we have not been able to get into conference on all the bills that we passed over to the other body that they have neglected, and clearly we will be able to complete our work, maintaining our high priority for homeland security.

□ 2330

We will continue to try to work our way through that; and again, I think it is pretty much dependent on the ability of the other body to pass anything that would result in our being able to respond to the question regarding what is euphemistically referred to as a "lame duck session."

Ms. PELOSI. Mr. Speaker, reclaiming my time, I thank the gentleman for his comments.

DISPOSING OF VARIOUS LEGISLATIVE MEASURES

Mr. ARMEY. Mr. Speaker, I send a unanimous consent request to the desk.

The SPEAKER pro tempore (Mr. Simpson). The Clerk will report the unanimous consent request.

The Clerk read as follows:

Mr. Armey asks unanimous consent that the House

(1) Be considered to have discharged from the committee and passed H.R. 5316, H.R. 5574, H.R. 5361, H:R. 5439, Senate 2558, H.R. 5349, H.R. 5598, H.R. 5601, H.R. 670, H.R. 669, and H.R. 5205;

(2) Be considered to have discharged from committee and agreed to House Concurrent Resolution 406, House Resolution 542, House Resolution 572, House Concurrent Resolution 504, House Resolution 532, House Resolution 571, and House Concurrent Resolution 467;

(3) Be considered to have discharged from committee, amended, and agreed to House Resolution 410, House Concurrent Resolution 486, House Concurrent Resolution 487 in the respective forms placed at the desk;

(4) Be considered to have amended and passed H.R. 5400 by the committee amendment placed at the desk; and

(5) That the committees being discharged be printed in the Record, the texts of each measure and any amendment thereto be considered as read and printed in the Record, and that motions to reconsider each of these actions be laid upon the table.

The SPEAKER pro tempore. The Chair will entertain this combined request under the Speaker's guidelines as recorded on page 712 of the Manual with assurances that it has been cleared by the bipartisan floor and all committee leaderships.

The Clerk will report the titles of the various bills and the resolutions.

The Clerk read as follows:

DISCHARGED FROM THE COMMITTEE ON AGRICULTURE AND THE COMMITTEE ON RESOURCES AND PASSED

H.R. 5316, to establish a user fee system that provides for an equitable return to the Federal Government for the occupancy and use of National Forest System lands and facilities by organizational camps that serve the youth and disabled adults of America, and for other purposes.

H.R. 5316

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Forest Organizational Camp Fee Improvement Act of 2002".

SEC. 2. FINDINGS, PURPOSE, AND DEFINITIONS.

(a) Findings.—Congress finds the following:

(1) Organizational camps, such as those administered by the Boy Scouts, Girl Scouts, and faith-based and community-based organizations, provide a valuable service to young people, individuals with a disability, and their families by promoting physical, mental, and spiritual health through activities conducted in a natural environment.

(2) The 192,000,0000 acres of national forests and grasslands of the National Forest System managed for multiple uses by the Forest Service provides an ideal setting for such organizational camps.

(3) The Federal Government should charge land use fees for the occupancy and use of National Forest System lands by such organizational camps that, while based on the fair market value of the land in use, also recognize the benefits provided to society by such organizational camps, do not preclude the ability of such organizational camps from utilizing these lands, and permit capital investment in, and maintenance of, camp facilities by such organizational camps or their sponsoring organizations.

(4) Organizational camps should—

(A) ensure that their facilities meet applicable building and safety codes, including fire and health codes;

(B) have annual inspections as required by local law, including at a minimum inspections for fire and food safety; and

(C) have in place safety plans that address fire and medical emergencies and encounters with wildlife.

(b) Purpose.—It is the purpose of this Act to establish a land use fee system that provides for an equitable return to the Federal Government for the occupancy and use of National Forest System lands by organizational camps that serve young people or individuals with a disability.

(c) Definitions.—In this Act:

(1) The term "organizational camp" means a public or semipublic camp that—

(A) is developed on National Forest System lands by a nonprofit organization or governmental entity;

(B) provides a valuable service to the public by using such lands as a setting to introduce young people or individuals with a disability to activities that they may not otherwise experience and to educate them on natural resource issues; and

(C) does not have as its primary purpose raising revenue through commercial activities.

(2) The term "Secretary" means the Secretary of Agriculture, acting through the Chief of the Forest Service.

(3) The term "individual with a disability" has the meaning given the term in section 7(20) of the Rehabilitation Act of 1973 (29 U.S.C. 705(20)).

(4) The term "children at risk" means children who are raised in poverty or in single-parent homes or are subject to such circumstances as parental drug abuse, homelessness, or child abuse.

(5) The term "change in control" means—

(A) for a corporation, the sale or transfer of a controlling interest in the corporation;

(B) for a partnership or limited liability company, the sale or transfer of a controlling interest in the partnership or limited liability company; and

(C) for an individual, the sale or transfer or an organizational camp subject to this Act to another party.

SEC. 3. FEES FOR OCCUPANCY AND USE OF NATIONAL FOREST SYSTEM LANDS AND FACILITIES BY ORGANIZATIONAL CAMPS.

(a) Land Use Fee.—

(1) Percentage of land value.—The Secretary shall charge an annual land use fee for each organizational camp for its occupancy and use of National Forest System lands equal to five percent of the product of the following:

(A) The total number of acres of National Forest System lands authorized for the organizational camp.

(B) The estimated per-acre market value of land and buildings in the county where the camp is located, as reported in the most recent Census of Agriculture conducted by the National Agricultural Statistics Service.

(2) Annual adjustment.—The land use fee determined under paragraph (1) for an organizational camp shall be adjusted annually by the annual compounded rate of change between the two most recent Censuses of Agriculture.

(3) Reduction in fees.—

(A) Type of participants.—The Secretary shall reduce the land use fee determined under paragraph (1) proportionate to the number of individuals with a disability and children at risk who annually attend the organizational camp.

(B) Type of programs.—After making the reduction required by subparagraph (A), the Secretary shall reduce the remaining land use fee amount by up to 60 percent, proportionate to the number of persons who annually attend the organizational camp who participate in youth programs through organized and supervised social, citizenship, character-building, or faith-based activities oriented to outdoor-recreation experiences.

(C) Relation to minimum fee.—The reductions made under this paragraph may not reduce the land use fee for an organizational camp below the minimum land use fee required to be charged under paragraph (4).

(D) Special considerations.—For purposes of determining the amount of the land use fee reduction required under subparagraph (A) or (B), the Secretary may not take into consideration the existence of sponsorships or scholarships to assist persons in attending the organizational camp.

(4) Minimum land use fee.—The Secretary shall charge a minimum land use fee under paragraph (1) that represents, on average, the Secretary's cost annually to administer an organizational camp special use authorization in the National Forest Region in which the organizational camp is located. Notwithstanding paragraph (3) or subsection (d), the minimum land use fee shall not be subject to a reduction or waiver.

(b) Facility Use Fee.—

(1) Percentage of facilities value.—If an organizational camp uses a Government-owned facility on National Forest System lands pursuant to section 7 of the Act of April 24, 1950 (commonly known as the Granger-Thye Act; 16 U.S.C. 580d), the Secretary shall charge, in addition to the land

use fee imposed under subsection (a), a facility use fee equal to five percent of the value of the authorized facilities, as determined by the Secretary.

(2) REDUCTION IN FEES PROHIBITED.—Notwithstanding subsection (d), the facility use fees determined under paragraph (1) shall not be subject to a reduction or waiver.

(c) FEE RELATED TO RECEIPT OF OTHER REVENUES.—If an organizational camp derives revenue from the use of National Forest System lands or authorized facilities described in subsection (b) for purposes other than to introduce young people or individuals with a disability to activities that they may not otherwise experience and to educate them on natural resource issues, the Secretary shall charge, in addition to the land use fee imposed under subsection (a) and the facility use fee imposed under subsection (b), an additional fee equal to five percent of that revenue.

(d) WORK-IN-LIEU PROGRAM.—Subject to subsections (a)(4) and (b)(2), section 3 of the Federal Timber Contract Payment Modification Act (16 U.S.C. 539f) shall apply to the use fees imposed under this section.

SEC. 4. IMPLEMENTATION.

(a) PROMPT IMPLEMENTATION.—The Secretary shall issue direction regarding implementation of this Act by interim directive within 180 days after the date of the enactment of this Act. The Secretary shall implement this Act beginning with the first billing cycle for organizational camp special use authorizations occurring more than 180 days after the date of the enactment of this Act.

(b) PHASE-IN OF USE FEE INCREASES.—In issuing any direction regarding implementation of this Act under subsection (a), the Secretary shall consider whether to phase-in any significant increases in annual land or facility use fees for organizational camps.

SEC. 5. RELATIONSHIP TO OTHER LAWS.

Except as specifically provided by this Act, nothing in this Act supersedes or otherwise affects any provision of law, regulation, or policy regarding the issuance or administration of authorizations for organizational camps regarding the occupancy and use of National Forest System lands.

SEC. 6. DEPOSIT AND EXPENDITURE OF USE FEES.

(a) DEPOSIT AND AVAILABILITY.—Unless subject to section 7 of the Act of April 24, 1950 (commonly known as the Granger-Thye Act; 16 U.S.C. 580d), use fees collected by the Secretary under this Act shall be deposited in a special account in the Treasury and shall remain available to the Secretary for expenditure, without further appropriation until expended, for the purposes described in subsection (c).

(b) TRANSFER.—Upon request of the Secretary, the Secretary of the Treasury shall transfer to the Secretary from the special account such amounts as the Secretary may request. The Secretary shall accept and use such amounts in accordance with subsection (c).

(c) USE.—Use fees deposited pursuant to subsection (a) and transferred to the Secretary under subsection (b) shall be expended for monitoring of Forest Service special use authorizations, administration of the Forest Service's special program, interpretive programs, environmental analysis, environmental restoration, and similar purposes.

SEC. 7. MINISTERIAL ISSUANCE, OR AMENDMENT AUTHORIZATION.

(a) NEPA EXCEPTION.—The ministerial issuance or amendment of an organizational camp special use authorization shall not be subject to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(b) RULE OF CONSTRUCTION.—For purposes of subsection (a), the ministerial issuance or amendment of an authorization occurs only when the issuance or amendment of the authorization would not change the physical environment or the activities, facilities, or program of the operations governed by the authorization, and at least one of the following apply:

(1) The authorization is issued upon a change in control of the holder of an existing authorization.

(2) The holder, upon expiration of an authorization, is issued a new authorization.

(3) The authorization is amended—

(A) to effectuate administrative changes, such as modification of the land use fee or conversion to a new special use authorization form; or

(B) to include nondiscretionary environmental standards or to conform with current law.

DISCHARGED FROM THE COMMITTEE ON GOVERNMENT REFORM AND PASSED

H.R. 5574, to designate the facility of the United States Postal Service located at 206 South Main Street in Glennville, Georgia, as the "Michael Lee Woodcock Post Office".

H.R. 5574

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MICHAEL LEE WOODCOCK POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 206 South Main Street in Glennville, Georgia, shall be known and designated as the "Michael Lee Woodcock Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the Michael Lee Woodcock Post Office.

DISCHARGED FROM THE COMMITTEE ON GOVERNMENT REFORM AND PASSED

H.R. 5361, to designate the facility of the United States Postal Service located at 1830 South Lake Drive in Lexington, South Carolina, as the "Floyd Spence Post Office Building".

H.R. 5361

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FLOYD SPENCE POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 1830 South Lake Drive in Lexington, South Carolina, shall be known and designated as the "Floyd Spence Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the Floyd Spence Post Office Building.

DISCHARGED FROM THE COMMITTEE ON GOVERNMENT REFORM AND PASSED

H.R. 5439, to designate the facility of the United States Postal Service located at 111 West Washington Street in Bowling Green, Ohio, as the "Delbert L. Latta Post Office Building".

H.R. 5439

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DELBERT L. LATTA POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 111 West Washington Street in Bowling Green, Ohio, shall be known and designated as the "Delbert L. Latta Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the Delbert L. Latta Post Office Building.

DISCHARGED FROM THE COMMITTEE ON ENERGY AND COMMERCE AND PASSED

Senate 2558, to amend the Public Health Service Act to provide for the collection of data on benign brain-related tumors through the national program of cancer registries.

S. 2558

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Benign Brain Tumor Cancer Registries Amendment Act".

SEC. 2. NATIONAL PROGRAM OF CANCER REGISTRIES; BENIGN BRAIN-RELATED TUMORS AS ADDITIONAL CATEGORY OF DATA COLLECTED.

(a) IN GENERAL.—Section 399B of the Public Health Service Act (42 U.S.C. 280e), as redesignated by section 502(2)(A) of Public Law 106-310 (114 Stat. 1115), is amended in subsection (a)—

(1) by redesignating paragraphs (1) through (5) as subparagraphs (A) through (E), respectively and indenting appropriately;

(2) by striking "(a) IN GENERAL.—The Secretary" and inserting the following:

"(a) IN GENERAL.—

"(1) STATEWIDE CANCER REGISTRIES.—The Secretary";

(3) in the matter preceding subparagraph (A) (as so redesignated), by striking "population-based" and all that follows through "data" and inserting the following: "population-based, statewide registries to collect, for each condition specified in paragraph (2)(A), data"; and

(4) by adding at the end the following:

"(2) CANCER; BENIGN BRAIN-RELATED TUMORS.—

"(A) IN GENERAL.—For purposes of paragraph (1), the conditions referred to in this paragraph are the following:

"(i) Each form of in-situ and invasive cancer (with the exception of basal cell and squamous cell carcinoma of the skin), including malignant brain-related tumors.

"(ii) Benign brain-related tumors.

"(B) BRAIN-RELATED TUMOR.—For purposes of subparagraph (A):

"(i) The term 'brain-related tumor' means a listed primary tumor (whether malignant or benign) occurring in any of the following sites:

"(I) The brain, meninges, spinal cord, cauda equina, a cranial nerve or nerves, or any other part of the central nervous system.

"(II) The pituitary gland, pineal gland, or craniopharyngeal duct.

"(ii) The term 'listed', with respect to a primary tumor, means a primary tumor that is listed in the International Classification of Diseases for Oncology (commonly referred to as the ICD-O).

"(iii) The term 'International Classification of Diseases for Oncology' means a classification system that includes topography (site) information and histology (cell type information) developed by the World Health Organization, in collaboration with international centers, to promote international comparability in the collection, classification, processing, and presentation of cancer statistics. The ICD–O system is a supplement to the International Statistical Classification of Diseases and Related Health Problems (commonly known as the ICD) and is the standard coding system used by cancer registries worldwide. Such term includes any modification made to such system for purposes of the United States. Such term further includes any published classification system that is internationally recognized as a successor to the classification system referred to in the first sentence of this clause.

"(C) STATEWIDE CANCER REGISTRY.—References in this section to cancer registries shall be considered to be references to registries described in this subsection.".

(b) APPLICABILITY.—The amendments made by subsection (a) apply to grants under section 399B of the Public Health Service Act for fiscal year 2002 and subsequent fiscal years, except that, in the case of a State that received such a grant for fiscal year 2000, the Secretary of Health and Human Services may delay the applicability of such amendments to the State for not more than 12 months if the Secretary determines that compliance with such amendments requires the enactment of a statute by the State or the issuance of State regulations.

DISCHARGED FROM THE COMMITTEE ON GOVERNMENT REFORM AND PASSED

H.R. 5349, to facilitate the use of a portion of the former O'Reilly General Hospital in Springfield, Missouri, by the local Boys and Girls Club through the release of the reversionary interest and other interests retained by the United States in 1955 when the land was conveyed to the State of Missouri.

H.R. 5349

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RELEASE OF RETAINED RIGHTS, INTERESTS, AND RESERVATIONS, FORMER O'REILLY GENERAL HOSPITAL, SPRINGFIELD, MISSOURI.

(a) RELEASE REQUIRED.—Notwithstanding the first section of the Act of August 9, 1955 (chapter 661; 69 Stat. 592), the Administrator of General Services shall release, without consideration, all right, title, and interest retained by the United States in and to the portion of the former O'Reilly General Hospital in Springfield, Missouri, conveyed to the State of Missouri pursuant to such Act.

(b) INSTRUMENT OF RELEASE.—As soon as possible after the date of the enactment of this Act, the Administrator of General Services shall execute and file in the appropriate office a deed of release, amended deed, or other appropriate instrument effectuating the release of interests required by subsection (a).

DISCHARGED FROM THE COMMITTEE ON EDUCATION AND THE WORKFORCE AND PASSED

H.R. 5598, to provide for improvement of Federal education research, statistics, evaluation, information, and dissemination, and for other purposes.

H.R. 5598

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

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TITLE I—EDUCATION SCIENCES REFORM

SEC. 101. SHORT TITLE.

This title may be cited as the "Education Sciences Reform Act of 2002".

SEC. 102. DEFINITIONS.

In this title:

(1) IN GENERAL.—The terms "elementary school", "secondary school", "local educational agency", and "State educational agency" have the meanings given those terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801) and the terms "freely associated states" and "outlying area" have the meanings given those terms in section 1121(c) of such Act (20 U.S.C. 6331(c)).

(2) APPLIED RESEARCH.—The term "applied research" means research—

(A) to gain knowledge or understanding necessary for determining the means by which a recognized and specific need may be met; and

(B) that is specifically directed to the advancement of practice in the field of education.

(3) BASIC RESEARCH.—The term "basic research" means research—

(A) to gain fundamental knowledge or understanding of phenomena and observable facts, without specific application toward processes or products; and

(B) for the advancement of knowledge in the field of education.

(4) BOARD.—The term "Board" means the National Board for Education Sciences established under section 116.

(5) BUREAU.—The term "Bureau" means the Bureau of Indian Affairs.

(6) COMPREHENSIVE CENTER.—The term "comprehensive center" means an entity established under section 203 of the Educational Technical Assistance Act of 2002.

(7) DEPARTMENT.—The term "Department" means the Department of Education.

(8) DEVELOPMENT.—The term "development" means the systematic use of knowledge or understanding gained from the findings of scientifically valid research and the shaping of that knowledge or understanding into products or processes that can be applied and evaluated and may prove useful in areas such as the preparation of materials and new methods of instruction and practices in teaching, that lead to the improvement of the academic skills of students, and that are replicable in different educational settings.

(9) DIRECTOR.—The term "Director" means the Director of the Institute of Education Sciences.

(10) DISSEMINATION.—The term "dissemination" means the communication and transfer of the results of scientifically valid research, statistics, and evaluations, in forms that are understandable, easily accessible, and usable, or adaptable for use in, the improvement of educational practice by teachers, administrators, librarians, other practitioners, researchers, parents, policymakers, and the

public, through technical assistance, publications, electronic transfer, and other means.

(11) EARLY CHILDHOOD EDUCATOR.—The term "early childhood educator" means a person providing, or employed by a provider of, nonresidential child care services (including center-based, family-based, and in-home child care services) that is legally operating under State law, and that complies with applicable State and local requirements for the provision of child care services to children at any age from birth through the age at which a child may start kindergarten in that State.

(12) FIELD-INITIATED RESEARCH.—The term "field-initiated research" means basic research or applied research in which specific questions and methods of study are generated by investigators (including teachers and other practitioners) and that conforms to standards of scientifically valid research.

(13) HISTORICALLY BLACK COLLEGE OR UNIVERSITY.—The term "historically Black college or university" means a part B institution as defined in section 322 of the Higher Education Act of 1965 (20 U.S.C. 1061).

(14) INSTITUTE.—The term "Institute" means the Institute of Education Sciences established under section 111.

(15) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" has the meaning given that term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(16) NATIONAL RESEARCH AND DEVELOPMENT CENTER.—The term "national research and development center" means a research and development center supported under section 133(c).

(17) PROVIDER OF EARLY CHILDHOOD SERVICES.—The term "provider of early childhood services" means a public or private entity that serves young children, including—

(A) child care providers;

(B) Head Start agencies operating Head Start programs, and entities carrying out Early Head Start programs, under the Head Start Act (42 U.S.C. 9831 et seq.);

(C) preschools;

(D) kindergartens; and

(E) libraries.

(18) SCIENTIFICALLY BASED RESEARCH STANDARDS.—(A) The term "scientifically based research standards" means research standards that—

(i) apply rigorous, systematic, and objective methodology to obtain reliable and valid knowledge relevant to education activities and programs; and

(ii) present findings and make claims that are appropriate to and supported by the methods that have been employed.

(B) The term includes, appropriate to the research being conducted—

(i) employing systematic, empirical methods that draw on observation or experiment;

(ii) involving data analyses that are adequate to support the general findings;

(iii) relying on measurements or observational methods that provide reliable data;

(iv) making claims of causal relationships only in random assignment experiments or other designs (to the extent such designs substantially eliminate plausible competing explanations for the obtained results);

(v) ensuring that studies and methods are presented in sufficient detail and clarity to allow for replication or, at a minimum, to offer the opportunity to build systematically on the findings of the research;

(vi) obtaining acceptance by a peer-reviewed journal or approval by a panel of independent experts through a comparably rigorous, objective, and scientific review; and

(vii) using research designs and methods appropriate to the research question posed.

(19) SCIENTIFICALLY VALID EDUCATION EVALUATION.—The term "scientifically valid education evaluation" means an evaluation that—

(A) adheres to the highest possible standards of quality with respect to research design and statistical analysis;

(B) provides an adequate description of the programs evaluated and, to the extent possible, examines the relationship between program implementation and program impacts;

(C) provides an analysis of the results achieved by the program with respect to its projected effects;

(D) employs experimental designs using random assignment, when feasible, and other research methodologies that allow for the strongest possible causal inferences when random assignment is not feasible; and

(E) may study program implementation through a combination of scientifically valid and reliable methods.

(20) SCIENTIFICALLY VALID RESEARCH.—The term "scientifically valid research" includes applied research, basic research, and field-initiated research in which the rationale, design, and interpretation are soundly developed in accordance with scientifically based research standards.

(21) SECRETARY.—The term "Secretary" means the Secretary of Education.

(22) STATE.—The term "State" includes (except as provided in section 158) each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the freely associated states, and the outlying areas.

(23) TECHNICAL ASSISTANCE.—The term "technical assistance" means—

(A) assistance in identifying, selecting, or designing solutions based on research, including professional development and high-quality training to implement solutions leading to—

(i) improved educational and other practices and classroom instruction based on scientifically valid research; and

(ii) improved planning, design, and administration of programs;

(B) assistance in interpreting, analyzing, and utilizing statistics and evaluations; and

(C) other assistance necessary to encourage the improvement of teaching and learning through the applications of techniques supported by scientifically valid research.

PART A—THE INSTITUTE OF EDUCATION SCIENCES

SEC. 111. ESTABLISHMENT.

(a) ESTABLISHMENT.—There shall be in the Department the Institute of Education Sciences, to be administered by a Director (as described in section 114) and, to the extent set forth in section 116, a board of directors.

(b) MISSION.—

(1) IN GENERAL.—The mission of the Institute is to provide national leadership in expanding fundamental knowledge and understanding of education from early childhood through postsecondary study, in order to provide parents, educators, students, researchers, policymakers, and the general public with reliable information about—

(A) the condition and progress of education in the United States, including early childhood education;

(B) educational practices that support learning and improve academic achievement and access to educational opportunities for all students; and

(C) the effectiveness of Federal and other education programs.

(2) CARRYING OUT MISSION.—In carrying out the mission described in paragraph (1), the Institute shall compile statistics, develop products, and conduct research, evaluations, and wide dissemination activities in areas of demonstrated national need (including in technology areas) that are supported by Federal funds appropriated to the Institute and ensure that such activities—

(A) conform to high standards of quality, integrity, and accuracy; and

(B) are objective, secular, neutral, and nonideological and are free of partisan political influence and racial, cultural, gender, or regional bias.

(c) ORGANIZATION.—The Institute shall consist of the following:

(1) The Office of the Director (as described in section 114).

(2) The National Board for Education Sciences (as described in section 116).

(3) The National Education Centers, which include—

(A) the National Center for Education Research (as described in part B);

(B) the National Center for Education Statistics (as described in part C); and

(C) the National Center for Education Evaluation and Regional Assistance (as described in part D).

SEC. 112. FUNCTIONS.

From funds appropriated under section 194, the Institute, directly or through grants, contracts, or cooperative agreements, shall—

(1) conduct and support scientifically valid research activities, including basic research and applied research, statistics activities, scientifically valid education evaluation, development, and wide dissemination;

(2) widely disseminate the findings and results of scientifically valid research in education;

(3) promote the use, development, and application of knowledge gained from scientifically valid research activities;

(4) strengthen the national capacity to conduct, develop, and widely disseminate scientifically valid research in education;

(5) promote the coordination, development, and dissemination of scientifically valid research in education within the Department and the Federal Government; and

(6) promote the use and application of research and development to improve practice in the classroom.

SEC. 113. DELEGATION.

(a) DELEGATION OF AUTHORITY.—Notwithstanding section 412 of the Department of Education Organization Act (20 U.S.C. 3472), the Secretary shall delegate to the Director all functions for carrying out this title (other than administrative and support functions), except that—

(1) nothing in this title or in the National Assessment of Educational Progress Authorization Act (except section 302(e)(1)(J) of such Act) shall be construed to alter or diminish the role, responsibilities, or authority of the National Assessment Governing Board with respect to the National Assessment of Educational Progress (including with respect to the methodologies of the National Assessment of Educational Progress described in section 302(e)(1)(E)) from those authorized by the National Education Statistics Act of 1994 (20 U.S.C. 9001 et seq.) on the day before the date of enactment of this Act;

(2) members of the National Assessment Governing Board shall continue to be appointed by the Secretary;

(3) section 302(f)(1) of the National Assessment of Educational Progress Authorization Act shall apply to the National Assessment Governing Board in the exercise of its responsibilities under this Act;

(4) sections 115 and 116 shall not apply to the National Assessment of Educational Progress; and

(5) sections 115 and 116 shall not apply to the National Assessment Governing Board.

(b) OTHER ACTIVITIES.—The Secretary may assign the Institute responsibility for administering other activities, if those activities are consistent with—

(1) the Institute's priorities, as approved by the National Board for Education Sciences under section 116, and the Institute's mission, as described in section 111(b); or

(2) the Institute's mission, but only if those activities do not divert the Institute from its priorities.

SEC. 114. OFFICE OF THE DIRECTOR.

(a) APPOINTMENT.—Except as provided in subsection (b)(2), the President, by and with the advice and consent of the Senate, shall appoint the Director of the Institute.

(b) TERM.—

(1) IN GENERAL.—The Director shall serve for a term of 6 years, beginning on the date of appointment of the Director.

(2) FIRST DIRECTOR.—The President, without the advice and consent of the Senate, may appoint the Assistant Secretary for the Office of Educational Research and Improvement (as such office existed on the day before the date of enactment of this Act) to serve as the first Director of the Institute.

(3) SUBSEQUENT DIRECTORS.—The Board may make recommendations to the President with respect to the appointment of a Director under subsection (a), other than a Director appointed under paragraph (2).

(c) PAY.—The Director shall receive the rate of basic pay for level II of the Executive Schedule.

(d) QUALIFICATIONS.—The Director shall be selected from individuals who are highly qualified authorities in the fields of scientifically valid research, statistics, or evaluation in education, as well as management within such areas, and have a demonstrated capacity for sustained productivity and leadership in these areas.

(e) ADMINISTRATION.—The Director shall—

(1) administer, oversee, and coordinate the activities carried out under the Institute, including the activities of the National Education Centers; and

(2) coordinate and approve budgets and operating plans for each of the National Education Centers for submission to the Secretary.

(f) DUTIES.—The duties of the Director shall include the following:

(1) To propose to the Board priorities for the Institute, in accordance with section 115(a).

(2) To ensure the methodology applied in conducting research, development, evaluation, and statistical analysis is consistent with the standards for such activities under this title.

(3) To coordinate education research and related activities carried out by the Institute with such research and activities carried out by other agencies within the Department and the Federal Government.

(4) To advise the Secretary on research, evaluation, and statistics activities relevant to the activities of the Department.

(5) To establish necessary procedures for technical and scientific peer review of the activities of the Institute, consistent with section 116(b)(3).

(6) To ensure that all participants in research conducted or supported by the Institute are afforded their privacy rights and other relevant protections as research subjects, in accordance with section 183 of this title, section 552a of title 5, United States Code, and sections 444 and 445 of the General Education Provisions Act (20 U.S.C. 1232g, 1232h).

(7) To ensure that activities conducted or supported by the Institute are objective, secular, neutral, and nonideological and are free of partisan political influence and racial, cultural, gender, or regional bias.

(8) To undertake initiatives and programs to increase the participation of researchers and institutions that have been historically underutilized in Federal education research activities of the Institute, including historically Black colleges or universities or other institutions of higher education with large numbers of minority students.

(9) To coordinate with the Secretary to promote and provide for the coordination of research and development activities and technical assistance activities between the Institute and comprehensive centers.

(10) To solicit and consider the recommendations of education stakeholders, in order to ensure that there is broad and regular public and professional input from the educational field in the planning and carrying out of the Institute's activities.

(11) To coordinate the wide dissemination of information on scientifically valid research.

(12) To carry out and support other activities consistent with the priorities and mission of the Institute.

(g) EXPERT GUIDANCE AND ASSISTANCE.—The Director may establish technical and scientific peer-review groups and scientific program advisory committees for research and evaluations that the Director determines are necessary to carry out the requirements of this title. The Director shall appoint such personnel, except that officers and employees of the United States shall comprise no more than ¼ of the members of any such group or committee and shall not receive additional compensation for their service as members of such a group or committee. The Director shall ensure that reviewers are highly qualified and capable to appraise education research and development projects. The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to a peer-review group or an advisory committee established under this subsection.

(h) REVIEW.—The Director may, when requested by other officers of the Department, and shall, when directed by the Secretary, review the products and publications of other offices of the Department to certify that evidence-based claims about those products and publications are scientifically valid.

SEC. 115. PRIORITIES.

(a) PROPOSAL.—The Director shall propose to the Board priorities for the Institute (taking into consideration long-term research and development on core issues conducted through the national research and development centers). The Director shall identify topics that may require long-term research and topics that are focused on understanding and solving particular education problems and issues, including those associated with the goals and requirements established in the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) and the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), such as—

(1) closing the achievement gap between high-performing and low-performing children, especially achievement gaps between minority and nonminority children and between disadvantaged children and such children's more advantaged peers; and

(2) ensuring—

(A) that all children have the ability to obtain a high-quality education (from early childhood through postsecondary education) and reach, at a minimum, proficiency on challenging State academic achievement standards and State academic assessments, particularly in mathematics, science, and reading or language arts;

(B) access to, and opportunities for, postsecondary education; and

(C) the efficacy, impact on academic achievement, and cost-effectiveness of technology use within the Nation's schools.

(b) APPROVAL.—The Board shall approve or disapprove the priorities for the Institute proposed by the Director, including any necessary revision of those priorities. The Board shall transmit any priorities so approved to the appropriate congressional committees.

(c) CONSISTENCY.—The Board shall ensure that priorities of the Institute and the National Education Centers are consistent with the mission of the Institute.

(d) PUBLIC AVAILABILITY AND COMMENT.—

(1) PRIORITIES.—Before submitting to the Board proposed priorities for the Institute, the Director shall make such priorities available to the public for comment for not less than 60 days (including by means of the Internet and through publishing such priorities in the Federal Register). The Director shall provide to the Board a copy of each such comment submitted.

(2) PLAN.—Upon approval of such priorities, the Director shall make the Institute's plan for addressing such priorities available for public comment in the same manner as under paragraph (1).

SEC. 116. NATIONAL BOARD FOR EDUCATION SCIENCES.

(a) ESTABLISHMENT.—The Institute shall have a board of directors, which shall be known as the National Board for Education Sciences.

(b) DUTIES.—The duties of the Board shall be the following:

(1) To advise and consult with the Director on the policies of the Institute.

(2) To consider and approve priorities proposed by the Director under section 115 to guide the work of the Institute.

(3) To review and approve procedures for technical and scientific peer review of the activities of the Institute.

(4) To advise the Director on the establishment of activities to be supported by the Institute, including the general areas of research to be carried out by the National Center for Education Research.

(5) To present to the Director such recommendations as it may find appropriate for—

(A) the strengthening of education research; and

(B) the funding of the Institute.

(6) To advise the Director on the funding of applications for grants, contracts, and cooperative agreements for research, after the completion of peer review.

(7) To review and regularly evaluate the work of the Institute, to ensure that scientifically valid research, development, evaluation, and statistical analysis are consistent with the standards for such activities under this title.

(8) To advise the Director on ensuring that activities conducted or supported by the Institute are objective, secular, neutral, and nonideological and are free of partisan political influence and racial, cultural, gender, or regional bias.

(9) To solicit advice and information from those in the educational field, particularly

practitioners and researchers, to recommend to the Director topics that require long-term, sustained, systematic, programmatic, and integrated research efforts, including knowledge utilization and wide dissemination of research, consistent with the priorities and mission of the Institute.

(10) To advise the Director on opportunities for the participation in, and the advancement of, women, minorities, and persons with disabilities in education research, statistics, and evaluation activities of the Institute.

(11) To recommend to the Director ways to enhance strategic partnerships and collaborative efforts among other Federal and State research agencies.

(12) To recommend to the Director individuals to serve as Commissioners of the National Education Centers.

(c) Composition.—

(1) Voting members.—The Board shall have 15 voting members appointed by the President, by and with the advice and consent of the Senate.

(2) Advice.—The President shall solicit advice regarding individuals to serve on the Board from the National Academy of Sciences, the National Science Board, and the National Science Advisor.

(3) Nonvoting ex officio members.—The Board shall have the following nonvoting ex officio members:

(A) The Director of the Institute of Education Sciences.

(B) Each of the Commissioners of the National Education Centers.

(C) The Director of the National Institute of Child Health and Human Development.

(D) The Director of the Census.

(E) The Commissioner of Labor Statistics.

(F) The Director of the National Science Foundation.

(4) Appointed membership.—

(A) Qualifications.—Members appointed under paragraph (1) shall be highly qualified to appraise education research, statistics, evaluations, or development, and shall include the following individuals:

(i) Not fewer than 8 researchers in the field of statistics, evaluation, social sciences, or physical and biological sciences, which may include those researchers recommended by the National Academy of Sciences.

(ii) Individuals who are knowledgeable about the educational needs of the United States, who may include school-based professional educators, parents (including parents with experience in promoting parental involvement in education), Chief State School Officers, State postsecondary education executives, presidents of institutions of higher education, local educational agency superintendents, early childhood experts, principals, members of State or local boards of education or Bureau-funded school boards, and individuals from business and industry with experience in promoting private sector involvement in education.

(B) Terms.—Each member appointed under paragraph (1) shall serve for a term of 4 years, except that—

(i) the terms of the initial members appointed under such paragraph shall (as determined by a random selection process at the time of appointment) be for staggered terms of—

(I) 4 years for each of 5 members;

(II) 3 years for each of 5 members; and

(III) 2 years for each of 5 members; and

(ii) no member appointed under such paragraph shall serve for more than 2 consecutive terms.

(C) Unexpired terms.—Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term.

(D) Conflict of interest.—A voting member of the Board shall be considered a special Government employee for the purposes of the Ethics in Government Act of 1978.

(5) Chair.—The Board shall elect a chair from among the members of the Board.

(6) Compensation.—Members of the Board shall serve without pay for such service. Members of the Board who are officers or employees of the United States may not receive additional pay, allowances, or benefits by reason of their service on the Board.

(7) Travel expenses.—The members of the Board shall receive travel expenses, including per diem in lieu of subsistence, in accordance with subchapter I of chapter 57 of title 5, United States Code.

(8) Powers of the board.—

(A) Executive director.—The Board shall have an Executive Director who shall be appointed by the Board.

(B) Additional staff.—The Board shall utilize such additional staff as may be appointed or assigned by the Director, in consultation with the Chair and the Executive Director.

(C) Detail of personnel.—The Board may use the services and facilities of any department or agency of the Federal Government. Upon the request of the Board, the head of any Federal department or agency may detail any of the personnel of that department or agency to the Board to assist the Board in carrying out this Act.

(D) Contracts.—The Board may enter into contracts or make other arrangements as may be necessary to carry out its functions.

(E) Information.—The Board may, to the extent otherwise permitted by law, obtain directly from any executive department or agency of the Federal Government such information as the Board determines necessary to carry out its functions.

(9) Meetings.—The Board shall meet not less than 3 times each year. The Board shall hold additional meetings at the call of the Chair or upon the written request of not less than 6 voting members of the Board. Meetings of the Board shall be open to the public.

(10) Quorum.—A majority of the voting members of the Board serving at the time of the meeting shall constitute a quorum.

(d) Standing Committees.—

(1) Establishment.—The Board may establish standing committees—

(A) that will each serve 1 of the National Education Centers; and

(B) to advise, consult with, and make recommendations to the Director and the Commissioner of the appropriate National Education Center.

(2) Membership.—A majority of the members of each standing committee shall be voting members of the Board whose expertise is needed for the functioning of the committee. In addition, the membership of each standing committee may include, as appropriate—

(A) experts and scientists in research, statistics, evaluation, or development who are recognized in their discipline as highly qualified to represent such discipline and who are not members of the Board, but who may have been recommended by the Commissioner of the appropriate National Education Center and approved by the Board;

(B) ex officio members of the Board; and

(C) policymakers and expert practitioners with knowledge of, and experience using, the results of research, evaluation, and statistics who are not members of the Board, but who may have been recommended by the Commissioner of the appropriate National Education Center and approved by the Board.

(3) Duties.—Each standing committee shall—

(A) review and comment, at the discretion of the Board or the standing committee, on any grant, contract, or cooperative agreement entered into (or proposed to be entered into) by the applicable National Education Center;

(B) prepare for, and submit to, the Board an annual evaluation of the operations of the applicable National Education Center;

(C) review and comment on the relevant plan for activities to be undertaken by the applicable National Education Center for each fiscal year; and

(D) report periodically to the Board regarding the activities of the committee and the applicable National Education Center.

(e) Annual Report.—The Board shall submit to the Director, the Secretary, and the appropriate congressional committees, not later than July 1 of each year, a report that assesses the effectiveness of the Institute in carrying out its priorities and mission, especially as such priorities and mission relate to carrying out scientifically valid research, conducting unbiased evaluations, collecting and reporting accurate education statistics, and translating research into practice.

(f) Recommendations.—The Board shall submit to the Director, the Secretary, and the appropriate congressional committees a report that includes any recommendations regarding any actions that may be taken to enhance the ability of the Institute to carry out its priorities and mission. The Board shall submit an interim report not later than 3 years after the date of enactment of this Act and a final report not later than 5 years after such date of enactment.

SEC. 117. COMMISSIONERS OF THE NATIONAL EDUCATION CENTERS.

(a) Appointment of Commissioners.—

(1) In general.—Except as provided in subsection (b), each of the National Education Centers shall be headed by a Commissioner appointed by the Director. In appointing Commissioners, the Director shall seek to promote continuity in leadership of the National Education Centers and shall consider individuals recommended by the Board. The Director may appoint a Commissioner to carry out the functions of a National Education Center without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(2) Pay and qualifications.—Except as provided in subsection (b), each Commissioner shall—

(A) receive the rate of basic pay for level IV of the Executive Schedule; and

(B) be highly qualified in the field of education research or evaluation.

(3) Service.—Except as provided in subsection (b), each Commissioner shall report to the Director. A Commissioner shall serve for a period of not more than 6 years, except that a Commissioner—

(A) may be reappointed by the Director; and

(B) may serve after the expiration of that Commissioner's term, until a successor has been appointed, for a period not to exceed 1 additional year.

(b) Appointment of Commissioner for Education Statistics.—The National Center for Education Statistics shall be headed by a

Commissioner for Education Statistics who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall—

(1) have substantial knowledge of programs assisted by the National Center for Education Statistics;

(2) receive the rate of basic pay for level IV of the Executive Schedule; and

(3) serve for a term of 6 years, with the term to expire every sixth June 21, beginning in 2003.

(c) COORDINATION.—Each Commissioner of a National Education Center shall coordinate with each of the other Commissioners of the National Education Centers in carrying out such Commissioner's duties under this title.

(d) SUPERVISION AND APPROVAL.—Each Commissioner, except the Commissioner for Education Statistics, shall carry out such Commissioner's duties under this title under the supervision and subject to the approval of the Director.

SEC. 118. AGREEMENTS.

The Institute may carry out research projects of common interest with entities such as the National Science Foundation and the National Institute of Child Health and Human Development through agreements with such entities that are in accordance with section 430 of the General Education Provisions Act (20 U.S.C. 1231).

SEC. 119. BIENNIAL REPORT.

The Director shall, on a biennial basis, transmit to the President, the Board, and the appropriate congressional committees, and make widely available to the public (including by means of the Internet), a report containing the following:

(1) A description of the activities carried out by and through the National Education Centers during the prior fiscal years.

(2) A summary of each grant, contract, and cooperative agreement in excess of $100,000 funded through the National Education Centers during the prior fiscal years, including, at a minimum, the amount, duration, recipient, purpose of the award, and the relationship, if any, to the priorities and mission of the Institute, which shall be available in a user-friendly electronic database.

(3) A description of how the activities of the National Education Centers are consistent with the principles of scientifically valid research and the priorities and mission of the Institute.

(4) Such additional comments, recommendations, and materials as the Director considers appropriate.

SEC. 120. COMPETITIVE AWARDS.

Activities carried out under this Act through grants, contracts, or cooperative agreements, at a minimum, shall be awarded on a competitive basis and, when practicable, through a process of peer review.

PART B—NATIONAL CENTER FOR EDUCATION RESEARCH

SEC. 131. ESTABLISHMENT.

(a) ESTABLISHMENT.—There is established in the Institute a National Center for Education Research (in this part referred to as the "Research Center").

(b) MISSION.—The mission of the Research Center is—

(1) to sponsor sustained research that will lead to the accumulation of knowledge and understanding of education, to—

(A) ensure that all children have access to a high-quality education;

(B) improve student academic achievement, including through the use of educational technology;

(C) close the achievement gap between high-performing and low-performing students through the improvement of teaching and learning of reading, writing, mathematics, science, and other academic subjects; and

(D) improve access to, and opportunity for, postsecondary education;

(2) to support the synthesis and, as appropriate, the integration of education research;

(3) to promote quality and integrity through the use of accepted practices of scientific inquiry to obtain knowledge and understanding of the validity of education theories, practices, or conditions; and

(4) to promote scientifically valid research findings that can provide the basis for improving academic instruction and lifelong learning.

SEC. 132. COMMISSIONER FOR EDUCATION RESEARCH.

The Research Center shall be headed by a Commissioner for Education Research (in this part referred to as the "Research Commissioner") who shall have substantial knowledge of the activities of the Research Center, including a high level of expertise in the fields of research and research management.

SEC. 133. DUTIES.

(a) GENERAL DUTIES.—The Research Center shall—

(1) maintain published peer-review standards and standards for the conduct and evaluation of all research and development carried out under the auspices of the Research Center in accordance with this part;

(2) propose to the Director a research plan that—

(A) is consistent with the priorities and mission of the Institute and the mission of the Research Center and includes the activities described in paragraph (3); and

(B) shall be carried out pursuant to paragraph (4) and, as appropriate, be updated and modified;

(3) carry out specific, long-term research activities that are consistent with the priorities and mission of the Institute, and are approved by the Director;

(4) implement the plan proposed under paragraph (2) to carry out scientifically valid research that—

(A) uses objective and measurable indicators, including timelines, that are used to assess the progress and results of such research;

(B) meets the procedures for peer review established by the Director under section 114(f)(5) and the standards of research described in section 134; and

(C) includes both basic research and applied research, which shall include research conducted through field-initiated research and ongoing research initiatives;

(5) promote the use of scientifically valid research within the Federal Government, including active participation in interagency research projects described in section 118;

(6) ensure that research conducted under the direction of the Research Center is relevant to education practice and policy;

(7) synthesize and disseminate, through the National Center for Education Evaluation and Regional Assistance, the findings and results of education research conducted or supported by the Research Center;

(8) assist the Director in the preparation of a biennial report, as described in section 119;

(9) carry out research on successful State and local education reform activities, including those that result in increased academic achievement and in closing the achievement gap, as approved by the Director;

(10) carry out research initiatives regarding the impact of technology, including—

(A) research into how technology affects student achievement;

(B) long-term research into cognition and learning issues as they relate to the uses of technology;

(C) rigorous, peer-reviewed, large-scale, long-term, and broadly applicable empirical research that is designed to determine which approaches to the use of technology are most effective and cost-efficient in practice and under what conditions; and

(D) field-based research on how teachers implement technology and Internet-based resources in the classroom, including an understanding how these resources are being accessed, put to use, and the effectiveness of such resources; and

(11) carry out research that is rigorous, peer-reviewed, and large scale to determine which methods of mathematics and science teaching are most effective, cost efficient, and able to be applied, duplicated, and scaled up for use in elementary and secondary classrooms, including in low-performing schools, to improve the teaching of, and student achievement in, mathematics and science as required under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.).

(b) ELIGIBILITY.—Research carried out under subsection (a) through contracts, grants, or cooperative agreements shall be carried out only by recipients with the ability and capacity to conduct scientifically valid research.

(c) NATIONAL RESEARCH AND DEVELOPMENT CENTERS.—

(1) SUPPORT.—In carrying out activities under subsection (a)(3), the Research Commissioner shall support not less than 8 national research and development centers. The Research Commissioner shall assign each of the 8 national research and development centers not less than 1 of the topics described in paragraph (2). In addition, the Research Commissioner may assign each of the 8 national research and development centers additional topics of research consistent with the mission and priorities of the Institute and the mission of the Research Center.

(2) TOPICS OF RESEARCH.—The Research Commissioner shall support the following topics of research, through national research and development centers or through other means:

(A) Adult literacy.

(B) Assessment, standards, and accountability research.

(C) Early childhood development and education.

(D) English language learners research.

(E) Improving low achieving schools.

(F) Innovation in education reform.

(G) State and local policy.

(H) Postsecondary education and training.

(I) Rural education.

(J) Teacher quality.

(K) Reading and literacy.

(3) DUTIES OF CENTERS.—The national research and development centers shall address areas of national need, including in educational technology areas. The Research Commissioner may support additional national research and development centers to address topics of research not described in paragraph (2) if such topics are consistent with the priorities and mission of the Institute and the mission of the Research Center. The research carried out by the centers shall incorporate the potential or existing role of educational technology, where appropriate, in achieving the goals of each center.

(4) SCOPE.—Support for a national research and development center shall be for a period of not more than 5 years, shall be of sufficient size and scope to be effective, and notwithstanding section 134(b), may be renewed without competition for not more than 5 additional years if the Director, in consultation with the Research Commissioner and the Board, determines that the research of the national research and development center—

(A) continues to address priorities of the Institute; and

(B) merits renewal (applying the procedures and standards established in section 134).

(5) LIMIT.—No national research and development center may be supported under this subsection for a period of more than 10 years without submitting to a competitive process for the award of the support.

(6) CONTINUATION OF AWARDS.—The Director shall continue awards made to the national research and development centers that are in effect on the day before the date of enactment of this Act in accordance with the terms of those awards and may renew them in accordance with paragraphs (4) and (5).

(7) DISAGGREGATION.—To the extent feasible, research conducted under this subsection shall be disaggregated by age, race, gender, and socioeconomic background.

SEC. 134. STANDARDS FOR CONDUCT AND EVALUATION OF RESEARCH.

(a) IN GENERAL.—In carrying out this part, the Research Commissioner shall—

(1) ensure that all research conducted under the direction of the Research Center follows scientifically based research standards;

(2) develop such other standards as may be necessary to govern the conduct and evaluation of all research, development, and wide dissemination activities carried out by the Research Center to assure that such activities meet the highest standards of professional excellence;

(3) review the procedures utilized by the National Institutes of Health, the National Science Foundation, and other Federal departments or agencies engaged in research and development, and actively solicit recommendations from research organizations and members of the general public in the development of the standards described in paragraph (2); and

(4) ensure that all research complies with Federal guidelines relating to research misconduct.

(b) PEER REVIEW.—

(1) IN GENERAL.—The Director shall establish a peer review system, involving highly qualified individuals with an in-depth knowledge of the subject to be investigated, for reviewing and evaluating all applications for grants and cooperative agreements that exceed $100,000, and for evaluating and assessing the products of research by all recipients of grants and cooperative agreements under this Act.

(2) EVALUATION.—The Research Commissioner shall—

(A) develop the procedures to be used in evaluating applications for research grants, cooperative agreements, and contracts, and specify the criteria and factors (including, as applicable, the use of longitudinal data linking test scores, enrollment, and graduation rates over time) which shall be considered in making such evaluations; and

(B) evaluate the performance of each recipient of an award of a research grant, contract, or cooperative agreement at the conclusion of the award.

(c) LONG-TERM RESEARCH.—The Research Commissioner shall ensure that not less than 50 percent of the funds made available for research for each fiscal year shall be used to fund long-term research programs of not less than 5 years, which support the priorities and mission of the Institute and the mission of the Research Center.

PART C—NATIONAL CENTER FOR EDUCATION STATISTICS

SEC. 151. ESTABLISHMENT.

(a) ESTABLISHMENT.—There is established in the Institute a National Center for Education Statistics (in this part referred to as the "Statistics Center").

(b) MISSION.—The mission of the Statistics Center shall be—

(1) to collect and analyze education information and statistics in a manner that meets the highest methodological standards;

(2) to report education information and statistics in a timely manner; and

(3) to collect, analyze, and report education information and statistics in a manner that—

(A) is objective, secular, neutral, and nonideological and is free of partisan political influence and racial, cultural, gender, or regional bias; and

(B) is relevant and useful to practitioners, researchers, policymakers, and the public.

SEC. 152. COMMISSIONER FOR EDUCATION STATISTICS.

The Statistics Center shall be headed by a Commissioner for Education Statistics (in this part referred to as the "Statistics Commissioner") who shall be highly qualified and have substantial knowledge of statistical methodologies and activities undertaken by the Statistics Center.

SEC. 153. DUTIES.

(a) GENERAL DUTIES.—The Statistics Center shall collect, report, analyze, and disseminate statistical data related to education in the United States and in other nations, including—

(1) collecting, acquiring, compiling (where appropriate, on a State-by-State basis), and disseminating full and complete statistics (disaggregated by the population characteristics described in paragraph (3)) on the condition and progress of education, at the preschool, elementary, secondary, postsecondary, and adult levels in the United States, including data on—

(A) State and local education reform activities;

(B) State and local early childhood school readiness activities;

(C) student achievement in, at a minimum, the core academic areas of reading, mathematics, and science at all levels of education;

(D) secondary school completions, dropouts, and adult literacy and reading skills;

(E) access to, and opportunity for, postsecondary education, including data on financial aid to postsecondary students;

(F) teaching, including—

(i) data on in-service professional development, including a comparison of courses taken in the core academic areas of reading, mathematics, and science with courses in noncore academic areas, including technology courses; and

(ii) the percentage of teachers who are highly qualified (as such term is defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)) in each State and, where feasible, in each local educational agency and school;

(G) instruction, the conditions of the education workplace, and the supply of, and demand for, teachers;

(H) the incidence, frequency, seriousness, and nature of violence affecting students, school personnel, and other individuals participating in school activities, as well as other indices of school safety, including information regarding—

(i) the relationship between victims and perpetrators;

(ii) demographic characteristics of the victims and perpetrators; and

(iii) the type of weapons used in incidents, as classified in the Uniform Crime Reports of the Federal Bureau of Investigation;

(I) the financing and management of education, including data on revenues and expenditures;

(J) the social and economic status of children, including their academic achievement;

(K) the existence and use of educational technology and access to the Internet by students and teachers in elementary schools and secondary schools;

(L) access to, and opportunity for, early childhood education;

(M) the availability of, and access to, before-school and after-school programs (including such programs during school recesses);

(N) student participation in and completion of secondary and postsecondary vocational and technical education programs by specific program area; and

(O) the existence and use of school libraries;

(2) conducting and publishing reports on the meaning and significance of the statistics described in paragraph (1);

(3) collecting, analyzing, cross-tabulating, and reporting, to the extent feasible, information by gender, race, ethnicity, socioeconomic status, limited English proficiency, mobility, disability, urban, rural, suburban districts, and other population characteristics, when such disaggregated information will facilitate educational and policy decisionmaking;

(4) assisting public and private educational agencies, organizations, and institutions in improving and automating statistical and data collection activities, which may include assisting State educational agencies and local educational agencies with the disaggregation of data and with the development of longitudinal student data systems;

(5) determining voluntary standards and guidelines to assist State educational agencies in developing statewide longitudinal data systems that link individual student data consistent with the requirements of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), promote linkages across States, and protect student privacy consistent with section 183, to improve student academic achievement and close achievement gaps;

(6) acquiring and disseminating data on educational activities and student achievement (such as the Third International Math and Science Study) in the United States compared with foreign nations;

(7) conducting longitudinal and special data collections necessary to report on the condition and progress of education;

(8) assisting the Director in the preparation of a biennial report, as described in section 119; and

(9) determining, in consultation with the National Research Council of the National Academies, methodology by which States may accurately measure graduation rates (defined as the percentage of students who graduate from secondary school with a regular diploma in the standard number of years), school completion rates, and dropout rates.

(b) TRAINING PROGRAM.—The Statistics Commissioner may establish a program to train employees of public and private educational agencies, organizations, and institutions in the use of standard statistical procedures and concepts, and may establish a fellowship program to appoint such employees as temporary fellows at the Statistics Center, in order to assist the Statistics Center in carrying out its duties.

SEC. 154. PERFORMANCE OF DUTIES.

(a) GRANTS, CONTRACTS, AND COOPERATIVE AGREEMENTS.—In carrying out the duties under this part, the Statistics Commissioner, may award grants, enter into contracts and cooperative agreements, and provide technical assistance.

(b) GATHERING INFORMATION.—

(1) SAMPLING.—The Statistics Commissioner may use the statistical method known as sampling (including random sampling) to carry out this part.

(2) SOURCE OF INFORMATION.—The Statistics Commissioner may, as appropriate, use information collected—

(A) from States, local educational agencies, public and private schools, preschools, institutions of higher education, vocational and adult education programs, libraries, administrators, teachers, students, the general public, and other individuals, organizations, agencies, and institutions (including information collected by States and local educational agencies for their own use); and

(B) by other offices within the Institute and by other Federal departments, agencies, and instrumentalities.

(3) COLLECTION.—The Statistics Commissioner may—

(A) enter into interagency agreements for the collection of statistics;

(B) arrange with any agency, organization, or institution for the collection of statistics; and

(C) assign employees of the Statistics Center to any such agency, organization, or institution to assist in such collection.

(4) TECHNICAL ASSISTANCE AND COORDINATION.—In order to maximize the effectiveness of Department efforts to serve the educational needs of children and youth, the Statistics Commissioner shall—

(A) provide technical assistance to the Department offices that gather data for statistical purposes; and

(B) coordinate with other Department offices in the collection of data.

(c) DURATION.—Notwithstanding any other provision of law, the grants, contracts, and cooperative agreements under this section may be awarded, on a competitive basis, for a period of not more than 5 years, and may be renewed at the discretion of the Statistics Commissioner for an additional period of not more than 5 years.

SEC. 155. REPORTS.

(a) PROCEDURES FOR ISSUANCE OF REPORTS.—The Statistics Commissioner, shall establish procedures, in accordance with section 186, to ensure that the reports issued under this section are relevant, of high quality, useful to customers, subject to rigorous peer review, produced in a timely fashion, and free from any partisan political influence.

(b) REPORT ON CONDITION AND PROGRESS OF EDUCATION.—Not later than June 1, 2003, and each June 1 thereafter, the Statistics Commissioner, shall submit to the President and the appropriate congressional committees a statistical report on the condition and progress of education in the United States.

(c) STATISTICAL REPORTS.—The Statistics Commissioner shall issue regular and, as necessary, special statistical reports on education topics, particularly in the core academic areas of reading, mathematics, and science, consistent with the priorities and the mission of the Statistics Center.

SEC. 156. DISSEMINATION.

(a) GENERAL REQUESTS.—

(1) IN GENERAL.—The Statistics Center may furnish transcripts or copies of tables and other statistical records and make special statistical compilations and surveys for State and local officials, public and private organizations, and individuals.

(2) COMPILATIONS.—The Statistics Center shall provide State educational agencies, local educational agencies, and institutions of higher education with opportunities to suggest the establishment of particular compilations of statistics, surveys, and analyses that will assist those educational agencies.

(b) CONGRESSIONAL REQUESTS.—The Statistics Center shall furnish such special statistical compilations and surveys as the relevant congressional committees may request.

(c) JOINT STATISTICAL PROJECTS.—The Statistics Center may engage in joint statistical projects related to the mission of the Center, or other statistical purposes authorized by law, with nonprofit organizations or agencies, and the cost of such projects shall be shared equitably as determined by the Secretary.

(d) FEES.—

(1) IN GENERAL.—Statistical compilations and surveys under this section, other than those carried out pursuant to subsections (b) and (c), may be made subject to the payment of the actual or estimated cost of such work.

(2) FUNDS RECEIVED.—All funds received in payment for work or services described in this subsection may be used to pay directly the costs of such work or services, to repay appropriations that initially bore all or part of such costs, or to refund excess sums when necessary.

(e) ACCESS.—

(1) OTHER AGENCIES.—The Statistics Center shall, consistent with section 183, cooperate with other Federal agencies having a need for educational data in providing access to educational data received by the Statistics Center.

(2) INTERESTED PARTIES.—The Statistics Center shall, in accordance with such terms and conditions as the Center may prescribe, provide all interested parties, including public and private agencies, parents, and other individuals, direct access, in the most appropriate form (including, where possible, electronically), to data collected by the Statistics Center for the purposes of research and acquiring statistical information.

SEC. 157. COOPERATIVE EDUCATION STATISTICS SYSTEMS.

The Statistics Center may establish 1 or more national cooperative education statistics systems for the purpose of producing and maintaining, with the cooperation of the States, comparable and uniform information and data on early childhood education, elementary and secondary education, postsecondary education, adult education, and libraries, that are useful for policymaking at the Federal, State, and local levels.

SEC. 158. STATE DEFINED.

In this part, the term "State" means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

PART D—NATIONAL CENTER FOR EDUCATION EVALUATION AND REGIONAL ASSISTANCE

SEC. 171. ESTABLISHMENT.

(a) ESTABLISHMENT.—There is established in the Institute a National Center for Education Evaluation and Regional Assistance.

(b) MISSION.—The mission of the National Center for Education Evaluation and Regional Assistance shall be—

(1) to provide technical assistance;

(2) to conduct evaluations of Federal education programs administered by the Secretary (and as time and resources allow, other education programs) to determine the impact of such programs (especially on student academic achievement in the core academic areas of reading, mathematics, and science);

(3) to support synthesis and wide dissemination of results of evaluation, research, and products developed; and

(4) to encourage the use of scientifically valid education research and evaluation throughout the United States.

(c) GRANTS, CONTRACTS, AND COOPERATIVE AGREEMENTS.—In carrying out the duties under this part, the Director may award grants, enter into contracts and cooperative agreements, and provide technical assistance.

SEC. 172. COMMISSIONER FOR EDUCATION EVALUATION AND REGIONAL ASSISTANCE.

(a) IN GENERAL.—The National Center for Education Evaluation and Regional Assistance shall be headed by a Commissioner for Education Evaluation and Regional Assistance (in this part referred to as the "Evaluation and Regional Assistance Commissioner") who is highly qualified and has demonstrated a capacity to carry out the mission of the Center and shall—

(1) conduct evaluations pursuant to section 173;

(2) widely disseminate information on scientifically valid research, statistics, and evaluation on education, particularly to State educational agencies and local educational agencies, to institutions of higher education, to the public, the media, voluntary organizations, professional associations, and other constituencies, especially with respect to information relating to, at a minimum—

(A) the core academic areas of reading, mathematics, and science;

(B) closing the achievement gap between high-performing students and low-performing students;

(C) educational practices that improve academic achievement and promote learning;

(D) education technology, including software; and

(E) those topics covered by the Educational Resources Information Center Clearinghouses (established under section 941(f) of the Educational Research, Development, Dissemination, and Improvement Act of 1994 (20 U.S.C. 6041(f)) (as such provision was in effect on the day before the date of enactment of this Act);

(3) make such information accessible in a user-friendly, timely, and efficient manner (including through use of a searchable Internet-based online database that shall include all topics covered in paragraph (2)(E)) to schools, institutions of higher education, educators (including early childhood educators), parents, administrators, policymakers, researchers, public and private entities (including providers of early childhood services), entities responsible for carrying out technical assistance through the Department, and the general public;

(4) support the regional educational laboratories in conducting applied research, the development and dissemination of educational research, products and processes, the provision of technical assistance, and other activities to serve the educational needs of such laboratories' regions;

(5) manage the National Library of Education described in subsection (d), and other sources of digital information on education research;

(6) assist the Director in the preparation of a biennial report, described in section 119; and

(7) award a contract for a prekindergarten through grade 12 mathematics and science teacher clearinghouse.

(b) ADDITIONAL DUTIES.—In carrying out subsection (a), the Evaluation and Regional Assistance Commissioner shall—

(1) ensure that information disseminated under this section is provided in a cost-effective, nonduplicative manner that includes the most current research findings, which may include through the continuation of individual clearinghouses authorized under the Educational Research, Development, Dissemination, and Improvement Act of 1994 (title IX of the Goals 2000: Educate America Act; 20 U.S.C. 6001 et seq.) (as such Act existed on the day before the date of enactment of this Act);

(2) describe prominently the type of scientific evidence that is used to support the findings that are disseminated;

(3) explain clearly the scientifically appropriate and inappropriate uses of—

(A) the findings that are disseminated; and

(B) the types of evidence used to support those findings; and

(4) respond, as appropriate, to inquiries from schools, educators, parents, administrators, policymakers, researchers, public and private entities, and entities responsible for carrying out technical assistance.

(c) CONTINUATION.—The Director shall continue awards for the support of the Educational Resources Information Center Clearinghouses and contracts for regional educational laboratories (established under subsections (f) and (h) of section 941 of the Educational Research, Development, Dissemination, and Improvement Act of 1994 (20 U.S.C. 6041(f) and (h)) (as such awards were in effect on the day before the date of enactment of this Act)) for the duration of those awards, in accordance with the terms and agreements of such awards.

(d) NATIONAL LIBRARY OF EDUCATION.—

(1) ESTABLISHMENT.—There is established, within the National Center for Education Evaluation and Regional Assistance, a National Library of Education that shall—

(A) be headed by an individual who is highly qualified in library science;

(B) collect and archive information;

(C) provide a central location within the Federal Government for information about education;

(D) provide comprehensive reference services on matters related to education to employees of the Department of Education and its contractors and grantees, other Federal employees, and members of the public; and

(E) promote greater cooperation and resource sharing among providers and repositories of education information in the United States.

(2) INFORMATION.—The information collected and archived by the National Library of Education shall include—

(A) products and publications developed through, or supported by, the Institute; and

(B) other relevant and useful education-related research, statistics, and evaluation materials and other information, projects, and publications that are—

(i) consistent with—

(I) scientifically valid research; or

(II) the priorities and mission of the Institute; and

(ii) developed by the Department, other Federal agencies, or entities (including entities supported under the Educational Technical Assistance Act of 2002 and the Educational Resources Information Center Clearinghouses (established under section 941(f) of the Educational Research, Development, Dissemination, and Improvement Act of 1994 (20 U.S.C. 6041(f)) (as such provision was in effect on the day before the date of enactment of this Act))).

SEC. 173. EVALUATIONS.

(a) IN GENERAL.—

(1) REQUIREMENTS.—In carrying out its missions, the National Center for Education Evaluation and Regional Assistance may—

(A) conduct or support evaluations consistent with the Center's mission as described in section 171(b);

(B) evaluate programs under title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.);

(C) to the extent practicable, examine evaluations conducted or supported by others in order to determine the quality and relevance of the evidence of effectiveness generated by those evaluations, with the approval of the Director;

(D) coordinate the activities of the National Center for Education Evaluation and Regional Assistance with other evaluation activities in the Department;

(E) review and, where feasible, supplement Federal education program evaluations, particularly those by the Department, to determine or enhance the quality and relevance of the evidence generated by those evaluations;

(F) establish evaluation methodology; and

(G) assist the Director in the preparation of the biennial report, as described in section 119.

(2) ADDITIONAL REQUIREMENTS.—Each evaluation conducted by the National Center for Education Evaluation and Regional Assistance pursuant to paragraph (1) shall—

(A) adhere to the highest possible standards of quality for conducting scientifically valid education evaluation; and

(B) be subject to rigorous peer-review.

(b) ADMINISTRATION OF EVALUATIONS UNDER TITLE I OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.—The Evaluation and Regional Assistance Commissioner, consistent with the mission of the National Center for Education Evaluation and Regional Assistance under section 171(b), shall administer all operations and contracts associated with evaluations authorized by part E of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6491 et seq.) and administered by the Department as of the date of enactment of this Act.

SEC. 174. REGIONAL EDUCATIONAL LABORATORIES FOR RESEARCH, DEVELOPMENT, DISSEMINATION, AND TECHNICAL ASSISTANCE.

(a) REGIONAL EDUCATIONAL LABORATORIES.—The Director shall enter into contracts with entities to establish a networked system of 10 regional educational laboratories that serve the needs of each region of the United States in accordance with the provisions of this section. The amount of assistance allocated to each laboratory by the Evaluation and Regional Assistance Commissioner shall reflect the number of local educational agencies and the number of school-age children within the region served by such laboratory, as well as the cost of providing services within the geographic area encompassed by the region.

(b) REGIONS.—The regions served by the regional educational laboratories shall be the 10 geographic regions served by the regional educational laboratories established under section 941(h) of the Educational Research, Development, Dissemination, and Improvement Act of 1994 (as such provision existed on the day before the date of enactment of this Act).

(c) ELIGIBLE APPLICANTS.—The Director may enter into contracts under this section with research organizations, institutions, agencies, institutions of higher education, or partnerships among such entities, or individuals, with the demonstrated ability or capacity to carry out the activities described in this section, including regional entities that carried out activities under the Educational Research, Development, Dissemination, and Improvement Act of 1994 (as such Act existed on the day before the date of enactment of this Act) and title XIII of the Elementary and Secondary Education Act of 1965 (as such title existed on the day before the date of enactment of the No Child Left Behind Act of 2001 (Public Law 107-110)).

(d) APPLICATIONS.—

(1) SUBMISSION.—Each applicant desiring a contract under this section shall submit an application at such time, in such manner, and containing such information as the Director may reasonably require.

(2) PLAN.—Each application submitted under paragraph (1) shall contain a 5-year plan for carrying out the activities described in this section in a manner that addresses the priorities established under section 207 and addresses the needs of all States (and to the extent practicable, of local educational agencies) within the region to be served by the regional educational laboratory, on an ongoing basis.

(e) ENTERING INTO CONTRACTS.—

(1) IN GENERAL.—In entering into contracts under this section, the Director shall—

(A) enter into contracts for a 5-year period; and

(B) ensure that regional educational laboratories established under this section have strong and effective governance, organization, management, and administration, and employ qualified staff.

(2) COORDINATION.—In order to ensure coordination and prevent unnecessary duplication of activities among the regions, the Evaluation and Regional Assistance Commissioner shall—

(A) share information about the activities of each regional educational laboratory awarded a contract under this section with each other regional educational laboratory awarded a contract under this section and with the Department of Education, including the Director and the Board;

(B) oversee a strategic plan for ensuring that each regional educational laboratory awarded a contract under this section increases collaboration and resource-sharing in such activities;

(C) ensure, where appropriate, that the activities of each regional educational laboratory awarded a contract under this section also serve national interests; and

(D) ensure that each regional educational laboratory awarded a contract under this section coordinates such laboratory's activities with the activities of each other regional technical assistance provider.

(3) OUTREACH.—In conducting competitions for contracts under this section, the Director shall—

(A) actively encourage eligible entities to compete for such awards by making information and technical assistance relating to the competition widely available; and

(B) seek input from the chief executive officers of States, chief State school officers, educators, and parents regarding the need for applied research, wide dissemination, training, technical assistance, and development activities authorized by this title in the regions to be served by the regional educational laboratories and how those educational needs could be addressed most effectively.

(4) OBJECTIVES AND INDICATORS.—Before entering into a contract under this section, the Director shall design specific objectives and measurable indicators to be used to assess the particular programs or initiatives, and ongoing progress and performance, of the regional educational laboratories, in order to ensure that the educational needs of the region are being met and that the latest and best research and proven practices are being carried out as part of school improvement efforts.

(5) STANDARDS.—The Evaluation and Regional Assistance Commissioner shall establish a system for technical and peer review to ensure that applied research activities, research-based reports, and products of the regional educational laboratories are consistent with the research standards described in section 134 and the evaluation standards adhered to pursuant to section 173(a)(2)(A).

(f) CENTRAL MISSION AND PRIMARY FUNCTION.—Each regional educational laboratory awarded a contract under this section shall support applied research, development, wide dissemination, and technical assistance activities by—

(1) providing training (which may include supporting internships and fellowships and providing stipends) and technical assistance to State educational agencies, local educational agencies, school boards, schools funded by the Bureau as appropriate, and State boards of education regarding, at a minimum—

(A) the administration and implementation of programs under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.);

(B) scientifically valid research in education on teaching methods, assessment tools, and high quality, challenging curriculum frameworks for use by teachers and administrators in, at a minimum—

(i) the core academic subjects of mathematics, science, and reading;

(ii) English language acquisition;

(iii) education technology; and

(iv) the replication and adaption of exemplary and promising practices and new educational methods, including professional development strategies and the use of educational technology to improve teaching and learning; and

(C) the facilitation of communication between educational experts, school officials, and teachers, parents, and librarians, to enable such individuals to assist schools to develop a plan to meet the State education goals;

(2) developing and widely disseminating, including through Internet-based means, scientifically valid research, information, reports, and publications that are usable for improving academic achievement, closing achievement gaps, and encouraging and sustaining school improvement, to—

(A) schools, districts, institutions of higher education, educators (including early childhood educators and librarians), parents, policymakers, and other constituencies, as appropriate, within the region in which the regional educational laboratory is located; and

(B) the National Center for Education Evaluation and Regional Assistance;

(3) developing a plan for identifying and serving the needs of the region by conducting a continuing survey of the educational needs, strengths, and weaknesses within the region, including a process of open hearings to solicit the views of schools, teachers, administrators, parents, local educational agencies, librarians, and State educational agencies within the region;

(4) in the event such quality applied research does not exist as determined by the regional educational laboratory or the Department, carrying out applied research projects that are designed to serve the particular educational needs (in prekindergarten through grade 16) of the region in which the regional educational laboratory is located, that reflect findings from scientifically valid research, and that result in user-friendly, replicable school-based classroom applications geared toward promoting increased student achievement, including using applied research to assist in solving site-specific problems and assisting in development activities (including high-quality and on-going professional development and effective parental involvement strategies);

(5) supporting and serving the educational development activities and needs of the region by providing educational applied research in usable forms to promote school-improvement, academic achievement, and the closing of achievement gaps and contributing to the current base of education knowledge by addressing enduring problems in elementary and secondary education and access to postsecondary education;

(6) collaborating and coordinating services with other technical assistance providers funded by the Department of Education;

(7) assisting in gathering information on school finance systems to promote improved access to educational opportunities and to better serve all public school students;

(8) assisting in gathering information on alternative administrative structures that are more conducive to planning, implementing, and sustaining school reform and improved academic achievement;

(9) bringing teams of experts together to develop and implement school improvement plans and strategies, especially in low-performing or high poverty schools; and

(10) developing innovative approaches to the application of technology in education that are unlikely to originate from within the private sector, but which could result in the development of new forms of education software, education content, and technology-enabled pedagogy.

(g) ACTIVITIES.—Each regional educational laboratory awarded a contract under this section shall carry out the following activities:

(1) Collaborate with the National Education Centers in order to—

(A) maximize the use of research conducted through the National Education Centers in the work of such laboratory;

(B) keep the National Education Centers apprised of the work of the regional educational laboratory in the field; and

(C) inform the National Education Centers about additional research needs identified in the field.

(2) Consult with the State educational agencies and local educational agencies in the region in developing the plan for serving the region.

(3) Develop strategies to utilize schools as critical components in reforming education and revitalizing rural communities in the United States.

(4) Report and disseminate information on overcoming the obstacles faced by educators and schools in high poverty, urban, and rural areas.

(5) Identify successful educational programs that have either been developed by such laboratory in carrying out such laboratory's functions or that have been developed or used by others within the region served by the laboratory and make such information available to the Secretary and the network of regional educational laboratories so that such programs may be considered for inclusion in the national education dissemination system.

(h) GOVERNING BOARD AND ALLOCATION.—

(1) IN GENERAL.—In carrying out its responsibilities, each regional educational laboratory awarded a contract under this section, in keeping with the terms and conditions of such laboratory's contract, shall—

(A) establish a governing board that—

(i) reflects a balanced representation of—

(I) the States in the region;

(II) the interests and concerns of regional constituencies; and

(III) technical expertise;

(ii) includes the chief State school officer or such officer's designee of each State represented in such board's region;

(iii) includes—

(I) representatives nominated by chief executive officers of States and State organizations of superintendents, principals, institutions of higher education, teachers, parents, businesses, and researchers; or

(II) other representatives of the organizations described in subclause (I), as required by State law in effect on the day before the date of enactment of this Act;

(iv) is the sole entity that—

(I) guides and directs the laboratory in carrying out the provisions of this subsection and satisfying the terms and conditions of the contract award;

(II) determines the regional agenda of the laboratory;

(III) engages in an ongoing dialogue with the Evaluation and Regional Assistance Commissioner concerning the laboratory's goals, activities, and priorities; and

(IV) determines at the start of the contract period, subject to the requirements of this section and in consultation with the Evaluation and Regional Assistance Commissioner, the mission of the regional educational laboratory for the duration of the contract period;

(v) ensures that the regional educational laboratory attains and maintains a high level of quality in the laboratory's work and products;

(vi) establishes standards to ensure that the regional educational laboratory has strong and effective governance, organization, management, and administration, and employs qualified staff;

(vii) directs the regional educational laboratory to carry out the laboratory's duties in a manner that will make progress toward achieving the State education goals and reforming schools and educational systems; and

(viii) conducts a continuing survey of the educational needs, strengths, and weaknesses within the region, including a process of open hearings to solicit the views of schools and teachers; and

(B) allocate the regional educational laboratory's resources to and within each State in a manner which reflects the need for assistance, taking into account such factors as the proportion of economically disadvantaged students, the increased cost burden of service delivery in areas of sparse populations, and any special initiatives being undertaken by State, intermediate, local educational agencies, or Bureau-funded schools, as appropriate, which may require special assistance from the laboratory.

(2) Special Rule.—If a regional educational laboratory needs flexibility in order to meet the requirements of paragraph (1)(A)(i), the regional educational laboratory may select not more than 10 percent of the governing board from individuals outside those representatives nominated in accordance with paragraph (1)(A)(iii).

(i) Duties of Governing Board.—In order to improve the efficiency and effectiveness of the regional educational laboratories, the governing boards of the regional educational laboratories shall establish and maintain a network to—

(1) share information about the activities each laboratory is carrying out;

(2) plan joint activities that would meet the needs of multiple regions;

(3) create a strategic plan for the development of activities undertaken by the laboratories to reduce redundancy and increase collaboration and resource-sharing in such activities; and

(4) otherwise devise means by which the work of the individual laboratories could serve national, as well as regional, needs.

(j) Evaluations.—The Evaluation and Regional Assistance Commissioner shall provide for independent evaluations of each of the regional educational laboratories in carrying out the duties described in this section in the third year that such laboratory receives assistance under this section in accordance with the standards developed by the Evaluation and Regional Assistance Commissioner and approved by the Board and shall transmit the results of such evaluations to the relevant committees of Congress, the Board, and the appropriate regional educational laboratory governing board.

(k) Rule of Construction.—No regional educational laboratory receiving assistance under this section shall, by reason of the receipt of that assistance, be ineligible to receive any other assistance from the Department of Education as authorized by law or be prohibited from engaging in activities involving international projects or endeavors.

(l) Advance Payment System.—Each regional educational laboratory awarded a contract under this section shall participate in the advance payment system at the Department of Education.

(m) Additional Projects.—In addition to activities authorized under this section, the Director is authorized to enter into contracts or agreements with a regional educational laboratory for the purpose of carrying out additional projects to enable such regional educational laboratory to assist in efforts to achieve State education goals and for other purposes.

(n) Annual Report and Plan.—Not later than July 1 of each year, each regional educational laboratory awarded a contract under this section shall submit to the Evaluation and Regional Assistance Commissioner—

(1) a plan covering the succeeding fiscal year, in which such laboratory's mission, activities, and scope of work are described, including a general description of the plans such laboratory expects to submit in the remaining years of such laboratory's contract; and

(2) a report of how well such laboratory is meeting the needs of the region, including a summary of activities during the preceding year, a list of entities served, a list of products, and any other information that the regional educational laboratory may consider relevant or the Evaluation and Regional Assistance Commissioner may require.

(o) Construction.—Nothing in this section shall be construed to require any modifications in a regional educational laboratory contract in effect on the day before the date of enactment of this Act.

PART E—GENERAL PROVISIONS

SEC. 181. INTERAGENCY DATA SOURCES AND FORMATS.

The Secretary, in consultation with the Director, shall ensure that the Department and the Institute use common sources of data in standardized formats.

SEC. 182. PROHIBITIONS.

(a) National Database.—Nothing in this title may be construed to authorize the establishment of a nationwide database of individually identifiable information on individuals involved in studies or other collections of data under this title.

(b) Federal Government and Use of Federal Funds.—Nothing in this title may be construed to authorize an officer or employee of the Federal Government to mandate, direct, or control the curriculum, program of instruction, or allocation of State or local resources of a State, local educational agency, or school, or to mandate a State, or any subdivision thereof, to spend any funds or incur any costs not provided for under this title.

(c) Endorsement of Curriculum.—Notwithstanding any other provision of Federal law, no funds provided under this title to the Institute, including any office, board, committee, or center of the Institute, may be used by the Institute to endorse, approve, or sanction any curriculum designed to be used in an elementary school or secondary school.

(d) Federally Sponsored Testing.—

(1) In General.—Subject to paragraph (2), no funds provided under this title to the Secretary or to the recipient of any award may be used to develop, pilot test, field test, implement, administer, or distribute any federally sponsored national test in reading, mathematics, or any other subject, unless specifically and explicitly authorized by law.

(2) Exceptions.—Subsection (a) shall not apply to international comparative assessments developed under the authority of section 153(a)(6) of this title or section 404(a)(6) of the National Education Statistics Act of 1994 (20 U.S.C. 9003(a)(6)) (as such section was in effect on the day before the date of enactment of this Act) and administered to only a representative sample of pupils in the United States and in foreign nations.

SEC. 183. CONFIDENTIALITY.

(a) In General.—All collection, maintenance, use, and wide dissemination of data by the Institute, including each office, board, committee, and center of the Institute, shall conform with the requirements of section 552a of title 5, United States Code, the confidentiality standards of subsection (c) of this section, and sections 444 and 445 of the General Education Provisions Act (20 U.S.C. 1232g, 1232h).

(b) Student Information.—The Director shall ensure that all individually identifiable information about students, their academic achievements, their families, and information with respect to individual schools, shall remain confidential in accordance with section 552a of title 5, United States Code, the confidentiality standards of subsection (c) of this section, and sections 444 and 445 of the General Education Provisions Act (20 U.S.C. 1232g, 1232h).

SEC. 184. AVAILABILITY OF DATA.

Subject to section 183, data collected by the Institute, including any office, board, committee, or center of the Institute, in carrying out the priorities and mission of the Institute, shall be made available to the public, including through use of the Internet.

SEC. 185. PERFORMANCE MANAGEMENT.

The Director shall ensure that all activities conducted or supported by the Institute or a National Education Center make customer service a priority. The Director shall ensure a high level of customer satisfaction through the following methods:

(1) Establishing and improving feedback mechanisms in order to anticipate customer needs.

(2) Disseminating information in a timely fashion and in formats that are easily accessible and usable by researchers, practitioners, and the general public.

(3) Utilizing the most modern technology and other methods available, including arrangements to use data collected electronically by States and local educational agencies, to ensure the efficient collection and timely distribution of information, including data and reports.

(4) Establishing and measuring performance against a set of indicators for the quality of data collected, analyzed, and reported.

(5) Continuously improving management strategies and practices.

(6) Making information available to the public in an expeditious fashion.

SEC. 186. AUTHORITY TO PUBLISH.

(a) Publication.—The Director may prepare and publish (including through oral presentation) such research, statistics (consistent with part C), and evaluation information and reports from any office, board, committee, and center of the Institute, as needed to carry out the priorities and mission of the Institute without the approval of the Secretary or any other office of the Department.

(b) Advance Copies.—The Director shall provide the Secretary and other relevant offices with an advance copy of any information to be published under this section before publication.

(c) Peer Review.—All research, statistics, and evaluation reports conducted by, or supported through, the Institute shall be subjected to rigorous peer review before being published or otherwise made available to the public.

(d) Items Not Covered.—Nothing in subsections (a), (b), or (c) shall be construed to apply to—

(1) information on current or proposed budgets, appropriations, or legislation;

(2) information prohibited from disclosure by law or the Constitution, classified national security information, or information described in section 552(b) of title 5, United States Code; and

(3) review by officers of the United States in order to prevent the unauthorized disclosure of information described in paragraph (1) or (2).

SEC. 187. VACANCIES.

Any member appointed to fill a vacancy on the Board occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term. A vacancy in an office, board, committee, or center of the Institute shall be filled in the manner in which the original appointment was made. This section does not apply to employees appointed under section 188.

SEC. 188. SCIENTIFIC OR TECHNICAL EMPLOYEES.

(a) IN GENERAL.—The Director may appoint, for terms not to exceed 6 years (without regard to the provisions of title 5, United States Code, governing appointment in the competitive service) and may compensate (without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates) such scientific or technical employees to carry out the functions of the Institute or the office, board, committee, or center, respectively, if—

(1) at least 30 days prior to the appointment of any such employee, public notice is given of the availability of such position and an opportunity is provided for qualified individuals to apply and compete for such position;

(2) the rate of basic pay for such employees does not exceed the maximum rate of basic pay payable for positions at GS–15, as determined in accordance with section 5376 of title 5, United States Code, except that not more than 7 individuals appointed under this section may be paid at a rate that does not exceed the rate of basic pay for level III of the Executive Schedule;

(3) the appointment of such employee is necessary (as determined by the Director on the basis of clear and convincing evidence) to provide the Institute or the office, board, committee, or center with scientific or technical expertise which could not otherwise be obtained by the Institute or the office, board, committee, or center through the competitive service; and

(4) the total number of such employees does not exceed 40 individuals or ⅕ of the number of full-time, regular scientific or professional employees of the Institute, whichever is greater.

(b) DUTIES OF EMPLOYEES.—All employees described in subsection (a) shall work on activities of the Institute or the office, board, committee, or center, and shall not be reassigned to other duties outside the Institute or the office, board, committee, or center during their term.

SEC. 189. FELLOWSHIPS.

In order to strengthen the national capacity to carry out high-quality research, evaluation, and statistics related to education, the Director shall establish and maintain research, evaluation, and statistics fellowships in institutions of higher education (which may include the establishment of such fellowships in historically Black colleges and universities and other institutions of higher education with large numbers of minority students) that support graduate and postdoctoral study onsite at the Institute or at the institution of higher education. In establishing the fellowships, the Director shall ensure that women and minorities are actively recruited for participation.

SEC. 190. VOLUNTARY SERVICE.

The Director may accept voluntary and uncompensated services to carry out and support activities that are consistent with the priorities and mission of the Institute.

SEC. 191. RULEMAKING.

Notwithstanding section 437(d) of the General Education Provisions Act (20 U.S.C. 1232(d)), the exemption for public property, loans, grants, and benefits in section 553(a)(2) of title 5, United States Code, shall apply to the Institute.

SEC. 192. COPYRIGHT.

Nothing in this Act shall be construed to affect the rights, remedies, limitations, or defense under title 17, United States Code.

SEC. 193. REMOVAL.

(a) PRESIDENTIAL.—The Director, the Commissioner for Education Statistics, and each member of the Board may be removed by the President prior to the expiration of the term of each such appointee.

(b) DIRECTOR.—Each Commissioner appointed by the Director pursuant to section 117 may be removed by the Director prior to the expiration of the term of each such Commissioner.

SEC. 194. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to administer and carry out this title (except section 174) $400,000,000 for fiscal year 2003 and such sums as may be necessary for each of the 5 succeeding fiscal years, of which—

(1) not less than the amount provided to the National Center for Education Statistics (as such Center was in existence on the day before the date of enactment of this Act) for fiscal year 2002 shall be provided to the National Center for Education Statistics, as authorized under part C; and

(2) not more than the lesser of 2 percent of such funds or $1,000,000 shall be made available to carry out section 116 (relating to the National Board for Education Sciences).

(b) REGIONAL EDUCATIONAL LABORATORIES.—There are authorized to be appropriated to carry out section 174 $100,000,000 for fiscal year 2003 and such sums as may be necessary for each of the 5 succeeding fiscal years. Of the amounts appropriated under the preceding sentence for a fiscal year, the Director shall obligate not less than 25 percent to carry out such purpose with respect to rural areas (including schools funded by the Bureau which are located in rural areas).

(c) AVAILABILITY.—Amounts made available under this section shall remain available until expended.

TITLE II—EDUCATIONAL TECHNICAL ASSISTANCE

SEC. 201. SHORT TITLE.

This title may be cited as the "Educational Technical Assistance Act of 2002".

SEC. 202. DEFINITIONS.

In this title:

(1) IN GENERAL.—The terms "local educational agency" and "State educational agency" have the meanings given those terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(2) SECRETARY.—The term "Secretary" means the Secretary of Education.

SEC. 203. COMPREHENSIVE CENTERS.

(a) AUTHORIZATION.—

(1) IN GENERAL.—Subject to paragraph (2), beginning in fiscal year 2004, the Secretary is authorized to award not less than 20 grants to local entities, or consortia of such entities, with demonstrated expertise in providing technical assistance and professional development in reading, mathematics, science, and technology, especially to low-performing schools and districts, to establish comprehensive centers.

(2) REGIONS.—In awarding grants under paragraph (1), the Secretary—

(A) shall ensure that not less than 1 comprehensive center is established in each of the 10 geographic regions served by the regional educational laboratories established under section 941(h) of the Educational Research, Development, Dissemination, and Improvement Act of 1994 (as such provision existed on the day before the date of enactment of this Act); and

(B) after meeting the requirements of subparagraph (A), shall consider, in awarding the remainder of the grants, the school-age population, proportion of economically disadvantaged students, the increased cost burdens of service delivery in areas of sparse population, and the number of schools identified for school improvement (as described in section 1116(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(b)) in the population served by the local entity or consortium of such entities.

(b) ELIGIBLE APPLICANTS.—

(1) IN GENERAL.—Grants under this section may be made with research organizations, institutions, agencies, institutions of higher education, or partnerships among such entities, or individuals, with the demonstrated ability or capacity to carry out the activities described in subsection (f), including regional entities that carried out activities under the Educational Research, Development, Dissemination, and Improvement Act of 1994 (as such Act existed on the day before the date of enactment of this Act) and title XIII of the Elementary and Secondary Education Act of 1965 (as such title existed on the day before the date of enactment of the No Child Left Behind Act of 2001 (Public Law 107–110)).

(2) OUTREACH.—In conducting competitions for grants under this section, the Secretary shall actively encourage potential applicants to compete for such awards by making widely available information and technical assistance relating to the competition.

(3) OBJECTIVES AND INDICATORS.—Before awarding a grant under this section, the Secretary shall design specific objectives and measurable indicators, using the results of the assessment conducted under section 206, to be used to assess the particular programs or initiatives, and ongoing progress and performance, of the regional entities, in order to ensure that the educational needs of the region are being met and that the latest and best research and proven practices are being carried out as part of school improvement efforts.

(c) APPLICATION.—

(1) SUBMISSION.—Each local entity, or consortium of such entities, seeking a grant under this section shall submit an application at such time, in such manner, and containing such additional information as the Secretary may reasonably require.

(2) PLAN.—Each application submitted under paragraph (1) shall contain a 5-year plan for carrying out the activities described in this section in a manner that addresses the priorities established under section 207 and addresses the needs of all States (and to the extent practicable, of local educational agencies) within the region to be served by the comprehensive center, on an ongoing basis.

(d) ALLOCATION.—Each comprehensive center established under this section shall allocate such center's resources to and within each State in a manner which reflects the need for assistance, taking into account such factors as the proportion of economically disadvantaged students, the increased cost burden of service delivery in areas of sparse populations, and any special initiatives being undertaken by State, intermediate, local educational agencies, or Bureau-funded schools, as appropriate, which may require special assistance from the center.

(e) SCOPE OF WORK.—Each comprehensive center established under this section shall work with State educational agencies, local educational agencies, regional educational agencies, and schools in the region where such center is located on school improvement activities that take into account factors such as the proportion of economically disadvantaged students in the region, and give priority to—

(1) schools in the region with high percentages or numbers of students from low-income families, as determined under section 1113(a)(5) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6313(a)(5)), including such schools in rural and urban areas, and schools receiving assistance under title I of that Act (20 U.S.C. 6301 et seq.);

(2) local educational agencies in the region in which high percentages or numbers of school-age children are from low-income families, as determined under section 1124(c)(1)(A) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333(c)(1)(A)), including such local educational agencies in rural and urban areas; and

(3) schools in the region that have been identified for school improvement under section 1116(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(b)).

(f) ACTIVITIES.—

(1) IN GENERAL.—A comprehensive center established under this section shall support dissemination and technical assistance activities by—

(A) providing training, professional development, and technical assistance regarding, at a minimum—

(i) the administration and implementation of programs under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.);

(ii) the use of scientifically valid teaching methods and assessment tools for use by teachers and administrators in, at a minimum—

(I) the core academic subjects of mathematics, science, and reading or language arts;

(II) English language acquisition; and

(III) education technology; and

(iii) the facilitation of communication between education experts, school officials, teachers, parents, and librarians, as appropriate; and

(B) disseminating and providing information, reports, and publications that are usable for improving academic achievement, closing achievement gaps, and encouraging and sustaining school improvement (as described in section 1116(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(b))), to schools, educators, parents, and policymakers within the region in which the center is located; and

(C) developing teacher and school leader inservice and preservice training models that illustrate best practices in the use of technology in different content areas.

(2) COORDINATION AND COLLABORATION.—Each comprehensive center established under this section shall coordinate its activities, collaborate, and regularly exchange information with the regional educational laboratory in the region in which the center is located, the National Center for Education Evaluation and Regional Assistance, the Office of the Secretary, the State service agency, and other technical assistance providers in the region.

(g) COMPREHENSIVE CENTER ADVISORY BOARD.—

(1) ESTABLISHMENT.—Each comprehensive center established under this section shall have an advisory board that shall support the priorities of such center.

(2) DUTIES.—Each advisory board established under paragraph (1) shall advise the comprehensive center—

(A) concerning the activities described in subsection (d);

(B) on strategies for monitoring and addressing the educational needs of the region, on an ongoing basis;

(C) on maintaining a high standard of quality in the performance of the center's activities; and

(D) on carrying out the center's duties in a manner that promotes progress toward improving student academic achievement.

(3) COMPOSITION.—

(A) IN GENERAL.—Each advisory board shall be composed of—

(i) the chief State school officers, or such officers' designees or other State officials, in each State served by the comprehensive center who have primary responsibility under State law for elementary and secondary education in the State; and

(ii) not more than 15 other members who are representative of the educational interests in the region served by the comprehensive center and are selected jointly by the officials specified in clause (i) and the chief executive officer of each State served by the comprehensive center, including the following:

(I) Representatives of local educational agencies and regional educational agencies, including representatives of local educational agencies serving urban and rural areas.

(II) Representatives of institutions of higher education.

(III) Parents.

(IV) Practicing educators, including classroom teachers, principals, and administrators.

(V) Representatives of business.

(VI) Policymakers, expert practitioners, and researchers with knowledge of, and experience using, the results of research, evaluation, and statistics.

(B) SPECIAL RULE.—In the case of a State in which the chief executive officer has the primary responsibility under State law for elementary and secondary education in the State, the chief executive officer shall consult, to the extent permitted by State law, with the State educational agency in selecting additional members of the board under subparagraph (A)(i).

(h) REPORT TO SECRETARY.—Each comprehensive center established under this section shall submit to the Secretary an annual report, at such time, in such manner, and containing such information as the Secretary may require, which shall include the following:

(1) A summary of the comprehensive center's activities during the preceding year

(2) A listing of the States, local educational agencies, and schools the comprehensive center assisted during the preceding year.

SEC. 204. EVALUATIONS.

The Secretary shall provide for ongoing independent evaluations by the National Center for Education Evaluation and Regional Assistance of the comprehensive centers receiving assistance under this title, the results of which shall be transmitted to the appropriate congressional committees and the Director of the Institute of Education Sciences. Such evaluations shall include an analysis of the services provided under this title, the extent to which each of the comprehensive centers meets the objectives of its respective plan, and whether such services meet the educational needs of State educational agencies, local educational agencies, and schools in the region.

SEC. 205. EXISTING TECHNICAL ASSISTANCE PROVIDERS.

The Secretary shall continue awards for the support of the Eisenhower Regional Mathematics and Science Education Consortia established under part M of the Educational Research, Development, Dissemination, and Improvement Act of 1994 (as such part existed on the day before the date of enactment of this Act), the Regional Technology in Education Consortia under section 3141 of the Elementary and Secondary Education Act of 1965 (as such section existed on the day before the date of enactment of the No Child Left Behind Act of 2001 (Public Law 107–110)), and the Comprehensive Regional Assistance Centers established under part K of the Educational Research, Development, Dissemination, and Improvement Act of 1994 (as such part existed on the day before the date of enactment of this Act), in accordance with the terms of such awards, until the comprehensive centers authorized under section 203 are established.

SEC. 206. REGIONAL ADVISORY COMMITTEES.

(a) ESTABLISHMENT.—Beginning in 2004, the Secretary shall establish a regional advisory committee for each region described in section 174(b) of the Education Sciences Reform Act of 2002.

(b) MEMBERSHIP.—

(1) COMPOSITION.—The membership of each regional advisory committee shall—

(A) not exceed 25 members;

(B) contain a balanced representation of States in the region; and

(C) include not more than one representative of each State educational agency geographically located in the region.

(2) ELIGIBILITY.—The membership of each regional advisory committee may include the following:

(A) Representatives of local educational agencies, including rural and urban local educational agencies.

(B) Representatives of institutions of higher education, including individuals representing university-based education research and university-based research on subjects other than education.

(C) Parents.

(D) Practicing educators, including classroom teachers, principals, administrators, school board members, and other local school officials.

(E) Representatives of business.

(F) Researchers.

(3) RECOMMENDATIONS.—In choosing individuals for membership on a regional advisory committee, the Secretary shall consult with, and solicit recommendations from, the chief executive officers of States, chief State school officers, and education stakeholders within the applicable region.

(4) SPECIAL RULE.—

(A) TOTAL NUMBER.—The total number of members on each committee who are selected under subparagraphs (A), (C), and (D) of paragraph (2), collectively, shall exceed the total number of members who are selected under paragraph (1)(C) and subparagraphs (B), (E), and (F) of paragraph (2), collectively.

(B) DISSOLUTION.—Each regional advisory committee shall be dissolved by the Secretary after submission of such committee's report described in subsection (c)(2) to the Secretary, but each such committee may be reconvened at the discretion of the Secretary.

(c) DUTIES.—Each regional advisory committee shall advise the Secretary on the following:

(1) An educational needs assessment of its region (using the results of the assessment conducted under subsection (d)), in order to assist in making decisions regarding the regional educational priorities.

(2) Not later than 6 months after the committee is first convened, a report based on the assessment conducted under subsection (d).

(d) Regional Assessments.—Each regional advisory committee shall—

(1) assess the educational needs within the region to be served;

(2) in conducting the assessment under paragraph (1), seek input from chief executive officers of States, chief State school officers, educators, and parents (including through a process of open hearings to solicit the views and needs of schools (including public charter schools), teachers, administrators, members of the regional educational laboratory governing board, parents, local educational agencies, librarians, businesses, State educational agencies, and other customers (such as adult education programs) within the region) regarding the need for the activities described in section 174 of the Education Sciences Reform Act of 2002 and section 203 of this title and how those needs would be most effectively addressed; and

(3) submit the assessment to the Secretary and to the Director of the Academy of Education Sciences, at such time, in such manner, and containing such information as the Secretary may require.

SEC. 207. PRIORITIES.

The Secretary shall establish priorities for the regional educational laboratories (established under section 174 of the Education Sciences Reform Act of 2002) and comprehensive centers (established under section 203 of this title) to address, taking onto account the regional assessments conducted under section 206 and other relevant regional surveys of educational needs, to the extent the Secretary deems appropriate.

SEC. 208. GRANT PROGRAM FOR STATEWIDE, LONGITUDINAL DATA SYSTEMS.

(a) Grants Authorized.—The Secretary is authorized to award grants, on a competitive basis, to State educational agencies to enable such agencies to design, develop, and implement statewide, longitudinal data systems to efficiently and accurately manage, analyze, disaggregate, and use individual student data, consistent with the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.).

(b) Applications.—Each State educational agency desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

(c) Awarding of Grants.—In awarding grants under this section, the Secretary shall use a peer review process that—

(1) ensures technical quality (including validity and reliability), promotes linkages across States, and protects student privacy consistent with section 183;

(2) promotes the generation and accurate and timely use of data that is needed—

(A) fpr States and local educational agencies to comply with the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) and other reporting requirements and close achievement gaps; and

(B) to facilitate research to improve student academic achievement and close achievement gaps; and

(3) gives priority to applications that meet the voluntary standards and guidelines described in section 153(a)(5).

(d) Supplement Not Supplant.—Funds made available under this section shall be used to supplement, and not supplant, other State or local funds used for developing State data systems.

(e) Report.—Not later than 1 year after the date of enactment of the Educational Technical Assistance Act of 2002, and again 3 years after such date of enactment, the Secretary, in consultation with the National Academies Committee on National Statistics, shall make publicly available a report on the implementation and effectiveness of Federal, State, and local efforts related to the goals of this section, including—

(1) identifying and analyzing State practices regarding the development and use of statewide, longitudinal data systems;

(2) evaluating the ability of such systems to manage individual student data consistent with the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), promote linkages across States, and protect student privacy consistent with section 183; and

(3) identifying best practices and areas for improvement.

SEC. 209. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title $80,000,000 for fiscal year 2003 and such sums as may be necessary for each of the 5 succeeding fiscal years.

TITLE III—NATIONAL ASSESSMENT OF EDUCATIONAL PROGRESS

SEC. 301. SHORT TITLE.

This title may be referred to as the "National Assessment of Educational Progress Authorization Act".

SEC. 302. DEFINITIONS.

In this title:

(1) The term "Director" means the Director of the Institute of Education Sciences.

(2) The term "State" means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

SEC. 303. AUTHORIZATION OF APPROPRIATIONS.

(a) In General.—There are authorized to be appropriated—

(1) for fiscal year 2003—

(A) $4,600,000 to carry out section 302, as amended by section 401 of this Act (relating to the National Assessment Governing Board); and

(B) $107,500,000 to carry out section 303, as amended by section 401 of this Act (relating to the National Assessment of Educational Progress); and

(2) such sums as may be necessary for each of the 5 succeeding fiscal years to carry out sections 302 and 303, as amended by section 401 of this Act.

(b) Availability.—Amounts made available under this section shall remain available until expended.

TITLE IV—AMENDATORY PROVISIONS

SEC. 401. REDESIGNATIONS.

(a) Confidentiality.—Section 408 of the National Education Statistics Act of 1994 (20 U.S.C. 9007) is amended—

(1) by striking "center", "Center", and "Commissioner" each place any such term appears and inserting "Director";

(2) in subsection (a)(2)(A), by striking "statistical purpose" and inserting "research, statistics, or evaluation purpose under this title";

(3) by striking subsection (b)(1) and inserting the following:

"(1) In general.—

"(A) Disclosure.—No Federal department, bureau, agency, officer, or employee and no recipient of a Federal grant, contract, or cooperative agreement may, for any reason, require the Director, any Commissioner of a National Education Center, or any other employee of the Institute to disclose individually identifiable information that has been collected or retained under this title.

"(B) Immunity.—Individually identifiable information collected or retained under this title shall be immune from legal process and shall not, without the consent of the individual concerned, be admitted as evidence or used for any purpose in any action, suit, or other judicial or administrative proceeding.

"(C) Application.—This paragraph does not apply to requests for individually identifiable information submitted by or on behalf of the individual identified in the information.";

(4) in paragraphs (2) and (6) of subsection (b), by striking "subsection (a)(2)" each place such term appears and inserting "subsection (c)(2)";

(5) in paragraphs (3) and (7) of subsection (b), by striking "Center's" each place such term appears and inserting "Director's"; and

(6) by striking the section heading and transferring all the subsections (including subsections (a) through (c)) and redesignating such subsections as subsections (c) through (e), respectively, at the end of section 183 of this Act.

(b) Conforming Amendment.—Sections 302 and 303 of this Act are redesignated as sections 304 and 305, respectively.

(c) National Assessment Governing Board.—Section 412 of the National Education Statistics Act of 1994 (20 U.S.C. 9011) is amended—

(1) in subsection (a)—

(A) by striking "referred to as the 'Board' " and inserting "referred to as the 'Assessment Board' "; and

(B) by inserting "(carried out under section 303)" after "for the National Assessment";

(2) by striking "Board" each place such term appears (other than in subsection (a)) and inserting "Assessment Board";

(3) by striking "Commissioner" each place such term appears and inserting "Commissioner for Education Statistics";

(4) in subsection (b)(2)—

(A) by striking "ASSISTANT SECRETARY FOR EDUCATIONAL RESEARCH" in the heading and inserting "DIRECTOR OF THE INSTITUTE OF EDUCATION SCIENCES"; and

(B) by striking "Assistant Secretary for Educational Research and Improvement" and inserting "Director of the Institute of Education Sciences";

(5) in subsection (e)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking "section 411(b)" and inserting "section 303(b)";

(ii) in subparagraph (B), by striking "section 411(e)" and inserting "section 303(e)";

(iii) in subparagraph (E), by striking ", including the Advisory Council established under section 407";

(iv) in subparagraphs (F) and (I), by striking "section 411" each place such term appears and inserting "section 303";

(v) in subparagraph (H), by striking "and" after the semicolon;

(vi) in subparagraph (I), by striking the period at the end and inserting "; and"; and

(vii) by inserting at the end the following:

"(J) plan and execute the initial public release of National Assessment of Educational Progress reports.

The National Assessment of Educational Progress data shall not be released prior to the release of the reports described in subparagraph (J).";

(B) in paragraph (5), by striking "and the Advisory Council on Education Statistics"; and

(C) in paragraph (6), by striking "section 411(e)" and inserting "section 303(e)"; and

. (6) by transferring and redesignating the section as section 302 (following section 301) of title III of this Act.

(d) National Assessment of Educational Progress.—Section 411 of the National Education Statistics Act of 1994 (20 U.S.C. 9010) is amended—

(1) by striking "Commissioner" each place such term appears and inserting "Commissioner for Education Statistics";

(2) by striking "National Assessment Governing Board" and "National Board" each place either such term appears and inserting "Assessment Board";

(3) in subsection (a)—

(A) by striking "section 412" and inserting "section 302"; and

(B) by striking "and with the technical assistance of the Advisory Council established under section 407,";

(4) in subsection (b)—

(A) in paragraph (1), by inserting "of" after "academic achievement and reporting";

(B) in paragraph (3)(A)—

(i) in clause (i), by striking "paragraphs (1)(B) and (1)(E)" and inserting "paragraphs (2)(B) and (2)(E)";

(ii) in clause (ii), by striking "paragraph (1)(C)" and inserting "paragraph (2)(C)"; and

(iii) in clause (iii), by striking "paragraph (1)(D)" and inserting "paragraph (2)(D)"; and

(C) in paragraph (5), by striking "(c)(2)" and inserting "(c)(3)";

(5) in subsection (c)(2)(D), by striking "subparagraph (B)" and inserting "subparagraph (C)";

(6) in subsection (e)(4), by striking "subparagraph (2)(C)" and inserting "paragraph (2)(C) of such subsection";

(7) in subsection (f)(1)(B)(iv), by striking "section 412(e)(4)" and inserting "section 302(e)(4)"; and

(8) by transferring and redesignating the section as section 303 (following section 302) of title III of this Act.

(e) Table of Contents Amendment.—The items relating to title III in the table of contents of this Act, as amended by section 401 of this Act, are amended to read as follows:

"TITLE III—NATIONAL ASSESSMENT OF EDUCATIONAL PROGRESS

"Sec. 301. Short title.
"Sec. 302. National Assessment Governing Board.
"Sec. 303. National Assessment of Educational Progress.
"Sec. 304. Definitions.
"Sec. 305. Authorization of appropriations.".

SEC. 402. AMENDMENTS TO DEPARTMENT OF EDUCATION ORGANIZATION ACT.

The Department of Education Organization Act (20 U.S.C. 3401 et seq.) is amended—

(1) by striking section 202(b)(4) and inserting the following:

"(4) There shall be in the Department a Director of the Institute of Education Sciences who shall be appointed in accordance with section 114(a) of the Education Sciences Reform Act of 2002 and perform the duties described in that Act.";

(2) by striking section 208 and inserting the following:

"INSTITUTE OF EDUCATION SCIENCES

"Sec. 208. There shall be in the Department of Education the Institute of Education Sciences, which shall be administered in accordance with the Education Sciences Reform Act of 2002 by the Director appointed under section 114(a) of that Act."; and

(3) by striking the item relating to section 208 in the table of contents in section 1 and inserting the following:

"Sec. 208. Institute of Education Sciences.".

SEC. 403. REPEALS.

The following provisions of law are repealed:

(1) The National Education Statistics Act of 1994 (20 U.S.C. 9001 et seq.).

(2) Parts A through E and K through N of the Educational Research, Development, Dissemination, and Improvement Act of 1994 (title IX of the Goals 2000: Educate America Act) (20 U.S.C. 6001 et seq.).

(3) Section 401(b)(2) of the Department of Education Organization Act (20 U.S.C. 3461(b)(2)).

SEC. 404. CONFORMING AND TECHNICAL AMENDMENTS.

(a) Goals 2000: Educate America Act.—The table of contents in section 1(b) of the Goals 2000: Educate America Act (20 U.S.C. 5801 note) is amended by striking the items relating to parts A through E of title IX (including the items relating to sections within those parts).

(b) Title 5, United States Code.—Section 5315 of title 5, United States Code, is amended by striking the following:

"Commissioner, National Center for Education Statistics.".

(c) General Education Provisions Act.—Section 447(b) of the General Education Provisions Act (20 U.S.C. 1232j(b)) is amended by striking "section 404(a)(6) of the National Education Statistics Act of 1994 (20 U.S.C. 9003(a)(6))" and inserting "section 153(a)(6) of the Education Sciences Reform Act of 2002".

(d) Elementary and Secondary Education Act of 1965.—The Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) is amended as follows:

(1) Section 1111(c)(2) is amended by striking "section 411(b)(2) of the National Education Statistics Act of 1994" and inserting "section 303(b)(2) of the National Assessment of Educational Progress Authorization Act".

(2) Section 1112(b)(1)(F) is amended by striking "section 411(b)(2) of the National Education Statistics Act of 1994" and inserting "section 303(b)(2) of the National Assessment of Educational Progress Authorization Act".

(3) Section 1117(a)(3) is amended—

(A) by inserting "(as such section existed on the day before the date of enactment of the Education Sciences Reform Act of 2002)" after "Act of 1994"; and

(B) by inserting "regional educational laboratories established under part E of the Education Sciences Reform Act of 2002 and comprehensive centers established under the Educational Technical Assistance Act of 2002 and" after "assistance from".

(4) Section 1501(a)(3) is amended by striking "section 411 of the National Education Statistics Act of 1994" and inserting "section 303 of the National Assessment of Educational Progress Authorization Act".

(5) The following provisions are each amended by striking "Office of Educational Research and Improvement" and inserting "Institute of Education Sciences":

(A) Section 3222(a) (20 U.S.C. 6932(a)).

(B) Section 3303(1) (20 U.S.C. 7013(1)).

(C) Section 5464(e)(1) (20 U.S.C. 7253c(e)(1)).

(D) Paragraphs (1) and (2) of section 5615(d) (20 U.S.C. 7283d(d)).

(E) Paragraphs (1) and (2) of section 7131(c) (20 U.S.C. 7451(c)).

(6) Paragraphs (1) and (2) of section 5464(e) (20 U.S.C. 7253c(e)) are each amended by striking "such Office" and inserting "such Institute".

(7) Section 5613 (20 U.S.C. 7283b) is amended—

(A) in subsection (a)(5), by striking "Assistant Secretary of the Office of Educational Research and Improvement" and inserting "Director of the Institute of Education Sciences"; and

(B) in subsection (b)(2)(B), by striking "research institutes of the Office of Educational Research and Improvement" and inserting "National Education Centers of the Institute of Education Sciences".

(8) Sections 5615(d)(1) and 7131(c)(1) (20 U.S.C. 7283d(d)(1), 7451(c)(1)) are each amended by striking "by the Office" and inserting "by the Institute".

(9) Section 9529(b) is amended by striking "section 404(a)(6) of the National Education Statistics Act of 1994" and inserting "section 153(a)(5) of the Education Sciences Reform Act of 2002".

(e) School-to-Work Opportunities Act of 1994.—Section 404 of the School-to-Work Opportunities Act of 1994 (20 U.S.C. 6194) is amended by inserting "(as such Act existed on the day before the date of enactment of the Education Sciences Reform Act of 2002)" after "Act of 1994".

SEC. 405. ORDERLY TRANSITION.

The Secretary of Education shall take such steps as are necessary to provide for the orderly transition to, and implementation of, the offices, boards, committees, and centers (and their various functions and responsibilities) established or authorized by this Act, and by the amendments made by this Act, from those established or authorized by the Educational Research, Development, Dissemination, and Improvement Act of 1994 (20 U.S.C. 6001 et seq.) and the National Education Statistics Act of 1994 (20 U.S.C. 9001 et seq.).

Mr. KILDEE. Mr. Speaker, today's consideration of the Education Sciences Reform Act marks an important step in addressing the quality and effectiveness of education research and technical assistance. I believe our work on this legislation over the last 3 years has produced a good bipartisan product that is much improved over the House passed version. I do want to thank Chairmen CASTLE and BOEHNER for their willingness to address Democratic concerns on this legislation and for working in a bipartisan manner to pass meaningful reform.

This legislation addresses several critical issues in the area of education research. First is adequate resources. This bill authorizes approximately $700 million for the Department's research and technical assistance activities—nearly double existing funding. This level of funding is vital if the research Institute created under this legislation is to become a top-flight education research organization. The legislation also includes provisions sought by Representative OWENS, a longtime leader in Congress on education research issues, to increase outreach to and involvement of HBCUs and HSIs, and to permit fellowships to build research knowledge and experience.

Secondly, this legislation ensures that research is concluded through a minimum of 8 national research and development centers studying specified topics and that 50 percent of research funding is for long-term research—both critical elements necessary to ensure high quality and effective research. This legislation also seeks to maintain the current governance relationship between the National Assessment of Education Progress, the Department of Education, and the National Assessment Governing Board and in no way undermines any present authority provided to the Board. It is my intent that the changes made by this bill do not modify the manner in which the National Center for Education Statistics administers the National Assessment, with the exception of the bill's express provision granting NAGB authority over the initial release of NAEP reports.

Lastly, the bill ensures that we have a strong regional development and technical assistance focus that continues the existing Regional Educational Laboratory program and strengthens the Comprehensive Center program by expanding the number of Centers to 20.

Mr. Speaker, a strong research focus at the Department of Education is vital to improving the educational achievement of our children. Coupled with the elements of the recently passed reauthorization of the Elementary and Secondary Education Act, this legislation can play a critical role in providing high quality research, technical assistance and development activities. It is my belief that this legislation improves the state of our education research efforts and I urge Members to support it today.

Mr. BOEHNER. Mr. Speaker, the time for final passage of the reauthorization of the Office of Education Research and Improvement, OERI, has come. The Senate and the House have agreed on the language of the bill, and both houses, on a bipartisan, bicameral basis have agreed to vote on it before we adjourn.

My colleagues, Mr. CASTLE, Mr. KILDEE, and Mr. MILLER in the House, and Senators KENNEDY and GREGG deserve a great deal of credit for moving the Education Sciences Reform Act of 2002 and finally bringing the bill to a final vote. Without the leadership and determination of these gentlemen, it wouldn't have happened this year.

Providing high quality, scientifically based education research is vital if we are to improve our nation's schools and help every child receive a quality education. The Education Sciences Reform Act of 2002 ensures such research will occur. In addition, it provides for technical assistance to States, school districts, and schools that is accountable, customer-driven, and focused on the implementation of the No Child Left Behind Act. Let me emphasize that the reforms in this bill will greatly assist in helping the No Child Left Behind Act successfully transform and reform our schools.

Some of the reforms that have been included in this bill are significant and will offer the opportunity for a new "culture of science" to develop in Federal research, evaluation, and statistics. Let me describe just a few. The bill:

Requires Scientifically Based Research—Research that can't or won't meet these standards will be ineligible for federal funds. This means scientific experiments will help ensure that schools do not waste scarce resources on ineffective programs and methods of instruction.

Focuses the Research, Evaluation and Statistics Activities of the Department—The bill ensures that the new Institute of Education Sciences is responsible for research, evaluation and statistics activities only. It will no longer administer grant programs, which dilute the focus of the Institute.

Eliminates Bureaucracy—The bill eliminates the five National Research Institutes, which were supposed to organize and support education research in specific areas but never did.

Guards Against Partisan or Political Activities—The decision-makers in charge of research, statistics and evaluation are required to be highly qualified in their respective fields, ensuring that scientists—not politicians—will be in charge. Also, these scientists must ensure that all activities at the Institute are free from bias and political influence.

Expands Competition—The bill expands competition to allow other research entities, such as public or private, profit or nonprofit research organizations, to compete for Federal funds. The Director has the flexibility to award contracts and grants to those entities that meet the priorities and the standards of the Institute.

Helps States and Schools—The bill specifically asks those responsible for technical assistance to focus on helping states and schools implement education reforms, especially as they relate to the No Child Left Behind Act.

I also want to highlight a provision included in this legislation to support states in developing longitudinal data systems. As schools, districts, and States work to collect, disaggregate, and analyze the data that No Child Left Behind requires, especially as they use that data to determine which schools and districts are making adequate yearly progress, it is critical that states have an adequate mechanism in place to monitor the academic achievement of students from year to year, and this bill can help ensure that states have the data they need to ensure accountability for results.

This legislation allows the Secretary to make grants to States for the development of statewide, longitudinal data systems. The intent of this program is to help States with their ongoing efforts to develop such a system, as needed. In some cases that may mean a State is starting from scratch. In others, a State that already has a data system in place at the district or school level may be assisted. I would encourage those States currently working, either on their own or with high quality organizations, to improve their data systems to apply for assistance under this provision.

Different school districts often use different systems of data collection. This language would allow a state to build a statewide, longitudinal data system that is comprised of diverse systems at the district and local level, so long as the data was collected at the State level in a consistent format.

Mr. Speaker, we have worked closely with the President and the administration as we have developed this bill, and have their support for its final passage.

And once again, I thank my colleagues, Mr. CASTLE, Mr. MILLER, Mr. KILDEE, and Senators GREGG and KENNEDY for making this bipartisan process work. We have continued the good relationship we had during the yearlong work on the No Child Left Behind Act. I am hopeful that we have set a new tone and a new example in Congress. Even in an election year, the approval by both the House and the Senate of the Education Sciences Reform Act of 2002 demonstrates once again that we can do great things when we work together.

The staff of both the House and Senate Committees is to be commended for their hard work too. Thank you, on both sides of the aisle and both sides of the Hill, for your outstanding work on this important legislation. I urge my Colleague to vote "aye" and pass this bill.

Mr. MCKEON, Mr. Speaker, I rise in support of H.R. 5598, the Education Sciences Reform Act of 2002, which will provide for the improvement of Federal education research.

We all know that educational research in all disciplines is critical to the education of America's youth. By requiring that research be based on valid scientific findings, H.R. 5598 will greatly improve the quality of federal scientific research in education.

As has been talked about today, the Education Sciences Reform Act will streamline and strengthen education research by replacing the current Office of Educational Research and Improvement with a new, more independent Institute of Education Science. The institute will provide the infrastructure necessary to undertake coordinated, high quality education research and statistical and program evaluation activities within the Department of Education.

Furthermore, H.R. 5598 establishes quality standards that will put an end to trends in education that masquerade as sensible science, requiring all federally funded activities to meet these new standards of quality, including scientifically based research. H.R. 5598 also makes certain that research priorities focus on solving key problems and are informed by the needs of teachers, parents and school administrators, rather than political pressure.

Finally, this bill makes technical assistance, including support in carrying out the conditions of No child Left Behind, "customer-driven" and accountable to school districts, states and regions.

With that in mind, I would like to thank the chairman of the Education Reform Subcommittee, the gentleman from Delaware, Mr. CASTLE, for his assistance and support of the Southern California Comprehensive Assistance Center, SCCAC. Because of the language included in the bill, regional education agencies like the Los Angeles County Office of Education (LACOE), California's largest regional educational agency, which have been critical in providing hands on technical assistance to low-performing schools and districts, will be competitive for grant funding under the technical assistance title.

Under the leadership of the Los Angeles County Office of Education, the SCCAC provides support, training, and assistance to local schools and communities in an effort to improve teaching and learning for all children, including those who live in poverty, have limited-English proficiency, are neglected, delinquent, or have disabilities.

As the gentleman is aware, section 203 of the bill ensures that local entities or consortia eligible to receive grants includes regional educational agencies as well. I want to, once again, thank the chairman for his assistance in ensuring that our local regional entities are eligible. We are very proud of the work done by our eight county comprehensive assistance center and the value it can bring to this new system.

In closing, I urge the House to vote "yes" on H.R. 5598, a bill that builds on the Administration's plans to reform America's education system—through accountability, flexibility and local control, research-based reform and expanded parental options. I believe that the passage of this bill will significantly ensure that our children have access to the most advanced educational opportunities possible.

Mr. CASTLE. Mr. Speaker, nearly 3 years ago, I introduced legislation to transform the Department of Education's Office of Educational Reform and Improvement, OERI, into a streamlined, more independent and more scientific "Institute of Education Sciences." Today, nearly 6 months after the House of Representatives passed the bill unanimously, we are poised enact long-overdue reforms to ensure that education research is based on science—not fads or fiction.

This year, President Bush signed landmark education reforms into law, demanding new and more challenging standards of accountability from our States and improved student achievement from our schools. Recognizing that any successful education reform effort requires the best information on how children learn, the words "scientifically based research" appear more than 100 times in the new law.

The reason for the focus on "scientific" research is simple; educators need to know what works if they are to improve student achievement. For that reason, among other things, my legislation: Replaces OERI with a new streamlined National Institute of Education Science; insulates Federal research, evaluations and statistics from inappropriate partisan or political influences; ensures high quality standards; creates a "culture of science; by allowing the Director to attract the best researchers, evaluators and statisticians to the Institute; and, ensures that technical assistance is responsive to the needs of States and schools.

If we are to lift those who are struggling to achieve proficiency in reading, math and science, we must expect scientific rigor. And we must ensure that 'what works' in education informs classroom practice. My legislation does just that.

Of course, this legislation would not have been possible without the hard work of members on both sides of the aisle and both chambers of Congress. In particular, I want to thank the full Committee Chairman JOHN BOEHNER, Ranking Member GEORGE MILLER and my Subcommittee Ranking Member DALE KILDEE as well as Chairman KENNEDY and Ranking Member GREGG for their assistance and their strong support throughout this process.

I also want to thank Secretary Paige, Assistant Secretary Russ Whitehurst and the staff at the Department, whose counsel and technical expertise were invaluable. Last, but certainly not least, I want to thank the staff who put in countless hours to get this legislation right—Doug Mesecar, Bob Sweet, Sally Lovejoy, Alex Nock, Denise Forte, Jane Oats, Tracy Locklin, and Denzel McGuire. They all deserve our thanks and appreciation.

As there will be no conference report to accompany this legislation, I would like to take this opportunity to clarify a few points. The comprehensive centers under this act will provide essential technical assistance and professional development to help our States and schools advance the goals of the No Child Left Behind Act. It is our intent that the reference to "local entities" or "consortia of such entities" in section 203 include regional educational agencies as among those eligible to receive grants. As my colleague, Mr. MCKEON, has informed me, the state of California has a consortium of eight regional offices of education that provide hands-on technical assistance and professional development directly to schools in southern California. It is our intent that the regional offices of education will continue to be eligible to participate in our improved structure.

Finally, I would like to clarify the intent of section 117(d), regarding the supervision and removal authority of the Director. This section does not mean that the NCES Commissioner operates independently of the Director of the Institute. In fact, the Statistics Commissioner is an officer of the government and has the authority fulfill the duties stipulated in section 154 and section 155 of the bill, such as the authority to enter into contracts and the authority to supervise the technical work of the Statistics Center. However, since NCES is a part of the Institute it, along with the other National Education Centers, it ultimately subject to the oversight of the Director of the Institutes.

DISCHARGED FROM THE COMMITTEE ON EDUCATION AND THE WORKFORCE AND PASSED

H.R. 5601, to amend the Child Abuse Prevention and Treatment Act to make improvements to and reauthorize programs under that Act, and for other purposes.

H.R. 5601

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Keeping Children and Families Safe Act of 2002".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—CHILD ABUSE PREVENTION AND TREATMENT ACT

Sec. 101. Findings.

Subtitle A—General Program

Sec. 111. National Clearinghouse for Information Relating to Child Abuse.
Sec. 112. Research and assistance activities and demonstrations.
Sec. 113. Grants to States and public or private agencies and organizations.
Sec. 114. Grants to States for child abuse and neglect prevention and treatment programs.
Sec. 115. Miscellaneous requirements relating to assistance.
Sec. 116. Authorization of appropriations.
Sec. 117. Reports.

Subtitle B—Community-Based Grants for the Prevention of Child Abuse

Sec. 121. Purpose and authority.
Sec. 122. Eligibility.
Sec. 123. Amount of grant.
Sec. 124. Existing grants.
Sec. 125. Application.
Sec. 126. Local program requirements.
Sec. 127. Performance measures.
Sec. 128. National network for community-based family resource programs.
Sec. 129. Definitions.
Sec. 130. Authorization of appropriations.

TITLE II—ADOPTION OPPORTUNITIES

Sec. 201. Congressional findings and declaration of purpose.
Sec. 202. Information and services.
Sec. 203. Study of adoption placements.
Sec. 204. Studies on successful adoptions.
Sec. 205. Authorization of appropriations.

TITLE III—ABANDONED INFANTS ASSISTANCE

Sec. 301. Findings.
Sec. 302. Establishment of local programs.
Sec. 303. Evaluations, study, and reports by Secretary.
Sec. 304. Authorization of appropriations.
Sec. 305. Definitions.

TITLE I—CHILD ABUSE PREVENTION AND TREATMENT ACT

SEC. 101. FINDINGS.

Section 2 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 note) is amended—

(1) in paragraph (1), by striking "close to 1,000,000" and inserting "approximately 900,000";

(2) by redesignating paragraphs (2) through (11) as paragraphs (4) through (13), respectively;

(3) by inserting after paragraph (1) the following:

"(2)(A) more children suffer neglect than any other form of maltreatment; and

"(B) investigations have determined that approximately 63 percent of children who were victims of maltreatment in 2000 suffered neglect, 19 percent suffered physical abuse, 10 percent suffered sexual abuse, and 8 percent suffered emotional maltreatment;

"(3)(A) child abuse can result in the death of a child;

"(B) in 2000, an estimated 1,200 children were counted by child protection services to have died as a result of abuse or neglect; and

"(C) children younger than 1 year old comprised 44 percent of child abuse fatalities and 85 percent of child abuse fatalities were younger than 6 years of age;";

(4) by striking paragraph (4) (as so redesignated), and inserting the following:

"(4)(A) many of these children and their families fail to receive adequate protection and treatment;

"(B) slightly less than half of these children (45 percent in 2000) and their families fail to receive adequate protection or treatment; and

"(C) in fact, approximately 80 percent of all children removed from their homes and placed in foster care in 2000, as a result of an investigation or assessment conducted by the child protective services agency, received no services;";

(5) in paragraph (5) (as so redesignated)—

(A) in subparagraph (A), by striking "organizations" and inserting "community-based organizations";

(B) in subparagraph (D), by striking "ensures" and all that follows through "knowledge," and inserting "recognizes the need for properly trained staff with the qualifications needed"; and

(C) in subparagraph (E), by inserting before the semicolon the following: ", which may impact child rearing patterns, while at the same time, not allowing those differences to enable abuse";

(6) in paragraph (7) (as so redesignated), by striking "this national child and family emergency" and inserting "child abuse and neglect"; and

(7) in paragraph (9) (as so redesignated)—

(A) by striking "intensive" and inserting "needed"; and

(B) by striking "if removal has taken place" and inserting "where appropriate".

Subtitle A—General Program

SEC. 111. NATIONAL CLEARINGHOUSE FOR INFORMATION RELATING TO CHILD ABUSE.

(a) FUNCTIONS.—Section 103(b) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5104(b)) is amended—

(1) in paragraph (1), by striking "all programs," and all that follows through "neglect; and" and inserting "all effective programs, including private and community-based programs, that show promise of success with respect to the prevention, assessment, identification, and treatment of child abuse and neglect and hold the potential for broad scale implementation and replication;";

(2) in paragraph (2), by striking the period and inserting a semicolon;

(3) by redesignating paragraph (2) as paragraph (3);

(4) by inserting after paragraph (1) the following:

"(2) maintain information about the best practices used for achieving improvements in child protective systems;"; and

(5) by adding at the end the following:

"(4) provide technical assistance upon request that may include an evaluation or identification of—

"(A) various methods and procedures for the investigation, assessment, and prosecution of child physical and sexual abuse cases;

"(B) ways to mitigate psychological trauma to the child victim; and

"(C) effective programs carried out by the States under this Act; and

"(5) collect and disseminate information relating to various training resources available at the State and local level to—

"(A) individuals who are engaged, or who intend to engage, in the prevention, identification, and treatment of child abuse and neglect; and

"(B) appropriate State and local officials to assist in training law enforcement, legal, judicial, medical, mental health, education, and child welfare personnel.".

(b) COORDINATION WITH AVAILABLE RESOURCES.—Section 103(c)(1) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5104(c)(1)) is amended—

(1) in subparagraph (E), by striking "105(a); and" and inserting "104(a);";

(2) by redesignating subparagraph (F) as subparagraph (G); and

(3) by inserting after subparagraph (E) the following:

"(F) collect and disseminate information that describes best practices being used throughout the Nation for making appropriate referrals related to, and addressing, the physical, developmental, and mental health needs of abused and neglected children; and".

SEC. 112. RESEARCH AND ASSISTANCE ACTIVITIES AND DEMONSTRATIONS.

(a) RESEARCH.—Section 104(a) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5105(a)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), in the first sentence, by inserting ", including longitudinal research," after "interdisciplinary program of research"; and

(B) in subparagraph (B), by inserting before the semicolon the following: ", including the effects of abuse and neglect on a child's development and the identification of successful early intervention services or other services that are needed";

(C) in subparagraph (C)—

(i) by striking "judicial procedures" and inserting "judicial systems, including multidisciplinary, coordinated decisionmaking procedures"; and

(ii) by striking "and" at the end; and

(D) in subparagraph (D)—

(i) in clause (viii), by striking "and" at the end;

(ii) by redesignating clause (ix) as clause (x); and

(iii) by inserting after clause (viii), the following:

"(ix) the incidence and prevalence of child maltreatment by a wide array of demographic characteristics such as age, sex, race, family structure, household relationship (including the living arrangement of the resident parent and family size), school enrollment and education attainment, disability, grandparents as caregivers, labor force status, work status in previous year, and income in previous year; and";

(E) by redesignating subparagraph (D) as subparagraph (I); and

(F) by inserting after subparagraph (C), the following:

"(D) the evaluation and dissemination of best practices consistent with the goals of achieving improvements in the child protective services systems of the States in accordance with paragraphs (1) through (12) of section 106(a);

"(E) effective approaches to interagency collaboration between the child protection system and the juvenile justice system that improve the delivery of services and treatment, including methods for continuity of treatment plan and services as children transition between systems;

"(F) an evaluation of the redundancies and gaps in the services in the field of child abuse and neglect prevention in order to make better use of resources;

"(G) the nature, scope, and practice of voluntary relinquishment for foster care or State guardianship of low income children who need health services, including mental health services;

"(H) the information on the national incidence of child abuse and neglect specified in clauses (i) through (xi) of subparagraph (H); and";

(2) in paragraph (2), by striking subparagraph (B) and inserting the following:

"(B) Not later than 2 years after the date of enactment of the Keeping Children and Families Safe Act of 2002, and every 2 years thereafter, the Secretary shall provide an opportunity for public comment concerning the priorities proposed under subparagraph (A) and maintain an official record of such public comment.";

(3) by redesignating paragraph (2) as paragraph (4);

(4) by inserting after paragraph (1) the following:

"(2) RESEARCH.—The Secretary shall conduct research on the national incidence of child abuse and neglect, including the information on the national incidence on child abuse and neglect specified in subparagraphs (i) through (ix) of paragraph (1)(I).

"(3) REPORT.—Not later than 4 years after the date of the enactment of the Keeping Children and Families Safe Act of 2002, the Secretary shall prepare and submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor and Pensions of the Senate a report that contains the results of the research conducted under paragraph (2).".

(b) PROVISION OF TECHNICAL ASSISTANCE.—Section 104(b) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5105(b)) is amended—

(1) in paragraph (1)—

(A) by striking "nonprofit private agencies and" and inserting "private agencies and community-based"; and

(B) by inserting ", including replicating successful program models," after "programs and activities"; and

(2) in paragraph (2)—

(A) in subparagraph (B), by striking "and" at the end;

(B) in subparagraph (C), by striking the period and inserting "; and"; and

(C) by adding at the end the following:

"(D) effective approaches being utilized to link child protective service agencies with health care, mental health care, and developmental services to improve forensic diagnosis and health evaluations, and barriers and shortages to such linkages.".

(c) DEMONSTRATION PROGRAMS AND PROJECTS.—Section 104 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5105) is amended by adding at the end the following:

"(e) DEMONSTRATION PROGRAMS AND PROJECTS.—The Secretary may award grants to, and enter into contracts with, States or public or private agencies or organizations (or combinations of such agencies or organizations) for time-limited, demonstration projects for the following:

"(1) PROMOTION OF SAFE, FAMILY-FRIENDLY PHYSICAL ENVIRONMENTS FOR VISITATION AND EXCHANGE.—The Secretary may award grants under this subsection to entities to assist such entities in establishing and operating safe, family-friendly physical environments—

"(A) for court-ordered, supervised visitation between children and abusing parents; and

"(B) to safely facilitate the exchange of children for visits with noncustodial parents in cases of domestic violence.

"(2) EDUCATION IDENTIFICATION, PREVENTION, AND TREATMENT.—The Secretary may award grants under this subsection to entities for projects that provide educational identification, prevention, and treatment services in cooperation with preschool and elementary and secondary schools.

"(3) RISK AND SAFETY ASSESSMENT TOOLS.—The Secretary may award grants under this subsection to entities for projects that provide for the development of research-based risk and safety assessment tools relating to child abuse and neglect.

"(4) TRAINING.—The Secretary may award grants under this subsection to entities for projects that involve research-based innovative training for mandated child abuse and neglect reporters.

"(5) RESEARCH-BASED ADOLESCENT VICTIM/VICTIMIZER PREVENTION PROGRAMS.—The Secretary may award grants to organizations that demonstrate innovation in preventing child sexual abuse through school-based programs in partnership with parents and community-based organizations to establish a network of trainers who will work with schools to implement the program. The program shall be research-based, meet State guidelines for health education, and should reduce child sexual abuse by focusing on prevention for both adolescent victims and victimizers.".

SEC. 113. GRANTS TO STATES AND PUBLIC OR PRIVATE AGENCIES AND ORGANIZATIONS.

(a) DEMONSTRATION PROGRAMS AND PROJECTS.—Section 105(a) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106(a)) is amended—

(1) in the subsection heading, by striking "DEMONSTRATION" and inserting "GRANTS FOR";

(2) in the matter preceding paragraph (1)—

(A) by inserting "States," after "contracts with,";

(B) by striking "nonprofit"; and

(C) by striking "time limited, demonstration";

(3) in paragraph (1)—

(A) in subparagraph (A), by striking "law, education, social work, and other relevant fields" and inserting "law enforcement, judiciary, social work and child protection, education, and other relevant fields, or individuals such as court appointed special advocates (CASAs) and guardian ad litem,";

(B) in subparagraph (B), by striking "nonprofit" and all that follows through "; and" and inserting "children, youth and family service organizations in order to prevent child abuse and neglect;";

(C) in subparagraph (C), by striking the period and inserting a semicolon;

(D) by adding at the end the following:

"(D) for training to support the enhancement of linkages between child protective service agencies and health care agencies, including physical and mental health services, to improve forensic diagnosis and health evaluations and for innovative partnerships between child protective service agencies and health care agencies that offer creative approaches to using existing Federal, State, local, and private funding to meet the health evaluation needs of children who have been subjects of substantiated cases of child abuse or neglect;

"(E) for the training of personnel in best practices to promote collaboration with the families from the initial time of contact during the investigation through treatment;

"(F) for the training of personnel regarding the legal duties of such personnel and their responsibilities to protect the legal rights of children and families;

"(G) for improving the training of supervisory and nonsupervisory child welfare workers;

"(H) for enabling State child welfare agencies to coordinate the provision of services with State and local health care agencies, alcohol and drug abuse prevention and treatment agencies, mental health agencies, and other public and private welfare agencies to promote child safety, permanence, and family stability;

"(I) for cross training for child protective service workers in research-based methods for recognizing situations of substance abuse, domestic violence, and neglect; and

"(J) for developing, implementing, or operating information and education programs or training programs designed to improve the provision of services to disabled infants with life-threatening conditions for—

"(i) professionals and paraprofessional personnel concerned with the welfare of disabled infants with life-threatening conditions, including personnel employed in child protective services programs and health care facilities; and

"(ii) the parents of such infants.";

(4) by redesignating paragraph (2) and (3) as paragraphs (3) and (4), respectively;

(5) by inserting after paragraph (1), the following:

"(2) TRIAGE PROCEDURES.—The Secretary may award grants under this subsection to public and private agencies that demonstrate innovation in responding to reports of child abuse and neglect, including programs of collaborative partnerships between the State child protective services agency, community social service agencies and family support programs, law enforcement agencies, developmental disability agencies, substance abuse treatment entities, health care entities, domestic violence prevention entities, mental health service entities, schools, churches and synagogues, and other community agencies, to allow for the establishment of a triage system that—

"(A) accepts, screens, and assesses reports received to determine which such reports require an intensive intervention and which require voluntary referral to another agency, program, or project;

"(B) provides, either directly or through referral, a variety of community-linked services to assist families in preventing child abuse and neglect; and

"(C) provides further investigation and intensive intervention where the child's safety is in jeopardy.";

(6) in paragraph (3) (as so redesignated), by striking "(such as Parents Anonymous)";

(7) in paragraph (4) (as so redesignated)—

(A) by striking the paragraph heading;

(B) by striking subparagraphs (A) and (C); and

(C) in subparagraph (B)—

(i) by striking "(B) KINSHIP CARE.—" and inserting the following:

"(4) KINSHIP CARE.—

"(A) IN GENERAL.—"; and

(ii) by striking "nonprofit"; and

(8) by adding at the end the following:

"(5) LINKAGES BETWEEN CHILD PROTECTIVE SERVICE AGENCIES AND PUBLIC HEALTH, MENTAL HEALTH, AND DEVELOPMENTAL DISABILITIES AGENCIES.—The Secretary may award grants to entities that provide linkages between State or local child protective service agencies and public health, mental health, and developmental disabilities agencies, for the purpose of establishing linkages that are designed to help assure that a greater number of substantiated victims of child maltreatment have their physical health, mental health, and developmental needs appropriately diagnosed and treated.".

(b) DISCRETIONARY GRANTS.—Section 105(b) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106(b)) is amended—

(1) by striking paragraph (1);

(2) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively;

(3) by inserting after paragraph (2) (as so redesignated), the following:

"(3) Programs based within children's hospitals or other pediatric and adolescent care facilities, that provide model approaches for improving medical diagnosis of child abuse and neglect and for health evaluations of children for whom a report of maltreatment has been substantiated."; and

(4) in paragraph (4)(D), by striking "nonprofit".

(c) EVALUATION.—Section 105(c) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106(c)) is amended—

(1) in the first sentence, by striking "demonstration";

(2) in the second sentence, by inserting "or contract" after "or as a separate grant"; and

(3) by adding at the end the following: "In the case of an evaluation performed by the recipient of a grant, the Secretary shall make available technical assistance for the evaluation, where needed, including the use of a rigorous application of scientific evaluation techniques.".

(d) TECHNICAL AMENDMENT TO HEADING.—The section heading for section 105 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106) is amended to read as follows:

"SEC. 105. GRANTS TO STATES AND PUBLIC OR PRIVATE AGENCIES AND ORGANIZATIONS.".

SEC. 114. GRANTS TO STATES FOR CHILD ABUSE AND NEGLECT PREVENTION AND TREATMENT PROGRAMS.

(a) DEVELOPMENT AND OPERATION GRANTS.—Section 106(a) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a(a)) is amended—

(1) in paragraph (3)—

(A) by inserting ", including ongoing case monitoring," after "case management"; and

(B) by inserting "and treatment" after "and delivery of services";

(2) in paragraph (4), by striking "improving" and all that follows through "referral systems" and inserting "developing, improving, and implementing risk and safety assessment tools and protocols";

(3) by striking paragraph (7);

(4) by redesignating paragraphs (5), (6), (8), and (9) as paragraphs (6), (8), (9), and (12), respectively;

(5) by inserting after paragraph (4), the following:

"(5) developing and updating systems of technology that support the program and track reports of child abuse and neglect from intake through final disposition and allow interstate and intrastate information exchange;";

(6) in paragraph (6) (as so redesignated), by striking "opportunities" and all that follows through "system" and inserting "including training regarding research-based practices to promote collaboration with the families and the legal duties of such individuals";

(7) by inserting after paragraph (6) (as so redesignated) the following:

"(7) improving the skills, qualifications, and availability of individuals providing services to children and families, and the supervisors of such individuals, through the child protection system, including improvements in the recruitment and retention of caseworkers;";

(8) by striking paragraph (9) (as so redesignated), and inserting the following:

"(9) developing and facilitating research-based training protocols for individuals mandated to report child abuse or neglect;

"(10) developing, implementing, or operating programs to assist in obtaining or coordinating necessary services for families of disabled infants with life-threatening conditions, including—

"(A) existing social and health services;

"(B) financial assistance; and

"(C) services necessary to facilitate adoptive placement of any such infants who have been relinquished for adoption;

"(11) developing and delivering information to improve public education relating to the role and responsibilities of the child protection system and the nature and basis for reporting suspected incidents of child abuse and neglect;"; and

(9) in paragraph (12) (as so redesignated), by striking the period and inserting a semicolon;

(10) by adding at the end the following:

"(13) supporting and enhancing interagency collaboration between the child protection system and the juvenile justice system for improved delivery of services and treatment, including methods for continuity of treatment plan and services as children transition between systems; or

"(14) supporting and enhancing collaboration among public health agencies, the child protection system, and private community-based programs to provide child abuse and neglect prevention and treatment services (including linkages with education systems) and to address the health needs, including mental health needs, of children identified as abused or neglected, including supporting prompt, comprehensive health and developmental evaluations for children who are the subject of substantiated child maltreatment reports.".

(b) Eligibility Requirements.—

(1) In general.—Section 106(b) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a(b)) is amended—

(A) in paragraph (1)(B)—

(i) by striking "provide notice to the Secretary of any substantive changes" and inserting the following: "provide notice to the Secretary—

"(i) of any substantive changes; and";

(ii) by striking the period and inserting "; and"; and

(iii) by adding at the end the following:

"(ii) any significant changes to how funds provided under this section are used to support the activities which may differ from the activities as described in the current State application.";

(B) in paragraph (2)(A)—

(i) by redesignating clauses (ii), (iii), (iv), (v), (vi), (vii), (viii), (ix), (x), (xi), (xii), and (xiii) as clauses (iii), (v), (vi), (vii), (ix), (x), (xi), (xii), (xiii), (xiv), (xv) and (xvi), respectively;

(ii) by inserting after clause (i), the following:

"(ii) policies and procedures (including appropriate referrals to child protection service systems and for other appropriate services) to address the needs of infants born and identified as being physically affected by illegal substance abuse or withdrawal symptoms resulting from prenatal drug exposure and requirements for the development of a plan of safe care for the infant;";

(iii) in clause (iii) (as so redesignated), by inserting "risk and" before "safety";

(iv) by inserting after clause (iii) (as so redesignated), the following:

"(iv) triage procedures for the appropriate referral of a child not at risk of imminent harm to a community organization or voluntary preventive service;";

(v) in clause (vii)(II) (as so redesignated), by striking ", having a need for such information in order to carry out its responsibilities under law to protect children from abuse and neglect" and inserting ", as described in clause (viii)";

(vi) by inserting after clause (vii) (as so redesignated), the following:

"(viii) provisions to require a State to disclose confidential information to any Federal, State, or local government entity, or any agent of such entity, that has a need for such information in order to carry out its responsibilities under law to protect children from abuse and neglect;";

(vii) in clause (xii) (as so redesignated)—

(I) by inserting "who has received training appropriate to the role, and" after "guardian ad litem,"; and

(II) by inserting "who has received training appropriate to that role" after "advocate";

(viii) in clause (xiv) (as so redesignated), by striking "to be effective not later than 2 years after the date of enactment of this section";

(ix) in clause (xv) (as so redesignated)—

(I) by striking "to be effective not later than 2 years after the date of enactment of this section"; and

(II) by striking "and" at the end;

(x) in clause (xvi) (as so redesignated), by striking "clause (xii)" each place that such appears and inserting "clause (xv)"; and

(xi) by adding at the end the following:

"(xvii) provisions and procedures to require that a representative of the child protective services agency shall, at the initial time of contact with the individual subject to a child abuse and neglect investigation, advise the individual of the complaints or allegations made against the individual, in a manner that is consistent with laws protecting the rights of the informant;

"(xviii) provisions addressing the training of representatives of the child protective services system regarding the legal duties of the representatives, which may consist of various methods of informing such representatives of such duties, in order to protect the legal rights and safety of children and families from the initial time of contact during investigation through treatment;

"(xix) provisions and procedures for improving the training, retention, and supervision of caseworkers; and

"(xx) not later than 2 years after the date of enactment of the Keeping Children and Families Safe Act of 2002, provisions and procedures for requiring criminal background record checks for prospective foster and adoptive parents and other adult relatives and non-relatives residing in the household;"; and

(C) in paragraph (2), by adding at the end the following flush sentence:

"Nothing in subparagraph (A) shall be construed to limit the State's flexibility to determine State policies relating to public access to court proceedings to determine child abuse and neglect.".

(2) Limitation.—Section 106(b)(3) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a(b)(3)) is amended by striking "With regard to clauses (v) and (vi) of paragraph (2)(A)" and inserting "With regard to clauses (vi) and (vii) of paragraph (2)(A)".

(c) Citizen Review Panels.—Section 106(c) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a(c)) is amended—

(1) in paragraph (4)—

(A) in subparagraph (A)—

(i) in the matter preceding clause (i)—

(I) by striking "and procedures" and inserting ", procedures, and practices"; and

(II) by striking "the agencies" and inserting "State and local child protection system agencies"; and

(ii) in clause (iii)(I), by striking "State" and inserting "State and local"; and

(B) by adding at the end the following:

"(C) Public outreach.—Each panel shall provide for public outreach and comment in order to assess the impact of current procedures and practices upon children and families in the community and in order to meet its obligations under subparagraph (A)."; and

(2) in paragraph (6)—

(A) by striking "public" and inserting "State and the public"; and

(B) by inserting before the period the following: "and recommendations to improve the child protection services system at the State and local levels. Not later than 6 months after the date on which a report is submitted by the panel to the State, the appropriate State agency shall submit a written response to the State and local child protection systems that describes whether or how the State will incorporate the recommendations of such panel (where appropriate) to make measurable progress in improving the State and local child protective system".

(d) Annual State Data Reports.—Section 106(d) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a(d)) is amended by adding at the end the following:

"(13) The annual report containing the summary of the activities of the citizen review panels of the State required by subsection (c)(6).

"(14) The number of children under the care of the State child protection system who are transferred into the custody of the State juvenile justice system.".

(e) Report.—Not later than 2 years after the date of enactment of this Act, the Secretary of Health and Human Services shall prepare and submit to Congress a report that describes the extent to which States are implementing the policies and procedures required under section 106(b)(2)(B)(ii) of the Child Abuse Prevention and Treatment Act.

SEC. 115. MISCELLANEOUS REQUIREMENTS RELATING TO ASSISTANCE.

Section 108 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106d) is amended by adding at the end the following:

"(d) GAO Study.—The Comptroller General of the United States shall conduct a survey of a wide range of State and local child protection service systems to evaluate and submit to Congress a report concerning the cross training of child protective service workers and court personnel.

"(e) Sense of Congress.—It is the sense of Congress that the Secretary should encourage all States and public and private agencies or organizations that receive assistance under this title to ensure that children and families with limited English proficiency who participate in programs under this title are provided materials and services under such programs in an appropriate language other than English.".

SEC. 116. AUTHORIZATION OF APPROPRIATIONS.

(a) General Authorization.—Section 112(a)(1) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106h(a)(1)) is amended to read as follows:

"(1) General authorization.—There are authorized to be appropriated to carry out this title $120,000,000 for fiscal year 2003 and such sums as may be necessary for each of the fiscal years 2004 through 2007.".

(b) Demonstration Projects.—Section 112(a)(2)(B) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106h(a)(2)(B)) is amended—

(1) by striking "Secretary make" and inserting "Secretary shall make"; and

(2) by striking "section 106" and inserting "section 104".

SEC. 117. REPORTS.

Section 110 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106f) is amended by adding at the end the following:

"(c) Study and Report Relating to Citizen Review Panels.—

"(1) Study.—The Secretary shall conduct a study by random sample of the effectiveness of the citizen review panels established under section 106(c).

"(2) Report.—Not later than 3 years after the date of enactment of the Keeping Children and Families Safe Act of 2002, the Secretary shall submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report that contains the results of the study conducted under paragraph (1).".

Subtitle B—Community-Based Grants for the Prevention of Child Abuse

SEC. 121. PURPOSE AND AUTHORITY.

(a) PURPOSE.—Section 201(a)(1) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116(a)(1)) is amended to read as follows:

"(1) to support community-based efforts to develop, operate, expand, enhance, and, where appropriate to network, initiatives aimed at the prevention of child abuse and neglect, and to support networks of coordinated resources and activities to better strengthen and support families to reduce the likelihood of child abuse and neglect; and".

(b) AUTHORITY.—Section 201(b) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116(b)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A) by striking "Statewide" and all that follows through the dash, and inserting "community-based and prevention-focused programs and activities designed to prevent child abuse and neglect (through networks where appropriate) that are accessible, effective, culturally appropriate, and built upon existing strengths that—";

(B) in subparagraph (F), by striking "and" at the end; and

(C) by striking subparagraph (G) and inserting the following:

"(G) demonstrate a commitment to meaningful parent leadership, including among parents of children with disabilities, parents with disabilities, racial and ethnic minorities, and members of other underrepresented or underserved groups; and

"(H) provide referrals to early health and developmental services;"; and

(2) in paragraph (4)—

(A) by inserting "through leveraging of funds" after "maximizing funding";

(B) by striking "a Statewide network of community-based, prevention-focused" and inserting "community-based and prevention-focused"; and

(C) by striking "family resource and support program" and inserting "programs and activities designed to prevent child abuse and neglect (through networks where appropriate)".

(c) TECHNICAL AMENDMENT TO TITLE HEADING.—Title II of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116) is amended by striking the heading for such title and inserting the following:

"TITLE II—COMMUNITY-BASED GRANTS FOR THE PREVENTION OF CHILD ABUSE AND NEGLECT".

SEC. 122. ELIGIBILITY.

Section 202 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116a) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A)—

(i) by striking "a Statewide network of community-based, prevention-focused" and inserting "community-based and prevention-focused"; and

(ii) by striking "family resource and support programs" and all that follows through the semicolon and inserting "programs and activities designed to prevent child abuse and neglect (through networks where appropriate);"

(B) in subparagraph (B), by inserting "that exists to strengthen and support families to prevent child abuse and neglect" after "written authority of the State)";

(2) in paragraph (2)—

(A) in subparagraph (A), by striking "a network of community-based family resource and support programs" and inserting "community-based and prevention-focused programs and activities designed to prevent child abuse and neglect (through networks where appropriate)";

(B) in subparagraph (B)—

(i) by striking "to the network"; and

(ii) by inserting ", and parents with disabilities" before the semicolon;

(C) in subparagraph (C), by striking "to the network"; and

(3) in paragraph (3)—

(A) in subparagraph (A), by striking "Statewide network of community-based, prevention-focused, family resource and support programs" and inserting "community-based and prevention-focused programs and activities to prevent child abuse and neglect (through networks where appropriate)";

(B) in subparagraph (B), by striking "Statewide network of community-based, prevention-focused, family resource and support programs" and inserting "community-based and prevention-focused programs and activities to prevent child abuse and neglect (through networks where appropriate)";

(C) in subparagraph (C), by striking "and training and technical assistance, to the Statewide network of community-based, prevention-focused, family resource and support programs" and inserting "training, technical assistance, and evaluation assistance, to community-based and prevention-focused programs and activities to prevent child abuse and neglect (through networks where appropriate)"; and

(D) in subparagraph (D), by inserting ", parents with disabilities," after "children with disabilities".

SEC. 123. AMOUNT OF GRANT.

Section 203(b)(1)(B) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116b(b)(1)(B)) is amended—

(1) by striking "as the amount leveraged by the State from private, State, or other non-Federal sources and directed through the" and inserting "as the amount of private, State or other non-Federal funds leveraged and directed through the currently designated"; and

(2) by striking "the lead agency" and inserting "the current lead agency".

SEC. 124. EXISTING GRANTS.

Section 204 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5115c) is repealed.

SEC. 125. APPLICATION.

Section 205 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116d) is amended—

(1) in paragraph (1), by striking "Statewide network of community-based, prevention-focused, family resource and support programs" and inserting "community-based and prevention-focused programs and activities to prevent child abuse and neglect (through networks where appropriate)";

(2) in paragraph (2)—

(A) by striking "network of community-based, prevention-focused, family resource and support programs" and inserting "community-based and prevention-focused programs and activities to prevent child abuse and neglect (through networks where appropriate)"; and

(B) by striking ", including those funded by programs consolidated under this Act,";

(3) by striking paragraph (3), and inserting the following:

"(3) a description of the inventory of current unmet needs and current community-based and prevention-focused programs and activities to prevent child abuse and neglect, and other family resource services operating in the State;";

(4) in paragraph (4), by striking "State's network of community-based, prevention-focused, family resource and support programs" and inserting "community-based and prevention-focused programs and activities designed to prevent child abuse and neglect";

(5) in paragraph (5), by striking "Statewide network of community-based, prevention-focused, family resource and support programs" and inserting "start up, maintenance, expansion, and redesign of community-based and prevention-focused programs and activities designed to prevent child abuse and neglect";

(6) in paragraph (7), by striking "individual community-based, prevention-focused, family resource and support programs" and inserting "community-based and prevention-focused programs and activities designed to prevent child abuse and neglect";

(7) in paragraph (8), by striking "community-based, prevention-focused, family resource and support programs" and inserting "community-based and prevention-focused programs and activities designed to prevent child abuse and neglect";

(8) in paragraph (9), by striking "community-based, prevention-focused, family resource and support programs" and inserting "community-based and prevention-focused programs and activities designed to prevent child abuse and neglect";

(9) in paragraph (10), by inserting "(where appropriate)" after "members";

(10) in paragraph (11), by striking "prevention-focused, family resource and support program" and inserting "community-based and prevention-focused programs and activities designed to prevent child abuse and neglect"; and

(11) by redesignating paragraph (13) as paragraph (12).

SEC. 126. LOCAL PROGRAM REQUIREMENTS.

Section 206(a) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116e(a)) is amended—

(1) in the matter preceding paragraph (1), by striking "prevention-focused, family resource and support programs" and inserting "and prevention-focused programs and activities designed to prevent child abuse and neglect";

(2) in paragraph (3)(B), by inserting "voluntary home visiting and" after "including"; and

(3) by striking paragraph (6) and inserting the following:

"(6) participate with other community-based and prevention-focused programs and activities to prevent child abuse and neglect in the development, operation and expansion of networks where appropriate.".

SEC. 127. PERFORMANCE MEASURES.

Section 207 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116f) is amended—

(1) in paragraph (1), by striking "a Statewide network of community-based, prevention-focused, family resource and support programs" and inserting "community-based and prevention-focused programs and activities to prevent child abuse and neglect";

(2) by striking paragraph (3), and inserting the following:

"(3) shall demonstrate that they will have addressed unmet needs identified by the inventory and description of current services required under section 205(3);";

(3) in paragraph (4),

(A) by inserting "and parents with disabilities," after "children with disabilities,";

(B) by striking "evaluation of" the first place it appears and all that follows through "under this title" and inserting "evaluation of community-based and prevention-focused programs and activities to prevent child abuse and neglect, and in the design, operation and evaluation of the networks of such community-based and prevention-focused programs";

(4) in paragraph (5), by striking ", prevention-focused, family resource and support programs" and inserting "and prevention-focused programs and activities designed to prevent child abuse and neglect";

(5) in paragraph (6), by striking "Statewide network of community-based, prevention-focused, family resource and support programs" and inserting "community-based and prevention-focused programs and activities designed to prevent child abuse and neglect"; and

(6) in paragraph (8), by striking "community based, prevention-focused, family resource and support programs" and inserting "community-based and prevention-focused programs and activities designed to prevent child abuse and neglect".

SEC. 128. NATIONAL NETWORK FOR COMMUNITY-BASED FAMILY RESOURCE PROGRAMS.

Section 208(3) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116g(3)) is amended by striking "Statewide networks of community-based, prevention-focused, family resource and support programs" and inserting "community-based and prevention-focused programs and activities designed to prevent child abuse and neglect".

SEC. 129. DEFINITIONS.

(a) Children With Disabilities.—Section 209(1) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116h(1)) is amended by striking "given such term in section 602(a)(2)" and inserting "given the term 'child with a disability' in section 602(3) or 'infant or toddler with a disability' in section 632(5)".

(b) Community-Based and Prevention-Focused Programs and Activities to Prevent Child Abuse and Neglect.—Section 209 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116h) is amended by striking paragraphs (3) and (4) and inserting the following:

"(3) Community-based and prevention-focused programs and activities to prevent child abuse and neglect.—The term 'community-based and prevention-focused programs and activities to prevent child abuse and neglect' includes organizations such as family resource programs, family support programs, voluntary home visiting programs, respite care programs, parenting education, mutual support programs, and other community programs that provide activities that are designed to prevent or respond to child abuse and neglect.".

SEC. 130. AUTHORIZATION OF APPROPRIATIONS.

Section 210 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116i) is amended to read as follows:

"SEC. 210. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this title $80,000,000 for fiscal year 2003 and such sums as may be necessary for each of the fiscal years 2004 through 2007.".

TITLE II—ADOPTION OPPORTUNITIES

SEC. 201. CONGRESSIONAL FINDINGS AND DECLARATION OF PURPOSE.

Section 201 of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (42 U.S.C. 5111) is amended—

(1) in subsection (a)—

(A) by striking paragraphs (1) through (4) and inserting the following:

"(1) the number of children in substitute care has increased by nearly 24 percent since 1994, as our Nation's foster care population included more than 565,000 as of September of 2001;

"(2) children entering foster care have complex problems that require intensive services, with many such children having special needs because they are born to mothers who did not receive prenatal care, are born with life threatening conditions or disabilities, are born addicted to alcohol or other drugs, or have been exposed to infection with the etiologic agent for the human immunodeficiency virus;

"(3) each year, thousands of children are in need of placement in permanent, adoptive homes;";

(B) by striking paragraph (6);

(C) by striking paragraph (7)(A) and inserting the following:

"(7)(A) currently, there are 131,000 children waiting for adoption;"; and

(D) by redesignating paragraphs (5), (7), (8), (9), and (10) as paragraphs (4), (5), (6), (7), and (8) respectively; and

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by inserting ", including geographic barriers," after "barriers"; and

(B) in paragraph (2), by striking "a national" and inserting "an Internet-based national".

SEC. 202. INFORMATION AND SERVICES.

Section 203 of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (42 U.S.C. 5113) is amended—

(1) by striking the section heading and inserting the following:

"SEC. 203. INFORMATION AND SERVICES.";

(2) by striking "Sec. 203. (a) The Secretary" and inserting the following:

"(a) In General.—The Secretary";

(3) in subsection (b)—

(A) by inserting "Required Activities.—" after "(b)";

(B) in paragraph (1), by striking "nonprofit" each place that such appears;

(C) in paragraph (2), by striking "nonprofit";

(D) in paragraph (3), by striking "nonprofit";

(E) in paragraph (4), by striking "nonprofit";

(F) in paragraph (6), by striking "study the nature, scope, and effects of" and insert "support";

(G) in paragraph (7), by striking "nonprofit";

(H) in paragraph (9)—

(i) by striking "nonprofit"; and

(ii) by striking "and" at the end;

(I) in paragraph (10)—

(i) by striking "nonprofit"; each place that such appears; and

(ii) by striking the period at the end and inserting "; and"; and

(J) by adding at the end the following:

"(11) provide (directly or by grant to or contract with States, local government entities, or public or private licensed child welfare or adoption agencies) for the implementation of programs that are intended to increase the number of older children (who are in foster care and with the goal of adoption) placed in adoptive families, with a special emphasis on child-specific recruitment strategies, including—

"(A) outreach, public education, or media campaigns to inform the public of the needs and numbers of older youth available for adoption;

"(B) training of personnel in the special needs of older youth and the successful strategies of child-focused, child-specific recruitment efforts; and

"(C) recruitment of prospective families for such children.";

(4) in subsection (c)—

(A) by striking "(c)(1) The Secretary" and inserting the following:

"(c) Services for Families Adopting Special Needs Children.—

"(1) In general.—The Secretary";

(B) by striking "(2) Services" and inserting the following:

"(2) Services.—Services"; and

(C) in paragraph (2)—

(i) by realigning the margins of subparagraphs (A) through (G) accordingly;

(ii) in subparagraph (F), by striking "and" at the end;

(iii) in subparagraph (G), by striking the period and inserting a semicolon; and

(iv) by adding at the end the following:

"(H) day treatment; and

"(I) respite care."; and

(D) by striking "nonprofit"; each place that such appears;

(5) in subsection (d)—

(A) by striking "(d)(1) The Secretary" and inserting the following:

"(d) Improving Placement Rate of Children in Foster Care.—

"(1) In general.—The Secretary";

(B) by striking "(2)(A) Each State" and inserting the following:

"(2) Applications; technical and other assistance.—

"(A) Applications.—Each State";

(C) by striking "(B) The Secretary" and inserting the following:

"(B) Technical and other assistance.—The Secretary";

(D) in paragraph (2)(B)—

(i) by realigning the margins of clauses (i) and (ii) accordingly; and

(ii) by striking "nonprofit";

(E) by striking "(3)(A) Payments" and inserting the following:

"(3) Payments.—

"(A) In general.—Payments"; and

(F) by striking "(B) Any payment" and inserting the following:

"(B) Reversion of unused funds.—Any payment"; and

(6) by adding at the end the following:

"(e) Elimination of Barriers to Adoptions Across Jurisdictional Boundaries.—

"(1) In general.—The Secretary shall award grants to, or enter into contracts with, States, local government entities, public or private child welfare or adoption agencies, adoption exchanges, or adoption family groups to carry out initiatives to improve efforts to eliminate barriers to placing children for adoption across jurisdictional boundaries.

"(2) Services to supplement not supplant.—Services provided under grants made under this subsection shall supplement, not supplant, services provided using any other funds made available for the same general purposes including—

"(A) developing a uniform homestudy standard and protocol for acceptance of homestudies between States and jurisdictions;

"(B) developing models of financing cross-jurisdictional placements;

"(C) expanding the capacity of all adoption exchanges to serve increasing numbers of children;

"(D) developing training materials and training social workers on preparing and moving children across State lines; and

"(E) developing and supporting initiative models for networking among agencies, adoption exchanges, and parent support groups across jurisdictional boundaries.".

SEC. 203. STUDY OF ADOPTION PLACEMENTS.

Section 204 of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (42 U.S.C. 5114) is amended—

(1) by striking "The" and inserting "(a) IN GENERAL.—The";

(2) by striking "of this Act" and inserting "of the Keeping Children and Families Safe Act of 2002";

(3) by striking "to determine the nature" and inserting "to determine—

"(1) the nature";

(4) by striking "which are not licensed" and all that follows through "entity";"; and

(5) by adding at the end the following:

"(2) how interstate placements are being financed across State lines;

"(3) recommendations on best practice models for both interstate and intrastate adoptions; and

"(4) how State policies in defining special needs children differentiate or group similar categories of children.".

SEC. 204. STUDIES ON SUCCESSFUL ADOPTIONS.

Section 204 of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (42 U.S.C. 5114) is amended by adding at the end the following:

"(b) DYNAMICS OF SUCCESSFUL ADOPTION.—The Secretary shall conduct research (directly or by grant to, or contract with, public or private nonprofit research agencies or organizations) about adoption outcomes and the factors affecting those outcomes. The Secretary shall submit a report containing the results of such research to the appropriate committees of the Congress not later than the date that is 36 months after the date of the enactment of the Keeping Children and Families Safe Act of 2002.

"(c) INTERJURISDICTIONAL ADOPTION.—Not later than 1 year after the date of the enactment of the Keeping Children and Families Safe Act of 2002, the Secretary, in consultation with the Comptroller General, shall submit to the appropriate committees of the Congress a report that contains recommendations for an action plan to facilitate the interjurisdictional adoption of foster children.".

SEC. 205. AUTHORIZATION OF APPROPRIATIONS.

Section 205(a) of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (42 U.S.C. 5115(a)) is amended to read as follows:

"There are authorized to be appropriated $40,000,000 for fiscal year 2003 and such sums as may be necessary for fiscal years 2004 through 2007 to carry out programs and activities authorized under this subtitle.".

TITLE III—ABANDONED INFANTS ASSISTANCE

SEC. 301. FINDINGS.

Section 2 of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 670 note) is amended—

(1) by striking paragraph (1);

(2) in paragraph (2)—

(A) by inserting "studies indicate that a number of factors contribute to" before "the inability of";

(B) by inserting "some" after "inability of";

(C) by striking "who abuse drugs"; and

(D) by striking "care for such infants" and inserting "care for their infants";

(3) by amending paragraph (5) to read as follows:

"(5) appropriate training is needed for personnel working with infants and young children with life-threatening conditions and other special needs, including those who are infected with the human immunodeficiency virus (commonly known as 'HIV'), those who have acquired immune deficiency syndrome (commonly know as 'AIDS'), and those who have been exposed to dangerous drugs;";

(4) by striking paragraphs (6) and (7);

(5) in paragraph (8), by inserting "by parents abusing drugs," after "deficiency syndrome,";

(6) in paragraph (9), by striking "comprehensive services" and all that follows through the semicolon at the end and inserting "comprehensive support services for such infants and young children and their families and services to prevent the abandonment of such infants and young children, including foster care services, case management services, family support services, respite and crisis intervention services, counseling services, and group residential home services; and";

(7) by striking paragraph (11);

(8) by redesignating paragraphs (2), (3), (4), (5), (8), (9), and (10) as paragraphs (1) through (7), respectively.

(9) by adding at the end the following:

"(8) Private, Federal, State, and local resources should be coordinated to establish and maintain such services and to ensure the optimal use of all such resources.".

SEC. 302. ESTABLISHMENT OF LOCAL PROGRAMS.

Section 101 of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 670 note) is amended—

(1) by striking the section heading and inserting the following:

"SEC. 101. ESTABLISHMENT OF LOCAL PROGRAMS."; and

(2) by striking subsection (b) and inserting the following:

"(b) PRIORITY IN PROVISION OF SERVICES.—The Secretary may not make a grant under subsection (a) unless the applicant for the grant agrees to give priority to abandoned infants and young children who—

"(1) are infected with, or have been perinatally exposed to, the human immunodeficiency virus, or have a life-threatening illness or other special medical need; or

"(2) have been perinatally exposed to a dangerous drug.".

SEC. 303. EVALUATIONS, STUDY, AND REPORTS BY SECRETARY.

Section 102 of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 670 note) is amended to read as follows:

"SEC. 102. EVALUATIONS, STUDY, AND REPORTS BY SECRETARY.

"(a) EVALUATIONS OF LOCAL PROGRAMS.—The Secretary shall, directly or through contracts with public and nonprofit private entities, provide for evaluations of projects carried out under section 101 and for the dissemination of information developed as a result of such projects.

"(b) STUDY AND REPORT ON NUMBER OF ABANDONED INFANTS AND YOUNG CHILDREN.—

"(1) IN GENERAL.—The Secretary shall conduct a study for the purpose of determining—

"(A) an estimate of the annual number of infants and young children relinquished, abandoned, or found deceased in the United States and the number of such infants and young children who are infants and young children described in section 223(b);

"(B) an estimate of the annual number of infants and young children who are victims of homicide;

"(C) characteristics and demographics of parents who have abandoned an infant within 1 year of the infant's birth; and

"(D) an estimate of the annual costs incurred by the Federal Government and by State and local governments in providing housing and care for abandoned infants and young children.

"(2) DEADLINE.—Not later than 36 months after the date of the enactment of the Keeping Children and Families Safe Act of 2002, the Secretary shall complete the study required under paragraph (1) and submit to the Congress a report describing the findings made as a result of the study.

"(c) EVALUATION.—The Secretary shall evaluate and report on effective methods of intervening before the abandonment of an infant or young child so as to prevent such abandonments, and effective methods for responding to the needs of abandoned infants and young children.".

SEC. 304. AUTHORIZATION OF APPROPRIATIONS.

Section 104 of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 670 note) is amended—

(1) by striking subsection (a) and inserting the following:

"(a) IN GENERAL.—

"(1) AUTHORIZATION.—For the purpose of carrying out this Act, there are authorized to be appropriated $45,000,000 for fiscal year 2003 and such sums as may be necessary for fiscal years 2004 through 2007.

"(2) LIMITATION.—Not more than 5 percent of the amounts appropriated under paragraph (1) for any fiscal year may be obligated for carrying out section 224(a).";

(2) by striking subsection (b);

(3) in subsection (c)—

(A) in paragraph (1), by inserting "AUTHORIZATION.—" after "(1)"; and

(B) in paragraph (2)—

(i) by inserting "LIMITATION.—" after "(2)"; and

(ii) by striking "fiscal year 1991." and inserting "fiscal year 2002."; and

(4) by redesignating subsections (c) and (d) as subsections (b) and (c), respectively.

SEC. 305. DEFINITIONS

Section 103 of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 670 note) is amended to read as follows:

"SEC. 103. DEFINITIONS.

"For purposes of this Act:

"(1) The terms 'abandoned' and 'abandonment', with respect to infants and young children, mean that the infants and young children are medically cleared for discharge from acute-care hospital settings, but remain hospitalized because of a lack of appropriate out-of-hospital placement alternatives.

"(2) The term 'acquired immune deficiency syndrome' includes infection with the etiologic agent for such syndrome, any condition indicating that an individual is infected with such etiologic agent, and any condition arising from such etiologic agent.

"(3) The term 'dangerous drug' means a controlled substance, as defined in section 102 of the Controlled Substances Act.

"(4) The term 'natural family' shall be broadly interpreted to include natural parents, grandparents, family members, guardians, children residing in the household, and individuals residing in the household on a continuing basis who are in a care-giving situation with respect to infants and young children covered under this subtitle.

"(5) The term 'Secretary' means the Secretary of Health and Human Services.".

Mr. BOEHNER. Mr. Speaker, I support H.R. 5601, the "Keeping Children and Families

Safe Act of 2002," to reauthorize the Child Abuse Prevention and Treatment Act, and its' related programs and acts. This bill is an alternative to the original bill, H.R. 3839, on which we were unable to reach agreement, and puts forth our efforts and commitment to ensure that programs aimed at the prevention of child abuse and neglect continue.

This bill improves program implementation and makes improvements to current law to ensure that states have the necessary resources and flexibility to properly address the prevention of child abuse and neglect.

Specifically, the bill:

Maintains important federal resources for identifying and addressing issues of child abuse and neglect.

Promotes the prevention of child abuse and neglect before it occurs.

Supports efforts to ensure that the current programs are operating effectively.

Promotes partnerships between child protective services and private and community-based organizations to improve child abuse and neglect prevention and treatment services.

Ensures that individuals are informed of abuse or neglect allegations against them, while ensuring the integrity of the confidential informant system.

Improves public education on the role of the child protective services system and appropriate reporting of suspected incidents of child abuse and neglect.

Improves the training, recruitment and retention of individuals providing services to children and families.

Continues local projects with demonstrated value in eliminating barriers to permanent adoption.

Supports programs that are intended to increase the number of older children placed in adoptive families.

Protects infants born and identified as being affected by illegal substance abuse or withdrawal symptoms resulting from prenatal drug exposure.

Provides for the development of a plan of safe care for such infants.

Addresses the circumstances that often lead to child abandonment and provides support to prevent abandonment.

I want to thank my colleagues—Select Education Subcommittee Chairman HOEKSTRA, Mr. GREENWOOD, Mr. ROEMER, the ranking member of the Subcommittee on Select Education and Mr. MILLER, the ranking member of the full committee—for their efforts in bringing forward this alternative.

I urge my colleagues to join me in support of H.R. 5601, the Keeping Children and Families Safe Act of 2002.

DISCHARGED FROM THE COMMITTEE ON GOVERNMENT REFORM AND PASSED

H.R. 670, to designate the facility of the United States Postal Service located at 7 Commercial Street in Newport, Rhode Island, as the "Bruce F. Cotta Post Office Building".

H.R. 670

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. BRUCE F. COTTA POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 7 Commercial Street in Newport, Rhode Island, shall be known and designated as the "Bruce F. Cotta Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the Bruce F. Cotta Post Office Building.

DISCHARGED FROM THE COMMITTEE ON GOVERNMENT REFORM AND PASSED

H.R. 669, to designate the facility of the United States Postal Service located at 127 Social Street in Woonsocket, Rhode Island, as the "Alphonse F. Auclair Post Office Building".

H.R. 669

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ALPHONSE F. AUCLAIR POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 127 Social Street in Woonsocket, Rhode Island, shall be known and designated as the "Alphonse F. Auclair Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the Alphonse F. Auclair Post Office Building.

DISCHARGED FROM THE COMMITTEE ON GOVERNMENT REFORM AND PASSED

H.R. 5205, to amend the District of Columbia Retirement Protection Act of 1997 to permit the Secretary of the Treasury to use estimated amounts in determining the service longevity component of the Federal benefit payment required to be paid under such Act to certain retirees of the Metropolitan Police Department of the District of Columbia.

H.R. 5205

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PERMITTING USE OF ESTIMATED AMOUNTS IN DETERMINING SERVICE LONGEVITY COMPONENT OF FEDERAL BENEFIT PAYMENTS TO METROPOLITAN POLICE DEPARTMENT RETIREES.

(a) IN GENERAL.—Section 11012(e) of the District of Columbia Retirement Protection Act of 1997 (Public Law 105–33; sec. 1-803.02(e), D.C. Official Code) is amended by adding at the end the following: "The Secretary of the Treasury is authorized to estimate the additional compensation for service longevity for purposes of determining the amount of a Federal benefit payment for annuitants who retire on or after August 29, 1972, and on or before December 31, 2001, and to make Federal benefit payments based upon such estimates.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the enactment of title IX of division A of the Miscellaneous Appropriations Act, 2001 (as enacted by reference in section 1(a)(4) of the Consolidated Appropriations Act, 2001).

DISCHARGED FROM THE COMMITTEE ON INTERNATIONAL RELATIONS AND AGREED TO

House Concurrent Resolution 406, honoring and commending the Lao Veterans of America, Laotian and Hmong veterans of the Vietnam War, and their families, for their historic contributions to the United States.

H. CON. RES. 406

Whereas one of the largest clandestine operations in United States military history was conducted in Laos during the Vietnam War;

Whereas the Central Intelligence Agency and the United States Armed Forces recruited, organized, trained, and assisted Laotian and Hmong guerrilla units and conventional forces, including ethnic lowland Lao and highland Laotians composed of Hmong, Khmu, Mien, Yao, Lahu, and other diverse tribal and nontribal ethnic groups, from 1960 through 1975 to combat the North Vietnamese Army and Communist Pathet Lao forces;

Whereas Laotian and Hmong special forces who served in the United States sponsored "Secret Army" courageously saved numerous American pilots and aircrews who were shot down over Laos or North Vietnam and interdicted and helped to destroy many enemy units and convoys intended to engage United States military forces in combat;

Whereas Laotian and Hmong special forces served in key roles with air force elements of the United States Air Force, United States Navy carrier-based air units, United States Army heliborne units, and the Central Intelligence Agency's "Air America" in distinguished roles such as T–28 fighter pilots, "Raven" spotter co-pilots, Forward Air Guides, and mobile group rescue and combat reconnaissance units;

Whereas Laotian and Hmong special forces, including highly decorated group mobile units, served in daring and courageous heliborne and airborne combat operations in support of joint United States and Royal Lao Army military operations in Laos and Vietnam, including interdiction of enemy troop movements and supply convoys using the Ho Chi Minh Trail;

Whereas Laotian and Hmong special forces guarded one of the most highly sensitive United States intelligence and electronic targeting sites in all of Southeast Asia during the Vietnam War, LIMA Site 85, which permitted the United States Air Force and Navy to conduct the all-weather and night bombing of enemy targets in North Vietnam;

Whereas tens of thousands of members of the Laotian and Hmong special forces and their families were trapped in Laos when the Communists took over, and many of these persons were brutally persecuted, imprisoned, or killed because of their role in defending Laos and assisting the United States as allies;

Whereas many of those members of the Laotian and Hmong special forces and their families who avoided capture suffered for years in horrific conditions as political refugees in refugee camps in neighboring Thailand;

Whereas the United States is now the home to significant communities of the Laotian and Hmong veterans and their families after providing them with political asylum, refugee status, and citizenship because of their unique contribution to United States national security interests during the Vietnam War;

Whereas the Lao Veterans of America was founded as a nonprofit veterans organization in 1990 to honor and assist Laotian and Hmong veterans who served with or assisted the United States Armed Forces during the Vietnam War;

Whereas the Lao Veterans of America has established chapters throughout the United States that have sought to serve their communities and educate the public about the historic contribution of the Lao and Hmong veterans during the Vietnam War;

Whereas the Lao Veterans of America spearheaded and led national efforts in the Congress to seek to provide citizenship to elderly Laotian and Hmong veterans, as well as their spouses or widows;

Whereas in 1995, a historic Lao Veterans of America ceremony was held at the airbase and headquarters of the 144th Fighter Wing of the Air National Guard in Fresno, California, along with a memorial service and overflights of T–28 fighter aircraft to honor the Laotian and Hmong veterans, their American advisers, and the Lao Veterans of America and other veterans organizations;

Whereas in 1997, long overdue national recognition and honor was finally bestowed upon the Lao Veterans of America and thousands of Laotian and Hmong veterans and their American advisers at the Vietnam Veterans Memorial in the District of Columbia and at Arlington National Cemetery in Arlington, Virginia, by Members of the Congress and representatives of the United States intelligence, military, and diplomatic communities;

Whereas in 1997, a monument was dedicated at Arlington National Cemetery by the Lao Veterans of America to honor the Laotian and Hmong veterans and their American advisers who served during the Vietnam War; and

Whereas in 2000, thousands of additional Lao and Hmong veterans were again honored, after a veterans memorial service and parade lead by the Lao Veterans of America that progressed from the Vietnam Veterans Memorial, past the White House, and down Pennsylvania Avenue to the United States Capitol, where a national commemorative service was held: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress honors and commends the Lao Veterans of America, Laotian and Hmong veterans of the Vietnam War who served with or assisted the United States Armed Forces, and the families of these Laotian and Hmong veterans, for their historic contributions to the United States.

DISCHARGED FROM THE COMMITTEE ON GOVERNMENT REFORM AND AGREED TO

House Resolution 542, congratulating the Bryan Packers American Legion baseball team from West Point, Mississippi, for their outstanding performance in winning the 2002 American Legion World Series.

H. RES. 542

Whereas the Bryan Packers baseball team from West Point, Mississippi, is the 2002 champion of the American Legion World Series;

Whereas the American Legion baseball program began in 1926 and is the oldest amateur baseball program in the United States and includes 5,300 registered baseball teams;

Whereas 55 percent of professional baseball players and 70 percent of college baseball players played American Legion baseball as teenagers;

Whereas the West Point team is the first team from Mississippi ever to win the American Legion World Series;

Whereas a team from Region 4, which includes Mississippi, has won the American Legion Championship only twice before, most recently in 1968;

Whereas the Packers have won 4 State titles in the past 6 years;

Whereas this North Mississippi team finished the 3 month season with a record of 47–13, and went 12–2 in post-season play;

Whereas 4 members of the All-Tournament team, Corey Carter, Dusty Snider, Josh Johnson, and Jeff Shafer, were Bryan Packers;

Whereas the Tournament Most Valuable Player was Packers pitcher, Josh Johnson;

Whereas Josh Johnson also won the tournament's Bob Feller Pitching Award with 34 strikeouts;

Whereas Corey Carter won the tournament's Rawlings Big Stick Award with 31 bases; and

Whereas Packers Coach Frank Portera, who started the West Point team 9 years ago, won the tournament's Jack Williams Memorial Leadership award: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates the Bryan Packers American Legion baseball team from West Point, Mississippi, for their outstanding performance in winning the 2002 American Legion World Series;

(2) recognizes Frank Portera, the Packers' coach, and players Justin Best, Russell Bourland, Corey Carter, Joby Garner, Tyler Hunter, Scottie Jacobs, Drew Jaudon, Josh Johnson, Lance Martin, Brandon McGarity, Dave Nanney, Brent Patton, John Raymond Pitre, Taylor Robertson, Jeff Schafer, Dusty Snider, Chris Stamps, and Rod Williams for demonstrating excellence and character throughout the baseball season; and

(3) commends American Legion Baseball for its 76-year tradition of encouraging the development of sportsmanship and confidence in youth through its sponsorship of world-class baseball.

DISCHARGED FROM THE COMMITTEE ON GOVERNMENT REFORM AND AGREED TO

House Resolution 572, honoring the 225th anniversary of the signing of the Articles of Confederation.

H. RES. 572

Whereas the Continental Congress met in York, Pennsylvania, from September 30, 1777, to June 27, 1778, to debate the very same issues that face Congress today, such as individual freedoms, taxes, and State versus Federal rights;

Whereas on November 15, 1777, the Continental Congress adopted the Articles of Confederation in the York County Courthouse, thereby establishing the first document that united the 13 original colonies as the United States of America;

Whereas the Articles of Confederation established the first legal system until the adoption of the Constitution;

Whereas the Continental Congress, in York, Pennsylvania, proclaimed the first Thanksgiving Day as a National Day of Thanksgiving and Praise on December 18, 1777;

Whereas the Continental Congress ratified the French Treaty of Amity and Commerce and the Treaty of Alliance at the York County Courthouse, York, Pennsylvania, on May 4, 1778;

Whereas the Continental Congress adjourned from the York County Courthouse on June 27, 1778, after receiving a letter from General Washington stating that the British army had vacated Philadelphia, Pennsylvania, and the Continental Congress departed York, Pennsylvania, to return to Independence Hall in Philadelphia, Pennsylvania; and

Whereas November 15, 2002, is the 225th anniversary of the signing of the Articles of Confederation in York, Pennsylvania: Now, therefore, be it

Resolved, That the House of Representatives, on the occasion of the 225th anniversary of the signing of the Articles of Confederation in York, Pennsylvania, congratulates the City and County of York and its residents for their important contributions to the birth of our Nation, the United States of America.

DISCHARGED FROM THE COMMITTEE ON GOVERNMENT REFORM AND AGREED TO

House Concurrent Resolution 504, congratulating the PONY League baseball team of Norwalk, California, for winning the 2002 PONY League World Championship.

H. CON. RES. 504

Whereas the Protecting Our Nation's Youth (PONY) Organization sponsors various baseball and softball leagues for young people throughout the world, including the PONY League for 13- and 14-year-olds;

Whereas the PONY League baseball team of Norwalk, California, won the 2002 PONY League World Championship held in Washington, Pennsylvania, on August 24, 2002;

Whereas, in order to win the World Championship Title, the Norwalk team defeated the PONY League baseball team of Washington, Pennsylvania, by a score of 11 to 7, the PONY League baseball team of Hagerstown, Maryland, by a score of 11 to 0, the PONY League baseball team of Port Neches, Texas, by a score of 11 to 4, and, finally, the PONY League baseball team of Levittown, Puerto Rico, by a score of 10 to 0;

Whereas the Norwalk team is the third team from California during the last 6 years to win the PONY League World Championship;

Whereas the Norwalk team's success would not have been possible without the support of the players' parents; volunteer manager, Ruben Velázquez; and volunteer coaches, George Sánchez and Tony Riveras;

Whereas each of the athletes on the Norwalk team—Art Gonzalez, Jimmy Buentello, Frankie Lucero, Johnny Perez, Gabriel Schwulst, Danny Dutch, Miguel Flores, Jesus Cabral, Tony Zarco, Jamil Acosta, Eddie Murray, George Sánchez, Richard Melendrez, Anthony Topete, and Victor Sánchez—devoted a great deal of time and effort to the practices that led to the World Championship victory; and

Whereas the PONY League provides young people throughout the world an opportunity to enjoy the competitive sport of baseball, build character, and learn important skills such as teamwork: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) congratulates the PONY League baseball team of Norwalk, California, for winning the 2002 PONY League World Championship;

(2) recognizes the parents of the team's players and the team's volunteer manager and coaches for providing the support which made the team's victory possible; and

(3) recognizes the Protecting Our Nation's Youth (PONY) Organization for providing safe recreational opportunities for young people and an opportunity for young athletes to become positive role models for other youth.

DISCHARGED FROM THE COMMITTEE ON GOVERNMENT REFORM AND AGREED TO

House Resolution 532, commending the Los Angeles Sparks basketball

team for winning the 2002 Women's National Basketball Association championship.

H. RES. 532

Whereas in 2002, the Los Angeles Sparks basketball team won its second consecutive championship title, becoming only the 2nd team in the Women's National Basketball Association (WNBA) to win multiple championships;

Whereas the Sparks finished the season with a 25 and 7 record and won all 6 of their playoff games, tying the WNBA record;

Whereas team captain, Lisa Leslie, was named Most Valuable Player of both the WNBA All-Star Game and the WNBA finals for the 2nd straight year;

Whereas Mwadi Mabika and Lisa Leslie were named to the first All-WNBA team;

Whereas Nikki Teasley tied her own WNBA record with 11 assists and scored the winning basket in the final game; and

Whereas each player, coach, trainer, and manager dedicated their time and effort to ensuring the Sparks reached the summit of team achievement: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates—

(A) the Los Angeles Sparks for winning the 2002 Women's National Basketball Association championships; and

(B) all of the 16 teams that compose the WNBA for their hard work and dedication to the sport of basketball and for their display of sportsmanship throughout the WNBA season;

(2) recognizes the achievements of all the players, coaches, support staff, and fans who were instrumental in helping the Sparks win the championship; and

(3) directs the Clerk of the House of Representatives to make available enrolled copies of this resolution to the Sparks for appropriate display and to transmit an enrolled copy of this resolution to each coach and member of the Sparks championship team.

DISCHARGED FROM THE COMMITTEE ON GOVERNMENT REFORM AND AGREED TO

House Resolution 571, honoring the life of David O. "Doc" Cooke, the "Mayor of the Pentagon".

H. RES. 571

Whereas for 44 years, David O. "Doc" Cooke's tireless dedication, skill, and involvement in Department of Defense management issues earned him the respect of his colleagues and distinction as a Pentagon institution;

Whereas as the quintessential civil servant, Doc Cooke rose to become the highest ranking career civil servant within the Department of Defense;

Whereas in his jobs as the Director of Administration and Management for the Office of the Secretary of Defense, and Director of Washington Headquarters Services, Doc Cooke was responsible for maintenance, operation, and security of buildings of the Department of Defense in the Washington, D.C. area, including the Pentagon Reservation;

Whereas because of his propensity to make things happen, Doc Cooke was respectfully known as the "Mayor of the Pentagon";

Whereas Doc Cooke was born in 1920 in Buffalo, New York, and went on to earn a bachelor's degree in education from the State Teachers College at Buffalo in 1941, a master's degree in political science from the New York State College for Teachers in 1942, and a law degree in 1950 from George Washington University, where he was a member of the Law Review;

Whereas Doc Cooke served in the Navy during World War II as an officer on the USS Pennsylvania; returned to active duty during the Korean war, during which time he served as an instructor in the School of Naval Justice; and retired in 1968 as a Navy captain;

Whereas Doc Cooke served on Defense Secretary Neil McElroy's task force on Department of Defense reorganization in 1958; worked for Defense Secretary Robert McNamara, as Director of the Office of Organizational and Management Planning, implementing changes in Department of Defense organization; and worked for every other Secretary of Defense since then;

Whereas during the late 1980s and early 1990s, Doc Cooke was a strong advocate for renovation of the Pentagon;

Whereas many of the construction specifications supported by Doc Cooke helped to save lives during the terrorist attack on the Pentagon on September 11, 2001;

Whereas Doc Cooke could be seen assisting in the response to the terrorist attack on the Pentagon on September 11, 2001;

Whereas throughout the Department of Defense, Doc Cooke was noted for his strong support of equal employment opportunity for minorities, women, and individuals with disabilities;

Whereas Doc Cooke was instrumental in establishing a Public Service Academy at Anacostia High School in the District of Columbia, which has helped to increase the graduation rate of students;

Whereas Doc Cooke served as a member of the seven-member Governance Committee of United Way of the National Capital Area's September 11 Fund, deciding how to distribute disaster relief funds collected after September 11;

Whereas Doc Cooke has been recognized for his extraordinary performance through numerous awards, including the Department of Defense Medal for Distinguished Civilian Service (the Department's highest department career award) seven times; the Department of Defense Medal for Outstanding Public Service; the Department of Defense Medal for Distinguished Public Service twice; the Roger W. Jones Award for Executive Leadership from American University (1983); the NAACP Benjamin L. Hooks Distinguished Service Award (1994); the Presidential Meritorious Rank Award (1994); the Government Executive Leadership Award (1995); a Presidential Distinguished Rank Award (1995); a National Public Service Award (1997); the President's Award for Distinguished Federal Civilian Service (1998), the highest Government service award; the John O. Marsh Public Service Award (2000); the Senior Executives Association Board of Directors Award (2001); the Nelson A. Rockefeller College of Public Affairs and Policy Distinguished Alumnus Award (2001); an award from the University at Albany Alumni Association for "Recognition for Outstanding Service" (2001); and the American Society of Public Administration Elmer B. Staats Lifetime Achievement Award for Distinguished Service (2002); and

Whereas on June 22, 2002, Doc Cooke died as the result of injuries sustained in an automobile accident, after a long and distinguished career in government, in which he became the model for civil servants: Now, therefore, be it:

Resolved, That the House of Representatives—

(1) recognizes David O. "Doc" Cooke's legendary professionalism as a model civil servant;

(2) honors Doc Cooke's life; and

(3) extends its condolences to the Cooke family and the Department of Defense community on the death of an extraordinary human being.

DISCHARGED FROM THE COMMITTEE ON EDUCATION AND THE WORKFORCE AND AGREED TO

House Concurrent Resolution 467, expressing the sense of Congress that Lionel Hampton should be honored for his contributions to American music.

H. CON. RES. 467

Whereas Lionel Hampton was one the Nation's greatest jazz musicians, composers, and band leaders;

Whereas Lionel Hampton was one of the first musicians to play the vibraphone in jazz, setting the standard for mastery of that instrument;

Whereas Lionel Hampton nurtured and inspired many of the greatest performers of jazz music who would go on to fame in their own right;

Whereas Lionel Hampton shattered the racial barriers of his time when he was recruited to perform with the Benny Goodman band in the 1930s, creating for the first time an integrated public face of jazz music;

Whereas Lionel Hampton, with his performances around the world, was a musical ambassador of goodwill and friendship for the United States;

Whereas Lionel Hampton was never deterred by fame from contributing to the Harlem, New York, community that he viewed as his home;

Whereas Lionel Hampton was active in the development of affordable housing, among them Harlem's Gladys Hampton Houses, named after his late wife, the former Gladys Riddle;

Whereas Lionel Hampton performed at the White House under Republican and Democratic presidents and was honored with the Presidential Gold Medal by President Bill Clinton; and

Whereas Lionel Hampton was born in Louisville, Kentucky on April 20, 1908, and died in New York City on August 31, 2002: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that Lionel Hampton should be honored for his contributions to American music and for his work as an ambassador of goodwill and democracy.

DISCHARGED FROM THE COMMITTEE ON INTERNATIONAL RELATIONS, AMENDED, AND AGREED TO

House Resolution 410, expressing the sense of the House of Representatives regarding human rights violations in Tibet, the Panchen Lama, and the need for dialogue between the Chinese leadership of the Dalai Lama or his representatives.

H. RES. 410

Whereas Jiang Zemin, President of the People's Republic of China, is scheduled to visit the United States in October of 2002;

Whereas Gedhun Choekyi Nyima was taken from his home by Chinese authorities on May 17, 1995, at the age of 6, shortly after being recognized as the 11th incarnation of the Panchen Lama by the Dalai Lama;

Whereas the forced disappearance of the Panchen Lama violates fundamental freedoms enshrined in international human rights covenants to which the People's Republic of China is a party, including the Convention on the Rights of the Child;

Whereas the use of religious belief as the primary criteria for repression against Tibetans reflects a continuing pattern of grave human rights violations that have occurred since the invasion of Tibet in 1949–50;

Whereas the State Department Country Reports on Human Rights Practices for 2001 states that repressive social and political controls continue to limit the fundamental freedoms of Tibetans and risk undermining Tibet's unique cultural, religious, and linguistic heritage, and that repeated requests for access to the Panchen Lama to confirm his well-being and whereabouts have been denied;

Whereas the appointment of the Under Secretary of State for Global Affairs, Paula J. Dobrianksy, as the Special Coordinator for Tibetan Issues is a positive sign that the United States Government places a priority on the political and religious liberties of the people of Tibet; and

Whereas the direct contact reestablished in September 2002 between the Government of the People's Republic of China and the representatives of the Dalai Lama is a welcome gesture and should provide a basis for regular dialogue leading to a mutually acceptable solution for Tibet: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that—

(1) President Jiang Zemin should be made aware of congressional concern for the Panchen Lama and the need to resolve the situation in Tibet through dialogue with the Dalai Lama or his representatives; and

(2) the Government of the People's Republic of China should—

(A) release the Panchen Lama and allow him to pursue his traditional role at Tashi Lhunpo monastery in Tibet; and

(B) enter into dialogue with the Dalai Lama or his representatives in order to find a negotiated solution for genuine autonomy that respects the rights of all Tibetans.

DISCHARGED FROM THE COMMITTEE ON GOVERNMENT REFORM, AMENDED, AND AGREED TO

House Concurrent Resolution 486, expressing the sense of Congress that there should be established a Pancreatic Cancer Awareness Month.

H. CON. RES. 486

Whereas over 30,300 people will be diagnosed with pancreatic cancer this year in the United States;

Whereas the mortality rate for pancreatic cancer is 99 percent, the highest of any cancer;

Whereas pancreatic cancer is the 4th most common cause of cancer death for men and women in the United States;

Whereas there are no early detection methods and minimal treatment options for pancreatic cancer;

Whereas when symptoms of pancreatic cancer generally present themselves, it is too late for an optimistic prognosis, and the average survival rate of those diagnosed with metastasis disease is only 3 to 6 months;

Whereas pancreatic cancer does not discriminate by age, gender, or race, and only 4 percent of patients survive beyond 5 years;

Whereas the Pancreatic Cancer Action Network (PanCAN), the only national advocacy organization for pancreatic cancer patients, facilitates awareness, patient support, professional education, and advocacy for pancreatic cancer research funding, with a view to ultimately developing a cure for pancreatic cancer; and

Whereas the Pancreatic Cancer Action Network has requested that the Congress designate November as Pancreatic Cancer Awareness Month in order to educate communities across the Nation about pancreatic cancer and the need for research funding, early detection methods, effective treatments, and prevention programs: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that there should be established a Pancreatic Cancer Awareness Month.

DISCHARGED FROM THE COMMITTEE ON HOUSE ADMINISTRATION, AMENDED, AND AGREED TO

House Concurrent Resolution 487, authorizing the printing as a House document of a volume consisting of the transcripts of the ceremonial meeting of the House of Representatives and Senate in New York City on September 6, 2002, and a collection of statements by Members of the House of Representatives and Senate from the CONGRESSIONAL RECORD on the terrorist attacks of September 11, 2001.

H. CON. RES. 487

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. AUTHORIZING PRINTING OF VOLUME OF TRANSCRIPTS OF NEW YORK CITY MEETING AND STATEMENTS ON TERRORIST ATTACKS OF SEPTEMBER 11.

(a) IN GENERAL.—A volume consisting of the transcripts of the ceremonial meeting of the House of Representatives and Senate in New York City on September 6, 2002, and a collection of statements by Members of the House of Representatives and Senators on the terrorist attacks of September 11, 2001, shall be printed as a House document under the direction of the Joint Committee on Printing, with suitable binding.

(b) STATEMENTS TO BE INCLUDED IN VOLUME.—A statement by a Member of the House of Representatives or a Senator on the terrorist attacks of September 11, 2001, shall be included in the volume printed under subsection (a) if the statement—

(1) was printed in the Congressional Record prior to the most recent date on which the House of Representatives adjourned prior to the date of the regularly scheduled general election in November 2002; and

(2) is approved for inclusion in the volume by the Committee on House Administration of the House of Representatives (in the case of a statement by a Member of the House) or the Committee on Rules and Administration of the Senate (in the case of a statement by a Senator).

SEC. 2. NUMBER OF COPIES.

The number of copies of the document printed under section 1 shall be 15,000 casebound copies, of which—

(1) 15 shall be provided to each Member of the House of Representatives;

(2) 25 shall be provided to each Senator; and

(3) the balance shall be distributed by the Joint Committee on Printing to Members of the House of Representatives and Senators, based on requests submitted to the joint Committee by Members and Senators.

SEC. 3. MEMBER DEFINED.

In this concurrent resolution, the term "Member of the House of Representatives" includes a Delegate or Resident Commissioner to the Congress.

AMENDED BY COMMITTEE AMENDMENT AND PASSED

H.R. 5400, to authorize the President of the United States to agree to certain amendments to the Agreement between the Government of the United States of America and the Government of the United Mexican States concerning the establishment of a Border Environment Cooperation Commission and a North American Development Bank, and for other purposes.

H.R. 5400

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORITY TO AGREE TO CERTAIN AMENDMENTS TO THE BORDER ENVIRONMENT COOPERATION AGREEMENT.

(a) IN GENERAL.—Part 2 of subtitle D of title V of Public Law 103–182 (22 U.S.C. 290m—290m–3) is amended by adding at the end the following:

"SEC. 545. AUTHORITY TO AGREE TO CERTAIN AMENDMENTS TO THE BORDER ENVIRONMENT COOPERATION AGREEMENT.

"The President may agree to amendments to the Cooperation Agreement that—

"(1) enable the Bank to make grants and nonmarket rate loans out of its paid-in capital resources with the approval of its Board; and

"(2) amend the definition of 'border region' to include the area in the United States that is within 100 kilometers of the international boundary between the United States and Mexico, and the area in Mexico that is within 300 kilometers of the international boundary between the United States and Mexico.".

(b) CLERICAL AMENDMENT.—Section 1(b) of such public law is amended in the table of contents by inserting after the item relating to section 544 the following:

"Sec. 545. Authority to agree to certain amendments to the Border Environment Cooperation Agreement.".

SEC. 2. ANNUAL REPORT.

The Secretary of the Treasury shall submit annually to the Committee on Financial Services of the House of Representatives and the Committee on Foreign Relations of the Senate a written report on the North American Development Bank, which addresses the following issues:

(1) The number and description of the projects that the North American Development Bank has approved. The description shall include the level of market-rate loans, non-market-rate loans, and grants used in an approved project, and a description of whether an approved project is located within 100 kilometers of the international boundary between the United States and Mexico or within 300 kilometers of the international boundary between the United States and Mexico.

(2) The number and description of the approved projects in which money has been dispersed.

(3) The number and description of the projects which have been certified by the Border Environment Cooperation Commission, but yet not financed by the North American Development Bank, and the reasons that the projects have not yet been financed.

(4) The total of the paid-in capital, callable capital, and retained earnings of the North American Development Bank, and the uses of such amounts.

(5) A description of any efforts and discussions between the United States and Mexican governments to expand the type of projects which the North American Development Bank finances beyond environmental projects.

(6) A description of any efforts and discussions between the United States and Mexican governments to improve the effectiveness of the North American Development Bank.

(7) The number and description of projects authorized under the Water Conservation Investment Fund of the North American Development Bank.

SEC. 3. SENSE OF THE CONGRESS RELATING TO UNITED STATES SUPPORT FOR NADBANK PROJECTS WHICH FINANCE WATER CONSERVATION FOR TEXAS IRRIGATORS AND AGRICULTURAL PRODUCERS IN THE LOWER RIO GRANDE RIVER VALLEY.

(a) FINDINGS.—The Congress finds that—

(1) Texas irrigators and agricultural producers are suffering enormous hardships in the lower Rio Grande River valley because of Mexico's failure to abide by the 1944 Water Treaty entered into by the United States and Mexico;

(2) over the last 10 years, Mexico has accumulated a 1,500,000-acre fee water debt to the United States which has resulted in a very minimal and inadequate irrigation water supply in Texas;

(3) recent studies by Texas A&M University show that water savings of 30 percent or more can be achieved by improvements in irrigation system infrastructure such as canal lining and metering;

(4) on August 20, 2002, the Board of the North American Development Bank agreed to the creation in the Bank of a Water Conservation Investment Fund, as required by Minute 308 to the 1944 Water Treaty, which was an agreement signed by the United States and Mexico on June 28, 2002; and

(5) the Water Conservation Investment Fund of the North American Development Bank stated that up to $80,000,000 would be available for grant financing of water conservation projects, which grant funds would be divided equally between the United States and Mexico.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that—

(1) water conservation projects are eligible for funding from the North American Development Bank under the Agreement Between the Government of the United States of America and the Government of the United Mexican States Concerning the Establishment of a Border Environment Cooperation Commission and a North American Development Bank; and

(2) the Board of the North American Development Bank should support qualified water conservation projects which can assist Texas irrigators and agricultural producers in the lower Rio Grande River Valley.

SEC. 4. SENSE OF THE CONGRESS RELATING TO UNITED STATES SUPPORT FOR NADBANK PROJECTS WHICH FINANCE WATER CONSERVATION IN THE SOUTHERN CALIFORNIA AREA.

It is the sense of the Congress that the Board of the North American Development Bank should support—

(1) the development of qualified water conservation projects in southern California and other eligible areas in the 4 United States border States, including the conjunctive use and storage of surface and ground water, delivery system conservation, the re-regulation of reservoirs, improved irrigation practices, wastewater reclamation, regional water management modeling, operational and optimization studies to improve water conservation, and cross-border water exchanges consistent with treaties; and

(2) new water supply research and projects along the Mexico border in southern California and other eligible areas in the 4 United States border States to desalinate ocean seawater and brackish surface and groundwater, and dispose of or manage the brines resulting from desalination.

SEC. 5. SENSE OF THE CONGRESS RELATING TO UNITED STATES SUPPORT FOR NADBANK PROJECTS FOR WHICH FINANCE WATER CONSERVATION FOR IRRIGATORS AND AGRICULTURAL PRODUCERS IN THE SOUTHWEST UNITED STATES.

(a) FINDINGS.—The Congress finds as follows:

(1) Irrigators and agricultural producers are suffering enormous hardships in the southwest United States. The border States of California, Arizona, New Mexico, and Texas are suffering from one of the worst droughts in history. In Arizona, this is the second driest period in recorded history and the worst since 1904.

(2) In spite of decades of water conservation in the southwest United States, irrigated agriculture uses more than 60 percent of surface and ground water.

(3) The most inadequate water supplies in the United States are in the Southwest, including the lower Colorado River basin and the Great Plains River basins south of the Platte River. In these areas, 70 percent of the water taken from the stream is not returned.

(4) The amount of water being pumped out of groundwater sources in many areas is greater than the amount being replenished, thus depleting the groundwater supply.

(5) On August 20, 2002, the Board of the North American Development Bank agreed to the creation in the bank of a Water Conservation Investment Fund.

(6) The Water Conservation Investment Fund of the North American Development Bank stated that up to $80,000,000 would be available for grant financing of water conservation projects, which grant funds would be divided equally between the United States and Mexico.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that—

(1) water conservation projects are eligible for funding from the North American Development Bank under the Agreement Between the Government of the United States of America and the Government of the United Mexican States Concerning the Establishment of a Border Environment Cooperation Commission and a North American Development Bank;

(2) the Board of the North American Development Bank should support qualified water conservation projects that can assist irrigators and agricultural producers; and

(3) the Board of the North American Development Bank should take into consideration the needs of all of the border states before approving funding for water projects, and strive to fund water conservation projects in each of the border states.

SEC. 6. ADDITIONAL SENSES OF THE CONGRESS.

(a) It is the sense of the Congress that the Board of the North American Development Bank should support the financing of projects, on both sides of the international boundary between the United States and Mexico, which address coastal issues and the problem of pollution in both countries having an environmental impact along the Pacific Ocean and Gulf of Mexico shores of the United States and Mexico.

(b) It is the sense of the Congress that the Board of the North American Development Bank should support the financing of projects, on both sides of the international boundary between the United States and Mexico, which address air pollution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER pro tempore. Without objection, the various titles are amended.

There was no objection.

GENERAL LEAVE

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the measures just passed, and to insert extraneous material thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

□ 2340

RECOGNIZING BOYLE-TURTON PRECEDENT

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that the previously read unanimous consent be recognized in the RECORD as the Boyle-Turton precedent.

The SPEAKER pro tempore (Mr. SIMPSON). The Chair will take the gentleman's request under advisement.

ENGAGEMENT OF MS. SHANTI OCHS

(Mr. ARMEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ARMEY. Mr. Speaker, it has been brought to my attention that one Shanti Ochs, a distinguished member of our floor staff, is sporting a new diamond ring on her left hand. This causes the gentleman from Texas to conclude that she has just become engaged to a young man who most certainly is not good enough for her. So I would recommend to Ms. Shanti Ochs that she postpone any permanent wedding plans until the majority leader receives his FBI report on the young man in question.

HOUR OF MEETING ON FRIDAY, OCTOBER 11, 2002

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 10 a.m. tomorrow.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

APPOINTMENT OF HON. DAN MILLER OF FLORIDA TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS THROUGH OCTOBER 15, 2002

The SPEAKER pro tempore laid before the House the following communication from the Speaker.

WASHINGTON, DC,
October 10, 2002.

I hereby appoint the Honorable DAN MILLER to act as Speaker pro tempore to sign enrolled bills and joint resolutions through October 15, 2002.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

The SPEAKER pro tempore. Without objection, the appointment is approved.

There was no objection.

COMMUNICATION FROM CONSTITUENT SERVICES REPRESENTATIVE OF HON. JOHN LINDER, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Dessie Martin, Senior Constituent Services Representative to the Honorable JOHN LINDER, Member of Congress.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 8, 2002.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VII of the Rules of the House of Representatives, that I have been served with a subpoena for testimony issued by the Juvenile Court of Bartow County, Georgia.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the privileges and precedents of the House.

Sincerely,

DESSIE MARTIN,
Senior Constituent Services Representative.

COMMUNICATION FROM HON. MICHAEL BILIRAKIS, MEMBER OF CONGRESS

The Speaker pro tempore laid before the House the following communication from the Honorable MICHAEL BILIRAKIS, Member of Congress.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 10, 2002.

Hon. DENNIS J. HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a civil subpoena for documents and testimony issued by the Circuit Court for Pinellas County, Florida.

After consulting with the Office of General Counsel, I will make the determinations required by Rule VIII.

Sincerely,

MICHAEL BILIRAKIS,
Member of Congress.

AGRICULTURAL DISASTER ASSISTANCE NEEDED

(Mr. REHBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REHBERG. Mr. Speaker, it has been a tough week. But as we wind down this congressional session, I come to this floor to make one more plea on behalf of our Nation's farmers and ranchers. Producers in this country have suffered through multiple years of drought, causing many to go out of business and others to cut severely into the equity they have built for generations.

My message today is simple: Before we leave town, we must do the right thing for farmers. It is not too late. Members of this House, let us agree that this farm country drought is a natural disaster. And let us also agree to compensate those hard-working farmers for their economic losses in the same way we would compensate producers who suffer from the devastation of a Florida hurricane or the ravages of a Mississippi flood. There is no difference. Let us address this crisis before we adjourn by passing a meaningful agriculture disaster assistance package for 2001 and 2002.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each until midnight.

SHINING EXAMPLES OF VOLUNTEERISM

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

Ms. ROS-LEHTINEN. Mr. Speaker, I rise today to honor several organizations and individuals in my congressional district who have done an extraordinary job of serving our communities.

It is my pleasure to recognize Marilyn Adamo, Monsignor Emilio Vallina, the Brickell Homeowners Association, John "Footy" Cross, Steve Safron, Davrye Gibson-Smith and the Miami Heat basketball team, Norman Lipoff, Johnathan Mayer, and Debra Berger, just a few shining examples of what altruism and selflessness are all about.

For example, Marilyn Adamo, working through Protect America's Children, should be commended for her work on passage of the Jennifer Act, a law protecting children against crimes and abductions.

Marilyn Adamo will soon begin a national campaign to ensure that the critical importance of the Jennifer Act is extended to every jurisdiction nationwide. The Jennifer Act authorizes the police and prosecutors to apprehend and to convict child stalkers and sexual predators before the child's physical safety is irreversibly placed in harm's way.

The law makes any credible threat or intentional stalking of children under 16 years of age a third degree felony.

I am happy to recognize these selfless efforts just as I am pleased to also recognize humanitarian efforts by individuals like Monsignor Emilio Vallina, the first recipient of the Monsignor Bryan O. Walsh Humanitarian Award.

This award, established by the Mercy Hospital Foundation, recognizes an individual displaying a deep commitment to our community and whose devotion has shown great acts of love, compassion and honor.

I want to thank Monsignor Vallina for the positive impact he has had on the lives of so many people. I am glad to know he is being honored for his devotion to the needy and that he has made such positive impacts on the lives of so many in South Florida.

Individuals sharing the values of self-sacrifice like the Monsignor, I am also happy to say, sometimes also join forces to work together toward similar goals.

A great example is the Brickell Homeowners Association made up of residents along downtown Miami's Brickell Avenue corridor and those on Brickell Key. This coalition of over 30 condominium associations has helped build a community and mobilize support for critical quality-of-life matters. The BHA has tackled issues affecting our area and has worked closely with professionals and elected officials to find solutions that enhance the residential character of their neighborhood.

The BHA President Tory Jacobs, Vice President Veena Panjabi, Treasurer Norman Mininberg, Secretary Mac Seligman, and Chairperson Herbert Bailey do a great job of leading efforts to help 16,000 residents from the Miami River to the Rickenbacker Causeway and are shining examples of volunteerism and activism.

In today's world these two virtues are increasingly important and one man who steps forward every year in embodying them is John "Footy" Cross. Footy, along with Steve Safron, head Here's Help, a local drug rehab center fighting drug abuse in our community.

Every year, Footy and Steve Safron together with Y-100 radio station have the Bubbles and Bones event, a festival drawing over 50,000 people each time. The event features a competition with South Florida restaurants, national entertainment, an amusement area, and a celebrity auction, with the proceeds benefiting Here's Help.

I have mentioned just a few common individuals exemplifying an uncommon charitable character. However, when organizations like the Miami Heat basketball team, that have already had national recognition come together to help our community, it is indeed noteworthy. The Miami Heat moved forward to do something constructive about low test scores and performance ratings in some of our Miami-Dade County Public Schools.

The Miami Heat sponsors the HEAT Academy, an after-school enrichment program offering tutoring in reading and math to students in our community attending low-performance schools in mostly minority-populated areas.

As a former educator, I take my hat off to the Miami Heat and Davrye Gibson-Smith of the HEAT Academy for their efforts in assisting all children and their families in pursuit of a quality education and a positive environment.

☐ 2350

But I could not conclude my statement without also congratulating Project Interchange, an institution devoted to educating American policymakers and opinion leaders about Israel through firsthand experience. Norman Lipoff of Coconut Grove and Jonathan Mayer of Miami Beach along with Deborah Berger, founder of Project Interchange, are celebrating its 20th year. This year Ms. Berger will be honored for her outstanding career dedicated to educating leaders of all races through intensive seminars by advocating acceptance and respect.

Together with Ms. Berger, Mr. Lipoff and Mr. Mayer have been instrumental in sending nearly 3,000 leaders to the Interchange's crash course seminar that for the past 20 years has encouraged and maintained pluralism and tolerance in the United States. It is a pleasure today for me to commend these individuals. They are shining examples of what makes this country great.

QUESTIONS RAISED OUT OF LOVE FOR NATION

The SPEAKER pro tempore (Mr. ROGERS of Michigan). Under a previous order of the House, the gentleman from Washington (Mr. MCDERMOTT) is recognized for 5 minutes.

Mr. MCDERMOTT. Mr. Speaker, there is a saying that we must be careful what we ask for because we might get it. Today we have given the President what he asked for; and if he gets the same from the Senate, I think it is important as we leave to remind him of the weight of the power that we have given him, that is, to commit this country to war.

As I listened to the debate today, I thought of a story I read in the notes of the Bishops Retreat at Blackstone, Virginia, on October 1. The priest, Christopher Morris, tells this story. He told about a general who lived in his parish, and he said, "Nearly half of my congregation was made up of military families; so any opposition to the war in Vietnam seemed to be attacking those who had to fight it. When a series of Sunday evening sessions addressing this issue were announced, some of the service people in the congregation protested. We had arranged for members of the American field service to come and make the case against the war and a representative from the Pentagon to come and give the government's case for the war. But some felt this was unpatriotic and undermining our troops who were being sent into combat."

The general and his wife attended our church, she being more active than he. He was the comptroller of the Army stationed at nearby Fort Monroe. I called and asked if I could go and see him and was invited to their house late one evening. The three of us sat together in the living room. He was a general who was loyal to the defense of his country and its government's policy. Somewhat to my surprise, he said to me, "Everyone knows there is a division of opinion in this country and the church should not avoid the issue. If you're going to present the sides fairly, I think you should go ahead."

Two years later when I had left Hampton and been appointed to do graduate study at Union Seminary, a call came to New York asking me if I would come down to Arlington Cemetery for the burial of the general's 18-year-old son. On behalf of a grateful Nation, the chaplain said, presenting the flag to his wife. "Don't speak to me of a grateful Nation," she replied. "This is not a grateful Nation. It is a confused Nation. My son loved nature and liked to climb mountains, and now he is dead in a war he never believed in and neither did I." I have never seen more agony in a person's face than I saw in the face of the general.

I hope the President will understand that we are divided here. We were not all on one side. And those of us who voted against are as patriotic as those who voted for. The questions we raise are because we love our country, and I think that as we enter this period it is very important not to brand one side or the other as unpatriotic.

Mr. Speaker, I add to the RECORD an article entitled "Am I anti-American?" by Arundhati Roy in the Guardian, September 27, 2002. She lays out the case for why we have the strength and the ability to raise questions about our democracy. It is important and it should not be considered un-American for anyone to raise these issues.

[From the Guardian, Sept. 27, 2002]

AM I ANTI-AMERICAN?

(By Arundhati Roy)

Recently, those who have criticized the actions of the US government myself included have been called "anti-American". Anti-Americanism is in the process of being consecrated into an ideology. The term is usually used by the American establishment to discredit and, not falsely—but shall we say inaccurately—define its critics. Once someone is branded anti-American, the chances are that he or she will be judged before they're heard and the argument will be lost in the welter of bruised national pride. What does the term mean? That you're anti-jazz?

Or that you're opposed to free speech? That you don't delight in Toni Morrison or John Updike?

That you have a quarrel with giant sequoias? Does it mean you don't admire the hundreds of thousands of American citizens who marched against nuclear weapons, or the thousands of war resisters who forced their government to withdraw from Vietnam? Does it mean that you hate all Americans?

This sly conflation of America's music, literature, the breathtaking physical beauty of the land, the ordinary pleasures of ordinary people with criticism of the US government's foreign policy is a deliberate and extremely effective strategy. It's like a retreating army taking cover in a heavily populated city, hoping that the prospect of hitting civilian targets will deter enemy fire.

There are many Americans who would be mortified to be associated with their government's policies. the most scholarly, scathing, incisive, hilarious critiques of the hypocrisy and the contradictions in US government policy come from American citizens. (Similarly, in India, not hundreds, but millions of us would be ashamed and offended, if we were in any way implicated with the present Indian government's fascist policies.)

To call someone anti-American, indeed, to be anti-American, is not just racist, it's a failure of the imagination. An inability to see the world in terms other than those that the establishment has set out for you: If you don't love us, you hate us. If you're not good, you're evil. If you're not with us, you're with the terrorists.

Last year, like many others, I too made the mistake of scoffing at this post-September 11 rhetoric, dismissing it as foolish and arrogant. I've realized that it's not. It's actually a canny recruitment drive for a misconceived, dangerous war. Every day I'm taken aback at how many people believe that opposing the war in Afghanistan amounts to supporting terrorism. Now that the initial aim of the war—capturing Osama bin Laden seems to have run into bad weather, the goalposts have been moved. It's being made out that the whole point of the war was to topple the Taliban regime and liberate Afghan women from their burqas. We're being asked to believe that the US marines are actually on a feminist mission. (If so, will their next stop be America's military ally, Saudi Arabia?) Think of it this way: in India there are some pretty reprehensible social practices, against "untouchables", against Christians and Muslims, against women. Should they be bombed?

Uppermost on everybody's mind, of course, particularly here in America, is the horror of what has come to be known as 9/11. Nearly 3,000 civilians lost their lives in that lethal terrorist strike. The grief is still deep. The rage still sharp. The tears have not dried. And a strange, deadly war is raging around the world. Yet, each person who has lost a loved one surely knows that no war, no act of revenge, will blunt the edges of their pain or bring their own loved ones back. War cannot avenge those who have died.

War is only a brutal desecration of their memory.

To fuel yet another war—this time against Iraq—by manipulating people's grief, by packaging it for TV specials sponsored by corporations selling detergent or running shoes, is to cheapen and devalue grief, to drain it of meaning. We are seeing a pillaging of even the most private human feelings for political purpose. It is a terrible, violent thing for a state to do to its people.

The US government says that Saddam Hussein is a war criminal, a cruel military despot who has committed genocide against his own people. That's a fairly accurate description of the man. In 1988, he razed hundreds of villages in northern Iraq and killed thousands of Kurds. Today, we know that that same year the US government provided him with $500m in subsidies to buy American farm products. The next year, after he had successfully completed his genocidal campaign, the US government doubled its subsidy to $1bn. It also provided him with high-quality germ seed for anthrax, as well as helicopters and dual-use material that could be used to manufacture chemical and biological weapons. It turns out that while Saddam was carrying out his worst atrocities, the US and UK governments were his close allies. So what changed?

In August 1990, Saddam invaded Kuwait. His sin was not so much that he had committed an act of war, but that he acted independently, without orders from his masters. This display of independence was enough to upset the power equation in the Gulf. so it was decided that Saddam be exterminated, like a pet that has outlived its owner's affection.

A decade of bombing has not managed to dislodge him. Now, almost 12 years on, Bush Jr is ratcheting up the rhetoric once again. He's proposing an all-out war whose goal is nothing short of a regime change. Andrew H. Card, Jr., the White House chief-of-staff, described how the administration was stepping up its war plans for autumn: "From a marketing point of view," he said, "you don't introduce new products in August." This time the catchphrase for Washington's "new product" is not the plight of people in Kuwait but the assertion that Iraq has weapons of mass destruction. Forget "the feckless moralizing of the 'peace' lobbies," wrote Richard Perle, chairman of the Defense Policy Board. The US will "act alone if necessary" and use a "pre-emptive strike" if it determines it is in US interests.

Weapons inspectors have conflicting reports about the status of Iraq's weapons of mass destruction, and many have said clearly that its arsenal has been dismantled and that it does not have the capacity to build one. What if Iraq does have a nuclear weapon? Does that justify a pre-emptive US strike? The US has the largest arsenal of nuclear weapons in the world. It's the only country in the world to have actually used them on civilian populations. If the US is justified in launching a pre-emptive attack on Iraq, why, any nuclear power is justified in carrying out a pre-emptive attack on any other. India could attack Pakistan, or the other way around.

Recently, the US played an important part in forcing India and Pakistan back from the brink of war. Is it so hard for it to take its own advice? Who is guilty of feckless moralizing? Of preaching peace while it wages war? The U.S., which Bush has called "the most peaceful nation on earth", has been at war with one country or another every year for the last 50 years.

Wars are never fought for altruistic reasons. They're usually fought for hegemony, for business. And then, of course, there's the business of war. In his book on globalization, The Lexus and the Olive Tree, Tom Friedman says: "The hidden hand of the market will never work without a hidden fist. McDonald's cannot flourish without McDonnell Douglas. And the hidden fist that keeps the world safe for Silicon Valley's technologies to flourish is called the U.S. Army, Air Force, Navy and Marine Corps." Perhaps this was written in a moment of vulnerability, but it's certainly the most succinct, accurate description of the project of corporate globalization that I have read.

After September 11 and the war against terror, the hidden hand and fist have had their cover blown—and we have a clear view now of America's other weapon—the free market—bearing down on the developing world, with a clenched, unsmiling smile. The Task That Never Ends is America's perfect war, the perfect vehicle for the endless expansion of American imperialism.

In Urdu, the word for profit is fayda. Al-qaida means the word, the word of God, the law. So, in India, some of us call the War Against Terror, Al-qaida vs Al-fayda—The Word vs The Profit (no pun intended). For the moment it looks as though Al-fayda will carry the day. But then you never know . . .

In the past 10 years, the world's total income has increased by an average of 2.5% a year. And yet the numbers of the poor in the world has increased by 100 million. Of the top 100 biggest economies, 51 are corporations, not countries. The top 1% of the world has the same combined income as the bottom 57%, and the disparity is growing. Now, under the spreading canopy of the war against terror, this process is being hustled along. The men in suits are in an unseemly hurry. While bombs rain down contracts are being signed, patents registered, oil pipelines laid, natural resources plundered, water privatized and democracies undermined.

But as the disparity between the rich and poor grows, the hidden fist of the free market has its work cut out. Multinational corporations on the prowl for "sweetheart deals" that yield enormous profits cannot push them through in developing countries without the active connivance of state machinery—the police, the courts, sometimes even the army. Today, corporate globalization needs an international confederation of loyal, corrupt, preferably authoritarian governments in poorer countries, to push through unpopular reforms and quell the mutinies. It needs a press that pretends to be free. It needs courts that pretend to dispense justice. It needs nuclear bombs, standing armies, sterner immigration laws, and watchful coastal patrols to make sure that it's only money, goods, patents and services that are globalized—not the free movement of people, not a respect for human rights, not international treaties on racial discrimination or chemical and nuclear weapons, or greenhouse gas emissions, climate change, or, God forbid, justice. It's as though even a gesture towards international accountability would wreck the whole enterprise.

Close to one year after the war against terror was officially flagged off in the ruins of Afghanistan, in country after country freedoms are being curtailed in the name of protecting freedom, civil liberties are being suspended in the name of protecting democracy. All kinds of dissent is being defined as "terrorism". Donald Rumsfeld said that his mission in the war against terror was to persuade the world that Americans must be allowed to continue their way of life. When the maddened king stamps his foot, slaves tremble in their quarters. So, it's hard for me to say this, but the American way of life is simply not sustainable. Because it doesn't acknowledge that there is a world beyond America.

Fortunately, power has a shelf life. When the time comes, maybe this mighty empire will, like others before it, overreach itself and implode from within. It looks as though structural cracks have already appeared. As the war against terror casts its net wider and wider, America's corporate heart is hemorrhaging. A world run by a handful of greedy bankers and CEOs whom nobody elected can't possibly last.

Soviet-style communism failed, not because it was intrinsically evil but because it was flawed. It allowed too few people to usurp too much power: 21st-century market-capitalism, American-style, will fail for the same reasons.

[From the New York Times, Oct. 10, 2002]

CONGRESS MUST RESIST THE RUSH TO WAR

(By Robert C. Byrd)

WASHINGTON.—A sudden appetite for war with Iraq seems to have consumed the Bush administration and Congress. The debate that began in the Senate last week is centered not on the fundamental and monumental questions of whether and why the United States should go to war with Iraq, but rather on the mechanics of how best to wordsmith the president's use-of-force resolution in order to give him virtually unchecked authority to commit the nation's military to an unprovoked attack on a sovereign nation.

How have we gotten to this low point in the history of Congress? Are we too feeble to resist the demands of a president who is determined to bend the collective will of Congress to his will—a president who is changing the conventional understanding of the term "self-defense"? And why are we allowing the executive to rush our decision-making right before an election? Congress, under pressure from the executive branch, should not hand away its Constitutional powers. We should not hamstring future Congresses by casting such a shortsighted vote. We owe our country a due deliberation.

I have listened closely to the president. I have questioned the members of his war cabinet. I have searched for that single piece of evidence that would convince me that the president must have in his hands, before the month is out, open-ended Congressional authorization to deliver an unprovoked attack on Iraq. I remain unconvinced. The president's case for an unprovoked attack is circumstantial at best. Saddam Hussein is a threat, but the threat is not so great that we must be stamped to provide such authority to this president just weeks before an election.

Why are we being hounded into action on a resolution that turns over to President Bush the Congress's Constitutional power to declare war? This resolution would authorize the president to use military forces of this nation wherever, whenever and however he determines, and for as long as he determines, if he can somehow make a connection to Iraq. It is a blank check for the president to take whatever action he feels "is necessary and appropriate in order to defend the national security of the United States against the continuing threat posed by Iraq." This broad resolution underwrites, promotes and endorses the unprecedented Bush doctrine of preventive war and pre-emptive strikes—detailed in a recent publication, "National Security Strategy of the United States"—against any nation that the president, and the president alone, determines to be a threat.

We are at the gravest of moments. Members of Congress must not simply walk away from their Constitutional responsibilities. We are the directly elected representatives of the American people, and the American people expect us to carry out our duty, not simply hand it off to this or any other president. To do so would be to fail the people we represent and to fall woefully short of our sworn oath to support and defend the Constitution.

We may not always be able to avoid war, particularly if it is thrust upon us, but Congress must not attempt to give away the authority to determine when war is to be declared. We must not allow any president to unleash the dogs of war at his own discretion and for an unlimited period of time.

Yet that is what we are being asked to do. The judgment of history will not be kind to us if we take this step.

Members of Congress should take time out and go home to listen to their constituents. We must not yield to this absurd pressure to act now, 27 days before an election that will determine the entire membership of the House of Representatives and that of a third of the Senate. Congress should take the time to hear from the American people, to answer their remaining questions and to put the frenzy of ballot-box politics behind us before we vote. We should hear them well, because while it is Congress that casts the vote, it is the American people who will pay for a war with the lives of their sons and daughters.

REVISIONS TO THE 302(a) ALLOCATIONS AND BUDGETARY AGGREGATES ESTABLISHED BY THE CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2003

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. NUSSLE) is recognized for 5 minutes.

Mr. NUSSLE. Mr. Speaker, I submit for printing in the CONGRESSIONAL RECORD revisions to the 302(a) allocations to the Committee on Appropriations established by H. Con. Res. 353, the Concurrent Resolution on the Budget for fiscal year 2003. My authority to make these adjustments is derived from sections 201, 204 and 231(c) of the budget resolution.

As reported to the House, H.R. 5559, the Department of Transportation and Related Agencies Appropriations Bill for fiscal year 2003, establishes an obligation limitation for programs, projects, and activities within the highway category (as defined by section 251(c)(7)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985). Section 204 of H. Con. Res. 353 provides for an increase in the outlay allocation to the Committee on Appropriations if: (1) the funds are distributed according to the formula contained in section 1102 of the Transportation Equity Act for the 21st Century, (2) the obligation limitation established by the legislation for such programs exceeds $23,864,000,000, and (3) the accompanying increase in outlays does not exceed $1,180,000,000.

I have reviewed the provisions of H.R. 5559, and have determined that those conditions have been met. Accordingly, I am increasing the fiscal year 2003 outlay allocation to the House Committee on Appropriations by $1,180,000,000.

In addition, the conference report on H.R. 5010, the bill making appropriations for the Department of Defense for fiscal year 2003, provides new budget authority for operations of the Department of Defense to prosecute the war on terrorism. Section 201 of H. Con. Res. 353 provides for an increase in the allocations and other levels in the budget resolution for amounts provided for this purpose, subject to an overall limitation of $10,000,000,000 in new budget authority and outlays flowing therefrom.

The conference report on the Defense appropriations bill provides additional funds to prosecute the war on terrorism. Accordingly, I am increasing the fiscal year 2003 budget authority allocation to the House Committee on Appropriations by $1,000,000,000, and the outlay allocation by $743,000,000, which I estimate to be the outlays flowing from those appropriations.

The resulting 302(a) allocation for fiscal year 2003 to the House Committee on Appropriations is $749,096,000,000 in new budget authority and $785,191,000,000, in outlays.

CONGRATULATING INDIA ON SUCCESSFUL DEMOCRATIC ELECTIONS IN JAMMU AND KASHMIR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I would like to take this opportunity on the House floor to congratulate India and its election commission on the successful conclusion of free, fair, and transparent elections in Jammu and Kashmir for an 87-member state assembly.

The challenges experienced by candidates, political workers, and voters were extreme in this election. Targeted violence by terrorists was used as a tool for the specific purpose of foiling these elections and impeding this exercise in democracy.

The people of Jammu and Kashmir were very brave to literally risk their lives in order to participate in these elections. In fact, the outcome of these elections was such a success that during the fourth phase of polling an estimated 52 percent of the nearly 450,000 electorate exercised their right to vote in six constituencies of the Doda district alone.

The example of these elections further reiterates India's dedication to democracy since it gained independence over 50 years ago. It is no wonder that the United States and India, the world's two largest democracies, are partners in the ongoing effort to build a more democratic world.

Mr. Speaker, unfortunately the same cannot be said about Pakistan. Not only has militant infiltration across the Kashmir border increased over the past 2 months, but in addition there is much concern that the legislative elections currently being held in Pakistan are a sham. President Musharraf has single-handedly emasculated the leadership of major political parties that oppose him, and he has altered the constitution to such an extreme degree that it is clear that the outcome of the election will favor a party of politicians or the "King's Party" who are directly under his control. And this is deliberate and I think absolutely undemocratic.

Mr. Speaker, the point I am trying to make is that we have two neighboring countries but that their electoral process and government structure could not be more different. As Indian citizens of Jammu and Kashmir faced potential death by heading to the polls over the last 4 weeks, these citizens courageously cast their votes, and I believe this democratic will and exercise on the part of the Indian Government and its people must be appropriately commended. And again, Mr. Speaker, that is why I felt it was necessary for me to speak on this important issue this late in the evening.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ORTIZ (at the request of Mr. GEPHARDT) for today on account of medical reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:)

Mr. MCDERMOTT, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. GREEN of Texas, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

(The following Members (at the request of Ms. ROS-LEHTINEN) to revise and extend their remarks and include extraneous material:)

Mr. HOSTETTLER, for 5 minutes, today and October 11.

Mr. NUSSLE, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. HORN and to include extraneous material, notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $650.00.

ENROLLED BILLS SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 2121. An act to make available funds under the Foreign Assistance Act of 1961 to expand democracy, good governance, and anti-corruption programs in the Russian Federation in order to promote and strengthen democratic government and civil society and independent media in that country.

H.R. 4085. An act to increase, effective as of December 1, 2002, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of the certain disabled veterans.

H.R. 5531. An act to facilitate famine relief efforts and a comprehensive solution to the war in Sudan.

ADJOURNMENT

Mr. PALLONE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 58 minutes p.m.), under its previous order, the House adjourned until tomorrow, Friday, October 11, 2002, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

9612. A letter from the Deputy Secretary, Department of Defense; transmitting the Department's certification that the costs of Wedges 2 through 5, of the Pentagon Renovation will be within the specified limitation; to the Committee on Armed Services.

9613. A letter from the Secretary, Department of Defense, transmitting a letter on the approved retirement of General John N. Abrams, United States Army, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

9614. A letter from the Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, transmitting the Office's final rule — Debt Cancellation Contracts and Debt Suspension Agreements [Docket No. 02-14] (RIN: 1557-AB75) received September 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9615. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communication Commission, transmitting the Commission's final rule — Amendment of Section 73.606(b), Table of Allotments, Television Broadcast Stations; and Section 73.622(b), Table of Allotments, Digital Broadcast Television Stations (Galveston, Texas) [MB Docket No. 02-142; RM-10436] received October 8, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9616. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.606(b), Table of Allotments, Digital Television Broadcast Stations; and Section 73.622(b) Table of Allotments, Digital Broadcasting Television Stations (Hammond, Louisiana) [MB Docket No. 02-131; RM-10440] received October 8, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9617. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations (Reliance, South Dakota) [MB Docket No. 02-101; RM-10429] received October 8, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9618. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations (Florence, South Dakota) [MB Docket No. 02-102; RM-10430] received October 8, 2002; to the Committee on Energy and Commerce.

9619. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Canada, Denmark, Italy, Norway, The Netherlands, Turkey, and the United Kingdom [Transmittal No. DTC 277-02], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

9620. A letter from the Director, Office of Government Ethics, transmitting the Office's final rule — Technical Updating Amendments to Executive Branch Financial Disclosure and Standards of Ethical Conduct Regulations (RINs: 3209-AA00 and 3209-AA04) received October 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

9621. A letter from the Chief Judge, Superior Court of the District of Columbia, transmitting the Superior Court's Family Court Transition Plan; to the Committee on Government Reform.

9622. A letter from the Chairman, Commission on Ocean Policy, transmitting a report entitled, "Developing a National Ocean Policy: Mid-Term Report of the U.S. Commission on Ocean Policy"; to the Committee on Resources.

9623. A letter from the Deputy Assistant Secretary for Insular Affairs, Department of the Interior, transmitting the Department's report entitled, "Annual Report on Financial and Social Impacts of the Compacts of Free Association on the United States Insular Areas and the State of Hawaii"; to the Committee on Resources.

9624. A letter from the General Counsel, Department of Commerce, transmitting the Department's draft bill entitled, "The Hydrographic Services Amendments Act of 2002"; to the Committee on Resources.

9625. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States and in the Western Pacific; Coastal Pelagic Species Fisheries; Reallocation of Pacific sardine [Docket No. 020920218-2218-01; 091902C] (RIN: 0648-AQ47) received October 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9626. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Termination of Appeals Settlement Initiative For Corporate Owned Life Insurance (COLI) Cases (Announcement 2002-96) received October 8, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9627. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Settlement of Section 351 Contingent Liability Tax Shelter Cases (Revenue Procedure 2002-67) received October 8, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9628. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Examination of returns and claims for refund, credit, or abatement; determination of correct tax liability (Rev. Proc. 2002-68) received October 8, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9629. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Imposition of Tax; in general (Rev. Rul. 2002-60) received October 8, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9630. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Election Under 1397B (Rev. Proc. 2002-62) received October 8, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9631. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Medicare and Medicaid Programs; Conditions of Participation: Immunization Standards for Hospitals, Long-Term Care Facilities, and Home Health Agencies [CMS-3160-FC] (RIN: 0938-AM00) received October 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

9632. A letter from the Secretary, Department of Labor, transmitting the Department's bill entitled, "Employment Security Reform Act of 2002"; jointly to the Committees on Ways and Means, Education and the Workforce, and Government Reform.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. YOUNG of Florida: Committee on Appropriations. Revised Suballocation of Budget Allocations for Fiscal Year 2003 (Rept. 107–738). Referred to the Committee of the Whole House on the State of the Union.

Mr. HASTINGS of Washington: Committee on rules. House Resolution 580. Resolution providing for consideration of the joint resolution (House Joint Resolution 122) making further continuing appropriations for the fiscal year 2003, and for other purposes (Rept. 107–739). Referred to the House Calendar.

Mr. WALSH: Committee on Appropriations. H.R. 5605. A bill making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2003, and for other purposes (Rept. 107–740). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. BRADY of Texas (for himself, Mr. Doggett, Mr. Vitter, Mr. Pomeroy, Mr. Shays, and Mr. Meehan):

H.R. 5596. A bill to amend section 527 of the Internal Revenue Code of 1986 to eliminate notification and return requirements for State and local party committees and candidate committees and avoid duplicate reporting by certain State and local political committees of information required to be reported and made publicly available under State law, and for other purposes; to the Committee on Ways and Means.

By Mr. YOUNG of Alaska (for himself and Mr. Jones of North Carolina):

H.R. 5597. A bill to amend the Marine Mammal Protection Act of 1972 to repeal the long-term goal for reducing to zero the incidental mortality and serious injury of marine mammals in commercial fishing operations, and to modify the goal of take reduction plans for reducing such takings; to the Committee on Resources.

By Mr. CASTLE (for himself and Mr. Boehner):

H.R. 5598. A bill to provide for improvement of Federal education research, statistics, evaluation, information, and dissemination, and for other purposes; to the Committee on Education and the Workforce. considered and passed.

By Mr. THUNE (for himself and Mr. Carson of Oklahoma):

H.R. 5599. A bill to apply guidelines for the determination of per-pupil expenditure requirements for heavily impacted local educational agencies, and for other purposes; to the Committee on Education and the Workforce.

By Mr. GEPHARDT (for himself, Mr. Reyes, Ms. Jackson-Lee of Texas, Mr. Gutierrez, Mr. Berman, Mr. Becerra, Ms. Solis, Ms. Roybal-Allard, Mr. Rangel, Mr. Green of Texas, Mr. Conyers, Ms. Velázquez, Mr. Pastor, Mr. Dooley of California, Mr. Gonzalez, Mr. Hinojosa, Mr. Serrano, Mr. Owens, Mr. Towns, Mr. Rodriguez, Ms. Schakowsky, Mr. Menendez, Ms. DeLauro, Mr. Baca, Mrs. Napolitano, Mr. Moran of Virginia, Mr. Farr of California, Mr. Honda, Mr. Frank, and Mr. Frost):

H.R. 5600. A bill to amend the Immigration and Nationality Act to provide for permanent resident status for certain long-term resident workers and college-bound students, to modify the worldwide level of family-sponsored immigrants in order to promote family unification, and for other purposes; to the Committee on the Judiciary.

By Mr. HOEKSTRA (for himself, Mr. Boehner, Mr. DeLay, and Mr. Greenwood):

H.R. 5601. A bill to amend the Child Abuse Prevention and Treatment Act to make improvements to and reauthorize programs under that Act, and for other purposes; to the Committee on Education and the Workforce. considered and passed.

By Mr. TERRY (for himself, Mr. Luther, Mr. Shimkus, and Mr. Jenkins):

H.R. 5602. A bill to create a Rural Issues Advisory Board within the Federal Communications Commission, to assist the Federal Communications Commission in developing policies and procedures, and to ensure that the Commission takes into account the size and resources of affected parties in rural America; to the Committee on Energy and Commerce, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. THUNE (for himself, Mr. Ramstad, and Mrs. Johnson of Connecticut):

H.R. 5603. A bill to amend the Internal Revenue Code of 1986 to suspend the tax-exempt status of designated terrorist organizations, and for other purposes; to the Committee on Ways and Means.

By Ms. CARSON of Indiana (for herself, Mr. Kerns, Mr. Buyer, Mr. Visclosky, Mr. Burton of Indiana, Mr. Hostettler, Mr. Roemer, Mr. Hill, Mr. Pence, and Mr. Souder):

H.R. 5604. A bill to designate the Federal building and United States courthouse located at 46 East Ohio Street in Indianapolis, Indiana, as the "Birch Bayh Federal Building and United States Courthouse"; to the Committee on Transportation and Infrastructure.

By Mr. WALSH:

H.R. 5605. A bill making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2003, and for other purposes.

By Mr. BACA (for himself, Ms. Waters, Mr. Towns, and Mr. Davis of Illinois):

H.R. 5606. A bill to amend the Public Health Service Act to promote careers in nursing and diversity in the nursing workforce; to the Committee on Energy and Commerce.

By Mr. BACA (for himself and Mrs. Napolitano):

H.R. 5607. A bill to amend the Controlled Substances Act to place Salvinorin A in Schedule I; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. BALDWIN (for herself and Mr. Green of Wisconsin):

H.R. 5608. A bill to provide for the testing of chronic wasting disease and other infectious disease in deer and elk herds, to establish the Interagency Task Force on Epizootic Hemorrhagic Disease, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BARR of Georgia:

H.R. 5609. A bill to designate the facility of the United States Postal Service located at 600 East 1st Street in Rome, Georgia, as the "Martha Berry Post Office"; to the Committee on Government Reform.

By Ms. BERKLEY:

H.R. 5610. A bill to authorize the Secretary of Veterans Affairs to construct a comprehensive veterans medical center in southern Nevada that would include a full service hospital, an outpatient clinic, and a long-term care nursing home facility; to the Committee on Veterans' Affairs.

By Mr. CANNON (for himself, Mr. Putnam, Mr. Smith of Washington, Mr. Mollohan, Mr. Boyd, Mr. Acevedo-Vilá, Mrs. Northup, Mr. Gordon, Mr. Gilman, Ms. McCollum, Mr. Lipinski, Mr. Pascrell, Mr. Shuster, Mr. Tauzin, Mr. Barr of Georgia, Mr. Carson of Oklahoma, Mr. McKeon, Mr. Cramer, Mr. Dooley of California, Mr. Fattah, Mr. Norwood, Mr. Pickering, Mr. Shays, Mrs. Morella, Ms. Brown of Florida, Mr. Kildee, Mr. Burton of Indiana, Mr. Dan Miller of Florida, Mr. Issa, Mr. Camp, Mr. Dreier, Mr. Hobson, Mr. Price of North Carolina, Ms. Pryce of Ohio, Mr. Rehberg, Mr. Armey, Mr. Hastings of Washington, Mr. Sherwood, Mr. Payne, Mrs. Christensen, Mr. Cunningham, Mr. Bryant, Mr. Pastor, Mr. Markey, Mr. Schrock, Mr. Fletcher, Mr. LoBiondo, Mr. Pallone, Mr. Upton, Mr. Condit, Mr. Green of Texas, Mr. Taylor of Mississippi, Mr. Gekas, Mr. George Miller of California, Mr. Nethercutt, Mr. Radanovich, Mr. Gutknecht, Mr. Ganske, Mr. Walden of Oregon, Mrs. Wilson of New Mexico, Mr. Berman, Mr. Coble, Mr. Skelton, Mr. Forbes, Mr. Kingston, Mr. Oberstar, Mr. Walsh, Mr. Inslee, Mr. Jeff Miller of Florida, Mr. Nadler, Mr. Barcia, Mr. Clyburn, Mr. Davis of Florida, Mr. DeMint, Mr. Gibbons, Mr. Greenwood, Mr. Maloney of Connecticut, Mr. Matheson, Mr. McCrery, Mr. Moran of Virginia, Mr. Ramstad, Mr. Saxton, Mrs. Jo Ann Davis of Virginia, Mr. Baca, Mr. Crowley, Mr. Knollenberg, Mr. Wilson of South Carolina, Mr. Boehner, Mr. Boozman, Mr. Dingell, Mr. Larson of Connecticut, Mr. Linder, Mr. Murtha, Mr. Shadegg, Mr. Spratt, Mr. Sullivan, Mr. Tierney, Mr. Isakson, Mr. Hoeffel, Mr. Pitts, Ms. McCarthy of Missouri, Mr. Calvert, Mr. Brady of Texas, Mr. Smith of Texas, Mr. Terry, Ms. Roybal-Allard, Mr. Thornberry, Mr. Green of Wisconsin, Mr. Kennedy of Minnesota, Mr. Kirk, Mr. Udall of Colorado, Mr. Frost, Mr. Sabo, Ms. Kaptur, Mr. Hinchey, Mr. Capuano, Mr. Doyle, Mr. McIntyre, Mr. Rogers of Michigan, Mr. Deal of Georgia, Mr. Abercrombie, Mr. Lampson, Mr. Rahall, Mr. Smith of Michigan, Mr. Dicks, Mr. Tiberi, Mr. Toomey, Mr. Ryan of Wisconsin, Mr. Sessions, Mr. DeFazio, Mr. Hoekstra, Mr. King, Mr. Crane, Mr. English, Mr. Regula, Mr. LaHood, Mr. Keller, Mr. Burr of North Carolina, Mr. Portman, Mr. Simmons, Mr. Aderholt, Mr. Andrews, Mr. Matsui, Mr. Menendez, Mr. Frelinghuysen, Mr. Wicker, Mr. Kind, Mr. Lewis of Kentucky, Mr. Holt, Mr. Farr of California, Mr. Chambliss, Mrs. Capito, Mr. Brown of Ohio, Mr. Boehlert, Mr. Reyes, Mr. Chabot, Mr. Israel, Mrs. Myrick, Mr. Everett, Mr. Barrett, Mr. DeLay, Mr. Lantos, Mr. Latham, Mr. Osborne, Mr. Petri, Mr. Udall of New Mexico, Mr. Snyder, Mr. Goode, Mr. Jenkins, Mr. Herger, Mr. Jones of North Carolina, Mr. Gilchrest, Mr. Watkins, and Mr. Coyne):

H.R. 5611. A bill to designate the Federal building located at 324 Twenty-fifth Street in Ogden, Utah, as the "James V. Hansen Federal Building"; to the Committee on Transportation and Infrastructure.

By Mr. CHAMBLISS (for himself, Mr. NORWOOD, Mr. PICKERING, Mr. CUNNINGHAM, Mr. HAYES, Mr. BISHOP, and Mr. PETERSON of Minnesota):

H.R. 5612. A bill to recognize hunting heritage and provide opportunities for continued hunting on Federal public lands; to the Committee on Resources.

By Ms. DELAURO:

H.R. 5613. A bill to establish a demonstration project to implement evidence-based preventive-screening methods to detect mental illness and suicidal tendencies in school-age youth at selected facilities; to the Committee on Energy and Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DINGELL (for himself, Mr. WAXMAN, Mr. MARKEY, Mr. BOUCHER, Mr. BROWN of Ohio, Mr. GORDON, Mr. RUSH, Mr. HONDA, Ms. NORTON, Mr. INSLEE, Ms. DELAURO, and Ms. KILPATRICK):

H.R. 5614. A bill to prohibit fraudulent, manipulative, or deceptive acts in electric and natural gas markets, to provide for audit trails and transparency in those markets, to increase penalties for illegal acts under the Federal Power Act and Natural Gas Act, to reexamine certain exemptions under the Federal Power Act and the Public Utility Holding Company Act of 1935, to expand the authority of the Federal Energy Regulatory Commission to order refunds of unjust and discriminatory rates, and for other purposes; to the Committee on Energy and Commerce.

By Mr. DOOLEY of California (for himself and Mr. RADANOVICH):

H.R. 5615. A bill to direct the Administrator of General Services to convey to Fresno County, California, the existing Federal courthouse in that county; to the Committee on Transportation and Infrastructure.

By Mr. DOOLEY of California (for himself, Mrs. EMERSON, Mr. TOWNS, Mr. PAUL, Mr. SNYDER, Mr. NETHERCUTT, Mr. MCGOVERN, Mr. FLAKE, Mr. DELAHUNT, Mr. SHAYS, Ms. HOOLEY of Oregon, Mr. FARR of California, Mr. BERMAN, Mr. LAMPSON, Mr. BLUMENAUER, Mr. THOMPSON of California, Mr. BERRY, Mr. DEFAZIO, Mr. RANGEL, Ms. SOLIS, Mr. GEORGE MILLER of California, Mr. WAXMAN, Mr. STENHOLM, and Mr. JOHNSON of Illinois):

H.R. 5616. A bill to provide for the expiration of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996, known as the Helms-Burton Act, on March 31, 2003; to the Committee on International Relations, and in addition to the Committees on Ways and Means, the Judiciary, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GIBBONS:

H.R. 5617. A bill to direct the Secretary of Agriculture to conduct a study of the effectiveness of the silver-based biocides as an alternative treatment to preserve wood; to the Committee on Agriculture, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. HART:

H.R. 5618. A bill to amend the Immigration and Nationality Act to improve procedures for the processing of visas for "O" and "P" nonimmigrant artists; to the Committee on the Judiciary.

By Mr. HAYES:

H.R. 5619. A bill to require the Secretary of the Treasury to take certain actions with respect to the prevention of illegal transshipments, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KILDEE:

H.R. 5620. A bill for the relief of the Pottawatomi Nation in Canada for settlement of certain claims against the United States; to the Committee on Resources.

By Mr. LAFALCE:

H.R. 5621. A bill to amend the Federal Credit Union Act to expand membership, service, and investment opportunities for credit unions, to expand credit union services within financially underserved communities, to enhance member protections in certain credit union conversions, and for other purposes; to the Committee on Financial Services.

By Mr. LEVIN (for himself, Mr. HOUGHTON, Mr. POMEROY, and Mrs. THURMAN):

H.R. 5622. A bill to amend the Trade Act of 1974 and the Sherman Act to address foreign private and joint public-private market access barriers that harm United States trade, and to amend the Trade Act of 1974 to address the failure of foreign governments to cooperate in the provision of information relating to certain investigations; to the Committee on Ways and Means, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LUTHER:

H.R. 5623. A bill to provide for prioritization of transportation of nuclear waste from utilities to a permanent repository on the basis of renewable energy use; to the Committee on Energy and Commerce.

By Mrs. MALONEY of New York (for herself, Mr. SERRANO, Mr. CROWLEY, Mr. ENGEL, and Mr. TOWNS):

H.R. 5624. A bill to provide that Federal funds for the relief and revitalization of New York City after the September 11, 2001, terrorist attack shall not be subject to Federal taxation; to the Committee on Ways and Means.

By Mr. MARKEY:

H.R. 5625. A bill to restore aiding and abetting liability under the Federal securities laws; to the Committee on Financial Services, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NEAL of Massachusetts:

H.R. 5626. A bill to amend the Internal Revenue Code of 1986 to revise the tax treatment of derivative transactions entered into by a corporation with respect to its stock; to the Committee on Ways and Means.

By Mr. OBEY (for himself and Mr. SANDERS):

H.R. 5627. A bill to establish a counter-cyclical income support program for dairy producers; to the Committee on Agriculture.

By Mr. OTTER:

H.R. 5628. A bill to authorize the Secretary of Agriculture to sell or exchange all or part of certain parcels of National Forest System land in the State of Idaho and use the proceeds derived from the sale or exchange for National Forest System purposes; to the Committee on Resources.

By Mr. OTTER:

H.R. 5629. A bill to provide for enhanced collaborative forest stewardship management within the Clearwater and Nez Perce National Forests in Idaho, and for other purposes; to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. POMBO:

H.R. 5630. A bill to direct the Secretary of Transportation to conduct a study to determine the feasibility of constructing a highway in California connecting State Route 130 in Santa Clara County with Interstate Route 5 in San Joaquin County; to the Committee on Transportation and Infrastructure.

By Mr. SANDERS (for himself, Mr. TANCREDO, Mr. DAVIS of Illinois, and Mr. SHAYS):

H.R. 5631. A bill to amend the Communications Act of 1934 to clarify and reaffirm State and local authority to regulate the placement, construction, and modification of personal wireless services facilities, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SANDERS (for himself, Mr. TANCREDO, and Mr. DAVIS of Illinois):

H.R. 5632. A bill to amend the Communications Act of 1934 to clarify and reaffirm State and local authority to regulate the placement, construction, and modification of broadcast transmission facilities, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SIMMONS (for himself, Mrs. THURMAN, Mr. SMITH of New Jersey, Mr. CUMMINGS, Mr. BLAGOJEVICH, and Mr. HOBSON):

H.R. 5633. A bill to ensure that children at highest risk for asthma are identified and treated; to the Committee on Energy and Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of Texas:

H.R. 5634. A bill to amend title 28, United States Code, to provide prejudgment interest on certain judgments against the United States; to the Committee on the Judiciary.

By Mr. STRICKLAND (for himself, Mr. DEUTSCH, and Ms. SLAUGHTER):

H.R. 5635. A bill to prohibit the Federal Government from entering into contracts with companies that do not include certifications for certain financial reports required under the Securities Exchange Act of 1934; to the Committee on Government Reform, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TANCREDO:

H.R. 5636. A bill to establish a student loan forgiveness program for nurses; to the Committee on Education and the Workforce.

By Mr. UDALL of Colorado (for himself and Ms. SOLIS):

H.R. 5637. A bill to require Federal agencies to develop and implement policies and practices that promote environmental justice, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. UPTON (for himself and Mr. Tauzin):

H.R. 5638. A bill to amend the National Telecommunications and Information Administration Organization Act to facilitate the reallocation of spectrum from governmental to commercial users; to the Committee on Energy and Commerce, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WATKINS:

H.R. 5639. A bill to clarify the rights of United States citizenship and eligibility for Federal benefits for all enrolled members of the Kickapoo Tribe of Oklahoma and the Kickapoo Traditional Tribe of Texas, and for other purposes; to the Committee on Resources, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WELDON of Florida (for himself and Mr. Hall of Texas):

H.R. 5640. A bill to amend title 5, United States Code, to ensure that the right of Federal employees to display the flag of the United States not be abridged; to the Committee on Government Reform.

By Mr. WILSON of South Carolina:

H.R. 5641. A bill to amend the National Labor Relations Act to provide the National Labor Relations Board with expanded statutory authority with respect to employees and labor organizations engaged in or encouraging violent and other potentially injurious conduct; to the Committee on Education and the Workforce.

By Mr. YOUNG of Florida:

H.J. Res. 121. A joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes; to the Committee on Appropriations.

By Mr. YOUNG of Florida:

H.J. Res. 122. A joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes; to the Committee on Appropriations, and in addition to the Committee on the Budget; Committees on Appropriations and the Budget discharged; considered and passed.

By Mr. NEY:

H. Con. Res. 508. Concurrent resolution resolving all disagreements between the House of Representatives and Senate with respect to H.R. 3295; considered and agreed to.

By Mr. MARKEY (for himself and Mr. Peterson of Pennsylvania):

H. Con. Res. 509. Concurrent resolution expressing the sense of the Congress that there should be established an annual National Visiting Nurse Associations Week; to the Committee on Government Reform.

By Mr. WATTS of Oklahoma:

H. Con. Res. 510. Concurrent resolution commending the Minority Business Development Agency for its history of achievement in helping to create minority businesses enterprises and in helping those enterprises effectively compete in the national and global marketplace; to the Committee on Financial Services, and in addition to the Committee on Small Business, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Mr. Bishop, Ms. Brown of Florida, Ms. Carson of Indiana, Mrs. Christensen, Mr. Clay, Mrs. Clayton, Mr. Clyburn, Mr. Conyers, Mr. Cummings, Mr. Davis of Illinois, Mr. Fattah, Mr. Ford, Mr. Hastings of Florida, Mr. Hilliard, Mr. Jackson of Illinois, Ms. Jackson-Lee of Texas, Mr. Jefferson, Mrs. Jones of Ohio, Ms. Kilpatrick, Ms. Lee, Mr. Lewis of Georgia, Ms. McKinney, Mrs. Meek of Florida, Mr. Meeks of New York, Ms. Millender-McDonald, Ms. Norton, Mr. Owens, Mr. Payne, Mr. Rangel, Mr. Rush, Mr. Scott, Mr. Thompson of Mississippi, Mr. Towns, Mr. Watt of North Carolina, Ms. Watson, Mr. Wynn, Mrs. Maloney of New York, Mr. Honda, Ms. Kaptur, Mr. Kildee, and Mr. Carson of Oklahoma):

H. Res. 581. A resolution recognizing the importance and accomplishments of the Thurgood Marshall Scholarship Fund; to the Committee on Education and the Workforce.

By Mr. ISRAEL (for himself and Mrs. Biggert):

H. Res. 582. A resolution recognizing and supporting the goals and ideals of "National Runaway Prevention Month"; to the Committee on Government Reform.

By Mr. ISRAEL (for himself, Mr. Lantos, and Mr. Cantor):

H. Res. 583. A resolution expressing the sense of the House of Representatives that a commemorative postage stamp should be issued in remembrance of the victims of the Holocaust; to the Committee on Government Reform.

By Mrs. WILSON of New Mexico:

H. Res. 584. A resolution supporting the goals and ideas of a National Sexual Assault Awareness Month; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 218: Mr. Kanjorski.

H.R. 488: Mr. Faleomavaega.

H.R. 536: Mr. Kind and Mr. Towns.

H.R. 547: Mr. Gutierrez.

H.R. 632: Mr. Condit, Mr. Gallegly, Mr. Coyne, Mr. Mascara, and Mr. Foley.

H.R. 826: Mr. Skeen, Ms. Berkley, and Mr. Hostettler.

H.R. 912: Mr. Gordon.

H.R. 951: Mr. Stearns.

H.R. 1086: Ms. Woolsey.

H.R. 1193: Mr. Engel and Mr. Maloney of Connecticut.

H.R. 1255: Ms. Woolsey.

H.R. 1256: Mr. Smith of New Jersey, Mr. Doggett, Ms. Millender-McDonald, Mr. McHugh, and Mr. Greenwood.

H.R. 1331: Mr. Kennedy of Minnesota.

H.R. 1362: Mr. Dicks.

H.R. 1520: Mr. Kind.

H.R. 1598: Mr. Hoyer.

H.R. 1624: Mr. Tom Davis of Virginia.

H.R. 1904: Mr. Schiff.

H.R. 1918: Mr. Waxman and Ms. Berkley.

H.R. 2005: Ms. Woolsey.

H.R. 2053: Mr. Gutierrez.

H.R. 2570: Ms. Waters.

H.R. 2638: Mr. Chambliss.

H.R. 2699: Mr. Capuano.

H.R. 2735: Mr. Toomey and Mr. Wilson of South Carolina.

H.R. 2874: Mr. Grucci.

H.R. 3132: Mr. Kildee, Mr. Larsen of Washington, Mr. Ehlers, Mr. Andrews, Mr. Conyers, Mr. Barcia, Mr. Grucci, Mr. Taylor of Mississippi, Mr. Gonzalez, Mr. Pallone, Mr. Ortiz, and Mr. Kirk.

H.R. 3320: Mr. Andrews.

H.R. 3413: Mr. Gutierrez.

H.R. 3464: Ms. DeLauro.

H.R. 3545: Mr. McDermott, Ms. DeLauro, Mr. Dooley of California, Mr. Shows, and Mr. Price of North Carolina.

H.R. 3659: Mrs. Jo Ann Davis of Virginia, Mrs. Capps, Mr. Ehlers, Ms. Velázquez, Mr. Pomeroy, Mr. Pascrell, Mr. Engel, Mr. Pickering, and Mr. Cramer.

H.R. 3688: Ms. Millender-McDonald.

H.R. 3884: Mr. Gordon.

H.R. 3961: Mr. Brown of Ohio.

H.R. 4000: Ms. McCollum.

H.R. 4483: Mr. Toomey.

H.R. 4643: Mr. Gutierrez.

H.R. 4667: Mr. Grucci and Mr. Phelps.

H.R. 4668: Mrs. Lowey.

H.R. 4774: Mr. Frank and Mr. Blagojevich.

H.R. 4780: Mr. Stupak, Mr. Israel, Mr. Serrano, Mr. Becerra, Mr. Kennedy of Rhode Island, Mr. Hoyer, Mr. Boucher, Mr Wynn, and Mr. Farr of California.

H.R. 4843: Mr. Andrews, Ms. Rivers, and Mr. Kingston.

H.R. 4943: Mr. Maloney of Connecticut.

H.R. 4957: Mr. Blumenauer.

H.R. 5013: Mr. Rohrabacher, Mr. Wamp, and Mr. Schaffer.

H.R. 5061: Ms. Millender-McDonald.

H.R. 5076: Mr. Gutierrez.

H.R. 5085: Ms. Millender-McDonald, Mr. Rodriguez, Mr. Jeff Miller of Florida, Mr. Stupak, and Mrs. Capps.

H.R. 5194: Mrs. Davis of California, Mrs. Jones of Ohio, Mrs. Lowey, Ms. Eshoo, Mr. Waxman, and Mr. Engel.

H.R. 5230: Mr. Inslee and Mr. Blumenauer.

H.R. 5235: Mr. Boehner.

H.R. 5250: Mr. Goss, Mr. Luther, Mr. Honda, Mr. Hayes, Mr. Jenkins, Mr. Sullivan, Mr. Pastor, and Mr. Reyes.

H.R. 5256: Mr. Sánchez, Mr. Dooley of California, Ms. Pelosi, Mr. Sherman, Mr. Waxman, Mr. Baca, Mrs. Capps, Ms. Roybal-Allard, Mrs. Napolitano, Ms. Millender-McDonald, and Mr. George Miller of California.

H.R. 5270: Mr. Hinojosa, Mr. Moran of Virginia, Mr. Frost, Mr. Tierney, Mrs. Capps, Mr. Abercrombie, Mr. Shimkus, Ms. McNulty, Mr. Matheson, and Mrs. Lowey.

H.R. 5302: Mr. Dooley of California.

H.R. 5311: Mr. Smith of Michigan.

H.R. 5319: Mr. Thomas and Mr. Taylor of North Carolina.

H.R. 5334 Mr. Grucci, Mr. Blagojevich, and Mrs. Maloney of New York.

H.R. 5383: Mr. Kanjorski, Mr. Filner, Mr. Gilman, Mr. Brown of Ohio, and Mr. Baldacci.

H.R. 5389: Mr. Pallone and Ms. Millender-McDonald

H.R. 5398: Mr. McInnis.

H.R. 5411: Mr. Goode, Mr. Coyne, Mr. Phelps, Ms. Woolsey, Mr. Gordon, Ms. Hooley of Oregon, Ms. Kilpatrick, and Mr. Reyes.

H.R. 5414: Ms. Pryce of Ohio and Mr. English.

H.R. 5416: Mr. Souder.

H.R. 5462: Mr. Hinojosa, Mr. Inslee, Mr. Honda, Mr. Wilson of South Carolina, Mr. Hall of Texas, and Mr. Tiahrt.

H.R. 5479: Ms. LOFGREN.

H.R. 5492: Mr. RANGEL, Ms. LEE, and Mr. TOWNS.

H.R. 5493: Mr. OWENS.

H.R. 5499: Ms. BERKLEY.

H.R. 5508: Mr. WAMP and Mr. KENNEDY of Rhode Island.

H.R. 5528: Mr. HOBSON, Mr. BROWN of South Carolina, Mr. MANZULLO, Mr. SHAW, Mr. MCNULTY, Mr. TOWNS, Mr. CROWLEY, Mr. GILLMOR, Mr. KILDEE, Mr. FARR of California, Mr. LEWIS of California, Mr. DEAL of Georgia, Mr. BILIRAKIS, Mr. ABERCROMBIE, Mr. EHLERS, Mr. BLUNT, Mr. UPTON, Mr. ISRAEL, Mr. QUINN, Mr. ROGERS of Michigan, Mr. CALVERT, Mr. TAUZIN, Mr. MATSUI, Mr. ISAKSON, Mr. NEY, Mr. SWEENEY, Mr. SKEEN, Mr. CRANE, Mr. GIBBONS, Mr. PUTNAM, Mr. STEARNS, Mr. SCHROCK, Ms. JACKSON-LEE of Texas, Mrs. CLAYTON, and Mr. MCCRERY.

H.R. 5533: Mr. RANGEL.

H.R. 5541: Mr. DAVIS of Illinois, Mr. STARK, Ms. WOOLSEY, and Mr. RODRIGUEZ.

H.R. 5554: Mr. WALSH, Mr. POMBO, and Mr OTTER.

H.R. 5575: Mr. SIMMONS, Mr. PITTS, and Mr. RILEY.

H.R. 5586: Mr. KANJORSKI and Mr. MURTHA.

H.R. 5587: Mr. HOUGHTON, Mrs. WILSON of New Mexico, Mr. PETERSON of Pennsylvania, Mr. CAMP, Mr. GEKAS, and Mrs. CAPITO.

H.J. Res. 31: Ms. VELÁZQUEZ, Ms. MILLENDER-MCDONALD, Ms. NORTON, Ms. WATSON, Ms. JACKSON-LEE of Texas, Mrs. CLAYTON, and Ms. BROWN of Florida.

H.J. Res. 40: Mr. ROEMER.

H. Con. Res. 351: Mr. GILMAN and Mr. STUPAK.

H. Con. Res. 404: Mr. GUTIERREZ.

H. Con. Res. 406: Mr. HONDA.

H. Con. Res. 445: Mr. GRAVES, Mr. BILIRAKIS, Mr. OXLEY, Mr. CRANE, Mr. BAKER, and Ms. DUNN.

H. Con. Res. 447: Mr. PENCE, Mr. BROWN of Ohio, Mrs. ROUKEMA, Ms. VELÁZQUEZ, Mr. KIRK, and Mr. SCHIFF.

H. Con. Res. 466: Mr. CARSON of Oklahoma.

H. Con. Res. 473: Ms. NORTON.

H. Con. Res. 486: Mr. HOEKSTRA and Mr. WAMP.

H. Con. Res. 502: Mr. ROSS, Mr. HINOJOSA, Mr. WALSH, Mr. TIAHRT, Mr. CLEMENT, and Ms. WOOLSEY.

H. Res. 505: Mr. WAXMAN.

H. Res. 560: Mr. EHLERS and Mr. KNOLLENBERG.

H. Res. 571: Mr. TOWNS.

SENATE—*Thursday, October 10, 2002*

The Senate met at 9:15 a.m. and was called to order by the Honorable JON S. CORZINE, a Senator from the State of New Jersey.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, all power and authority belong to You. You hold universes in Your hands and focus Your attention on the planet Earth. We humble ourselves before You. You alone are Lord of all nations and have called our Nation to be a leader in the family of nations. By Your providence You have brought to this Senate the men and women through whom You can rule wisely in the soul-sized matters that affect the destiny of humankind. With awe and wonder at Your trust in them, the Senators soon will vote on the resolution on Iraq as part of our Nation's ongoing battle against terrorism.

Grip their minds with three assurances to sustain them: You are Sovereign of this land and they are accountable to You; You are able to guide their thinking, speaking, and decisions if they will but ask You: and You will bring them to unity so that they may lead our Nation in its strategic role against terrorism and assist the free nations of the world in their shared obligation.

O God, hear our prayer. You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JON S. CORZINE led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, October 10, 2002.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JON S. CORZINE, a Senator from the State of New Jersey, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. CORZINE thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Nevada is recognized.

SCHEDULE

Mr. REID. Mr. President, debate will commence shortly on the Byrd amendment, with a vote expected in 20 minutes. Following that, there will be debate with respect to the motion to invoke cloture on the Lieberman substitute amendment for the Iraq resolution. The two leaders will control the last 30 minutes prior to the cloture vote. Following that vote, debate will occur on another Byrd amendment, with 60 minutes of debate, and then a vote will occur.

Following the vote on the second Byrd amendment, Senator LEVIN's amendment will be debated for a period of 95 minutes, to be followed by a vote. After disposition of the Levin amendment, the Durbin amendment will be considered for 40 minutes, and then there will be a vote.

Therefore, Senators should be alerted that votes will be occurring throughout the day, and the votes will end within the specified time of rollcall votes. The point is, we are going to try to stick closely to the time.

Other amendments are expected to be debated and voted on today in order to complete action on this legislation, which the leader wants to complete tonight.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

AUTHORIZATION OF THE USE OF UNITED STATES ARMED FORCES AGAINST IRAQ

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of S.J. Res. 45, which the clerk will report.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 45) to authorize the use of United States Armed Forces against Iraq.

Pending:

Lieberman/Warner modified amendment No. 4856, in the nature of a substitute;

Byrd amendment No. 4868 (to amendment No. 4856, as modified), to provide statutory construction that constitutional authorities remain unaffected and that no additional grant of authority is made to the President not directly related to the existing threat posed by Iraq;

Levin amendment No. 4862 (to amendment No. 4856), in the nature of a substitute.

Mr. McCAIN. Mr. President, what is the parliamentary situation?

AMENDMENT NO. 4869, AS MODIFIED

The ACTING PRESIDENT pro tempore. Under the previous order, the clerk will report the amendment of the Senator from West Virginia.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD] proposes an amendment numbered 4869, as modified.

The amendment, as modified, is as follows:

(Purpose: To provide a termination date for the authorization of the use of the Armed Forces of the United States, together with procedures for the extension of such date unless Congress disapproves the extension)

At the appropriate place, insert the following:

SEC. 5. TERMINATION OF THE AUTHORIZATION FOR THE USE OF THE UNITED STATES ARMED FORCES.

(a) IN GENERAL.—The authorization in section 4(a) shall terminate 12 months after the date of enactment of this joint resolution, except that the President may extend, for a period or periods of 12 months each, such authorization if—

(1) the President determines and certifies to Congress for each such period, not later that 60 days before the date of termination of the authorization, that the extension is necessary for ongoing or impending military operations against Iraq under section 4(a); and

(2) the Congress does not enact into law, before the extension of the authorization, a joint resolution disapproving the extension of the authorization for the additional 12-month period.

(b) CONGRESSIONAL REVIEW PROCEDURES.—

(1) IN GENERAL.—For purposes of subsection (a)(2), a joint resolution described in paragraph (2) shall be considered in the Senate and the House of Representatives in accordance with the procedures applicable to joint resolutions under paragraphs (3) through (8) of section 8066(c) of the Department of Defense Appropriations Act, 1985 (as contained in Public Law 98–473; 98 Stat. 1936–1937), except that—

(A) references in those provisions to the Committee on Appropriations of the House of Representatives shall be deemed to be references to the Committee on International Relations of the House of Representatives; and

(B) references in those provisions to the Committee on Appropriations of the Senate shall be deemed to be references to the Committee on Foreign Relations of the Senate.

(2) JOINT RESOLUTION DEFINED.—For purposes of paragraph (1), the term "joint resolution" means only a joint resolution introduced after the date on which the certification of the President under subsection (a)(1) is received by Congress, the matter after the resolving clause of which is as follows: "That, pursuant to section 5 of the Authorization for the Use of Military Force

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● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Against Iraq, the Congress disapproves the extension of the authorization under section 4(a) of that joint resolution for the additional 12-month period specified in the certification of the President to the Congress dated   .", with the blank filled in with the appropriate date.

Mr. McCAIN. And the time is running; is that correct?

The ACTING PRESIDENT pro tempore. There are 20 minutes overall—15 minutes to the sponsor of the amendment and 5 minutes in opposition. If nobody yields time, time will be deducted proportionately.

The Senator from West Virginia.

Mr. BYRD. Mr. President, does the distinguished Senator from Arizona wish to use any time at this point?

Mr. McCAIN. No.

Mr. BYRD. Mr. President, how much time do I have?

The ACTING PRESIDENT pro tempore. Fifteen minutes.

Mr. BYRD. Mr. President, how much time does the distinguished Senator from Massachusetts wish?

Mr. KENNEDY. Four and a half minutes.

Mr. BYRD. I yield 5 minutes to the Senator from Massachusetts.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, for the past few days we have debated the details of a resolution but not the implication of war with Iraq. We were into the debate on the resolutions for 2 days, and then a cloture motion was filed. I am reminded of the excellent statements made by my friend from West Virginia that this subject about war and peace deserves a longer period of time for discussion.

Earlier in the session, we debated for 21 days the Elementary and Secondary Education Act; 23 days on the energy bill; 19 days on trade promotion; 18 days on the farm bill—all extremely important, but this issue is far more so.

In facing the global challenges of these times, we defend American values and interests best when war is our last resort, not our first impulse. I commend President Bush for deciding in the end to take America's case to the United Nations. Make no mistake about it, this resolution lets the President go it alone. Iraq should have no doubt of the unity of the American purpose and the seriousness of our intent. Having suffered the tragedy of September 11, we will leave no stone unturned in the defense of innocent Americans.

The question is not whether we will disarm Saddam Hussein of his weapons of mass destruction but how. And it is wrong for Congress to declare war against Iraq now before we have exhausted the alternatives. It is wrong for the President to demand a declaration of war from Congress when he says he has not decided whether to go to war. It is wrong to avert our attention now from the greater and far more immediate threat of Osama bin Laden and al-Qaeda terrorism.

Pick up the paper and see the different headlines: "Attacks Put Troops on Alert"; "They fear contact with al-Qaeda"; "Tape, Assaults Stir Worry About Resurgent Al Qaeda"; and the list goes on about the al-Qaeda activities all over the world.

We cannot go it alone on Iraq and expect our allies to support us.

We cannot go it alone and expect the world to stand with us in the urgent and ongoing war against terrorism and al-Qaeda.

We cannot go it alone in attacking Iraq and expect Saddam to keep his weapons of mass destruction at bay against us or our ally Israel.

We cannot go it alone while urging unprincipled regimes to resist invasions of their adversaries.

The better course for our Nation and for our goal of disarming Saddam Hussein is a two-step policy. We should approve a strong resolution today calling on the United Nations to require Iraq to submit to unfettered U.N. weapons inspections or face U.N.-backed international force. If such option fails, and Saddam refuses to cooperate, the President could then come to the Congress and request Congress to provide him with authorization to wage war against Iraq.

By pursuing this course, we maximize the chance that the world can disarm Saddam without our going to war or, if war was necessary, we would be joined by allied troops in the cause. In the end, having tried these options and failed, our allies are far more likely to support our intervention should we elect to attack alone.

The world looks to America not just because of our superior might or economic weight; they admire us and emulate us because we are a friend and ally that defends freedom and promotes our values around the globe. Those same traits that are the envy of the world should guide us today as we conclude this important debate.

I thank the Senator from West Virginia, and I yield back to him the remainder of my time.

Mr. BYRD. Mr. President, I thank the Senator. How much time do I have?

The ACTING PRESIDENT pro tempore. The Senator has 11 minutes.

Mr. BYRD. I reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. McCAIN. Mr. President, I understand we have 5 minutes. I yield that 5 minutes to the Senator from Connecticut however he chooses to use it.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut.

Mr. LIEBERMAN. I thank the Chair. Mr. President, I thank my colleague from Arizona.

The amendment of the Senator from West Virginia which is before us would terminate, 12 months after the date of enactment of the underlying joint resolution, the authorization given in that resolution. In other words, it would put a time limit of a year subject to extension, but, nonetheless, a time limit for a year on the authorization provided in the underlying resolution.

I say to my colleagues respectfully, this amendment is unprecedented and unwise. It is unprecedented in the sense that in brief research overnight, I have not been able to find an occasion in which Congress has exercised authority with regard to military action under article I of the Constitution when Congress has attached a time limit to it.

There was one occasion when time limits were discussed with regard to the deployment of American forces in Bosnia, the Balkans, during the nineties, but I think we saw there why congressional imposition of time limits on authorization of military action is unwise.

Why is it unwise? It is unwise because it gives notice to our enemies that there is a limit to the authority we are giving the President as Commander in Chief of our military forces. It allows them to calculate their actions based on that limited duration.

In Bosnia, when that deadline was articulated by the administration, it created expectations which were quite naturally frustrated and therein created a credibility gap.

There is a deadline in the underlying resolution, and the deadline is what it ought to be and always has been for military actions in which the Armed Forces of the United States have been involved. The authorization ends when the mission is accomplished, and in this case the authorization would end when the two missions stated were accomplished: When the President as Commander in Chief concluded that America was adequately protected, our national security was adequately protected from threats from Iraq, and that the relevant United Nations resolutions were adequately being enforced. That is the deadline.

If the mood of Congress should change, if the attitude of the public should change, Congress always reserves, as it has shown in the past, the power of the purse and the power to change its opinion. But this amendment at this time, as we try to gather our strength and unity of purpose to convince the international community to join with us, as they surely will, is to finally get Saddam Hussein to keep his promise to disarm at the end of the gulf war.

We need no limitations on authority. We need to speak with a clear voice. As it says in the Bible, if the sound of the trumpet be uncertain, who shall follow? And if we put a 12-month time limit on the authority of the underlying resolution, I fear that fewer will follow and the result will be much less than we want it to be.

I reserve the remainder of my time.

Mr. McCAIN. Mr. President, I oppose the amendment offered by the Senator from West Virginia, which would sunset the authority Congress would grant to the President in this resolution to defend American security against the threat posed by Iraq.

As the Senator has pointed out, the 12-month limit on congressional authorization for the use of force his amendment would set could be extended by presidential or congressional action. However, these requirements are onerous and infringe upon the authority of the Commander in Chief to meet his obligations to protect American security.

The concept of imposing a deadline after which the President loses his authority to achieve the goals set out in the Iraq resolution strikes me as losing sight of the objective of a congressional authorization of the use of force: ending the threat to the United States and the world posed by Saddam Hussein's regime, so long as it possesses weapons of mass destruction and defies its obligations to the world.

So long as that threat persists, and with Congress and the President having agreed that Saddam Hussein's regime endangers America, congressional authority for the President to use force must remain in force until he has met our common objective of disarming Saddam Hussein.

To place a limit on the amount of time the President possesses this authority, once Congress has granted it to him, would only encourage Saddam Hussein to stall and temporize on his commitments, knowing that the clock is working in his favor. Such an incentive would make us less secure, not more secure.

If the vast majority of Members of Congress and the American people agree upon the threat posed by Saddam Hussein's Iraq, and if we accept that the President will confront this danger within the parameters we have laid out in this congressional resolution, what about that threat would change in 12 months, assuming we have not acted against it by that time, that would somehow negate the President's need for the authority to meet it?

If anything, the threat posed by Saddam Hussein's regime will only grow with time. Private and public estimates are that Saddam Hussein could possess nuclear weapons within six months to a year were he to acquire weapons-grade plutonium on the international market.

That's why the President has requested the authority to act now. Saddam Hussein represents a grave and gathering danger. I hope he is no longer in power 1 year from now. But there is certainly a chance he could be.

Congress cannot foresee the entire course of this conflict. Acting now to deprive the President 12 months from now of the authority we would grant him in this resolution would be an infringement on the authority of the Commander in Chief and a strange way to respond to the grave threat to American national security posed by Saddam Hussein's regime.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. BYRD. I yield 2 minutes to the distinguished Senator from Delaware.

Mr. BIDEN. Mr. President, the Senator from Connecticut is right that article 1 of the Constitution does not provide for this, but article 1 of the Constitution also does not provide for a declaration of war before the President is asked to go to war. So this is a very different circumstance. The President has not asked us to go to war. He has said he wants the power to be able to go to war. It seems completely consistent with that request that we say: Yes, Mr. President, you have that power to go to war; you can do that within 1 year. If, in fact, you go to war in 1 year, you can extend that 1 year.

Let me put it this way. If we are 2 years down the road still fooling around with Iraq, then my friends from Connecticut and other places have been so dead wrong about what we are supposed to do that it would be amazing.

I point out that this is nothing like Bosnia and nothing like the Balkans. In that case, we were in the Balkans. There were forces there, and there were people on the floor who were attempting to put a time on how long they could stay after we had gone in, after we had already prevailed, after we were in place.

The third point I make in the 2 minutes I have is, we learned from Vietnam the power of the purse is useless. The power of the purse is useless because it presents us with a Hobson's choice. We have our fighting men and women in place and we are told, by the way, the President will not take them home so let's cut off the support for them so they have no guns, no bullets, no ability to fight a war. And no one is willing to do that. This is a prudent way to do this, totally consistent with what the President is asking. I think it makes absolute eminent sense. I congratulate the Senator. Even though I disagree with him on his underlying notion, I do think he is right on this point and I support him.

Mr. BYRD. How much time do I have remaining?

The ACTING PRESIDENT pro tempore. The Senator has 9 minutes 20 seconds.

Mr. BYRD. I ask to be notified when I have 2 minutes left.

Mr. President, 38 years ago I, ROBERT C. BYRD, voted on the Tonkin Gulf Resolution—the resolution that authorized the President to use military force to "repel armed attacks" and "to prevent further Communist aggression" in Southeast Asia.

It was this resolution that provided the basis for American involvement in the war in Vietnam.

It was the resolution that lead to the longest war in American history.

It led to the deaths of 58,000 Americans, and 150,000 Americans being wounded in action.

It led to massive protests, a deeply divided country, and the deaths of more Americans at Kent State.

It was a war that destroyed the Presidency of Lyndon Johnson and wrecked the administration of Richard Nixon.

After all that carnage, we began to learn that, in voting for the Tonkin Gulf Resolution, we were basing our votes on bad information. We learned that the claims the administration made on the need for the Tonkin Gulf Resolution were simply not true, and history is repeating itself.

We tragically and belatedly learned that we had not taken enough time to consider the resolution. We had not asked the right questions, nor enough questions. We learned that we should have been demanding more hard evidence from the administration rather than accepting the administration at its word.

But it was too late.

For all those spouting jingoes about going to war with Iraq, about the urgent need for regime change no matter what the cost, about the need to take out the evil dictator—and make no mistakes, I know and understand that Saddam Hussein is an evil dictator—I urge Senators to go down on The Capital Mall and look at the Vietnam Memorial. Nearly every day you will find someone at that wall weeping for a loved one, a father, a son, a brother, a friend, whose name is on that wall.

If we are fortunate, a war with Iraq will be a short one with few American deaths, as in the Persian Gulf war, and we can go around again waving flags and singing patriotic songs.

Or, maybe we will find ourselves building another wall on the mall.

I will always remember the words of Senator Wayne Morse, one of the two Senators who opposed the Tonkin Gulf Resolution. During the debate on the Tonkin Gulf Resolution, he stated: "The resolution will pass, and Senators who vote for it will live to regret it."

Many Senators did live to regret it.

The Tonkin Gulf Resolution contained a sunset provision to end military action. S.J. Res. 46 will allow the President to continue war for as long as he wants, against anyone he wants as long he feels it will help eliminate the threat posed by Iraq.

With the Tonkin Gulf Resolution, Congress could "terminate" military action. With S.J. Res. 46 , only the President can terminate military action.

I should point out that the Tonkin Gulf Resolution and S.J. Res. 46 do have several things in common. Congress is again being asked to vote on the use of force without hard evidence that the country poses an immediate threat to the national security of the United States. We are being asked to vote on a resolution authorizing the use of force in a hyped up, politically charged atmosphere in an election year. Congress is again being rushed into a judgment.

This is why I stand here today, before this Chamber, and before this Nation, urging, pleading for some sanity, for more time to consider this resolution, for more hard evidence on the need for this resolution.

Before we put this great Nation on the track to war, I want to see more evidence, hard evidence, not more Presidential rhetoric. In support of this resolution, several people have pointed out that President Kennedy acted unilaterally in the Cuban missile crisis. That is true. I remember that. I was here. I also remember President Kennedy going on national television and showing proof of the threat we faced. I remember him sending our UN ambassador, Adlai Stevenson, to the United Nations, to provide proof to the world that there was a threat to the national security of the United States.

All we get from this administration is rhetoric. In fact, in an address to our NATO colleagues, Defense Secretary Donald Rumsfeld, according to the Chicago Tribune, urged our allies to resist the idea for the need of absolute proof about terrorists intent before they took action.

Before we unleash what Thomas Jefferson called the "dogs of war," I want to know, have we exhausted every avenue of peace? My favorite book does not say, blessed are the war makers. It says: "Blessed are the peacemakers." Have we truly pursued peace?

If the need for taking military action against Iraq is so obvious and so needed and so urgent, then why are nearly every one of our allies opposed to it? Why is the President on the phone nearly every day trying to convince our allies to join us?

So many people, so many nations in the Arab world already hate and fear us. Why do we want them to hate and fear us even more?

People are correct to point out that September 11 changed everything. We need to be more careful. We need to build up our intelligence efforts and our homeland security. But do we go around pounding everybody, anybody, who might pose a threat to our security? If we clobber Iraq today, do we clobber Iran tomorrow?

When do we attack China? When do we attack North Korea? When do we attack Syria?

Unless I can be shown proof that these distant nations do pose an immediate, serious threat to the national interests and security of the United States, I think we should finish our war on terrorism. I think we should destroy those who destroyed the Trade Towers and attacked the Pentagon. I think we should get thug No. 1 before we worry about thug No. 2.

Yes, September 11 changed many aspects of our lives, but people still bleed. America's mothers will still weep for their sons and their daughters who will not come home.

September 11 should have made us more aware of the pain that comes from being attacked. We, more than ever, are aware of the damage, the deaths, and the suffering that comes from violent attacks.

The ACTING PRESIDENT pro tempore. The Senator has 2 minutes remaining.

Mr. BYRD. I thank the Chair.

This is what we are about to do to other countries. We are about to inflict this horrible suffering upon other people.

Of course, we do not talk about this. We talk about taking out Saddam Hussein. We are talking about taking out Iraq, about "regime change."

I do not want history to remember my country as being on the side of evil.

During the Civil War, a minister expressed his hope to President Lincoln that the Lord was on the side of the North. The Great Emancipator reportedly rebuked the minister stating:

> It is my constant anxiety and prayer that I and this nation are on the Lord's side.

Before I vote for this resolution for war, a war in which thousands, perhaps tens of thousands or hundred of thousands of people may die, I want to make sure that I and this Nation are on God's side.

I want more time. I want more evidence. I want to know that I am right, that our Nation is right, and not just powerful.

And I want the language that is in this amendment so that Congress can oversee this power grab and act to terminate it at some point in time—giving the President the opportunity to extend the time but let's keep Congress in the act.

Senators, vote for this amendment. I plead with you.

The ACTING PRESIDENT pro tempore. Who yields time?

The Senator from Virginia.

Mr. WARNER. Mr. President, I am opposed to the Byrd amendment, for this is a resolution to deter war.

The amendment proposed by Senator BYRD would insert into the joint resolution, language which would state that nothing in that joint resolution: is intended to alter the constitutional authorities of the Congress to declare war, grant letters of marque and reprisal, or other authorities invested in Congress by Article I, Section 8, of the Constitution; or shall be construed as granting any authority to the President to use the U.S. Armed Forces for any purpose not directly related to a clear threat of imminent, sudden, and direct attack upon the U.S. or its armed forces unless the Congress otherwise authorizes.

The amendment of the Senator from West Virginia attempts to do something that the Framers of the Constitution did not attempt—to define, with particularity, the extent of the President's powers as Commander in Chief of the Armed Forces. Specifically, it would limit the authority of the President to use Armed Forces to a narrowly defined set of circumstance—"a clear threat of imminent, sudden and direct attack upon the United States or its Armed Forces." Even when the United States enjoyed genuine geographic and political isolation from the Old World, such a limitation could not be maintained. Within a decade of the ratification of the Constitution, the United States engaged in an undeclared naval war with France. Shortly thereafter, we engaged in undeclared war with the Barbary States of North Africa, who had engaged in piratical depredations against American shipping.

In 1861, President Lincoln, faced with an unprecedented situation, imposed a blockade—an act of war normally employed against a foreign enemy—upon the Southern Confederacy. He did this without congressional authorization. The Supreme Court later upheld this action in the famous Prize Cases, stating that the President had a constitutional duty to meet the insurrection as he found it; the determination that a state of war existed was for him to make.

This is not a Republican or Democratic issue. Since 1945, Presidents of both parties have repeatedly committed American troops abroad without formal congressional approval. Whether in Korea, Grenada, Panama, Kosovo, or numerous other areas of the world, our Presidents have used their powers as Commander in Chief to protect the Nation and American interests whenever they, in their considered judgment, thought it best to do so. The Clinton administration, which committed American troops to military operations abroad on an unprecedented scale in situations not involving imminent danger of attack to the United States, did not request formal congressional approval for any of those operations—believing that the President possessed the constitutional authority to do so. Indeed, the Secretary of State in 1998 publicly stated that the 1991 congressional resolution authorizing the use of force against Iraq, together with existing Security Council resolutions, constituted sufficient authority for the use of force against Iraq.

On September 11th of last year the American people awoke to the realization that they were in imminent danger, had been for some time, and this danger gives no warning. It is a different type of danger, but no less real and no less threatening to the Nation than more traditional ones. As the President reminded us in his speech to the Nation on Monday evening:

> Iraq could decide on any given day to provide a biological or chemical weapon to a terrorist group or individual terrorists. Alliance with terrorists could allow the Iraqi regime to attack America without leaving any fingerprints . . . confronting the threat posed by Iraq is crucial to winning the war on terror.

On the Today Show this week, Richard Butler, former head of UNSCOM, was asked how easy it would be for the Iraqis to arm a terrorist group or an individual terrorist with weapons of mass destruction. His response was "Extremely easy. If they decided to do it, piece of cake!"

They may already have done it. The danger is clear, present, and imminent. We must grant the President the authority to use armed force to protect the Nation, and the flexibility to employ that force as seems best to him. Our enemies are cunning and flexible; we cannot defeat them with anything less.

The Byrd amendment regarding preservation of Congress's constitutional authorities is unnecessary. The portion of the amendment that would limit the authority of the President to wage war is, arguably unconstitutional. The Congress can declare war, but it cannot dictate to the President how to wage war. No law passed by Congress could alter the constitutional separation of powers.

I urge my colleagues to defeat this amendment.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I yield the remaining time on our side to my friend from Arizona.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. McCAIN. Mr. President, I thank the Senator from Connecticut for his thoughtful statement. I want to say in the few remaining seconds that to view the cause of the tragedy of the Vietnam war as being the Tonkin Gulf resolution is a somewhat, in my view, simplistic view.

There were a lot of factors that entered into the beginning and the continuation of the Vietnam war. The Tonkin Gulf resolution was simply window dressing. At any time the Congress of the United States could have reversed that resolution and chose not to.

The ACTING PRESIDENT pro tempore. The time in opposition has expired.

The sponsor has 37 seconds.

Mr. BYRD. Mr. President, this is a Tonkin Gulf resolution all over again. Let us stop, look, and listen. Let us not give this President, or any President, unchecked power. Remember the Constitution. Remember the Constitution.

Mr. President, I yield back my time.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, have the yeas and nays been ordered?

The ACTING PRESIDENT pro tempore. They have not.

Mr. LIEBERMAN. I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to Byrd amendment No. 4869, as modified.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Arkansas (Mrs. LINCOLN) and the Senator from Maryland (Ms. MIKULSKI), are necessarily absent.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) is necessarily absent.

The PRESIDING OFFICER (Mr. MILLER). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 31, nays 66, as follows:

[Rollcall Vote No. 232 Leg.]

YEAS—31

Akaka
Biden
Bingaman
Boxer
Byrd
Cantwell
Chafee
Clinton
Conrad
Corzine
Dayton
Dodd
Dorgan
Durbin
Feingold
Harkin
Hollings
Inouye
Jeffords
Kennedy
Kerry
Kohl
Leahy
Levin
Rockefeller
Sarbanes
Schumer
Stabenow
Torricelli
Wellstone
Wyden

NAYS—66

Allard
Allen
Baucus
Bayh
Bennett
Bond
Breaux
Brownback
Bunning
Burns
Campbell
Carnahan
Carper
Cleland
Cochran
Collins
Craig
Crapo
Daschle
DeWine
Domenici
Edwards
Ensign
Enzi
Feinstein
Fitzgerald
Frist
Graham
Gramm
Grassley
Gregg
Hagel
Hatch
Hutchinson
Hutchison
Inhofe
Johnson
Kyl
Landrieu
Lieberman
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Reed
Reid
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NOT VOTING—3

Helms
Lincoln
Mikulski

The amendment (No. 4869), as modified, was rejected.

The PRESIDING OFFICER. Under the previous order, there will now be 45 minutes prior to the cloture vote on amendment No. 4856, as modified. Under the previous order, the first 15 minutes shall be under the control of the Senator from West Virginia, Mr. BYRD, the second 15 minutes shall be under the control of the Republican leader, and the third 15 minutes shall be under the control of the majority leader.

Mr. BYRD. Mr. President, I yield 5 minutes of my 15 minutes to the distinguish Senator from Pennsylvania, Mr. SPECTER.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. I thank the distinguished President pro tempore and the Chair.

Mr. President, I have sought this time to register my very strong objection to cloture on this resolution authorizing the use of force, which is the equivalent of a declaration of war. In my 22 years in the Senate, the only issue which has been of equal importance was the authorization for the use of force in 1991. The motion to invoke cloture, which is to cut off debate, is supposed to be done when there is a filibuster. However, there is no filibuster present on this issue.

I came to the floor yesterday in an effort to participate in a colloquy with Senator LIEBERMAN, the lead proponent of the bill, and found that all the time was allotted and all the time was taken. When no one appeared, we had about 3 minutes to discuss an issue which really required 30 minutes or an hour. I then sought time later in the afternoon, and all the time was taken. I then sought time this morning and find that the only time which is available is some time after 5 p.m. this afternoon.

It is customary in the Senate to see two lights on for a quorum call, but there have been very few quorum calls on this resolution—really none—except when Senators are on their way to the floor or when there are discussions. So there has certainly not been any effort to filibuster. Those who sought time to come over and discuss important issues have found that there is no time to do so.

We now have a series of amendments lined up with time allocations which are very brief. To discuss the cloture resolution itself in 45 minutes is very limited. To discuss the amendments which are pending is very difficult. There is in the bill a change from the 1991 resolution which has an objective test for the President to use force to carry out U.N. resolutions, whereas in the current resolution, it is subjective as the President sees fit. That is a matter of great moment which has not been debated in the Senate.

The resolution has numerous whereas clauses so that one can read the resolution to justify the use of force if the Iraqi Government continues to abuse its citizens. I would not want to say the Iraqi Government has not abused its citizens, but I do not believe anyone is seriously contending that is the basis for the President to take the United States to war. To stop Saddam Hussein from having weapons of mass destruction which pose a threat to the United States, is a reason.

Then there is the issue of regime change, which is in the whereas clause.

The resolution contains a provision for U.S. national security interests. I posed questions to the Senator from Connecticut yesterday as to whether regime change was comprehended in our national security interest. That has yet to be answered.

The point I am making is that this is a matter which requires discussion and analysis. I do not believe it helps the President of the United States to have the Senate rush to judgment. It is not quite a blank check. It is not quite a knee-jerk reaction, but it is not the kind of deliberation that ought to characterize the work of this body. It would be unfortunate if the Senate votes for a resolution authorizing the use of force notwithstanding the questions which I have raised, although I said on the floor before that I may well support the President. However, if we do so in a context of deliberation and thoughtfulness when people like Senator LIEBERMAN, Senator MCCAIN, Senator WARNER, Senator BIDEN, Senator JEFFORDS, and other Members, put our imprimatur on it, it has some significance in the international arena, providing it is debated, and providing there is some lucid discussion on all of the issues we are confronting.

I noted in the "Philadelphia Inquirer" this week the comment of a House member: The President has handcuffed us. I am voting yes on this resolution because I think ultimately the box the President has put us in has forced us to vote in the interests of national security.

I do not think we ought to vote for this resolution because we are being handcuffed. I do not think anyone anywhere ought to vote for a resolution for being handcuffed or for being put in a box.

These are matters which require a lot of analysis and a lot of debate. The cloture motion will cut off nongermane amendments. That is a very tight restriction. Other amendments ought to be offered which are very important to the discussion on this critical matter. I thank the Senator from West Virginia, and I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I thank the distinguished Senator for a very courageous statement.

The Polycraticus of John of Salisbury, completed in 1159, says that Nero, the sixth in line from Julius, having heard the Senate had condemned him to death, begged that someone would give him courage to die by dying with him as an example. When he perceived the horseman drawing near, he upbraided his own cowardice by saying: "I die shamefully." So saying, he drove the steel into his own throat and thus, says John of Salisbury, came to an end the whole House of the Caesars.

Mr. President, here in this pernicious resolution on which the Senate will vote soon, we find the dagger that is being held at the throat of the Senate of the United States. I say to my friends, we ought to pause and wonder if Captain John Parker and his minutemen fought on the green of Lexington for this piece of rag, this so-called resolution. When Parker lost 8 or 10 of his men with that first shot, is this what they died for, this resolution? Is that what they died for?

How about John Paul Jones, when he was fighting the *Serapis*. He was the captain of the *Bon Homme Richard* when he said, I have not yet begun to fight. What he was fighting for? Was he fighting for this piece of cowardice here in this resolution that gives to the President—lock, stock and barrel—the authority to use the military forces of this country however he will, whenever he will, and wherever he will, and for as long as he will?

We are handing this over to the President of the United States. When we do that, we can put a sign on the top of this Capitol, and we can say: "Gone home." "Gone fishing." "Out of business."

I don't believe our forebears died for that kind of a piece of paper. How about Nathan Hale? He, too, was from Connecticut, may I say to the chief sponsor of this resolution. Nathan Hale volunteered to go into the British lines when he was called upon to do so by George Washington. He volunteered. He went behind the British lines to draw the gun emplacements, the breastwork of the British. And on the night of September 21, 1776, he was prepared to return to his own lines. He had on his person the pictures that he had drawn, the notes he had made, and he was discovered as a spy on the night of September 21, 1776. Nathan Hale.

The next morning he was hauled up before a wooden coffin in which he knew that his body would soon lie and grow cold. And the captain of the British, Captain Cunningham, said to Nathan Hale: Do you have anything that you would like to say? He had already been refused a Bible. He was asked, did he have anything further.

He said: I only regret that I have but one life to lose for my country.

Nathan Hale gave his own life, one life. It was all he had. Can we give one vote for our country today? Each of us took an oath under this Constitution. You took it in the chair, Mr. President. Mr. Senator from Virginia, you took it. This is the Constitution that James Madison from the State of Virginia helped to write; that George Washington helped to write. We take an oath to support and defend that Constitution. Are we defending it here today? Are we defending the role of the Senate as set forth in this Constitution which says Congress shall declare war?

Here we are about to hand off that role, that responsibility, to a President of the United States without limitation. He can go on and on. We are out of it. Once we pass this resolution and it is signed by the President, Senators are out of it. You can complain, but it won't help.

I say that we are denying the American people their right to be heard. Here we are being shut off on a cloture vote. I know the rules of the Senate. I have used the cloture vote myself. But in a situation such as this, I have pleaded for time, more time. I have been turned down.

The American people out there are going to render a judgment. They are going to render a judgment on every Senator in this body before it is over. I pray to God that if we go to war with Iraq, we will be lucky. I pray to God we will be lucky.

Nobody will support this country in war any more strongly than will I. But here today we are being tested. I didn't swear to support and defend the President of the United States when I came here. I pledged on the Bible up there on the desk to support and defend the Constitution of the United States, so help me God. That was no light prayer. That was no light oath.

I think we ought to look inside of ourselves. Look at our children and grandchildren. Look in the mirror and see if you can say: Old buddy, I voted for what I thought was right. I voted with the Constitution.

They say: Well, support our Commander in Chief. He is Commander in Chief of the Army and Navy and the militia when called into service. He is not Commander in Chief of industry. He is not Commander in Chief of the Senate of the United States. So where are the Nathan Hales today who would give their life, their own life for their country? Give one vote for this Constitution. After all, if it were not for this Constitution, I wouldn't be here. You would not be here. You would not be here. You would not be here. None of us would be here. But because of this Constitution, we are here today.

The people want us to ask questions. They want us to take a stand. They want us to take a stand against this stampede. Where are Senators today? Where are the backbones that stand up for the people? How many mothers, how many fathers will see their sons and their daughters die possibly in a war in a foreign land?

I say, my friends, I am sorry to see this day. This is my 50th year in Congress. I never would have thought I would find a Senate which would lack the backbone to stand up against the stampede, this rush to war, this rush to give to the President of the United States, whatever President he is, whatever party, this rush to give a President, to put it in his hands alone, to let him determine alone when he will send the sons and daughters of the American people into war, let him have control of the military forces. He will not only make war, but he will declare war.

That flies in the face of this Constitution. This Constitution does not give to a President of the United States the right to determine when, where, how, and for how long he will use the military forces of the United States.

I plead to Senators in the name of this Constitution: We need people who will stand up for the American people. We need Senators who will take a stand. I hope Senators will take what I am saying in the best of spirit. I think we are making one horrible mistake.

Remember: I only regret that I have but one life to lose for my country. Nathan Hale.

The PRESIDING OFFICER. Under the previous order, the next 15 minutes will be controlled by the Republican Party.

The Republican leader is recognized.

Mr. LOTT. Mr. President, I believe under the agreement, I have 15 minutes of this time.

The PRESIDING OFFICER. The Senator is correct.

Mr. LOTT. I will use approximately 5 minutes of the time and yield the remainder of my time to Senator WARNER.

I would like to begin by saying how much I appreciate the work that has been done here in handling this legislation, having a full debate. Senator WARNER has been here joining in the discussion, Senator REID, Senator MCCAIN. There has been a serious effort to make sure we had an orderly process where Senators could make their feelings known. There has been thoughtful discussion on both sides of the issue, and there might have been one or two quorum calls the whole time because Senators have known, when you come to the floor, this will be your opportunity to speak on this issue.

And there will be more time today. As I look at the schedule that was lined up through the diligent efforts of Senator WARNER, Senator MCCAIN, and Senator REID, we are going to have votes on amendments—even amendments that would not be germaine postcloture. There has been a real effort to make sure Senator BYRD and Senators LEVIN, DURBIN, BOXER, and others have an opportunity to offer amendments and make their case. We will have five votes between now and approximately 4 o'clock this afternoon.

Mr. President, I remember the discussion back in 1991 on the Persian Gulf resolution. I think we had about 2 days of debate previously, and 2½ days when we actually took up the debate—when it passed. It was a very important debate. I thought it was an occasion when the Senate proved it is the world's greatest deliberative body. It was very serious. Every Senator spoke, we had the vote, and it passed. I thought it was one of the high-water marks since I have served in the Senate. It was only 2½ days and every Senator got a chance to speak.

In 1998, at the request of President Clinton, I moved aggressively, in a bipartisan way, to pass the Iraqi Liberation Act. As I recall, at that time, Senator KYL worked with me on that issue, Senator WARNER was involved, as were Senators KERRY and LIEBERMAN, and we passed that resolution, which also called for a regime change unanimously, with very short debate—as I recall, maybe even a half day, or a day at the most. But it was important debate and an important vote.

So when we have been called on by Presidents of both parties to address this very serious issue in this very serious area of the world, we have handled it in the right way. I think that is the case here. Senators were told in my conference, and I know Senator DASCHLE told his side's conference, you will be able to speak on Friday and, again, on Monday. We will stay as long as you need. We had all day yesterday. A great effort was made to make sure Senators had a chance to speak. Now Senators have a chance to offer amendments and speak on them. After the vote between 3 and 4 o'clock, there will be more time because Senators do feel strongly about this and want an opportunity to be heard. They are going to have that opportunity.

I believe this issue has been aired fully. It is not new. We have been worrying about this, talking about this, and debating the seriousness of the threat from Saddam Hussein and his weapons of mass destruction for years—really, for 11 years. There is new information that is available. We have had our classified briefings. I have made sure Senators on our side—and I know the administration has made sure Senators on both sides of the aisle—have had a chance to get briefings at multiple opportunities. So Senators know what the issue is. We have seen, yesterday, Senators from both parties moving toward giving the President the authority to do this job.

I hope we can get inspectors in there, that they can find the weapons of mass destruction, and they are destroyed. But I don't trust Saddam Hussein. His record is clear. I think, once again, he will resist, he will agree, he will dissemble. In the end, he will try to block this. You can always hope and pray we will find a solution here.

The President of the United States has listened to the American people, to the Congress, to the U.N, and our allies. The President came to the Congress and said, yes, I want your input. He sent up some suggested language on this resolution, and it was changed once and then twice; significant changes were made at the recommendation of Senators on both sides of the aisle. So he has worked with us in this effort. He encouraged our involvement and our debate. He has gone to the U.N. and called on them to stand up to their commitment and do their job, and quit passing resolutions that are not backed or demanded to be complied with, with force if necessary. He did the job. He and his administration, including the Secretary of State, Colin Powell, have worked with allies at the U.N. and with our allies around the world. This President has made it clear he is not going to act precipitously, but he is prepared to act.

This President has led with commitment and has shown leadership. He is prepared to try to find a peaceful solution here. But unless we make it clear he is committed, we are committed, and the U.N. is committed, this problem will not go away. It is serious and it is imminent. It takes but one person with a small container to bring very dangerous weapons of mass destruction into this country.

Some people say, why now? Well, because the threat is not going to lessen. It has been 4 years since we passed the Iraqi Liberation Act in 1998. I suspect matters have gotten much worse. Besides that, the U.N. is going to be leaving soon for the year and won't be back until next August. We want to see action from the U.N. We need to act to show our commitment, and we need to show our determination to get them to act in a way that has real force.

I think we have had a full debate and we will have more debate. To try to delay it another day, another week, is not going to be helpful. We need to stand up now, show we mean what we say, and we are going to get the results and, by doing that, perhaps something can be worked out without the use of force. But this President has asked for this. This Senate is committed to this. I believe the vote will be overwhelming.

I urge my colleagues to vote for cloture. There will be times for postcloture debate. We have bent over backward to make sure everybody had an opportunity and will still have an opportunity to speak and even offer amendments.

With that, I yield the remainder of my time to the Senator from Virginia, who has done a magnificent job in fairly managing this legislation.

Mr. WARNER. I thank the leader. I appreciate very much the calm tone with which he addresses this issue of a rush to judgment. Regrettably, our colleague from Pennsylvania used those terms. I was reminded of being here last Friday afternoon for 5½ hours. What a memorable opportunity it was with my distinguished colleague from West Virginia. Senator KENNEDY and Senator DODD joined in. I think we went about a very constructive debate and exchanged our views. Senator BYRD and I debated again on Monday, Tuesday, and Wednesday. Here we are on the fifth day.

Mr. President, this is not a rush to judgment. This is the Senate working diligently. Most of us were here close to 11 o'clock last night. In parallel, as the distinguished leader said—I remember it so well—the period of January 10 through 12, when a resolution, again drawn up by my colleague from Connecticut, the principal sponsor this time, at that time I was the principal sponsor. It was carefully debated. The Senate is doing its job and doing it well. We have had a very good debate and we will complete that debate here today, tomorrow, or whatever the case may be.

I wish to draw the attention of the Senate to the last vote—a very strong vote, not against our colleague from West Virginia. But I thought, as he mentioned the Gulf of Tonkin, how appropriate it was that in the leader's chair, Senator MCCAIN, my partner who is working diligently with me on this side, spoke very softly of his experience. I don't know of anyone in this Chamber more qualified than he to speak to that period, and the relevance of that resolution. I was Secretary of the Navy for 5 years, and Under Secretary during that period of time, and we remember well that period.

I wish to talk about the President of the United States. As I look upon this situation and listen to the debate, I think we are of a mind, all 100 of us, of the seriousness of these weapons of mass destruction. We may have a difference of conscience as to the level of threat posed perhaps today, tomorrow, in the future, but it is there. This is no question.

I stop to think that the United Nations has done nothing for 4 years. They have not sought to enforce the resolutions, 16 in number. It has been this President, President George Bush, who has taken the initiative to go not only to the American people, but to the whole world, and very carefully and methodically tell the world we should be on alert; we cannot do nothing. We should join as a community of nations to address it. He said that at the United Nations very brilliantly. I think everyone in this body respects him.

As we are debating today, another debate is taking place in the U.N. To the extent this resolution remains strong as it is now is the extent to which we can expect an equal and perhaps even stronger statement of resolve by the United Nations to fulfill its mandate, to fulfill its charter.

The League of Nations failed to act at a critical time in the history of this Nation, and it went into the dustbin of history. The United Nations will not go into the dustbin of history. I am confident that this time they will stand up, that they will devise a 17th resolution.

I look upon the action by the Senate today in voting a strong bipartisan vote for this resolution as not an act of war. It is an act to deter war, to put in place the tools for our President and our Secretary of State to get the strongest possible resolution in the United Nations. It is an act seen to force, I repeat, the last option as our President has said ever so clearly time and again. It is an act to deter war to make the last option the use of force.

I yield the floor.

Mr. DASCHLE. Mr. President, I yield 5 minutes of my time to the Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I thank the majority leader for his gracious yielding of time. I thank him for more than that. I thank him for his leadership in this matter of how the Senate should proceed with regard to Iraq, and I thank him specifically for the work that he and his staff did in negotiations with the White House and with Members of the House to get this resolution to where it is where I am confident it can and will enjoy broad bipartisan support.

There will be time for debate later in the day about the relevance of this resolution, about the extent to which I am confident it is clearly within our constitutional authority under article I. I have comparisons to other declarations of war and authorizations of military action, that is, if anything, more specific than most.

I am inspired by Senator BYRD's reference to Nathan Hale. Nathan Hale was not only a son of Connecticut, but a Yale man. For my entire freshman year, I walked by an inspiring statue of Nathan Hale. I read about him. I studied him. I cannot say I knew him personally, but I feel as if I knew Nathan Hale, who was remembered for saying: "I regret I have only one life to give for my country."

Nathan Hale was a patriot, and he was prepared to give his life for the security and freedom of his country. I am absolutely confident that if Nathan Hale were in the Senate of the United States today, he would not only be cosponsoring this resolution, he would be impatient to have the talking stop and the action begin.

Is it time? Are we ready? Time is what it is about.

It is 12 years since Iraq invaded Kuwait and threatened to invade Saudi Arabia and thereby showed that all that Saddam Hussein had been saying about wanting to make Baghdad the capital of the Arab world and dominate the Arab world was not just talk; he was prepared to act on it.

It is 12 years since U.N. Resolution 678 authorizing the use of force against Iraq.

It is 11 years since the congressional authorization for Desert Storm and the triumphant brilliant effort of our military in Desert Storm.

It is 11 years since Saddam asked for a cease-fire and accepted the inspection regime as part of that cease-fire on which he has never followed through and complied.

It is 11 years since the no-fly zones were first adopted and began to be enforced by American military personnel.

It is 9 years since the U.N. found Saddam in "material breach of his international obligations."

It is 9 years since Iraq under Saddam Hussein attempted to assassinate former President Bush.

It is 6 years since Saddam crushed Kurdish and Shi'a resistance to his regime.

It is 4 years since Saddam ejected inspectors and President Clinton ordered Operation Desert Fox, an air campaign against Iraq in response to this act.

It is 4 years since this Senate called for the indictment of Saddam as a war criminal.

It is 4 years since the Senate found Iraq in breach of international obligations and authorized the President to take "appropriate action in accordance with the Constitution and relevant laws of the United States to bring Iraq into compliance with its international obligation."

It is 4 years since Congress passed and President Clinton signed the Iraq Liberation Act.

It is more than 1 year since we were attacked by terrorists on September 11, 2001, showing us the risks of inaction against those who would arm and threaten us.

It is 1 month since the President of the United States challenged the United Nations to act against this international lawbreaker.

It is 8 days since we started the debate on this resolution in the Senate; excluding the Sabbath, 6 days. The Lord made Heaven and Earth in 6 days. It is time now for us to come to a conclusion.

Is it time? Are we ready to act? I think the record shows we are ready to act.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. DASCHLE. Mr. President, if I need additional time, I will take it from my Senate leader allocation for the day.

The Senate is now engaged in one of the most consequential debates addressed in this Chamber for many years. We are confronting the grave issues of war and peace. We are considering how the United States should respond to a murderous dictator who has shown he will be bound neither by conscience nor by the laws or principles of civilized nations. And we are contemplating whether and under what conditions the Congress should authorize the preemptive use of American military power to remove the threat that he poses.

These questions go directly to who we are as a nation. How we answer them will have a profound consequence for our Nation, for our allies, for the war on terror, and perhaps most importantly, for the men and women in our Armed Forces who could be called to risk their lives because of our decisions.

There is no question that Saddam Hussein is a dangerous man who has done barbaric things. He has invaded neighbors, supported terrorists, repressed and murdered his own people.

Over the last several months, as the world has sought to calm the violence between Israelis and Palestinians, Iraq has tried to inflame the situation by speaking against the very existence of Israel and encouraging suicide bombers in Gaza and the West Bank.

Saddam Hussein has stockpiled, weaponized and used chemical and biological weapons, and he has made no secret of his desire to acquire nuclear weapons. He has ignored international agreements and frustrated the efforts of international inspectors, and his ambitions today are as unrelenting as they have ever been.

As a condition of the truce that ended the gulf war, Saddam Hussein agreed to eliminate Iraq's nuclear, biological, and chemical weapons and to abandon all efforts to develop or deliver such weapons. That agreement is spelled out in U.N. Security Council Resolution 687. Iraq has never complied with the resolution.

For the first 7 years after the gulf war, it tried to deceive U.N. weapons inspectors, block their access to key sites, and make it impossible for them to do their jobs.

Finally, in October of 1998, the U.N. was left with no choice but to withdraw its inspectors from Iraq. As a result, we do not know exactly what is now in Iraq's arsenal. We do know Iraq has weaponized thousands of gallons of anthrax and other deadly biological agents. We know Iraq maintains stockpiles of some of the world's deadliest chemical weapons, including VX, sarin, and mustard gas. We know Iraq is developing deadlier ways to deliver these horrible weapons, including unmanned drones and long-range ballistic missiles. And we know Saddam Hussein is committed to one day possessing nuclear weapons.

If that should happen, instead of simply bullying the gulf region, he could dominate it. Instead of threatening only his neighbors, he could become a grave threat to U.S. security and to global security.

The threat posed by Saddam Hussein may not be imminent, but it is real, it is growing, and it cannot be ignored. Despite that, like many Americans, I was concerned by the way the administration first proposed to deal with that threat. The President's desire to wage war alone, without the support of our allies and without authorization from Congress, was wrong. Many of us, Democrats and Republicans, made it clear that such unilateralism was not in our Nation's best interest. I now commend the administration for changing its approach and acknowledging the importance of working with our allies. I also commend it for recognizing that under our Constitution, it is Congress that authorizes the use of force, and for requesting a resolution providing such authority.

I applaud my colleagues, Democrats and Republicans in the House and in the Senate, for the improvements they have made to the administration's original resolution. Four changes were especially critical.

First, instead of giving the President broad and unfocused authorization to take action in the region, as the administration originally sought, this resolution focuses specifically on the threat posed by Iraq. It no longer authorizes, nor should it be used to justify, the use of force against other nations, organizations, or individuals that the President may believe threaten peace and stability in the Persian Gulf region. It is a strong and focused response to a specific threat. It is not a template or model for any other situation.

Second, the resolution expresses the deep conviction of this Congress and of the American people that President Bush should continue to work through the United Nations Security Council in order to secure Iraqi compliance with U.N. resolutions. Unfettered inspections may or may not lead to Iraqi disarmament, but whether they succeed or fail, the effort we expend in seeking inspections will make it easier for the President to assemble a global coalition against Saddam should military action eventually be needed.

Third, this resolution makes it clear that before the President can use force in Iraq, he must certify to the Congress that diplomacy has failed, that further diplomatic efforts alone cannot protect America's national security interests, nor can they lead to enforcement of the U.N. Security Council resolutions.

Fourth, this resolution protects the balance of power by requiring the President to comply with the War Powers Act and to report to Congress at least every 60 days on matters relevant to this resolution.

This resolution gives the President the authority he needs to confront the threat posed by Iraq. It is fundamentally different and a better resolution than the one the President sent to us. It is neither a Democratic resolution nor a Republican resolution. It is now a statement of American resolve and values. It is more respectful of our Constitution, more reflective of our understanding that we need to work with our allies in this effort, and more in keeping with our strong belief that force must be a last resort, not a first response.

Because this resolution is improved, because I believe Saddam Hussein represents a real threat, and because I believe it is important for America to speak with one voice at this critical moment, I will vote to give the President the authority he needs, but I respect those who reach different conclusions. For me, the deciding factor is my belief that a united Congress will help the President unite the world, and by uniting the world we can increase the world's chances of succeeding in this effort and reduce both the risks and the costs America may have to bear. With this resolution, we are giving the President extraordinary authority. How he exercises that authority will determine how successful any action in Iraq might be.

In 1991, by the time the President's father sought congressional support to use force against Iraq, he had secured pledges of military cooperation from nearly 40 nations and statements of support from scores of others. He had already secured the backing of the United Nations, and he had already developed a clear plan of action. In assembling that coalition, the legitimacy of our cause was affirmed, regional stability was maintained, the risks to our soldiers were lessened, America's burden was reduced, and perhaps most importantly, Iraq was isolated.

At this point, we have done none of those things. That is why, unlike in 1991, our vote on this resolution should be seen as the beginning of a process, not the end. For our efforts in Iraq to succeed, the President must continue to consult with Congress and work hard to build a global coalition. That is not capitulation, it is leadership. And it is essential.

In my view, there are five other crucial steps the administration must take before any final decision on the use of force in Iraq is made. First and foremost, the President needs to be honest with the American people, not only about the benefits of action against Iraq but also about the risks and the costs of such action. We are no longer talking about driving Saddam Hussein back to within his borders, we are talking about driving him from power. That is a much more difficult and complicated goal.

There was a story in this past Sunday's Philadelphia Inquirer that top officials in the administration "have exaggerated the degree of allied support for a war in Iraq." The story goes on to say that others in the administration "are rankled by what they charge is a tendency" by some in the administration "to gloss over the unpleasant realities" of a potential war with Iraq.

A report in yesterday's Washington Post suggests "an increasing number of intelligence officials, including former and current intelligence agency employees, are concerned the agency is tailoring its public stance to fit the administration's views."

I do not know whether these reports are accurate. We do know from our own national experience, however, that public support for military action can evaporate quickly if the American people come to believe they have not been given all of the facts. If that should happen, no resolution Congress might pass will be able to unify our Nation. The American people expect, and success demands, that they be told both the benefits and the risks involved in any action against Iraq.

Second, we need to make clear to the world that the reason we would use force in Iraq is to remove Saddam Hussein's weapons of mass destruction. I would have preferred if this goal had been made explicit in this resolution. However, it is clear from this debate that Saddam's weapons of mass destruction are the principal threat to the United States and the only threat that would justify the use of the United States military force against Iraq. It is the threat that the President cited repeatedly in his speech to the American people on Monday night. It may also be the only threat that can rally the world to support our efforts. Therefore, we expect, and success demands, that the administration not lose sight of this essential mission.

Third, we need to prepare for what might happen in Iraq after Saddam Hussein. Regime change is an easy expression for a difficult job. One thing we have learned from our action in Afghanistan is that it is easier to topple illegitimate regimes than it is to build legitimate democracies. We will need to do much better in post-Saddam Iraq than the administration has done so far in post-Taliban Afghanistan. Iraq is driven by religious and ethnic differences and demoralized by a repressive government and crushing poverty. It has no experience with democracy. History tells us it is not enough merely to hope that well-intentioned leaders will rise to fill the void that the departure of Saddam Hussein would leave. We must help create the conditions under which such a leader can arise and govern. Unless we want to risk seeing Iraq go from bad to worse, we must help the Iraqi people build their political and economic institutions after Saddam. That could take many years and many billions of dollars, which is another reason we must build a global coalition. The American people expect, and success demands, that we plan for stability and for economic and political progress in Iraq after Saddam.

Fourth, we need to minimize the chances that any action we may take in Iraq will destabilize the region. Throughout the Persian Gulf, there are extremists who would like nothing more than to transform a confrontation with Iraq into a wider war between the Arab world and Israel or the Arab world and the West. What happens if, by acting in Iraq, we undermine the government in Jordan, a critical ally and a strategic buffer between Iraq and Israel? What happens if we destabilize Pakistan and empower Islamic fundamentalists? Unlike Iraq, Pakistan already has nuclear weapons and the means to deliver. What happens if that arsenal falls into the hands of al-Qaeda or other extremists?

We can tell the Arab world this is not a fight between their nations and ours. But a far better way to maintain stability in the gulf is to demonstrate that by building a global coalition to confront Saddam Hussein. That is why the administration must make every reasonable effort to secure a U.N. resolution just as we did in 1991. With U.N. support, we can count a number of Arab countries as full allies. Without U.N. support, we cannot even count on their airspace. We expect, and success demands, that any action we take in Iraq will make the region more stable, not less.

Fifth, and finally, we cannot allow a war in Iraq to jeopardize the war on terrorism. We are fighting terrorist organizations with global networks, and we need partners around the globe. Some, including the chairman of the President's own Foreign Intelligence Advisory Board, doubt we can count on this continued cooperation in the war on terror if we go to war against Iraq. I do not know if that is true. I do know, however, that the military intelligence and political cooperation we receive from nations throughout the world are critical to the war on terrorism.

Saddam Hussein may yet target America. Al-Qaeda already has. The American people expect, and our national security demands, that the administration make plans to ensure that any action we take in Iraq does not distract or detract from the war on terror. If they fail to do so, any victory we win in Iraq will come at a terrible cost.

On Monday night in his speech to the Nation, the President said: The situation could hardly get worse for world security and the people of Iraq.

Yes, it can. If the administration attempts to use the authority in this resolution without doing the work that is required before and after military action in Iraq, the situation there and elsewhere can indeed get worse. We could see more turmoil in the Persian Gulf, not less. We could see more bloodshed in the Middle East, not less. Americans could find themselves more vulnerable to terrorist attacks, not less.

So I stress again, this resolution represents a beginning, not an end. If we are going to make America and the world safer, much more work needs to be done before the force authorized in this document is used.

Some people think it is wrong to ask questions or raise concerns when the President says our national security is at risk. They believe it is an act of disloyalty. I disagree. In America, asking questions is an act of patriotism. For those of us who have been entrusted by our fellow citizens to serve in this Senate, asking questions is more than a privilege, it is a constitutional responsibility.

The American people have serious questions about the course of action on which this resolution could set us. Given the gravity of the issues involved and the far-reaching consequences of this course, it is essential that their questions are answered. I support this resolution. And for the sake of the American people, especially those who will be called to defend our Nation, we must continue to ask questions.

On one point, however, I have no question. I believe deeply and absolutely in the courage, the skill, and the devotion of our men and women in uniform. I know that if it becomes necessary for them to stand in harm's way to protect America, they will do so with pride and without hesitation and they will succeed. They are the finest fighting force the world has ever known. For their sake, for the sake of all Americans, for the world's sake, we must confront Saddam Hussein. But we must do so in a way that avoids making a dangerous situation even worse.

I yield the floor.

The PRESIDING OFFICER (Mr. JOHNSON). The Senator from Virginia.

Mr. WARNER. Mr. President, I congratulate the distinguished majority leader for a very powerful and very clear statement. I, too, join you in saying that it is our responsibility to ask questions. Questions have been asked throughout this debate. As best we can, we answered them.

But I think the distinguished leader has provided very helpful guidance in the uncertain days, months, and perhaps years to come. I commend you. As one of the cosponsors, I welcome your strong support.

Mr. DASCHLE. I thank the Senator from Virginia for his kind words.

Mr. BYRD. Will the Senator yield to me?

Mr. DASCHLE. I am happy to yield.

Mr. BYRD. Mr. President, I congratulate our leader. I congratulate him not only for his statement today, but I congratulate him on refusing to stand with other leaders of my party on the White House lawn. He has shown leadership. He has kept himself apart, kept himself in a position to make decisions. He hasn't rushed, pell-mell, to shake this piece of rag. He has done what leaders should do. He has stood aside and waited, helped to advise us and counsel with us. He is the one leader on this Hill in my party who didn't rush to judgment on this blank check that we are giving the President of the United States. I thank him. I congratulate him. I shall always praise him for that.

Mr. DASCHLE. Mr. President, I thank the distinguished Senator from West Virginia for his kind words and for his understanding and appreciation for the difficulties we face in this body as we make these momentous decisions.

Mr. WARNER. Mr. President, regular order.

Mr. LEAHY addressed the Chair.

CLOTURE MOTION

The PRESIDING OFFICER. The regular order has been called for.

Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The legislative clerk read as follows:

CLOTURE MOTION

> We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the Lieberman-Warner amendment to S.J. Res. 45:
>
> Thomas Daschle, Bill Nelson, Joseph Lieberman, Evan Bayh, Harry Reid, Pete Domenici, Joseph Biden, Patty Murray, Jay Rockefeller, Larry E. Craig, Trent Lott, John Warner, John McCain, Jesse Helms, Craig Thomas, Don Nickles, Frank H. Murkowski.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call under the rule is waived.

The question is, Is it the sense of the Senate that debate on amendment No. 4856, as modified, to S.J. Res. 45, a joint resolution to authorize the use of United States Armed Forces against Iraq, shall be brought to a close?

The yeas and nays are required under the rule.

The clerk will call the roll.

The senior assistant bill clerk called the roll.

The yeas and nays resulted—yeas 75, nays, 25, as follows:

[Rollcall Vote No. 233 Leg.]

YEAS—75

Allard
Allen
Baucus
Bayh
Bennett
Biden
Bond
Breaux
Brownback
Bunning
Burns
Campbell
Cantwell
Carnahan
Cleland
Clinton
Cochran
Collins
Craig
Crapo
Daschle
DeWine
Domenici
Dorgan
Edwards
Ensign
Enzi
Feinstein
Fitzgerald
Frist
Graham
Gramm
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Johnson
Kerry
Kyl
Landrieu
Lieberman
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Miller
Murkowski
Nelson (FL)
Nelson (NE)
Nickles
Reed
Reid
Roberts
Rockefeller
Santorum
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner

NAYS—25

Akaka
Bingaman
Boxer
Byrd
Carper
Chafee
Conrad
Corzine
Dayton
Dodd
Durbin
Feingold
Hollings
Inouye
Jeffords
Kennedy
Kohl
Leahy
Levin
Murray
Sarbanes
Specter
Stabenow
Wellstone
Wyden

The PRESIDING OFFICER. On this vote, the yeas are 75, the nays are 25. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

AMENDMENT NO. 4868

Under the previous order, there will now be 60 minutes of debate on the Byrd amendment No. 4868.

Who yields time?

Mr. REID. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time run equally during the quorum call.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I did not see the Senator from Minnesota in the Chamber. It is my understanding he now wants to proceed with his 15 minutes.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. DAYTON. Mr. President, I ask unanimous consent that I be added as an original cosponsor of Senator BYRD's amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DAYTON. Mr. President, I rise to support this amendment by the great senior Senator from West Virginia. It closely parallels an amendment which I filed and which, unfortunately, now that the Senate has made its determination to limit the amount of time and debate on this historic decision, I will not be bringing to the Senate for a vote.

A decision to rush to judgment on this matter has now been made by the Senate. I won't belabor the point except to say that in January of 1998, after Saddam Hussein had bounced U.N. inspectors out of Iraq, the Senate took 5 months to consider and finally approve a resolution which did not even authorize President Clinton to use force. In October, 1998, the Senate passes another resolution which again did not authorize the President of the United States to use force.

In 1990, the Senate took 5 months after Saddam Hussein invaded Kuwait, and that resolution was passed just days before President Bush committed this Nation to its first military engagement in the Persian Gulf war.

We have had a number of very valuable hearings in the Senate Armed Services Committee in the last weeks. I asked one panel of recently retired generals, three of whom were directly involved in the Persian Gulf war, whether the absence of a Congressional resolution or declaration of war had in any way prevented or impeded that military buildup preparatory to the engagement in January of 1991. They said, no, it did not. So I don't understand why, from any consideration—military, diplomatic, or constitutional—we should be voting and rushing to this judgment this weekend, but we will.

We will be voting on what? What is it, S.J. Res. 46, that we are actually voting upon? It is a preapproval of whatever the President of the United States decides to do whenever. It is a vote for euphemisms such as "to use force" or "as he determines to be necessary." Why? Why are we rushing to this judgment at this time? So we can adjourn in the next few days and go home until next January, or until we decide whether the outcome of the November election will aid or impair our own political agendas?

Some of those concerns might seem justified, particularly as they relate to our own domestic concerns. But for decisions of war or peace, decisions about what is right for our national security, decisions about the life or death of Americans fighting on our behalf, decisions about the survival of the existing world order and even possibly the survival of our world as we know it, there are no justifications for political calculation or personal convenience. There should be only one consideration, and that is to do what is right for the country, as God gives each of us to see that right.

Yet S.J. Res. 46 preapproves any decision by the President of the United States to commit this Nation to war at some time in the future, with U.N. support or without it—unilaterally, bilaterally, multilaterally, preventatively, preemptively. Even other amendments that I will support, which have the best of intentions, fall into this trap: What do you do when you are preapproving a war? Put a limit on this but not for that; if this; if that. However, it is very hard to forecast events of this magnitude.

There is no need for us to try to do so. There are no good reasons for us to do so, except the need to preapprove something and then go home.

If we don't vote for the final resolution, we will be accused of not supporting the President, of not speaking with one voice to Saddam Hussein, to the United Nations, and to the world. Those are very serious accusations, that you don't support the President of the United States. I do support the President. He is my President. He is our President. I pray he will make the right decisions and get the credit. I pray he won't make the wrong decisions and get the blame.

But when I am asked to support this President, or any President, I need to understand what it is exactly that he wants us to do, what he intends for us to support. This President, as I understood his speech last Monday, is certainly not asking the Congress to declare war on Iraq today. He is wisely reserving that judgment. Why wouldn't we exercise the same wisdom?

The situation, as we have seen in the last weeks, is inherently fluid. New facts become known; old facts even change. I support the President's reserving judgment until after the United Nations decision, until it attempts to force Saddam Hussein's compliance, until we can determine the outcome of those efforts. During those critical days or weeks ahead, I will be around. I will be available at any time, day or night, whenever, to participate back here on the Senate floor in this momentous decision. All of us in this Chamber and in the House could be here within hours, should be, and would be if we were called upon to do so, whenever the President or this Congress believed that a decision to commit this Nation to war must be made.

As the President said Monday night, the time before that decision is limited. But the time for that decision is not now.

Another reason to follow this protocol, the reason for my amendment, the reason I support Senator BYRD's amendment, is that it is what the Constitution of the United States requires Congress to do—either declare war or not. It says right in that book—I don't carry it with me quite as faithfully as the great Senator from West Virginia, but I do happen to have my copy today—Congress shall declare war. That is about as clear and unambiguous a statement as could be made.

There are important reasons that Congress was given, and only Congress was given, that authority and that responsibility. Because it was considered by our Founders to be essential to the system of checks and balances upon which this Republic depends.

James Madison wrote a letter to Thomas Jefferson in 1798, less than a decade after the Constitution's ratification, in which he said:

> The Constitution supposes, what the History of all Governments demonstrates, that the Executive is the branch of power most interested in war, & most prone to it. It has, accordingly, with studied care, vested the question of war in the Legislature. But the Doctrines lately advanced strike at the root of all these provisions, and will deposit the peace of the Country in that Department which the Constitution distrusts as most ready without cause to renounce it. For if the opinion of the President, not the facts & proofs themselves, are to sway the judgment of Congress in declaring war, and if the President in the recess of Congress create a foreign mission, appoint the minister, & negociate [sic] a War Treaty, without the possibility of a check even from the Senate, . . . it is evident that the people are cheated out of the best ingredients of their Government, the safeguards of peace which is the greatest of their blessings.

The subsequent 204 years have demonstrated many times the wisdom and foresight of our Constitution. Its principles should give special pause to this body when being admonished by the President, by any President, not to "tie my hands." Those words indicate a regrettable lack of regard for Congress and for our constitutional standing as a coequal branch of Government. Our Nation's Founders darn well wanted to tie a President's hands.

Thomas Jefferson wrote:

> In questions of power, then, let no more be heard of confidence in man, but bind him down from mischief by the chains of the Constitution.

Those words are meant to apply to this President, to any President. Except in matters of war and peace? Especially in matters of war and peace. I would say this, the Constitution's wisdom has a very valuable perspective on the pressures and perils we face in this body today. Not only the perils in confronting a dangerous dictator, as we must, but also the perils in how we decide to do so.

Some might prefer to avoid the momentous decision the Constitution assigns us whether or not to declare war. Whether or not to send Americans into battle halfway around the world, where they would likely encounter the chemical or biological weapons we rightfully seek to spare this country. Some of those Americans will die too young, and others will suffer horrible wounds lasting for lifetimes. Iraqi children and their families will be destroyed in their own homes, schools, and mosques. The rest of the world will judge that decision and its consequences, which they could not escape.

We will read about it in the newspapers. We will watch its manifestations on television. We will probably attempt to share the credit if it turns out well, and avoid the blame if, God forbid, it doesn't. We will talk about that decision. We might even hold hearings on it, but we won't assemble in this Chamber where previous Senates once voted declarations of war, but not since World War II.

Mr. President, these decisions are ones we will live with for our lifetimes. They should not be made in these circumstances. We should follow the guidance we have seen evident from the changes in the administration's views over the last weeks. I support and applaud those changing perspectives. I respect a leader who can listen and learn, then adjust his views and decisions accordingly. I believe the wise counsel from Members of this body—Republicans, Democrats, and Independents—has been an important part of that process. I believe the American people, the collective wisdom of our fellow citizens, who overwhelmingly support the President, who overwhelmingly believe the President should consult with this body, who overwhelmingly believe the U.S. should act in concert with the U.N. and other nations of the world, and not alone, unilaterally, preemptively. I believe those public judgments, as we all manage to view them, probably daily in polling documents, have had enormous influence on the decisions that are going to be made.

We owe it to our responsibilities to what is best for this country; we owe it to the brave men and women who will have to carry out those decisions, to make them when they must be made, on the basis of the best, most current, and most complete information possible—knowing, even then, that we will still not have the certainty, clarity, foresight we would wish to have.

That is the wisdom of the Constitution. That is the wisdom of Senator BYRD's amendment. That is, I believe, the wisdom of the amendment I would have brought forth, which says simply the Congress shall go back to following the Constitution of the United States. The reasons for that document's decisions are as valid today as they were 213 years ago, and maybe some day—it will not be this week but soon, this body will review the decision not to follow its dictates and return to it. I look forward to that and, hopefully, Senator BYRD will be on the floor that day, as he deserves to be when that decision is made.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. NICKLES. Mr. President, I yield myself 5 minutes. Mr. President, I wish to respond to a couple of the statements made by the junior Senator from Minnesota. I don't think they are actually correct in categorizing what happened in 1998. I believe I heard him say then we were very deliberative and the resolution we passed did not authorize the use of force. Well, I will show you what we did in 1998.

In 1998, Saddam Hussein had continued his defiance of the U.N. He had not complied with any of the 16 resolutions. So the U.S. passed a resolution saying he should comply, Public Law 105-235, on August 14th. But the deliberative portion was introduced before the Senate on July 31, 1998—placed on the calendar July 27, measure laid before the Senate on July 31—and it passed the Senate with an amendment by unanimous consent. So it passed in one day. I don't remember the number of hours spent in debate, but it wasn't a lot. To say we spent months deliberating it is not accurate. The fact is we passed it in one day. And then to say it had no authorization for force, I don't believe is actually correct either. If you look at the resolved section—I put the 1998 resolution in the calendar because I think it is important. It goes through several items of noncompliance by Iraq. Basically, we are saying we should force or compel Iraq to comply. The resolved section says:

> . . . the United States of America and Congress assembled, find the government of Iraq in a material and unacceptable breach of its international obligations, and therefore the President is urged to take appropriate action

> in accordance with the Constitution and relevant laws of the United States to bring Iraq into compliance with international obligations.

I believe in the appropriate action Congress was saying with a united voice: Take military action, if necessary, to get Saddam Hussein to comply with the U.N. resolution. That is what this resolution stated. We passed it unanimously. We also passed, in 1998, the Iraqi Liberation Act. This act did not authorize any additional military force. That is correct with this act, but not with Public Law 105-235.

When someone says we didn't authorize force in 1998—yes, we did. The Iraqi Liberation Act didn't have an authorization of force, but it did include a change of regime. It said Saddam Hussein should go. Again, we spoke with a united voice. We passed that by a voice vote. I might mention this to my colleagues. In the House, it passed by 360-38. In the Senate, we received it from the House on October 6 and passed it in the Senate on October 7. We passed it by unanimous consent. We passed it without objection.

This resolution says it should be the policy of the U.S. to have a regime change. That became the law of the land. It passed unanimously in the Senate with an overwhelming vote in the House. Then, the earlier resolution that passed on August 14 said the President is urged to take appropriate action to compel compliance with existing U.N. resolutions. That was a strong, united voice. Congress spoke together, overwhelmingly. It was not unanimous in the House, but it was unanimous in the Senate. Both of these resolutions passed in one day.

So for people who are saying we haven't been deliberative enough, and what is the consequence of this—what has changed? This Congress, Democrats and Republicans, this Senate unanimously told President Clinton to compel compliance. Also, we stated it was the public policy of Congress to have a regime change in Iraq. I want to clarify the RECORD and make sure we are factually accurate.

Congress spoke in a united fashion in 1998. It was proud to be part of that then, and I am proud to be part of the sponsorship of this resolution, which I believe will also pass with a very strong voice—after much more extensive debate than we had in 1998. I thank my friend for yielding me the time.

Mr. DAYTON. Will the Senator yield for a question?

Mr. McCAIN. Not on our time. If the Senator from West Virginia would like to yield the Senator time, I would be more than happy.

The PRESIDING OFFICER. The Chair advises the Senator from Minnesota that he has 1½ minutes remaining.

Mr. DAYTON. I will use that 1½ minutes to respond. I was not here when those events occurred. I rely on the authorities and information available to me. I will note Senator LOTT was quoted in several publications. On February 12, the then-majority leader said:

> I had hoped that we could get to the point where we can pass a resolution this week on Iraq. But we really developed some physical problems, if nothing else. . . . So we have decided that the most important thing is not to move so quickly, but to make sure that we have had all the right questions asked and answered and that we have available to us the latest information about what is . . . happening with our allies in the world.

He went on to say:

> The Senate is known for its deliberative actions. And the longer I stay in the Senate, the more I have learned to appreciate it. It does help to give us time to think about the potential problems and the risks and ramifications and to, frankly, press the administration.

The majority leader made that statement on the Senate floor on February 12. The resolution was passed and signed by President Clinton August 14, 1998, 6 months later.

Also, I am not a legal scholar, but in making my comments I cited the opinion of counsel at the Library of Congress and its Congressional Research Services. They opined—I realize lawyers and others can disagree——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DAYTON. I ask for unanimous consent that I have 30 seconds more to finish my remarks.

Mr. McCAIN. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. BYRD. I yield the Senator 2 minutes or whatever he needs.

Mr. President, I ask unanimous consent that Senator DAYTON's name be added as a cosponsor of my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DAYTON. I thank the Senator from West Virginia.

Mr. President, the opinion stated its judgment that since the document in 1998 urged the President to follow the actions which the Senator from Oklahoma has accurately described, it did not constitute an authorization under the War Powers Act. Furthermore, in the absence of any reference to authorization under the War Powers Act, which the resolution before us today contains, it did not provide that authority. I thank the Chair. I yield back time.

The PRESIDING OFFICER. Who yields time?

Mr. BYRD. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator has 29 minutes 20 seconds.

Mr. BYRD. How many minutes?

The PRESIDING OFFICER. Twenty-nine.

Mr. BYRD. I thank the Chair. Mr. President, I ask unanimous consent that my time on this amendment not count against my hour under cloture.

The PRESIDING OFFICER. Is there objection?

Mr. McCAIN. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. BYRD. This shows the patience of a Senator. This clearly demonstrates that the train is coming down on us like a Mack truck, and we are not even going to consider a few extra minutes for this Senator.

Mr. President, I yield 5 minutes to my friend from Pennsylvania.

Mr. McCAIN. Mr. President, in deference——

Mr. BYRD. On the Senator's time.

Mr. McCAIN. On my time. In deference to the Senator from West Virginia, on this one occasion, given all the circumstances, I will not object to it not counting against the Senator's hour.

Mr. BYRD. Mr. President, I thank my friend.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BYRD. Mr. President, I yield 5 minutes to the distinguished Senator from Pennsylvania, Mr. SPECTER.

Mr. SPECTER. Mr. President, I thank the distinguished President pro tempore for yielding me 5 minutes.

I do support his amendment which has two provisions. First:

> Nothing . . . is intended to alter the constitutional authorities of the Congress to declare war, grant letters of Marque and Reprisal, or other authorities invested in Congress by Section 8, Article I of the Constitution.

I think this provision is necessary, although customarily you would not think that you would need a statute to say the Constitution governs. However, I have expressed on the floor of the Senate my concern of the constitutionality of the delegation of authority to the President here.

Congress has the authority to declare war. The authorization for the use of force is a practical equivalent. What we are doing is saying the President may decide when to use that force and, in effect, decide when the war will start, or really to make a determination as to when war is declared. So I think that it is important to have this sort of provision, although its importance is hard to evaluate historically.

The second part of the pending amendment of the Senator from West Virginia is:

> . . . shall be construed as granting any authority to the President to use the United States Armed Forces for any purpose not directly related to a clear threat of imminent, sudden, and direct attack upon the United States, its possessions, or territories, or the Armed Forces of the United States, unless the Congress of the United States otherwise authorizes.

The language of "clear threat of imminent, sudden, and direct attack" has been inserted in place of the language "the existing threat posed by Iraq." This does call for a more precise determination of the need for preemptive action, and I think is sound. Ultimately, it is not going to detract from the authority of the President because the resolution allows the President to "use all means that he deems to be appropriate," which is very broad authority.

The language of the pending Byrd amendment is consistent with one of the earliest articulations of the concept of self-defense. Secretary of State Daniel Webster in 1842, referring to self-defense in an anticipatory sense, stated that its use be "confined to cases in which the necessity of that self-defense is instant, overwhelming, and leaving no choice of means and no moment of deliberation."

Hugo Grotius, considered the father of international law, said in his 1925 treatise that a nation may use self-defense in anticipation of attack when there is "present danger," which is a broader definition. Grotius further said:

> It is lawful to kill him who is preparing to kill.

Elihu Root, a distinguished scholar on international law, said in 1914 that international law did not require a nation to wait to use force in self-defense "until it is too late to protect itself."

I think the language of the pending amendment offered by the Senator from West Virginia is helpful in providing assurance that preemptive force is really necessary. We know President Bush said he does not intend to use this military force unless absolutely necessary and has already made a determination that he thinks there is an imminent threat from Iraq. Some of the information which has been presented, partly in closed session, supports the President's concern along that line, but I do think this language is helpful. Therefore, I support it.

I thank the Chair and yield the floor.

The PRESIDING OFFICER (Mrs. CLINTON). The Senator from Arizona.

Mr. McCAIN. Madam President, I wish to say very briefly that I understand people have a desire to speak. We have a number of Senators who have not spoken on this issue. It is already looking as if we may be here well into this evening. From now on, I will be adhering strictly to the rules according to postcloture. I hope my colleagues will be understanding because we have to resolve this issue.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from West Virginia.

Mr. BYRD. Madam President, I believe the distinguished Democratic whip was able to get unanimous consent last night for my amendment No. 4868 to be modified to remove paragraph 2. It so states in the CONGRESSIONAL RECORD on page S10217; am I correct?

The PRESIDING OFFICER. The Chair believes the RECORD is in error and that only amendment No. 4869 was modified.

Mr. BYRD. On what basis—Madam President, I hope this time is not being charged. We are trying to clarify something.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. On what basis does the Chair maintain that the RECORD is in error in that portion of the RECORD from which I read on page S10217? What is the basis for the Chair stating that RECORD portion is in error?

I do not question the integrity of the Chair. I am only asking why does the Chair state—I know the Chair is being advised to that effect—why are we to say that this RECORD, as it is clearly written, is in error?

The PRESIDING OFFICER. The Chair is relying on the Journal of proceedings.

Mr. BYRD. And what does the Journal say?

The PRESIDING OFFICER. The Journal indicates that only amendment No. 4869 was modified.

Mr. BYRD. May I ask the distinguished majority whip, is that statement by the Chair in accordance with his understanding?

Mr. REID. I say to my friend from West Virginia, I read directly from the paper that the Senator gave me. There were two unanimous consent requests on it. The one was not acceptable. The other was, and I read that into the RECORD. As I recall, it was changing section 4 to 3, or 3 to 4. That is what I submitted.

Mr. BYRD. There were two requests, one changing the section numbers, and I am sure that one was agreed to.

Mr. REID. Yes.

Mr. BYRD. The other one, according to this RECORD, was also agreed to.

Mr. REID. No. That is the only one that—in fact, I said on the RECORD the other was not agreed to.

Mr. BYRD. May I read the RECORD. It is very short.

> Mr. REID. Mr. President, this has been cleared with the minority. Mr. President, on behalf of Senator BYRD, I ask unanimous consent to modify his amendment No. 4868 to remove paragraph 2, and further I ask consent to modify amendment No. 4869 to change references to section 3(a) to 4(a).
>
> The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I say to my friend from West Virginia, I had the paper here and the clerk took that paper. Maybe they made a mistake. But there is no question in my mind whatsoever—as I told the Senator this morning when he came in—that the one had been approved, the other had not.

Mr. BYRD. Yes. The whip did tell me that, but when I looked at the RECORD, I saw, by the RECORD at least, it said that both requests were agreed to. I am not going to argue this point. I am going to take the distinguished whip's word, which is good for me at all times.

Mr. REID. I say to my friend from West Virginia, I appreciate that very much. In fact, there are a lot of things going on I may not be quite certain on, but I am absolutely, unqualifiedly certain of what I did last night.

Mr. BYRD. Madam President, I have absolute and complete faith in the integrity of the distinguished Senator from Nevada, and I thank the Chair, with the greatest of respect. I thank the Assistant Parliamentarian as well, for whom I have the greatest respect.

Madam President, how much time do I have remaining?

The PRESIDING OFFICER. Twenty-three minutes.

Mr. BYRD. On this amendment?

The PRESIDING OFFICER. On this amendment, that is correct.

Mr. BYRD. Madam President, a point I want to make about this discussion that ensued after the statement was made by the distinguished Senator from Minnesota: There were references made to Public Law 105-235, August 14, 1998. Here is the resolving clause which has been quoted by the distinguished Republican whip:

> Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, ...
>
> That the government of Iraq is in material and unacceptable breach of its international obligations, and therefore the President is urged to take appropriate action in accordance with the Constitution and relevant laws of the United States, to bring Iraq into compliance with its international obligations. Approved August 14, 1998.

Well, so what? What does that prove? What does that prove? Somebody tell me. Let's read it again. The resolving clause says that the Government of Iraq is in material and unacceptable breach of its international obligations. That is okay. But get this: And therefore the President is urged to take appropriate action.

What does that mean? There is nothing definitive about that. That is ambiguous. It is not contemporaneous with today's question. It is ambiguous. It is vague. What would that prove in a court if the Supreme Court of the United States were to take this up? What would those who read this piece of junk maintain that this says? It is plain. The President is urged—well, what does that mean, "urged"?—to take appropriate action. What is that? That is not a declaration of war. What is that? What does that mean, "to take appropriate action"? Well, you can guess, I can guess, he can guess, he can guess. Anybody can guess.

"Urges the President to take appropriate action in accordance with the Constitution . . . ." Now, that is fine. It is in accordance with the Constitution. Then that would say that Congress has the power to declare war.

"In accordance with the Constitution and relevant laws of the United States, to bring Iraq into compliance with its international obligations." What is he supposed to do? What is the President being urged to do to bring Iraq into compliance with its international obligations? Anybody's guess. Why, surely this great country of ours is not going to be able to launch a war on the basis of that ambiguous and vague language.

I wish those who are continuing to refer to this Public Law 105-235 and the so-called relevant U.N. resolutions would explain what they mean. I hear that over and over again. In connection with the resolution that is before this Senate today, it refers to all relevant U.N. Security Council resolutions. "All relevant . . . ." What does that mean? And they keep referring to 660 and 678 and 687. I would like to discuss those resolutions with those who will do so. I hope they come on the floor. Where are they? Where are these men of great strength? Let them come to the floor. I want to debate with them these so-called resolutions.

In this resolution that is before the Senate, S.J. Res. 46, it refers to relevant resolutions. They keep talking about the relevant resolutions. What resolutions are they talking about enforcing? Are they talking about 660? Are they talking about 678? No. 678 was adopted on November 29, 1990. Is that what they are talking about? U.N. Resolution 687 was the enforcement resolution. That was the resolution that authorized the member states to act to uphold Resolution No. 660. But that conferring of authorization was wiped out. No. 678 was wiped out by 687 when Iraq contacted the Security Council and accepted 687. It was wiped out. So I am prepared to argue that. I do not want to do it on my flimsy 1 hour, but I am prepared.

I have heard the Senator from Connecticut—he is not in the Chamber right now, but he will be back. I have heard him and others refer to the so-called relevant resolutions. They have been wiped out. They are gone, and no single member state can revive them. They were extinguished on April 6, 1991, when Iraq signified to the Security Council that it accepted the terms of 687.

Now we can talk about that at a later time. I would love to get into it. I would like to get into a discussion on that, but for now, suffice it to say, what I am saying is this resolution we are talking about would accept as fact certain things that are not facts—this blank check we have been talking about that we are going to turn over to this President of the United States, the power to determine when, where, how, and for how long he will use the military forces of the United States. It is flimsy. That resolution is full of holes. The whereas clauses are full of holes. Now they have been wiped out by unanimous consent so they are no longer "whereas" but "since." It is flimsy. Full of holes. Ambiguities. Statements of facts that are not facts. I am ready to debate that at any time.

Mr. DURBIN. Will the Senator yield?

Mr. BYRD. I am happy to yield.

Mr. DURBIN. I hope Members will carefully read this amendment by Senator BYRD. This amendment says two things. One of these things should not even be controversial. It asserts the constitutional authority of this Chamber and the U.S. Congress to declare war. The Senator and I have stood together on this floor.

Mr. BYRD. Here it is, my Constitution.

Mr. DURBIN. I thought you might have your Constitution with you.

The Senator and I have stood on the floor and argued this point. Sometimes we did not fare so well. Keep in mind there was a question at the beginning of this debate about Iraq as to whether or not Congress would be engaged. Some argued that the President had the authority of his father's resolutions.

The second point made by Senator BYRD in this resolution is one I hope you will read carefully because I address part of this in an amendment I will offer later. He establishes a standard by which we would declare war. A standard is stated clearly: A clear threat of imminent, sudden, direct attack upon the United States, its possessions or territories, or the Armed Forces.

I hope Members of the Senate will read that. If that is not a standard by which we will measure whether this Nation will dedicate its Armed Forces and risk the lives of Americans in combat and the lives of innocent victims, I cannot imagine what we are going to debate. To take any other standard is to take the power away from Congress to declare war. This is a constitutional resolution. I applaud the Senator from West Virginia for offering it.

Mr. BYRD. I thank the distinguished Senator. How much time remains?

The PRESIDING OFFICER. Thirteen minutes.

Mr. BYRD. I hope Senators will show an abundance of mercy before the day is over and perhaps give me some more time.

Mr. President, this week the Senate is considering a very important resolution. The language of this resolution has been touted as a bipartisan compromise that addresses the concerns of both the White House and the Democratic leadership in Congress. But the only thing that I see being compromised in this resolution is this Constitution of the United States, which I hold in my hand, and the power that Constitution gives to Congress to declare war. This resolution we are considering is a dangerous step toward a government in which one man at the other end of this avenue holds in his hand the power to use the world's most powerful military force in whatever manner he chooses, whenever he chooses, wherever he chooses, and wherever he perceives a threat against national security.

The Bush administration has announced a new security doctrine that advocates acting preemptively to head off threats to U.S. national security. Much has been said about the diplomatic problem with this doctrine. But we should also recognize that the administration's new approach to war may also pose serious problems for our own constitutional system.

In the proposed use-of-force resolution, the White House lawyers claim "the President has authority under the Constitution to use force in order to defend the national security interests of the United States."

It says no such thing. I dare them to go to the Constitution and point out where that Constitution says what they say it said. They cannot do it. I know the job of any good lawyer—I have never been a practicing lawyer, but I know the job of a good lawyer is to craft legal interpretations that are most beneficial to the client. But for the life of me, I cannot find any basis for such a broad, expansive interpretation in the interpretation of the Constitution of the United States. Find it. Show it to me. You can't do it.

Where in the Constitution is it written that the title of Commander in Chief carries with it the power to decide unilaterally whether to commit the resources of the United States to war? Show it to me, lawyers, lawyers of the White House, or lawyers in this body. Show it.

There is a dangerous agenda, believe me, underlying these broad claims by this White House. The President is hoping to secure power under the Constitution that no President has ever claimed before. Never. He wants the power—the Bush administration wants that President to have power to launch this Nation into war without provocation and without clear evidence of an imminent attack on the United States. And we are going to be foolish enough to give it to him. I never thought I would see the day in these 44 years I have been in this body, never did I think I would see the day when we would cede this kind of power to any President. The White House lawyers have redefined the President's power under the Constitution to repel sudden acts against the United States. And he has that power, to repel sudden, unforeseen attacks against the United States, against its possessions, its territories, and its Armed Forces.

But they suggest he could also justify military action whenever there is a high risk of a surprise attack. That Constitution, how they would love to stretch it to give this President that power which he does not have. Those White House lawyers would have us believe that the President has independent authority not only to repel attacks but to prevent them. How silly. You cannot find it in that Constitution.

The White House wants to redefine the President's implied power under the Constitution to repel sudden attacks, suggesting that the realities of the modern world justify preemptive military action whenever there is a high risk of a surprise attack. What in the world are they teaching in law school these days? What are they teaching? I never heard of such as that when I was in law school. Of course I had to go at night. I had to go 10 years to get my law degree. In the national security strategy released last week, a few days ago, the President argued—let me tell you what the President argued—we must adapt the concept of imminent threat to the capabilities of today's adversary. Get that.

Defense Secretary Rumsfeld echoed this sentiment when he told the Senate Armed Services Committee: I suggest that any who insist on perfect evidence are back in the 20th century and still thinking in pre-9/11 years.

What a profound statement that was. How profound. Perhaps the Secretary of Defense ought to go back to law school, too. I don't believe he was taught that in law school.

The President does not want to shackle his new doctrine of 20th century ideas of war and security, much less any outdated notion from the 18th century about how this Republic should go to war. The Bush administration thinks the Constitution, with its inefficient separation of powers and its cumbersome checks and balances—they are cumbersome—has become an anachronism in a world of international terrorism and weapons of mass destruction.

They say it is too old. This Constitution, which I hold in my hand, is an anachronism. It is too old. It was all right back in the 19th century. It was all right in the 20th century. But we are living in a new time, a new age. There it is, right up there, inscribed, "Novus ordo seclorum." A new order of the ages. New order of the ages.

This modern President does not have time for old-fashioned political ideas that complicate his job of going after the bad guys single-handedly.

And make no mistake, the resolution we are considering will allow the President to go it alone at every stage of the process. It will be President Bush, by himself, who defines the national security interests of the United States. It will be President Bush, by himself, who identifies threats to our national security. It will be President Bush, by himself, who decides when those threats justify a bloody and costly war. And it will be President Bush, by himself, who determines what the objectives of such a war should be, and when it should begin and when it should end.

The most dangerous part of this modernized approach to war is the wide latitude the President will have to identify which threats present a "high risk" to national security. The administration's National Security Strategy briefly outlines a few common attributes shared by dangerous "rogue states," but the administration is careful not to confine its doctrine to any fixed set of objective criteria for determining when the threat posed by any one of these states is sufficient to warrant preemptive action.

The President's doctrine—and we are about to put our stamp on it, the stamp of this Senate. The President's doctrine, get this, gives him—Him? Who is he? He puts his britches on just the same way I do. He is a man. I respect his office. But look what we are turning over to this man, one man.

The President's doctrine gives him a free hand to justify almost any military action with unsubstantiated allegations and arbitrary risk assessments.

Even if Senators accept the argument that the United States does not have to wait until it has been attacked before acting to protect its citizens, the President does not have the power to decide when and where such action is justified, especially when his decision is supported only by fear and speculation. The power to make that decision belongs here in Congress. That is where it belongs. That is where this Constitution vests it. The power to make this decision belongs to Congress and Congress alone.

Ultimately, Congress must decide whether the threat posed by Iraq is compelling enough to mobilize this Nation to war. Deciding questions of war is a heavy burden for every Member of Congress. It is the most serious responsibility imposed on us by the Constitution. We should not shrink from our duty to provide authority to the President where action is needed. But just as importantly, we should not shrink from our constitutional duty to decide for ourselves whether launching this Nation into war is an appropriate response to the threats facing our people—those people looking, watching this debate through that electronic lens there. They are the ones who will have to suffer. It is their sons and daughters whose blood will be spilled. Our ultimate duty is not to the President. They say: Give the President the benefit of the doubt. Why, how sickening that idea is. Our ultimate duty is not to the President of the United States. I don't give a darn whether he is a Democrat or Republican or an Independent—whatever. It makes no difference. I don't believe that our ultimate duty is to him. Our ultimate duty is to the people out there who elected us.

Our duty is not to rubber-stamp the language of the President's resolution, but to honor the text of the Constitution. Our duty is not to give the President a blank check to enforce his foreign policy doctrine, but to exercise our legislative power to protect the national security interests of this Republic.

Our constitutional system was designed to prevent the executive from plunging the Nation into war in the name of contrived ideals and political ambitions. The nature of the threats posed by a sudden attack on the United States may have changed dramatically since the time when the Constitution was drafted, but the reasons for limiting the war powers of the President have not changed at all. In fact, the concerns of the Framers are even more relevant. Talk about this being old fashioned. The concerns of the Framers are even more relevant to the dangerous global environment in which our military must now operate, because the consequences of unchecked military action may be more severe for our citizens than ever before.

Congress has the sole power under the Constitution to decide whether the threat posed by Iraq is compelling enough to mobilize this nation to war, and no Presidential doctrine can change that. If President Bush wants our foreign policy to include any military action, whether for preemption, containment, or any other objective, he must first convince Congress that such a policy is in the best interest of the American people.

The amendment I am offering reaffirms the obligation of the Congress to decide whether this country should go to war. It makes clear that Congress retains this power, even in the event that we pass this broad language, which I believe gives the President a blank check to initiate war whenever he wants, wherever he wants, and against any perceived enemy he can link to Iraq. My amendment makes clear that the President has the power to respond to the threat of an imminent, sudden, and direct attack by Iraq against the United States, and that any military action that does not serve this purpose must be specifically authorized by the Congress.

Other Senators have said on the floor that the language of this resolution does not give the President a blank check, and they have said that this resolution is narrowly tailored to Iraq. I do not read the resolution that way, but I hope that the President does. I hope the President reads this resolution as a narrowly crafted authorization to deal with Iraq's weapons of mass destruction, and not as an open-ended endorsement of his doctrine of preemptive military action.

We should all hope that the President does not fully exercise his authority under this resolution, and that he does not abuse the imprecise language Congress may ultimately adopt. But I believe that Congress must do more than give the President a blank check and then stand aside and hope for the best. Congress must make clear that this resolution does not affect its constitutional power to declare war under Article I, section 8 of the Constitution; otherwise, this resolution may appear to delegate this important legislative function to the executive.

My amendment also clarifies the intent of this resolution is limited to authorizing a military response to the threat of an Iraqi attack upon the United States. Congress must ensure that the broad language of this resolution does not allow the President to use this authority to act outside the boundaries of his constitutional powers. This amendment affirms the constitutional requirement that the President must have congressional authorization before initiating military action for any purpose other than defending the United States against an imminent, sudden, and direct attack. We must not provide the temptation to this President, or any president, to unleash the dogs of war for reasons beyond those anticipated by the Congress.

The power of Congress to declare war is a political check on the President's ability to arbitrarily commit the United States to changing military doctrines, and the evolving nature of war and security threats does not change the language of the Constitution. The President cannot use the uncertainty of terrorist threats to confuse the clearly defined political processes required by the Constitution, and Congress should not rush to endorse a doctrine that will commit untold American resources to unknown military objectives.

The President admits in his National Security Strategy that "America's constitution has served us well." But his actions suggest that he feels this service is no longer needed. Congress should ensure that the Constitution continues to serve our national security interests by preventing the United States from plunging headlong into an ever-growing war in the Middle East. I urge my colleagues to support this amendment in order to preserve the constitutional system of checks and balances that the founders of this republic valued so highly.

Mr. REID. Madam President, I would like to be recognized on a unanimous consent request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, based on the conversation I had earlier today, with everybody—Senator BYRD—about what is not in the RECORD, one of the things we did not do is dispose of the other amendments. Reciting from the RECORD, I said we will dispose—they will offer no other amendments tomorrow.

That is today, speaking for Senator DURBIN, Senator BOXER, and Senator LEVIN. So I ask unanimous consent that their other amendments at the desk be withdrawn from the desk.

Mr. BYRD. What is the request?

Mr. REID. I was reading from the RECORD that the amendments of DURBIN, BOXER, and LEVIN are not going to be offered. They are being withdrawn from the desk.

The PRESIDING OFFICER. Is the Senator asking the amendments be recalled?

Mr. REID. Yes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. REID. Senator DAYTON would also ask his be recalled. I ask unanimous consent that be the case.

The PRESIDING OFFICER. Without objection, the amendment is recalled.

The Senator from Arizona.

Mr. MCCAIN. How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 14 minutes 40 seconds.

Mr. MCCAIN. I would like to yield 3 minutes to the Senator from Delaware.

Mr. BIDEN. Madam President, the case that the Senator from West Virginia makes is a good case on the merits of whether or not we should, in fact, delegate this authority, but I am confused by the argument that constitutionally we are unable to delegate that authority.

Historically, the way in which the delegation of the authority under the constitutional separation of powers doctrine functions is there have to be some parameters to the delegation. For example, we could not delegate to the President the authority to pick and confirm any Supreme Court Justice he wanted to confirm.

The essence of the constitutional argument which my friend from West Virginia makes is, I assume, that there are no parameters to this delegation; therefore, the delegation per se is unconstitutional. I assume that is the rationale. But as I read this grant of authority, it is not so broad as to make it unconstitutional for us, under the war clause of the Constitution, to delegate to the President the power to use force if certain conditions exist. My time is about up, but I would argue that in section 4(a), subsections (1) and (2), the conjunctive "and" instead of "or" exists, which means that as a practical matter in reading this, the only circumstance the President could find, in my view, that the national security was being threatened would be as it relates to the resolutions relating to weapons of mass destruction. But I will speak to that later. I appreciate my friend yielding me the time.

But, again, constitutionally, this resolution meets the test of our ability to delegate. It is not an overly broad delegation which would make it per se unconstitutional, in my view.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Madam President, according to the letter of the Byrd amendment, a clear threat of imminent, sudden, and direct attack upon the United States, its possessions or territories, et cetera, clearly would have, would absolutely deprive the President of the United States of what he is seeking today. It would deprive the President of the United States of the authority he has requested to compel Saddam Hussein to disarm, so let's have no doubt about the impact of this amendment.

The President has spoken clearly of the threat Saddam Hussein's regime poses to America and the world today—even though Iraq today clearly does not meet the Byrd amendment's standard of threatening imminent, sudden, and direct attack upon the United States of our Armed Forces. To wait for Saddam Hussein to threaten imminent attack against America would be to acquiesce to his development of nuclear weapons, to ignore his record of aggression against his neighbors, and to disregard his continuing threats to destroy Israel.

Failure now to make the choice to remove Saddam Hussein from power will leave us with choices later, when Saddam's inevitable acquisition of nuclear weapons will make it much more dangerous to defend our friends and interests in the region. It will permit Saddam to control much of the region, and to wield its resources in ways that can only weaken America's position. It will put Israel's very survival at risk, with moral consequences no American can welcome.

Failure to end the danger posed by Saddam Hussein's Iraq makes it more likely that the interaction we believe to have occurred between members of al-Qaeda and Saddam's regime may increasingly take the form of active cooperation to target the United States.

We live in a world in which international terrorists continue to this day to plot mass murder in America. Saddam Hussein unquestionably has strong incentives to cooperate with al-Qaeda. Whatever they may or may not have in common, their overwhelming hostility to America and rejection of any moral code suggest that collaboration against us would be natural. It is all too imaginable. Whether or not it has yet happened, the odds favor it—and they are not odds the United States can accept.

Standing by while an odious regime with a history of support for terrorism develops weapons whose use by terrorists could literally kill millions of Americans is not a choice. It is an abdication. In this new era, preventive action to target rogue regimes is not only imaginable but necessary.

Who would not have attacked Osama bib Laden's network before September 11th had we realized that his intentions to bring harm to America were matched by the capability to do so? Who would not have heeded Churchill's call to stand up to Adolf Hitler in the 1930's, while Europe slept and appeasement fed the greatest threat to Western civilization the world had ever known? Who would not have supported Israel's bombing of Iraq's nuclear reactor in 1981 had we then known, as Israel knew, that Saddam was on the verge of developing the bomb?

In the new era we entered last September, warning of an attack before it happens is a luxury we cannot expect. Waiting for imminence of attack could be catastrophic. Many fear we will not know of an attack until it happens—and should our enemies use weapons of mass destruction in such an attack, the deaths of thousands or millions of Americans could occur with no warning—as happened last September. In this age, to wait for our enemies to come to us is suicidal.

In 1962, President Kennedy made the point that America cannot wait until we face the threat of open attack without gravely endangering our security. In President Kennedy's words, "Neither the United States of America, nor the world community of nations can tolerate deliberate deception and offensive threats on the part of any nation, large or small. We no longer live in a world where only the actual firing of weapons represents a sufficient challenge to a nation's security to constitute maximum peril."

The Byrd amendment would overturn the doctrine announced by the President of the United States to guide his administration's conduct of American national security policy. The Byrd amendment would negate any Congressional resolution authorizing the President to use all means to protect America from the threat posed by Iraq. It would set such a high threshold for the use of military force as to render the Commander in Chief powerless to respond to the clear and present danger Saddam Hussein's regime poses to America and the world.

I urge my colleagues to reject the Byrd amendment.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Madam President, how much time do I have left?

The PRESIDING OFFICER. The Senator has 7 minutes.

Mr. MCCAIN. I yield 3 minutes to the Senator from Delaware.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Madam President, this is one of the confusing aspects of this debate. I find myself supporting this resolution but worried that supporting this resolution will get us into real trouble.

We use Saddam, Hitler, and al-Qaeda all in the same verbiage and language. Let me make the real distinction, as I see it, regarding preemption.

If we knew that al-Qaeda had particular weapons, knowing, as we did, what their stated objective was, and with the intelligence we had, we would be fully within our rights—not under any doctrine of preemption—because of the existence of a clear, present, and imminent danger to move against al-Qaeda.

Conversely, with Hitler in the 1930s, the rationale for moving against Hitler wasn't a doctrine of preemption because we knew he was a bad guy. It was because his country signed the Treaty of Versailles. He was violating the Treaty of Versailles. The Treaty of Versailles did not have an end date on it. It didn't say you cannot have forces for the first 2 or 3 years, or you cannot do the following things. We were fully within our rights as a world community to go after Hitler in 1934, 1935, 1936, or 1937. It was not based on the doctrine of preemption but a doctrine of enforcement of the Treaty of Versailles, and in a very limited time.

What we have here, I argue, as the rationale for going after Saddam, is that he signed a cease-fire agreement. The condition for his continuing in power was the elimination of his weapons of mass destruction, and the permission to have inspectors in to make sure he had eliminated them. He expelled those inspectors. So he violated the cease-fire; ergo, we have authority—not under a doctrine of preemption. This will not be a preemptive strike, if we go with the rest of the world. It will be an enforcement strike.

I hope we don't walk out of here with my voting for this final document and somebody 6 months from now or 6 years from now will say we have the right now to establish this new doctrine of preemption and go wherever we want anytime.

The part on which I do empathize with my friend from West Virginia is this is not a very clearly written piece of work. That is why I think Senator LUGAR and myself and others had a better way of doing this. But it does incorporate with the President's words the notion that we are operating relative to weapons of mass destruction and U.S. security interests and enforcement—not preemption.

I conclude by saying that the President started his speech explaining the reason why he wanted his resolution on Monday. I guess it was Monday. And he said at the very outset that this is based upon enforcing what was committed to in dealing with weapons of mass destruction.

I know my time is up. I will speak to this more later.

I am opposed to the Byrd amendment, but I hope we don't establish some totally new doctrine in our opposition to it.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. How much time do I have remaining?

The PRESIDING OFFICER. Three and one-half minutes.

Mr. MCCAIN. Madam President, I yield 2 minutes to the Senator from Tennessee.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. THOMPSON. Madam President, I thank the Senator from Arizona. I appreciate what the Senator from Delaware just said. I think it makes a lot of sense.

I have many concerns about this amendment, but two stick out to me as I read it. My concern is that, under this rationale, if we were told we had good intelligence and we were convinced that within, let us say, 6 months we were going to be attacked, it would still not fit the definition of imminent and sudden.

As I read it, the threat must be an imminent, sudden, and direct attack upon the United States. A sudden attack of 6 months would not qualify. It might be imminent, but it certainly wouldn't be sudden. I don't think we can afford that luxury.

Second, our allies are totally excluded. Do we want to announce to the world that there must be only an imminent, sudden, direct attack upon the United States, its possessions, territories, and our Armed Forces, leaving our allies in that particular part of the world totally undefended by the United States? I don't think that is a message we want to send.

I respectfully oppose the amendment.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Madam President, in summary, this amendment regarding the preservation of Congress's constitutional authority is unnecessary. A portion of the amendment that would limit the authority of the President to wage war is arguably unconstitutional. The Congress can declare war, but it cannot dictate to the President how to wage war. No law passed by Congress could alter the constitutional separation of powers.

I urge my colleagues to defeat this amendment.

I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 4868.

Mr. BYRD. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 14, nays 86, as follows:

[Rollcall Vote No. 234 Leg.]

YEAS—14

Boxer
Byrd
Dayton
Durbin
Feingold
Inouye
Jeffords
Kennedy
Leahy
Mikulski
Murray
Sarbanes
Specter
Wellstone

NAYS—86

Akaka
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Breaux
Brownback
Bunning
Burns
Campbell
Cantwell
Carnahan
Carper
Chafee
Cleland
Clinton
Cochran
Collins
Conrad
Corzine
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Dorgan
Edwards
Ensign
Enzi
Feinstein
Fitzgerald
Frist
Graham
Gramm
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Johnson
Kerry
Kohl
Kyl
Landrieu
Levin
Lieberman
Lincoln
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nelson (FL)
Nelson (NE)
Nickles
Reed
Reid
Roberts
Rockefeller
Santorum
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Stabenow
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wyden

The amendment (No. 4868) was rejected.

The PRESIDING OFFICER (Mr. EDWARDS). The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, it is the intention of the Senate now to proceed to the Levin amendment No. 4862, with 50 minutes for the Senator from Michigan, 15 minutes for the Senator from Delaware, 15 minutes for the Senator from Arizona, Mr. MCCAIN, and 15 minutes for the Senator from Virginia. It is the intention of the Senator from Virginia to see that time is given to the distinguished Senator from Connecticut, Mr. LIEBERMAN.

We are now awaiting the opening statement of our distinguished chairman of the Armed Services Committee. I advise Senators that at the completion of that time, it is the intention of the Senator from Virginia to move to table the amendment.

Mr. LEVIN. I wonder if the Senator will withhold for a moment.

AMENDMENT NO. 4862

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to consider amendment No. 4862, the Levin amendment.

Mr. LEVIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, in consultation with my colleagues, I withdraw the comment at this time of the desire of the Senator from Virginia to table.

The PRESIDING OFFICER. Who yields time?

Mr. LEVIN. I yield myself 8 minutes.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, the short title of our amendment is "The Multilateral Use of Force Authorization Act of 2002." The very title of this alternative to the Lieberman-Warner amendment establishes both its similarity and its difference from the Lieberman amendment.

It is similar because both of our approaches authorize the use of U.S. Armed Forces. It is different because our resolution authorizes the use of force multilaterally pursuant to a U.N. resolution that the President has asked the Security Council to adopt for the purpose of destroying Saddam Hussein's weapons of mass destruction and prohibited missile delivery systems.

Our resolution also supports the President's call and urges the United Nations Security Council to promptly adopt a resolution that demands Iraq to provide unconditional access, unconditional destruction of all weapons of mass destruction and, in the same resolution, authorize U.N. member states to use military force to enforce that resolution.

Our resolution also affirms that the United States has at all times the inherent right to use military force in self-defense. There is no veto given the United Nations in this resolution of ours. Quite the opposite. We explicitly make it clear we maintain, of course, a right to use self-defense. And we provide that the Congress will not adjourn sine die this year, but will return to session to consider promptly proposals relative to Iraq if, in the judgment of the President, the United Nations fails to adopt or enforce the United Nations resolution for which he and we call.

The Lieberman resolution, like ours, authorizes the use of U.S. military force to enforce the Security Council resolution that is being sought by the President, as well as in the case of the Lieberman resolution, as well as earlier U.N. resolutions. But the Lieberman resolution also would authorize the use of force on a unilateral basis, not requiring that there be an imminent threat, which is essential to using force in self-defense preemptively under international law, but a lower threshold called a continuing threat.

That would be a departure from the requirement in international law that the use of force in self-defense be for imminent threats. That can have significant negative consequences for the world. If other nations adopt that precedent, if India and Pakistan adopt that precedent, two nuclear-armed nations, they can find continuing threats against each other, not imminent, just continuing threats and, using our precedent, if we adopt the Lieberman resolution, say: That is the new standard in international law; it does not have to be an imminent threat; we can preemptively attack a neighbor and anybody else if, in our judgment, it is a continuing threat.

If China decided that Taiwan, which it labels a renegade province, is a threat to its security, then under this precedent it can attack Taiwan under the approach that "imminent" is no longer a requirement.

Acting multilaterally—multilaterally—as our alternative resolution does—in other words, with the backing of the United Nations—has a number of advantages. It will garner the most support from other nations and avoid the negative consequences of being deprived of airbases, supply bases, overflight rights, and command-and-control facilities that are needed for military action.

Saudi Arabia has already said explicitly: If you do not get a U.N. resolution, you cannot use our military bases. And other nations have said the same. If they are going to be involved with us in using force against Iraq, they want the authority of a U.N. resolution to do it.

Our resolution has a better chance of success in persuading Saddam Hussein to comply, to capitulate, to cooperate finally with the U.N. weapons inspectors and to disarm because it will have the world community looking at the other end of the barrel down at him.

Our multilateral resolution reduces the chances of losing support from other nations in the war on terrorism, and we need law enforcement, intelligence, and financial cooperation from other nations.

Our multilateral approach reduces the potential for instability in an already volatile region, and that instability can undermine Jordan, Pakistan, and possibly even end up with a radical regime in Pakistan, a nuclear weapon nation.

Our multilateral approach reduces the likelihood of Saddam Hussein or his military commanders using biological or chemical weapons against our forces, as he will be looking, again, down the barrel of a gun with the world at the other end rather than only at the United States.

Both General Shalikashvili and General Clark testified in front of our committee that there is a significant advantage to our troops by going multilaterally in terms of the likely response of Saddam Hussein to a unilateral attack by the United States and the likelier use of weapons of mass destruction by him in response to a unilateral attack.

Our multilateral approach will increase the number of nations that will be willing to participate in the fighting. It will increase the number of nations that will be willing to participate in the long and costly effort in a post-Saddam Iraq, and we would be avoiding setting that precedent of using force preemptively without an imminent threat.

Mr. President, if we are serious about going to the U.N., as the President has said he is, we must focus our efforts there. We should not send an inconsistent message. We should not take the U.N. off the hook. We should not say: We really are interested in the U.N. acting, adopting a resolution, requiring an unconditional opening by Saddam, requiring the destruction of his weapons of mass destruction.

We are saying we really mean that; that is the kind of resolution we want. We are saying that. We also want that resolution to authorize member states to use military force to enforce it. That is what we are saying on the one hand, but if the Lieberman resolution passes, then we will be sending the exact opposite message: If you do not, we will anyway.

That takes the U.N. off the hook. That blurs the focus that we should be placing on the importance of multilateral action authorized by the United Nations.

I believe that Saddam Hussein must be forced to disarm. I think it is going to take force, or the threat of force, to get him to comply.

It seems to me there is a huge advantage if that force is multilateral, and going it alone is a very different calculus with very different risks.

If we fail at the U.N., then under our resolution, the President can come back at any time he determines that the U.N. is not acting to either adopt or enforce its resolution. He can then come back here under our resolution, call us back into session, and then urge us to authorize a going-it-alone, unilateral resolution.

I thank the Chair, and I yield 8 minutes to Senator BINGAMAN.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I rise to speak on the two resolutions that the Senator from Michigan has talked about in his comments because there are two resolutions before the Senate, both of which authorize the President to use force, if necessary, against Iraq.

Before I discuss those, let me just say a few words about the war on terrorism which has engaged the attention of this entire Nation during the last 13 months.

Before I discuss those, I congratulate the President on the way he was able to bring our country together after the attack of September 11 of last year. In cooperation with the President, Congress put aside other matters, put aside partisan issues, and acted quickly to appropriate necessary funds and to enact important legislation to help safeguard our country and its citizens. I think all of us in Congress joined in meeting this challenge, and I am proud we were able to do so.

The President has come to us again, and this time he has focused attention on another threat—that is, the threat that Saddam Hussein, the leader of Iraq, will use weapons of mass destruction against us or our allies or that he will provide such weapons to terrorists for them to use.

The President has indicated his belief that regime change in Iraq is needed to deal with this threat, but he makes the point that at this time he has not made a decision about whether or when to commence any military action.

The United Nations, for many years, has agreed with our country's view that Saddam Hussein should not be permitted to possess weapons of mass destruction. An inspection regime was established by the United Nations in April of 1991, and inspections by UNSCOM continued until August of 1998 to ensure that weapons were not being developed or maintained.

In December of 1998, Iraq expelled those weapons inspectors, and since that time it is widely believed the likelihood of such weapons being developed in Iraq has increased.

So in response to this threat, the President has urged Congress to adopt a broadly worded resolution that authorizes him at any time in the future:

> To use the Armed Forces of the United States as he determines to be necessary and appropriate, in order to defend the national security of the United States against the continuing threat posed by Iraq; and enforce the United Nations Security Council resolutions regarding Iraq.

Senator LEVIN, who is chairman of the Armed Services Committee, with whom I have been privileged to serve for the last 20 years, has urged us to adopt a different resolution that grants the President the authority to use military power, but Senator LEVIN's proposed resolution differs from the broad grant of authority the President has requested in two very significant ways.

First, it authorizes the use of force at this time only pursuant to a resolution of the U.N. Security Council. In this way, we would be ensuring our actions to eliminate Iraq's weapons of mass destruction continue to be taken in coordination with our allies.

Second, the Levin resolution authorizes the use of:

> The Armed Forces of the United States to destroy, remove, or render harmless Iraq's weapons of mass destruction, nuclear weapons-usable material, ballistic missiles with a range greater than 150 kilometers, and related facilities, if Iraq fails to comply with the terms of the Security Council resolution.

There is a specific objective we are saying the President is authorized to use military force to accomplish.

The Levin resolution does not authorize unilateral action at this time to accomplish so-called regime change. Rather, it would leave open the option for the President to come back to seek and obtain that authority from Congress if and when he determines that military action against Iraq is required, even without U.N. sanction.

I strongly support giving the President authority to work with our allies in the United Nations, to inspect for, locate, and destroy weapons of mass destruction in Iraq. It may well prove necessary to use military force to accomplish that objective. In my view, the Levin resolution grants the President that authority. Unless that effort, which is already underway, fails, I believe it would be wrong for us to grant authority to the President to use U.S. Armed Forces in what is essentially a unilateral action to achieve goals that are, at best, vague and broad.

The President has made clear that in his view our goal should be regime change. The argument is Saddam Hussein has shown such a proclivity to lie, cheat, and evade that anything short of regime change will leave us vulnerable to a future attack by Iraq.

Depending on the success of our current efforts to reinstitute an inspection regime, the American people and our allies may well conclude the President is correct. We may have to conclude that finding and destroying weapons of mass destruction in Iraq cannot be achieved as long as Saddam Hussein is in power, and if that is the necessary conclusion we reach, then a major military action will likely be required, with all the casualties and consequences such an action entails.

Our allies have not reached that conclusion yet. They believe a new inspection regime can be made to work and that the threat can be dealt with short of going to war. At least they believe it is worthwhile for us to make that final effort.

The President's proposed resolution authorizes him:

> To use the Armed Forces of the United States as he determines to be necessary and appropriate.

This is, in my view, a virtually open-ended grant of authority. It is not a proper action for Congress to take at this time. I do not believe it is wise at this point to be authorizing war without the support of the United Nations and our allies. If war must be waged, other countries should be there with us, sharing the costs, both the financial and human costs, and helping restore stability in what will almost certainly be the tumultuous aftermath of that military action.

I also do not favor an authorization for war unless and until the President is prepared to advise Congress that war is necessary, and he has explicitly said he is not prepared to advise us of that at this time.

For all these reasons, I will support the resolution put forth by Senator LEVIN and not support the much broader grant of authority urged by the President.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. WARNER. Mr. President, will my colleague yield for a question on my time and a response on his time? In other words, I will ask the question on the time allocated to me and the Senator can respond on the time allocated to him.

Mr. LEVIN. I am afraid my time is allocated totally, unless it can be a brief answer. I would be happy to answer briefly.

Mr. WARNER. Then I am going to have to narrow our ability to enter into a colloquy, which you and I have done so many times.

I will ask one question: As I read this amendment, I find it could be interpreted as precluding the ability to enforce the existing resolutions, namely 688, the no-fly zone. If the Senator wants a few minutes to study and reflect on that, I would like to have the Senator think this through. That is one very serious shortcoming. In other words, for 11 years we have been enforcing the no-fly zone, but as I read this, it could be construed as stopping that. I make that point.

Mr. LEVIN. I would be happy to answer that. It would be misconstrued if it were interpreted that way. This does not preclude the President from doing anything. This is an authorization. It is not a prohibition. It is an authorization to the President to use force. It does not preclude the President. It does not say the President may not use force. It says the President is authorized to use force. So there is no prohibition; there is no negative.

The President has sought our authority. This resolution would give the President that authority.

Mr. WARNER. I draw my colleague's attention to the fact it would require the United States to wait for the U.N. Security Council to act on a resolution before the President could take action to protect our national security interests.

Mr. LEVIN. Which is the WMD issue. It is only the WMD issue that is referred to.

Mr. WARNER. I will have to reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

The Senator from Virginia.

Mr. WARNER. I yield 5 minutes to the distinguished Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. I thank the Chair and I thank my friend from Virginia for yielding me the time.

Mr. SARBANES. Parliamentary inquiry: Will the Chair inform us what the time allocations are and how much time is remaining.

The PRESIDING OFFICER. Senator LEVIN began with 50 minutes and has 33 minutes remaining. Senator BIDEN has 15 minutes, Senator MCCAIN has 15 minutes, and Senator WARNER has used 2 of his 15 minutes.

Mr. SARBANES. I thank the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I rise to oppose the amendment offered by my friend, the Senator from Michigan. It seems to me, as I look at this amendment, that the difference we have—those of us who have sponsored the underlying resolution, and the Senator from Michigan and others sponsoring the amendment—is over tactics, not objectives. Perhaps we should acknowledge one to the other. We each have the objective, I believe, to compel Saddam Hussein to comply with the various U.N. Security Council resolutions, and in that sense, particularly, to disarm.

I suggest to my friend from Michigan, noting how he continues to refer to his amendment as the multilateral approach, that those who sponsored the underlying resolution consider ours to be a multilateral international approach as well. We believe our willingness not only to accept and urge and encourage the President to go to the United Nations and hope the United Nations will authorize use of force if Saddam Hussein does not comply with their resolutions but our willingness after that fact to say if that does not happen, the President has the right to utilize America's Armed Forces for that purpose, is probably the better way to achieve an international action against Iraq under Saddam Hussein. To show our willingness, our seriousness to use military force to lead an international coalition ourselves is the better way to convince the United Nations to take action on its own and therefore to have an international act.

There is a disagreement about tactics. The disagreement is whether we should do all this in one resolution, as we have, or, as the Senator from Michigan proposes in the amendment, to have two steps: First, go to the United Nations, only allow enforcement, particularly of the resolutions concerning Iraq's weapons of mass destruction, to be done by the United States with the permission of the United Nations. If that does not work, the President must come back for a separate resolution.

Last night in a colloquy with the Senator from Michigan, I suggested that his resolution does in fact give the Security Council a veto over the President's determination, the President's capacity, to use the American military to enforce certainly those resolutions having to do with weapons of mass destruction and ballistic missiles and related facilities.

It seems to me, notwithstanding the fact that the Senator's amendment affirms the President's inherent right to use military force in self-defense, section 4(a) also makes clear the President of the United States can only do that if he wants to take action to destroy or remove or render harmless Iraq's weapons of mass destruction, nuclear weapons, fissile material, ballistics, et cetera, pursuant to a resolution of the U.N. Security Council.

That means any member of the Security Council—Russia, China, France, any temporary member—can veto action by the United States, by the Commander in Chief. I don't want that to happen.

The question is, Why assume, if the United Nations does not take action, the United States will have to go it alone? Having gone to the United Nations, having made our case, the fact is if military action is necessary, the United States will never have to go alone. We will have allies in Europe, allies in the Middle East, who see our seriousness of purpose, who share in our desire to protect themselves and the world from Saddam Hussein, who will come to our side. We will have what we called in the case of Kosovo a coalition of the willing.

The Kosovo case is instructive on several points raised in this debate. There was no United Nations resolution authorizing the United States to deploy forces in the case of Kosovo because everyone, including the Clinton administration, the President, determined we would possibly be subject to a Russian veto at the Security Council. The President was unwilling to accept that. There was no congressional resolution then organizing the deployment of our forces because there was controversy about that. There was clearly no imminent threat of a sudden direct attack against the United States, as in other amendments that have been before the Senate, because this was happening in the Balkans. But the President of the United States, President Clinton, clearly understood what was happening there was wrong. He wanted to take action not only to stop the genocide and prevent a wider war in Europe but in the most distant threat, to prevent a potential threat to the security of the United States, so he formed a coalition of willing nations.

Here the threat from Iraq under Saddam Hussein is much more imminent to the United States. So to subject our capacity to defend ourselves against that threat to a veto by the United Nations Security Council is inappropriate and wrong.

Again, I state a great phrase from the Bible: If the sound of the trumpet is uncertain, who will follow into battle?

If we sound a certain trumpet with this resolution, which this amendment would make uncertain, then many other nations will follow us into battle.

I oppose the amendment.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. I will take a few minutes under my time and give to this Chamber two quotations that frame the entire debate. The first quotation is from 40 years ago. It was the President of the United States, John F. Kennedy, in 1962:

> This Nation is prepared to present its case against the Soviet threat to peace and our own proposals for a peaceful world at any time and in any form, in the Organization of American States, in the United Nations, or in any other meeting that could be useful, without limiting our freedom of action.

This is precisely what this amendment does. It is a total substitute for the work that has been done by the Senator from Connecticut, working with others, the leadership on both sides of the aisle, and the President's staff. That would all come down, and in its place would be this resolution which has provisions that could be interpreted as a veto, questions the authority of the President, and puts too much reliance that the United Nations is going to devise a resolution which would meet the criteria that our President and other nations deem essential for a new inspection regime.

That was a quote by President Kennedy.

Now, 40 years forward, a second quote:

> This resolution gives the President the authority he needs to confront the threat posed by Iraq. It is fundamentally different and a better resolution than the one the President sent to us. It is neither a Democratic resolution nor a Republican resolution. It is now a statement of American resolve and values.

Continuing:

> For me, the deciding factor is my belief that a united Congress will help the President unite the world, and by uniting the world we can increase the world's chances of succeeding in this effort and reduce both the risks and the cost.

That quote was made just over 40 minutes ago by the distinguished majority leader of the Senate.

The House of Representatives debated language identical in both Chambers. To achieve that united Congress, we must maintain the integrity of the amendment that is presently pending. That is the amendment by Senator LIEBERMAN and myself, Senator McCAIN, and Senator BAYH.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. LEVIN. I yield 8 minutes to the Senator from California.

Mrs. BOXER. Mr. President, I thank Senator CARL LEVIN for his amendment. I thank the State of Michigan for sending Senator LEVIN to the Senate. His independence, his courage, his clear thinking, his love of country are evident in the work he has put behind this important amendment. I believe his answer to Iraq's challenge is, indeed, the right course for this country.

To me, the issue of Iraq should be approached in the following way. Iraq must be held to its word that it will submit to thorough inspections and dismantlement of weapons of mass destruction. Let me repeat that: Iraq must be held to its word that it will submit to thorough inspections and dismantlement of weapons of mass destruction.

The United Nations should pass an updated resolution ensuring unfettered inspections and disarmament, and that should take place or there will be dire consequences for Iraq. The weapons they have are a threat to the world. The world must respond. If we handle this matter correctly, the way Senator LEVIN is suggesting, I believe the world will respond. If we handle it wrong—and I think the underlying resolution is the wrong approach—if our allies believe we have not made the case, they believe somehow this is a grudge match, or if they believe they are being manipulated for domestic political reasons, that is going to hurt our Nation and that is going to isolate us.

Indeed, this rush to pass unilateral authority—I have never seen anything quite like what has happened in the Senate. The rush to pass unilateral authority, the rush to say to the President, go it alone, don't worry about anybody else, is hurting this debate, and this debate looks political. It looks political.

If there are those in the administration who believe this debate could hurt Democrats, they may be surprised. Democrats do not walk in lockstep. We are independent thinking. I believe the people want that.

Remember, this administration started out thumbing its nose at the Constitution and the role of Congress in terms of war and peace. This administration did not want to bring the debate on this war to Congress. We have many quotes I have already put in the RECORD on that subject. They did not want the President to go to the United Nations. Indeed, they said he did not have to go there; he did not have to come here; he did not have to do anything. Also, as the Presiding Officer knows, they wanted a resolution that gave the authority far beyond Iraq. They wanted to give the President authority to go anywhere in the world.

Now that idea is gone from the underlying Lieberman resolution. So checks and balances do work. I think what we ought to do is continue those checks and balances by passing the Levin amendment.

The Levin amendment puts America front and center in a way that will win over the civilized world. This is what it does.

No. 1, it urges the U.N. Security Council to quickly adopt a resolution for inspections of Iraq's weapons of mass destruction and the dismantlement of those weapons.

No. 2, this new U.N. Security Council resolution urges that we will back up the resolution with the use of force, including the United States. And the President gets that authority in Senator LEVIN's resolution.

No. 3, it reaffirms that, under international law and the United Nations Charter, the United States has the inherent right to self-defense. So anybody who says, my God, we are giving everything over to the U.N., has not read the resolution.

Last, it states the Congress will not adjourn sine die so that in a moment's notice we can return if the President believes we need to go it alone.

Some have said that the Levin amendment, again, gives veto power to the U.N. Security Council. That is not true. Again, under the Levin amendment, if the President cannot secure a new U.N. resolution that will ensure disarmament of Iraq, he can come back, he can lay out the case and answer the questions that have not been answered.

I have looked back through history. I never have seen a situation where the President of the United States asked for the ability to go to war alone and yet has not told the American people what that would mean. How many troops would be involved? How many casualties might there be? Would the U.S. have to foot the entire cost of using force against Iraq? If not, which nations are ready to provide financial support? Troop support? What will the cost be to rebuild Iraq? How long would our troops have to stay there? What if our troops become a target for terrorists?

We have seen in Kuwait, a very secure place for our people; we have had terrorist incidents already against our young people there.

Will weapons of mass destruction be launched against our troops? Against Israel? If you read the CIA declassified report—declassified report—they are telling us that the chance that he will use them is greater if he feels his back is up against the wall. Everybody knows the underlying resolution implies regime change. It implies regime change. What I think is important about the Levin resolution is that it goes to the heart, the core of the matter, which is dismantlement of the weapons of mass destruction.

If Saddam knows his back is against the wall, he will use these.

The PRESIDING OFFICER. The Senator has 1 minute remaining.

Mrs. BOXER. I thank the President.

So let's be careful. Why not take the conservative approach, the two-step approach of the Levin resolution, when it comes to the life and death of our people? There are more questions that have not been answered, and I have put them in the RECORD. Yet the President wants the authority to go it alone and he has not answered even one of those questions to Members of this Senate, let alone to the American people.

I cannot vote for a blank check for unilateral action. I cannot vote for a go-it-alone approach before any of these fundamental questions have been answered. Twice in the past 4 years I voted to use force: once against Milosevic, once after September 11. So it is not that this Senator will never vote for force, but in this case, when the President is proposing to go it alone, I think we have the right on behalf of the people we represent to have the questions answered.

In closing, the Levin resolution gives us that two-step approach. It says to this President: If you want to go as part of a world force and make sure that we get the dismantlement of these weapons, we give you the authority and the blessing. If not, come back and ask us and we will debate then and we will vote then. I hope we will vote for the Levin resolution.

I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from Arizona.

Mr. MCCAIN. I understand I have 15 minutes.

The PRESIDING OFFICER. The Senator is correct.

Mr. MCCAIN. Mr. President, at the outset, let me state that I agree with the distinguished Chairman of the Armed Services Committee: U.S. policy would be stronger if we received the unequivocal support of the United Nations Security Council. Of that, there is no doubt.

But that does not mean that our country must delegate our national security decisionmaking to the United Nations. It is neither morally necessary nor wise to give the U.N. Security Council veto power over our security.

I am a supporter of the United Nations. I have supported efforts to pay U.S. arrears to the organization. The U.N. does many good deeds around the world.

However, we should not kid ourselves: the Security Council is not a repository of moral goodness. It is not some supranational authority on international law, world peace or transnational justice. It is a collection of nation-states, each of whom makes decisions based on their national interests. Five nations have veto power. Ten more can vote up or down, or abstain on a given matter. Individual states may cloak their decisions in grand rhetoric of global interest, but they are driven by cool calculations of self-interest.

As my friend from Michigan knows, the atmosphere before a Security Council vote often resembles a Middle Eastern bazaar more than it does a somber courtroom. Deals are cut, resolutions are watered down, and statements are made based on the national interests of the five permanent Security Council members. That is as it should be, but we should not fool ourselves that there is some innate moral authority once 15 nations negotiate a deal.

Russia is engaged in vicious human rights abuses in Chechnya. Russia continues to undermine the sovereignty of the Republic of Georgia. Russia is owed billions of dollars from its ill-advised arms deals with Saddam Hussein's Iraq. Russia has long advocated easing and even lifting of sanctions against Iraq. Russia abstained on U.N. Security Council Resolution 1284 in December 1999, creating the current weapons inspections regime in Iraq—apparently because it believed the regime was too tough.

China also abstained from supporting U.N. Security Council Resolution 1284. China has good reason to be concerned about international opinion. China has engaged in serious proliferation activities. China severely represses its own people. Gaining the diplomatic acquiescence of the People's Republic of China may be desirable but it does not add any moral stature to our position.

And then there is France. France has armed Saddam Hussein for years. French President Chirac was Prime Minister when France sold a nuclear reactor to Iraq. In the words of the former head of Iraq's nuclear program, Khidhir Hamza, Saddam "knew Chirac would eat old tires from the Tigris if it got him our nuclear deal, worth hundreds of millions of dollars, along with the prospect of cheap oil."

For years, French businessmen have been regular visitors to Baghdad, seeking commercial advantage despite U.N. sanctions. No one in this body should be under any illusions about French motivations.

If President Bush and his team can gain French, Chinese and Russian support for a strong U.N. Security Council resolution, I applaud them. Recent signs are promising. Their support will help in the political and diplomatic realms. But their support will not make our case more just, or more right.

In fact, the U.S. position in making progress at the U.N. precisely because of our determination. If this body were to pass the Levin amendment, we would set our cause back in New York. We would send a signal of indecision that would embolden those who oppose a tough resolution. They would see that the U.S. Senate is deferring judgment to them, virtually inviting them to harden their opposition to the U.S. position.

Let me address some real concerns I have about the amendment offered by my distinguished colleague. It urges the U.N. Security Council to adopt a particular resolution—one limited solely to inspectors' access to Iraq's weapons of mass destruction programs. I don't think we should try to put the U.S. Senate in the role of drafting the parameters of U.N. Security Council resolutions. Such a unilateral position by one legislative body in one U.N. member state seems a little bit out of keeping with his oft-stated desire for multilateralism.

The U.N. Security Council resolution urged by the Levin amendment is silent on the real issues facing the U.S. government in New York right now. Does the amendment accept or reject the U.N. Secretary General's 1998 deal with Saddam Hussein to leave huge swaths of Iraqi territory under separate rules? Does the amendment take a position on the need to interview Iraqi scientists outside of Saddam's control—and with their families so the regime cannot hold them hostage?

The Levin amendment is silent about many issues raised in U.N. Security Council resolutions—issues that the U.N. Security Council may see fit to address in the future as they have in the past: support for terrorism; threatening conventional military moves against Kuwait, and protection of the Iraqi people from Saddam's tyranny. Each of these has been addressed by U.N. Security Council resolutions in the past. Each of these has been addressed by the United States in the past. Why are they ignored in the Levin amendment.

Even more troubling is the narrow authorization for the use of force in the Levin amendment. Right now, American and British pilots are risking their lives enforcing the northern and southern no fly zones in Iraq. They are being shot at. They are defending themselves by attacking Iraqi radar and SAM sites that target them. These zones were erected to prevent Saddam from continuing to slaughter the Iraqi people—not to engage in search and destroy mission for weapons of mass destruction. They are authorized by U.N. Security Council Resolution 688, passed on April 5, 1991. By omitting any reference to the ongoing Operation Northern Watch and Operation Southern Watch, one could construe the Levin amendment to not authorizing no fly zone enforcement. I am sure that is not its intent, but it could be its effect.

The same is true of U.N. Security Council Resolution 949, passed on October 15, 1994, which prohibits Saddam from reinforcing his conventional forces in southern Iraq. This resolution was necessitated by Saddam's massing of thousands of troops—including at least two Republican Guard divisions—near the Iraq-Kuwait border. By limiting the authorization to only weapons of mass destruction, the Levin amendment's silence on the conventional threat to Kuwait could send the wrong signal to Iraq and undermine existing U.N. Security Council resolutions. Again, I am sure that is not its intent but it may be the effect.

Finally, there is the issue of what to do if the U.N. Security Council does not act. It may be, at the end of the day, that the individual nations making decisions in the U.N. Security Council do not agree with the compelling case that President Bush has laid out. It may be that they will decide that U.N. Security Council resolutions are not to be enforced, that the worst violator of U.N. Security Council resolutions should not be confronted. It may be that other nations choose to appease, accommodate, or ignore the clear and present danger posed by Iraq. Under the Levin amendment, what is the United States to do if the U.N. proves to be as unable to deal with Iraq as it was to deal with genocide in Rwanda and mass murder in Bosnia committed under the nose of U.N. peacekeepers?

Under the Levin amendment, Congress would reconvene to "consider promptly proposals relative to Iraq if in the judgment of the President, the U.N. Security Council fails to adopt or enforce the resolution" called for in the amendment. It is not sufficient to claim the Levin amendment affirms the U.S. right of self-defense and, therefore, there is not U.N. veto. If the U.N. vetoes action on Iraq, Congress will come back to "consider proposals." Why? Why should we not decide now about the issue? Why should we wait and see?

Does the Senator believe the administration is pursuing the wrong resolution in New York? If he does, he should say so. Does the Senator believe the administration is not seriously committed to pursuing a resolution? If he does he should say so. But if he believes the U.S. is seriously pursuing a serious resolution in New York, there is no need for this amendment. Unless he wants to grant bargaining power to those who oppose the U.S. position in the U.N. or unless he disagrees with the U.S. position, there is not need for his amendment. The diplomatic process will continue. We may succeed. We may fail. But I believe we have enough information to act now. I believe we do not need to wait for the U.N. to act. I believe that even if the U.N. does not act, America should—as we did in Kosovo in 1999.

The case of NATO's preventive attack in Kosovo is instructive. I supported the NATO intervention. It was an intervention designed to stop ethnic cleansing and mass murder by a government against its own people. Milosevic had no weapons of mass destruction. The threat he posed was to citizens in his country, not his neighbors. In Kosovo, the U.N. Security Council could not pass a resolution because of Russian opposition. Yet NATO, under U.S. leadership acted. Indeed, in 1998, Senator LEVIN noted with approval the Administration's position "that the Security Council's authorization was desirable but not required for NATO action to intervene in Kosovo." Remarks on the Senate floor, July 8, 1998. This was 8 months before hostilities began. This was before any serious effort had been made at the U.N. This was before any veto was cast. It seems to me that if my distinguished colleague from Michigan could reach that kind of judgment that far in advance concerning the use of force against a far less threatening adversary, he should be able to do the same today.

In summary, the Levin amendment sends the wrong signal at the wrong time. It could give a green light to Saddam to repress his own people or use conventional forces to Kuwait while giving a red light to our diplomatic efforts at the U.N. This body should allow the executive branch the leeway to conduct diplomacy at the U.N.—not try to micromange it from the Senate floor. I urge the rejection of the amendment.

I reserve the remainder of my time.

The PRESIDING OFFICER (Mrs. CARNAHAN). The Senator from Michigan.

Mr. LEVIN. Madam President, I will yield myself 30 seconds to, first of all, assure my good friend from Arizona that my amendment means what it says, that we reserve the right of self-defense at all times. There is no ceding of our security policy to the United Nations. We are very explicit on that.

If I could also point out to my friend from Arizona, back in the gulf war time—and I will yield myself 30 additional seconds—the exact authorization in the gulf war was: The President is authorized, subject to such and such section, to use the Armed Forces of the United States pursuant to United Nations Security Council resolutions.

And my friend from Arizona said at that time: I think we should get approval from the United Nations to use force, if necessary. And we should then, and if it could be done shortly, get approval from Congress to use force, if necessary.

I am not suggesting—I am not suggesting—nor did I suggest then that the Senator from Arizona was ceding the policy of the United States to the United Nations just because he wanted to go to the United Nations first before we voted to get authority from the United Nations. I never suggested that because it was not true. He would never cede authority over our security policy to the United Nations, nor would I, nor would any Member of this body, nor does the resolution on which we are going to vote.

I yield 3 minutes to our friend from Maryland.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Madam President, I commend again the able Senator from Michigan for this proposal that he has before us. The strength of the proposal, and the care with which it has been crafted, is made manifest by the tortured argument of the Senators from Connecticut and Arizona against his resolution. They are in a convoluted posture to try to misinterpret this in order to try to make an argument against it. It is just incredible what has happened. We need some intellectual integrity here as we deal with this issue.

Let me ask the Senator from Michigan if he would answer a question or two.

The Senator from Connecticut said earlier that you were precluding the use of military force to exercise our inherent right of self-defense because we would have to have a United Nations resolution before, as I understand—before—we could exercise such force.

I read in your resolution a specific affirmation under international law of our inherent right to use military force; is that right?

Mr. LEVIN. The Senator is correct. It specifically "affirms that . . . the United States has at all times the inherent right to use military force in self-defense." It explicitly preserves that right.

Mr. LIEBERMAN. Will the Senator yield for a question?

Mr. SARBANES. On your time.

Mr. LIEBERMAN. Is there time remaining, I ask the Senator from Arizona—the Senator from Virginia?

Mr. WARNER. Yes. Madam President, may I inquire as to the remaining time of the Senator from Arizona?

The PRESIDING OFFICER. The Senator from Arizona has 3 minutes remaining.

Mr. WARNER. Three minutes. And for the Senator from Virginia?

The PRESIDING OFFICER. The Senator from Virginia has 3 ½ minutes.

Mr. BIDEN. Parliamentary inquiry, Madam President: How much time is under my control?

The PRESIDING OFFICER. Fifteen minutes.

Mr. BIDEN. Madam President, I would be happy to yield time for the Senator to respond.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. I thank the Senator from Delaware very much.

I want to ask my friend from Michigan or my friend from Maryland to explain how you relate two parts of the Levin amendment. One, yes, does say you affirm the right of the U.S. to self-defense, but then, two sections lower, it seems to me, you cut a very big exception, and you say "pursuant." And because you say "pursuant," I assume it means only pursuant to a U.N. Security Council resolution can the President authorize the use of "the Armed Forces of the United States to destroy, remove, or render harmless Iraq's weapons of mass destruction, nuclear weapons-usable material, ballistics missiles . . . and related facilities. . . ."

So it is one thing to affirm the general right of self-defense, but then the amendment takes it away with regard to what we all acknowledge is the most serious threat that Iraq constitutes to the U.S., which is weapons of mass destruction.

Mr. SARBANES. The Senator did this last night, and he is doing it again today. He has inserted into the authorization to use force pursuant to a U.N. resolution the word "only." The word "only" is not there. These are two separate sections. One provides an authority under a U.N. resolution; the other preserves the inherent right of military—I want to say to my good friend from Connecticut, it is painful to me to see a former able and distinguished attorney general of the State of Connecticut twist and turn to try to do this, what he is trying to do, to the very well-crafted amendment of the Senator from Michigan. It is painful. It is painful to see this.

Mr. LIEBERMAN. Well, let me relieve you of your pain.

Mr. SARBANES. Will you withdraw the use of the word "only"?

Mr. LIEBERMAN. This comes directly from my experience as an attorney and attorney general. If you are saying "pursuant," how else—I ask the Senator from Michigan, do you believe, under your amendment, and if there is no resolution of the United Nations regarding destruction of weapons of mass destruction of Iraq, that the President could authorize the use of force?

Mr. SARBANES. Of course.

Mr. LEVIN. Of course he could. Pursuant to——

Mr. LIEBERMAN. Then why require that the President come back a second time to seek such authorization?

Mr. LEVIN. Because we are explicitly saying, pursuant to the right of self-defense, he may always, at any time, without authority from anybody. But the United Nations——

The PRESIDING OFFICER. The 3 minutes yielded to the Senator from Maryland has expired.

Mr. LEVIN. I wonder if the Senator from Delaware would yield a couple minutes for me to answer.

Mr. BIDEN. I am happy to.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. This is a grant of authority. The word "only" is not in there. The Senator from Connecticut sought to add it last night.

Mr. SARBANES. And again here.

Mr. LIEBERMAN. And I am adding it——

Mr. LEVIN. If I could finish my answer, when the Senator from Connecticut, in 1991, introduced and supported a resolution, which passed this Congress in a close vote—and the Senator from Connecticut was a leader in that effort; and I commend him for it—the resolution relative to the gulf war said:

> The President is authorized subject to this subsection to use U.S. Armed Forces pursuant to United Nations Security Council Resolution 678.

Did that mean because that grant of authority pursuant to a U.N. resolution was present, that the President could not operate in self-defense? Did you, somehow or other, by granting that right intend to eliminate the right of this Nation to act in self-defense? I know the answer is no. I know the answer is no.

Yet in our resolution, when we explicitly preserve that right, somehow or other the Senator from Connecticut is finding it inconsistent with the pursuant grant.

Mr. LIEBERMAN. Since the Senator from Maryland has questioned my legal capacity, I want to——

Mr. SARBANES. I said it just pained me to see it at work here on the floor.

Mr. LIEBERMAN. I want to assure the Senator from Maryland——

The PRESIDING OFFICER. Who yields time at this point?

Mr. BIDEN. Madam President, how much time is under the control of the Senator from Delaware?

The PRESIDING OFFICER. The Senator has 13 minutes remaining.

Mr. LIEBERMAN. I will bring this to a close.

Mr. BIDEN. Madam President, I will yield 2 more minutes to the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. I want to assure the Senator from Maryland this is not a tactic. I am genuinely puzzled, for two reasons.

You give the grant of authority, and then you say "pursuant." It seems to me logical the grant of self-defense, and then you spell out that pursuant to only a U.N. resolution can the President use the Armed Forces. But then here is the second. Only——

Mr. LEVIN. Only?

Mr. SARBANES. Where is the word "only"?

If the Senator will yield to me, I think the Senator——

Mr. LIEBERMAN. No. I think I will just finish because I am taking Senator BIDEN's time.

I am reassured but still puzzled about why you then have the second part of your amendment, I say to Senator LEVIN. And it is this: If you believe you are not saying the "only" way the President can use America's military forces to disarm Iraq; then why do you require a return to the Congress for that authorization later?

It seems to me your affirmation of self-defense is very broad, and in spelling out the pursuant clause, you are limiting it. If you are not, then your language is effectively a nullity.

Mr. LEVIN. It is a very significant section. What it says is, if the President does not get the resolution and if he cannot act in self-defense because the threat is not imminent, then he would come back to this Congress to seek unilateral authority. What the President has done is laid out a course of action which says even though the threat is not imminent, the President wants the authority to use unilateral action.

As a matter of fact, the amendment which will be offered later on today by Senator DURBIN will add the word "imminent." I am quite sure the administration and the sponsors of the underlying amendment are going to fight very hard against adding that word "imminent" which has always, under international law, been required in order to attack based on a theory of self-defense.

So all our language does is protect the opportunity for the President, in the absence of a threat which rises to self-defense, an imminent threat which would justify self-defense, in the absence of a U.N. resolution, it specifically says, we are not going to adjourn sine die. This is too important.

If there is no threat that is imminent, if the U.N. does not act pursuant to this resolution, we would say to the President, we will come back to consider a unilateral authority. You don't need it, if it is self-defense. You don't need it, if the U.N. acts. But if it is not an imminent threat and the U.N. does not act, then we will be here to consider that request.

Mr. LIEBERMAN. I thank my friend. This exchange has clarified for me the intentions of the amendment. If I may briefly state it, you are saying the President can only take—forgive me for using the word "only," but I will clarify it—action against, can only use the Armed Forces of the U.S. to take action against the weapons of mass destruction in Iraq without a U.N. resolution if he determines the threat from those weapons is imminent.

Mr. LEVIN. Is not imminent.

Mr. LIEBERMAN. If he determines the threat is not imminent, then he cannot take action against those weapons without the U.N. resolution, unless he returns to the Senate.

Mr. LEVIN. We are not saying what he cannot do here. This is an authority, if I may repeat.

I assume this is coming out of the time of the Senator from Delaware; is that correct?

The PRESIDING OFFICER. Yes.

Mr. BIDEN. Then I will not yield any more time. How much time do I have?

The PRESIDING OFFICER. Who yields time?

Mr. BIDEN. If I may, how much time remains under my control?

The PRESIDING OFFICER. The Senator has 9 minutes.

Mr. BIDEN. I yield another 2 minutes to the Senator to finish his answer, but then I would want to speak briefly to this, if I may.

Mr. LEVIN. If I could complete that thought, this is a grant of authority. It is not a limitation of authority. That is a critical difference which, as lawyers, I think we understand. We are not saying what the President cannot do. We are saying nothing in here is in any way affecting the inherent right of self-defense. We are reiterating the inherent right of self-defense to avoid the kind of argument the Senator from Connecticut is now making, to preclude the argument. It has not worked. The Senator from Connecticut is still making the argument. But to make it clear that in no way are we affecting the inherent right of self-defense, we reiterated that right.

Secondly, there is a grant of authority to act pursuant to a U.N. resolution.

The PRESIDING OFFICER. The Senator has used an additional minute.

Mr. LEVIN. Could I have 30 seconds?

Mr. BIDEN. Sure.

Mr. LEVIN. If there is neither an imminent threat, which has been the traditional definition of self-defense, if there is neither a threat which is imminent, which would justify traditionally acting in self-defense, or if there is not a U.N. resolution authorizing member states to use force to go with those weapons of mass destruction, then we are saying we will be in session to consider a Presidential request.

The PRESIDING OFFICER. The additional time has been used.

Mr. SARBANES. Will the Senator yield me 10 seconds?

Mr. BIDEN. Madam President, I yield myself 3 minutes of the remaining 9 minutes I have, and I yield 10 seconds of that to my friend from Maryland.

Mr. SARBANES. I thank the Senator from Delaware.

I strongly commend the Senator from Michigan for how carefully thought-out and reasoned and constructive his amendment is, as was just reflected in the exchange which he had with the Senator from Connecticut.

Obviously, this amendment, which is before us and which I support, has been very carefully thought through to deal with all these eventualities. I commend the Senator from Michigan for it.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Madam President, I rise to explain why three brilliant lawyers can be all right at the same time—because they all started from a different premise, part of the confusion for the debate that listeners will find on the floor.

I join my friend from Arizona and my friend from Virginia in being opposed to this amendment, but for reasons different than theirs. Let me try to explain as briefly as I can.

The point about whether or not there needs to be an imminent threat to justify the President taking action is what is at stake. I am of the school that suggests the President need not, if the underlying amendment passes, have to show there is an imminent threat. He is enforcing a peace agreement in effect. He is enforcing, not preempting. And he is not responding to imminent threat.

I do not believe there is an imminent threat in the next day or two or week or a month. The reason why I oppose my friend from the State of Michigan is because I believe there is an inevitable threat. We are either going to have to react, if not tomorrow, we will have to in the next 5 years. If this man is unfettered, with $2 billion per year in revenues, on the course he is on, I guarantee you, we will be responding. I guarantee you, we will.

Is it imminent now? No. Is al-Qaeda involved now? No. Is all this talk about the likelihood of cooperation with terrorist groups a real immediate threat? No. I don't believe any of that now. But I do know we are going to have to address it. So the question is, do we address it now or do we wait a year or two or three.

The reason I oppose the amendment of my friend from Michigan is because the basic premise upon which I began is consistent with where my friend from Connecticut began, and that is the threat need not be imminent for us to take action. That is because we would be enforcing Security Council resolutions. That is authority we are about to delegate to the President.

I can understand why my friend from Maryland is upset about the way it is characterized by the Senator from Connecticut.

The bottom line is I believe if, in fact, we do not get a U.N. resolution, we are in a position we were in with regard to Kosovo. My friend from Arizona and I stood shoulder to shoulder on Kosovo trying to encourage the previous President of the United States to use force against the Serbs in Kosovo. I will submit for the RECORD at the appropriate time, after we had gone through an effort to get the U.N. to support it. The U.N. would not support it. And then we went.

The bottom line was, the Senator from Arizona and I felt strongly we had to go. We had to move. Were the Serbs an imminent threat to the United States of America? No. Was it a threat to our security interests? Yes. The stabilization of southeastern Europe. And so I think part of the thing that confuses people here—anyone listening to the debate, myself included, as part of the debate—is this notion of the place from which you began.

I reserve the remainder of my time.

Mr. FEINGOLD. Mr. President, I rise to briefly comment on Senator LEVIN's alternative proposal relating to Iraq. Some of my colleagues for whom I have tremendous respect have tried to address the fact that the administration's proposal is simply not good enough by emphasizing the desirability of a United Nations resolution, thus transforming this dangerous unilateral proposal into an internationally sanctioned multilateral mission. But while I recognize that international support is a crucial ingredient in any recipe for addressing the weapons of mass destruction threat in Iraq without undercutting the fight against terrorism, I will not and cannot support any effort to give the United Nations Security Council Congress's proxy in deciding whether or not to send American men and women into combat in Iraq. No Security Council vote can answer my questions about plans for securing WMD or American responsibilities in the wake of an invasion of Iraq. It is for this reason that I must oppose the proposal of the distinguished Senator from Michigan.

Mr. CORZINE. Mr. President, I rise in support of the Levin amendment to the underlying resolution and am proud to be counted as a cosponsor. I believe Senator LEVIN's legislation represents a rational and measured approach to military action against Iraq's tyrannical regime.

The Levin amendment emphasizes the importance of multilateralism and understands that the cooperation of the world community is an important component of American success in disarming Iraq and in Iraq's eventual reconstruction. As I said in my statement last night, if the world community is not with us when we take off, it will be hard to ask for their help when we land.

Although the administration at times appears to believe otherwise, multilateralism is not an unnecessary inconvenience, but an important precondition for success not just for actions to disarm Iraq but more importantly is prosecuting our war on terrorism. We rely on other countries for logistics, intelligence, and overflight rights. We have called on other countries to help cover the costs of previous military engagements. And we rely on other countries to provide peacekeepers to help restore law and order around the globe, including most recently in Afghanistan. And we most certainly depend on the 90-odd countries in our global coalition to combat terrorism at home in the post 9–11 government.

However, if we adopt a unilateral approach, we undermine cooperation of the world community we have so often enjoyed.

Furthermore, the Levin amendment wisely stops short of codifying the Bush preemption doctrine, a dangerous and reckless new development in American foreign policy.

Many countries have adversaries who they believe present continuing threats, maybe even imminent threats, to their security. If we establish a precedent of preemption, how in the future can we criticize Russia for attacking Georgia, stop India from taking action against Pakistan, or oppose a Chinese invasion of Taiwan in the court of world public opinion.

Nothing in the Levin amendment precludes unilateral action by the United States in self-defense where imminent and immediate threats exist. And nothing in the Levin amendment prevents the Congress from authorizing force at a later date if the U.N. does not take action.

I urge my colleagues to support the Levin amendment. I believe that it presents an excellent balance between the desire to contain and eliminate potential threats to American interests while demonstrating leadership in the post-cold-war world, and the value of devising a multilateral approach.

Thank you and I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. McCAIN. Madam President, I believe I have 3 minutes remaining. In all due respect to the Senator from Michigan, as Paul Harvey would say, "Let's hear the rest of the story." The reason I said in 1991 that the U.N. Security Council should approve it is because the U.N. Security Council had already acted and approved. Never, at any time in my entire history, would I believe we are dependent upon the good will or the approval or disapproval of the U.N. Security Council. So I resent, slightly, the Senator from Michigan taking me out of context there.

The fact is, in Kosovo, if we took the same course of action the Senator from Michigan is contemplating now, when butchery and genocide was going on there, we would have waited until the Security Council acted, or didn't act, and then we would have gone back into session to determine what we should do about Kosovo.

How many thousands of people would have been murdered, butchered, and ethnically cleansed had we taken the same route that the Senator from Michigan is advocating on this issue, as far as Iraq is concerned?

All I have to say about this amendment is—well, you can just read it:

> . . . will not adjourn sine die and will return to session at any time before the next Congress convenes—

Et cetera, et cetera. If that isn't a dictate by the action of the U.N. Security Council, nothing is.

We have come a long way. John F. Kennedy, on October 22, 1962, said this:

> This Nation is prepared to present its case against the Soviet threat to peace and our own proposals for a peaceful world at any time, and in any forum, in the Organization of American States, in the United Nations, or in any other meeting that could be useful, without limiting our freedom of action.

The Levin amendment limits our freedom of action and contradicts the words of John F. Kennedy at the time of the Cuban missile crisis.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. LEVIN. Madam President, I yield 6 minutes to the Senator from Hawaii.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. AKAKA. Mr. President, I rise to express my support for a resolution authorizing the use of force against Iraq. I do so with two cardinal prerequisites: first, that all possible means be exhausted short of war to enforce United Nations resolutions concerning Iraq and, second, that any attack against Iraq take place as part of an international coalition. That is why I am pleased to cosponsor the amendment offered by my colleague from Michigan, Mr. LEVIN, the Chairman of the Armed Services Committee.

Before the United States wages war against Iraq, President Bush and the Congress owe it to the young Americans who face death or injury in that conflict to ensure that every effort has been made to obtain our ends without endangering them. Every ounce of preparation must be taken to ensure a swift and efficient outcome should war become necessary. As another President, Herbert Hoover, once said, "Older men declare war. But it is youth that must fight and die." The burden is on our leaders to justify why young men and women need to risk their future now.

Defense analysts suggest that anywhere from 100,000 to 400,000 troops will be necessary for an attack. There are already approximately 75,000 Reservists and National Guard troops on active duty, and even more may be needed to deal with the conflict in Iraq and Afghanistan while not degrading military missions elsewhere in the world. An occupation force in Iraq might require at least 75,000 troops plus a civilian counterpart to the military presence. The Congressional Budget Office estimates that the war will cost between $6 billion to $9 billion a month on top of an initial deployment cost of $9 billion to $13 billion and that an occupation force would cost $1 billion to $4 billion per month. Remember in the first Persian Gulf War, it was our allies who paid for the war. The cost of the war this time will be borne largely by the American treasury, unless we are supported by an international coalition. With a battered economy, it will be difficult to fund two wars at once for an indefinite period of time. Already our funds are stretched. The head of the U.S. Special Operations Command has indicated that he requires an additional $23 billion over the next 5 years to maintain his global responsibilities.

The need to justify such a course of action is particularly critical in the case of Iraq as President Bush is advocating a preemptive strike against a potential threat to the American homeland. Traditionally, America has never sought war by striking first nor has America eagerly sought foreign entanglements. This would be a preemptive war and one in which we could have few allies. Not since the Spanish-American War would the United States be fighting a war so far from our borders with so few friends.

As we consider this war, we must also consider the implications of what we are doing. Saddam Hussein is not the only dictator who oppresses his people, attacks his neighbors, and is developing weapons of mass destruction (WMD). North Korea's Kim Jong Il, Libya's Muammar Qadhafi, Iran's Ayatollah Khamenei, Syria's Bashar al-Asad, and others, all pose threats or have posed threats to American interests. All are known for their human rights abuses.

American troops stand eye to eye with North Korean troops on the DMZ. Libyan agents blew up an American commercial aircraft; Iran has imprisoned American diplomats; and Syria has supported terrorist groups who have attacked and murdered Americans. All have or are developing weapons of mass destruction, including nuclear weapons and missiles to deliver them. Some of these countries may already have nuclear weapons. Some have attacked—directly or indirectly through support for terrorist groups—their neighbors. In the case of Iran, recent reports indicate that it is sheltering and assisting al-Qaeda leaders.

In the case of other countries, we are working diligently, through bilateral and multilateral diplomacy, to constrain their efforts to develop weapons of mass destruction. However, in regard to Iraq, the President argues that Saddam poses a unique threat. His argument is convincing concerning the extent of devastation that Saddam has wreaked on his own people and his neighbors. He is truly, as the President notes, a "homicidal dictator," but he is not the only dictator addicted to developing weapons of mass destruction. Nor is the policy solely a choice between invading Iraq or standing hopelessly by while Saddam becomes ever stronger. Since the Persian Gulf War, we and our allies have worked to make Saddam weaker and, according to all reports, including that of our own military, Saddam's military capability is much less now than it was in 1991.

Congressional testimony, reports by the intelligence community and outside analysts, state that Iraq's WMD capability is much less now than it was before the Gulf War. A recent CIA public report states that Iraq's chemical weapons capability "is probably more limited now than it was at the time of the Gulf war . . . " Although it is probable that Iraq's biological weapons program is more advanced than it was before the war, its delivery capability, according to the respected London-based International Institute for Strategic Studies, "appears limited."

I agree that we must neutralize Iraq's WMD threat. The question is how to do that most effectively while minimizing the loss in American lives. The argument that an inspection system cannot guarantee the elimination of Iraq's WMD program is certainly true but misses the point. There are few absolutes in this world. Defense Secretary Rumsfeld insists that we need American troops on the ground, rummaging through every Iraqi nook and cranny for evidence of WMD. Even with our troops doing so, there would be no guarantee that every item would be uncovered or how long it would take. We are still finding traces of chemical weapons left over from World War I in the backyards of homes in Washington, D.C. Nor have our troops in Afghanistan, despite heroic efforts, been able to eradicate every al-Qaeda operative.

But what aggressive inspections can do is destabilize the Iraqi WMD program, keep it bottled up, frustrate efforts at gaining new technologies and additional supplies, and force Iraqi technicians to hide and keep moving constantly. It will not be disarmament, but, if implemented effectively, it will be dismemberment of the Iraqi WMD program, splitting it in parts and preventing it from becoming whole.

A new inspection regime has to be very aggressive, receive considerable support from the United States and its allies, have a fixed set of dates for marking compliance, and be backed by the threat of war. Iraq's record of evading inspections is well documented. Benchmarks for compliance will remove wiggle room for countries who argue for a softening of sanctions provisions. Putting in place an aggressive new inspection regime is not an insubstantial achievement, and it does not undermine necessary preparations to develop an effective war-fighting strategy and strengthen international backing for a conflict.

Defense Secretary Rumsfeld and others in the administration tell us that time is not on our side. But we must make the time to ensure that we minimize American casualties. Time is not on Saddam Hussein's side either. Our patience has been exhausted and a new U.N. resolution must be firm in its deadlines. Some in the Administration believe Saddam's hold on those responsible for guarding him is so tenuous that in the event of an attack, they will turn on him and overthrow him.

The current discussion about Iraq has obscured the successes of American policy toward Iraq. A recent Congressional Research Service report by its distinguished Middle East expert, Kenneth Katzman, observes, the United States "has largely succeeded in preventing Iraq from reemerging as an immediate strategic threat to the region." A British Government intelligence report notes that the "success of U.N. restrictions means the development of new longer-range missiles is likely to be a slow process."

If war becomes inevitable because Iraq refuses to give inspectors the liberty they need to perform their mission, then the United States must have an effective military strategy for fighting a war.

Great uncertainty surrounds the President's post-war strategy. Remember the day the war ends, Iraq becomes our responsibility, our problem. The United States lacks strategic planning for a post-conflict situation. Retired General George Joulwan recently said that the U.S. needs "to organize for the peace" and design now a strategy with "clear goals, milestones, objectives." General Joulwan argues we did not have such a plan for Bosnia and we are late to develop one in Afghanistan. Our objectives in Iraq have not yet been made clear: is it our goal to occupy Baghdad and if so, for how long? A rush to battle without a strategy to win the peace is folly.

General Hoar observed that "there has been scant discussion about what will take place after a successful military campaign against Iraq. The term "regime change" does not adequately describe the concept of what we expect to achieve as a result of a military campaign in Iraq. One would ask the question, "Are we willing to spend the time and treasure to rebuild Iraq and its institution after fighting, if we go it alone during a military campaign? Who will provide the troops, the policemen, the economists, the politicians, the judicial advisors to start Iraq on the road to democracy? Or are we going to turn the country over to another thug, who swears fealty to the United States?"

As General Shalikashvili stated in testimony before the Armed Services Committee, "we were very fortunate in Afghanistan that in fact a government, interim government, emerged that seemed to have a modicum of support from its people. . . . We should not count on being lucky twice." Nor can we count on Iraq's oil funding reconstruction if wellheads are blown up as they were by retreating Iraqi forces in Kuwait.

Experts indicate that American troops will need to remain inside Iraq for many years in order to ensure stability. Iraq will require extensive economic assistance. As the current situation in Afghanistan indicates, the process of restoring viability to a nation—nation-building—after years of repression is a difficult one and made more difficult by the inability of other nations to sustain their support in the effort. Violent attacks are on the increase in Afghanistan. Afghan officials have received only about half of the $1.8 billion in aid promised last January. A study by the Army's Center of Military History has concluded that we would need to commit 300,000 peacekeeping troops in Afghanistan and 100,000 in Iraq if we are to have an impact comparable to that which we had in reconstructing Japan and Germany after the war.

The consequences of a long-term American occupation of Iraq needs to be carefully weighed. Anthony Cordesman, an analyst with the Center for Strategic and International Studies, has observed, "there has been a 'deafening silence' from the Administration about how Iraq will be run after Hussein." Historically, the United States has had a poor record in the Middle East. We supported Iraq in its war against Iran.

Nor does eliminating Saddam necessarily mean that the Iraqi people will welcome American occupiers or that they will have democratic leaders to govern. Secretary Rumsfeld asserts that he trusts the Iraqi people will be inspired to form a new government. But can we be assured that it would be a democratic government or a democratic government that is pro-American? Can we be assured that the new regime will be committed to getting rid of Iraq's weapons of mass destruction, especially as Iraq's traditional adversary, Iran, has an even more advanced program of weapons of mass destruction?

Even though our military forces may be equipped to fight a war in Iraq and a war on terrorism in Afghanistan, there is a significant price to be paid. In his testimony before the Senate Armed Services Committee, General Richard Myers, Chairman of the Joint Chiefs, noted that certain unique units, such as intelligence platforms, command and control assets, and Special Operations Forces would need to be prioritized if the war on terrorism expanded. Richard Solomon, former Assistant Secretary of State in the first Bush Administration, refers to the "danger of over-stretch" in which the United States assets are deployed in multiple nation-building enterprises and are not able to respond if another crisis erupts.

All of these concerns point to the importance of international support as a critical ingredient of both our war-fighting and our peace-making strategy. Without the imprimatur of the international community, the President's war will be seen as a private vendetta by the United States.

The President was right to frame his speech at the United Nations in the context of restoring credibility to the United Nations through enforcement of its resolutions. This is the essential context of this conflict but it can be validated as such only if the international community joins it. Regional support will provide an allied force with the forward basing needed to mount a large-scale attack. Right now no country in the region contiguous to Iraq is volunteering to host American troops in a war. International support will help dampen hostility toward the United States by the peoples of the region and help build support among the Iraqi people. International support for the post-war, peace-making phase of the operation will reduce the American military's footprint and decrease the need for American financial resources. Secretary Rumsfeld has testified that the United Nations or an international coalition will run Iraq after Saddam. For that to be the case, the United Nations or some ad hoc international coalition will have to be formed before the war.

The President also must ensure our troops are properly prepared. Recently, the Pentagon's Deputy Assistant Secretary for Chemical and Biological Defense stated that American troops are not "fully equipped and prepared" against a bio-chem attack. Decontamination shelters are reported to be in short supply as is the decontaminant foam used to clean up following an attack. The General Accounting Office recently testified that 250,000 defective protective suits against a chemical or biological attack cannot be located and may remain in current Pentagon inventories.

We must take the threat of an Iraqi chemical or biological attack very seriously. According to the British Government's White Paper on Iraq, Iraq chemical weapons caused over 20,000 casualties in the Iran-Iraq War. Iraq used sprayers, bombs, artillery rockets, and artillery shells to deliver these weapons. Thousands of rockets and artillery shells filled with chemical weapons remain hidden in Iraq's arsenal.

Haste makes waste, affirms the adage, and in this case, haste means a waste of American lives. We may have an all-volunteer force but they are not mercenaries; they are citizen-soldiers and we owe it to each and every one of them and their families to proceed carefully when endangering their lives. Preparation is not the same as procrastination.

Constituent opinion in my home state is running strongly against any authorization of the use of force against Iraq. The President and his Administration need to make a clear and compelling case to the American people and to our allies abroad as to why this confrontation is necessary now.

For that reason, Mr. President, I support efforts to frame a multilateral approach to rid Iraq of its weapons of mass destruction. I support action by the United Nations in the form of a resolution calling for unconditional and unfettered inspections in Iraq. Only after we exhaust all of our alternative means should we engage in the use of force, and before then, the President must ensure we have a strategy and plans in place for winning the war and building the peace.

I yield the floor.

Mr. BIDEN. Madam President, how much time do I control?

The PRESIDING OFFICER. The Senator has 2 minutes remaining.

Mr. BIDEN. Madam President, I yield myself the remainder of my time.

The reason to go to the U.N. Security Council does not relate to sovereignty, it relates to security, and the security of the United States based upon the notion the President of the United States has recognized when he said he thought it was necessary to go to the U.N. Security Council.

I think the arguments made against the first part of the Levin amendment are specious. Why did the President of the United States go to the Security Council? Was he yielding our sovereignty? No more than our friend from Michigan is "yielding our sovereignty."

The President went to the U.N. because, as one White House official said to me, he had to do so. Why? For our security interests. If we did not go to the U.N. Security Council and check off the blocks, the moment any force crossed into Iraq, we would find every U.S. embassy burned down in every Muslim country in the world. He went for security reasons.

My only disagreement with my friend from Michigan is I do not think we need a two-step process. We should go to the United Nations, and the President says we should go to the United Nations. We should seek the authority to enforce the inspectors in disarming weapons of mass destruction. And if he fails, my friend says come back and get authorization to proceed anyway. I am prepared to give him the authorization now. That is the only disagreement we have.

I would disagree with those who argue against my friend from Michigan saying that by his making this contingent of going to the United Nations first, he is in no way yielding to American sovereignty, any more than the President has.

In the underlying resolution, it requires the President, in effect, to go to the United Nations and exhaust all diplomacy.

Nobody has suggested the President of the United States has yielded our sovereignty. No one should suggest the Senator from Michigan is, either.

Mr. WARNER. Will the Senator yield for a brief question?

Mr. BIDEN. My time is up.

The PRESIDING OFFICER. The Senator has 20 seconds.

Mr. WARNER. The Senator raises a key point on which I was going to conclude, and that is, as we are debating, the Secretary of State is working before the U.N. Security Council.

Mr. BIDEN. Correct.

Mr. WARNER. He has made it clear to the Senator from Delaware, I am certain, as he has made it clear to me, that the two-step process will not achieve the goals a coalition of nations now working—Great Britain and the United States—desire to achieve; am I not correct?

Mr. BIDEN. Yes, with one caveat. He has expressed to me his ability to achieve a tough resolution would be enhanced by our not making it a two-step process. But he personally has told me and my committee he would consider and the President would consider a U.N. two-step process if they had to. The reason for my saying not two steps now is it strengthens his hand, in my view, to say to all the members of the Security Council: I just want you to know, if you do not give me something strong, I am already authorized, if you fail to do that, to use force against this fellow.

Mr. WARNER. That is right. Were we to act now, we would substantially reduce his leverage and ability.

Mr. BIDEN. In response, I cannot honestly say substantially reduce it. I think it will reduce it some. This resolution, for example, reduces the possibility of getting a strong response compared to what Lugar-Biden would have done. The truth is it is marginal. Everyone has to make their own judgment. I think it would reduce his ability. I would be hard pressed to say it was substantial. He has a stronger hand having the authority granted to him after he exhausts the U.N. outcome to say to them: Look, if you do not give it to me, I now have the authority to move.

Mr. WARNER. I say, Madam President, the distinguished majority leader said Congress should speak with one voice. We have in our resolution—you recognize the problem of one body. This is a total substitute amendment. It strips out everything. As the Senator from Delaware knows, I say to the distinguished chairman, the Levin resolution just takes part of 687. It does not incorporate the previous resolutions, the 16 which we have time and again on this floor said Saddam Hussein has ignored.

I say to my friend, it is very important, as the leader said, that Congress speak with one voice, and the only way to do that is to retain our Lieberman-Warner-McCain-Bayh amendment and not have a substitute.

I yield the floor.

Mr. BIDEN. Madam President, I ask unanimous consent to proceed for 30 seconds.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIDEN. Madam President, if the President attempts to take this Nation to war over Kuwaiti prisoners, I hope to God that is not what you all mean by this underlying provision. If this President attempts to take this Nation to war over return of Kuwaiti property, if this President attempts to take this Nation to war based on this authority for any reason—any reason—other than weapons of mass destruction, I will be on this floor every day taking issue with this President attempting to stop the war. I cannot fathom anyone suggesting that Kuwaiti prisoners warrant us going to war. This is about weapons of mass destruction, in this Senator's view.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. WARNER. Madam President, I totally reject there has been any inference on this side of such a nature, but we do incorporate in the preamble the other resolutions, and I think it important they be incorporated.

The PRESIDING OFFICER. Who yields time?

The Senator from Michigan.

Mr. LEVIN. Madam President, I yield myself 15 seconds. There may not be an inference in their rhetoric, but there is more than an inference in the resolution they support. It says resolutions of the U.N. It identifies them all, including the one on Kuwaiti prisoners. I am afraid while they may want to ignore the language in their own resolution, that is more than an inference that is there; that is authorized there.

It is amazing to me that language is inserted into my resolution, which is not there, by the opponents of my resolution, while ignoring the language in their own resolution which is there.

I yield 3 minutes to the Senator from Vermont.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. WARNER. Madam President, I should point out it also includes the return of an American prisoner, an accounting of him.

Mr. LEVIN. That part I support.

Mr. WARNER. Fine.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Madam President, the vote on the Levin substitute amendment is one of the most important votes we will cast in this process. I commend the Senator from Michigan for his fine work on this alternative. The Levin amendment urges the United Nations to take strong and immediate action to pass a resolution demanding unrestricted access for U.N. arms inspectors in Iraq. It also urges the United Nations to press for full enforcement of its prior resolutions on Iraq. The Levin substitute language makes it clear that the United States will stand behind the U.N. Security Council, even authorizing the use of U.S. military force to support the Security Council directives if necessary.

At the conclusion of World War II, the United States had a vision of a world body that would be a forum for resolving future disputes with means other than war. There were many important initiatives that needed multilateral coordination by an international body. For more than half a century, the United States has poured diplomatic energy and considerable resources into the United Nations system. During the cold war years, the U.N. languished, weakened by the divisive United States-Soviet confrontation. But following the demise of the Soviet Union, the United Nations has regained considerable authority, and as the world's lone superpower, the United States is now finding that it has considerable use for the United Nations.

Our decade-long struggle with Saddam Hussein is one example of how working with the United Nations serves our interests. We partnered with the United Nations very effectively during the Persian Gulf War. Sanctions have prevented any significant rebuilding of Iraq's conventional military capabilities. We maintain U.N. no-fly zones over Iraq that have restricted military reprisals against the Iraqi Kurds and Shiites. United Nations inspectors on the ground in Iraq learned a great deal about Iraq's weapons of mass destruction program immediately following the gulf war. But things fell apart in subsequent years.

Once again, we need a strong United Nations to step up to Saddam Hussein. The United Nations must take the lead in enforcing its demands that Iraq give up its biological and chemical weapons stockpiles and production capabilities. The United Nations also demanded that Iraq dismantle its nuclear weapons program. I am pleased that last month, President Bush decided to take his case against Saddam Hussein to the United Nations. The U.N. Security Council has responded with vigorous debate, and is considering a strong U.S. proposal for enforcement of a strict U.N. inspections regime. I urge the Security Council to act now, and act decisively.

The Levin amendment puts us squarely behind this United Nations effort. It is the only language that does so. It is critical that we give the U.N. our full support at this time, and give the Security Council the opportunity to take bold action as proposed by the United States. If we undercut the United Nations here today, we are depriving ourselves of the best chance to peacefully achieve the most important goal of disarming Saddam Hussein.

As the world's lone super power, we need a partner in the United Nations. Many of the critical tasks before us are actually international tasks. For instance, degradation of the environment is a global problem and requires a global solution. The crisis of climate change can hardly be addressed by the United States alone. Improving the quality of our water and air requires internationally coordinated efforts. Economic, employment and health problems are increasingly becoming global issues, as people move across national boundaries in search of jobs and opportunity. We need a strong partner in these efforts, and the United Nations system is our best hope.

We are becoming increasingly aware of the disparities in the economic wealth and use of resources around the globe. Addressing these problems will require a great deal of creative thinking and financial resources. While we are the world's strongest nation, we cannot solve these problems alone. Nor do we want to. We need a strong partner in this effort. A reinvigorated United Nations is the most likely venue for progress.

The spread of weapons of mass destruction has clearly become a threat to our national security. There is much more that the United States can do to stop this proliferation. But in order to have much success at these efforts, we must work in concert with the international community. We need a strong United Nations as a partner in this effort.

The effect of the Levin substitute is to give the United Nations a chance to prove it is up to the task. If we are to have a strong and effective partner in confronting the many problems facing the United States, then we must stand squarely behind the United Nations today. I urge my colleagues to support the Levin amendment.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. LEVIN. I yield 3 minutes to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Madam President, I rise in support of the Levin resolution. I salute my colleague from the State of Michigan because I think what he has captured in this resolution is, frankly, what the American people believe.

There is no one in this Senate Chamber making apologies for Saddam Hussein or his weapons of mass destruction. There is no one who wants to ignore the peril which that man could pose to the Middle East or to the United States of America. But what Senator LEVIN is suggesting is, frankly, to follow what the President is suggesting.

On September 12, President Bush went to the United Nations and he said to them, if their organization means anything, then they have to stand up to this man. We have to have unconditional inspections. For 5 years we have been standing by the sidelines, and we want to know what is happening in Iraq.

Senator LEVIN says that is the first place we should go, and I agree with him. And it is not as if the United Nations has ignored this. Secretary of State Colin Powell, a man I respect very much—one of the leaders in this administration—has been in New York working with the United Nations for this resolution. That is the best course of action. To have the United Nations behind us, as President Bush's father had the United Nations behind him in the Persian Gulf war, to have a coalition of allies representing countries from all around the world; countries that have joined us in the war on terrorism would now join us in a meaningful inspection regime in Iraq. That is what Senator LEVIN suggests.

What a contrast it is from the President's own resolution. The President's resolution talks about continued discussion with the United Nations. But make no mistake, the President's resolution gives him unconditional, go-it-alone authority to launch a land invasion in Iraq with or without an ally. There is a world of difference between what Senator LEVIN and I support and what the President has asked for.

Doesn't it make more sense for us to work with the United Nations for unconditional inspections to make certain we have inspectors on the ground looking at every square inch of Iraq, and if there is resistance from Saddam Hussein, if he obstructs us, if he creates obstacles, we then have the force of the United Nations behind us in enforcement? We do not stand alone. We stand with other nations and with the United Nations. That is what President Bush's father did, and it was the right thing to do. That is what we should do because, frankly, bringing this force together is a validation of this organization, the United Nations, which the United States, as much as any other nation in the world, helped to create.

After World War II, we said: Let's come together in collective security to work together to solve the problems of the world and to deal with war and peace.

Time and again, in over 100 instances, the United Nations has risen to that challenge. We should give them that same opportunity and responsibility with the Levin resolution. That is the better course of action. As Senator LEVIN says clearly in his resolution, nothing in the resolution ever diminishes in any way whatsoever the power of the President of the United States to defend this country, its people, its territory, its Armed Forces, against any threat of aggression. That is part of what we expect of the Commander in Chief, the President, and Senator LEVIN preserves and protects that.

I urge my colleagues to support the Levin amendment. The Levin amendment is the best way for us to approach this challenge.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Arizona has 1 minute.

Mr. McCAIN. Madam President, I may be in the debate on the Durbin amendment. We can discuss the comparison between this situation and Kosovo. The United Nations Security Council never acted in Kosovo. The United States of America was not imminently threatened—was not threatened—but genocide was going on in Kosovo where thousands of people were being ethnically cleansed. If we had passed the Levin amendment at the time of Kosovo, when those of us supported then-President Clinton, we would have waited to find out whether the Security Council acted or not and then we would have come back and considered whether Kosovo was a threat to the United States of America. Kosovo is not today, was not then, and will not be tomorrow a threat, but the United States of America had an obligation, and because the United Nations Security Council did not act did not hamstring us.

The reading of this amendment says the Congress will come back into session in case of certain Security Council actions. There is no other way to read it. This amendment should be resoundingly defeated.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan controls the remaining 5 minutes.

Mr. LEVIN. Madam President, that Saddam Hussein is a threat, must agree to inspections and be disarmed is something on which I hope we all agree. The only question here is: What is the best way to do that? Do we do that by going to the world community, as the President has, and saying we want the world community to enforce its resolution relative to weapons of mass destruction? And do we mean it? Do we go there, and are we serious when we say to them: We want you to act because it makes a difference, when force is used, as to whether or not it has the credibility and strength of the United Nations and the world community behind it? It makes a difference.

It did not make a difference in Kosovo. It makes a difference here. The ramifications of going it alone here are major. In the short term, our troops are going to be more in danger if we go it alone without the U.N. authorization.

We have been told by the Saudis and other countries we are not going to have access to their bases, their airspace, their support, unless there is a U.N. resolution. We have been informed of that.

We know that the war against terrorism can be weakened unless we act as a world community. We cannot act unilaterally and expect that other nations are going to join us in a war on terrorism the way they would if there were a U.N. resolution supporting it.

If we go it alone, there are both short-term risks as well as long-term risks. The long-term risks in going it alone are that without an imminent threat—if there is one, we can move in self-defense. No U.N. resolution is ever needed to act in self-defense. But to act without an imminent threat, to attack another nation, raises some significant precedent problems for other threatening parts of the world. India and Pakistan can easily say there is a continuing threat and use this kind of a precedent to justify attacking each other. That is not the kind of precedent we should set.

So there are real risks that we should recognize in using force unilaterally. We should see the advantage of doing this multilaterally with the support of the world community. We should go to the world community, focus all of our efforts there, and tell them we are serious.

We say we are. Let's mean it, not just say that we want them to be credible but mean it, and to tell them in advance: Oh, by the way, if you do not do it, we will anyway.

It takes them right off the hook. Instead of putting a focus on the need for world community action to authorize this action and the advantage of it, our focus becomes blurred. It is an inconsistent message to the world. Now it is a message of unilateralism. We say: We need you, but whether you do it or not, we are going it alone.

This resolution—and here I must say I agree with my friend from Arizona. He agrees with me that it would be better if we got authority from the U.N., and I am glad he does. And then when he says we must not delegate our security policy to the U.N., I agree with him. We never will; we never would. This resolution explicitly eliminates any such implication by the reiteration of the right to act in self-defense.

Mrs. BOXER. Will the Senator yield for a question?

Mr. LEVIN. I would be happy to yield for a question. How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 50 seconds.

Mrs. BOXER. This is a quick question. Some of our colleagues on the other side have basically said the Senator is relying totally on the United Nations. I have read the Senator's resolution over and over. He is so clear on the point that at any time the President can take action in self-defense and, in addition, at any time the President can come back and make the case for unilateral action. Am I correct on that reading, that at any time he can come back and answer the questions he has yet to answer and lay out what it would mean to us to go it alone? Is that correct?

Mr. LEVIN. The Senator is very much correct. I thank the Senator for the support and for her kind words earlier this afternoon.

Madam President, is there any time remaining?

The PRESIDING OFFICER. The Senator has 3 seconds.

Mr. LEVIN. I yield back the entire length of my remaining time.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, I ask unanimous consent that I be allowed to speak.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, my good friend, the senior Senator from Pennsylvania, has questioned some of the things I have done today. I am disappointed he feels that way.

Last night we worked for a long period of time. It was not a matter of minutes; it took a long time. The Senator from Virginia, the Senator from Arizona, the Senator from Connecticut, and others, including the people offering these amendments—I personally spent time on the phone calling Senators who had amendments. The result, after a long period of time, was that Senators who have amendments—Senator BOXER, Senator DURBIN, Senator LEVIN, Senator BYRD—we worked out an arrangement where they could offer their amendments. Senator DAYTON always was going to offer his amendment and he withdrew it and decided not to offer it. His was nongermane.

In an effort to get this done, we allowed some amendments to be voted on today that were nongermane. That is how compromises are made in legislation. As part of the deal, the Senators who had other amendments would withdraw those amendments. There was clearly never any question about that. It is in the RECORD last night, "and they will offer no other amendments tomorrow."

In the rush of things, they were not withdrawn last night. They should have been. They were not. Just like the problem we had with Senator BYRD today, he understood there was a unanimous consent request that had never been made that was in the RECORD.

First, we did not need consent to withdraw this. Every Senator had the right on their own to withdraw this. That is a right. They did not need unanimous consent.

My good friend who understands the rules as well as anyone here had the right at any time to file a first-degree amendment. For reasons he knows, he decided not to do so. He indicated he had second-degree amendments that he wanted to pin to some of the amendments, that the arrangements were made to not be part of the proceedings today.

I also say to my friend, the senior Senator from Pennsylvania, he said: Well, I will not agree to any of your unanimous consent requests.

I don't make unanimous consent requests for me. Rarely. I bet out of 100 unanimous consent requests, there is not three-tenths of 1 percent that I make for myself. I will try during this vote and the rest of the evening to see if we can work something out for the Senator from Pennsylvania that will satisfy him. We always try to do that. Both the majority and the minority floor staffs work very hard. We will try to do that. I don't want him upset and disappointed.

I want the RECORD to indicate that what they did last night was for the good of this body. We did our best. It may not have been a perfect arrangement, but I think it was fair. Senators were allowed to offer an amendment and in exchange for that they withdrew the others. Technically, they didn't do that last night. I didn't do it on their behalf. We did it this morning. It is done. That was the fair thing to do.

I repeat for the second time that I will be happy to work with the Senator from Pennsylvania to see if we can arrive at the conclusion he wants. We will see what we can do.

Mr. MCCAIN. Will the Senator yield?

Mr. REID. I would be happy to yield.

Mr. MCCAIN. Along with the Senator from Virginia, the Senator from West Virginia, and other Senators, negotiations were conducted in good faith, in fairness, with full consultation. Many, many Senators are unhappy that they were unable to perhaps propose more amendments or perhaps do other things.

I attest to the fact that the Senator from Nevada, fulfilling his duties of getting this legislation achieved with the consideration due every Senator, in my view, did a fair and unbiased job.

I thank the Senator.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. I associate myself with the——

Mr. SPECTER addressed the Chair.

Mr. WARNER. The leader is to be recognized.

The PRESIDING OFFICER. The Senator from Virginia is the manager and is recognized.

Mr. WARNER. I associate myself with the remarks of my colleague, Mr. MCCAIN. I attest to the accuracy of the statement the Senator made.

I further add that the distinguished Republican leader, Mr. LOTT, from time to time visited with the floor managers, so he, likewise, was very much aware of the procedures.

Mr. REID. I kept the majority leader advised of everything that we did.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I have sought recognition to respond to the Senator from Nevada, over the Senator from Virginia, because what the Senator from Virginia has said and what the Senator from Arizona has said does not bear on this issue.

I am not upset. I think I have been treated unfairly. I did not offer a first-degree amendment to the so-called Biden-Lugar amendment because I had expected Senator BIDEN to offer that amendment. He did not do so up until 1 p.m. yesterday. Having found that out, I consulted with the Parliamentarian and found out that I could offer a second-degree amendment to some seven pending first-degree amendments. I worked it out very carefully and elaborately with the Parliamentarian this morning. The word was out that I was offering the Biden-Lugar amendment.

Other Members of the Senate from the other side of the aisle approached me, liked the fact I was doing it, and wanted an opportunity to vote on it. I got a call from a ranking member of the State Department saying the White House was concerned that I offered the amendment. The word was out that I had moved ahead to offer the Biden-Lugar amendment as a second-degree amendment. I had done that because, after extensive conversations with Senator BIDEN last week, I had decided to cosponsor it. When it was not offered, I decided to offer it. I was under no illusion of its being successful. It seemed to me on a matter of this importance, going to war, that matter ought to be before the Senate. So I worked it out. When I walked off the floor, I was told by an aide that the Senator from Nevada had asked unanimous consent to withdraw not only the Levin amendment, the Durbin amendment, and the Boxer amendment, but also the Dayton amendment. That was done in my absence. I thought that was unfair. I approached the Senator from Nevada and said so. It seems to me that I ought to have an opportunity to offer that amendment.

Now, I read the RECORD from last night that is referred to with respect to three of the Senators, Senator LEVIN, Senator BOXER, and Senator DURBIN. Senator DAYTON is not mentioned. I know he has the right to withdraw the amendment. Senator DAYTON does not like the resolution. Perhaps he would not have. There is an issue as to whether Senator DAYTON's amendment was germane. I am advised by the Parliamentarian that my second-degree amendment being germane cures whatever infirmity there may be on the Dayton first-degree amendment.

I have been in this body for 22 years, and I do not think I have objected to any unanimous consent agreement. However, there are plenty of Senators who do. I am not talking about the percentage the Senator from Nevada offers on his own behalf. This is part of my objection to the way this entire debate is being run. There is cloture filed. I understand the rules. Seventh-five Senators voted against it. I have already heard comments from some who voted against it who are sorry they did so.

We are about to go to war and a Senator does not have a right to offer an amendment. A unanimous consent agreement is asked in my absence and I do not think that is fair.

I yield the floor.

Mr. WARNER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Michigan, Mr. LEVIN.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Utah (Mr. BENNETT) is necessarily absent.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 24, nays 75, as follows:

[Rollcall Vote No. 235 Leg.]

YEAS—24

Akaka
Bingaman
Boxer
Byrd
Chafee
Conrad
Corzine
Dayton
Durbin
Feinstein
Harkin
Inouye
Jeffords
Kennedy
Kohl
Leahy
Levin
Mikulski
Reed
Rockefeller
Sarbanes
Stabenow
Wellstone
Wyden

NAYS—75

Allard
Allen
Baucus
Bayh
Biden
Bond
Breaux
Brownback
Bunning
Burns
Campbell
Cantwell
Carnahan
Carper
Cleland
Clinton
Cochran
Collins
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Dorgan
Edwards
Ensign
Enzi
Feingold
Fitzgerald
Frist
Graham
Gramm
Grassley
Gregg
Hagel
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Johnson
Kerry
Kyl
Landrieu
Lieberman
Lincoln
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Reid
Roberts
Santorum
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner

NOT VOTING—1

Bennett

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, parliamentary inquiry: It is the understanding of the Senator from Virginia that the Durbin amendment is next under the order.

The PRESIDING OFFICER. The Senator is correct.

Mr. WARNER. And will the Chair state the allocation of time?

The PRESIDING OFFICER. The Senator from Illinois controls 40 minutes; the Senator from Delaware, Mr. BIDEN, controls 10 minutes; and Senators WARNER and MCCAIN share 15 minutes.

Mr. WARNER. Mr. President, we are ready to proceed. I would like to just address the Senate momentarily, and I say to my distinguished friend and floor leader, that on this side, the following Senators have indicated a desire for some time to speak: Senator DEWINE, Senator COLLINS, Senator SPECTER, Senator SESSIONS, Senator ENSIGN, Senator SMITH, Senator MCCONNELL, Senator GRAMM, Senator FITZGERALD, and Senator SHELBY.

Now, we have progressed very well through this debate to allocate the speakers going from one side to the other. I would hope we could do that. And in due course we could work together, I say to my good friend, who has been so helpful to move this piece of legislation, to get a UC to put speakers in line so as to sequence the times so that Senators can go about their duties today on other matters more conveniently.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I say to my friend from Virginia, we also have a list of people who want to speak. Under the rules, we have 30 hours postcloture. We have used some of that time today. We have 100 Senators. A number of Senators have already spoken. I have looked at our list. I heard the Senator briefly mention his list. I would hope those Senators who have already spoken would allow some who have not the opportunity to speak. But that is a personal choice they have to make.

During this next debate, I will be happy to direct our floor staff, as you will, to see if we can work out—I think if we do more than four at a time, it creates a problem. So we will work on that and see if we can come up with some speakers after we dispose of this next amendment.

Mr. WARNER. I thank the leader. So we shall work together.

Senator MCCAIN and I will require additional time on this side, both of us, to address various issues. Having managed the bill, there are areas of this debate we believe need to be put in the proper context in which questions arose and were answered.

Mr. REID. After the two leaders, you have the right of first recognition, so you would certainly be able to do that.

Mr. WARNER. If I understand, I say to my leader, following disposition of the Durbin amendment, the parliamentary situation is that we are now on the balance of the 30 hours remaining under cloture: am I correct?

Mr. REID. Since cloture was invoked this morning. I don't remember exactly when it was invoked.

Mr. WARNER. About 11:10 is my recollection.

Mr. REID. The 30 hours started running at that time.

The PRESIDING OFFICER. The time was 11:38 a.m.

Mr. WARNER. Just to inform Senators what the parliamentary situation is.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Illinois is recognized to offer an amendment.

Mr. DURBIN. Mr. President, if I am not mistaken, the Senator from Mississippi was seeking unanimous consent to speak at this time. I yield to him before I call up the amendment.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, over the last several years the Subcommittee on International Security, Proliferation and Federal Services has monitored weapons systems development in Iraq and elsewhere. We have held numerous public hearings on the threat these developments pose to our national security.

For the information of all Senators, I am putting in the RECORD an unclassified description of the subcommittee's findings from the testimony presented to us by the intelligence agencies at our hearings. I firmly believe we are confronted with a dangerous threat to our forces who are now deployed in that area of the world. I am also convinced the President has outlined a strategy for dealing with this threat and with the dangers faced by our homeland which involves the United Nations and the Congress in the decisionmaking process, and we should support him.

This support would be clearly illustrated by approval of the Lieberman-Warner-McCain amendment. We should let our friends and adversaries alike know that, as a nation, we are united in our resolve to do whatever is necessary to protect our national security and the safety of our citizens, including the use of military force.

I ask unanimous consent that the outline of findings from my subcommittee which I described be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Facts About Iraq's Weapons of Mass Destruction

Iraq's program to develop weapons of mass destruction and the means to deliver them has been underway for over three decades. Although it suffered setbacks during and immediately after the Gulf War, the program has since been reconstituted and has achieved significant progress in recent years. The following key facts about Iraq's program to acquire and employ weapons of mass destruction are drawn from publications and testimony of intelligence officials.

In an October 2002 report entitled "Iraq's Weapons of Mass Destruction Programs," the Central Intelligence Agency reached these key judgments:

Iraq has continued its weapons of mass destruction (WMD) programs in defiance of UN resolutions and restrictions. Iraq has chemical and biological weapons as well as missiles with ranges in excess of UN restrictions; if left unchecked, it probably will have a nuclear weapon during this decade.

Iraq hides large portions of its WMD efforts. Revelations after the Gulf War starkly demonstrate the extensive efforts undertaken by Iraq to deny the world information about its programs.

Since inspections ended in 1998, Iraq has maintained its chemical weapons efforts, energized its missile program, and invested more heavily in biological weapons; most analysts assess Iraq is reconstituting its nuclear weapons program.

Iraq's growing ability to sell oil illicitly increases Baghdad's capabilities to finance WMD programs; annual earnings in cash and goods have more than quadrupled.

Iraq largely has rebuilt missile and biological weapons facilities damaged during Operation Desert Fox and has expanded its chemical and biological infrastructure under the cover of civilian production.

Baghdad has exceeded UN range limits of 150 km with its ballistic missiles and is working with unmanned aerial vehicles (UAVs), which allow for a more lethal means to deliver biological and, less likely, chemical warfare agents.

Although Saddam probably does not yet have nuclear weapons or sufficient material to make any, he remains intent on acquiring them.

How quickly Iraq will obtain its first nuclear weapon depends on when it acquires sufficient weapons-grade fissile material.

If Baghdad acquires sufficient weapons-grade fissile material from abroad, it could make a nuclear weapon within a year.

Iraq has begun renewed production of chemical warfare agents, probably including mustard, sarin, cyclosarin, and VX. Its capability was reduced during United Nations inspections and is probably more limited now than it was at the time of the Gulf War, although VX production and agent storage life probably have been improved.

Saddam probably has stocked a few hundred metric tons of chemical weapon (CW) agents.

The Iraqis have experience in manufacturing CW bombs, artillery rockets, and projectiles, and probably possess chemical agents for ballistic missile warheads, including for a limited number of covertly stored, extended-range Scuds.

All key aspects—R&D, production, and weaponization—of Iraq's offensive biological weapon (BW) program are active and most elements are larger and more advanced than they were before the Gulf War.

Iraq has some lethal and incapacitating BW agents and is capable of quickly producing and weaponizing a variety of such agents, including anthrax, for delivery by bombs, Scud missiles, aerial sprayers, and covert operatives, including potentially against the U.S. Homeland.

Baghdad has established a large-scale, redundant, and concealed BW agent production capability, which includes mobile facilities; these facilities can evade detection, are highly survivable, and can exceed the production rates Iraq had prior to the Gulf War.

Iraq maintains a small missile force and several development programs, including for an Unmanned Aerial Vehicle (UAV) that most analysts believe probably is intended to deliver biological warfare agents.

Gaps in Iraqi accounting to UNSCOM suggests that Saddam retains a covert force of up to a few dozen Scud-variant missiles with ranges of 650 to 900 km.

Iraq is deploying its new al-Samoud and Ababil-100 short-range ballistic missiles, which are capable of flying beyond the U.N.-authorized 150-km range limit.

Iraq's UAVs, especially if used for delivery of chemical and biological warfare (CBW) agents, could threaten its neighbors, U.S. forces in the Persian Gulf, and the United States if brought close to, or into, the U.S. Homeland.

Iraq is developing medium-range ballistic missile capabilities, largely through foreign assistance in building specialized facilities.

Iraq's effort to extend the reach of its ballistic missile force is not limited to medium-range missiles capable of striking its immediate neighbors. Iraq has pursued long-range ballistic missiles in the past and has even tested a rudimentary space launch vehicle (SLV).

In testimony before the Subcommittee on International Security, Proliferation and Federal Services, Robert Walpole, the National Intelligence Officer for Strategic and Nuclear Programs stated, "Iraq's goals of becoming the predominant regional power, and its hostile relations with many of its neighbors, are the key drivers behind Iraq's ballistic missile program."

According to the Department of Defense's report "Proliferation: Threat and Response," Iraq in December 1988 attempted to launch the Al Abid 3-stage space launch vehicle, which used 5 Scud missiles clustered together as a first stage.

The Intelligence Community's unclassified summary of the "National Intelligence Estimate on Foreign Missile Developments and the Ballistic Missile Threat Through 2015" states:

After observing North Korean missile development the past few years, Iraq would be likely to pursue a three-stage Taepo Dong-2 [TD-2] approach to a ICBM, or space-launched vehicle, which would be capable of delivering a nuclear weapon-sized payload to the United States.

Iraq could develop and test a Taepo Dong-2-type system within about ten years of a decision to do so.

If Iraq could buy a TD-2 from North Korea, it could have a launch capability within a year or two of a purchase.

It could develop and test a TD-1-type [Taepo Dong-1] system, within a few years.

Iraq could attempt before 2015 to test a rudimentary long-range missile based on its failed Al-Abid SLV . . .

If it acquired No Dongs from North Korea, it could test an ICBM within a few years of acquisition by clustering and staging the No Dongs—similar to the clustering of Scuds for the Al-Abid SLV.

Mr. COCHRAN. I thank the distinguished Senator from Illinois.

AMENDMENT NO. 4865 TO AMENDMENT NO. 4586

Mr. DURBIN. Mr. President, pursuant to the unanimous consent agreement, I call up my amendment.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Illinois [Mr. DURBIN] proposes an amendment numbered 4865 to amendment No. 4586.

(Purpose: To amend the authorization for the use of the Armed Forces to cover an imminent threat posed by Iraq's weapons of mass destruction rather than the continuing threat posed by Iraq)

On page 7, line 20, strike "the continuing threat posed by Iraq" and insert "an imminent threat posed by Iraq's weapons of mass destruction".

Mr. DURBIN. Mr. President, I call up this amendment to the underlying resolution presented by the President and sponsored by Senator LIEBERMAN and others on the floor of the Senate.

In this Capitol Building, there are many historic rooms. There is one that is of great significance to me. It is only a few steps down the hall. It was in room 219 where I gathered with about a dozen of my colleagues among the Senate Democrats for a meeting on the morning of September 11, 2001. I can still recall the meeting vividly as we watched the television screen and its report, as we heard of the evacuation of the White House, as we jumped from our chairs and looked down The Mall to see the black smoke billowing from the Pentagon. And then we were told immediately to leave this great building and rushed down the steps and far away.

That is my image of September 11. Everyone who is following this debate has their own image of September 11. My world changed. America changed. Perhaps things changed all around the world on that day.

I came to work on that morning never believing that just a few days later, on September 14, I would stand on this floor and join every one of my colleagues in the Senate in a unanimous bipartisan vote of support for President Bush's request for war on terrorism. I am not a person who comes to that vote easily. I am one who grew up with the specter of war during our war in Vietnam. I am a person who served in the Congress and considered the momentous decision of the Persian Gulf war. I always took those votes extremely seriously. But there was no doubt in my mind on September 14, this was the right one. The war against terrorism was the right one. We were going to go after those parties responsible for what they had done to us on that day of infamy.

Now we gather in the Senate, a little over a year later, to face another historic vote. The President has asked Congress for the authority to wage another war, a war against Iraq. It is fair first to ask what progress we have made on the war against terrorism. Some things have happened for which we can be very proud.

The Taliban is out of power in Afghanistan. They no longer will be catering to the kind of extremist we saw with al-Qaida. Osama bin Laden is at least on the run, and that is certainly good news. Afghanistan is moving back toward a civilized state. Women are returning to the streets without the burkas. Girls are going to school. Positive things are happening. We saw an intelligence network created around the world to support the U.S. war on terrorism, an amazing display of unity and support for what we were doing.

But still, as I stand here today and make this assessment of the war on terrorism, the manhunt continues for Osama bin Laden and his top lieutenants. Afghanistan is still in its national infancy. Hamid Karzai, leader of Afghanistan, is a good man but barely escaped an assassination attempt a few weeks ago, an assassination that, had it resulted, would have thrown that nation into chaos. Al-Qaida is still known to be in 60 nations around the world, and this war is far from over.

Make no mistake, we cannot dedicate the resources, the manpower, the skills, and the weapons of war to a new war in Iraq without sacrifices in our war on terrorism. This will be a war on two fronts; sacrifices will be made.

Let's speak to the President's request for a war against Iraq. If you have followed the comments from the President since August until today, you will note that his approach has changed. In fact, this is the third version of the resolution before us.

In one respect it is a tribute to the President that he has worked with others to try to improve the resolution. We expect that. In another, it suggests a change in attitude and philosophy and perhaps an intent as this resolution develops.

The speech the President gave on Monday night I listened to, every single word of it. I wanted to hear everything he had to say. The speech the President gave to the American people was far different than the language of the resolution before us.

What has happened since August when the President first raised the specter of Iraq as a threat to the United States?

Initially the White House said: We don't need congressional approval. We can move forward. They went on to say: We can do it unilaterally. We don't need any allies. We can attack Iraq if necessary by ourselves. And the President said our goal is regime change. We want Saddam Hussein gone. We have had enough of him. And he went on to say—Vice President CHENEY backed him up—inspections by the U.N. are worthless. We tried that.

That was the first cut, the first position of the White House.

Last Monday, when the President gave a speech, it was a much different message. He is seeking congressional approval. That is why we are here today. He said that he is going to help lead a coalition of forces against Saddam Hussein, far different than what this resolution says, far different than what he said at the outset.

He is now working through the United Nations; something that had been dismissed early on in the debate has now become a big part of it. The President went on to say that he is now focusing on weapons of mass destruction and destroying them. There won't be any argument here. I have yet to meet a single Member of Congress who defends Saddam Hussein and his weapons of mass destruction.

The President said we need an inspection regime through the United Nations. That is a big departure from where he was. But that speech basically described a process the President suggested and endorsed, which many of us endorse as well.

In 8 weeks the administration has changed its rhetoric but the resolution we have before us has not. This resolution is important for many reasons. First, it is a war resolution. With this expression of authority from Congress, the President will have what he needs under our Constitution to move forward, to dispatch troops, mobilize reserves, move the men and women in uniform into harm's way, and be prepared for battle. That is, of course, the most important part of the resolution.

Another part rivals it in importance. This resolution is historically important because it marks a dramatic departure in the foreign policy of the United States of America. It is not simply a question of our policy toward Iraq or Saddam Hussein; it is a question of our policy toward the world.

This resolution still authorizes a unilateral, go-it-alone invasion of Iraq. This resolution contains no requirement to build a coalition of allies behind us. It has been said over and over again, isn't it better for the United States to have a coalition behind us than to have a coalition against us? This resolution does not specify that we are targeting weapons of mass destruction. This resolution represents a dramatic departure in foreign policy. That is why I have offered this amendment.

Senator LEVIN of Michigan was here earlier speaking about the role of the U.N. As much as any nation, the United States has guided and nurtured the U.N. We have gone through painful, frustrating moments when we have disagreed with their actions and could not agree with Security Council decisions, but by and large we have stood by the U.N. since its creation. In the words of Kofi Annan, "The U.N. is the international community at work for the rule of law."

That is as succinct a description of what the U.N. is all about as I have ever read. We have been with the U.N. through NATO, in the cold war, on questions of post-Soviet transatlantic order, and a variety of other issues. Now comes the President, on September 12 of this year, who visits the U.N. and issues a significant challenge. He says to the U.N. on September 12: If this organization has a backbone, it is going to stand up to Saddam Hussein, demand inspections for the weapons of mass destruction, and remove or destroy them. And if it does not, the President basically said that the U.N. is irrelevant; it has become the League of Nations.

Well, since then, progress has been made. A man whom I respect very much, Secretary of State Colin Powell, has been involved in shuttle diplomacy with the Security Council to put together U.N. support for just the very approach the President asked. It is the right approach—to really put our inspectors on the ground with no holds barred, nothing off limits, with no exemptions for Presidential palaces, so that we can go in and discover, with the help of our intelligence community, which will provide information where we think the weapons can be found and, in finding them, be able to establish once and for all that Iraq is in violation of U.N. resolutions and destroy the weapons.

If Saddam Hussein and Iraq should resist or stop us, consider the position we are in. We can then turn to the U.N. and say: We gave you your opportunity. You know this man will not comply with orders. Now stand together in enforcing the U.N. inspection. What a strong position that is—for us to have a coalition of nations, through the U.N., working with us, rather than the Bush resolution, which says we will do it by ourselves.

I think we have seen progress, but this resolution would brush it all aside. This resolution would say to the U.N. and others around the world: Go ahead and finish your debate and engage yourself as much as you like, but in the final analysis this Nation, the United States of America, will do exactly what it wants to do.

I don't think that has been our approach historically. We have always said: If you attack us, expect an answer. That is what happened on September 14, when we voted on the resolution on the war on terrorism. But why, if the U.N. is making progress toward this goal, do we want to say we are going to ignore the progress you have made, ignore the fact that you have accepted this challenge, we are going to ignore the possibility of meaningful inspections to disarm Iraq, and we will go it alone, we will launch a land invasion?

I think that is a mistake. This U.N. coalition effort is very important. In October of last year, President Bush stated, with some pride, that we had launched our war on terrorism, and he said: "We are supported by the collective will of the world." And we were. The President has a right to be proud of that. The fact that we mobilized nations around the world to come behind us in the war against al-Qaida and the terrorists meant something in the war on terrorism.

Why, then, does it not mean something today? Why, then, when we are considering this war resolution, are we not committing to build a coalition of force to make sure we are successful? We know what the coalition means. It means strength in numbers. It means a sharing of the burden. Why should it only be American soldiers walking through the deserts on the way to Baghdad? Should we not have an international force? Because the threat Saddam Hussein poses is certainly to the Middle East and other countries before it threatens the United States. Why should other nations not defray the cost of this war? The fact that we would spend **$100** billion or **$200** billion when we are currently in deficit—why should that not be shared? Certainly, when we fought in the Persian Gulf, that was what happened. There is nothing in the Bush resolution for a coalition of force to join us in this effort in Iraq.

Also, the creation of a coalition establishes vital cover for other nations to join us. Do you recall the comments made by Saudi Arabia a few days after the President's visit to the U.N.? They had been not only cold but antagonistic to the idea of the United States going it alone against Iraq. They announced, after his visit to the U.N., that if the U.N. took action, they would cooperate. Why is that significant? It is as significant today as it was in the Persian Gulf. President Bush's father realized that when you bring Arab States into the coalition, it is critically important as we consider action against an Arab nation, Iraq.

Think of this for a moment, too: If our coalition includes Arab States and countries from around the world, it minimizes the impact this will have on the fundamentalists and extremists who are trying to breed and educate and train the next generation of terrorists. A third of the people living in the Arab world today are under the age of 14.

If this is a coalition including Arab States, then we are in a much stronger position to argue that it is U.N. action, collective action, it is not the United States going it alone. This will help to defuse any terrorists who might come out and will help to establish stability after the attack.

Let me go to the particular reason to raise this amendment to this resolution. The House has passed the resolution we are considering. It tells you we are drawing that much closer to the possibility of war. It is a historic decision, one which now is in this Chamber. If this Chamber agrees to the same resolution and presents it on the President's desk, my guess is it will be signed very quickly. It is more than just war against Iraq. Just a few weeks ago, the administration released what they called "The National Security Strategy of the United States of America." It is a document which outlines what they consider to be the new parameters of foreign policy in our Nation. It is well worth the read.

You will find in this document, on page 15, a significant and historic departure from the foreign policy of the United States. The argument is made in this publication by the administration, by President Bush's White House, that the world has changed so significantly since September 11, 2001, that the principles and values and norms of conduct of our foreign policy must be changed dramatically in this respect. We have always said to the world: The United States is not an aggressor nation. We are not seeking to invade your country for territory or treasure. But if you threaten us, you can expect that we will return with all the force and power we have. We are not trying to conquer you, but if you threaten our territory, our people, our allies, our Armed Forces, you can expect the worst. That is the way it should be.

We have said historically we are a defensive nation. Even at the height of the cold war, we did not endorse a first strike against the Soviet Union. No, we are a defensive nation. This new foreign policy reflected in the resolution before us is a dramatic departure from that.

The argument is made that we have no choice. Because we are now fighting terrorism, we can no longer wait for an imminent threat against the United States. We have to be able to move preemptively for what might be, as is said in this resolution, a continuing threat.

What does it mean? If you list the nations of the world that pose any threat to the United States, unfortunately the list is fairly long. It would not just be Iraq. The President's "axis of evil" includes North Korea and Iran. One would certainly put Syria, Libya, and maybe many other countries on that list.

What the President's foreign policy is calling for is the right of the United States to attack these countries without provocation, without imminent threat. That, I say to my friends in the Senate, is a dramatic departure in foreign policy. We are not just talking about how to deal with Saddam Hussein, how to deal with weapons of mass destruction in Iraq, what to do through the United Nations. The supporters of this resolution are calling for a dramatic departure in American foreign policy.

From my point of view, it is a departure which is unwarranted and unwise. This is why I believe it: For over 50 years, with nuclear Armageddon facing us, with nuclear missiles poised in the Soviet Union and in the United States, our position was one of deterrence. We said, as I mentioned before, we would not strike first. We held that position, with some rare exceptions. That was our position as a nation, and it prevailed. It prevailed to overcome the Soviet Union and, frankly, to bring the Russians closer to our position in the world and to bring the world closer to peace.

Look what has happened in the last 10 years in our relationship with Iraq. Since the Persian Gulf war, we have made it clear to Saddam Hussein and his leaders that if they make one bad move with a weapon of mass destruction, either through a terrorist organization or directly against the United States, its neighbors, or any of our allies, frankly, they will pay a heavy price. There has never been a doubt about that. There is no doubt about that today.

The establishment and maintenance of the no-fly zone is our way of keeping an eye on Saddam Hussein from start to finish. There is not a tank or truck that moves in Iraq today we do not monitor. There is not a hole that is dug and filled up we do not monitor. We made that clear under existing foreign policy, but this resolution says it is time for us to change that policy. It is time for us to argue we can preemptively strike Iraq or any other country before they pose a threat to the United States. That is a dramatic change.

My amendment goes to this issue and says the President has the authority to use force. Let me read it specifically because I do not want to misstate it for my colleagues:

> The President is authorized to use the Armed Forces of the United States as he determines to be necessary and appropriate in order to defend the national security of the United States against an imminent threat posed by Iraq's weapons of mass destruction.

That is what my amendment says. It spells that out in terms of foreign policy that we have created, in many respects, and honored throughout our history. To state it as stated in this resolution is to endorse this new rewrite of American foreign policy and to say in the age of terrorism that preemption is the answer.

I asked Dr. Condoleezza Rice a question when she came before us a few weeks ago, as follows: If we are going to argue that we have the right as a nation to attack any nation we suspect may be a threat to us, how then can the United States play a role in the world supporting diplomacy and peace? How can we argue to countries that are in incendiary relationships, such as India and Pakistan over Kashmir, that they should not do preemptive attacks of their own? How do we make that argument?

Oh, she said, diplomacy is working in Kashmir. It depends on what day of the week that question is asked. I hope it works. I hope peace comes to that region. We really lose our right to argue and demand more diplomacy and more peacekeeping when we say the United States may preempt any perceived threat, but other nations in the world should negotiate. The same can be said of China and Taiwan and many other places in the world.

To my colleagues I say this: This resolution not only addresses Iraq, it marks a significant departure in foreign policy. I hope, even though we have not had hearings, even though we have not debated this at length, that this amendment which I offer, with just a handful of words, will call into question whether this is the wisest policy, whether this is a necessary policy.

Let me say this as well. I know the United States is in a fearful and anxious situation since the attacks of September 11, 2001. Though we have been heartened by the strength of this Nation and its unity, there is still a lingering question as to whether we will be struck again.

It is because of that anxiety, because of that fear, I think many of us are moving now to say, let's do what is necessary, let's make the changes, let's get on with it.

I caution and beg my colleagues to think twice about that. America has faced periods of fear in its past, some not from foreign threats but from domestic situations.

One of the most noteworthy in our history was the Great Depression which faced our country when then-President Franklin Roosevelt, in his Inaugural Address, said:

> This great Nation will endure as it has endured, will revive and will prosper. So, first of all, let me assert my firm belief that the only thing we have to fear is fear itself. Nameless, unreasoning, unjustified terror which paralyzes needed efforts to convert, retreat, and advance. In every dark hour of our national life, a leadership of frankness and vigor is met with that understanding and support of the people themselves, which is essential to victory.

I have listened to speeches on this floor, speeches which have, frankly, touched the anxiety, concerns, and fear of America. I have heard people on this floor lionize Saddam's weapons of mass destruction as a threat. The President's own resolution said Saddam Hussein may launch a surprise attack against the United States, language which is almost, frankly, impossible to understand in the world in which we live.

I heard those same voices minimize the impact of weapons of mass destruction on the battlefields of Iraq if we launch a land invasion to try to force regime change.

As we know—it has been declassified this week—our intelligence community tells us the most likely scenario of weapons of mass destruction to be used against Americans is if we launch an invasion of Iraq. Saddam Hussein knows today if those weapons move or are used in any way against us and our allies, he will pay a terrible price.

Our foreign policy must not be driven by fear. We must be vigilant. We must be careful. But at this moment of national concern over our vulnerability of terrorism, we cannot lose sight of the course which guided our Nation for generations. As we search every corner of our Nation and every corner of the world for danger and threats, we can never lose our sight on true north, and that rock-solid reliable point is a commitment to a rule of law, a commitment to a foreign policy based on established values and established standards of international conduct.

We cannot now ignore the challenge of Saddam Hussein. We need to address it. We should push forward with inspections through the United Nations, and build a coalition of support to make sure he is kept under control. The Presidential resolution, which envisions the United States standing alone, is not the best course. The Presidential resolution, which calls for a dramatic departure in our foreign policy, is not the best course.

Mr. President, I reserve the remainder of my time and yield the floor. How much time do I have remaining?

The PRESIDING OFFICER (Mr. CARPER). The Senator from Illinois has 15 minutes remaining.

The Senator from Virginia.

Mr. WARNER. Mr. President, my understanding is the Senator from Virginia and the Senator from Arizona have 15 minutes, equally divided.

The PRESIDING OFFICER. The Senator is correct.

Mr. WARNER. At this time, the Senator from Arizona wishes to allocate his time to Senator KYL.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I will speak for about 7 minutes. If any other Senator wishes to speak, they may certainly do so.

Mr. President, I want to address directly the Senator's amendment. He talked about everything but his amendment. His amendment is remarkable because instead of allowing the President to deal with the continuing threat posed by Iraq, this amendment would require the President to identify an imminent threat; that is to say, one that is immediate, pressing, upon us, imminent. I suggest, as a member of the Intelligence Committee for almost 8 years, that it is virtually impossible for us to know when a threat is imminent, a threat posed by a regime such as Saddam Hussein's, or a group of terrorists.

These people do not announce their threats in advance. They conceal their intentions, as well as their capabilities, and it is very difficult for us to know the precise moment at which the threat is imminent.

So this amendment is remarkable because it would literally force the President to wait until the last minute in order to take the action that is permitted by the amendment.

There is a saying in the intelligence community that we do not know what we do not know. We find out later what we did not know.

We did not know that Saddam Hussein, for example, had gone to the extent he had in the development of biological and chemical weapons until defectors came out of Iraq and told us what he had done. We did not find out about that through other intelligence. Then we sent inspectors, and before Saddam Hussein got it all hidden, they were able to find some of it, at which point he said: Oh, gosh I forgot about that—or words to that effect.

We did not realize the extent to which he had developed his nuclear capability until after the gulf war was over, when we learned that he was years closer to having a nuclear weapon than we had thought.

If Saddam Hussein had waited to attack Kuwait, had not attacked Kuwait, and gone ahead with his plans, he would have had a nuclear capability before the United States knew about it. By then, it would have been too late.

My point is this: We may have pretty good intelligence, but it is not good enough to calibrate as closely as the Senator's amendment would require, to wait until the moment when the President says now it is imminent. And that is the problem. Action has to be taken when the threat is clear, when it is known to be there, but we do not really know exactly when he is going to make his move.

As September 11 showed, if it showed us anything, our intelligence is not good enough to do that. We can know there is a threat. We can know it is growing, we can know it is continuing, but we cannot know that moment when it becomes imminent.

This amendment asks an impossibility of the President: To prove that the threat is imminent or at least to wait until it is clear to him that the threat is imminent. But we may never know until it is too late that Saddam Hussein has a nuclear weapon.

The Senator also complained about this new doctrine of preemption, but I would suggest that with respect to Iraq, we are not talking about preemption, we are talking about unfinished business called the gulf war.

Every day the United States and the United Kingdom fly airplanes, pursuant to United Nations resolutions, to enforce those resolutions—frankly, to engage in aerial inspection called reconnaissance—and they get shot at almost every day. When they get shot at, they either try to take out the radar site or SAM missile site that is firing at them after they have been shot at, or what they try to do is knock it out before they get shot at. Now, somebody may call that preemption. I call it self-defense and common sense.

This is not some new doctrine we are about to engage in that is going to threaten world peace. This is the unfinished business of the gulf war that is authorized by United Nations resolutions that we engage in every day and that requires us to act in our own self-defense.

It is also said that for the last 11 years, Saddam Hussein has not used his weapons of mass destruction. So why deal with this now? Why not wait until the threat is imminent? Is that it? We are supposed to put our trust in Saddam Hussein? I am unwilling to place the security of the United States of America in the hands of the likes of Saddam Hussein. I do not believe we can trust him.

Because our intelligence is not good enough to calibrate this threat to the action that would be authorized by the amendment, and because we cannot trust Saddam Hussein, I support the resolution that is before us and oppose the amendment of the Senator from Illinois.

Finally, suggesting, as some have, although I did not hear these words from the Senator, that there has to be a smoking gun—that is the concept behind this notion of imminence—before we can take action, is extraordinarily misguided. Remember, a gun smokes after it has been fired.

When I think of a smoking gun, I think of the Pentagon and the World Trade Center. I believe that the amendment of the Senator from Illinois is dangerous, misguided, and I hope my colleagues will join me in defeating it.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, how much time do we have remaining?

The PRESIDING OFFICER. Who yields time to the Senator from Texas?

Mr. KYL. Mr. President, on behalf of Senator WARNER, unless Senator LIEBERMAN wishes any time, I yield the remainder of the time to Senator GRAMM.

The PRESIDING OFFICER. Nine minutes.

Mr. GRAMM. Mr. President, this has been a great debate. I want to congratulate Senator WARNER and Senator LIEBERMAN, and I want to thank my dear friend JOHN MCCAIN for his leadership on this issue.

Even error has been presented on the floor of the Senate in a way that one could be proud of. I think these kinds of debates build the stature of the Senate, and when the American people listen to this debate they will realize that on this issue there is a lot of serious thinking, a lot of good thought, and I believe in the end we are going to make the right decision.

I have waited to speak—did the Senator want me to yield?

Mr. WARNER. Yes. I had to speak to the Republican leader. I had 7 minutes. I wish to allocate several of those minutes to our colleague from Connecticut.

Mr. President, how much time remains?

The PRESIDING OFFICER. Seven minutes.

Mr. GRAMM. Mr. President, I ask unanimous consent that I have 5 minutes.

Mr. REID. Objection.

The PRESIDING OFFICER. Objection is heard.

Mr. WARNER. I regret to say to my good friend from Texas——

Mr. GRAMM. How about 4½ minutes?

Mr. WARNER. Why doesn't the Senator take an additional 2 minutes so we can complete the debate on this amendment?

Mr. GRAMM. Mr. President, I will wait until this amendment is completed and then I will speak.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. I thank my friend from Texas for his cooperation. I now yield the remaining time, with the exception of 1 minute for the Senator from Virginia, to the Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I ask that the Chair notify me when a minute remains so I may terminate my remarks.

The PRESIDING OFFICER. The Chair will do so.

Mr. LIEBERMAN. Mr. President, I rise to oppose, respectfully, the amendment introduced by the Senator from Illinois.

The underlying resolution, building on 11 years in which the world community has tried every way imaginable, except war, to get Saddam Hussein to keep the promises he made at the end the gulf war to disarm, is a strong resolution. This amendment would diminish it, and in that sense it would also diminish its effectiveness to convince the United Nations to act so we do not have to form our own international coalition.

In two regards, it also diminishes the authority of the Commander in Chief, as granted by our resolution, and does so in a way that is far more restrictive than most any authorizing resolution for war or military action that I have seen before.

First, it introduces the word "imminent" in place of the words "continuing threat." We say in our resolution that the President may use the Armed Forces of the United States in order to defend the national security of our country against the continuing threat posed by Iraq. The Durbin amendment would change that to the imminent threat posed by Iraq's weapons of mass destruction.

In changing it to "imminent," which is a temporal term—it suggests time, that something is about to happen soon—it adds a qualification that I think is unwarranted. In the totality of Saddam Hussein's evil administration, weapons of mass destruction, ballistic missiles, unmanned aerial vehicles, there is a threat that is real to us, and I am convinced will be used against the American people unless we act, hopefully through the United Nations, to disarm him.

So while it might not be imminent in the sense that he is about to use it against us, in my opinion it is a ticking time bomb. We do not know exactly how many seconds or minutes or hours are left on that timer. I don't want the President to be limited to an imminent threat to use the power we are giving him here.

Second, it limits that authority for the President to act only in regard to an imminent threat of weapons of mass destruction.

The resolution we have introduced provides two conditions under which the President may use the Armed Forces to defend the national security of the United States against the continuing threat posed by Iraq and to enforce all relevant U.N. Security Council resolutions regarding Iraq. This harkens back to a colloquy I had with Senator SPECTER of Pennsylvania yesterday.

It seems to me these two parts have to be read in totality as modifying each other. The resolutions that are relevant in the U.N. Security Council are to be enforced particularly in relationship to the extent to which they threaten the national security of the United States. In doing this, we are expressing our understanding that the President is unlikely to go to war to enforce a resolution of the United Nations that does not significantly affect the national security of the United States.

We want to do what the Constitution invites us to do. Congress is given the authority under article I to declare war. The President under article II is the Commander in Chief. There is a healthy tension there. It is up to Congress to authorize and to the President to act as Commander in Chief with the latitude that authority gives him but also with the accountability and responsibility that authority gives him.

I have spent time looking at authorizing resolutions for war or military action from the past. The one that we put together—although some of our colleagues have described it, I think, erroneously as a blank check—is quite limited compared to the declaration of war authorizing and directing the President to employ the entire naval and military forces of the United States and the resources of the Government to carry on war—this was in the case of World War I—and to bring the conflict to a successful termination, all the resources of the country are hereby pledged by the Congress of the United States.

We have only one Commander in Chief; 535 Members of Congress cannot effectively conduct a war. We set the parameters, as this resolution does. We authorize. But it is the President ultimately who carries out and serves as our Commander in Chief. That is what our resolution does. That purpose would be significantly altered and, I say respectfully, weakened by the language of the Senator from Illinois, which is why I respectfully oppose his amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. My understanding is that the Senator from Delaware has 10 minutes. He is not here. I will ask unanimous consent I take 7 of his 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I wish to retain 2 of those minutes for myself and give 4 minutes to our colleague from Texas.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I thank my dear colleague and floor leader. I will make a couple of comments.

I have listened to these arguments, and I would say they have been made very effectively and with great eloquence. But as I hear them, they boil down to two simple arguments. The first argument is that if we are going to use military power against Saddam Hussein, we ought to do it within the context of the United Nations and it ought to be part of a multinational effort. I reject that.

I reject it because when we are talking about the security of our Nation. I am not willing to delegate the responsibility of protecting it to the U.N. When it comes to the lives and safety of our people, I am not willing to leave that up to the U.N. I am not even willing to leave it up to our allies. It is the responsibility of the U.S. Government. That is why we need this resolution.

The plain truth is, if nobody else in the world is willing or able to do this job, we are able and we are willing. That is what this resolution says. And by being able and being willing, I believe there will be others who will help us.

The second argument can be explained through an analogy. Let's say there is a rattlesnake nesting in your rock garden. Our colleagues are saying, look, if you go in there and try to find that rattlesnake and try to kill him, he is liable to bite you. The probability of being bitten is lower if you leave him alone.

For a short period of time, they are right. There is no doubt about the fact if you put on your snake boots and you get rat shot and your pistol and go out there with a stick and start poking around trying to find him, the probability during that period of time that you are going to get bitten does go up. But most rational people get their pistol and get that stick and go out there because that rattlesnake will be out there for a long time. Your dog might go through there and get bitten. Your grandchild might be playing out there. The good thing about going in to find a rattlesnake is you know he is there and you are alert to the threat.

My view is we do have the rattlesnake in the rock garden. We have the ability to go in and get him out. And because of the threat that it poses to us, I don't think we ought to wait around to do what we know we need to do. In looking at the future, I say the threat is greater if we do not act than if we do.

Those are the two arguments I hear. They are in fancier garb and they are better put. But it really boils down to, let's turn over our security to the U.N. or to our allies. I am not willing to do that. Let's avoid the risk of this conflict because it will be dangerous while the conflict is going on. It will be a lot safer once the conflict is over.

That is where we are. I think we are doing the right thing. I think we are going to have an overwhelming vote. We have had great bipartisan success on this force resolution because Saddam Hussein has no organized political support in America. I wish we did not face organized political support for opposition to homeland security.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I say to our distinguished colleague from Texas, I listened intently to his remarks. Two things occurred to me. First, how much we value the Senator's contribution these many years we have served together. We shall miss him. Also, the Senator cut right to the heart of the argument, leaving no doubt where he stands.

Mr. President, I am happy to yield the floor. I think I have 3 minutes left under my control.

Mr. DURBIN. It is my understanding the Senator from Delaware still has time remaining under the unanimous consent request.

The PRESIDING OFFICER. The Senator from Delaware has 3 minutes remaining, and the Senator from Illinois has 15 minutes remaining.

Mr. DURBIN. I thank the Senator for his courtesy. When we disagree, he is always courteous in his treatment and fair on the floor of the Senate.

I might say to my friend from Connecticut, it is rare we disagree. I am sorry this is one of those cases. But I would pose a question, if he wants to answer it—without yielding the floor.

Do you believe that the threat of weapons of mass destruction in Iraq is an imminent threat to the United States today?

Mr. LIEBERMAN. I thank my friend. I agree it is rare we disagree, so I do so with respect.

That is my point. I believe the threat is real. The weapons of mass destruction threat is real. Whether it is imminent or not, I do not know.

As I said, the analogy that comes to mind is of a bomb on a timer. I don't know whether the timer is set to go off in a day or a year. But because the danger is so real, I don't want to establish the standard of imminence before the United Nations or the President of the United States can act to eliminate the danger.

Mr. DURBIN. I thank my colleague from Connecticut, and I think it is an honest answer. But let me tell you, I serve on the Intelligence Committee and I would not disclose anything I learned there because it is classified and top secret, but some things I can say because they are public knowledge.

If you want to talk about threats to the United States, let me quickly add to that list North Korea. Currently, North Korea has nuclear weapons. North Korea has missiles that can deliver that nuclear weapon to many countries that we consider our friends and allies in their region.

Iran may not have a nuclear weapon today but could be further along than Iraq is at this moment. There is scant if little evidence that Iraq has a nuclear weapon.

We do not trust Syria because it is a harbor for some 12 or 15 different terrorist organizations in Damascus, and we certainly do not trust Libya because of our fear of weapons of mass destruction.

So now of all the countries I have listed, Iraq is one of them for sure. But I have given you five or six countries which, under this resolution's logic and under this President's new foreign policy, we should be considering invading. Which one and when?

Historically, we have said it is not enough to say you have a weapon that can hurt us. Think of 50 years of cold war when the Soviet Union had weapons poised and pointed at us. It is not enough that you just have weapons. We will watch to see if you make any effort toward hurting anyone in the United States, any of our citizens or our territory.

It was a bright-line difference in our foreign policy which we drew and an important difference in our foreign policy. It distinguished us from aggressor nations. It said that we are a defensive nation. We do not strike out at you simply because you have a weapon if you are not menacing or threatening to us. Has September 11, 2001, changed that so dramatically?

The words "imminent threat" have been used throughout the history of the United States. One of the first people to articulate that was a man who served on the floor of this Chamber, Daniel Webster, who talked about anticipatory self-defense, recognized way back in time, in the 19th century. What we are saying today is those rules don't work anymore; we are going to change them.

I might also add, even though the Senator from Connecticut didn't address it directly, as to whether Iraq is an imminent threat, the minority leader, Republican minority leader, Senator LOTT, today on the floor came forward and said, and I quote:

> He [meaning the President] is prepared to try to find a peaceful solution here. But unless we make it clear he is committed, we are committed, the U.N. is committed, this problem will not go way. It is serious and it is imminent.

The words of Senator LOTT on the floor today, recognizing the point I am trying to make here. If the President believes it is an imminent threat from weapons of mass destruction, he should have the authority to go forward.

But this is not just a matter of striking a strong position and showing that we have resolve. It is a matter of the people of the United States, through the Senate and the House, giving authority to the President of the United States to commit the lives of our men and women in the U.S. Armed Forces.

I, for one, have thought long and hard about voting for war. As I said on September 14, 2001, I did. I would do it again on the war on terrorism. I believe every Senator—every Senator—Republican and Democrat alike, takes this responsibility particularly seriously.

I had a personal experience in my district as a Congressman in the Persian Gulf war. One of my friends had a son who was in the Marines. She called me and said: He has just been sent over there, and I am worried to death about him.

I said: Let's wait and see how this goes.

We engaged in a debate on the floor of the House and Senate, and we gave President Bush's father, the President, authority to go forward. If you remember, we built up our troops and forces for 6 months, the day came, and the war began, and we were prepared, and we were decisive; in a matter of 48 hours the war ended and I breathed a sigh of relief. It was over quickly, and there were just a handful—I think about 200 American—of casualties out of the thousands and thousands of troops who were in harm's way.

No sooner had I had this feeling of relief than I got a call. One of the 200 killed in that 48-hour period was Christian Porter, a lance corporal in the U.S. Marine Corps, killed by friendly fire—the son of my close friend. I went to that funeral, faced his mother and his father. There was little I could say. I went to the veterans cemetery, the National Cemetery, afterwards, as I am sure all of the Members of the Senate would do to pay their respects to his family and respect to this man who served his country.

The image of that funeral at that service in that day is still in my mind today as I think about the decision we are making, about whether or not we are just striking a position to show our resolve or whether we are in fact, as this resolution says, giving to this President the authority to call into combat men and women who will put their lives on the line for the decision we make today.

Is it unfair for us to say, on this side of the debate, that we should exhaust every reasonable and realistic option before we engage in war? That we should work through the United Nations if we can find an inspection regime that is honest, to try to lessen the threat on the United States at any time in the future? That we should gather a coalition of forces?

I couldn't disagree more with my colleague from Texas. Yes, it is a threat to the United States. All of the countries I listed are threats. But why should we bear this burden alone? Should this burden not be shared by our allies and those who agree with us that we need a peaceful and civilized world? Shouldn't their troops be in the field with American troops fighting side by side for this cause? Only American soldiers? Only American tax dollars? Only America is assuming the responsibility for stability when the war on Iraq is over?

I don't think it is a fair approach. It is far better for us to have a coalition working on it. But what triggers it, goes to the heart of this amendment, is that moment in time when this President—and he is the one who has the authority as Commander in Chief—says we now face an imminent threat from weapons of mass destruction.

What could that be? It could be the identification of fissile material that is now going into Iraq which could lead to their development of a nuclear weapon. That, in my mind, shows imminent threat. It could be his using weapons of mass destruction and sharing them with terrorist organizations. That is clearly an imminent threat. All of these things would trigger the United States to step forward and say now we have to defend ourselves. But at this point in time, none of that is here.

We are being asked, by voting on this resolution, not to wait for the United Nations, not to wait for a coalition, but to move forward on a continuing threat. Member after Member comes to the floor and tells us: The threat against the United States of weapons of mass destruction is an imminent threat. We have to take it seriously. We have to vote on this before the election. That is what the White House says: We have to do it now, we have to do it before we leave town.

Yet when you ask them to put the words "imminent threat" in the resolution, watch them scatter and run when the vote comes to the desk here. There will be a handful of us voting for that, a handful of us who believe the foreign policy which has guided the United States for so many generations, so successfully, which has brought us peace and stability, should be honored and respected even on this resolution of great historic moment.

I yield the floor and reserve the remainder of my time. I don't know if there are others who wish to speak.

The PRESIDING OFFICER. Who yields time?

The Senator from Virginia.

Mr. WARNER. Mr. President, we are making excellent progress on this bill. Did the leader wish to speak?

Mr. REID. Not quite yet. We need a few more minutes.

Mr. WARNER. I am sorry. I did not hear the leader.

Mr. President, we have some matters moving along very well. I thank my colleague from Illinois for his remarks. I shall proceed to use my 3 minutes, and the 3 minutes from the Senator from Delaware, which as I understand it is still there, without objection.

The PRESIDING OFFICER. Without objection.

Mr. WARNER. I have listened carefully to our colleague. His amendment is very simple on its face. But behind the simplicity lies a great deal of history.

This Nation of ours has been protected by the two oceans, and by wonderful neighbors to the north and to the south. We have had a sense of security. But with the advent of high technology, and with the advent of worldwide syndicates of terrorists, America will never be the same again.

That is a tough thing for me to tell my children and my grandchildren because I have labored in my life—as everyone in this Chamber has—to provide not only for my family, friends and neighbors such that they can enjoy the life we have enjoyed these many years. However, high technology, while it benefits mankind in so many ways, has brought about dramatic change.

If you wish to have the standard of imminent threat placed in the bill that Senator LIEBERMAN, Senator MCCAIN, Senator BAYH and I have crafted, I say to you most respectfully, with the advent of this extraordinary evolution of technology, the time involved in warning that is implicit in imminent threat left us with the end of the 20th century. The 21st century high technology has erased that. Imminent danger struck us on September 11th. We didn't know it was coming. The doctrine of imminent danger, as I say, has changed in this 21st century. It no longer gives us the warning that we must have.

I urge my colleagues to let this resolution remain unchanged by this amendment as they have with the other amendments that have been brought before us.

I expect Senator REID in the Chamber momentarily. I know he has a concluding matter by way of a unanimous consent request.

Before I ask for regular order, I want to make certain that——

The PRESIDING OFFICER. The Chair advises the Senator from Virginia that all time has not expired.

Mr. BYRD. What is the Chair saying, may I ask?

The PRESIDING OFFICER. The Chair advises the Senator from Virginia that all time has not expired. Forty-five seconds remain to the Senator from Virginia, and 6 minutes remain to the Senator from Illinois.

Mr. DURBIN. Mr. President, I thank the Senator from Virginia for his courtesy. I am not going to use all 6 minutes. The Senator is correct.

The PRESIDING OFFICER. Has the Senator from Virginia yielded?

Mr. WARNER. Yes.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. I thank the Chair.

The Senator is correct. The tools of war, the incidence of war, the timing of war has changed. But it has changed throughout our history. The principles, the rules of value, the norms and conduct which we apply today were applied starting in a much different era, and applied again and again as we saw ourselves move into an era of airplanes, into an era of intercontinental missiles. The same standards, principles, norms, conduct, and value remain.

I do not believe the war on terrorism is easy. But I also believe the United States has established an international reputation behind the rule of law—a reputation which I am afraid is going to be changed dramatically by this resolution. No longer will we wait for that imminent threat if this amendment is defeated. It is enough for us to assert that a country is a threat to the United States and begin a land invasion. And that, to me, is a dramatic change from where the United States has always been throughout its history.

I hope we will think twice about that. I have no illusions about the result of this vote. But to think we are going to make this wholesale change in foreign policy without the deliberations and hearings and without a direct debate, to me, is just wrong.

I think the Foreign Affairs Committee and others should have taken the President's new foreign policy suggestions directly and seriously and gone forward with them. Instead, through Saddam Hussein and the debate on Iraq, we are about to make a historic change in foreign policy which I hope we do not do.

In the interest of moving this to a vote, I not only yield the floor, but I yield the remainder of my time.

Mr. WARNER. Mr. President, have the yeas and nays been ordered?

The PRESIDING OFFICER. They have not.

Mr. WARNER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. WARNER. Mr. President, if I might conclude, time doesn't permit me to get into the doctrine of anticipatory self-defense, but I think at another opportunity we will have that debate, perhaps before we conclude this matter.

I think we are about to proceed as soon as the distinguished majority whip addresses the Senate.

Mr. REID. Mr. President, I haven't had a chance to speak to my friend from Virginia, but the chairman of the Foreign Relations Committee—if we could just get a unanimous consent request agreed to, which I am hopeful and confident we will—the Senator from Delaware wants to be recognized to speak.

Mr. WARNER. Mr. President, yes. I received this information. But I would be happy to allow our distinguished chairman time.

Mr. REID. We know others want to speak, but he is chairman of the committee, and he has been very quiet, which is unusual.

Mr. WARNER. I wouldn't suggest that he has been quiet, but I certainly want to recognize him and give him such time——

Mr. BIDEN. Mr. President, if the Senator will yield, let the RECORD show I have spoken about one-tenth the amount of time my friend from Virginia has, but not nearly with the persuasiveness he has. I want the opportunity to speak before the final vote.

Mr. REID. Mr. President, I ask unanimous consent that upon disposition of the Durbin amendment, Senator BYRD be recognized to speak for up to 2 hours; that upon the disposition of the Lieberman amendment, the joint resolution be read a third time; the cloture vote on the joint resolution be vitiated; the Senate proceed to the consideration of the House companion, H.J. Res. 114; the joint resolution be read a third time, and the Senate vote on final passage of that joint resolution; that the preamble be agreed to and that no amendments to the title be in order; and that S.J. Res. 45 be indefinitely postponed, with the preceding all occurring without any intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. Mr. President, reserving the right to object, I had not intended to, but I just received a request from Senator McCAIN that he be allowed to follow Senator BYRD's speech for not to exceed 30 minutes.

Mr. BIDEN. Mr. President, reserving the right to object, as chairman of this committee, I have yet to make a full speech on this subject. I have withheld for 3 days on the request of everyone else. I understand that.

Two things: No. 1, I just want to make sure I get to speak before the final vote; and, No. 2, that I speak at some point after Senator McCAIN speaks and very close to Senator BYRD's speech.

Mr. REID. The Senator will speak after Senator McCAIN.

I ask unanimous consent that be part of the request.

Mr. BIDEN. This is highly unusual. I can't think of another time when the chairman of the Foreign Relations has been denied an opportunity to speak when he wishes to. But I will be happy to yield, because I just want to be a nice fellow. But this is preposterous.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Mr. President, may I say to the distinguished Senator from Delaware that at the request of the distinguished majority whip, which was agreed to, I will have two hours. This Senator will be glad to yield to the chairman of the Foreign Relations Committee the first one-half hour of my time.

Mr. BIDEN. Mr. President, there is no need for that. I just want an opportunity to make my speech. It will take about 35 or 40 minutes to lay out in the RECORD why this is an important position which we are all about to take.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Regular order, Mr. President.

The PRESIDING OFFICER (Ms. CANTWELL). The question is on agreeing to amendment No. 4865. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 30, nays 70, as follows:

[Rollcall Vote No. 236 Leg.]

YEAS—30

Akaka
Bingaman
Boxer
Byrd
Cantwell
Carper
Conrad
Corzine
Dayton
Dodd
Dorgan
Durbin
Feingold
Harkin
Inouye
Jeffords
Kennedy
Kerry
Leahy
Levin
Mikulski
Murray
Nelson (NE)
Reed
Sarbanes
Schumer
Stabenow
Torricelli
Wellstone
Wyden

NAYS—70

Allard
Allen
Baucus
Bayh
Bennett
Biden
Bond
Breaux
Brownback
Bunning
Burns
Campbell
Carnahan
Chafee
Cleland
Clinton
Cochran
Collins
Craig
Crapo
Daschle
DeWine
Domenici
Edwards
Ensign
Enzi
Feinstein
Fitzgerald
Frist
Graham
Gramm
Grassley
Gregg
Hagel
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Johnson
Kohl
Kyl
Landrieu
Lieberman
Lincoln
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nelson (FL)
Nickles
Reid
Roberts
Rockefeller
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

The amendment (No. 4865) was rejected.

Mr. REID. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, Senator BYRD has indicated to me and a number of us that he will not use the full 2 hours. In that we are waiting for him, I think it appropriate that the time of the quorum call I will make run against his allotted 2 hours. I ask unanimous consent that be the order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, I withdraw my unanimous consent request.

The PRESIDING OFFICER. Without objection, the request is vitiated.

Mr. REID. I ask the Senator from Arizona—he is entitled to a half hour after Senator BYRD speaks—if he would mind using that time now?

Mr. MCCAIN. I say to the Senator from Nevada, not only will I be glad to start using the time now, but when Senator BYRD returns to the floor, I will be glad to interrupt my speech for Senator BYRD.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Madam President, I will proceed with my statement. If Senator BYRD arrives on the floor, I will interrupt it and yield to Senator BYRD.

In the history of nations, greatness is forged, or opportunity squandered, not by natural evolution or by the hand of mysterious Fate, but by decisions leaders make in times of potential or imminent peril. A common view in America is that these decisions are thrust on us—the world wars, Iraq's invasion of Kuwait, the attacks of September 11—and we find meaning, and honor, in our response. As Americans, that response is guided by faith in our founding principles, in our love of freedom, and the blessings of justice.

Yet leaders always have choices, and history teaches that hard choices deferred—appeasing Hitler, choosing not to deter Saddam Hussein in 1990, failing to act sooner against al Qaeda—often bring about the very circumstances we wished to avoid by deferring action, requiring us to react in freedom's defense.

America's leaders today have a choice. It will determine whether our people live in fear behind walls that have already been breeched, as our enemies plan our defeat in time we have given them to do it. It will answer the fundamental question about America's purpose in the world—whether we perceive our beliefs to be uniquely American principles or universal values, for if they are so dear to us that we believe all people have the right to enjoy them, we should be willing to stand up for them, wherever they are threatened.

It will reveal whether we are brave and wise or reluctant, self-doubting, and in retreat from a world that still, in its cruelest corners, possesses a merciless hostility to our values and interests. It will test us, as did September 11, except that we can choose to engage the enemy on our terms rather than wait for the battle to be brought to us.

Our choice is whether to assume history's burden to make the world safe from a megalomaniacal tyrant whose cruelty and offense to the norms of civilization are infamous, or whether to wait for this man, armed with the world's worst weapons and willing and able to use them, to make history for us.

It is a question of whether preemptive action to defeat an adversary whose designs would imperil our vital interests is not only appropriate but moral—and whether our morality and security give us cause to fire the first shot in this battle. It will help determine whether the greater Middle East will progress toward possession of the values Americans hold to be universal, or whether the Arab and Islamic worlds will be further influenced by a tyrant whose intent is to breed his own virulent anti-Americanism in all who fall under his influence, and use that influence to hurt us gravely.

The government of Saddam Hussein is a clear and present danger to the United States of America. Would that he were just another Arab dictator, pumping oil and repressing his people but satisfied with his personal circumstances within the confines of his country's borders. That situation alone would offend our sense of justice and compel us to militate for a regime change, but buy means short of preemptive military action. But Saddam Hussein has shown he has greater ambitions.

His ambitions lie not in Baghdad, or Tikrit, or Basra, but in the deserts of Kuwait and Saudi Arabia. They lie in Jerusalem and Tel Aviv, where he sponsors suicide bombings by Palestinians he calls "martyrs" and the civilized world calls terrorists, using murder by proxy to advance his aspirations to lead the Arab world and fan hatred of Israel, America, and the universal ideal of freedom. These ambitions have led him to attack his sovereign neighbors—Kuwait, Saudi Arabia, Israel, Iran and Bahrain. His will to power has so affected his judgment that he has started two major wars and lost them, each time imperiling his own grip on power.

His moral code is so spare that he has gassed his own people—horror the world thought it had left behind at Auschwitz and Treblinka. We are told that he enjoys watching video of his opponents being tortured, for fun. He kills not just his political opponents but their families, cruelly.

He has developed stocks of germs and toxins in sufficient quantities to kill the entire population of the Earth multiple times. He has placed weapons laden with these poisons on alert to fire at his neighbors within minutes, not hours, and has devolved authority to fire them to subordinates. He develops nuclear weapons with which he would hold his neighbors and us hostage.

No, this is not just another self-serving, oil-rich potentate. He is the worst kind of modern-day tryant—a conscienceless murderer who aspires to omnipotence who has repeatedly committed irrational acts since seizing power. Given this reality, containment and deterrence and international inspections will work no better than the Maginot Line did 62 years ago.

He has unrepentantly violated sixteen United Nations Security Council resolutions, defying the will of the international community so consistently, so compulsively, so completely that no leader who professes allegiance to the values the United Nations was formed to uphold can sanction his audacity. His defiance, if not ended, is a threat to every nation that claims membership in the civilized world by virtue of its respect for law and fundamental human values.

Because Saddam Hussein respects neither law nor values, advocating inspections of his weapons facilities as an alternative to war posits a false choice between ending the threat he poses peaceably or by force of arms. His character, his ambition, and his record make clear that he will never accept the intrusive inspections that, by depriving him of his arsenal of dangerous weapons, would deprive him of his power. This power gives him international stature, feeds his fantasy of being a Saladin for our time, and sustains his ability to repress his people and thus remain the rule of Iraq.

Saddam Hussein is on a crash course to construct a nuclear weapon—as he was in 1981 when Israel preemptively destroyed his reactor at Osirak, enabling U.S. forces to go into Iraq a decade later without the threat of nuclear attack, and as he was in 1990, when he thought development of such a weapon, if completed in time, would have deterred American military action against him, allowing him to secure his control over his neighbors and dominate the region.

Saddam has masterfully manipulated the international weapons inspections regime over the course of a decade, enabling him to remain in power with his weapons of mass destruction intact, and growing in lethality. He knows how to play for time, and how to exploit divisions within the international community, greased by the prospect of oil contracts for friendly foreign powers.

His calculated ambiguity about his willingness to accept a new inspections regime are intended to stave off military attack until such time as he is able to deter it through deployment of an Iraqi nuclear weapon. He is using opponents of war in America, including well-intentioned individuals who honestly believe inspections represent an alternative to war, to advance his own ends, sowing divisions within our ranks that encourage reasonable people to believe he may be sincere.

He is not. He has had ten years to prove otherwise, and he has transparently failed. His regime would be secure if he would only acquiesce to the international community's demands to disarm, but he has not. It is Saddam Hussein who puts his own regime at risk by developing these weapons. The burden is not on America to justify going to war. The burden is Saddam Hussein's, to justify why his regime should continue to exist as long as its continuing existence threatens the world.

Giving peace a chance only gives Saddam Hussein more time to prepare for war—on his terms, at a time of his choosing, in pursuit of ambitions that will only grow as his power to achieve them grows. American credibility, American security, and the future of the United Nations Security Council rest on the will of the United States to enforce the legitimate demands of the international community for Iraq's disarmament, by means that match the menace posed by his ambitions.

Saddam Hussein's regime cannot be contained, deterred, or accommodated. Containment has failed. It failed to halt Saddam's attacks on five sovereign nations. The sanctions regime has collapsed. As long as Saddam remains in power, he will be able to deceive, bribe, intimidate, and attack his way out of any containment scheme.

Some say we can deter Saddam Hussein, even though deterrence has failed utterly in the past. I fail to see how waiting for some unspecified period of time, allowing Saddam's nuclear ambitions to grow unchecked, will ever result in a stable deterrence regime. Not only would deterrence condemn the Iraqi people to more unspeakable tyranny, it would condemn Saddam's neighbors to perpetual instability. And once Iraq's nuclear ambitions are realized, no serious person could expect the Iraqi threat to diminish.

As for accommodation, I am reminded of Winston Churchill's characterization of appeasement: continually feeding the alligator in the hope that he will eat you last.

I do not believe the threat posed by Saddam Hussein's regime will be eliminated until he is removed from power. Congress made the same point in 1998 when we passed the Iraq Liberation Act, which made regime change in Baghdad a priority of American policy.

Our regional allies who oppose using force against Saddam Hussein warn of uncontrollable popular hostility to an American attack on Iraq. But what would really be the effect on Arab populations of seeing other Arabs liberated from oppression? Most Iraqi soldiers will not willingly die for Saddam Hussein. Far from fighting to the last Iraqi, the people of that tortured society will surely dance on the regime's grave.

I wish the Bush administration and its predecessor had given more serious support to internal and external Iraqi opposition than has been the case. But it's a safe assumption that Iraqis will be grateful to whoever is responsible for securing their freedom. Perhaps that is what truly concerns some of our Gulf War allies: that among the consequences of regime change in Iraq might be a stronger demand for self-determination from their own people.

I commend the President for making a strong case for bringing Iraq into compliance with its international obligations to the United Nations. The Security Council bears the responsibility for enforcing the obligations it has imposed on Iraq in order to uphold international peace and security. The President was right to tell our friends and allies on the Council that if it does not act, America will.

Diplomacy is important, and I welcome the diplomatic campaign the administration is waging to solicit the support of other nations. At the end of the day, we will not wage this war alone. Many nations are threatened by Saddam Hussein's rule, and many nations have a stake in the new order that will be built atop the ruins of Saddam Hussein's fascist state. Our friends and allies will help us construct this new order, and we should welcome that.

Our friends and allies must know that we do not target Saddam's regime simply because he is a bad man, although his continuation of his tyranny is a rebuke to every decent value of humanity. We contemplate military action to end his rule because allowing him to remain in power, with the resources at his disposal, would intolerably and inevitably risk American interests in a region of the world where threats to those interests affect the whole world.

For the United States to accept Saddam's continued rule is to acquiesce to the certain prospect of strategic blackmail when, soon, Saddam wields a nuclear weapon and threatens the destruction of Israel or the invasion of Saudi Arabia, or demands the withdrawal of all American forces from the region, and America finds itself forced to respond at much more terrible cost than we would pay today.

Failure now to make the choice to remove Saddam Hussein from power will leave us with few choices late, when Saddam's inevitable acquisition of nuclear weapons will make it much more dangerous to defend our friends and interests in the region. It will permit Saddam to control much of the region, and to wield its resources in ways that can only weaken America's position. It will put Israel's very survival at risk, with moral consequences no American can welcome.

Failure to end the danger posed by Saddam Hussein's Iraq makes it more likely that the interaction we believe to have occurred between members of al Qaeda and Saddam's regime may increasingly take the form of active cooperation to target the United States.

We live in a world in which international terrorists continue to this day to plot mass murder in America. Saddam Hussein unquestionably has strong incentives to cooperate with al Qaeda. Whatever they may or may not have in common, their overwhelming hostility to America and rejection of any moral code suggest that collaboration against us would be natural. It is all too imaginable. Whether or not it has yet happened, the odds favor it, and they are not odds the United States can accept.

To those who argue that America's threat to Saddam's rule makes it more likely that he would collaborate with terrorists to attack our homeland, I would ask: how can we sanction the continuing existence of a regime whose ruler has the capability to inflict such damage on us and would even consider doing so?

Standing by while an odious regime with a history of support for terrorism develops weapons whose use by terrorists could literally kill millions of Americans is not a choice. It is an abdication. In this new era, preventive action to target rogue regimes is not only imaginable but necessary. Who would not have attacked Osama bin Laden's network before September 11th had we realized that his intentions to bring harm to America were matched by the capability to do so? Who would not have heeded Churchill's call to stand up to Adolf Hitler in the 1930s, while Europe slept and appeasement fed the greatest threat to Western civilization the world had ever known? Who would not have supported Israel's bombing of Iraq's nuclear reactor in 1981 had we then known, as Israel knew, that Saddam was on the verge of developing the bomb?

Opponents of this resolution offer many questions that are designed to persuade the President to wait before moving against Saddam Hussein. They have every right to do so. But there is one question I don't want to be asked in the months and years ahead: "Why did you give Saddam Hussein time to harm us?"

Weighing the costs of inaction is an important as chronicling the costs of action in blood and treasure as we prepare to confront Iraq in 2002. In an age of weapons of mass destruction and global terrorists bent on acquiring those weapons, the costs of inaction could well be catastrophic.

As we hold this debate today, this future is not preordained. We have choices. I hope we make the right one.

Politics has no place in this debate. Voting for a course of action that will send young Americans off to fight and die for their country is the most solemn responsibility every member of this Congress will undertake. Those of us who have the honor of bearing that responsibility must weigh our words, and consult our consciences carefully. By voting to give the President the authority to wage war, we assume and share his responsibility for the war's outcome. Others have neither that burden nor that privilege.

We have a choice. The men and women who wear the uniform of our country, and who might lose their lives in service to our cause, do not. They will do their duty, as we see fit to define it for them.

We have a responsibility to these men and women to judge responsibly when our security is so threatened that we must call on them to uphold their oath to defend it. When we call them to serve, they will make us proud. We should strive to make them proud by showing deliberation, judgment, and statesmanship in the debate that will determine their mission.

There is no such thing as a Democrat or a Republican war. We vote on this resolution in the same way brave young men and women in uniform will fight and die as a result of our vote-as Americans. The freedom and security Americans will continue to enjoy as history's greatest nation will be their legacy, and their honor.

They will do their duty. Ours lies before us. Its outcome will determine America's course in this century, in an age when waiting for imminence of attack is catastrophic.

In this age, liberating oppressed peoples from the tyranny of those who would do us harm serves not only narrow American interests but the ordered progress of freedom. The global success of liberty is America's greatest strategic interest as well as its most compelling moral argument. All our other interests are served in that cause. In it rests our faith in the greatness of America, the last, best hope of earth.

What ensures our success in this long struggle against terrorism and rogue leaders who conspire against us is that our military strength is surpassed only by the strength of our ideals. Our enemies are weaker than we are in men and arms, but weaker still in causes. They fight to express an irrational hatred for all that is good in humanity, a hatred that has fallen time and again to the armies and ideals of the righteous. We fight for love of freedom and justice, a love that is invincible. We will never surrender. They will. All we must do is stay true to our faith.

Mr. REID. I ask unanimous consent to speak.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Before the Senator from West Virginia begins his remarks, I wish to say something publicly that I should have said privately. That is, I know a little bit about the rules of the Senate, but very little compared to the Senator from West Virginia.

I am not sure everyone appreciates how far along we are. This is a very important resolution we are debating no matter on what side of the resolution you are. The Senator from West Virginia has expressed his thoughts now for almost a week off and on. We would not be in the position we are today to finish this sometime tonight but for the Senator from West Virginia.

In my younger days when I would be involved in things physical, there is not anyone I would like to have next to me than the Senator from West Virginia. He is a fighter. I have never come across many fighters like the President pro tempore of the Senate. I express my personal appreciation and that of all the Senators for the Senator allowing us to be in the position we are today to finish this resolution tonight.

The Senator from West Virginia has forgotten more about the Senate rules than I will ever know. I am searching for words to express my admiration and respect for the Senator from West Virginia. He is a fighter, but he is a fair fighter and is always willing to see the other side of the picture, even though we may not agree.

Senator BYRD, you have made my life and that of the Senate, while interesting today, a lot easier than it could have been. The Senator accomplished this. No one in the world could have expressed themselves with the sincerity of feelings and love of country and Constitution as has the Senator. I say again, thank you for allowing us to be in this situation we are in today.

Mr. McCAIN. May I add to the comments of the Senator from Nevada. I find from my days trying to enact a line-item veto, the days when the Senator from West Virginia was the majority leader, that he has always treated me with the utmost courtesy and consideration. In all of my encounters, I have found him to be incredibly enlightening, very educational, and occasionally frustrating. I would like to thank Senator BYRD for setting the tone and the tenor of this debate at a level that I think was important to maintain and one that I think all Members of the Senate, no matter which side they are on on this issue, can be proud of as we will look back at this debate and this very important resolution that is being considered.

I thank the Senator from West Virginia. I look forward to hearing him for the next couple of hours.

I thank the Chair.

How much time do I have remaining on my time?

The PRESIDING OFFICER (Mr. DAYTON). Eight minutes.

Mr. McCAIN. I ask unanimous consent to reserve the remainder of my time for Senator BAYH, who is one of the original cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCAIN. I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I wish to begin. I read this quote:

> Naturally, the common people don't want war but, after all, it is the leaders of a country who determine the policy and it is always a simple matter to drag the people along. Whether it is a democracy or a fascist dictatorship or a parliament or a Communist dictatorship, voice or no voice, the people can always be brought to the bidding of the leaders. That is easy. All you have to do is tell them they are being attacked and denounce the pacifists for a lack of patriotism and exposing the country to danger. It works the same in every country.

Hermann Goering, 1893–1946, field marshal, German Army, founder of the Gestapo, President of the Reichstag, Nazi parliament, and convicted war criminal. Speech, 1934.

Mr. President:

The moving Finger writes; and, having writ,
Moves on: nor all your Piety nor Wit
Shall lure it back to cancel half a Line,
Nor all your Tears wash out a Word of it.

So said the Persian poet, Omar Khayyam, in the 11th century.

And so I say today. The Senate has made clear its intentions on the Iraq resolution. There is no doubt, there is no question. The Senate has made its intentions indubitably clear. The outcome is certain. The ending has been scripted. The Senate will vote, and the Iraq resolution will pass.

I continue to believe that the Senate, in following this preordained course of action, will be doing a grave disservice to the Nation and to the Constitution on which it was founded.

In the newly published "National Security Strategy of the United States," the document which I hold in my hand—"The National Security Strategy of the United States of America," date: September 2002, the document in which the President of the United States outlines the unprecedented policy of preemptive deterrence which the Iraq resolution will implement—the President asserts that: "The constitution has served us well."

There you have it, 31 pages, and that is the only reference to the Constitution of the United States that is made in this document titled "The National Security Strategy of the United States of America." He asserts that: "The constitution has served us well." That's it. That is the alpha and the omega of the reference to the Constitution, this great Constitution of the United States which creates the Presidency of the United States, which creates a bicameral legislative body, which creates the judicial branch of this great Nation—provides for it. That is all it says about the Constitution. He asserts that "the Constitution has served us well."

And note, too, that the word "constitution" as mentioned in the President's document is in lower case. It doesn't begin with a capital letter, it begins with a lower-case letter, "the constitution."

I have a constitution. The Senator from New Mexico has a constitution. His constitution, which was given to him by his Roman ancestral forebears, that is his constitution. He is strong, he is weak, he has strong mental processes, he has a good heart, or whatever it is—his constitution, lower case. But this Constitution is with a capital C. This administration doesn't believe that it merits a capital C even, and only mentions, as I say, one time in passing that "the Constitution has served us well."

That, apparently, is what this administration thinks of the Constitution. And it references the Constitution as though it were some dusty relic of the past that needs to be eulogized before it is retired. And so it says: "The constitution has served us well."

He is wrong about that. The Constitution is no more dated than the principles that it established than is this great book that I treasure above all books, this great book right here.

The President is wrong. The Constitution is no more dated in the principles it established than is the Holy Bible.

The Constitution continues to serve us well, if only we would take the time to heed it.

I am deeply disappointed that this Senate, which I have believed in for all these many years—and which God and the people of West Virginia have blessed me to experience, 44 years come next January 3rd—I am deeply disappointed the Senate is not heeding the imperatives of the Constitution and is instead poised to hand off to the President of the United States the exclusive power of Congress to determine matters of war and peace—to declare war.

I do not in my heart believe this is what the American people expect of the Senate.

I have had many occasions in which to stand and laud the Senate, and to renew my expression of deep belief in the Senate of the United States as an institution. I have done that many times. But I am deeply disappointed the Senate is not heeding the imperatives of the Constitution, and is instead poised, as I say, to hand over to the President the exclusive power of Congress to determine matters of war and peace.

I do not in my heart believe this is what the American people expect of the Senate.

I have heard from tens of thousands of people—people from all across this country of ours—people from every State in the Union, from New Mexico to Florida to California to the State of Washington, and to the States of Wisconsin, Minnesota, West Virginia, New York, and all in between. I have heard from thousands of Americans who have urged me to keep up the fight—almost 50,000 e-mail letters within the last 5 days, and more than 18,000 telephone calls to my office in the last 5 days—urging me to keep up the fight. So they are listening, and they want to hear more.

If Senators don't think for a moment that people are listening to this Senate debate, the people are listening. They want to be informed. They have questions they want answered.

When I came to this body, we didn't have televised coverage. We didn't have a radio. We didn't even have radio coverage of the debates in this Senate. I can remember that when a Senator stood to his feet, other Senators gathered closely. They moved up close in their seats to listen to that Senator. We had no public address system in this Chamber. But they were being informed by the Senate debates. The people were being educated and informed as to the great issues of the day. The Senate was an institution which did inform the people. We spent days upon days on the great issues that came before this Senate—more than 100 days, for example, on the Civil Rights Act of 1964, more than 100 days. This institution did its duty to the American people by informing them of the issues of the day, and by debating those issues—Republicans and Democrats. The aisle was not as wide in those days as it is now. Sometimes I think it is a great canyon here, a great chasm that separates the Democratic and the Republican parties in this Senate. But not so then. We disagreed from time to time.

But I can remember. If I were to take the time now, I could call the names of the faces who in my dreams come back to me—the faces of those who sat in those seats years ago, decades ago. They were men. There was only one woman at that time, Margaret Chase Smith of Maine. But Senators, Republicans and Democrats, joined in informing the people through the process of debate.

I am only one Senator from a very small State. Yet, as I say, within the past week, I have received nearly 20,000 telephone calls and nearly 50,000 e-mails supporting the position I have taken on this floor. This is not counting the calls and the e-mails that have come in to my State office in Charleston, WVA.

I want all of those people across America, out there across the plains, the Great Rockies, across the Mississippi, and to the Pacific coast, from the gulf coast to the Canadian border—I want all those people who took the time to contact me to know how their words have strengthened, heartened me and sustained me in my feeble efforts here to turn the tide of opinion in the Senate.

"The iron will of one stout heart shall make a thousand quail."

These are my heroes—the people out there who have called, who have written, and who have told me in person as I have walked across the street. They are my heroes. And I will never forget the remarkable courage and patriotism that reverberated in the fervor—in the fervor—of their messages. I gave them hope because they love this country. And they love this Constitution. Senators all know that. The people out there love this Constitution. They love this Constitution. All of the people out there do.

So they are my heroes.

As the Apostle Paul, that great apostle, said, "I have fought a good fight, I have finished the course, I have kept the faith."

There are Americans all across this country in every State of this Union who have joined in spirit with me and with a small band of like-minded Senators in fighting the good fight.

We could stay here on this floor and continue to fight. They say, well, we might stay here until 4:30 in the morning. Come on. Come on.

I am thinking of the words of Fitzjames in "The Lady of the Lake," when he stood there before Roderick and said: "Come one, come all! this rock shall fly From its firm base as soon as I." So come on. Let's see the clock turn to 4:30 in the morning. Who cares what time it is as long as we are speaking for our country?

So I say to the distinguished Senator who presides over this Chamber tonight, whose forebear and ancestral relative signed his name at the Constitutional Convention on September 17, 1787—his name was Dayton, Jonathan Dayton. This is his relative who presides over the Senate at this moment.

So we could continue this fight. Let me tell you, ladies and gentlemen, there are several checkpoints—I will call them checkpoints—at which, under the rules, I could cause the Senate to have to go through another cloture and another 72 hours. I could do that. And I would have no hesitancy, not any, in doing it if I did not know the Senate has already spoken.

Also, there is a point at which it becomes time to accept reality and to regroup. It is clear we have lost this battle in the Senate. The next front is the White House. I urge all those people who are following the debate out there, and who have encouraged me in my efforts, and have encouraged the other Senators who have stayed with me firmly—without faltering, without fainting, and without wavering—I urge the people to keep on in their behalf, who have encouraged us in our efforts, I urge them to turn their attention to the President of the United States. Call him, write him, e-mail him, urge him to heed the Constitution and not short circuit this Constitution by exercising the broad grant of authority the Iraq resolution provides.

The President has said on many occasions that he has not yet made up his mind to go to war. And here we are, we have been stampeded into this moment, when we will soon approve this resolution.

Let me say again, there are several checkpoints at which we could play this record over and over again. For example, the title of the resolution could be amended. How about that? And then there is going to be a House resolution coming over to this body, and there is going to be a request, I suppose, after the Senate votes on that resolution, a request to insert the words of the Senate, which are likewise the same words, so that it will have a House number. And there would have been a place.

I will not go through all these places. But we could fight on. No, we would not finish at 4:30 tomorrow morning, we would not finish it at 4:30 the next morning, if we wanted to. I hope the leadership and the Senators will all understand that. I am not bragging. Dizzy Dean said: It's all right to brag if you have done it. We could do that. We could do that. But what good would it do? What good would it do? The course of destiny has already been set by this Senate.

So the President has said on many occasions he has not made up his mind to go to war. When he does make up his mind, if he does, then he should come back to Congress and seek formal authorization.

Let those high-powered lawyers of the White House tell him otherwise. They are going to stand by their client, I suppose. But they did not go to the same law school I went to. They probably did not have to work as hard as I had to work. Their wives may not have worked as hard as my wife to put me through law school. Well, so much for that.

Let him come back to the Congress for authorization.

Mr. President, I continue to have faith in our system of Government. It works. I continue to have faith in the basic values that shape this country, this Nation. Ours was a great country before it became a great nation. Those values do not include striking first at other countries, at other nations. Those values do not include using our position as the strongest and most formidable Nation in the world to bully and intimidate other nations.

There are no preemptive strikes in the language of the Constitution, I do not care what other Senators say. Those values do not include putting other nations on an enemies list so we can justify preemptive military strikes.

Were I not to believe in the inherent ability of the Constitution to withstand the folly of such actions as the Senate is about to take, I would not stop fighting. Yes, he is 85—85. I will be 85 years old 41 days from now if the good Lord—if the good Lord—lets me live. But don't you think for a moment I can't stand on this floor all the rest of this night. I like to fight when I am fighting for the Constitution and for this institution. I will fight until I drop, yes, fight until they hack my flesh to the bone. I would fight with every fiber in my body, every ounce of my energy, with every parliamentary tool at my disposal—and there are parliamentary tools at my disposal; don't you ever think there are not—but I do believe the Constitution will weather this storm. The Senate will weather the storm as well.

I only hope that when the tempest passes, Senators will reflect upon the ramifications of what they have done and understand the damage that has been inflicted on the Constitution of the United States.

Now, those people out there believe in the Constitution. And I have been very disappointed to have stood on my feet—an 85-year-old man, standing on his feet, and pleading with his colleagues to stand up for the Constitution—I have been disappointed that some of them seem not to have listened at all. That is a real disappointment. It isn't ROBERT C. BYRD who counts; it is the Constitution of the United States. And but for that Constitution, they would not be here, I would not be here, and you, Mr. President, would not be here. It is that Constitution.

And we all take an oath, a solemn oath, to support and defend the Constitution of the United States against all enemies, foreign and domestic.

In the greatest oration that was ever delivered in the history of mankind, the oration "On the Crown," delivered in the year 331 B.C. by Demosthenes in his denunciation of Aeschines, he asked this question: Who deceives the state?

He answered his own question by saying: The man who does not speak what he thinks. Who deceives the state? The man who does not speak what he thinks.

I believe we ought to speak what we think. A political party means nothing, absolutely nothing to me, in comparison with this Constitution which I hold in my hand. It means nothing, political party means nothing to me, in comparison with this great old book which our mothers read, the Holy Bible.

It seems to me that in this debate—thinking about the 50,000 e-mails that have come to this country boy from the hills of West Virginia, 50,000 e-mails, almost 20,000 telephone calls; my wonderful staff have been hard-pressed to take all these calls and log them in—the American people seem to have a better understanding of the Constitution than do those who are elected to represent them.

Now, that is a shame, isn't it? I feel sorry for some of my colleagues. I love them; bless their hearts. I love them. I forgive them. But you might as well talk to the ocean. I might as well speak to the waves as they come with the tides that rise and fall. I might as well speak to the waves, as did King Canute, as to speak to some of my colleagues. They won't hear me. And it isn't because it is ROBERT BYRD. They just don't want to hear about that Constitution.

That is what these people are writing me about. Perhaps it is that their understanding, the understanding of the people, the great mass of people out there, it may be that their understanding of the Constitution has not yet filtered through the prism of the election year politics. That's it—the election year politics.

I believe the American people have a better understanding of what the Senate is about to do, a greater respect for the inherent powers of the Constitution, and a greater comprehension of the far-reaching consequences of this resolution, a greater comprehension than do most of their leaders.

I thank my colleagues who have allowed me to express at considerable length my reasons for opposing the resolution. I thank those Senators, such as the Senator who presides over the Senate at this very moment, I thank those Senators who have stood with me in my fight for the Constitution and for this institution and for that provision in the Constitution that says, Congress shall have power to declare war.

I thank those Senators who have engaged in thoughtful debate with me. I thank Senator MCCAIN. I thank Senator WARNER. I thank these men. They stood up for what they believe. They stood up for this administration. The only difference is, I will stand for no administration—none—when it comes to this Constitution. If the administration took a position opposite that Constitution, forget it. I don't care if it is a Democrat.

I do not believe the Senate has given enough time or enough consideration to the question of handing the President unchecked authority to usurp the Constitution and declare war on Iraq. I have no brief for Iraq. But I accept the futility of continuing to fight on this front. So I could keep us here all night tonight. I know there would be other Senators who would stand with me. Other Senators believe as I do. I could keep us here tomorrow. I could keep us here through Saturday. I would hope we would not be in on Sunday. That is the Sabbath Day. But come back on next Tuesday, have at it again, until the flesh from my bones be hacked.

I say to the people of America, to those who have encouraged other Senators and me to uphold the principles of the Constitution: Keep up the fight. Keep fighting for what is right. Let your voices be heard.

Why do you think George Washington crossed the Delaware? I say to my good friend from Delaware, JOE

BIDEN, my esteemed friend, my esteemed colleague. He crossed the Delaware, I say to my friend FRED THOMPSON—Senator FRED THOMPSON, we are going to soon miss him. I like him. I like him. He always speaks with great passion and fervor, and he is always respectful of other Senators. He was here during the days of Sam Ervin, Howard Baker, the days of Watergate, that Senator from Tennessee.

Let me say, I will always listen to you, the people out there, and I hope the President will begin to listen to you.

If the President really wants to do something for this country, let him help to fight the war at home. This week, we will soon be passing another CR. Time and time again, the President's Attorney General and the Director of Homeland Security have put the Nation on notice that there is an imminent threat of another terrorist attack to our homeland. And from time to time, they have even identified the most likely targets, such as our nuclear powerplants, our transportation infrastructure, our Nation's monuments, our embassies. They have told our citizens to be vigilant about this imminent risk.

What has the President done to respond to this imminent risk of terrorist attack on our Nation's shoulders? The President has proposed to create a new bureaucracy. He has proposed to move boxes around on an organization of flowcharts. He has proposed to create the second-largest domestic agency in the history of the Republic. Even the President recognizes that actually creating the new Department of Homeland Security will take at least 1 year.

I tell you, my friends, if I ever saw a good lawyer, he sits right here on the back row, right now—that Senator from Tennessee, FRED THOMPSON. Why do I say that? Because he made the most rousing defense of this sorry resolution that is before the Senate and on which we will soon vote, the most rousing defense of it. And yet he is against it. He is against it. That is what I call a good lawyer; he makes a rousing defense of this thing which he hates.

Even the President recognizes that actually creating the new Department of Homeland Security will take at least 1 year. The GAO has said it will take at least 5 to 10 years for a new Department to be effected.

So while our citizens are facing this imminent risk, under the President's proposal, the agencies responsible for securing our borders, such as the Customs Service, the Immigration and Naturalization Service, and the Coast Guard, will spend the next year or more figuring out for whom they work, with whom they work. Instead of focusing on their mission, our border agencies and inspectors will be wondering whether their units will be reorganized or transferred to new locations, and they will be wondering where their phones are, where their computers are, and whether their jobs are going to be eliminated. And what would be happening in the meantime? Who will be keeping the store and watching the terrorists?

Reorganizing our bureaucracy will not improve our Nation's immediate capacity to deter or respond to the imminent threat of a terrorist attack. Since September 11, the Senate Appropriations Committee has focused on providing immediate resources to Federal, State, and local agencies and first responders in order to improve our capacity to respond to this evolving threat.

On September 14, 2001—just 3 days after the horrific attacks on September 11—Congress approved $40 billion. That is $40 for every day since Jesus Christ was born. Congress approved $40 billion, including $9.8 billion for homeland defense. Resources were provided to the FBI to hire more agents and to improve their computers; to State and local governments to improve the capacity of our hospitals and clinics to respond to chemical or biological weapons attacks; to State and local governments to train and equip our law enforcement and fire personnel to respond to attacks; for HHS to purchase smallpox vaccine for USDA; to the FDA to protect our food safety; to the Postal Service to purchase equipment that can protect the mail—where have you been, Mr. President? That is what Congress did—for the FAA to secure cockpits and to improve the security of our airports; to the Department of Transportation for port security; to the Energy Department to help secure our nuclear facilities; to Customs and INS for additional border security inspectors and agencies, and for improved training and equipment.

To listen to the President, he is the only person who has been thinking anything about homeland security. Here is the great Congress of the United States that has been providing moneys for the defense of our country.

Despite objections from the White House, Congress was able to increase funding for homeland security programs by $3.9 billion. Where have you been, Mr. President? If you want to do something, do something here at home.

On November 14, 2001, Senate Democrats supported the inclusion of $15 billion for homeland security in an economic stimulus package, including $4 billion for bioterrorism and food safety; $4.6 billion for law enforcement and responsive initiatives; $3.2 billion for transportation security: and $3 billion for other homeland security programs, including mail screening and protection for our nuclear plants and labs, water projects, and other facilities.

Where has he been, Mr. Commander in Chief? Out on the campaign trail raising money for the campaign? This is what Congress has been doing.

On November 14, 2001, the White House strongly objected to the amendment, asserting that existing funding was "more than adequate to meet foreseeable needs."

Now, who is fighting for homeland security? Under pressure from the White House, Senate Republicans, objecting to the emergency designation for the homeland security funding, raised the Budget Act point of order. Efforts to waive the budget point of order failed. On December 4, 2001, the Appropriations Committee reported out, by a vote of 29 to 0, the Defense appropriations bill for fiscal year 2002.

In addition to the $20 billion appropriated on September 14, the bill would have provided $7.5 billion in additional homeland security funds, including $3.9 billion for bioterrorism and food safety; $1.3 billion for antiterrorism law enforcement; $1.43 billion for security of mail and nuclear facilities; $879 million for transportation and border security. The bill would also have provided an additional $7.5 billion to FEMA's disaster relief account for activities and assistance related to 9/11.

On December 5, 2001, in a meeting with congressional leaders, President Bush threatened to veto the Defense appropriations bill because of funding "that is not needed at this time."

On December 6, 2001, Senate Republicans objected to the emergency designation for the homeland security funding in the Defense appropriations bill and raised the Budget Act point of order. Efforts to waive the budget point of order failed.

On December 7, 2001, after negotiations with Senate Republicans, homeland security programs were reduced by over $3.6 billion. The Senate then passed the Defense appropriations bill. In April and May of 2002, the Senate Appropriations Committee held five bipartisan hearings, led and conducted by Senator TED STEVENS and me, concerning the defense of our homeland. Senator STEVENS and I, and others on that committee, Republicans and Democrats, heard from Governors and from mayors. We heard from firemen, law enforcement, and emergency medical personnel. We heard from specialists in the field of counterterrorism. Based on those hearings, the Committee on Appropriations in the Senate produced a bipartisan supplemental appropriations bill to continue our effort to provide immediate resources to improve our Nation's capacity to deter and respond to terrorist attack.

On May 22, 2002, the Senate Appropriations Committee, by a vote of 29 to 0, reported out a supplemental appropriations bill that included $8.3 billion for homeland defense programs.

Once again, on June 4, 2002, the President threatened to veto the bill because he believed it contained unnecessary homeland security spending.

On June 7, 2002, the Senate passed the Supplemental Appropriations Act for further recovery from and response to terrorist attacks on the United States. The bill provided $8.3 billion for homeland security programs, including the following amounts above the President's request: $265 million for airport security funds; $646 million for first responder programs; $716 million for port security. However, under pressure from the White House, conferees on that bill were forced to reduce homeland security funding from $8.3 billion to $6.7 billion—under pressure from the White House.

In negotiations with House Republicans, homeland security funding was dropped for cybersecurity, for improved capacity for the Centers for Disease Control to investigate potential biological attacks, for airport security, for the Coast Guard, and for the Customs Service.

On July 24 of this year, the Senate passed the conference report to the Supplemental Appropriations Act for further recovery from and response to terrorist attacks on the United States. Get this now; we are talking about war here, the war on terrorism. Where? Here in this country. This act reduced the $8.3 billion for homeland security appropriated by the Senate to $6.7 billion.

Did the White House agree to fund the full $6.7 billion for homeland defense programs? Did it?

No. The White House talks a good game on homeland defense, but the White House support is more about rhetoric than it is about resources. In order for the President to spend $2.5 billion for homeland defense spending, it was necessary for him to do what? Just sign his name on a document designating the funding as an emergency requirement.

What did the President choose to do? Did he choose to sign his name and start that $2.5 billion to flowing into the States and counties and municipalities of this country? No. The President chose not to make that designation.

In making that decision, he terminated $2.5 billion of funding for the FBI, funding to train and equip our Nation's firefighters, funding for the Corps of Engineers to help ensure our water supply, funding for security at nuclear facilities, funding for the Coast Guard.

Now tell that, Mr. President, at your next campaign stop, your next fundraiser when you are talking about making war on Iraq. Tell the people there what I have been reading. It is fact. These are for the record.

One of the lessons we learned at the World Trade Center on September 11 was that our fire personnel could not communicate by radio with police personnel; that local officials could not communicate with State and regional personnel.

When the President decided to block the $2.5 billion, he blocked the $100 million that we approved to help State and local governments across the land to solve the problem, and $90 million to provide medical assistance to the first responders at the World Trade Center was lost.

What is the President's solution for the imminent threat to our Nation's homeland security? Rhetoric? Yes. More bureaucracy? Yes. Resources to respond to the immediate threat? No.

Mr. President, with reference to this Commander in Chief business that we hear about—oh, the Commander in Chief, they say. I listen to my friends across the aisle talking about the Commander in Chief. We must do this for the Commander in Chief; we must stand shoulder to shoulder with the Commander in Chief. The Commander in Chief. Of what is he Commander in Chief? The army, the navy, and the militia of the several States. But who provides the army and the navy? Who provides for the calling out of the militia of the several States? Congress. So much for the the term "Commander in Chief."

Charles I used that term in 1639—Commander in Chief. You know what happened to Charles I of England? The swordsman cut off the head of Charles I on January 30, 1649. So much for Commander in Chief.

Parliament and the King of England fought a war. Can you imagine that? Can you imagine Congress fighting a war with the President of the United States? They did that in England. Yes, Parliament and the King fought a war. Who lost? The King. Who was it? King Charles I. A high court convened on January 1, I believe it was, 1649, and in 30 days they cut Charles I's head off—severed it from his body. So much for Charles I. That was the Commander in Chief. Yes. Hail to the chief.

I respect the President as much as anybody else. But the Barons at Runnemede on the banks of the Thames on June 15, 1215, took it upon themselves to let the King know that there was a law, and that Kings had to live by the law, just as did barons and others.

I do not know who is talking to this President down here. I do not know who among his crowd down there is trying to pump him up, but my friends, this President of the United States is the President by virtue of this Constitution. He is created by this Constitution that I hold in my hand, which says in article II that the President shall be Commander in Chief. And yet this refers to the Constitution in this national security strategy of the United States of America printed on September 2002. It refers to the Constitution not even with a capital letter.

The Constitution of America—what is the matter with those people? Haven't they studied the Constitution down at the other end of the avenue? They better become aware of it. This is the Constitution, and that Constitution refutes this resolution on which Congress is about to vote to give to the President of the United States power to determine the use of the military forces, when he will use them, where he will use them, how long he will use them. It is this Constitution. You better believe it, may I say to those who advise the President.

I think the President is probably a much better individual by himself, but somebody is giving him bad advice.

Here is what Hamilton says. Let's read what Hamilton says. He is one of the three authors of the "Federalist Papers." Hamilton, who was shot to death in Weehawken, NJ, on the 11th of July, 1804. He died on the 12th of July, 1804; shot by the Vice President of the United States; murdered by the Vice President of the United States. Let's hear what Alexander Hamilton has to say in the Federalist Paper No. 69. Read it. These are the "Federalist Papers." There are 85 of them written by Jay, Hamilton, and Madison. Let's hear what he says about the Commander in Chief. I want the Commander in Chief to hear me. I want the Commander in Chief to hear not what ROBERT BYRD said—who is he?—but read what Alexander Hamilton said:

> The President is to be the "commander-in-chief" of the army and navy of the United States, and of the militia of the several States, when called into the actual service of the United States. . . .In most of these particulars, the power of the President will resemble equally that of the king of Great Britain and of the governor of New York. The most material points of difference are these:—First. The President will have only the occasional command of such part of the militia of the nation as by legislative provision may be called into the actual service of the Union. The king of Great Britain and the governor of New York have at all times the entire command of all the militia within their several jurisdictions. In this article, therefore—

Talking about this article of the Constitution—

> In this article, therefore, the power of the President would be inferior to that of either the monarch or the governor. Second. The President is to be commander-in-chief of the army and navy of the United States. In this respect his authority would be nominally the same with that of the king of Great Britain, but in substance much inferior to it.

Get that down there at the other end of the avenue. Read it.

> Second. The President is to be commander-in-chief. . . .It would amount to nothing more than the supreme command and direction of the military and naval forces, as first general and admiral of the Confederacy; while that of the British king extends to the declaring of war and to the raising and regulating of fleets and armies—all which, by the Constitution under consideration, would appertain to the legislature.

That is Hamilton.

I am reading from the Federalist Papers. Perhaps I ought to send a copy down to the White House. I will see if I can't do that. I will send them a copy. It will not cost them anything, just a gift from ROBERT C. BYRD.

Now, I have a little more to say. Suffice it to say there are other of my colleagues, and I, who have stood on this floor and we have pointed to the Constitution of the United States. We have said time and time again, as we have offered amendments, to try to uphold this Constitution of the United States, read those amendments. They went down, I am sorry to say, but I am not discouraged.

Let me read some verses from the Book of Luke in the Holy Bible, beginning with chapter 16, verse 19 and continuing through verse 31:

> There was a certain rich man, which was clothed in purple and fine linen, and fared sumptuously every day. And there was a certain beggar named Lazarus, which was laid at his gate, full of sores, and desiring to be fed with the crumbs which fell from the rich man's table. Moreover the dogs came and licked his sores. And it came to pass that the beggar died, and was carried by the angels into Abraham's bosom. The rich man also died, and was buried.
>
> And in hell he lift up his eyes, being in torments, and seeth Abraham afar off, and Lazarus in his bosom. And he cried and said, Father Abraham, have mercy on me, and send Lazarus, that he may dip the tip of his finger in water, and cool my tongue: for I am tormented in this flame.
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> But Abraham said, Son, remember that thou in thy lifetime receivedst thy good things, and likewise Lazarus evil things: but now he is comforted and thou art tormented. And beside all of this, between us and you there is a great gulf fixed; so that they which would pass from hence to you cannot. Neither can they pass to us, that would come from thence.
>
> Then he said, I pray thee therefore, father, that thou wouldest send him to my father's house; For I have five brethren: that he may testify unto them, lest they also come into this place of torment. And Abraham saith unto him, They have Moses and the prophets; let them hear them. And he said, Nay, father Abraham; but if one went unto them from the dead they will repent. And he said unto him, if they hear not Moses and the prophets, neither will they be persuaded, though one rose from the dead.

There you have it. We can speak until we are blue in the face, we can speak until our tongues fall out, and they will not hear us. So if there were those who were brought from the dead, would some listen?

Some would; some would not.

We have spoken. We have spoken out of our hearts, and we can speak until our hearts fall from our bodies, but some would not hear. Let those who will not hear understand that this Constitution will endure. It will endure because it was written, as John Marshall said, to endure for the ages.

In closing, I want to thank my dear friends in this Senate who have stood in this Chamber day after day in the effort to educate our people.

The Senate is a great institution, but somehow I think we are failing. We are failing to educate the people. Why? Because we do not want to spend enough time. How much time have we spent on this resolution as of yesterday at 4 p.m.? A little over 25 hours on this bill—25 hours. Why, many of the larger municipalities in this country would spend a week on an application for a sewer permit. And here we spend 2 days?—that is what it amounts to, 25 hours—and we are ready to quit.

We know we might as well quit because this cloture rule is being used against us. Why at this critical time, when we are discussing the most critical legislation we have had before the Senate this year, the most critical legislation we may have in a long time? We have been stampeded, we have been rushed, and it is unfair to the people of this country. Yet it has to be that way.

I have letters from constitutional scholars in response to my inquiry of them as to the war powers of the United States Congress. I received several letters from constitutional scholars from around the country, and I ask unanimous consent that they be printed in the RECORD: A letter by Jane E. Stromseth, professor of law, Georgetown University Law Center; a letter from Tufts University, the Fletcher School of Law and Diplomacy, a letter signed by Michael J. Glennon, professor of international law.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

GEORGETOWN UNIVERSITY LAW CENTER,
Washington, DC, August 26, 2002.

Hon. ROBERT C. BYRD,
U.S. Senate,
Washington, DC.

DEAR SENATOR BYRD: Thank you for your letter of July 22, asking for my opinion regarding whether the Bush Administration currently has sufficient constitutional and/or statutory authority to introduce U.S. Armed Forces into Iraq for the purpose of removing Saddam Hussein from power. This question is of vital importance to our country and our Constitution, and I appreciate the opportunity to address it.

The answer to your question requires an interpretation of the Constitution and of several statutes, and it also depends on the factual circumstances surrounding any contemplated military action. As I discuss below, if the United States or its armed forces are subject to attack or imminent attack by Iraq, the President can invoke his constitutional authority as Commander in Chief to repel sudden attacks. Also, if the President establishes a direct link between Iraq and the attacks of September 11, he can invoke S.J. Res. 23 (Pub. L. No. 107-40) as statutory authority to commit U.S. forces to Iraq. However, based on the facts as they have been presented by the Bush Administration as of August 26, 2002, neither an imminent attack by Iraq nor a clear link between Iraq and the September 11 attacks have been established. Moreover, given the likely scale and risks of a U.S. military action to remove Saddam Hussein from power, the commitment of U.S. forces to Iraq to impose a regime change would constitute a war requiring prior congressional authorization, which, absent a connection to the September 11 attacks does not presently exist. While serious arguments can be advanced that the 1991 Gulf War authorization, coupled with subsequent legislative action, provide statutory authority to use U.S. armed forces to remove Saddam Hussein as part of enforcing the Gulf War cease-fire resolution (UN Security Council Resolution 687), those arguments ultimately fall short on close examination. In sum, whether commencing U.S. military action against Saddam Hussein, in circumstances outside a link to Sept. 11 or an attack or imminent attack against the United States, is a wise policy is a question on which reasonable people can disagree; it is also a question that ought, under our Constitution, to be debated by Congress and its authorization secured before any such military action commences. The basis for these conclusions is set forth full below.

First Principles

As you know well, the Constitution's war powers provisions are part of a structural system of checks and balances designed to protect liberty by guarding against the concentration of power. The Constitution gave Congress the power to declare war because the Founders believed that such a significant decision should be made not by one person, but by the legislature as a whole, to ensure careful deliberation by the people's elected representatives and broad national support before the country embarked on a course so full of risks. As James Madison put it: "In no part of the constitution is more wisdom to be found, than in the clause which confides the question of war or peace to the legislation, and not to the executive department . . . [T]he trust and the temptation would be too great for any one man. . . ."[1] The Founders, in short, vested the power to decide whether the country should go to war in the Congress to ensure that the decision to expose the country to such sacrifices and costs reflected the judgment and deliberation of the legislative branch as a whole.

At the same time, the framers wanted a strong Executive who could "repel sudden attacks" and act with efficiency and dispatch in protecting the interests of the United States in a dangerous world. By making the President Commander in Chief, moreover, they sought to ensure effective, unified command over U.S. forces and civilian accountability. My best reading of the constitutional sources is that the Founders expected the President, as Commander in Chief and Chief Executive, to protect the United States in a dangerous and uncertain world by repelling attacks or imminent attacks against the United States, its vessels, and its armed forces, but not, on his own, to go beyond this authority and commence war without congressional authority. The Founders, in short, made a clear distinction between defending against attacks initiated by others and commencing war.

Historical practice since the Constitution's ratification has not fundamentally altered how we should understand the Constitution's allocation of war powers today. On the contrary, practice cannot supplant or override the clear requirements of the Constitution, which gives the power to declare or initiate war to Congress. Furthermore, of the dozen major wars in American history, five were formally declared by Congress and six were authorized by other legislative measures.[2]

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[1] James Madison, in Alexander Hamilton & James Madison, Letters of Pacificus and Helvidius on the Proclamation of Neutrality of 1793, at 89 (Washington, D.C., J. Gideon & G.S. Gideon, 1845).

[2] President Truman committed U.S. forces to Korea without seeking congressional authorization.

Continued

Whatever conclusions one might reach about small-scale uses of force, which admittedly raise more complicated issues, the fact remains that major wars have been authorized by Congress.[3]

The War Powers Resolution (Pub. L. No. 93-148) aims to "insure that the collective judgment of both the Congress and the President" apply to the introduction of U.S. forces into hostilities and to the continued use of those forces. Moreover, it seeks to enable the Congress to better fulfill its constitutional responsibilities by requiring the President "in every possible instance" to "consult with Congress before introducing" U.S. armed forces into hostilities or imminent hostilities. Among its other provisions, the War Powers Resolution makes clear, in Section 8(a), that authority to introduce U.S. Armed Forces into hostilities or imminent hostilities "shall not be inferred . . . from any provision of law . . . , including any provision contained in any appropriation Act, unless such provision specifically authorizes the introduction of United States Armed Forces into hostilities or into such situations and states that it is intended to constitute specific statutory authorization within the meaning of this joint resolution." This clear-statement rule is designed to serve the constitutional purpose of ensuring a clear and deliberate congressional authorization of force. Thus, when Congress authorized commencement of the Gulf War in 1991, and again when Congress authorized the use of force in response to the September 11 attacks, it expressly affirmed that it was providing specific statutory authorization within the meaning of the War Powers Resolution.

Moreover, the War Powers Resolution makes clear that it is not intended "to alter the constitutional authority of the Congress or of the President," nor shall it "be construed as granting any authority to the President with respect to the introduction of United States Armed Forces into hostilities . . . which authority he would not have had in the absence of this joint resolution." (Section 8(d)(1) and 8(d)(2)). Thus, contrary to claims sometimes made, the War Powers Resolution does not authorize the President to commit U.S. forces to war for 60 days.[4] On the contrary, because the Constitution requires congressional authorization to commence war, the War Powers Resolution should not be read to confer such authority on the President. Congress thus expressly authorized the 1991 Persian Gulf War and certainly did not view the War Powers Resolution as obviating the need for such authorization. (I have attached my summary of the congressional debate preceding the Gulf War as an appendix to this letter).

Military Action Against Iraq for the Purpose of Removing Saddam Hussein From Power

If the President were to commit U.S. armed forces to Iraq for the purpose of removing Saddam Hussein from power, the United States would be embarking on what likely would be a major and sustained commitment of military forces in a campaign that would involve enormous risks and substantial potential casualties. In order to commit U.S. forces to such a military action, the President would need authority to act.

Constitutionally, the President possesses the power to repel sudden attacks, which, in my view, includes the power to forestall imminent attacks against the United States and its armed forces, and to protect Americans in imminent danger abroad.[5] In an age of terrorism, there may well be direct and imminent threats to the United States that require an immediate defensive response by the President and constitute a legitimate exercise of the international right of self-defense. But, at this point, the President has not offered evidence of an imminent attack by Iraq on the United States or its forces. The purpose behind the President's power as Chief Executive and Commander in Chief to "repel sudden attacks" is to give the President the flexibility to act to defend the United States when there is not time to consult with Congress. But the decision to go beyond this and to commence a war is vested in Congress. Moreover, there is time for a thorough legislative debate regarding Iraq; the United States and its forces are not currently being attacked; military forces would be built up over a period of time before military action could be commenced; and ample time exists to consult with Congress and seek its authorization to use force.

Major military action with far-reaching objectives such as regime change is precisely the kind of action that constitutionally should be debated and authorized by Congress in advance. Under present circumstances, which admittedly could change, military action against Iraq to force a change in regime would pose significant risks to U.S. forces, including risks of Iraqi retaliation with weapons of mass destruction, and risks of a larger conflict in an already hemoraging Middle East. Initiating a military confrontation of this nature would be a decision to engage in war that is precisely the kind of decision the Founders vested in Congress by virtue of its power to declare war. Moreover, the purposes behind that power (ensuring deliberation, democratic consensus and national unity before engaging in war) are critical if the American people and American armed forces are being asked to bear those risks. In short, under the factual circumstances that exist as of the date of this letter, the President cannot rely on inherent constitutional authority to commit U.S. forces to Iraq for the purpose of removing Saddam Hussein from power.

Congress's Post-September 11 Authorization of Force

Whether statutory authority presently exists to introduce U.S. armed forces into Iraq to depose Saddam Hussein depends on whether such action would fall within the provisions of S.J. Res. 23 (Pub. L. No. 107-40), adopted in response to the September 11 attacks.

Congress's authorization for the use of force against those responsible for the attacks of September 11 is an express recognition that Congress and the President both have a critical constitutional role to play in the war on terrorism. S.J. Res. 23 authorizes the President: "to use all necessary and appropriate force against those nations, organizations, or persons he determines planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, or harbored such organizations or persons, in order to prevent any future acts of international terrorism against the United States by such nations, organizations or persons." Thus, the force must be directed against those responsible for the September 11th attacks, or those who harbored such organizations or persons; and the purpose of using force is focused and future-oriented: to prevent additional terrorist acts against the United States by the states, organizations, or persons responsible for the September 11th attacks or who harbored those responsible.

Congress' post-September 11th resolution was an unambiguous decision to authorize force. Like the Gulf War authorization in 1991, the authorization explicitly affirms that it "is intended to constitute specific statutory authorization within the meaning of section 5(b) of the War Powers Resolution." This removes any actions that fall within the scope of the authorization from the War Powers Resolution's 60-day time-clock provision. At the same time, Congress made clear that the requirements of the War Powers Resolution otherwise remain applicable, which would include the requirement of regular reporting and consultation. Moreover, in signing the Joint Resolution, President Bush made clear that he would consult closely with Congress as the United States responds to terrorism.

Whether this joint resolution authorizes military action against Iraq to remove Saddam Hussein from power depends on whether the requisite link to the attacks of September 11 exists or not. That is, did Iraq "plan [], authorize, [] commit [], or aid [] the September 11 attacks," or "harbor" organizations or persons who did? Under the terms of the resolution, the President determines whether such a link to the September 11th attacks is established, but Congress undoubtedly expected that the President would make his determination and the basis for it known to Congress. In a matter as momentous as commencing hostilities against Iraq, Congress and the American people would certainly expect a clear and convincing indication of evidence linking Iraq to the September 11 attacks. As of August 26, 2002, the Administration, to my knowledge, has not made such a showing nor publicly argued that there is a direct link between Iraq and the September 11 attacks. Nor has the Administration presented its views regarding whether using force to remove Saddam Hussein from power is "necessary and appropriate force . . . in order to prevent any future acts of international terrorism against the United States" by the nations, organizations or persons responsible for the September 11 attacks. If the link between Iraq and the September 11 attacks is tenuous, additional congressional authorization clearly addressing Iraq would better serve the important constitutional purposes underlying

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For a discussion of constitutional war powers and the Korean War, see Jane Stromseth, "Rethinking War Powers: Congress, The President, and the United Nations," 81 Georgetown Law Journal 597, 621-640 (1993). Congress subsequently enacted legislation to provide funds for the Korean War and to extend the draft, id. at 626, 630.

[3] In a longer piece, I discuss original intent, historical practice, and current arguments about war powers more fully and systematically, and I draw upon my conclusions in that piece here. See Jane E. Stromseth, "Understanding Constitutional War Powers Today: Why Methodology Matters," 106 Yale L.J. 845 (1996).

[4] The War Powers Resolution and its 60/90 day time-clock apply to a wide variety of situations in which U.S. forces are introduced into hostilities as well as into "situations where imminent involvement in hostilities is clearly indicated by the circumstances." Whatever effects this statute has, or was intended to have on smaller-scale deployments of force, including deployments that involve simply the prospect of hostilities, the War Powers Resolution cannot be read as authorizing 60 days wars because of the clear language to the contrary in sections 8(d) and 2(c) of the statute.

[5] This interpretation of the President's authority is consistent with the understanding reflected in the original Senate version of the War Powers Resolution. See S. Rep. No. 93-220, at 22 (1973). For a discussion of the scope of the President's defensive war powers, see Stromseth, "Understanding Constitutional War Powers Today: Why Methodology Matters," 106 Yale L. J. 845, 888-892 (1996).

Congress's power to declare war: congressional deliberation and national consensus before the country embarks on a major military action so full of risks.

The 1991 Gulf War Authorization

Some argue that the President has current authority to use U.S. forces against Iraq to remove Saddam Hussein based on the 1991 Use of Military Force Against Iraq Resolution (Pub. L. 102–1). This Resolution, adopted prior to the 1991 Gulf War, authorized the President to use U.S. Armed Forces pursuant to U.N. Security Council Resolution 678 to achieve implementation of previous, enumerated Security Council resolutions.[6] Those Security Council resolutions included Resolution 660 (1990) demanding that Iraq withdraw immediately from Kuwait. UN Security Council Resolution 678, in turn, authorized UN member states cooperating with Kuwait "to use all necessary means to uphold and implement resolution 660 (1990) and all subsequent relevant resolutions and to restore international peace and security in the area." In contrast to this UN resolution, which refers to "all subsequent relevant resolutions," the 1991 congressional authorization of force was crafted to refer only to implementation of specific UN resolutions adopted prior to Resolution 678—resolutions that focus above all on Iraqi withdrawal from Kuwait and restoration of Kuwait's sovereignty. Congress, in short, tailored its 1991 authorization to the specific goal of liberating Kuwait rather than providing an open-ended authorization of force.

Those who invoke the 1991 Use of Military Force Against Iraq Resolution as current authority to remove Saddam Hussein begin by noting that Iraq is in material breach of UN Security Council Resolution 687 (the Gulf War cease-fire resolution). That resolution requires Iraq to relinquish all weapons of mass destruction and authorized a UN Special Commission (UNSCOM) to monitor Iraq's compliance. Resolution 687, in particular, requires Iraq to "unconditionally accept the destruction, removal, or rendering harmless, under international supervision" of all chemical and biological weapons and all ballistic missiles with a range exceeding 150 kilometers and to "unconditionally undertake not to use, develop, construct or acquire" such weapons. (Resolution 687, paragraphs 8 and 10). Iraq likewise is required not to develop or acquire nuclear weapons or subsystems or components, and to submit to ongoing monitoring and verification of its compliance (paragraphs 12, 13). Undoubtedly, Iraq's persistent refusal to allow full, unimpaired weapons inspections is a clear and unacceptable breach of Resolution 687. The domestic legal question then is: has Congress authorized the use of U.S. armed forces to remove Saddam Hussein from power in order to enforce UN Security Council Resolution 687?

The 1991 Authorization for Use of Military Force Against Iraq Resolution does not, on its face, provide authorization to use force to implement Resolution 687. Adopted prior to the Gulf War, the 1991 Joint Resolution authorized the President to use U.S. armed forces pursuant to UN Resolution 687 in order to achieve implementation of specific UN resolutions adopted prior to Resolution 687. So purely as a temporal matter, the cease-fire resolution (687), which came at the end of the Gulf War, is not among the UN resolutions enumerated in the 1991 Joint Resolution. Consequently, the 1991 authorization does not provide clear authority to use force today to remove Saddam Hussein from power as a means to enforce the Gulf War cease-fire resolution.

Since 1991, Congress has indicated in a "sense of the Congress" resolution its support for using "all necessary means" to achieve the "goals" of UN Resolution 687; Congress has also indicated its support for a policy of regime change in Iraq. Yet, upon careful examination, these indications of congressional intent do not provide a clear authorization by Congress of the use of U.S. armed forces to attack Iraq to remove Saddam Hussein from power. If the United States is to commence war against Iraq, and to expose U.S. forces and citizens to the considerable costs and sacrifices that this would entail, both the Constitution and the War Powers Resolution (section 8(a)(1)) expect a clear authorization from Congress that reflects a deliberate decision to initiate hostilities on a major scale. The various congressional actions since 1991 concerning Iraq do not provide that authorization.

First, Section 1095 of the FY1992 Defense Authorization Act (Pub. L. 102–190, signed December 5, 1991) declared the sense of the Congress that Iraq's noncompliance with UN Resolution 687 constitutes "a continuing threat to the peace, security, and stability of the Persian Gulf region" and that "the Congress supports the use of all necessary means to achieve the goals of Security Council Resolution 687 as being consistent with the Authorization for Use of Military Force Against Iraq Resolution (Public Law 102–1)." At the same time, Section 1095 also expressed the sense of the Congress that "the President should consult closely with the partners of the United States in the Desert Storm coalition and with the members of the United Nations Security Council in order to present a united front of opposition to Iraq's continuing noncompliance with Security Council Resolution 687."

Some may contend that Section 1095 together with the 1991 Authorization for Use of Military Force Resolution gives the President the authority to use force to commence war against Iraq to impose a regime change because the 102nd Congress expressed its view that using "all necessary means to achieve the goals of Security Council Resolution 687" is "consistent with" the 1991 authorization of force. Iraq is in material breach of Resolution 687, as it was back in 1991, and thus, according to this argument, the President can use force to achieve Iraq's compliance, in accordance with Section 1095 and the 1991 authorization, by removing Saddam Hussein from power.

Yet, upon careful review, this argument ultimately falls short. First, regime change goes beyond the provisions or requirements of UN Resolution 687, so Congress has not provided clear authority for commencing hostilities for this purpose as a means to implement 687. It is one thing to use limited force to enforce no-fly-zones, for instance; it is a quite different thing to commence war to remove Saddam Hussein from power. Second, and more importantly, Section 1095 does not provide the clear authorization of war that both the Constitution and the War Powers Resolution expect. Section 1095 does not use the word "force" or "authorize"; rather, it is a "sense of the Congress" resolution indicating that Congress "supports" the use of "all necessary means" to "achieve the goals" of Resolution 687 as being consistent with the 1991 Authorization. Section 1095 also fails to fulfil the War Powers Resolution's clear-statement rule that authority to use force cannot be inferred from legislation that does not specifically cite its provisions. Although Section 1095 refers to the 1991 Authorization, it does not itself cite the War Powers Resolution. Constitutionally, reliance on a "sense of the Congress" resolution in a massive defense authorization bill enacted over a decade ago as authorization to commence a war against Iraq today to remove Saddam Hussein from power falls short of a clear contemporaneous authorization of major military action that is faithful to the purposes underlying the Constitution's vesting of the power to declare war in Congress.

The Constitution vested the power to declare war in Congress to ensure careful deliberation by the Congress as well as the President before the United States commenced war. Much has changed over the last decade, particularly after the attacks of September 11, and initiating war against Iraq today clearly would involve substantial costs and risks for the United States, our forces and citizens, and for our allies. Reasonable people may come to different conclusions on the merits of this issue. But commencing a major military action against Iraq to remove Saddam Hussein from power would clearly constitute war, and congressional deliberation and clear authorization is required. Reliance on an ambiguous "sense of the Congress" resolution adopted over a decade ago falls short of clear authority to commence war against Iraq. The American people, including the brave men and women who fight for our country, would expect a full debate and consideration of the issue from their elected representatives in Congress in light of the circumstances we face today. The Constitution's wisdom on this point is compelling: Authorization, if provided by Congress, ensures that the costs and implications of any such action have been fully considered and that a national consensus to proceed exists. Congressional authorization also ensures American combat forces that the country is behind them, and conveys America's resolve and unity to allies as well as adversaries.

To be sure, congressional action since 1991 indicates Congress's continuing concern about Iraq's noncompliance with UN Resolution 687 and Congress's support for maintaining the no-fly-zones. But Congress has not provided clear statutory authority to commence war against Iraq to overthrow Saddam Hussein. In 1998, in response to Saddam Hussein's continuing defiance of UN Resolution 687 and his refusal to allow weapons inspections, the Senate and House passed a resolution, S.J. Res. 54 (Pub. L. 105–235, signed Aug. 14, 1998), which declared Iraq in "material breach" of its international obligations and "urged" the President "to take appropriate action, in accordance with the Constitution and relevant laws of the United States, to bring Iraq into compliance with its international obligations." This did not, however, provide clear authorization to use U.S. armed forces.

Later in October 1998, Congress declared in the Iraq Liberation Act of 1998, Pub. L. 105–

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[6] H.J. Res. 77, Pub. L. No. 102-1, provides in Section 2(a): "The President is authorized, subject to subsection (b), to use United States armed forces pursuant to United Nations Security Council Resolution 678 (1990) in order to achieve implementation of Security Council Resolutions 660, 661, 662, 664, 665, 666, 667, 669, 670, 674, and 677." Section 2(b), in turn, requires the President, before using force, to make available to Congress his determination that "the United States has used all appropriate diplomatic and other peaceful means to obtain compliance by Iraq with the United Nations Security Council resolutions cited in subsection (a); and . . . that those efforts have not been and would not be successful in obtaining such compliance."

338 (112 Stat. 3178), that it "should be the policy of the United States to support efforts to remove the regime headed by Saddam Hussein from power in Iraq and to promote the emergence of a democratic government to replace that regime." (sec. 3). But that Act also declared that "[n]othing in this Act shall be construed to authorize or otherwise speak to the use of United States Armed Forces . . . in carrying out this Act" except as provided in section 4(a)(2) of the Act, which authorizes the President to provide assistance to Iraqi democratic opposition organizations through a "drawdown of defense articles from the stocks of the Department of Defense, defense services of the Department of Defense, and military education and training for such organizations." (sec. 4(a)(2)).

Some may argue that the 1991 Authorization and Section 1095—combined with Pub. L. 105-235 (declaring Iraq in material breach of its international obligations); Publ. L. 105-338 (calling for a regime change in Iraq); and congressional acquiescence during "Operation Desert Fox" (Dec. 16-19, 1998) when force was used in response to Iraq's refusal to readmit weapons inspectors—amounts to implied authorization by Congress to use U.S. armed forces on a more substantial scale to remove Saddam Hussein from power. See *Dames & Moore* v. *Regan*, 453 U.S. 654 (1981) (relying on related legislation and congressional acquiescence in holding that the President was implicitly authorized to suspend claims pending in U.S. courts).

This argument falls short as well. While Congress's acts and resolutions clearly indicate its concern about Iraq's noncompliance with UN Resolution 687, nowhere in the record is there explicit authorization by Congress to commence a war against Iraq to remove Saddam Hussein from power. Sense of the Congress resolutions and congressional acquiescence cannot substitute for a clear authorization to initiate war. They do not meet the clear-statement provisions of Section 8 of the War Powers Resolution. Furthermore, the principles underlying the Constitution's decision to vest the power to declare war in Congress are not served by relying on ambiguous indications of Congressional intent regarding force. Moreover, Congress itself decisively closed the door to "composite" interpretations of its intent in 1998, when it made clear that its support for a policy of regime change should not be "construed to authorize or otherwise speak to the use of United States Armed Forces."

Summing Up

To recap the basic points of this letter: If the United States is subject to attack or imminent attack by Iraq, the President clearly possesses constitutional authority to use U.S. armed forces. Likewise, if it can be demonstrated that Iraq "planned, authorized, committed, or aided" the September 11 attacks, or "harbored" those responsible, the President would have authority to use force under S.J. Res. 23. If the link is tenuous and disputed, however, the constitutional purposes underlying the vesting of the power to declare war in Congress would be best served by an additional clear, express authorization of force against Iraq that reflects the deliberation and judgment of the Congress. Finally, Congress's authorization of the Persian Gulf War, together with subsequent legislative action, fall short of a clear authorization of war against Iraq to remove Saddam Hussein from power.

Both the Constitution and the War Powers Resolution affirm the critical importance of ensuring that decisions to commit U.S. forces to war reflect the deliberation and support of both the President and the Congress. Prior to the Persian Gulf War, the President obtained clear authority to use force from Congress. Likewise, in response to the September 11 attacks, Congress and the President acted together in enacting S.J. Res. 23. As our country moves ahead in the war against terrorism and as it considers policy options with respect to Iraq, I sincerely hope that the Congress and the President will work together as the Constitution envisions.

Please call on me again if I can be of assistance.

Sincerely,

JANE E. STROMSETH,
Professor of Law.

TUFTS UNIVERSITY, THE FLETCHER
SCHOOL OF LAW AND DIPLOMACY,
MEDFORD, MA, AUGUST 20, 2002.

Hon. ROBERT C. BYRD,
U.S. Senate, Washington, DC.

DEAR SENATOR BYRD: Thank you for your letter of July 22, 2002 requesting my opinion whether the President currently has authority under U.S. domestic law to introduce the U.S. armed forces into hostilities against Iraq for the purpose of removing Saddam Hussein from power.

To summarize, I believe that he does not, although that conclusion is based upon the assumption that Iraq was not involved in the events of September 11, and that use of force for this purpose would risk substantial casualties or large-scale hostilities over a prolonged duration. I reach that conclusion for the following reasons:

A. No treaty currently in force gives the President authority to use force.

B. None of the three relevant statutes gives the President authority to use force.

1. The War Powers Resolution confers no power on the President to introduce the armed forces into hostilities that he would not have had in its absence.

2. Congress's Gulf War authorization would confer such power only if Security Council Resolution 678 did so, and Resolution 678 probably does not do so.

a. The authority conferred by Resolution 678, which authorized use of force against Iraq following its invasion of Kuwait, was narrowly circumscribed and was directed at reversing the Iraqi invasion of Kuwait.

b. That authority most likely was extinguished on April 6, 1991, the date the Iraqis notified the United Nations of their acceptance of the pertinent provisions of Security Council Resolution 687, which declared a formal cease-fire.

c. Once extinguished that authority did not revive when Iraq failed to comply with its obligations under Resolution 687.

d. A decision to revive Resolution 678 must be made by the Security Council and cannot be made by an individual member state.

e. It would be inappropriate to infer Security Council intent to revive Resolution 678 from acquiescence by the Council to subsequent military strikes against Iraq that were not expressly authorized.

f. The War Powers Resolution requires that doubts flowing from ambiguous or unclear measures be resolved against finding authority to use force; at a minimum, these considerations raise such doubts.

3. S.J. Res. 23 would permit use of force against Iraq only if Iraq participated in the events of September 11.

C. Absent authorization from a treaty or statute, authority to use force against Iraq can derive only the Constitution. The Constitution's text, the case law, custom, the intent of the Framers, and structural and functional considerations all suggest that, to the extent that use of force against Iraq would risk substantial casualties or large-scale hostilities over a prolonged duration, prior congressional approval would be required.

I now turn to a closer examination of each of the three sources from which authorization to use force could in principle derive: a treaty, a statute, or the Constitution.

A. Authorization by treaty

No treaty currently in force gives the President authority to use force. Indeed, the United States has never been a party to any treaty that purported to give the President authority to use force. The constitutionality of any such treaty would be doubtful in that it would necessarily divest the House of Representatives of its share of the congressional war power. (For this reason, all of the United States' mutual security treaties have made clear that they do not affect the domestic allocation of power.) Moreover, war-making authority conferred by any such treaty would be cut off unless it met the requirements of section 8(a)(2) of the War Powers Resolution. Section 8(a)(2) requires, in effect, that any treaty authorizing the use of force meet two conditions. The first condition is that any such treaty must "be implemented by legislation specifically authorizing" the introduction of the armed forces into hostilities or likely hostilities. This condition is not met because no treaty is so implemented. The second condition is that any such implementing legislation must state that it is "intended to constitute specific statutory authorization" within the meaning of the War Powers Resolution. Again, since no implementing legislation is in effect, the second condition is also not met. Thus it must be concluded that, if further authority to use force is required, the President cannot seek that authority from any treaty.

* * * * *

B. Authorization by statute

The second source to which the President might turn for authority to use force is statutory law. I referred above to the provision of the War Powers Resolution that limits authority to use force that can be inferred from a treaty. A companion provision limits such authority that can be inferred from a statute. That provision is section 8(a)(1). Section 8(a)(1) sets out two similar conditions that must be met before authority to use armed force can be inferred from a given statute. The first condition is that such a statute must "specifically authorize" the introduction of the armed forces into hostilities or likely hostilities. The second condition is that such a statute must state "that it is intended to constitute specific statutory authorization within the meaning of" the War Powers Resolution. Unless each condition is met, a given statute may not be relied upon as a source of authority to use armed force. Arguments challenging the validity of this provision are essentially frivolous. (Archibald Cox testified that he was "aghast" at the contention; I addressed the argument in an appendix to my testimony before the Senate Judiciary Committee on April 17, 2002.)

The War Powers Resolution cannot itself be relied upon as authorization to introduce the armed forces into hostilities because it does not meet these two conditions and because it explicitly provides that it confers no power on the President to introduce the armed forces into hostilities that he would not have had in its absence. Two statutes now in effect, however, may meet these conditions. The first statute is H.J. Res. 77 of January 14, 1991 (P.L. 102–1), the law authorizing use of force against during the Gulf War. The second statute is S.J. Res. 23, the law enacted by Congress and signed by the President on September 18, 2001 (P.L. 107–40).

1. The Gulf War authorization

Congress's Gulf War resolution authorized the President to use force against Iraq only to the extent that such use of force had been authorized by the United Nations Security Council. Section 2(a) of P.L. 102–1 provides that "[t]he President is authorized, pursuant to subsection (b), to use the United States Armed Forces pursuant to United Nations Security Council Resolution 678 (1990) in order to achieve implementation of Security Council Resolutions 660, 661, 662, 664, 665, 666, 667, 669, 670, 674, and 677." (Subsection (b) required the President to determine, before using force, that all appropriate diplomatic and other peaceful means had been used.) Thus the Gulf War resolution would continue to authorize use of force against Iraq if such use continues to be authorized under resolution 678 of the Security Council. If Resolution 678 does not continue to authorize the United States to use force against Iraq, on the other hand, the Gulf War resolution would not authorize the President to introduce the armed forces into hostilities against Iraq, and further congressional approval would be required. This would be true, as indicated above, even if the Security Council adopts new approval to use force against Iraq, since the existing congressional authorization, the Gulf War resolution, refers only to specific Security Council measures adopted at the time of the Gulf War.

In considering this key issue, it is helpful to recall the chain of events that led to the adoption of the relevant congressional and Security Council resolutions:

On August 2, 1990, Iraq invaded and occupied the territory of Kuwait.

On August 2, 1990, the Security Council adopted the first of the eleven resolutions later set out in Congress's Gulf War resolution, quoted above. This was Resolution 660, which condemned the Iraqi invasion of Kuwait and called for an immediate and unconditional withdrawal. All eleven Security Council resolutions related to the Iraqi invasion of Kuwait and represented an effort gradually to tighten the screws before authorizing use of force.[1]

On November 29, 1990, the UN Security Council adopted Resolution 678 which, among other things, authorized "all member States to uphold and implement Resolution 660 (1990) and all subsequent relevant resolutions and to restore international peace and security in the region." The Resolution provided that this authority could not be exercised, however, if Iraq "on or before January 15, 1991, fully implements . . . the above-mentioned resolutions. . ." (The "above mentioned resolutions" were the same eleven measures.)

On January 14, 1991, Congress adopted the Gulf War resolution.

On January 17, 1991, the United States commenced air attacks against Iraq.

On February 24, 1991, the United States commenced the ground attack.

On February 27, 1991, Iraq in a letter to the President of the Security Council, promised to comply with the twelve Security Council resolutions.

On February 28, a cease-fire was declared.

On March 2, 1991, the Security Council adopted Resolution 686, noting the cease-fire, noting Iraq's promise to comply with the the Council's twelve resolutions, demanding that Iraq do so, and demanding that Iraq meet additional conditions spelled out in paragraphs (2) and (3). Significantly, Resolution 686 further provided that, "during the period required for Iraq to comply with paragraphs 2 and 3 above, the provisions of paragraph 2 of resolution 678 (1990) remain valid. . . ."

On April 3, 1991, the Security Council adopted Resolution 687 which demanded that Iraq destroy all weapons of mass destruction and set up a comprehensive on-site inspection regime under the aegis of the UN Special Commission on Iraq (UNSCOM). The Resolution also declared that "upon official notification by Iraq to the Secretary-General and to the Security Council of its acceptance of the provisions above a formal cease-fire is effective between Iraq and Kuwait and the Member States cooperating with Kuwait in accordance with resolution 678 (1990)."

On April 6, 1991 in a letter from its Iraqi Minister of Foreign Affairs, Iraq notified the President of the Security Council and the Secretary-General that it accepted the provisions of the Resolution 687.

In light of this background, can Resolution 678 reasonably be construed to continue to authorize use of force by the United States against Iraq? While reasonable arguments can be made on both sides,[2] the more persuasive argument appears to be that it does not, for these reasons:

(a) The authority conferred by Resolution 678 was narrowly circumscribed and was directed at reversing the Iraqi invasion of Kuwait. Resolution 678 conferred authority to use armed force for three different purposes. (i) The first purpose was to uphold and implement resolution 660. Resolution 660, however, simply called upon Iraq to withdraw from Kuwait that goal has been achieved. (ii) The second purpose was to uphold and implement "all subsequent relevant resolutions" The phrase could conceivably be construed as referring to any resolution adopted after the date on which Resolution 660 was adopted, August 2, 1990. Read in context, however, it seems more likely that the phrase refers to the nine "foregoing resolutions" that were recalled and reaffirmed in the first prefatory clause of Resolution 678. Those resolutions were "subsequent to" Resolution 660 but of course all preceded Resolution 678. "All subsequent resolutions," it might further be argued, could hardly be taken as referring to any resolution ever adopted on any future date by the Security Council. Such a construction would have had the effect, internationally, divesting the Security Council of any future role in deciding whether to authorize use of force against Iraq—even though paragraph 5 of Resolution 678 explicitly affirms the intent of the Security Council "to remain seized of the matter." Domestically, given the incorporation by reference of the phrase in Congress's Gulf War resolution, such as interpretation would have effected a massive delegation of the congressional war power to the Security Council—a delegation that would crate profound constitutional problems. These difficulties are avoided by giving the phrase "all subsequent relevant resolutions" the meaning that it seems plainly intended to have had, namely, as referring to resolutions subsequently to Resolution 660 but adopted before Resolution 678. (iii) The third purpose for which Resolution 678 authorized use of force was to restore international peace and security in the region. A broad interpretation of that grant of authority would view it as permitting use of force against Iraq by any state at any point in the future when that state concluded that Iraq had disrupted that region's peace and security. The authority to restore peace and security was, however, like other provisions of Resolution 678 authorizing use of force against Iraq, tied to and precipitated by the Iraqi invasion of Kuwait. Each of the twelve Security Council resolutions cited in Congress's Gulf War Resolution relates directly to that invasion. Resolution 687, declaring a "formal cease-fire," appears to have represented a de facto finding by the Security Council that peace and security had been restored. It seems unlikely that the Security Council, in adopting Resolution 678, intended to declare Iraq a free-fire zone into the indefinite future.

(b) The authority to use force conferred in Resolution 678 was most likely extinguished April 6, 1991, the date the Iraqis notified the United Nations of their acceptance of the pertinent provisions of Resolution 687. Under that Resolution, "a formal cease-fire" took effect upon such notification. The legal obligations that flow from a formal cease-fire are incompatible with the legal rights that flow from authorization to use force. The Security Council did "reaffirm" Resolution 678 in Resolution 949, adopted October 15, 1994, and also in Resolution 1137, adopted November 12, 1997. However, this was done only in prefatory clauses; neither Resolution 949 nor Resolution 1137 re-authorizes the use of force against Iraq. No resolution has done so. The Security Council has never declared that either the cease-fire or Resolution 687 is no longer in effect.

(c) The authority to use force conferred in Resolution 678, once extinguished did not revive when Iraq failed to comply with its obligations under Resolution 687. Resolution 687 makes clear that the termination of that authority was conditioned upon Iraq's notification of acceptance of the pertinent provisions of Resolutions 687, not upon Iraq's compliance with those provisions. In this regard it is instructive to compare the terms of Resolution 687 with the terms of its predecessor resolution, Resolution 686. Resolution 686 implemented a provisional cease-fire following the suspension of hostilities between Iraq and the coalition forces. As noted above, Resolution 686 provides that compliance, not acceptance, by Iraq was required with respect to two paragraphs of Resolution 686 to bring about the termination of authority to use force. (It is agreed that Iraq has complied with those two paragraphs.) In contrast, Resolution 687 provides that acceptance, not compliance, was all that was required to terminate authority to use force. Had the Security Council intended to cause that authority to revive upon Iraqi non-compliance, the Council presumably would have used the same words, or similar words, that it used in the preceding resolution to bring about that result. But it did not. There is no indication in the terms of Resolution 687 or any other Security Council resolution that the Council intended that Iraqi non-compliance would trigger a revival of authority to use force.

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[1] Among other things, those resolutions imposed economic sanctions on Iraq (661), found that the Iraqi annexation of Kuwait was null and void and demanded that Iraq rescind its annexation (662), demanded that Iraq permit the departure of third-country nationals and ensure their safety (664), authorized member states to halt maritime shipping to Iraq so as to inspect cargoes incident to the economic embargo (665), took steps to ensure a supply of foodstuffs to alleviate human suffering in Iraq (666), demanded the release of diplomatic personnel seized by Iraq in Kuwait (667), established a consultative mechanism to deal with special economic problems arising from the economic sanctions (669), extended limitations on aircraft destined to land in Iraq or Kuwait (670), demanded that Iraq cease and desist from taking third-country nationals hostage or otherwise mistreating them or Kuwaiti nationals (674), and condemned the Iraqi destruction of civil records maintained by the government of Kuwait (677).

[2] Most commentators have rejected the argument that authority to use force continues to flow from Resolution 678. *See, e.g.*, Gray, After the Cease-Fire: Iraq, the Security Council and the Use of Force, 65 British Yearbook of International Law 135 (1994); Krisch, Unilateral Enforcement of the Collective Will: Kosovo, Iraq, and the Security Council, 3 Max Planck United Nations. Y.B. 59 (1999); Lobel & Ratner, Bypassing the Security Council: Ambiguous Authorizations to Use Force, Cease-Fires and the Iraqi Inspection Regime, 93 American Journal of International Law 124 (1999); Tomuschat, Using Force against Iraq, 73 Die Friedens-Warte-Journal of International Peace and Organization 75 (1997); and Dekker & Wessel, Military Enforcement of Arms Control in Iraq, 11 Leiden Journal of International Law 497 (1998). But see Wedgewood, The Enforcement of Security Council Resolution 687: The Threat of Force against Iraq's Weapons of Mass Destruction, 92 American Journal of International Law 724 (1998).

(d) A decision to revive Resolution 678 must be made by the Security Council and cannot be made by an individual member state. As suggested by the interactive context in which the Gulf War was ended, the transaction that brought hostilities to a close was in the nature of an agreement. Its terms were set forth in Resolution 686 and 687. Those terms were agreed to and approved by Iraq and the U.N. Security Council, not by Iraq and individual member states of the Security Council, and not by Iraq and individual member states of the Gulf War coalition. An earlier, informal, battlefield cease-fire was instituted by coalition forces. But the coalition owed its presence to authority conferred by the Security Council, and the informal cease-fire was superseded by the formal termination of hostilities set out by the Security Council in Resolution 687. The parties to that formal undertaking were Iraq and the U.N. Security Council. With rare exceptions that are not applicable here, under long-settled principles of international law rights flowing from the material breach of an agreement run to the aggrieved party of the agreement; a state has no right to complain of the breach of an agreement to which it is not a party. One of the rights that flows from the power to complain of the material breach of an agreement is the option to terminate or suspend the agreement in whole or in part. In Resolution 687 the Security Council apparently intended to retain that right: paragraph 34 of Resolution 687 provides that the Council, not individual states, "shall take such further steps as may be required for the implementation of the present resolution and to secure peace and security in the region." Thus it would be up to the Council as a body to decide what action to take in response to a breach. Individual states such as the United States have no right to terminate or suspend those provisions of Resolution 687 that caused the authorities granted in Resolution 678 to be extinguished upon the notification of Iraqi acceptance. The option to terminate or suspend those provisions resides exclusively in the author of Resolution 678 and party to the agreement with Iraq: the Security Council, not individual member states.

(e) It would be inappropriate to infer implicit Security Council intent to revive Resolution 678 from acquiescence by the Council to subsequent military strikes against Iraq that were not expressly authorized. It can be argued that a consistent pattern of acquiescent practice would constitute evidence of the authoritative interpretation of the resolution. However, the right of veto that inheres in the Council's five permanent members renders this argument unconvincing in these circumstances. All five members have not remained silent during each of the subsequent strikes against Iraq; several have on occasion objected. Following the 1998 air strikes on Iraq, for example, the President of the Russian Federation declared that "[t]he U.N. Security Council resolutions on Iraq do not provide any grounds for such actions. By the use of force, the U.S. and Great Britain have flagrantly violated the U.N. Charter and universally accepted principles of international law."[3] The Chinese also objected.[4] When Resolution 1154 was adopted, warning that continued violations of Iraq's obligations to permit unconditional access to UNSCOM "would have the severest consequences," the French representative to the Security Council stated that the resolution was designed "to underscore the prerogatives of the Security Council in a way that excludes any question of automaticity. . . . It is the Security Council that must evaluate the behavior of a country, if necessary to determine any possible violations, and to take the appropriate decisions."[5] Even if all five permanent members of the Security Council had remained silent, silence under such circumstances does not necessarily signify consent or approval. Silence may simply indicate a belief that objection is futile. Moreover, if formal objection were now legally required, this argument would in effect establish a new procedure under which each of those five members would be required to take the affirmative step of voicing objection to acts not authorized by the Council that they did not wish to be seen as approving. The U.N. Charter itself places no such obligation on the permanent five members of the Council; to prevent the Council from acting, each is required to voice objection only to a formal proposal made by a member of the Council within the Council's proceedings, not to the external conduct of third states. In any event, even if it were appropriate to infer the Council's approval to attack Iraq from its acquiescence to other attacks on Iraq, there would be no reason to assume that the Council, in its acquiescence, intended to revive Resolution 678 rather than to create new, implicit authority. New, implicit Security Council authority would not constitute authorization under Congress's Gulf War Resolution to introduce the armed forces into hostilities against Iraq. As noted above the Gulf War Resolution permits such use of force only if it is permitted by Resolution 678. New Security Council authorization, whether given explicitly in the form of a new resolution or implicitly in the form of acquiescence, would not satisfy the terms of the Gulf War Resolution and could not, under U.S. domestic law, authorize the President to introduce the armed forces into hostilities.

(f) The War Powers Resolution requires that doubts flowing from ambiguous or unclear measures be resolved against finding authority to use force; at a minimum, these considerations raise such doubts. As discussed above, section 8(a)(1) of the War Powers Resolution requires that Congress "specifically authorize" the introduction of the armed forces into hostilities if its enactment is to suffice as statutory approval. The War Powers Resolution, in other words, requires that doubts flowing from ambiguous or unclear measures be resolved against finding authority to use force. Because serious doubt exists whether Security Council Resolution 678 confers continuing authority on the United States to use force against Iraq,[6] the Gulf War Resolution, which incorporates Security Council Resolution 678 by reference, cannot be said to constitute specific statutory authorization within the meaning of the War Powers Resolution to introduce the armed forces into hostilities against Iraq.

For these reasons, I conclude that the Gulf War authorization is most reasonably construed as conferring no such authority.

2. S.J. Res. 23

The second statute that meets these conditions is the law enacted by Congress and signed by the President on September 18, 2002, P.L. 107-40, also known as Senate Joint Resolution 23 or S.J. Res. 23.

The statute contains five whereas clauses. Under traditional principles of statutory construction these provisions have no binding legal effect. Only material that comes after the so-called "resolving clause"—Resolved by the Senate and House of Representatives of the United States of America in Congress assembled"—can have any operative effect. Material set out in a whereas clause is purely precatory. Such material may be relevant for the purpose of clarifying ambiguities in a statute's legally operative terms, but in and of itself such a provision can confer no legal right or obligation.

To determine the breadth of authority conferred upon the President by this statute, therefore, it is necessary to examine the legally operative provisions, which are set forth in section 2(a) thereof. That section provides as follows: "IN GENERAL.—That the President is authorized to use all necessary and appropriate force against those nations, organizations, or persons he determines planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, or harbored such organizations or persons, in order to prevent any future acts of international terrorism against the United States by such nations, organizations or persons." The central conclusion that emerges from these words (which represent the only substantive provision of this statute) is that all authority that the statute confers is tightly linked to the events of September 11. The statute confers no authority unrelated to those events. The statue authorizes the President to act only against entities that planned, authorized committed, or aided the terrorist attacks that occurred on September 11. 2002. No authority is provided to act against entities that were not involved in those attacks. The closing reference limits rather than expands the authority granted, by specifying the purpose for which that authority must be exercised—"to prevent any future acts of international terrorism against the United States. . . ." No authority is conferred to act for any other purpose or to act against "nations, organizations or persons" generally. Action is permitted only against "such" nations, organizations or persons, to wit, those involved in the September 11 attacks.

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[3] Statement of the President of the Russian Federation, press release of the Mission of the Russian Federation to the U.N., Dec. 20, 1998.

[4] Press release of the Foreign Ministry of China, Dec. 17, 1998 ("The unilateral use of force . . . without the authorization of the Security Council runs counter to the U.N. Charter and the principles of international law.")

[5] U.N. Doc. S/PV.3858, at 15, 18 (1998).

[6] Because your letter requests my views concerning the application of U.S. domestic law, I do not here discuss whether international law would permit use of force against Iraq absent Security Council approval.

The statute thus cannot serve as a source of authority to use force in prosecuting the war on terrorism against entities other than those involved in the September 11 attacks. To justify use of force under this statute, some nexus must be established between the entity against which action is taken and the September 11 attacks.

The requirement of nexus between the September 11 attacks and the target of any force is reinforced by the statute's legislative history. Unfortunately, because of the truncated procedure by which the statute was enacted, no official legislative history can be compiled that might detail what changes were made in the statute and why. It has been reported unofficially however, that the Administration initially sought the enactment legislation which would have set out broad authority to act against targets not linked to the September 11 attacks. The statute proposed by the Administration reportedly would have provided independent authority for the President to "deter and preempt any future acts of terrorism or aggression against the United States."[7] Members of Congress from both parties, however, reportedly objected to this provision.[8] The provision was therefore dropped from the operative part of the statute and added as a final whereas clause, where it remained upon enactment. You outlined this history in your remarks on the Senate floor on October 1, 2001 (Cong. Rec., daily ed., Oct. 1, 2001 at S9949).

Accordingly, unless Iraq participated in the events of September 11, authority for use of force against Iraq must derive from a source other than S.J. Res. 23. Only one possible source remains: the United States Constitution. If use of force by the President is authorized by the Constitution, no authority is needed from any treaty or statute.

C. Constitutional authorization

A starting point in considering the scope of the President's independent constitutional powers is to note a proposition on which commentators from all points on the spectrum have agreed: that the President was possessed of independent constitutional power to use force in response to the September 11 attacks upon the United States. As was widely observed at the time, the War Powers Resolution itself supports this conclusion. Its statement of congressional opinion concerning the breadth of independent presidential power under the Constitution (section 2(c)(3)) recognizes the President's power to use force without statutory authorization in the event of "a national emergency created by attack upon the United States, its territories or possessions, or its armed forces." Thus, U.S. military operations in Afghanistan could have been carried out under the President's constitutional authority, even if S.J. Res. 23 had never been enacted. This conclusion has important implications for the question you have posed. If it turns out that Iraq is linked to the September 11 attacks, S.J. Res. 23 will continue to suffice, along with the President's constitutional authority, to provide all necessary authorization.

A more difficult question arises if Iraq was not connected with the September 11 attacks. In the last 30 years, Congress has on two occasions expressed its opinion concerning the scope of the President's power to use armed force without prior congressional approval the issue. One statement of opinion, as I mentioned, is set forth in section 2(c)(3) of the War Powers Resolution. I've also alluded to the other statement: the final whereas clause in S.J. Res. 23. That whereas clause expresses the opinion of Congress that "the president has authority under the Constitution to take action to deter and prevent acts of international terrorism against the United States." Obviously, these two statements are inconsistent. The scope of presidential power to wage war that was recognized by Congress in the War Powers Resolution is much narrower than that recognized in S.J. Res. 23. If the President only has power to act alone in "a national emergency created by attack upon the United States, its territories or possessions, or its armed forces," then he obviously is without power to "to take action to deter and prevent acts of international terrorism against the United States" where no attack upon the United States has occurred. Which statement is correct?

In my view, neither. The statement in the War Powers Resolution is overly narrow, and the statement in S.J. Res. 23 is overly broad. The original, Senate-passed version of the War Powers Resolution contained wording, which was dropped in conference, that came close to capturing accurately the scope of the President's independent constitutional power. It provided—in legally binding, not precatory, terms—that the President may use force "to repel an armed attack upon the United States, its territories or possessions; to take necessary and appropriate retaliatory actions in the event of such an attack; and to forestall the direct and imminent threat of such an attack." This formula, unlike the hastily-crafted words of the S.J. Res. 23 whereas clause, was drafted over a period of years, with numerous hearings and advice from the top constitutional scholars in the country. It was supported by Senators Fulbright, Symington, Mansfield, Church, Cooper, Eagleton, Muskie, Stennis, Aiken, Javits, Case, Percy, Hatfield, Mathias, Scott and yourself—not an inconsequential group. They agreed upon a simple premise: that the war power is shared between Congress and the President.

This is the premise that animates all efforts by members of Congress who seek to have the Executive meet authorization and consultation requirements. This is the premise that is, for all practical intents and purposes, rejected by proponents of sole executive power.

The premise flows from each source of constitutional power:

The constitutional text. Textual grants of war power to the President are paltry in relation to grants of that power to the Congress. The president is denominated "commander-in-chief." In contrast, Congress is given power to "declare war," to lay and collect taxes "to provide for a common defense," to "raise and support armies," to "provide and maintain a navy," to "provide for calling forth the militia to execute the laws of the Union, suppress insurrections and repel invasions," to provide for organizing, arming, and disciplining, the militia," and to "make all laws necessary and proper for carrying into execution . . . all . . . powers vested by this Constitution in the Government of the United States."

The case law. Support for the Executive derives primarily from unrelated dicta pulled acontextually from inapposite cases, such as United States v. Curtiss-Wright (1936). The actual record is striking: Congress has never lost a war powers dispute with the President before the Supreme Court. While the cases are few, in every instance where the issue of decision-making primacy has arisen—from *Little* v. *Barreme* (1804) to the Steel Seizure Case (1952)—the Court has sided with Congress.

Custom. It is true that Presidents have used armed force abroad over 200 times throughout U.S. history. It is also true that practice can affect the Constitution's meaning and allocation of power. The President's power to recognize foreign governments, for example, like the Senate's power to condition its consent to treaties, derives largely from unquestioned practice tracing to the earliest days of the republic. But not all practice is of constitutional moment. A practice of constitutional dimension must be regarded by both political branches as a juridical norm, the incidents comprising the practice must be accepted, or at least acquiesced in, by the other branch. In many of the precedents cited, Congress objected. Furthermore, the precedents must be on point. Here, many are not. Nearly all involved fights with pirates, clashes with cattle rustlers, trivial naval engagements and other minor uses of force not directed at significant adversaries, or risking substantial casualties or large-scale hostilities over a prolonged duration. In a number of the "precedents," Congress actually approved of the executive's action by enacting authorizing legislation (as with the Barbary Wars).

Structure and function. If any useful principle derives from structural and functional considerations, it is that the Constitution gives the Executive primacy in emergency war powers crises, where Congress has no time to act, and that in non-emergency situations—circumstances where deliberative legislative functions have time to play out—congressional approval is required.

Intent of the Framers. Individual quotations can be, and regularly are, drawn out of context and assumed to represent a factitious collective intent. It is difficult to read the primary sources, however, without drawing the same conclusion drawn by Abraham Lincoln. He said: "The provision of the Constitution giving the war-making power to Congress, was dictated, as I understand it, by the following reasons. Kings had always been involving and impoverishing their people in wars, pretending generally, if not always, that the good of the people was the object. This our convention understood to be the most oppressive of all kingly oppressions: and they resolved to so frame the Constitution that no one man should hold the power of bringing this oppression upon us." Chief Justice William Rehnquist, quoting Justice Robert Jackson in Dames & Moore v. Regan (1981), shared Lincoln's belief that the Framers' rejected the English model. He said: "The example of such unlimited executive power that must have most impressed the forefathers was the prerogative exercised by George III, and the description of its evils in the Declaration of Independence leads me to doubt that they were creating their new Executive in his image."

Notwithstanding the plain import of these sources of constitutional power, some argue that the only role for Congress occurs after the fact—in cutting off funds if the president commences a war that Congress does not support. Two problems inhere in this theory. First, it reads the declaration-of-war clause out of the Constitution as a separate and independent check on presidential power.

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[7] Helen Dewar & Juliet Eilperin, Emergency Funding Deal Reached; Hill Leaders Agree to Work Out Language on Use of Force, Wash. Post, Sept. 14, 2001 at A30.

[8] Helen Dewar & John Lancaster, Congress Clears Use of Force, Aid Package; $40 Billion—Double Bush's Request—Earmarked for Rebuilding, Terror Response, Wash. Post, Sept. 16, 2001 at A11.

The Framers intended to give Congress control over waging war before the decision to go to war is made. Giving Congress a role only after the fact, however, would make its power to declare war nothing but a mere congressional trumpet to herald a decision made elsewhere.

Second, the theory flies in the face of the Framers' manifest intention to make it more difficult to get into war than out of it. This approach would do the opposite. If the only congressional option is to wait for the president to begin a war that Congress does not wish the nation to fight and then cut off funds, war can be instituted routinely with no congressional approval—and seldom if ever ended quickly. The practical method of cutting off funds is to attach a rider to the Department of Defense authorization or appropriation legislation. This means, necessarily, passing the legislation by a two-thirds vote so as to overcome the inevitable presidential veto. The alternative is for Congress to withhold funding altogether—and be blamed by the president for closing down not merely the Pentagon but perhaps the entire federal government. The short of it is, therefore, that to view the congressional appropriations power as the only constitutional check on presidential war power is for all practical purposes to eliminate the declaration-of-war clause as a constitutional restraint on the president.

For reasons such as these, the Office of Legal Counsel of the Justice Department concluded in 1980 that the core provision of the War Powers Resolution—the 60-day time limit—is constitutional. It said: "We believe that Congress may, as a general constitutional matter, place a 60-day limit on the use of our armed forces as required by the provisions of [section 5(b)] of the Resolution. The Resolution gives the President the flexibility to extend that deadline for up to 30 days in cases of "unavoidable military necessity." This flexibility is, we believe, sufficient under any scenarios we can hypothesize to preserve his function as Commander-in-Chief. The practical effect of the 60-day limit is to shift the burden to the President to convince the Congress of the continuing need for the use of our armed forces abroad. We cannot say that placing that burden on the President unconstitutionally intrudes upon his executive powers.

"We believe that Congress may, as a general constitutional matter, place a 60-day limit on the use of our armed forces as required by the provisions of [section 5(b)] of the Resolution. The Resolution gives the President the flexibility to extend that deadline for up to 30 days in cases of "unavoidable military necessity." This flexibility is, we believe, sufficient under any scenarios we can hypothesize to preserve his function as Commander-in-Chief. The practical effect of the 60-day limit is to shift the burden to the President to convince the Congress of the continuing need for the use of our armed forces abroad. We cannot say that placing that burden on the President unconstitutionally intrudes upon his executive powers.

"Finally, Congress can regulate the President's exercise of his inherent powers by imposing limits by statute."[9]

Finally, it is worth recalling that much the same issue arose prior to the outset of the Gulf War. The President, executive branch lawyers maintained, was constitutionally empowered to place the United States at war against Iraq without congressional approval. A number of Members of Congress brought an action seeking an injunction to prevent him from initiating an offensive attack against Iraq without first securing a declaration of war or some other explicit congressional authorization. The action was dismissed by a federal district court as not yet ripe for review. In the course of doing so, however, the court made the following pithy but important observation, which seems directly pertinent to events unfolding today: "If the Executive had the sole power to determine that any particular offensive military operation, no matter how vast, does not constitute war-making but only an offensive military attack, the congressional power to declare war will be at the mercy of a semantic decision by the Executive. Such an "interpretation" would evade the plain language of the constitution, and it cannot stand:[10]

To the extent that use of force against Iraq to remove Saddam Hussein from power would risk substantial casualties or large-scale hostilities over a prolonged duration, I therefore conclude that prior congressional approval would be required.

Sincerely,

MICHAEL J. GLENNON,
Professor of International Law.

Ms. STABENOW. Will my friend from West Virginia yield for a moment?

Mr. BYRD. Yes, I would be happy to.

Ms. STABENOW. Before the Senator concludes this evening, I wanted to thank him, as a new Member to this body, for his incredible commitment to our Constitution, our country, and our people. It has been an inspirational time for me to watch the Senator from West Virginia on the floor, listen to his arguments, and see his dedication. I have been proud to stand with him in opposing this resolution.

I ask unanimous consent that a New York Times op-ed written today by the distinguished Senator from West Virginia be printed in the RECORD. It is an excellent summary of the concerns that many of us have in rushing into this war, and I want to thank the Senator for that. I think it is important this be in the RECORD of the Senate as a part of this debate today.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Oct. 10, 2002]

CONGRESS MUST RESIST THE RUSH TO WAR

(By Robert C. Byrd)

A sudden appetite for war with Iraq seems to have consumed the Bush administration and Congress. The debate that began in the Senate last week is centered not on the fundamental and monumental questions of whether and why the United States should go to war with Iraq, but rather on the mechanics of how best to wordsmith the president's use-of-force resolution in order to give him virtually unchecked authority to commit the nation's military to an unprovoked attack on a sovereign nation.

How have we gotten to this low point in the history of Congress? Are we too feeble to resist the demands of a president who is determined to bend the collective will of Congress to his will—a president who is changing the conventional understanding of the term "self-defense"? And why are we allowing the executive to rush our decision-making right before an election? Congress, under pressure from the executive branch, should not hand away its Constitutional powers. We should not hamstring future Congresses by casting such a shortsighted vote. We owe our country a due deliberation.

I have listened closely to the president. I have questioned the members of his war cabinet. I have searched for that single piece of evidence that would convince me that the president must have in his hands, before the month is out, open-ended Congressional authorization to deliver an unprovoked attack on Iraq. I remain unconvinced. The president's case for an unprovoked attack is circumstantial at best. Saddam Hussein is a threat, but the threat is not so great that we must be stampeded to provide such authority to this president just weeks before an election.

Why are we being hounded into action on a resolution that turns over to President Bush the Congress's Constitutional power to declare war? This resolution would authorize the president to use the military forces of this nation wherever, whenever and however he determines, and for as long as he determines, if he can somehow make a connection to Iraq. It is a blank check for the president to take whatever action he feels "is necessary and appropriate in order to defend the national security of the United States against the continuing threat posed by Iraq." This broad resolution underwrites, promotes and endorses the unprecedented Bush doctrine of preventive war and preemptive strikes—detailed in a recent publication, "National Security Strategy of the United States"—against any nation that the president, and the president alone, determines to be a threat.

We are at the gravest of moments. Members of Congress must not simply walk away from their Constitutional responsibilities. We are the directly elected representatives of the American people, and the American people expect us to carry out our duty, not simply hand it off to this or any other president. To do so would be to fail the people we represent and to fall woefully short of our sworn oath to support and defend the Constitution.

We may not always be able to avoid war, particularly if it is thrust upon us, but Congress must not attempt to give away the authority to determine when war is to be declared. We must not allow any president to unleash the dogs of war at his own discretion and or an unlimited period of time.

Yet that is what we are being asked to do. The judgment of history will not be kind to us if we take this step.

Members of Congress should take time out and go home to listen to their constituents. We must not yield to this absurd pressure to act now, 27 days before an election that will determine the entire membership of the House of Representatives and that of a third of the Senate. Congress should take the time to hear from the American people, to answer their remaining questions, and to put the frenzy of ballot-box politics behind us before we vote. We should hear them well, because while it is Congress that casts the vote, it is the American people who will pay for a war with the lives of their sons and daughters.

Mr. SARBANES. Will the Senator yield?

Mr. BYRD. Mr. President, let me first thank the Senator from Michigan, DEBBIE STABENOW, for her eloquence, for her steadfast determination to stand by the Constitution as she has shown so many days, so many times in recent days. I thank her for being the Senator she is, a Senator who is indebted to her people and stands every day somewhere in this Senate complex working for the people she represents. I have received great inspiration from watching her. I serve on the Budget Committee with her and she is an outstanding voice for the people who believe in the Constitution, who takes a stand and is so eloquent, so articulate on behalf of that Constitution.

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[9] Presidential Power to Use the Armed Forces Abroad without Statutory Authorization, 4A, Op. Office of the Legal Counsel, Dept of Justice 185, 196 (1980).

[10] *Dellums* v. *Bush*, 752 F. Supp. 1141 (D.D.C. 1990).

I thank the Senator from Michigan from the bottom of my heart.

I am about to yield the floor.

Mr. SARBANES. Will the Senator yield for a moment?

Mr. BYRD. Yes.

Mr. SARBANES. Mr. President, I join my colleague from Michigan in expressing my deep thanks to the Senator from West Virginia for his extraordinarily effective and powerful presentations in the course of this debate. I was also planning to put this article in, as my colleague has already done. It is a very powerful statement that appeared in this morning's New York Times entitled "Congress Must Resist the Rush to War." The Senator from West Virginia, as he always does, asks some very piercing questions and calls the Congress to its responsibilities.

Let me quote a paragraph or two from the article:

> This broad resolution underwrites, promotes and endorses the unprecedented Bush doctrine of preventive war and pre-emptive strikes—detailed in a recent publication, "National Security Strategy of the United States"—against any nation that the president, and the president alone, determines to be a threat.

Of course, the particular resolution that is before the Senate, as is pointed out in this article, and I quote the Senator from West Virginia:

> This resolution would authorize the president to use the military forces of this nation wherever, whenever, and however he determines, and for as long as he determines if he can somehow make a connection to Iraq.

And there actually were other proposals to narrow that authority, but of course none of them carried.

Further quoting:

> It is a blank check for the president to take whatever action he feels "is necessary and appropriate in order to defend the national security of the United States against the continuing threat posed by Iraq."

I say to my colleague from West Virginia, it seems to me clear that upon approval of this resolution, as far as the Congress is concerned, war has been declared against Iraq. Would the Senator agree with that observation?

Mr. BYRD. I do, I do. And I say further to my dear friend that as soon as this resolution is adopted and signed by the President of the United States, Congress is out of it. It is on the sidelines. We may wish we could say something. We may wish we could do something. But as far as the human eye can see, we are out of it until such time as Congress asks to repeal this legislation or to put a limit on it internally.

Mr. SARBANES. Let me ask my colleague this question: Suppose some unforeseen, extraordinary development should take place after this resolution is passed and sent down and signed by the President which transforms perhaps the weapons of mass destruction situation. The President, though, could still move ahead and go to war, could he not?

Mr. BYRD. Yes.

Mr. SARBANES. They would have been given the authority to do that; would that be correct?

Mr. BYRD. Absolutely. We would have handed this over to the President—lock, stock, and barrel. Here it is.

Mr. SARBANES. When would the President have to decide whether he was going to use this authority? Let's assume with respect to passing it later in the evening—although I will oppose it—assuming it is passed and the Congress authorizes the President to go to war, in effect, with Iraq, is there a limit on the time period in which the President could then use that power to launch war against Iraq?

Mr. BYRD. There is no limit.

I offered an amendment, and the distinguished Senator from Maryland supported that amendment today, as the distinguished Senator from Minnesota supported it, the distinguished Senator from Michigan, the distinguished Senator from New York, but we only got 31 votes. That amendment was defeated.

Mr. SARBANES. That underscores what the distinguished Senator says in this op-ed piece that appeared in this morning's New York Times. I quote:

> We may not always be able to avoid war, particularly if it is thrust upon us, but Congress must not attempt to give away the authority to determine when war is to be declared. We must not allow any president to unleash the dogs of war at his own discretion and for an unlimited period of time.
>
> Yet that is what we are being asked to do [in the resolution before the Senate].

Mr. BYRD. Yes.

Mr. SARBANES. This, of course, is a decision with far-sweeping consequences, certainly as it deals with Iraq and all of its implication. But the precedent is being established in terms of the future, it seems to me, and that constitutes a major erosion of the role of the Congress with respect to the Nation going to war.

Mr. BYRD. It does. And it is easy enough, I suppose, to pass this resolution. But should we try to negate it, should we try to repeal it, should we try to change the law, a President can veto any change that Congress might bring along later, any change it might enact, in order to overturn this law it is now about to adopt.

Mr. SARBANES. I am glad the distinguished Senator made that point because that is the next item I wanted to go to. People could say: If the circumstances changed and the Congress wants to pull it back, why not come in, pass a law, and pull it back? But the fact is that a President who wanted to keep that authority and may well want to use it, as long as he could keep the support of one-third—not of each House of the Congress but only one-third of one House, either a third of the Senators, plus one, or a third of the Members of the House of Representatives—he could negate congressional action that tried to pull back this war-making authority, could he not?

Mr. BYRD. The distinguished Senator from Maryland is absolutely correct. It only takes a majority of both Houses to pass this resolution, but it would take two-thirds in the future if the President should attempt to veto a substitute piece of legislation by this Congress to abort what we are doing here today, to appeal it, to amend it. One-third plus one in either body could uphold the President's veto, and that legislation would not become law.

Mr. SARBANES. I think that is a point we have not really touched on much in this debate, but I think it is an extremely important point.

What has happened—you pass this resolution, you make a major grant of war-making authority to the President, but then if subsequently you decide it ought to be pulled back or ought not be exercised by the President, it is extraordinarily difficult to do that, so not only have you given the President this broad power to begin with, but the way the system is constructed, he can hold on to that power, even if a majority of both Houses of the Congress which gave the power want to take it back. Is that not correct?

Mr. BYRD. The Senator could not be more correct. The Senator is absolutely correct.

Mr. SARBANES. It is worth engaging in this discussion just to underscore the sweep of authority that is being provided.

Again, I thank my colleague for his leadership on this issue and especially commend him for what I thought was a very thoughtful and powerful article. I encourage people across the country to read this article. It is a very succinct, analytical, and perceptive statement of the issues that are at stake.

Mr. BYRD. Mr. President, I thank the distinguished Senator from Maryland. He is a great Senator. I am proud of the years I have served with him. We have gone through some interesting times here in the Senate. We stood beside one another, shoulder to shoulder, shoulder to shoulder in fighting for this Constitution on several occasions—the line-item veto, constitutional amendment to balance the budget, and on other occasions. I thank the people of Maryland for sending him and for keeping him here.

I would say that the Republic will long live, as long as the people of America send Senators here like PAUL SARBANES.

I thank the people of Maryland, and I thank God for him.

Mr. President, I am about to yield the floor. I have been asked by the distinguished Senator from New York to yield to her. How much time do I have?

The PRESIDING OFFICER (Mr. JEFFORDS). The Senator has 42 minutes.

Mr. BYRD. Mr. President, I do not intend to hold the floor much longer. How much time will the Senator from New York, Mrs. CLINTON, wish me to yield to her?

Mrs. CLINTON. Twenty minutes.

Mr. BYRD. Mr. President, I yield 20 minutes to the Senator, and I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. MCCAIN. Will the Senator from New York just yield for a second to me?

Mr. BYRD. And I yield to the distinguished Senator whatever time he needs.

Mr. MCCAIN. I point out the distinguished chairman of the Foreign Relations Committee has not had an opportunity to speak. In all due respect, I would like to give the chairman of the Foreign Relations Committee the respect he deserves.

Mr. BIDEN. I thank the Senator. I am delighted to wait in line, and I will wait until after the Senator has finished.

Mr. BYRD. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Forty-one minutes.

Mr. BYRD. I yield 20 minutes to the Senator from New York, Mrs. CLINTON, and I yield 20 minutes, leaving myself 1 minute, to the Senator from Delaware, Mr. BIDEN.

I thank the distinguished Senator from Arizona for reminding me the Senator from Delaware had been waiting very patiently.

I thank all Senators.

Mr. BIDEN. No problem.

Mrs. CLINTON. Mr. President, I thank the Senator from West Virginia for his courtesy. By far beyond that, I thank him for his leadership and his eloquence and his passion and commitment to this body and to our Constitution. I join with the remarks by both the Senators from Michigan and Maryland, expressing our appreciation for the way in which he has waged this battle on behalf of his convictions. It is a lesson to us all.

Today, Mr. President, we are asked whether to give the President of the United States authority to use force in Iraq should diplomatic efforts fail to dismantle Saddam Hussein's chemical and biological weapons and his nuclear program.

I am honored to represent nearly 19 million New Yorkers, a thoughtful democracy of voices and opinions who make themselves heard on the great issues of our day, especially this one. Many have contacted my office about this resolution, both in support of and in opposition to it. I am grateful to all who have expressed an opinion.

I also greatly respect the differing opinions within this body. The debate they engender will aid our search for a wise, effective policy. Therefore, on no account should dissent be discouraged or disparaged. It is central to our freedom and to our progress, for on more than one occasion history has proven our great dissenters to be right.

I believe the facts that have brought us to this fateful vote are not in doubt. Saddam Hussein is a tyrant who has tortured and killed his own people, even his own family members, to maintain his iron grip on power. He used chemical weapons on Iraqi Kurds and on Iranians, killing over 20,000 people.

Unfortunately, during the 1980s, while he engaged in such horrific activity, he enjoyed the support of the American Government because he had oil and was seen as a counterweight to the Ayatollah Khomeini in Iran.

In 1991, Saddam Hussein invaded and occupied Kuwait, losing the support of the United States. The first President Bush assembled a global coalition, including many Arab States, and threw Saddam out after 43 days of bombing and hundreds of hours of ground operations. The United States led the coalition, then withdrew, leaving the Kurds and the Shiites, who had risen against Saddam Hussein at our urging, to Saddam's revenge.

As a condition for ending the conflict, the United Nations imposed a number of requirements on Iraq, among them disarmament of all weapons of mass destruction, stocks used to make such weapons, and laboratories necessary to do the work. Saddam Hussein agreed and an inspection system was set up to ensure compliance. Though he repeatedly lied, delayed, and obstructed the inspectors' work, the inspectors found and destroyed far more weapons of mass destruction capability than were destroyed in the gulf war, including thousands of chemical weapons, large volumes of chemical and biological stocks, a number of missiles and warheads, a major lab equipped to produce anthrax and other bioweapons, as well as substantial nuclear facilities.

In 1998, Saddam Hussein pressured the United Nations to lift the sanctions by threatening to stop all cooperation with the inspectors. In an attempt to resolve the situation, the U.N., unwisely in my view, agreed to put limits on inspections of designated sovereign sites, including the so-called Presidential palaces—which in reality were huge compounds, well suited to hold weapons labs, stocks, and records which Saddam Hussein was required by U.N. resolution to turn over.

When Saddam blocked the inspection process, the inspectors left. As a result, President Clinton, with the British and others, ordered an intensive 4-day air assault, Operation Desert Fox, on known and suspected weapons of mass destruction sites and other military targets.

In 1998, the United States also changed its underlying policy toward Iraq from containment to regime change and began to examine options to effect such a change, including support for Iraqi opposition leaders within the country and abroad. In the 4 years since the inspectors, intelligence reports show that Saddam Hussein has worked to rebuild his chemical and biological weapons stock, his missile delivery capability, and his nuclear program. He has also given aid, comfort, and sanctuary to terrorists, including al-Qaida members, though there is apparently no evidence of his involvement in the terrible events of September 11, 2001.

It is clear, however, that if left unchecked, Saddam Hussein will continue to increase his capability to wage biological and chemical warfare and will keep trying to develop nuclear weapons. Should he succeed in that endeavor, he could alter the political and security landscape of the Middle East which, as we know all too well, affects American security.

This much is undisputed. The open questions are: What should we do about it? How, when, and with whom?

Some people favor attacking Saddam Hussein now, with any allies we can muster, in the belief that one more round of weapons inspections would not produce the required disarmament and that deposing Saddam would be a positive good for the Iraqi people and would create the possibility of a secular, democratic state in the Middle East, one which could, perhaps, move the entire region toward democratic reform.

This view has appeal to some because it would assure disarmament; because it would right old wrongs after our abandonment of the Shiites and Kurds in 1991 and our support for Saddam Hussein in the 1980s when he was using chemical weapons and terrorizing his people; and because it could give the Iraqi people a chance to build a future in freedom.

However, this course is fraught with danger. We and our NATO allies did not depose Mr. Milosevic, who was responsible for more than a quarter of million people being killed in the 1990s. Instead, by stopping his aggression in Bosnia and Kosovo, and keeping the tough sanctions, we created the conditions in which his own people threw him out and led to his being in the dock and being tried for war crimes as we speak.

If we were to attack Iraq now, alone or with few allies, it would set a precedent that could come back to haunt us. In recent days, Russia has talked of an invasion of Georgia to attack Chechen rebels. India has mentioned the possibility of a preemptive strike on Pakistan. What if China should perceive a threat from Taiwan?

So, for all its appeal, a unilateral attack, while it cannot be ruled out, is not a good option.

Others argue that we should work through the United Nations and should only resort to force if and when the United Nations Security Council approves it. This too has great appeal for different reasons. The United Nations deserves our support. Whenever possible we should work through it and strengthen it, for it enables the world to share the risks and burdens of global security and when it acts, it confers a legitimacy that increases the likelihood of long-term success. The United Nations can lead the world into a new era of global cooperation. And the United States should support that goal.

But there are problems with this approach as well. The United Nations is an organization that is still growing and maturing. It often lacks the cohesion to enforce its own mandates. And when Security Council members use the veto on occasion for reasons of narrow national interest, it cannot act. In Kosovo, the Russians did not approve the NATO military action because of political, ethnic, and religious ties to the Serbs.

The United States, therefore, could not obtain a Security Council resolution in favor of the action necessary to stop the dislocation and ethnic cleansing of more than a million Kosovar Albanians. However, most of the world was with us because there was a genuine emergency with thousands dead and a million more driven from their homes. As soon as the American-led conflict was over, Russia joined the peacekeeping effort that is still underway.

In the case of Iraq, recent comments indicate that one or two Security Council members might never approve forces against Saddam Hussein until he has actually used chemical, biological, or God forbid, nuclear weapons.

So, the question is how do we do our best to both diffuse the threat Saddam Hussein poses to his people, the region, including Israel, and the United States, and at the same time, work to maximize our international support and strengthen the United Nations.

While there is no perfect approach to this thorny dilemma, and while people of good faith and high intelligence can reach diametrically opposing conclusions, I believe the best course is to go to the United Nations for a strong resolution that scraps the 1998 restrictions on inspections and calls for complete, unlimited inspections, with cooperation expected and demanded from Iraq. I know the administration wants more, including an explicit authorization to use force, but we may not be able to secure that now, perhaps even later. If we get a clear requirement for unfettered inspections, I believe the authority to use force to enforce that mandate is inherent in the original 1991 United Nations resolutions, as President Clinton recognized when he launched Operation Desert Fox in 1998.

If we get the resolution the President seeks, and Saddam complies, disarmament can proceed and the threat can be eliminated. Regime change will, of course, take longer but we must still work for it, nurturing all reasonable forces of opposition.

If we get the resolution and Saddam does not comply, we can attack him with far more support and legitimacy than we would have otherwise.

If we try and fail to get a resolution that simply calls for Saddam's compliance with unlimited inspections, those who oppose even that will be in an indefensible position. And, we will still have more support and legitimacy than if we insist now on a resolution that includes authorizing military action and other requirements giving other nations superficially legitimate reasons to oppose Security Council action. They will say, we never wanted a resolution at all and that we only support the U.N. when it does exactly want we want.

I believe international support and legitimacy are crucial. After shots are fired and bombs are dropped, not all consequences are predictable. While the military outcome is not in doubt, should we put troops on the ground, there is still the matter of Saddam Hussein's biological and chemical weapons. Today he has maximum incentive not to use them or give them away. If he did either, the world would demand his immediate removal. Once the battle is joined, with the outcome certain, he will have maximum incentive to use weapons of mass destruction and give what he can't use to terrorists who can torment us with them long after he is gone. We cannot be paralyzed by this possibility, but we would be foolish to ignore it. According to recent reports, the CIA agrees with this analysis. A world united in sharing the risk at least would make this occurrence less likely and more bearable and would be far more likely to share the considerable burden of rebuilding a secure and peaceful post-Saddam Iraq.

President Bush's speech in Cincinnati and the changes in policy that have come forth from the administration since they first began broaching this issue some weeks ago have made my vote easier.

Even though the resolution before the Senate is not as strong as I would like in requiring the diplomatic route first and placing highest priority on a simple, clear requirement for unlimited inspections, I take the President at his word that he will try hard to pass a United Nations resolution and seek to avoid war, if possible.

Because bipartisan support for this resolution makes success in the United Nations more likely and war less likely, and because a good faith effort by the United States, even if it fails, will bring more allies and legitimacy to our cause, I have concluded, after careful and serious consideration, that a vote for the resolution best serves the security of our Nation. If we were to defeat this resolution or pass it with only a few Democrats, I am concerned that those who want to pretend this problem will go way with delay will oppose any United Nations resolution calling for unrestricted inspections.

This is a difficult vote. This is probably the hardest decision I have ever had to make. Any vote that may lead to war should be hard, but I cast it with conviction. Perhaps my decision is influenced by my 8 years of experience on the other end of Pennsylvania Avenue in the White House watching my husband deal with serious challenges to our Nation. I want this President, or any future President, to be in the strongest possible position to lead our country in the United Nations or in war. Secondly, I want to ensure that Saddam Hussein makes no mistake about our national unity and support for the President's efforts to wage America's war against terrorists and weapons of mass destruction. Thirdly, I want the men and women in our Armed Forces to know that if they should be called upon to act against Iraq our country will stand resolutely behind them.

My vote is not, however, a vote for any new doctrine of preemption or for unilateralism or for the arrogance of American power or purpose, all of which carry grave dangers for our Nation, the rule of international law, and the peace and security of people throughout the world.

Over 11 years have passed since the UN called on Saddam Hussein to rid himself of weapons of mass destruction as a condition of returning to the world community.

Time and time again, he has frustrated and denied these conditions. This matter cannot be left hanging forever with consequences we would all live to regret. War can yet be avoided, but our responsibility to global security and the integrity of United Nations resolutions protecting it cannot.

I urge the President to spare no effort to secure a clear, unambiguous demand by the United Nations for unlimited inspections.

Finally, on another personal note, I come to this decision from the perspective of a Senator from New York who has seen all too closely the consequences of last year's terrible attacks on our Nation. In balancing the risks of action versus inaction, I think New Yorkers, who have gone through the fires of hell, may be more attuned to the risk of not acting. I know I am.

So it is with conviction that I support this resolution as being in the best interests of our Nation. A vote for it is not a vote to rush to war; it is a vote that puts awesome responsibility in the hands of our President. And we say to him: Use these powers wisely and as a last resort. And it is a vote that says clearly to Saddam Hussein: This is your last chance; disarm or be disarmed.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. BIDEN. Mr. President, I seek the floor in my own right. I understand the distinguished Senator from West Virginia offered me 20 minutes of his time. I seek the floor in my own right. As I understand, under the present state of affairs, I have up to 1 hour.

The PRESIDING OFFICER. The Senator has the remainder of his 1 hour: 47 minutes.

Mr. BIDEN. I thank the Chair.

Mr. President, I will vote for the Lieberman-Warner amendment to authorize the use of military force against Iraq. And unlike my colleagues from West Virginia and Maryland, I do not believe this is a rush to war. I believe it is a march to peace and security.

I believe that failure to overwhelmingly support this resolution is likely to enhance the prospects that war will occur. And in line with what the distinguished Senator from New York just said, I believe passage of this, with strong support, is very likely to enhance the prospects that the Secretary of State will get a strong resolution out of the Security Council.

I will vote for this because we should be compelling Iraq to make good on its obligations to the United Nations. Because while Iraq's illegal weapons of mass destruction program do not—do not—pose an imminent threat to our national security, in my view, they will, if left unfettered. And because a strong vote in Congress, as I said, increases the prospect for a tough, new U.N. resolution on weapons of mass destruction, it is likely to get weapons inspectors in, which, in turn, decreases the prospects of war, in my view.

I am among those who had serious reservations about and flat out straight opposition to the first draft proposed by the White House on September 19. It was much too broad. The draft raised more questions than it answered. It was not clear whether the authorization requested by the President to use force was limited to Iraq or applicable to the region as a whole.

It was not clear whether the objective was to compel Iraq to destroy its weapons of mass destruction programs, to liberate Kuwaiti prisoners, or to end Saddam Hussein's regime. It was not clear whether the rationale for action was to enforce the U.N. Security Council resolutions that Saddam has flouted for the last decade or to implement a new doctrine of preemption. And it was not clear whether the administration considered working through the U.N. and working with allies important or irrelevant.

The second draft negotiated with congressional leadership—and I would say I believe, in part, as a consequence of the efforts of my good friend, Senator LUGAR, and me, and roughly 23 or 24 Republicans—got the attention of the administration. They were simultaneously negotiating with the Senator from Indiana and me as well as the leader in the House. The leader in the House reached an agreement first. I thought that was unfortunate because I believe we could have had a better resolution had that not occurred.

Nonetheless, the second draft negotiated addressed some of these questions but left others unanswered. Along with many of my colleagues on both sides of the aisle—notably, Senator LUGAR—I continued to seek greater clarity about the focus of the proposed resolution.

President Bush brought the resolution into sharper focus this week in his speech to the Nation. He said:

> War is neither imminent nor inevitable.

He also said his objective was to disarm Iraq, that his rationale to enforce United Nations resolutions was not based upon preemption, and that he desired to lead the world, and if war was necessary, it would be with allies at our side.

Mr. President, the resolution now before the Congress, similarly, is clear and more focused than previous drafts. It is not perfect, but it acknowledges the core concerns that Senator LUGAR, I, and others raised and that have been raised by such Senators as HAGEL and SPECTER and many others. Considered in the context of the President's speech this week, and his address last month to the United Nations General Assembly, this resolution, though still imperfect, deserves our support. Let me explain why.

First, the objective is more clearly and carefully stated. The objective is to compel Iraq to destroy its illegal weapons of mass destruction and its programs to develop and produce missiles and more of those weapons.

Saddam is dangerous. The world would be a better place without him. But the reason he poses a growing danger to the United States and its allies is that he possesses chemical and biological weapons and is seeking nuclear weapons, with the $2 billion a year he illegally skims from the U.N. oil-for-food program. For four years now, he has prevented United Nations inspectors from uncovering those weapons and verifying Iraq's disarmament, and he is in violation of the terms he agreed to allowing him to stay in power.

What essentially happened was, he sued for peace. What essentially happened was, the U.N. resolutions were a reflection of what ordinarily, if there were no U.N., would be in the form of a peace agreement.

This resolution authorizes the President to use force to

> defend the national security of the United States against the continuing threat posed by Iraq; and enforce all relevant United Nations Security Council Resolutions. . . .

In my view, and as has been stated by the President and Secretary of State, the threat to the United States is Iraq's weapons of mass destruction programs. The relevant U.N. resolutions are those related to Iraq's nuclear, chemical, and biological weapons. And the fact that we use the conjunctive clause, the word "and," and not the word "or," means that the authorization we are granting to the President is tied to defending the national security of the United States in the context of enforcing the relevant U.N. resolutions relating to weapons of mass destruction.

This is not a blank check for the use of force against Iraq for any reason. It is an authorization for the use of force, if necessary, to compel Iraq to disarm, as it promised after the Gulf War.

Some in the Administration have argued that our stated objectives should be the end of Saddam Hussein's regime. Regime change is the ultimate goal of American policy, as embodied in the sense-of-the-Congress provision of the Iraq Liberation Act in 1998. Indeed, an effective effort to disarm Iraq could well result in regime change. After all, such an effort would force Saddam to make a hard choice—either give up his weapons or give up power—and he has made the wrong choices many times before.

In his own words, the President said:

> Taking these steps would also change the nature of the Iraqi regime itself. America hopes the regime will make that choice.

But this resolution does not make Saddam's removal its explicit goal. To have done so, in my view, would run the risk of alienating other countries who do not share that goal and whose support we need to disarm Iraq and possibly to rebuild it. And it would significantly weaken our hand at the United Nations.

Nor does this resolution give the President the authorization to go to war over Bahraini prisoners, reparations owed to Kuwait, foreign MIAs, the return of Kuwait's national archives, or Saddam's ties to terrorism and human rights abuses. These are serious problems. The United Nations must continue to insist they be resolved, including maintaining embargoes and tightening and strengthening those sanctions against Iraq. But I doubt seriously the American people will support going to war to rectify any of them; nor will our allies.

The Secretary of State, in testimony before the Committee on Foreign Relations, made clear that our core objective is disarmament. I quote:

> I think it is unlikely that the President would use force if [Iraq] complied with the weapons of mass destruction conditions. . . . we all know that the major problem . . . the President is focused on and the danger to us and to the world are the weapons of mass destruction.

By the way, even if my reading is incorrect and he would be able to go to liberate Bahraini prisoners, does anybody in this body think the President of the United States would risk American forces and, in a very crass sense, his presidency by going in with American forces unilaterally to make sure that Bahraini prisoners were in fact released? That is fiction.

This week the President stated the objective clearly and concisely. He said:

> Saddam Hussein must disarm himself or, for the sake of peace, we will lead a coalition to disarm him.

The President is right to focus on disarming Iraq and not on regime change.

Second, the rationale is more tightly focused. It is to enforce the U.N. Security Council resolutions on weapons of mass destruction that Saddam has defied for more than a decade. This is a man who waged a war of aggression, lost the war, and sued for peace. The terms of surrender dictated by the United Nations require him to declare and destroy his weapons of mass destruction programs. He has not done so.

This resolution sets out in detail Saddam's decade of defying the Security Council resolutions on disarmament. It states that Iraq "remains in material and unacceptable breach of its international obligations," through its weapons of mass destruction programs. It authorizes the President to enforce all "relevant U.N. Security Council resolutions regarding Iraq," with force, if necessary.

As the President said this week:

> America is challenging all nations to take the resolutions of the United Nations Security Council seriously.

That is what this is about. Yet some administration supporters have argued using force against Iraq is justified on the basis of a new doctrine of preemption, a doctrine that would represent the most far-reaching change in our foreign policy since the end of the cold war. In fact, the concept of preemption has long been part of our foreign policy tool kit. It is a doctrine well established under international law.

What we are talking about here in this new policy is a policy of prevention, striking first at someone who may some day pose a threat to us, even if that threat is not imminent today. This policy merits a serious national debate, but not adoption by this body, nor is it contained in this resolution.

The speed and stealth with which an outlaw state or terrorist could use weapons of mass destruction and the catastrophic damage they could inflict require us to consider new ways of acting, not reacting. But that is not what this is about.

It would be dangerous to rush to embrace as a new principle of American foreign policy a rule that gives every nation the right to act preventively. The former Secretary of State, Secretary Henry Kissinger, made this point powerfully in his testimony before my committee 2 weeks ago. I quote him:

> As the most powerful nation in the world, the United States has a special unilateral capacity and indeed obligation to lead in implementing its convictions. But it also has a special obligation to justify its actions by principles that transcend the assertions of preponderant power. It cannot be in either the American national interest or the world's interest to develop principles that grant every nation an unfettered right of preemption against its own definition of threats to its security.

Dr. Kissinger is right. What message would declaring a policy of prevention send to the Indians and Pakistanis, the Chinese and the Taiwanese, the Israelis and the Arabs, the Russians and Georgians?

This resolution does not send that message because it does not endorse the prevention doctrine. It does not need to. Because, as the President has argued, this is about compelling Saddam Hussein to make good on his requirement and obligation to disarm.

Third, this resolution makes clear the President's determination to build international support for our Iraq policy. Our allies throughout the world and in the region have important contributions to make in the effort to disarm Iraq and to rebuild Iraq, if we go to war. And we depend upon their continued coopèration in the unfinished war against terrorism. The United States has a singular capacity to act alone, if necessary. We must—and this resolution does—preserve our right to do so. But acting alone in Iraq would cost us significantly more in lost lives, in dollars spent, and influence dissipated around the world. Acting alone must be a last resort, not a defiant retort to those not yet convinced of our policy.

This resolution emphasizes the importance of international support, manifested through the United Nations Security Council. It states that:

> The Congress of the United States supports the efforts by the President to—
>
> (1) strictly enforce through the United Nations Security Council all relevant Security Council resolutions applicable to Iraq and encourages him in those efforts; and,
>
> (2) obtain prompt and decisive action by the Security Council to ensure that Iraq abandons its strategy of delay, evasion and noncompliance. . . .

Similarly, the President, in going to the United Nations over the strong objection of half his administration, made clear his desire to work with others, not around them. In his speech this week, he talked about his determination "to lead the world" in confronting the Iraqi problem. He stated that if we act militarily, we will act "with allies at our side."

I am convinced he will follow through on this commitment.

In short, the combination of this resolution and the President's own words in recent speeches, both publicly and privately, give me confidence that most of our core concerns have been addressed.

I also take confidence from how far this administration has come on Iraq over the past year. Many in this Chamber predicted, and many who oppose this resolution predicted, that the administration would use the terrible events of September 11 as an excuse to strike back at Iraq. This, despite any credible evidence that Iraq was involved in the terrorist attacks on America.

Both The New York Times and The Washington Post have reported that in the days following 9/11, the most senior Pentagon officials urged the President to consider setting his sights on Iraq, not Afghanistan. I can say from personal conversations, I know that to be true. As a matter of fact, I gathered my Foreign Relations Committee staff not long after 9/11, when talk of going to Afghanistan was in this Chamber and at the administration. I suggested, based on conversations I had with some, be careful, prepare. We are not going to Afghanistan. We are going to Iraq.

I know there was a proposal that was being promoted to the President that he should use this as an excuse to go to Iraq. Secretary Rumsfeld is reported to have argued there would be a big buildup of forces with not that many good targets in Afghanistan.

At some point, the United States would have to deal with Iraq and is this not the opportunity? he apparently suggested—not to me; that is as reported. Many predicted the administration would ignore the U.N. and the need to build international support for its Iraqi policy. That is not surprising because senior administration officials said as much.

During the spring and early summer, literally dozens of articles flatly stated that the President planned a unilateral attack against Iraq. As late as August 29 of this year, The New York Times reported:

> Officials in Washington and Crawford, TX, are engaged in an intense debate over whether they should seek to involve the United Nations one last time. . . . As one top adviser described the argument, Mr. Bush must decide "whether to go it alone or go to the United Nations." He went to the United Nations.

Many predicted the administration would refuse to give the weapons inspectors one last chance to disarm. That is not surprising. That prediction would have been made because administrative officials consistently disparaged inspections.

Richard Perle, senior adviser to the Pentagon, said:

> The inspectors are not going to find anything. . . .They will flounder if they are permitted to return.

Vice President CHENEY, as late as August 26 of this year, took this line:

> A person would be right to question any suggestion that we should just get inspectors back into Iraq and then our worries will be over. A return of inspectors would provide no insurance whatsoever of Saddam's compliance with U.N. resolutions.

I don't know how many Sunday shows I did from June through now, where every interviewer would say: But, Senator, you are wrong, the President is going to act alone. And they read me quote after quote from high officials.

Thank God for Colin Powell. Thank God for Colin Powell because that was the other half being argued by the administration quietly, saying: Mr. President, do not listen to those voices who counsel "no inspectors and do not go back to the U.N."

Many predicted the administration would not seek authorization from Congress for the use of force and, again, that is not surprising. As late as August 29 of this year, the White House counsel—the White House counsel—reportedly told the President that he had all the authority he needs to wage war against Iraq—there was a big deal about leaking a memorandum from the White House counsel to the world that Congress need not be involved, Mr. President. I had two private meetings with the President myself, where I made clear that I thought that was dead wrong and he would be—to use the slang on the east side of my city—"in a world of hurt" if he attempted to do that.

The President said to me personally he was going to come to Congress if he sought authority. What did he do? He came to Congress. But it is not strange that my colleagues up here would believe he would not do that. The White House press secretary actually reiterated that conclusion of the White House counsel at a White House briefing. Each prediction by those who thought the President would make, in my view, the wrong choice, seemed very well founded because it was based on the beliefs and statements of very senior administration officials, including the Vice President of the United States.

We all know the lore around here—that the Vice President of the United States is the most powerful man in the administration. Some even suggest it goes beyond that. But guess what? Each prediction proved to be wrong, as some of us, quite frankly, predicted all along.

My colleague from New York may remember my getting a little bit of a sarcastic response in the Democratic Caucus when I suggested there was no possibility there would be a war before November; there was no possibility of an October surprise; there was no possibility that he would go and seek power to go to war, if need be, absent congressional authorization. There was no possibility he would fail to go to the U.N. It is not just because that is the only thing I believe a rational President could do, but because he told me—and I suspect many others—that that is what he would do.

Mr. President, President Bush did not lash out precipitously after 9/11. He did not snub the U.N. or our allies. He did not dismiss a new inspection regime. He did not ignore the Congress. At each pivotal moment, he has chosen a course of moderation and deliberation. I believe he will continue to do so—at least that is my fervent hope. I wish he would turn down the rhetorical excess in some cases because I think it undercuts the decision he ends up making. But in each case, in my view, he has made the right rational and calm, deliberate decision.

As I noted a few moments ago, the President said this week that the use of force in Iraq is neither "imminent nor inevitable," and that makes sense because while the threat from Iraq is real and growing, its imminence and inevitability in terms of America's security have been exaggerated.

For two decades, Saddam Hussein has relentlessly pursued weapons of mass destruction. There is a broad agreement that he retains chemical and biological weapons, the means to manufacture those weapons and modified Scud missiles, and that he is actively seeking a nuclear capability. It remains less clear how effective his delivery vehicles are, whether they be the al-Hussein missiles, with a 650 kilometer range, short-range missiles, or untested and unmanned aerial vehicles for the dispersion of chemical and biological weapons.

Shifting weather conditions, the likely incineration of much of the chemical or biological agent in a warhead explosion, and the potential blowback on Iraqi forces, all complicate the Iraqi use of these weapons. But we are right to be concerned that, given time and a free hand, Saddam would improve this technology.

Other countries have, or seek, weapons of mass destruction. Saddam actually used them against his neighbors, against his own people. He has a lengthy track record of aggression—first, in Iran, then Kuwait. He has brutally repressed Iraqi civilians—the Kurds in the North, then the Shias in the south, and then the Kurds again. And the combination of Saddam Hussein and weapons of mass destruction is dangerous, destabilizing, and deadly.

Ultimately, either those weapons must be dislodged from Iraq, or Saddam must be dislodged from power. But exactly what threat does the combination of Saddam and weapons of mass destruction pose to the United States? How urgent is the problem? Some argue the danger is threefold: one, Iraq could use these weapons against us; two, it could use them to blackmail us; three, it could become a surreptitious supplier to terrorist groups.

Others question these scenarios. For example, Brent Scowcroft, President George Herbert Walker Bush's National Security Adviser, and chairman of President Bush's foreign intelligence advisory board, recently wrote:

> Threatening to use these weapons for blackmail—much less their actual use—would open [Saddam] and his entire regime to a devastating response by the U.S. While Saddam is thoroughly evil, he is above all a power-hungry survivor.

Similarly, Scowcroft wrote "there is scant evidence to tie Saddam to terrorist organizations, and even less to the September 11 attacks. Indeed, Saddam's goals have little in common with the terrorists who threaten us . . . and he is unlikely to risk his investment in weapons of mass destruction, much less his country, by handing such weapons to terrorists who would use them for their own purposes and leave Baghdad as a return address."

Daniel Benjamin, former Director of Counter-terrorism on the National Security Council staff, and co-author of the remarkable new book, "The Age of Sacred Terror," wrote recently in The New York Times the following:

> Iraq and Al Qaeda are not obvious allies. In fact, they are natural enemies. . . .To contemporary jihadists, Saddam Hussein is another in a line of dangerous secularists, an enemy of the faith. . . .Saddam Hussein has long recognized that Al Qaeda and likeminded Islamists represent a threat to his regime. Consequently, he has shown no interest in working with them against their common enemy, the United States. . . . Iraq has indeed sponsored terrorism in the past, but always of a traditional variety: it sought to eliminate Iraqi opponents abroad or, when conspiring against others, to inflict enough harm to show the costs of confronting it. But Mr. Hussein has remained true to the unwritten rules of state sponsorship of terrorism: never get involved with a group that cannot be controlled, and never give a weapons of mass destruction to terrorists who might use it against you.

I reiterate here, just as Mark Twain said, "The reports of my death are much exaggerated," the reports of al-Qaida in Iraq are much exaggerated.

Our own intelligence community, in testimony before the Foreign Relations, Armed Services, and Intelligence Committees—that has been declassified—concluded that the probability of Iraq initiating an attack against the United States with weapons of mass destruction is "low"—l-o-w—low. They also have concluded that "Baghdad for now appears to be drawing a line short of conducting terrorist attacks . . . with chemical or biological weapons against the United States."

I believe it is unlikely Saddam Hussein will use weapons of mass destruction against us unless he is attacked. To do so would invite immediate annihilation, and I am skeptical that he would become a supplier to terrorist groups. He would risk being caught in the act or having those weapons turned against him by groups who disdain Saddam as much as they despise us, and he would be giving away what is to him the ultimate source and symbol of his power, the only thing that makes him unique among the thugs in the region.

Of course, Saddam has miscalculated before, and we are right to be concerned about the possibility, however remote, that he will do it again, but we are wrong on this floor to exaggerate and suggest this is the reason and justification for going against Saddam.

What I do believe is that Saddam's primary goal is to dominate his region. His history, his actions, and his statements make that clear. Weapons are a means to that end for him, a terrible tool of intimidation that he could use to bully his people and his neighbors.

During the Gulf War, the knowledge that Saddam Hussein had chemical and biological weapons did not deter us from expelling his forces from Kuwait. We gave him clear warning that using these weapons against our troops would invite a devastating response. Let me remind everybody, he did not use them. But a nuclear weapon could well change Saddam's calculus. It could give Saddam an inflated sense of his invisibility. It could lead him to conclude erroneously that he finally had the great equalizer against American power and that he could fuel a new spasm of aggression against his neighbors or the Kurds in the mistaken belief that we would be deterred for fear that, if we put anyone on the ground, they would be annihilated with his theater or tactical nuclear weapon.

We cannot let Saddam Hussein get his hands on nuclear weapons. In particular, we must deny Iraq the necessary fissile material, highly enriched uranium, or weapons grade plutonium needed for a nuclear weapon.

According to an unclassified letter released by the Director of Central Intelligence this week:

> Iraq is unlikely to produce indigenously enough weapons grade material for a deliverable nuclear weapon until the last half of this decade.

Therefore, if Iraq wants a nuclear capability sooner, it will need to turn to foreign sources for fissile material which could shorten the timetable for an Iraqi nuclear weapon to about a year. This reality underscores the importance of U.S. and international efforts not only to disarm Iraq, but also to reduce and better secure fissile materials in the former Soviet Union, the most logical source of black market purchases or theft.

Concerning Iraq, our first step should be the one the President apparently has chosen: to get the weapons inspectors back into Iraq. There is disagreement about the value of weapons inspections. Skeptics, particularly our Vice President, contend that inspections can never guarantee the complete disarmament of Iraqi weapons, especially given the prevalence of dual-use materials and mobile facilities for the production of chemical and biological weapons.

Proponents believe that inspectors heighten the barrier to development and production of WMD and will buy time until a regime change in Iraq occurs. They point to the success of UNSCOM and IAEA.

For example, the British white paper on Iraq's WMD issued last month, which was quoted by those who wish to move against Iraq, says:

> Despite the conduct of the Iraqi authorities toward them, both UNSCOM and IAEA action teams have valuable records of achievement in discovering and exposing Iraq's biological weapons programs and destroying very large quantities of chemical weapons stocks and missiles, as well as the infrastructure for Iraq's nuclear weapons program.

It has been argued that UNSCOM's most notable achievements were the result of fortuitous defections. In fact, much of UNSCOM's success was due to diligent detective work in Iraq. But let's assume that defections and not detection are the key to success. Isn't the best way to encourage defections, isn't the best way to get firsthand information about Iraq's weapons programs to have inspectors back on the ground talking to the key people?

I agree with President Bush that given a new mandate and the authority to go any place, any time, with no advance warning, U.N. inspections can work. They can succeed in discovering and destroying much of Saddam's chemical and biological arsenals and his missile program. They can delay and derail his efforts to acquire nuclear weapons and, at the very least, they will give us a clearer picture of what Saddam has, force him to focus on hiding his weapons and not building more, and it will buy us time to build a strong coalition to act if he refuses to disarm.

There is no question that with regard to Iraq, we have a real and growing problem. But I also believe we have time to deal with that problem in a way that isolates Saddam and does not isolate the United States of America . . . that makes the use of force the final option, not the first one . . . that produces the desired results, not unintended consequences. That is the course President Bush has chosen, in my view.

Now it is incumbent upon the United Nations and the U.S. Congress to help him stay the course. The United Nations Security Council must deliver a tough new resolution that gives the weapons inspectors the authority they need to get the job done. As the President put it, the inspectors "must have access to any site at any time without preconditions, without delay, and without exceptions."

Mr. President, the resolution should set clear deadlines for compliance, and it should make clear the consequences if Saddam Hussein fails to disarm, including authorizing willing U.N. members to use force to compel compliance.

I also agree with the President that a key component of any inspections regime must be the U.N.'s ability to interview those with knowledge of Iraq's weapons programs in a climate free of fear and intimidation, including being able to take them outside of Iraq. Offering sanctuary to those who tell the truth would also deprive Saddam Hussein of their expertise.

To that end, this week, Senator SPECTER and I introduced legislation called "The Iraqi Scientist Liberation Act" that would admit to our country up to 500 Iraqi scientists, engineers, and technicians, and their families who give reliable information on Saddam's programs to us, to the United Nations, or to the International Atomic Energy Agency.

It is also critical the Congress send the right message to the United Nations Security Council. Its members must not doubt our determination to deal with the problems posed by Iraq's weapons of mass destruction, including our willingness to use force, if necessary.

The stronger the vote in favor of this resolution, the stronger the likelihood, in my view, that the Security Council will approve a tough U.N. resolution. That is because the U.N. will conclude if we do not act, America will. So we'd better.

The tougher a U.N. resolution, the less likely it is that we will have to use force in Iraq. That is because such a resolution would finally force Saddam to face the choice between inspectors and invaders, between giving up his weapons and giving up power, and there is at least a chance that he might make the right choice.

There is also a chance Saddam will once again miscalculate, that he will misjudge our resolve, and in that event we must be prepared to use force with others if we can, and alone if we must.

The American people must be prepared. They must be prepared for the possible consequences of military action. They must be prepared for the cost of rebuilding Iraq as the President said he is committed to do. They must be prepared for the tradeoffs that may be asked of them between competing priorities. They must be prepared for all these things and more because no matter how well conceived, no matter how well thought out a foreign policy, it cannot be sustained without the informed consent of the American people.

If it comes to that, if it comes to war, I fully expect the President will come back to the American people and tell us what is expected of us. As a matter of fact, when he met with the congressional leadership and the committee chairmen about 10 to 15 days ago—I forget the exact date—we were all around the Cabinet table and at one point he turned to me and he said: Mr. Chairman, what do you think?

And I said: Mr. President, I will be with you if you make an earnest effort to go through the United Nations, if you try to do this with our allies and friends; if in fact the U.N. does not support our effort, as in Kosovo, and if you are willing to be square with the American people, Mr. President, of what sacrifices we are going to ask of them, particularly the need to have a significant number of American forces in place in Iraq after Saddam Hussein is taken down.

In the presence of all my colleagues at that meeting, he said: I will do that.

He has never broken his word.

He has made two very important speeches so far—one at the U.N. and one to the American people—about the danger of Saddam Hussein, but no one yet has told the people of Georgia, the people of Delaware, the people of this country what we will be asking of them because it will be profound. It may be necessary, but it will be profound. As I said, if it comes to war, the President, I am confident, will go to the American people.

In his speech this week, he made a compelling case that Iraq's failure to disarm is our problem as well as the world's, but he has not yet made the case to the American people that the United States may have to solve this problem alone or with relatively few others, nor has he told us of the sacrifices that such a course of action could involve.

I am confident he will do so, if and when it proves necessary, but I also want to be clear about the issues the President must address before committing our Armed Forces to combat in Iraq, as a moral obligation to level with our people.

First, the consequences of military action: Attacking Iraq could and probably will go smoothly. We have the finest fighting force in the world. Our defense budget exceeds that of the next 15 countries combined. According to expert testimony my committee received this summer, Iraq's conventional forces are significantly weaker than they were during the Gulf War. As a leading expert in the Middle East, Mr. Fouad Ajami told the committee there is a strong likelihood the Iraqis will welcome us as liberators.

While it would be reasonable to expect the best, it would be foolhardy not to prepare for the worst. There is a danger in assuming that attacking Iraq will be, as some suggest, "a cakewalk." We should all heed the powerful words of military analyst, Anthony Cordesman, who testified before the Foreign Relations Committee in July. He said to my committee:

> I think it is incredibly dangerous to be dismissive [of the difficulty]. It is very easy to send people home unused and alive. It is costly to send them home in body bags because we did not have a sufficient force when we engaged. And to be careless about this war, to me, would be a disaster . . . This is not a game, and it is not something to be decided from an armchair.

There is a danger in attacking Iraq. There is a danger that attacking Iraq could precipitate what we are trying to prevent: Saddam's use of weapons of mass destruction against our troops.

My friend from Georgia who is presiding is a military man. He is a former marine. He is a tough guy. He is level headed and straight. He might be interested that last Sunday, as I came down to the memorial for firefighters—he knows I commute every day and I never come to Washington on Sunday—but there was a tribute to fallen firefighters which occurs every year and I was asked to speak. As I got off the train, I ran into a four-star—I do not want to identify him too closely—general in one of our branches who held a very high position very recently and still holds a very high position. I asked him what he thought about the possibility of this war, and he said he did not like it.

He said two things to me, and I say this to the Presiding Officer, an ex-marine. He said there are two things that will be fundamentally different from ever before: We have never gone to war in an environment that could possibly be totally contaminated before we get there; and, number two, we have never gone house to house in a city of 4 million people.

This all may work perfectly well. This all may go just so nicely. But to imply to the American people that is a surety would be immoral, disingenuous, and would reap a whirlwind if it does not occur.

The American people are tough. They will do what they think is necessary for our security and they will make sacrifices. But I will have no part if we go to war providing pablum to them that somehow this is going to likely be an overwhelmingly easy undertaking.

If we notice, everybody says the American people support this war. That is not true. They support this war if it is a 100-day war like the last war was. They do not support the President's ability to go to war unilaterally. If we look at all the polling data, what they support is if we go with our allies in response to a genuine threat, which I think exists, and if it is not going to be costly in terms of the loss of human life, American soldiers, then they overwhelmingly support it. Over half still support it even if there is some loss of life, but hardly anyone supports it if it is alone or if there is a significant loss of life.

As CIA Director George Tenet stated in a letter to Senator GRAHAM this week:

> Should Saddam conclude that a U.S.-led attack could no longer be deterred, he probably—

Let me say that again—

> He probably would become much less constrained in adopting terrorist actions. Such terrorism might involve . . . chemical and biological weapons. Saddam might decide that the extreme step of assisting Islamist terrorists in conducting a WMD attack against the United States would be his last chance to exact vengeance by taking a large number of victims with him.

There is a danger that Saddam would seek to spark a wider war. I just did one of the shows we all do with Charlie Rose. He quoted to me what I knew privately from my discussions with him: the former commander of CENTCOM testifying that he saw no need to go into Iraq now, and the cost would be high.

There is a danger that Saddam would seek to spark a wider war. Many experts have expressed concern to my committee that if attacked Saddam Hussein would lash out at Israel. Last month, The New York Times reported that Israeli Prime Minister Ariel Sharon told senior administration officials that Israel would strike back if Iraq attacks Israel. Then, key Arab countries could come under tremendous pressure to break with us and confront Israel. It would be wrong for us to tell Israel what they should or should not do in their self-defense, but it would also be wrong to ignore the risk that a war against Saddam Hussein will ignite a much larger conflagration.

There is a danger that Saddam's downfall could lead to widespread civil unrest and reprisals. There is only one thing I disagree with in the President's speech on Monday. He said what could be worse than Saddam Hussein? I can tell you, a lot.

As I said, there is a danger that Saddam's downfall could lead to widespread civil unrest and reprisal. Chaos could invite the Kurds to seize valuable oil fields; the Turks to cross the border in an effort to prevent a Kurdish state from arising; and Iran and even Syria to move in to fill a vacuum.

Not one of these scenarios is inevitable. None should be used as an excuse for inaction. But each must figure into our planning and into the minds of the American people if we ultimately use force against Iraq. We must be honest with the American people.

In his speech this week, the President made it clear that if military action is necessary, "the United States and our allies will help the Iraqi people rebuild their economy and create the institutions of liberty in a unified Iraq and peace with its neighbors."

This is a much more complicated country than Afghanistan. We are not done in Afghanistan. We have not kept our commitment in Afghanistan. We are taking on a big deal here. I know the Presiding Officer and my colleague from Ohio and my colleague from Vermont know Iraq is an artificially constructed nation. When has there been a circumstance in Iraq when there has been anything remotely approaching a democratic republic? I cannot think of it in the history of Iraq as defined now. The Kurds are Indo-European Sunnis, the Sunnis are Arab Sunnis, the Shiites, who make up 60 percent of the population primarily between the Tigris and Euphrates Rivers, are Shiites who have been at war with the Sunnis. The Iranians are Shiite. There are 700,000 Iraqi Shiites in Iran.

This is complicated stuff. But to listen to some of my colleagues on the floor who blow this off like, no problem, take down Saddam, there is a James Madison waiting to step into the vacuum, we will have a democratic republic, it will set a new tone and tenor, as the Vice President said, for all of the Middle East, because we will have a new democracy there, that is a big deal. It is a big undertaking.

Why did the President say this? This is a critical commitment, one I wholeheartedly endorse, but it is not done out of altruism, but out of a hard-boiled calculation that in Iraq we cannot afford to trade a despot for chaos. None of this will be cost free. It will require a significant investment of military, financial, and human resources.

Let's start with the cost of war. Last month the White House economic adviser estimated the cost of the military campaign in Iraq at between $100 and $200 billion. My friends in the Senate are all economic conservatives. Where are we going to get the money? I say to my friends, as I said in committee, those who want to see a national health insurance policy, forget it for a while. Those who want to make permanent the present tax cut, forget it for a while. As they say in parts of my State, "you ain't got the money."

It doesn't mean we shouldn't move on Iraq, but it means we should be honest with the American people, and tell them what the estimated cost by this administration is. By the way, that estimated cost is similar to what the Congressional Budget Office suggested. The higher cost estimates would result from a lengthy campaign and external factors such as a spike in oil prices if that occurs. That is just to win the war. The cost of securing the peace could be significantly higher and could extend years into the future.

On the other hand, maybe we will end up with an Iraqi Government in place. There is plenty of money in Iraq. They can fund their own reconstruction. And that may happen. I am not being facetious. But it is not anywhere near certain.

I say "could" because there are those who believe our commitment to Iraq the "day after" need not involve exorbitant expenditures. Former Defense Secretary Caspar Weinberger told my committee in August, and Secretary Rumsfeld repeated it last month, that the United States would not have to stay too long in Iraq. They and others argue that Iraq has a talented population and considerable resources to pay for its own reconstruction.

The problem is, one-third of that population hates the other two-thirds of the population. They say Iraq will quickly be able to organize itself politically, economically, and militarily into a peaceful, unified nation, free of weapons of mass destruction.

The American people need to know that most experts believe Iraq will require considerable assistance politically, militarily, and economically. Indeed, they say we should speak not of "the day after" but of "the decade after." My committee heard testimony in July from a military expert in post-conflict reconstruction. The fellow who headed up that department in the Pentagon stated that 75,000 troops would be required at a cost of $16 billion for just the first year, to maintain order, preserve Iraq's integrity, and secure its weapons of mass destruction sites. Just to do that. Just to do that. Other experts predict the United States will have to engage substantial resources in Iraq, which has no history of democracy, for many more years.

When my cowboy friends say, "Why do we need anybody? Let's go get them." I don't want all 75,000 of the forces being American. Anybody happen to notice recently that in Kuwait American military personnel are being picked off? Anybody happen to notice that? Anybody happen to notice the targets in Afghanistan? Where have we been? The American people need to know what the experts know. We have an obligation, the President has an obligation, to tell them, if the need arises.

In a recent study in the Atlantic Monthly, James Fallows summed up the significant challenges that Iraqis will not be able to handle on their own. This is overwhelmingly agreed upon by left, right, and center. He says they will not be able on their own to handle the following: Cleaning up the after-effects of battle and malicious destruction Saddam Hussein may create with chemical and biological weapons or by sabotaging his own oil fields; providing basic humanitarian needs in the short term such as food, water, and medical care; dealing with refugees and displaced persons, the 700,000 Shiites in Iran—I remind Members of the 700,000 in Iran; catching Saddam Hussein if he tries to flee—we are still looking for Osama bin Laden. We are still looking for Omar the tent maker. We are still looking for these guys. We don't have them: Providing police protection and preventing reprisal killings; denazification of Baathist officials and security services; aiding in the formation of a new government; ensuring Iraq's territorial integrity and dealing with possible Iranian and Turkish intervention; rebuilding the oil industry while ensuring a smooth reentry of Iraqi oil into the world market.

That is a finite list that everyone acknowledges no new government in Iraq could do quickly. Those who argue most vigorously that a post-Saddam Iraq can be a model and source of inspiration for democracy in the region and throughout the Muslim world must be prepared to back the massive, long term American commitment. To set that objective, but then to believe it can be done on the cheap, is a recipe for failure.

Let me quote from Mr. Gingrich. This is a news report in The New York Times.

> The advisers, who include former House Speaker Newt Gingrich and Mr. Perle, argue the White House should create a high-level interagency group to coordinate military and reconstruction planning before an invasion takes place. That sort of powerful council could overcome the bureaucratic and philosophic divisions that have hindered reconstruction planning, the advisers contend.
>
> "It was a mistake we made in Afghanistan," said Mr. Gingrich who sits on the Defense Policy Board. "You shouldn't go into a country militarily without having thought through what it should look like afterwards."

The mere fact that these men on the board are saying we should do this is evidence it has not been done yet.

We must be clear with the American people that we are committing to Iraq for the long haul; not just the day after, but the decade after.

Finally, let's consider the possible tradeoffs here.

The President has argued that confronting Iraq would not detract from the unfinished war against terrorism. I believe he is right. We should be able to walk and chew gum at the same time. But if military action comes, it will take a herculean effort for senior leaders of our Government to stay focused on two major undertakings at once. War is intense. A new front against Iraq must not distract us from job number one—taking down al-Qaida.

Let's also be clear that this could involve sacrifices. For example, the war on terrorism is putting intense demands on Navy Seals, Army Green Berets, Delta Commandos, Air Force ground controllers, and Arabic linguists. Units have been deployed to Afghanistan, Pakistan, Georgia, Yemen, Africa, and the Philippines, and last month the commander of United States special-operation forces requested an additional $23 billion over the next 5 years to prosecute the war against al-Qaida and other terrorist groups. Not—not—Iraq. Our intelligence services have also redirected resources to the war on terrorism.

How are we going to pay for all this? Can we take on Iraq, prosecute the war on terrorism, and maintain the President's tax cut for the wealthiest Americans? Can we afford to repeal the estate tax for the top 2 percent of the population who pay it? What would be the prospects for national health insurance and prescription drug benefits in the near term?

The point is, we will do what we have to do to protect our national security, but let's not kid ourselves that it can come down cost free, without tradeoffs, and without setting priorities.

Setting priorities and making hard choices is what governing is all about. So is being forthright with the American people about what is expected of them. We should not be afraid to ask our fellow Americans to sacrifice for a vital cause if we conclude we should go to war. Generation after generation of Americans has done so willingly and will do it again if that is what they are called upon to do. But we must be straight with them.

In conclusion, few resolutions that come before the Congress are as grave and consequential as the one before us today. We have heard powerful arguments on both sides of the resolution, and concerning the various amendments that have been presented. That is how it should be. We have come a long way during the last year. The administration that many thought would ignore the United Nations, ignore the Congress, has and is seeking the support of both.

We have come a long way in 3 weeks, a long way since the White House first offered its draft resolution. This resolution and the President's words make it clear that the administration's objective is to disarm Iraq and that the rationale to enforce Iraq's obligations to the United Nations is the reason we would go, and that its determination is to work with others, not alone. The President has made it clear that war is neither imminent nor inevitable.

I am confident that the reason the President, thankfully, disregarded the advice of some in the administration—that he understands the significant need for others to support us—is that fighting two wars, a war in Iraq and a war against terrorism, can be greatly assisted the more the world is with us. We do not need them if it comes to that. But the cost we will pay will be significantly higher.

I compliment the President for recognizing that. I am absolutely confident the President will not take us to war alone. I am absolutely confident we will enhance his ability to get the world to be with us by us voting for this resolution. I am absolutely confident, if it comes time and need to go to war, with others or alone, the President will keep his commitment to make the third most important speech in his life, to come to the American people and tell them what is expected of them, what is being asked of them.

To do any less would be to repeat the sin of Vietnam. And the sin of Vietnam, no matter what our view on Vietnam is, is not whether we went or didn't go. But the sin, in my view, is the failure of two Presidents to level with the American people of what the costs would be, what the continued involvement would require, and what was being asked of them.

We cannot, must not, and, if I have anything to do with it, we will not do that again.

I thank the Chair for its consideration and its patience. I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MILLER). Without objection, it is so ordered.

Mr. REID. Mr. President, we have exhausted the last unanimous consent order that has been entered here. We have a lot of Senators who have indicated a desire to speak, and they have the right to do that. What I would like to do is this. Both cloakrooms have worked to come up with a list of speakers. We have a very long list, but we have learned from sad experience here this week that we should not make it a really long list.

So what I suggest to my colleague, Senator MCCAIN, is that we go down the list for four or five Senators and then we will come back again and try to get another list. We have a long list, but rather than enter it—we tried that earlier this week, and everyone should understand it will not work because people do not use all their time so others are not here when it is time to start. But if we have a few Senators, it works better.

I ask unanimous consent that the list of speakers start with Senator DEWINE for 35 minutes.

Mr. MCCAIN. For 45.

Mr. REID. OK, that is fine.

Mr. MCCAIN. Forty-five.

Mr. REID. Senator COLLINS for 20 minutes. The reason we have this is we have had a long string of Democrats who have spoken: Senator KOHL, 7 minutes; Senator HARKIN, 7 minutes; Senator SCHUMER, 30 minutes; Senator SPECTER, 45 minutes; and Senator CARPER, 20 minutes. We would end it at that time—not end it, but we would be back to enter another list and find out if we have had any added to it or taken from it.

The PRESIDING OFFICER. Is there objection?

Mr. MCCAIN. I am sorry, I will not object, but I couldn't hear.

Mr. REID. What I said is we will come back after this list is completed and see if there are any additions or deletions and try to get another list. We have a very long list here but, believe me, it will not work to stick it in from top to bottom.

The PRESIDING OFFICER. Would the Senator from Nevada repeat the list again?

Mr. REID. DEWINE, 45 minutes; COLLINS, 20 minutes; KOHL, 7 minutes; HARKIN, 7 minutes; SCHUMER, 30 minutes; SPECTER, 45 minutes; CARPER, 20 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. I would say to everyone within the sound of my voice, everyone has time to speak if they can get the floor. We have a list here to make it so people are not trying to get the attention of the Chair.

I hope Senators will be considerate. There is only 30 hours. If somebody comes and takes an hour, it does not leave time for others. Some have already spoken. I think those who have spoken—I hope they will be considerate of a lot of Senators who have not spoken.

The fact that we have allotted all this time doesn't mean everyone has to use every minute of the time allotted. So those Senators who are in this queue, if they would be around in case someone doesn't show up or is stuck in traffic or whatever the case might be, we could finish a lot quicker.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. DEWINE. Mr. President, I would like to begin by thanking all my colleagues who have participated in this very crucial and historic debate. I must say I was struck last Friday by the magnificent debate between Senator BYRD and Senator WARNER. I think their debate on Friday represented what the Senate is all about, and I congratulate both of them. Really, every Member who has come down here has had something to contribute.

It is clear that each Member who came down here has thought long and hard about this very important vote.

Throughout my Congressional career, I have believed that the United States must lead in foreign affairs. In doing so, our foreign policy must reinforce and promote our own core values of democracy, free markets, human rights, and the rule of law. And, I am not at all ashamed to say that our most important export to the international community is our ideals and our ideas.

The first U.S. President I remember as a child is Dwight D. Eisenhower. We know that he ran for President because of his strong belief that the United States needed to lead in the world. He believed that by leading and by being involved in the world—and not isolated from it—we would have the best chance of guaranteeing peace, freedom, and stability. As President Eisenhower said in his January 1961 farewell address:

> America's leadership and prestige depend, not merely upon our unmatched material progress, riches and military strength, but on how we use our power in the interests of world peace and human betterment.

He understood that we have a moral obligation, as the leader of the Free World, to use our power to promote freedom and stability and to help alleviate suffering around the globe. And in that process, he understood the importance and the necessity of working with our partners through organizations, such as NATO.

And though it is vital that we be engaged in world affairs and work with other nations whenever possible, ultimately we cannot escape the fact that when the world looks for leadership, it can look to only one place—and that place is, of course, the United States of America.

History has put us here. And, if the United States does not lead, there is no one else who can lead—and frankly, no one else who will lead.

That is why, in the 1980s, when I was in the House of Representatives, I supported efforts to establish stability and democracy in Central America. The United States led—and it made a difference. Significant progress was made in Central America. Democracies emerged.

And, significant progress was made throughout the Western Hemisphere. In 1981, 16 of the 33 countries in our hemisphere were ruled by authoritarian regimes. Today, all but one of those nations—Cuba—have democratically elected heads of government.

They are certainly not all perfect and maybe those nations don't conform exactly with how we see democracy, but they certainly are better off than they were 25 years ago.

The United States led. It made a difference. It paid off.

That is why, throughout my career, I have supported U.S. leadership efforts—efforts to export our democratic values to other areas of the world, using tools, such as foreign trade and foreign aid.

Speaking of foreign aid, though I wasn't in Congress at the time, I supported U.S. leadership through NAFTA. I voted in favor of Trade Promotion Authority to give the President fast track or enhanced trading abilities with our global partners. I voted in favor of the Andean Trade Preferences Act to expand the economic benefits of trade with the nations of the Andean region. I voted in favor of the African Growth and Opportunity Act and the expanded Caribbean Basin Initiative. And, I support efforts to negotiate free trade agreements within our Western Hemisphere.

All of these efforts require strong U.S. leadership. So, too, does an underutilized tool of our foreign policy—and that is foreign aid.

First, we don't utilize it enough. Currently, our foreign assistance budget comprises less than one percent of our overall budget, and is barely 0.1 percent of our Gross Domestic Product.

Second, we aren't creative enough with the limited resources we do have in our foreign assistance budget. And so, here, too, the United States needs to lead.

There are things we can do with this assistance. We can and we must do more to help end suffering throughout the world. We can and we must do more to help alleviate the worldwide AIDS pandemic. We can and we must do more to feed starving children worldwide. We can and must do more to help implement the rule of law in developing democracies. We can and we must do more to foster agricultural and economic development in poverty-stricken, disease-ridden, war-ravaged parts of our world. And, as the leader of the Free World, we also have a moral obligation to bring stability and peace to volatile, violent regions around the globe.

Candidly, sometimes the only way to do that is through the use of our military. That's why I supported military action in Bosnia in 1995 and in Kosovo in 1999. The simple reality is that the job could not get done without U.S. leadership. We had to go in. We had to lead. It was the right thing to do, and we did it.

And so, Mr. President, it may seem paradoxical now that I have found the decision concerning this Resolution to be very, very difficult. It is difficult, I believe, principally for two reasons.

Let me outline them for the Senate.

First, the resolution before us is an authorization of force to be used by the President—at his discretion—at some point in the future. It is not a declaration of war. And, it does not say that war will take place.

But, it does authorize the President "to use the Armed Forces of the United States as he determines to be necessary and appropriate in order to: Defend the national security of the United States against the continuing threat posed by Iraq; and enforce all relevant United Nations Security Council Resolutions regarding Iraq."

While unusual, this type of resolution is not without precedent. Congress passed the Gulf of Tonkin resolution in 1964, which said this:

> Congress approves and supports the determination of the President as Commander in Chief, to take all necessary measures to repel any armed attack against the forces of the United States and to prevent further aggression.

I went back to the CONGRESSIONAL RECORD of 1964 and read some of Senator Gruening's and Senator Morse's remarks to get a better understanding of why they dissented—why they voted against this resolution. I also read comments from those who voted "yes."

However, it is noteworthy that the Gulf of Tonkin Resolution was not the first time Congress had passed a resolution to give the President the authority to use force—at his discretion—at some point in the future. Actually, Congress passed two such resolutions during the Eisenhower Administration: one in 1955 regarding Formosa and one in 1957 regarding the Middle East.

So while there is precedent, this type of resolution to grant the President the authority to use force, at his discretion, at some point in the future, is certainly unusual, and so we have an obligation to treat this matter with great caution. Granting the President this kind of power is indeed a very grave matter.

The second reason this decision, for me, has been so difficult is that the consequences of war would be so serious. A possible war against Iraq would have very real and very serious consequences, many of them unforeseen today.

I believe the American people need to understand this. My colleague, Senator BIDEN, who preceded me, made that point very well. I believe we have an obligation during this debate to explain to the American people what war with Iraq might mean. We have an obligation to be brutally frank in telling the American people about these consequences of war.

What are they? What are the risks of war with Iraq?

First, Saddam Hussein may very well use chemical and biological weapons against our troops. If we went to war, we would be attempting to remove Saddam from power. Therefore, unlike the Persian Gulf war, this time he is likely to actually use those chemical and biological weapons against our troops, or at least attempt to.

Second, we know that war with Iraq dramatically increases the possibility of attacks against United States troops stationed in other places abroad and United States civilians throughout the world.

Third, we know that war with Iraq increases the possibility of attacks against Americans right here at home, in our mainland.

This has already been read on the floor and discussed, but I would like to read to my colleagues some information recently declassified by the CIA. In a letter to Senator GRAHAM dated October 7—Monday of this week—the CIA released the following:

> Baghdad, for now, appears to be drawing a line short of conducting terrorist attacks with conventional or biological weapons against the United States.

> Should Saddam conclude that a U.S.-led attack could no longer be deterred, he probably would become much less constrained in adopting terrorist actions. Such terrorism might involve conventional means, as with Iraq's unsuccessful attempt at a terrorist offensive in 1991, or [through] chemical or biological weapons.
>
> Saddam might decide that the extreme step of assisting Islamist terrorists in conducting a weapons of mass destruction attack against the United States would be his last chance to exact vengeance by taking a large number of victims with him.

This information is certainly chilling.

We also know that war with Iraq increases the likelihood that Saddam will launch Scud missiles against Israel, this time maybe with biological or chemical agents attached to the missiles. In fact, Iraq has admitted to the weaponization of thousands of liters of anthrax, botulinim toxin, and aflatoxin for use with Scud warheads, aerial bombs, and aircraft.

Furthermore, if attacked, what would Israel do? Would Israel, this time, retaliate? In the Persian Gulf war, Israel held back, but would they this time? And if they did not, in such a scenario, what would other countries do? What would Syria do, for example? What are the chances of the entire Middle East literally going up in flames?

At the conclusion of a war with Iraq—we would win the war; we know that—but at the conclusion of a war with Iraq, there very well may be bloody, fractious battles among the different ethnic groups residing in Iraq. Pent up hostilities among Shiites, Sunnis, and Kurds—just to mention a few—would be difficult to restrain, easily resulting in families warring against families and neighbors against neighbors, all fighting village to village and house to house. And there simply would not be enough United States troops or allies you could place into Iraq to stop that from happening.

What are the unintended global consequences of the United States using preemptive action? How does this change the dynamics of the world? What would it mean for the India-Pakistan nuclear standoff? What would it mean for China and Taiwan? Would these nations be less restrained in using preemptive strikes? These are questions to which we do not know the answers.

Finally, what will Iraq look like after the war? What kind of humanitarian assistance will be needed? How many people will we have to feed? What is our plan now for reconstruction? What does it cost? Who will help? What other countries will we be able to involve in helping us?

We can expect to pay for a large part of this. And we can expect our troops to be involved for an extended, indefinite period of time—not days, not months, but years. And there could be no doubt about that.

So, yes, Mr. President, there are grave consequences of going to war with Iraq. We cannot predict the future. We do not know exactly how Saddam would react. But it is vital that the American people understand the sobering reality of a war with Iraq; that all Americans understand the uncertainty and the risks and the dire consequences.

Yet we also know that inaction is not a choice when it comes to the situation in Iraq. Inaction is just not a choice. We know the status quo is unacceptable. We know things have languished too long. We know Saddam Hussein's regime is in possession of chemical and biological weapons. And we know they are working, as frantically as they can, to develop nuclear weapons.

The fear is, also, that Saddam Hussein would eventually put these weapons into the hands of other terrorist groups, terrorist groups such as al-Qaida, terrorist groups that have no qualms about targeting U.S. citizens anywhere in the world, terrorist groups that have networks already established around the world. When that handoff would be made, the consequences would be unbelievable.

President Bush made very clear in his speech on Monday night in Cincinnati:

> Saddam Hussein is a threat to peace, and he must disarm.

So I commend President Bush for putting Iraq back on the world stage in his very forceful speech at the United Nations. He has taken Saddam Hussein's evil regime by the throat and dragged it back in front of the eyes of the international community. And he has forced the United Nations to confront Saddam's rampant and flagrant disregard of 10 years' worth of U.N. Security Council resolutions. He has forced the U.N. to confront its failure to enforce past resolutions regarding weapons inspections. And, rightly so, President Bush has forced both the U.N. and our own country to confront this global threat and to deal with it. I commend the President for his leadership.

None of us in this body disagrees about what Saddam Hussein is. We know he is a power-hungry dictator, the embodiment of pure evil. The litany, ably recited here day after day, detailing Hussein's thirst for power, is by no means exaggerated, nor is it understated. And there is simply no logic to his actions. Just think back to his attempt to assassinate former President Bush shortly after President Clinton took office. Even in his perverse view of the world, what in the world could that have accomplished from his point of view?

Clearly, Saddam is ruthless. He is diabolical. He is a cold-blooded killer. He has launched Scud missiles against his neighbors. He has diverted much of the $10 billion worth of goods now entering Iraq every year—money he gets from oil—he has diverted that money he is supposed to use for humanitarian purposes, to help his own people, to develop weapons of mass destruction.

He has murdered his own people. He has killed or injured more than 20,000 Kurds with mustard gas and sarin.

In short, Saddam is a 20th century Adolf Hitler, straddling 21st century weapons of mass destruction. No one in this body disagrees Saddam Hussein is an evil despot, but reasonable people can still disagree about our policy for disarming Hussein; reasonable people can disagree with the wording of the resolution we are debating; reasonable people can disagree about the timing; and reasonable people can disagree about how we proceed at the United Nations.

This is a very difficult decision. There are very legitimate issues of controversy.

Yes, the costs will be high, very high, if we go to war. Again, that is why this decision has for me been so very difficult. It is the most serious vote I have cast in the 8 years I have been in the Senate.

None of us take the gravity of this vote lightly. Over the last several weeks I have spent many hours in Intelligence Committee hearings and briefings and other briefings gathering as much intelligence and information as humanly possible. I have met with numerous current and former high-ranking officials from the military, the CIA, the State Department. I met personally with President Bush.

At the end of the day, we still must weigh all of the costs and all of the consequences of a potential war with Iraq against the potential for peace and stability and lives saved that will come with the disarmament of Saddam Hussein.

Let's be honest, though. The fact is, the ghost of the 1964 Gulf of Tonkin resolution haunts this Chamber, just as the tragedy of Vietnam and the over 58,000 U.S. lives that were lost hang heavy in the heart of America. We should be haunted by the Gulf of Tonkin resolution, and we should be haunted and troubled by the Vietnam war.

However, it is instructive, as I mentioned earlier, to remember that the Gulf of Tonkin resolution was not the first time Congress gave the President the authority to commit U.S. Armed Forces at his discretion at some time in the future.

In January 1955, when Dwight Eisenhower was President, the Chinese Communists were threatening to take over the Chinese nationalists in Formosa. It was a very serious time in our history. Believing that the time had come to draw the line—those are President Eisenhower's words—to draw the line and hold back the Communist aggression, President Eisenhower asked Congress to pass a resolution giving him the authority "to employ the Armed Forces of the United States as he deems necessary for the specific purpose of securing and protecting Formosa against armed attack."

Congress granted President Eisenhower this authority with an overwhelming vote, 410 to 3 in the House, and 85 to 3 in the Senate. Later President Eisenhower said that while he went to Congress for several reasons, his real reason was "to serve notice on the Communists that they are not going to be able to get away with it."

Because of that resolution, the Chinese Communists in 1955 did not act. War was avoided. There have been problems. There have been tensions ever since. But war at that crucial time was avoided.

By passing the Formosa resolution, Congress sent a clear, unequivocal signal to the Chinese Communists that the United States would defend Formosa, that Congress would support President Eisenhower, and that our country was, in fact, united.

It is instructive that during that debate, there was an attempt in the Senate, in the Congress, to change the wording and to be more specific and to mention President Eisenhower, in defending Formosa, had the specific authority to defend Quemoy and Matsu, two little islands close to mainland China, far away from Formosa, but controlled by Formosa at the time. President Eisenhower said, no, do not do that; do not be that specific in the resolution.

President Eisenhower was looking for the authorization to protect Formosa, but he also wanted the discretion to decide how to do it. And he also did not want to tell the Communist Chinese exactly what he would do.

With the flexibility and discretion to use force as he deemed necessary, President Eisenhower left the Communists guessing about the ways in which the United States would act, but they had no doubt that we would act.

That is why I believe we must pass the resolution before us. We need a tough resolution that gives the President the authority he needs to disarm Saddam Hussein. We need a tough resolution that also gives the President flexibility and discretion. We have that before us. We need a tough resolution that does not tie the President's hands.

Through the resolution before us, this Senate and this Congress is saying to Saddam Hussein that he is on notice. Saddam Hussein, we are saying, you are not going to be able to flagrantly disregard U.N. Security Council resolutions any more. You are not going to be able to get away with building weapons of mass destruction. You are not going to be able to threaten our lives and the lives of our children and the lives of our grandchildren and the peace and security of the world.

In the final analysis, we are left with the sober realization that when it comes to Saddam Hussein, there really are no good choices. When it comes to him, lives are being lost in his own country now, and many more could be lost around the world in the future if we allow him to continue his weapons of mass destruction obsession. Left unrestrained, Saddam Hussein will only become more dangerous, more diabolical, and certainly more deadly.

So I believe when you weigh the risk of action versus the risk of inaction, we, as the leader of the free world, simply have a moral obligation to act. As I already said, we simply cannot, as a nation, escape the fact that when the world looks for leadership, it can look to only one place today. That place is the United States of America.

We have an obligation to lead the efforts to disarm Saddam Hussein. In the process, we may tragically end up at war with Iraq. But my prayer, my prayer is that by passing this resolution, we will not have to go to war against Iraq. My prayer is that congressional unity will signal to Saddam Hussein and to the international community that we do, in fact, mean business.

My hope is we can get a tough new U.N. Security Council resolution passed, giving weapons inspectors unfettered access to every mile, every square foot, every inch of Iraq. We increase the chances for peace by telling Saddam Hussein and his evil regime that our Nation is united and that we do, in fact, speak with one voice. We increase the chances for peace by giving the President the strongest possible hand, while at the same time giving him flexibility.

Finally, I must say I am convinced President George Bush will do absolutely everything he can to avoid war.

Mr. President, I do not know if war can be avoided, but I do know if we are serious about disarming Saddam Hussein of his weapons of mass destruction, our best chance of avoiding war is through the passage of a tough resolution. That is why I will vote in favor of this resolution.

I yield the floor.

The **PRESIDING OFFICER**. The Senator from Maine is recognized.

Ms. **COLLINS**. Mr. President, before I give my speech, I commend my friend, the Senator from Ohio, Senator DEWINE, for a very thoughtful presentation this evening. He and I have had many discussions about how difficult this decision has been for both of us. We have reached many of the same conclusions. But I just want to salute him for a very thoughtful and thorough analysis of the resolution and the challenges before us.

The decision to authorize the use of military force is the most significant vote that a Member of the Senate can ever cast. The Constitution clearly vests this responsibility in Congress, a duty that rests heavily on the shoulders of each and every Member.

As a Member of the Senate Armed Services Committee, I am keenly aware of the sacrifices and dangers faced by our young men and women in the military. They are ready to answer the call to combat, ready to fight the war against terrorism, ready to defend our freedoms around the globe.

In the wake of the attacks on our country on September 11, the Senate vote to authorize the war against terrorism was rapid, unanimous, and clear-cut. By contrast, whether to authorize the use of military force against Iraq is a far more difficult and complex question. It requires a thorough analysis of the nature and urgency of the threat and an evaluation of all possible responses.

As a member of the Armed Services Subcommittee on Emerging Threats, and the Governmental Affairs Subcommittee on International Security and Proliferation, I have received many briefings on the dangers posed by lawless regimes in Iraq, Iran, and North Korea during the past 5 years. And during the past 2 months, I have attended several highly classified, in-depth briefings on Iraq from the CIA, the National Security Agency, the Department of Defense, the State Department, and the White House. I have questioned the experts—I have questioned them closely—including former Defense Secretary James Schlesinger and former National Security Adviser Samuel Berger, as well as Secretary Rumsfeld, at public hearings before the Armed Services Committee.

I have read studies and assessments, both classified and public, conducted by the administration, the British Joint Intelligence Committee, the International Institute for Strategic Studies, and many others. I talked at length with Secretary Colin Powell about the appropriate strategy to respond to Iraq's development of weapons of mass destruction.

Let me first discuss my conclusions about the nature and the extent of the threat posed by the Iraqi regime and its continued defiance of the United Nations resolutions. In 1991, Iraq accepted a cease-fire agreement in the form of United Nations Security Council Resolution 678, to end the gulf war. The Iraqi regime was required to unconditionally accept the destruction, removal, or rendering harmless under international supervision of all of its chemical and biological agents.

In addition, the resolution prohibited Iraq from acquiring or developing nuclear weapons and required the destruction of all ballistic missiles with a range greater than 150 kilometers. From a series of Iraqi declarations to the U.N. subsequent to this resolution, we know that Iraq, by its own admission, had by 1991 produced thousands of tons of deadly chemical weapons, such as mustard gas, sarin, and VX, as well as very large quantities of biological agents, including anthrax and ricin. Most experts believe Iraq's declarations grossly understated the true sense of its chemical and biological programs. But even the admitted amounts were sufficient to kill hundreds of thousands of people.

For a time in the 1990s, the U.N. inspectors succeeded in destroying quantities of these weapons, as well as the associated production facilities, ballistic missiles, and much of the infrastructure for Iraq's nuclear weapons program. Subsequently, however, the Iraqi regime's harassment, obstruction, and deception made it impossible for the inspectors to continue their work, and they were withdrawn.

At the time they left in 1998, the inspectors were unable to account for very large discrepancies between the weapons that were declared and the amounts that were destroyed. For example, at least 1.5 tons of the deadly nerve agent VX were unaccounted for. Just under 10 milligrams of VX can cause a quick and painful death.

The CIA has concluded all key aspects of Iraq's offensive biological and chemical weapons program, including research and development, production and weaponization, are active and, in some cases, larger and more advanced than before the gulf war.

In addition to the weapons unaccounted for in the post-gulf war inspections, there is significant evidence that since 1998, Saddam has expanded his stockpile of chemical and biological weapons; rebuilt and expanded manufacturing sites, including mobile biological production facilities; developed more effective delivery systems, such as unmanned drones; and sought to procure materials for a nuclear bomb.

The reports demonstrating Iraq's violation of U.N. resolutions are numerous, compelling, and indisputable. They are based on the findings of U.N. weapons inspectors, credible reports from Iraqi defectors, sophisticated surveillance equipment, and other strong evidence.

Even more troubling is the evidence compiled by the American and British intelligence agencies that Iraq has converted its L–29 jet trainers to allow them to be used as unmanned aerial vehicles, capable of delivering chemical and biological agents over a large area.

While the evidence of Iraq's pursuit of biological and chemical weapons is overwhelming, it is more difficult to determine the state of Iraq's development of nuclear weapons. Numerous reports suggest, however, a renewed determination by Saddam Hussein to obtain the materials for a nuclear bomb.

A September report by the International Institute for Strategic Studies paints a chilling picture of Saddam's quest for nuclear weapons. Had the gulf war not intervened, Iraq "could have accumulated a nuclear stockpile of a dozen or so weapons by the end of the decade," according to the report.

It further concludes that the scientific and technical expertise of Iraq's nuclear program remains intact, and the British Government has revealed that Iraqi nuclear personnel were ordered to resume work on nuclear projects in 1998.

According to British intelligence, Iraq has also attempted to obtain uranium from Africa. This is extraordinarily troubling. Since Iraq has no active civil nuclear power program or nuclear powerplants, it simply has no peaceful reason to attempt to secure uranium.

In addition, the Iraqi Government has attempted to procure tens of thousands of high-strength aluminum tubes that could be used in centrifuges designed to enrich uranium to produce the fissile material necessary for a nuclear bomb.

How soon could Iraq acquire nuclear weapons? The International Institute for Strategic Studies estimates that Iraq is probably years away from producing nuclear weapons if it has to rely on indigenously produced material. It points out if Iraq were to acquire nuclear material from a foreign source, the timeframe could be reduced to a matter of months.

This is the scenario the institute calls the nuclear wild card. An independent assessment conducted by Professor Anthony Cordesman of the Center for Strategic and International Studies, confirms the growing threat posed by Iraq. The professor states that Saddam Hussein seeks weapons to offset American superiority and high-tech weaponry. In other words, while the United States has developed conventional weapons to be as surgical as possible and to limit unintended casualties, Iraq develops its weapons to be as blunt and as destructive as possible, to instill fear in its enemies and its neighbors.

In short, Saddam Hussein has continued to develop a stockpile of the deadliest chemical and biological agents known to mankind and has continued to seek nuclear weapons in defiance of his international obligations.

The more difficult question is whether the growing and serious threat posed by Saddam Hussein is sufficiently imminent to warrant the authorization of a military strike by the United States and its allies should diplomatic means of disarming Iraq fail.

The President correctly noted in his recent speech that the passage of this authorization does not mean that war is imminent and unavoidable. In fact, the resolution before us represents a considerable improvement over the administration's earlier draft which I would have opposed because of its insufficient emphasis on pursuing diplomatic means first and working through the United Nations Security Council.

The bipartisan resolution, by contrast, specifically requires a Presidential determination that further reliance on diplomatic or other peaceful means alone would not adequately protect our national security or lead to the enforcement of the relevant U.N. resolutions. But nevertheless, the difficult question remains of whether the threat is so urgent that a military strike may be required and should be authorized by this resolution.

The evidence of Saddam's massive buildup of the most dangerous weapons is compelling, but as Mr. Berger pointed out in his testimony before the Senate Armed Services Committee, the threat is not defined by capability alone. We have to probe Saddam Hussein's intentions, as well as his capability, to determine the threat. In that regard, if, as Shakespeare tells us, the past is prolog, the history of Saddam's regime gives us great cause for concern.

While none of us can predict for certain whether or when Saddam would strike, there are simply far too many warning signs in his past behavior and in his present undertakings. His cold-blooded willingness to use chemical weapons against his own people, as well as his enemies; his aggressive invasion of two nations; his blatant defiance of international sanctions; his continued efforts to procure the materials to build a nuclear bomb; and his determined progress to develop a more effective means of delivering chemical and biological weapons all strongly suggest an intention and an ability to use these weapons.

As the assessment of the British Government states, the evidence shows that Saddam Hussein does not regard these weapons of mass destruction as only weapons of last resort. He is ready to use them and determined to retain them. In fact, British intelligence reports that some of the weapons are deployable within 45 minutes of an order to use them.

The history of Saddam Hussein's rule over Iraq is a history of war and aggression against his enemies, his neighbors, and his own people. Throughout the decade of the 1980s, Saddam Hussein used chemical weapons to kill thousands of civilians, and Iraq has the means, through billions of dollars in oil revenues, to continue to develop, procure, or steal the materials necessary for its weapons.

The risks are simply too catastrophic for the world to allow Iraq to continue on its present course, but is a military response the only answer?

From the beginning of this debate, I have emphasized my belief that military force must be the last resort, not the first alternative. Today I still hold out the hope that military action will not prove necessary to disarm this dangerous regime. A strong United Nations resolution to compel Iraq to declare its weapons and to accept unfettered, rigorous inspections may well be successful in convincing Saddam that he must disarm.

I believe our policy should be focused on disarming Iraq rather than on regime change, much as I would like Saddam Hussein to be deposed.

In making what has been a very difficult decision, I was persuaded ultimately to support this resolution by an extensive discussion with Secretary Powell. He has convinced me the process for effective action by the United Nations to disarm Iraq depends on the credible threat of the use of force, and that is the reason ultimately that I will decide to cast my vote in favor of this resolution.

Secretary Powell told me his ability to secure a strong resolution from the U.N. Security Council will be strengthened enormously by a strong, bipartisan congressional vote for this authorization.

Similarly, as Secretary Schlesinger testified, the greater degree to which the President and the Congress are united in purpose with respect to Iraq, the greater is the likelihood the United Nations will take a firm and appropriate stand toward Iraq.

Only if Saddam understands we are prepared to use military force will a peaceful means of disarming him have any chance to succeed. All Americans share the goal of eliminating this threat without war, but we differ on how to achieve that goal.

In my view, there are times in dealing with a tyrant when the best, indeed perhaps the only, chance to avoid war is to express, in unmistakable terms, our willingness to wage it. And this is one of those times.

Some understandably ask: Why now? Has not our current policy contained Saddam?

It has, only if allowing him to acquire the capability to kill and destroy on a scale that far exceeds his past efforts means that we have contained him. No, the truth is we have not really contained Saddam. We have largely ignored him, a strategy that simply delays the inevitable while the stakes grow ever higher.

The reason we must deal with this threat now is both clear, convincing, and chilling. Given Saddam's insatiable desire to possess chemical, biological, and nuclear weapons, this danger will not disappear on its own, and the price we may have to pay today to eliminate this threat will prove modest compared to the price we will have to pay tomorrow.

As difficult as the decision to authorize military action is, one need only consider how much more difficult it will be when Saddam has a nuclear bomb.

Finally, let me emphasize my strong belief that the United States should act in concert with our allies, as we pursue a new Security Council resolution, or in the event we have to resort to military force. While the United States must always retain the right to defend itself, our prospects for dealing effectively with the Iraqi threat, our standing in the community of nations, and our ability to continue to wage an effective global effort against terrorism depend on our forging a multilateral coalition.

The President deserves great credit for putting together a coalition of some 90 nations to combat terrorism. That same kind of effort must be devoted to building a coalition to confront and disarm the Iraqi regime.

The PRESIDING OFFICER. The Senator's time has expired.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada has the floor.

Mr. REID. On the continuing saga of speeches, there have been a couple of changes. Senator CANTWELL will speak in place of Senator HARKIN for 10 minutes. Instead of 30 minutes, Senator SCHUMER will speak for 25 minutes, and Senator SPECTER will speak for 30 minutes rather than 45 minutes.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I want to make a very brief comment. I thought Senator COLLINS' and Senator DEWINE's statements were outstanding. They are to be congratulated. I think it added a great deal to this debate and discussion.

I do not object to the change in the lineup.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. KOHL. Mr. President, I rise in support of the resolution before the Senate. There is no more serious vote we as Senators take than to authorize war. To do so, we must believe that there is great cause—a great threat to America. I cast my vote today with the great hope that this show of unity from the American Government and from the American people, along with the actions of the international community, will achieve our stated goal of disarming Iraq without war.

I will vote for this authorization because, after great consideration, I believe Saddam Hussein's acquisition of weapons of mass destruction is a great threat. I believe disarming Saddam is a great cause. And I believe that moving to disarm Saddam—in concert with the international community—is the President's great goal.

There is no doubt that the threat Saddam Hussein and his weapons pose to this country and to world peace is real. More than a decade has passed since we defeated Saddam, but he has not changed. He is the same repressive dictator, willing to overrun his neighbors, and to use weapons of mass destruction against his own people.

We know that Saddam's regime has produced and is continuing to produce massive quantities of biological and chemical agents. We know much less about his current nuclear capabilities. But there can be no doubt that he is doing everything in his power to acquire nuclear weapons.

While there is good reason to believe that Saddam Hussein is not interested in jeopardizing his hold on power, we cannot predict what Saddam will do with these capabilities should he have them. The best we can do is to rely on the past as a guide to what the future may hold. And, the future is now colored by the events of September 11 and the subsequent anthrax attacks of last year. These have given us a disturbing glimpse at a possible worst case scenario. Given Saddam Hussein's track record—his ejection of weapons inspectors and his murderous ways—I believe the security of our nation depends on disarming Iraq and containing this regime notorious for its deceptions and ruthlessness.

Let me be clear on that point. My vote today is a vote for disarmament, not a vote for regime change. While it is clear that Iraq is a rogue regime of the worst kind, going into overthrow it would be enormously destabilizing. There are many repressive governments around the world, some of which have access to weapons of mass destruction. There are many ruthless and aggressive nations around the world that have threatened their neighbors. Yet, we cannot be the world's policeman, offering to make the world safe by eliminating each and every tyrant. Should the President choose to use force against Iraq, it should be for the purpose of ensuring unfettered weapons inspections and full disarmament. If Saddam Hussein no longer rules as a result of our actions, then I say—fine—but for us to take action with the primary purpose of overthrowing the Iraqi government would be wrong.

The President has vowed to seek the support of the international community against Iraq, and my vote today is cast accepting and supporting that position fully. I believe we should not commit U.S. troops abroad without the support of the international community. The costs are too great for us to take unilateral action unless we have no other choice. International involvement will strengthen our hand against Saddam Hussein, increasing the likelihood that we will be able to resume inspections and disarm Iraq.

In order for the President to use force, the resolution requires the President to make a formal determination that relying on diplomatic and peaceful means will not adequately protect our national security, or lead to the enforcement of U.N. Security Council resolutions. I am confident that this administration is doing everything in its power to engage the international community, and to work with our allies to contain Iraq. I am comforted to see the Administration working with the United Nations on a stronger resolution. The President has rightly challenged the U.N. to put some teeth in the Security Council resolutions which have been flouted by Iraq, and he has given the international community notice that there must be accountability for the U.N. resolutions to have any meaning.

Mr. President, my vote today is a vote to support the President in his efforts to disarm Saddam Hussein. My vote is not an endorsement of a policy of preemptive war, whether it is initiated by the United States or any other country. My vote today is to authorize the President to gather a world force against the threat of a dangerous regime armed with chemical, biological, and possibly nuclear weapons, and to disarm that regime. And finally, my vote today is to authorize the President to go to war, in the hope that this strong statement of our commitment to disarming Iraq will enable us to do so without war.

Mr. REID. I ask unanimous consent that the time be charged to Senator CANTWELL.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Following Senator SCHUMER is Senator SPECTER. Senator SCHUMER is here and I ask unanimous consent that he be next in order.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New York.

Mr. SCHUMER. Mr. President, I am honored to be part of this historic debate. Before I get into the substance of my remarks, I thank all of my colleagues on both sides of the aisle for their excellent debate. I have listened to a great deal of it. This is how the Senate ought to work and ought to be. This is a fine day for the Senate.

Today we are faced with the most solemn decision a lawmaker can make: whether or not to authorize the use of military force. I approach this decision with caution, deliberation, and seriousness.

As is our tradition, there has been a great debate on this issue over the last 2 months. We have discussed multiple strategies for dealing with Saddam Hussein, and advanced many arguments for and against the use of military force. Some of these remain under consideration, others have been wisely tabled.

For example, the President's original plan of not consulting Congress or the United Nations has thankfully been abandoned.

In considering our next step, I have spent considerable time listening to experts, attending briefings, talking with constituents, and even praying to arrive at a sound conclusion.

I believe that there are two points—one on each side, standing in equipoise—that focus my attention, and that embody the tension felt by all of us.

On the one hand, going to war is the most serious, even awesome decision—awesome in the biblical sense of angels trembling before God—that a lawmaker is called on to make.

Invasion means that thousands of our sons and daughters, the flowers of their generation, will be put in immediate harm's way should we invade.

I have an 18-year-old daughter, who along with her sister is the joy of my life. When I think of thousands of young people her age who have volunteered to serve, and of the previous generations of Americans who have willingly laid down their lives in past wars, and to whom we are eternally grateful, I am filled with awe and dread.

Poised against the solemnity of war is the fact that a major, if not the primary function of government is to secure the safety of its people—to protect the citizenry from threats, both foreign and domestic.

Discharging this responsibility is the very essence of a state and, if a real danger exists, the government has a solemn obligation to protect its citizenry.

These two looming issues push and pull against one another and yield the ultimate question we debate today: Does Saddam Hussein threaten the citizenry of America to the point that we must now consider the unthinkable option of authorizing war in order to protect ourselves?

Saddam Hussein is an evil man, a dictator who oppresses his people and flouts the mandate of the international community.

While this behavior is reprehensible, it is Hussein's vigorous pursuit of biological, chemical and nuclear weapons, and his present and potential future support for terrorist acts and organizations, that make him a terrible danger to the people of the United States.

If our other efforts to thwart the threat posed by Hussein do not work, is war justified? If justified, how long can we leave Hussein alone before we need to act?

The struggle for these answers come in a brand new context. Our's is a brave new post 9/11 world, a time and place where things are different and more dangerous than before, much as we wish they weren't.

Those who would use terror—or those who would aid and abet that terror—pose a new danger to every one of us living in the United States, whether in midtown Manhattan or the wheat fields of Kansas.

I have seen firsthand the devastation that comes from being unprepared and unprotected. On September 12, I peered into the dark and smoky crater at the World Trade Center with horror, an image that still burns in my memory. I have met with the families of victims and heard about their losses, and shed tears over the evil and mendacity of our enemies.

I know it is my solemn obligation to do everything I can to ensure that my city, State, and country never again endure such an atrocity. Yet, at the same time, I know that war must be our last resort.

When I consider that Hussein could either use or give to terrorists weapons of mass destruction—biological, chemical or nuclear—and that he might just be made enough to do it—I find, after careful research, the answer to my question: we cannot afford to leave him alone over the next 5 or even 3 years.

I say this with caution and worry. But I have searched my mind and my soul and cannot escape this conclusion: Saddam Hussein left unfettered will at some point create such a danger to our lives that we cannot afford to leave him be.

In the post 9/11 world, inaction is not an option: at some point, Hussein must be de-fanged.

The question is how and when?

Do we mobilize our military for battle? Do we take pains to ensure that other possible options are exhausted first? I say yes to both—proceed on parallel tracks: prepared for the worst and work toward, and pray for, the best; empower the President to act to protect our national security but hope it will not be necessary.

Let me first address the question of how by making three points.

One, we must certainly try less costly, less ultimate options before we choose the last resort, war.

Our first option must be working with our allies at the United Nations to secure a strict resolution that will compel Saddam Hussein to disarm and submit to unlimited and unrestricted inspections.

The administration believes a unified Congress that authorizes the President to wage war will importune the United Nations to take the kind of vigorous and unified action that has eluded that body for the last 11 years: real inspections, real sanctions, real threats of military force. I hope and pray they are right.

Let me repeat: inspections and sanctions backed by the threat of military force. These must come first. These are the reasons to favor this resolution.

And if after exhausting these options, Saddam Hussein remains a threat, I believe other nations will support and follow us as we pursue the last option, war.

Working cooperatively with our allies in the United Nations must be a paramount priority for us all. We need their help not simply to force effective disarmament in Iraq; they are also key players in an historic fight—the war on terror.

They provide us with intelligence to protect ourselves from future attack;

they permit us to pursue our enemies in foreign lands so that our foes know that they have no haven from justice; and they cooperate to help us choke off terrorists' financial support.

Without their help and co-operation, the war on terror would be much more difficult to wage. Therefore, their support for our efforts on Iraq is essential for our safety as a nation.

This new resolution puts far more emphasis on international cooperation first and is a substantial improvement over what the President originally proposed.

Unfortunately, time and again, Hussein has shown that the only language he understands is the language of power. By empowering the President to use force, we will send a message to both Hussein and the nations of the world that the threat of force is real and that we are serious about disarming him.

Without this possibility, Hussein will never allow inspections, and the probability of more terror and horror will increase. A determined U.N., backed by the possibility of force, may finally convince Saddam Hussein to submit to the real inspections he has evaded for the last 11 years.

Second, should we go to war, the President must see to it that we don't lose vigilance in other aspects of the war on terror, apart form Iraq, both abroad and at home.

Al-Qaida and other groups will continue to target our citizens; we must not let down our guard. Countries like Syria and Iran will continue to aid and abet terrorists; we must keep a watchful eye.

The President and the Secretary of Defense have assured us that, if war become necessary, our military can launch a successful invasion of Iraq without compromising these efforts.

In addition, if there is a war in Iraq, we must not let it diminish our efforts to make our homeland more secure—our airports, sea ports, rail lines, nuclear facilities, and our communications infrastructure all remain unacceptably vulnerable.

I have been quite critical of the administration on this point and again urge them to refocus their efforts. We are about to spend billions of dollars to reduce threats abroad; we should spend a similar amount to safeguard ourselves at home.

Third, the President must begin to pay attention to our economy. Up to this point, he has failed to do so. The American people are particularly nervous about our economic future and the prospect of war only deepens these fears. The President and Congress must address this issue immediately.

People must have secure, family-supporting jobs, access to quality health care, and the ability to pay for necessities like college tuition and prescription drugs. Our epoque of prosperity has quickly given way to an era of uncertainty.

I believe we can reverse that trend. Our Nation is big enough and strong enough to secure our safety abroad and increase our prosperity at home. I urge the President to pay equal attention to both causes, which he has not done up to now.

As I have discussed, I believe at some point we will have to confront Saddam Hussein. We should coordinate with our allies in the United Nations; maintain focus on terrorist threats at home and abroad; and make a concerted effort to revive our economy.

That is how our Government can secure the safety of its people.

The second question is when to act. Evidence suggests that we probably have some time before the growing threat posed by Saddam Hussein would require military action. If I were President, I would not go to war now. My next step would be, as ours must be, to explore fully the compelling force of a determined United Nations.

Given the President's recent statements of support for action through the U.N.; if he were to invade Iraq now after passage of the resolution, he would have completely misled Congress and the American people.

As he said in Cincinnati on Monday.

> Approving this resolution does not mean that military action is imminent or unavoidable. The resolution will tell the United Nations, and all nations, that America speaks with one voice and it is determined to make demands of the civilized world mean something.

I will, therefore, take the President at his word and do my very best to hold him to it.

I realize the resolution before us would allow the President to act sooner than that. If I had drafted the resolution, it would surely have been different. However, if each of us insisted on our own resolution, we would have 535 resolutions, each with one vote, no concensus—only paralysis.

In our post 9/11 world, there are no good choices, only less bad ones. As we move toward final passage, the choice before us is this resolution—imperfect as it is—or none at all.

Saddam Hussein, his pursuit of weapons of mass destruction and the will he has shown to use them, makes the non-at-all option unacceptable.

So I will vote for this resolution. More than anything else we can do, this resolution will show Hussein and nay naysayers in the United Nations that we are serious about this war on terrorism. We understand the challenges of this brave new world and we are prepared to meet them.

We do not want to send our sons and daughters to war, yet we can never again find ourselves unprepared: the risks are far too great.

Certainly action—any type of action—poses real danger and must be taken with great caution and concern. But sometimes doing nothing is riskier than acting. This is one of those moments.

Therefore, I will cautiously cast my vote for the Lieberman resolution. I pray that we shall not have to use the awesome authority it grants.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, it cannot be repeated too often in the Chamber of the Senate, the gravity of the action which we are about to take. The House of Representatives has already considered and passed a similar resolution. For some time now it has been apparent the die has been cast.

Of all of the constitutional responsibilities entrusted to Congress, the authority and responsibility to declare war is the most important. This will be the second most important vote which I will have cast in the 22 years I have had the privilege of serving in the Senate. The other vote was the authorization for the use of force against Iraq in 1991. Now, the same situation confronts us because, albeit by 20/20 hindsight, we did not finish the job in 1991.

The question is: What course of action would be most likely to avoid violence—that is, an attack on the United States or other peaceful countries, or an attack on Iraq? The most desirable objective would be to achieve the disarmament of Iraq in accordance with the commitments which Iraq made at the conclusion of the Gulf War: to disarm; not to produce chemical or biological weapons, which Iraq has violated; and not to produce nuclear weapons. Iraq has been doing its utmost to create nuclear weapons.

The coalition, which was formed in 1991 by then-President Bush, is the preferable way to go at the present time. We know Saddam Hussein is cruel, repressive, and evil. There are hardly sufficient adjectives in the lexicon to adequately describe his vicious character. That has long since been recognized and was the point of a resolution which this Senator introduced on March 3, 1998, to constitute a war crimes tribunal and to try Saddam Hussein as a war criminal because he had violated the basic laws against humanity. He had engaged in reprehensible conduct. That resolution passed the Senate by a vote of 93 to 0 on March 13, 1998.

Rather than take time to delineate all of his acts of barbarism and cruelty, I ask unanimous consent that a copy of this resolution be printed in the CONGRESSIONAL RECORD at the conclusion of my presentation.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SPECTER. Mr. President, all the rules have changed since September 11 of last year. We now know that in the United States, we are no longer invulnerable to attack by outside powers. The breadth of the Atlantic and the Pacific no longer protect us. We learned a very bitter lesson on September 11 that has to be taken into account in our current conduct.

By 20/20 hindsight, it is apparent that we should have acted against Osama bin Laden and al-Qaida long before September 11. Osama bin Laden was under indictment for killing Americans in Mogadishu in 1993. Osama bin Laden was later indicted for the embassy bombings in Africa in 1998. We knew Osama bin Laden was implicated in the terrorism against the destroyer USS *Cole*. We knew Osama bin Laden had carried on a worldwide jihad aimed at the United States, and we have not yet determined the full extent of our knowledge of bin Laden. However, it is my personal view, having served as chairman of the Intelligence Committee of the 104th Congress, that had we put all of the so-called dots together on one screen, we would have had a virtual blueprint as to what al-Qaida and Osama bin Laden would do.

Now we have the risk as to what to do about Saddam Hussein and what to do about Iraq. There is considerable unrest in the United States today about whatever course of action we take.

In a series of town meetings for the last 3 months, I have had many constituents say to me: Why does the United States want to start a war? The United States has never started a war in the past. The United States has only finished wars. Certainly were it not for the experience on September 11 last year, I think we would not have considered preemptive action. However, the authorities and international law do contemplate action where there is a threat—a significant threat.

Hugo Grotius, considered the father of international law, said in his 1925 book "The Law of War and Peace" that a nation may use self-defense in anticipation of attack when there is "present danger." He said, "It is lawful to kill him who is preparing to kill."

There is no doubt that there is present danger. Is Saddam Hussein preparing to attack the United States or other peace-loving nations? There is a real question as to why he would amass chemical weapons in great quantity, biological weapons in great quantity, delivery systems capable of reaching the United States, and search for nuclear weapons which we are not sure of, but he may be very close.

Another foremost authority on international law, Elihu Root, said in 1914 that international law did not require a nation to wait to use force in self-defense until it is too late to protect itself.

This is the essential legal backdrop where we must consider what should be done. There are a number of alternatives we can take.

First, we can do nothing—no resolution, no action—and simply let Saddam Hussein continue to flout his commitments made to the United Nations. However, my view is, after a lot of careful deliberation, analysis, and study, that the risk of inaction is worse than the risk of action. There are major risks in action.

We have to consider what losses there will be on United States personnel, British personnel, or whoever may join us. We have to consider the risk to Israel, which is in the neighborhood of Iraq. Iraq is still at war with Israel. During the Persian Gulf War in 1991, some 39 Scud missiles were rained down on Israel. While they have a missile defense system, it is not adequate to protect the whole nation. Notwithstanding that, Prime Minister Sharon has made public announcements that he endorses United States military action against Iraq.

The risks of not doing anything may subject the United States to a repeat of September 11, which could be even more cataclysmic. We continue to worry about al-Qaida, which has shown a ruthless disregard for human life and the most barbaric kind of conduct. The risks with Saddam Hussein are comparable.

Then how do we approach the matter to have the best likelihood of producing the kind of coalition put together by President Bush in 1991? President Bush, in 1991, was able to motivate the Arab world to move against Saddam Hussein, as well as the traditional allies.

I gave very careful consideration to the amendment proposed by the Senator from Michigan, Mr. LEVIN, where he proposed that we ought to grant the President authority to use force, but only after a United Nations resolution authorizing the use of force.

The advantage of the Levin amendment was that we would have multilateral action, very much like the Gulf War in 1991. The disadvantage would be that we would be subject to the veto of Russia, China, or even France, and that ultimately the United States would be ceding a considerable quantum of national sovereignty if we gave up our right to decide what course of conduct we should take, which is in our national interest.

I carefully considered an amendment which had been prepared and circulated by Senator LUGAR and Senator BIDEN. That resolution emphasized that the President should exhaust all possible means for an international coalition. However, if the President found it impossible to organize an international coalition and believed that the interests of the United States were threatened, in self-defense the President could act on his own or in conjunction with Great Britain. However, the President would not have to await U.N. action.

It would seem to me the proposal of Senator BIDEN and Senator LUGAR was the best idea, and I had agreed to cosponsor that resolution or an amendment offered which contained the essence of that resolution.

Madam President, I ask unanimous consent that the text of the Biden-Lugar resolution be printed in the RECORD at the conclusion of my statement.

The PRESIDING OFFICER (Ms. STABENOW). Without objection, it is so ordered.

(See exhibit 2.)

Mr. SPECTER. When Senator BIDEN and Senator LUGAR decided not to offer that amendment, I decided to offer it myself. I was surprised that the Biden-Lugar amendment was not offered before 1 o'clock yesterday, which was the deadline. I worked with the Parliamentarian to structure a procedure to offer this as a second-degree amendment, and for reasons which were detailed in an earlier speech on the Senate floor, a unanimous consent agreement, in my absence, was entered into, and the pending first-degree amendments, to which this would have been amended, were withdrawn.

I do not want to get too much into the arcane details of our Senate procedure, but I was foreclosed from offering that amendment, and I think it is very unfortunate the Senate did not have an opportunity to consider the Biden-Lugar amendment. I am not sanguine to say it would have been enacted, but, on a matter of this importance, I felt very strongly that procedural rules should not bar the Senate from consideration, especially when those procedural rules had been complied with until, as I say, the unanimous consent agreement, in my absence, in effect, pulled the rug out from under me.

I am concerned that the scope of the present resolution goes a little far in authorizing the President to use "all means that he determines to be appropriate," which is a subjective test, contrasted with the 1991 authorization which said the President was authorized to use force in order to implement Security Council resolutions. It is too late in the day to press that distinction, but I think it is important to note.

Similarly, I think it is important to note the potential historical impact of the pending resolution which, in effect, delegates to the President the authority to declare war.

Make no mistake about it, this resolution for the use of force is the equivalent of a declaration of war, and Congress has the authority to declare war. However, we are saying in effect that the President may decide at some future time whether war should be declared.

In an earlier presentation on the Senate floor, I detailed, to substantial extent, the considerations and concerns I had about the constitutionality of that kind of a delegation of power.

So, in sum, we are faced with a tough decision for the first time in the history of this country to use preemptive action. I commend President Bush for coming to Congress. Originally he said he did not need to do so and would not do so. Later, he modified that, saying that while he might not have to, he was coming to Congress. He initially talked about unilateral action, and since has worked very hard in the United Nations.

It may be that the practical effect of what the President is doing now, through Secretary of State Colin Powell, amounts to what was sought in the Biden-Lugar resolution, and I do believe the likelihood of getting UN action is better if we proceed to give the President the authority to act without UN support because if we said, as Senator LEVIN proposed, that his authority to use force would be conditioned on a UN resolution, it would be, in effect, an open invitation to the UN not to act, knowing the President and the United States, were limited from acting if the UN did not, and subjecting our national interests to China, Russia, or France's veto.

So I do believe, of all the alternatives, giving the President this power without conditioning it on previous UN resolutions is the best way to get the United Nations to act to enforce the obligations which Iraq has to the United Nations, running since 1991, which have been in desperate breach.

So I do intend to vote for the pending resolution. I supported the amendment by Senator BYRD to the effect that nothing in this resolution should be deemed to impede or affect the constitutional authority of the Congress to declare war. Ordinarily you would not think a statute or a resolution would jeopardize constitutional authority, which is paramount, but I am concerned about the issue of erosion, and that is why I supported Senator BYRD in the amendment that nothing in this resolution should undercut the authority of Congress to declare war.

On this solemn occasion, when it appears now highly likely—or perhaps more accurately, virtually certain—that this resolution will be enacted by both the House of Representatives and the Senate, and that we are on a very difficult course, it is hoped that the tremendous power of the United States, in conjunction with other countries, will be sufficient to bring Saddam Hussein to his senses, if he has any, that he ought to submit to inspections. If he does not submit to inspections, then it is confirmation that he, in fact, has something to hide and there is something really at risk.

So among the very many complex considerations, it is my considered judgment the adoption of this resolution is the best course for our country.

I yield the floor.

EXHIBIT 1

S. CON. RES. 78

Whereas the International Military Tribunal at Nuremberg was convened to try individuals for crimes against international law committed during World War II;

Whereas the Nuremberg tribunal provision which held that "crimes against international law are committed by men, not by abstract entities, and only by punishing individuals who commit such crimes can the provisions of international law be enforced" is as valid today as it was in 1946;

Whereas, on August 2, 1990, and without provocation, Iraq initiated a war of aggression against the sovereign state of Kuwait;

Whereas the Charter of the United Nations imposes on its members the obligations to "refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state";

Whereas the leaders of the Government of Iraq, a country which is a member of the United Nations, did violate this provision of the United Nations Charter;

Whereas the Geneva Convention Relative to the Protection of Civilian Persons in Times of War (the Fourth Geneva Convention) imposes certain obligations upon a belligerent State, occupying another country by force of arms, in order to protect the civilian population of the occupied territory from some of the ravages of the conflict;

Whereas both Iraq and Kuwait are parties to the Fourth Geneva Convention;

Whereas the public testimony of witnesses and victims has indicated that Iraqi officials violated Article 27 of the Fourth Geneva Convention by their inhumane treatment and acts of violence against the Kuwaiti civilian population;

Whereas the public testimony of witnesses and victims has indicated that Iraqi officials violated Articles 31 and 32 of the Fourth Geneva Convention by subjecting Kuwait civilians to physical coercion, suffering and extermination in order to obtain information;

Whereas, in violation of the Fourth Geneva Convention, from January 18, 1991, to February 25, 1991, Iraq did fire 39 missiles on Israel in 18 separate attacks with the intent of making it a party to war and with the intent of killing or injuring innocent civilians, killing 2 persons directly, killing 12 people indirectly (through heart attacks, improper use of gas masks, choking), and injuring more than 200 persons;

Whereas Article 146 of the Fourth Geneva Convention states that persons committing "grave breaches" are to be apprehended and subjected to trial;

Whereas, on several occasions, the United Nations Security Council has found Iraq's treatment of Kuwaiti civilians to be in violation of international law:

Whereas, in Revolution 665, adopted on August 25, 1990, the United Nations Security Council deplored "the loss of innocent life stemming from the Iraq invasion of Kuwait";

Whereas, in Revolution 670, adopted by the United Nations Security Council on September 25, 1990, it condemned further "the treatment by Iraqi forces on Kuwait nationals and reaffirmed that the Fourth Geneva Convention applied to Kuwait";

Whereas, in Resolution 674, the United Nations Security Council demanded that Iraq cease mistreating and oppressing Kuwaiti nationals in violation of the Convention and reminded Iraq that it would be liable for any damage or injury suffered by Kuwaiti nationals due to Iraq's invasion and illegal occupation;

Whereas Iraq is a party to the Prisoners of War Convention and there is evidence and testimony that during the Persian Gulf War, Iraq violated articles of the Convention by its physical and psychological abuse of military and civilian POW's including members of the international press;

Whereas Iraq has committed deliberate and calculated crimes of environmental terrorism, inflicting grave risk to the health and well-being of innocent civilians in the region by its willful ignition of 732 Kuwaiti oil wells in January and February, 1991;

Whereas President Clinton found "compelling evidence" that the Iraqi Intelligence Service directed and pursued an operation to assassinate former President George Bush in April 1993 when he visited Kuwait;

Whereas Saddam Hussein and other Iraqi officials have systematically attempted to destroy the Kurdish population in Iraq through the use of chemical weapons against civilian Kurds, campaigns in 1987–88 which resulted in the disappearance of more than 182,000 persons and the destruction of more than 4,000 villages, the placement of more than 10 million landmines in Iraqi Kurdistan, and ethnic cleansing in the city of Kirkuk;

Whereas the Republic of Iraq is a signatory to international agreements including the Universal Declaration on Human Rights, the International Covenant on Civil and Political Rights, the Convention on the Prevention and Punishment of the Crime of Genocide, and the POW Convention, and is obligated to comply with these international agreements;

Whereas section 8 of Resolution 687 of the United Nations Security Council, adopted on April 3, 1991, requires Iraq to unconditionally accept the destruction, removal, or rendering harmless, under international supervision of all chemical and biological weapons and all stocks of agents and all related subsystems and components and all research, development, support, and manufacturing facilities;

Whereas Saddam Hussein and the Republic of Iraq have persistently and flagrantly violated the terms of Resolution 687 with respect to elimination of weapons of mass destruction and inspections by international supervisors;

Whereas there is good reason to believe that Iraq continues to have stockpiles of chemical and biological munitions, missiles capable of transporting such agents, and the capacity to produce such weapons of mass destruction, putting the international community at risk;

Whereas, on February 22, 1993, the United Nations Security Council adopted Resolution 808 establishing an international tribunal to try individuals accused of violations of international law in the former Yugoslavia;

Whereas, on November 8, 1994, the United Nations Security Council adopted Resolution 955 establishing an international tribunal to try individuals accused of the commission of violations of international law in Rwanda;

Whereas more than 70 individuals have faced indictments handed down by the International Criminal Tribunal for the Former Yugoslavia in the Hague for war crimes and crimes against humanity in the former Yugoslavia, leading in the first trial to the sentencing of a Serb jailer to 20 years in prison;

Whereas the International Criminal Tribunal for Rwanda has indicted 31 individuals, with three trials occurring at present and 27 individuals in custody;

Whereas the United States has to date spent more than $24 million for the International Criminal Tribunal for the Former

Yugoslavia and more than $20 million for the International Criminal Tribunal for Rwanda;

Whereas officials such as former President George Bush, Vice President Al Gore, General Normal Schwarzkopf and others have labeled Saddam Hussein a war criminal and called for his indictment;

Whereas a failure to try and punish leaders and other persons for crimes, against international law establishes a dangerous precedent and negatively impacts the value of deterrence to future illegal acts;

Resolved, by the Senate (the House of Representatives concurring),

That the President should—

(1) call for the creation of a commission under the auspices of the United Nations to establish an international record of the criminal culpability of Saddam Hussein and other Iraqi officials;

(2) call for the United Nations to form an international criminal tribunal for the purpose of indicting, prosecuting, and imprisoning Saddam Hussein and other Iraqi officials who are responsible for crimes against humanity, genocide, and other violations of international law; and

(3) upon the creation of such an international criminal tribunal, week the reprogramming of necessary funds to support the efforts of the tribunal, including the gathering of evidence necessary to indict, prosecute and imprison Saddam Hussein and other Iraqi officials.

S.J. RES

Authorizing the use of the United States Armed Forces pursuant to a new resolution of the United Nations Security Council seeking to enforce the destruction and dismantlement of Iraq's weapons of mass destruction program and prohibited ballistic missiles program or pursuant to the United States right of individual or collective self-defense if the Security Council fails to act.

Whereas under United Nations Security Council Resolution 687 (1991), which effected a formal cease-fire following the Persian Gulf War, Iraq agreed to destroy or dismantle, under international supervision, its nuclear, chemical, and biological weapons programs (hereafter in this joint resolution referred to as Iraq's "weapons of mass destruction program"), as well as its program to develop or acquire ballistic missiles with a range greater than 150 kilometers (hereafter in this joint resolution referred to as Iraq's "prohibited ballistic missile program"), and undertook unconditionally not to develop any such weapons thereafter.

Whereas on numerous occasions since 1991, the United Nations Security Council has reaffirmed Resolution 687, most recently in Resolution 1284, which established a new weapons inspection regime to ensure Iraqi compliance with its obligations under Resolution 687;

Whereas on numerous occasions since 1991, the United States and the United Nations Security Council have condemned Iraq's failure to fulfill its obligations under Resolution 687 to destroy or dismantle its weapons of mass destruction program and its prohibited ballistic missile program;

Whereas Iraq under Saddam Hussein used chemical weapons in its war with Iran in the 1980s and against the Kurdish population in northern Iraq in 1988;

Whereas since 1990, the United States has considered Iraq to be a state sponsor of terrorism;

Whereas Iraq's failure to comply with its international obligations to destroy or dismantle its weapons of mass destruction program and its prohibited ballistic missile program, its record of using weapons of mass destruction, its record of using force against neighboring states, and its support for international terrorism require a strong diplomatic, and if necessary, military response by the international community, led by the United States: Now, therefore be it

Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Authorization for the Use of Force Against Iraq Resolution of 2002."

SECTION 2. AUTHORIZATION FOR THE USE OF UNITED STATES ARMED FORCES.

(a) AUTHORIZATION FOR THE USE OF FORCE.—The President, subject to subsection (b), is authorized to use United States Armed Forces—

(1) to enforce United Nations Security Council Resolution 687, and other resolutions approved by the Council which govern Iraqi compliance with Resolution 687, in order to secure the dismantlement or destruction of Iraq's weapons of mass destruction program and its prohibited ballistic missile program; or

(2) in the exercise of individual or collective self-defense, to defend the United States or allied nations against a grave threat posed by Iraq's weapons of mass destruction program and its prohibited ballistic missile program.

(b) REQUIREMENT FOR DETERMINATION THAT USE OF FORCE IS NECESSARY.—Before exercising the authority granted by subsection (a), the President shall make available to the Speaker of the House of Representatives and the President pro tempore of the Senate his determination that—

(1) the United States has attempted to seek, through the United Nations Security Council, adoption of a resolution that after September 12, 2002 under Chapter VII of the United Nations Charter authorizing the action described in subsection (a)(1), and such resolution has been adopted; or

(2) that the threat to the United States or allied nations posed by Iraq's weapons of mass destruction program and prohibited ballistic missile program is so grave that the use of force is necessary pursuant to subsection (a)(2), notwithstanding the failure of the Security Council to approve a resolution described in paragraph (1).

SECTION 3. CONSULTATION AND REPORTS.

(a) CONSULTATION.—The President shall keep Congress fully and currently informed on matters relevant to this joint resolution.

(b) INITIAL REPORT.—

(1) As soon as practicable, but not later than 30 days after exercising the authority under subsection 2(a), the President shall submit to Congress a report setting forth information—

(A) about the degree to which other nations will assist the United States in the use of force in Iraq;

(B) regarding measures the United States is taking, or preparaing to take, to protect key allies in the region from armed attack by Iraq; and

(C) on planning to establish a secure environment in the immediate aftermath of the use of force (including estimated expenditures by the United States and allied nations), and, if necessary, prepare for the political and economic reconstruction of Iraq following the use of force.

(2) CLASSIFICATION OF REPORT.— The report required by paragraph (1) may be submitted in classified form.

(c) SUBSEQUENT REPORTS.—Following transmittal of the report required by subsection (b), the President shall submit a report to Congress every 60 days thereafter on the status of United States diplomatic, military and reconstruction operations with respect to Iraq.

SECTION 4. WAR POWERS RESOLUTION REQUIREMENTS.

(a) SPECIFIC STATUTORY AUTHORIZATION.—Consistent with section 8(a)(1) of the War Powers Resolution, the Congress declares that section 2 is intended to constitute specific statutory authorization within the meaning of section 5(b) of the War Powers Resolution.

(b) APPLICABILITY OF OTHER REQUIREMENTS.—Nothing in this resolution supersedes any requirement of the War Powers Resolution.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Madam President, I ask unanimous consent that I be allowed to speak for 30 minutes.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, just so the record is clear, he is filling the spot Senator CARPER had.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from West Virginia.

Mr. ROCKEFELLER. I thank the Senator from Nevada very much.

Madam President, we are here today to debate one of the most difficult decisions that I, at least, have ever had to make in my 18 years in the Senate. There is no doubt in my mind Saddam Hussein is a despicable dictator, a war criminal, a regional menace, and a real and growing threat to the United States. The difficulty of this decision is that while Saddam Hussein represents a threat, each of the options for dealing with him poses a threat—to America's service members, to our citizens, and to our role in the world at large.

It is clear none of the options that confront us are easy or risk free. For all of us, the upcoming vote on this critical issue will reflect our best judgment on which path will minimize the risk to our fellow Americans because we all know the risk cannot be eliminated. And that judgment will, in turn, depend on a complex interaction of many factors, some of which we do not know and perhaps cannot know.

It is clear military operations against Saddam Hussein, of the sort that are being discussed, pose serious risks, and we should all admit to that. Any military campaign runs very serious risks to our service members. On paper, we surely have an overwhelming advantage against Saddam Hussein—in the skill, the technology, and, of course, dedication of our Armed Forces.

We defeated Saddam quickly and conclusively in 1991. In the decade since, our force effectiveness has improved dramatically, while many of

Saddam's capabilities have deteriorated. But a new battle against Saddam Hussein, if it comes to that, will be very different and much more difficult.

A U.S. victory might be quick, and it might be painless. One hopes that will be the case, but it may not be so. The American people need to know a war against Saddam will have high costs, including loss of American lives. Our confident assertions that Saddam Hussein will quickly be deposed by his own people have in the past been too optimistic.

Presumably, Saddam Hussein will be more determined to use all the weapons and tactics in his arsenal, if he believes that our ultimate goal is to remove him from power. The administration assures us our troops have equipment and uniforms that will protect them from that risk, should that risk arise. We can only hope to God they are right.

We also acknowledge that any military operations against Saddam Hussein pose potential risks to our own homeland. Saddam's government has contact with many international terrorist organizations that likely have cells here in the United States.

Finally, we also need to recognize that should we go to war with Iraq, it could have a serious impact on America's role in the world and the way the rest of the world responds, therefore, to America's leadership.

We are told that if Saddam Hussein is overthrown, American soldiers would be welcomed into Baghdad with liberation parades. That may be true. But it is true the people who have suffered most at Saddam's hands are, of course, his own citizens.

For many people around the world, an American-led victory over Saddam Hussein would not be cause for celebration. No matter how strong our case, there will inevitably be some who will see a U.S.-led action against Iraq as a cause for concern. At its most extreme, that concern feeds the terrorist paranoia that drives their mission to hurt America. We can affect how deep that sentiment runs by how we conduct ourselves—whether we work with allies, whether we show ourselves to be committed to the reconstruction of Iraq and to the reconciliation with the Arab world. But we ignore all of that at our peril.

Clearly, there are many risks associated with the resolution we are considering today, but it is equally clear that doing nothing and preserving the status quo also poses serious risks. Those risks are less visible, and their frame of time is less certain. But after a great deal of consultation and soul searching, I have come to the conclusion that the risks to our citizens and to our Nation of doing nothing are too great to bear.

There is unmistakable evidence that Saddam Hussein is working aggressively to develop nuclear weapons and will likely have nuclear weapons within the next 5 years. He could have it earlier if he is able to obtain fissile materials on the outside market, which is possible—difficult but possible. We also should remember we have always underestimated the progress that Saddam Hussein has been able to make in the development of weapons of mass destruction.

When Saddam Hussein obtains nuclear capabilities, the constraints that he feels will diminish dramatically, and the risk to America's homeland, as well as to America's allies, will increase even more dramatically. Our existing policies to contain or counter Saddam will become, therefore, irrelevant.

Americans will return to a situation like we faced in the cold war, waking each morning knowing that we are at risk from nuclear blackmail by a dictatorship that has declared itself to be our enemy, only back then our Communist foes—in those so-called good old days, which, of course, they were not, but in making the comparison between now and then, our Communist foes were a rational and predictable bureaucracy. This time our nuclear foe would be an unpredictable and often irrational individual, a dictator who has demonstrated that he is prepared to violate international law and initiate unprovoked attacks when he believes it serves any of his whims or purposes to so do.

The global community in the form of the United Nations has declared repeatedly, through multiple resolutions, that the frightening prospect of a nuclear-armed Saddam cannot come to pass, but the U.N. has been unable to enforce these resolutions. We must eliminate that threat now before it is too late. But that isn't just a future threat. Saddam's existing biological and chemical weapons capabilities pose real threats to America today, tomorrow.

Saddam has used chemical weapons before, both against Iraq's enemies and against his own people. He is working to develop delivery systems like missiles and unmanned aerial vehicles that could bring these deadly weapons against U.S. forces and U.S. facilities in the Middle East. He could make these weapons available to many terrorist groups, third parties, which have contact with his government. Those groups, in turn, could bring those weapons into the United States and unleash a devastating attack against our citizens. I fear that greatly.

We cannot know for certain that Saddam will use the weapons of mass destruction that he currently possesses or that he will use them against us. But as we do know, Saddam has the capability to do that. We know that very well. Rebuilding that capability has been a higher priority for Saddam than the welfare of his own people, and he has ill will toward Americans.

I am forced to conclude on all the evidence that Saddam poses a significant risk. Some argue it would be totally irrational for Saddam Hussein to initiate an attack against the mainland United States and believe he would not do so. But if Saddam thought he could attack America through terrorist proxies and cover the trail back to Baghdad, he might not think it is so irrational. If he thought, as he got older and looked around an impoverished and isolated Iraq, his principal legacy to the Arab world to be a brutal attack on the United States, he might not think it is so irrational. If he thought the U.S. would be too paralyzed with fear to respond, he might not think it was too irrational.

Saddam has misjudged what he can get away with and how the United States and the world will respond many times before. At the end of the day, we cannot let the security of the American citizens rest in the hands of somebody whose track record gives us every reason to fear that he is prepared to use the weapons he has used against his enemies before.

As the attacks of September 11 demonstrated, the immense destructiveness of modern technology means we can no longer afford to wait around for a smoking gun. The fact that an attack on our homeland has not occurred since September 11 cannot give us any false sense of security that one will not occur in the future or on any day. We no longer have that luxury.

September 11 changed America. It made us realize we must deal differently with the very real threat, the overwhelming threat and reality of terrorism, whether it comes from shadowy groups operating in the mountains of Afghanistan or in 70 other countries around the world or in our own country.

There has been some debate over how "imminent" a threat Iraq poses. I do believe Iraq poses an imminent threat. I also believe after September 11, that question is increasingly outdated.

It is in the nature of these weapons that he has and the way they are targeted against civilian populations, that documented capability and demonstrated intent may be the only warning we get. To insist on further evidence could put some of our fellow Americans at risk. Can we afford to take that chance? I do not think we can.

The President has rightly called Saddam Hussein's efforts to develop weapons of mass destruction a grave and gathering threat to Americans. The global community has tried but has failed to address that threat over the past decade. I have come to the inescapable conclusion that the threat posed to America by Saddam's weapons of mass destruction is so serious that despite the risks—and we should not minimize the risks—we must authorize the President to take the necessary steps to deal with that threat. So I will vote for the Lieberman-McCain resolution.

This is a difficult vote, but I could not sleep knowing that, faced with this grave danger to the people of my State and to all Americans, I have voted for nothing more than continuing the policies that have failed to address this problem over the years.

Two months ago, or even a month ago, I would have been reluctant to support this resolution. At the time, it appeared that the administration's principal goal was a unilateral invasion of Iraq, clear and simple, without fully exploring every option to resolve this peacefully, without trying to enlist the support of other countries, without any limitation on the use of United States force in the Middle East region.

The original use of force resolution that the White House sent to the Congress was far too broad in its scope and ignored the possibility that diplomatic efforts might just be able to resolve this crisis without bloodshed. Moreover, it appeared that the administration planned to cut back its efforts in the war on terrorism and shift all of its attention and resources to Iraq, and that would have been a tragic mistake.

I believe the war against global terrorist networks remains the greatest current threat to the security of America over the long term and to our forces overseas. We have seen that in Kuwait in just the last week. America cannot be diverted or distracted from our war on terrorism. In the past month or so, in my judgment, we have begun to see an encouraging shift in the administration's approach. The President stated earlier this week that war is neither imminent nor unavoidable. The administration has assured us that whatever action we take toward Iraq, it will not be permitted to divert resources or attention from the war on terrorism internationally.

Secretary Powell has been working with the U.N. Security Council to put together a new resolution to make clear that Iraq must disarm, or face the consequences. We have already begun to see some encouraging movement on the issue of Iraqi disarmament. Other Security Council members—I mentioned France and Russia, as well as other Arab States in the Middle East—have begun to talk seriously about forcing Saddam to comply with the U.N. resolutions. Saddam Hussein has begun to make offers on inspections and disarmament, offers that, while inadequate so far, indicate that he has at least begun to move off his hardline position against inspections.

Obviously, much important and very hard work remains to be done. That will take tough negotiating with the other members of the U.N. and a firm line with Iraq. We need to be realistic about how best to move forward.

Any headway we are making toward getting Saddam to disarm has not occurred in a vacuum. U.N. members did not just suddenly decide to debate a new resolution forcing Iraq to disarm. Saddam Hussein did not just suddenly decide to reinvite U.N. inspectors and to remove the roadblocks that had hindered their efforts in the past. Progress is occurring because the President told the United Nations General Assembly that if the U.N. is not prepared to enforce its resolution on Iraqi disarmament, the United States will be forced to act.

At this point, America's best opportunity to move the United Nations and Iraq to a peaceful resolution of this crisis is by making clear that the United States is prepared to act on our own, if necessary, as one nation, indivisible. Sometimes, the rest of the world looks to America not just for the diversity of our debate, or the vitality of our ideals, but for the firm resolve that the world's leader must demonstrate if intractable global problems are to be solved—and dangerous ones at that. So that is the context in which I am approaching this vote.

This resolution does authorize the use of force, if necessary. Saddam Hussein represents a grave threat to the United States, and I have concluded we must use force to deal with him if all other means fail. That is just the core issue. It is the only core issue. And whether we vote on it now, or in January, or in 6 months, or in 1 year, that is the issue we will all have to confront.

War—if it comes to that—will cost money. I and the Presiding Officer dearly wish we could use that money for other domestic purposes—to address the very real needs that West Virginia, Michigan, and other States face in this tough economy. But, ultimately, defending America's citizens from danger, their safety, and their security is a responsibility whose costs we must bear because this is not just a resolution authorizing war; in my judgment, it is a resolution that could provide a path to peace. I hope that by voting on this resolution now, while the negotiations at the U.N. are continuing, this resolution will show to the world that the American people are united in our resolve to deal with the Iraqi threat, and it will strengthen the hand of the administration in making a final effort to try to get the U.N. to deal with the issue. Given the difficulty of trying to build a coalition in the United Nations, I could not, in good conscience, tie the President's hands.

The administration is in negotiations on which the safety and security of all Americans depend. I believe we must give the President the authority he will need, if there is any hope to bring those negotiations to a successful conclusion. So I will vote for the Lieberman-McCain resolution. Preventing a war with Saddam Hussein—whether now or later—must be a top priority. I believe this resolution will strengthen the President's hand to resolve that crisis.

By my vote, I say to the U.N. and our allies that America is united in our resolve to deal with Saddam Hussein and that the U.N. must act to eliminate the weapons of mass destruction.

By my vote, I say to Saddam Hussein: Disarm or the United States will be forced to act. We have that resolve.

September 11 changed our world forever. We may not like it, but it is the world in which we live. When there is a grave threat to Americans' lives, we have a responsibility to take action to prevent it.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Madam President, we have had a number of unanimous consent requests granted that listed the order of speakers. In effect, now, we have a new one that will make more sense. We have cleared this with both cloakrooms:

Senator SESSIONS will be recognized for 30 minutes; Senator CARPER will be recognized for 20 minutes; Senator ENSIGN will be recognized for 20 minutes; Senator CANTWELL will be recognized for 30 minutes; Senator BOB SMITH will be recognized for 15 minutes; Senator BOB GRAHAM will be recognized for 30 minutes; Senator CONRAD will be recognized for 30 minutes.

Following these speakers, I ask unanimous consent that the Senate vote on final passage of H.J. Res. 114, as under the previous order. After that, if anybody else wishes to speak—and we have a number of people who have indicated they would like to—they can do that. It will be probably 12:30 or 1 o'clock if everybody uses their time.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. Madam President, people have been granted this time. If they could read a little bit faster or eliminate a paragraph or two, some people would appreciate that.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Madam President, very briefly, I thank the Senator from Nevada. As I understand it, I ask the Senator from Nevada, we have Senator GORDON SMITH, Senator SHELBY, Senator FITZGERALD, Senator SANTORUM, Senator SARBANES, Senator DAYTON, Senator MURKOWSKI, and Senator MIKULSKI who are still scheduled to speak after that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. I thank the Chair, and I thank the leadership for the work they have put into this bill. I thank Senator McCAIN. It is great to see Senator JOHN WARNER here. He helped write the 1991 gulf war resolution and led its successful vote in this body, which served the body exceedingly well. That was a courageous act that he led at that time.

Mr. WARNER. Madam President, I thank my colleague for his kind remarks.

Mr. SESSIONS. Mr. President, any contemplation of the use of military force is a very serious matter and calls for the Congress, the peoples' representatives, to be engaged and to discuss and debate the issue. I do not believe the Lord is pleased when his children fight—and according to my faith, all people are creatures of one Lord and precious in his sight.

In my view the resort to war can never be considered something to glory in but must be viewed as an act that is taken as a result of human failure, and where after serious consideration, it is concluded that alternatives are worse.

When the status quo presents more dangers than the war the most just, the most logical, the most moral thing is to fight. I wish it were not so but my experience and my best judgement tells me this is the way we live in this transitory world. I truly respect the pacifist—it is a position with a long and honored tradition in my faith—but whether it is by judgement or lack of faith, I do not go there.

To have a just war one must reasonably believe the ultimate goal of the violence will be to produce a good result—a better condition than existed before. And while as leaders of the people of the United States we must focus primarily on the just national security interests of our country, we, as enlightened, moral and decent people, ought to ask ourselves, whether our actions will ultimately benefit the world and even our adversary. Will the future for all be better or not?

Further, we should consider our national heritage of promoting peace, freedom and prosperity. War obviously destroys peace, but if the result can be to create a safer and more peaceful world, war can be an instrument of peace.

Afghanistan has had two decades of war. Our strong military action to totally defeat the Taliban government has given that brutalized country its best chance for peace, freedom and prosperity in generations. We cannot guarantee it, but great optimism exists for a positive future that could never have been possible under the oppressive, hateful, bigoted Taliban.

The practitioners of the art of "realpolitic" may sneer at the concept of free countries in the Arab world, but I am proud of the results of our military action in Afghanistan, not only because it represented just retribution for their support of attacks on the United States but also because we have left that oppressed country better than we found it. We liberated the people of Afghanistan from the most brutal circumstances.

Can anyone forget the scenes of men beating women on the streets for the most insignificant or imagined acts? No, I am proud of our wise and brilliant use of force.

I also remember such actions played a positive role in our nation's founding. Indeed, one can go down to Yorktown, as I did recently, and visit the site of the final American victory over the British. As one considers that climactic victory, after years of war and many defeats inflicted by the skilled British military, one learns that our victory would not have been possible but for the intervention of the large French fleet at Yorktown, and that fleet's victory over the British in a major battle.

With no ability to retreat or resupply, the cornered General Cornwallis had no choice but to surrender. This French action aided our liberation immensely and have served as a bond of loyalty between our nations even to this day. If the French were justified in the use of military force to help liberate us, may not our use of force in years to come be seen by the world and the people of Iraq in the same positive way. Can such a positive result be guaranteed? Of course not, but I and many others believe the chances for any improved Iraq's government are greater than some think.

Still, we must clearly remember that we cannot guarantee any nation, so liberated, future success. There are limits on our power, our reach and our resources. I am very pleased that under the leadership of President Bush and Secretary of Defense Rumsfeld, we have only a few more soldiers in Afghanistan than we have in Kosovo. The fate of Afghanistan will be up to their people ultimately. We can help, and we have, but their final fate will be in their hands—as it should be.

It is also important to consider that the threats to the United States do not come from free and prosperous states but failing ones. They fail because of flawed governments.

Thus, I say the President is right to reject a half century of valueless, cynical, diplomatic wordplay, words that sound good but are totally disconnected from reality, and to establish a new foreign policy based on our venerable heritage of honest and direct discussion of issues and values.

I am somewhat puzzled that those who have long advocated our taking steps to aid poor countries in the world do not recognize the possibilities for good that can come from a change in government. It seems there is still a strong strain of "blame America first" about. Many had rather complain about our imperfections, real or imagined, than to see the possibilities for a better world.

I strongly believe that America is a force for good in the world. The London based "Economist" magazine has recently produced a special insert for that magazine called "Present at the Creation: A Survey of America's World Role". It concludes that a strong America is good for the world and notes that America's national interest, "offers the clearest match there is to a world interest. The desire for unimpeded trade, the rule of law, safety and security, the protection of property and the free movement of property and capital match world needs, not just American ones."

We are a good, decent and, yes, powerful world leader. I am proud of our history of being, time after time, on the right side of world issues and am very pleased we have a President that understands the new world we are in and who has the courage worthy of the great people he leads.

It is important to point out that if force cannot be avoided, our action will not be against the people of Iraq or the nation of Iraq, but it will be against the brutal, illegal, Saddam Hussein regime. It is a regime that has caused more destruction than any existing in the world today. The people of Iraq will be the greatest beneficiaries of our victory. At this moment, pursuant to U.N. resolutions, our forces are attempting to enforce an embargo against Iraq. It has been only partially successful and it is leaking more and more. The Arab world complains, with much truth, that the embargo only hurts the people, the children of Iraq. Saddam Hussein continues to build places and weapons of mass destruction while his people suffer.

It has been eleven years. How long must the United States continue to carry this burden to enforce a policy that is not significantly hurting the regime but hurts innocent civilians? How can we justify this morally?

There are certainly dangers in military action. While we can hope and believe that if war commences it will go well and that our people will be viewed as liberators and that many Iraqi forces will not fight but defect to our side. We cannot know that. While I am certain we will prevail, I cannot know for certain how tough this war will be. We must recognize there are dangers. The American people understand there are risks and so do all of us. One thing is sure, our magnificent military will work tirelessly to prevail in this conflict with the lowest possible number of personnel killed or injured. But, we know the risks are great and losses could be great. While our forces will work to minimize civilian casualties and to solicit Iraqi military units to defect, such is not certain. There could be civilian losses.

As to the risk of an attack on Israel, cited by many, we should ask what Israel has to say about it. They are clear. It is a decision that is left to the United States. If you must act, do so. Israel is prepared to take the risk.

Well, that's the big picture as I see it. Our motive is good, our goals positive and realistic, and our leaders honest, careful, principled and have the courage to act on those beliefs. Some jaded politicos sneer and say that this is just politics, but I know it is not. I know the vision that President Bush has to protect his people and improve the world. His courage has already placed him at personal risk. These people, after all, have tried to assassinate one former President of the United States. In addition, in acting on his beliefs, he is laying it all on the line. He has told us repeatedly he would not look to polls to decide what actions he should take as our leader.

President Bush is acting honorably and with integrity. He is informing the American people, consulting with Congress, conferring with world leaders and trying to work with the U.N. apparatus. He has altered his tactics to win support from others, but his goal has not changed. Ultimately, if his views are proven false, and all the predicted disasters come true then he will surely pay the price at the ballot box. But, I don't think so. Neither do most of those in this body. I think he is correct and though the road may be difficult and dangerous, I am confident his Iraq policies will succeed as have his policies in Afghanistan. I truly believe that peace, freedom, security and prosperity will be enhanced not reduced as a result of our actions.

It is important to recognize that while this resolution could lead to war, it also offers the best chance we have to avoid war and to achieve security. The distinguished Democratic Chairman of the Foreign Relations Committee has objected to the President's statement that he has not decided to go to war while he asks for a resolution to allow war. But, this is not contradictory. This Congress knows the score. We know Saddam Hussein's deceitful manipulations, his lies, his violence against the Iraqi people and their neighbors, and the constant attacks against our aircraft, even firing on them with missiles this last week. We know he only allowed inspectors into Iraq in 1991 to save his regime. He did it out of fear.

I agree with former President Clinton's National Security Advisor, Sandy Berger, who said at an Armed Services hearing, that he thinks it is unlikely that Saddam will ever accept "unfettered" inspections. A strong resolution is essential so that Saddam Hussein knows there will not be another Congressional session to meet and discuss these same issues again. He must know without the slightest doubt, that the man he is dealing with, President George W. Bush, has full and complete authority, as commander-in-chief, to use our armed forces to protect our security and to remove him from power, if need be, if he does not comply and disarm.

Who knows, in that case maybe he will relent. Nothing clears the mind so well as the absence of alternatives.

Maybe he would choose to abdicate and allow a new government to be formed. Maybe parts of his army would defect, or parts of his country would revolt. Indeed, the "Washington Times", running an article from the "London Daily Telegraph" reports yesterday that

> Members of Saddam Hussein's inner circle are defecting to the opposition or making discreet offers for peace in the hope of being spared retribution if the Bagdad dictator is toppled, according to Iraqi exiles.

One defector came from the Iraqi security services, which form the regime's nerve center. Kurdish groups say:

> They have received secret approaches from military commanders offering to turn their weapons on Saddam when the war begins.

Columnist Morton Kondracke wrote today that there are many possibilities for a regime change without a war. He notes Idi Amin took exile. As the pressure mounts, as the circle tightens, these are among possibilities for achieving our goals short of a full scale conflict.

Yes, it is quite true that the President has requested our authorization to use force, but he still hopes he will not have to use it. For us to not grant him that authority would be only to allow the President to continue negotiations but require him to come back to Congress another time (while we are in recess perhaps) for an authorization to use force. To state that position is to expose its fatal flaw. Such an action would eliminate any chance for a real agreement.

Saddam Hussein will know what we have done. He will know that the President cannot until Congress meets again. He will know that the fateful moment has not come, and that he can continue to delay and maneuver. Clearly, we must authorize the use of force if the President finds it necessary. Otherwise this whole process is a charade. I am confident a majority in this body understand this fundamental concept, or else, the strong vote that is coming would not occur.

Some say, we are acting unilaterally, "upsetting" the little nations. But, it was not the United States that invaded Iran resulting in a prolonged and brutal war costing over one million lives. It was not the United States that invaded Kuwait, precipitating an international effort, overwhelmingly led by America, to roll back Saddam's conquest. It was not the United States that has systematically violated 16 U.N. resolutions—resolutions Saddam Hussein agreed to in order to save his regime.

The unilateralist is Saddam Hussein. The United States, on the other hand, has worked assiduously with our allies, Arab nations, other nations and the United Nations to develop a policy that will end the menace presented by Saddam Hussein.

Only the "blame America first crowd" would make such an argument. Indeed, we have been patient many times over these eleven years. So patient, so docile, that it has encouraged Saddam Hussein to miscalculation.

Amazingly, several Senators have objected to the resolution because they believe we must have the full support of the United Nations. This is suggested in several ways.

They argue, "Why now?" Why not let the United Nations vote first. Why not have the Congress "come in behind a U. N. resolution?"

This argument is dangerous and counter-productive to our goals. Unless, of course, one's real goal is simply to wish the whole matter to go away and to not bring it to a head.

First, a U.N. Resolution is very hard to obtain. The primary problem is that any resolution can be vetoed by any one of the permanent security council members, which includes China, Russia and France. These countries may demand concessions in exchange for their votes. They may just refuse. No reason is required.

Secondly, this is our military. Funded, built and staffed by Americans. The American people did not sacrifice to create the greatest military in history to allow China, Russia or even France to have a veto over its use. It is no wonder that these nations would like, through the mechanism of the United Nations, to seize control over our military and to use it as they will. The wonder is why we are even discussing it seriously. Of course, we want to solicit the United Nation's support and aid. After all, Saddam Hussein is in violation of sixteen U.N. Resolutions. Why is the U.N. not anxious to act to bring him into compliance? Former Secretary of Defense James Schlessinger said recently in an Armed Services hearing that,

> This is a test of whether the United Nations—in the face of perennial defiance by Saddam Hussein of its resolutions, and indeed by his own promises—will, like the League of Nations a century ago, turn out to be an institution given only to talk.

The President has frankly and courageously framed the question to the U.N. He has stated plainly that Saddam Hussein is in violation of sixteen U.N. Resolutions and is a danger to the region and the world. He has made it clear that it is his duty to protect the American people from this threat and that he intends to do so. But, he expressed support for the U.N. programs and urged the U.N. to take action, to be a relevant player in this crisis. He urged the U.N. not to sit on the sidelines. He made it clear that no change was unacceptable. Since then he has worked steadfastly to win the necessary support in the U.N. and the Security Council. He has humored, maneuvered, pleaded and, I am sure "promised" to gain support. Maybe the U.N. will arouse itself and take action. Nothing could do more for its credibility.

But there are limits. This Congress must not crawfish or we will thereby tell Russia or France that they have a veto over our actions. It will encourage their resistance. If Russia knows Congress has allowed them to decide the issue, their power is even greater—it is absolute.

Now, if members of this body oppose bringing the Iraq matter to a head and oppose any use of military force then let them come out and say so. It is wrong, however, and harmful to America to take an indirect approach that gives the appearance of support but which would undermine the execution of our policy.

Yes, it would be very desirable to have U.N. support to deal with the Iraq problem. But, the best way to get it is to let them know we will act even if they don't.

I agree with former Secretary of Defense James Schlessinger that while the doctrine of prevention is sound and historical and has been applied in tougher cases than this, it is not necessary here. Schlessinger rightly says that,

> In an ongoing conflict, the issue of preemption is close to meaningless.

The truth is, we have been at war with Iraq since 1991. In essence, Saddam Hussein sued for peace to save his regime. The world in effect said we will end hostilities, but you must give up your weapons of mass destruction and agree to full inspections to prove that you have.

Since then, we fly missions every day to enforce the northern and southern no-fly zones. Iraq fires surface-to-air missiles at our planes almost daily and we bomb in response regularly. Iraq has shot down three of our predator, unmanned aircraft, in recent months. We defend the Kurds. We keep forces in Kuwait and in the region to deter another attack by Iraq. The war has never ended. In 1988, the Congress voted for the "Iraq Liberation Act". We declared it U.S. policy to effect a regime change in Iraq and authorized the President to carry out that policy. In fact, it gave five million dollars to Iraqi resistance forces and called for trying Iraqi leaders for war crimes.

Those who are reluctant to use force have focused on concerns about the idea of using pre-emptive force to protect our security. They have forgotten the war has never ended, that our aircraft pilots are being fired at daily.

It is undisputed that our actions are taken as part of a U.N. program to protect the world from Saddam Hussein's aggression.

Thus, we have every basis to use force to enforce the agreements Saddam Hussein made and to react to the hostile fire he brings to bear against us.

My fear is that the President is being forced to deal with the tendency to move to the lowest common denominator that always results from U.N. negotiations, and will not be able to obtain the clarity we need from any resolution approved by the Security Council. So far, he has been courageous and effective. Let us stand with him so we can enhance the chances of a good resolution, not undermine his efforts with a lack of support.

Regardless, it must continue to be clear that no one nation or group of nations will be allowed to block our duty to defend our people. Especially when we are dealing with a regime that violates U.N. resolutions and continually directs hostile fire at U.S. forces.

This is an important time for America. We have a duty to protect our nation and our deployed forces from attack. We have the ability to do so. Our superb military personnel stand ready to put themselves at risk to promote our just national interests.

We are fully justified in acting under the venerable doctrine of preventing an attack upon ourselves. When there is a smoking gun or a mushroom cloud it is too late.

For those who have anxiety about the pre-emption doctrine, and I do not in this case, I urge them to remember that we have been in an actual state of military hostilities with Iraq almost since 1991. He shoots at our pilots and aircraft regularly. He has violated, in 16 ways, the conditions that he agreed to save his evil regime.

Let's not waiver, let's not delay, let's not go wobbly. Let us produce a strong vote for this strong resolution. Then the situation will become clear. We will say to Saddam Hussein, once and for all, you will disarm or, like the Taliban, you will fall.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Madam President, I come before the Senate this evening to join in this debate, to express my support for our Nation's effort to address the threat Saddam Hussein poses, and to lay out the concerns that I believe must be addressed if we are to succeed in disarming Iraq. The President has called upon Congress and the American people to support his administration in its effort to eliminate Saddam Hussein's hold on weapons of mass destruction. The Congress has responded by taking up this resolution authorizing the use of force, if needed, to strip Iraq of those weapons and the ability to deliver them. A number of serious questions have been raised in this historic debate. It is critical that President Bush and the Congress fulfill our obligation to all Americans, and to the international community, by ensuring that those questions are faithfully addressed.

Saddam Hussein has shown himself to be an implacable foe of the United States. It is essential that we confront the threat that he represents. The question is not whether we confront it, but how we confront it. We must make every effort to build a multilateral coalition. If we do so, we raise the likelihood of bringing a measure of stability to a turbulent part of the world. If we do so, we can minimize the impact of any conflict on the Iraqi people, on Iraq's neighbors and on American and allied forces. And if we do so, we will serve to strengthen, not undermine, the international laws and institutions that have served us well in the years since World War II.

Leadership is a responsibility that cannot be taken lightly. Leadership in deciding whether to resort to military force requires the greatest deliberation and consideration. Secretary of Defense Donald Rumsfeld, in recent testimony before the House Armed Services Committee, said that "no one with any sense considers war a first choice—it is the last thing that any rational person wants to do. And it is important that the issues surrounding this decision be discussed and debated."

It is clear to me that millions of Americans are discussing and debating the issues (that are before us this evening. I have heard from Delawareans throughout my state. I have heard from veterans who know the harsh realities of war. I have heard children who can scarcely imagine it. I am comforted by the fact that the American people, and their representative in Congress, have been thoughtful and deliberate in discussing the challenges that we face and how we might confront those challenges.

This is not the first time that I have faced the question of how we ought to deal with Saddam Hussein's intransigence in the facet of international law. As a Member of the House of Representatives, I voted in 1991, along with many members of this body, to authorize President George Herbert Walker Bush to use military force to expel the armed forces of Iraq from Kuwait. I am proud of that vote, and I am prouder still of the American and allied forces that went on to liberate Kuwait.

Having engaged in that debate, and witnessed Saddam Hussein's refusal to yield except when confronted with the threat of force, I have no illusions about the danger he poses to regional stability and international security today. I am concerned that Iraq remains in violation of more than a dozen Security Council resolutions. I am alarmed that the regime of Saddam Hussein continues to develop weapons of mass destruction in violation of the international agreements it promised to comply with at the end of the gulf war. Above all, I feel strongly that we must not allow Saddam Hussein to develop the capacity to acquire or deploy nuclear weapons.

This past Monday night, President Bush addressed our Nation. He reminded us that there are significant risks to the United States both in acting and in not acting. If we choose not to act, we must remember that, in Saddam Hussein, we are talking about a man who has invaded his neighbors, showing a reckless disregard for the stability of a volatile region. We are talking about a man who has risked his own survival, and that of his regime, to indulge his own vengeance. Finally, we are talking about a man who has used weapons of mass destruction before, even against his own people.

The need for action, however, does not preempt the need for an objective and open debate on the course of action we choose and the consequences of our subsequent actions. Bringing the weight of the world's disapproval to bear on Iraq; demanding unfettered inspections of every potential weapons site; and preparing for any military or diplomatic contingency offers us the best chance to face down our foe now and to ensure his permanent disarmament.

Like many in this chamber, I believe that it is essential for us to work closely with the international community to reinstate inspections that will lead to Iraq's disarmament. But it's imperative that such inspections be unhindered. Inspectors must have the freedom to go where they want, when they want. They must have the right to talk to whomever they wish and to provide immediate amnesty to any Iraqis who provide information that might place them at risk of reprisal from the regime. Inspections are only valuable if they are truly a means of stripping Saddam Hussein of his weapons of mass destruction and his ability to deliver them. If Saddam Hussein's regime is unwilling to accept this level of intrusion, both he and Iraq must be prepared to accept the consequences, including the likelihood of a war they will lose.

Looking back, one of the principal reasons we were so successful in the gulf war was because former President Bush and his administration did the hard work necessary to build a broad, strong international coalition before unleashing our military might. Our current President and his aides similarly did the hard work necessary to build such a coalition after the attacks on our country last fall. This up-front investment has paid off in the arrests of Al Qaeda operatives throughout the globe, as well as in the elimination of the regime that was harboring them in Afghanstan—though the war on terror is far from over. These are prime examples of America's global leadership in action at its very best. They are examples that we should emulate now.

If we fail to uphold our international leadership responsibilities, and act without regard to the views and interests of our allies, we invite our isolation in the world. We undermine our position as a preeminent force in global policy and order. We make more difficult the task of securing the assistance of the international community in helping Iraq to return as a responsible member of the community of nations. We invite additional terrorist attacks on Americans at home and abroad, as well as put the fragile governments of many Muslim nations further at risk. Moreover, if we are perceived to act without the sanction of international law or authorization of the United Nations, we further fuel anti-American resentment in the Arab world, thereby increasing the threat to Israel. On the other hand, if we make an effort to work in concert with our allies, we have the opportunity to strengthen the international institutions that will be critical in addressing future threats.

At a time when 24-hour news networks have made the images of war instantly accessible, our nation's recent military successes have made the awful realities of war appear ever more remote: images of laser-guided bombs falling on indistinguishable targets; missiles lighting up the night sky. For an entire generation of Americans, our military efforts have come to be seen almost as a casualty-free video game, where no one gets hurt and few families face the knowledge that their son or daughter will not be coming home.

But like a handful of my colleagues here in the Senate, I have known a different side to war, having seen if firsthand. During my 23 years in the Navy, including service in Southeast Asia, we witnessed soldiers, sailors, and airmen leaving for missions from which they would never return. I've met countless veterans who left part of themselves on the battlefield. Some of those heroes serve in this very body today.

War can—and often does—enact a terrible price. It should be entered into as a last resort. So, the decision we face this week, which may lead to war, is not one that I take lightly. Nor do any of us.

For the past 11 years, people in this country and elsewhere have second-guessed the decision of former President Bush to stop short of entering Baghdad in 1991. I have never criticized that decision. That flat, open sands on which our soldiers fought and won is a far different—and less dangerous—terrain than the streets of major Iraqi cities. There, our enemy's tactical advantage likely would have enacted a far heavier toll on American lives.

If the course of events in this decade ultimately leads to another conflict with Iraq, and I hope it does not, the risks associated with urban warfare may well become a reality this time. Before they do, it is critical that we prepare ourselves, and the American people, for the losses we may endure in a military campaign of that nature.

We must also face head-on the fact that, if war should occur, liberating Baghdad from Hussein's power will not solve every problem in the region. It will, however, force us to find answers to a difficult set of new questions. Among them, how will we operate in Iraq after a military victory? A number of competing factions will vie for control if Saddam Hussein is removed from power. Who will we support? How will we convince them to work together? We will need a coherent policy to help Iraq make the transition to political and economic stability. We will also need a great deal of patience and fortitude. Otherwise, we risk creating a less stable and more explosive Iraq than we face today and, worse yet, an even more volatile region.

We have learned from our missions in Bosnia, Kosovo, and Afghanistan that bringing meaningful change to unstable nations requires enormous time, resources, and effort. We have been relatively successful in restoring stability in Bosnia and Kosovo, but it has not been without a painstaking commitment over many years. Indeed, the U.S. and our NATO allies continue to maintain a significant troop presence in both of those nations.

Afghanistan, on the other hand, has demonstrated how minimal troop commitments can impair efforts to restore peace in a war-ravaged nation. Hamid Karzai and his coalition government continue to express Afghanistan's ongoing need for adequate support and resources from the U.S. and other nations if the Afghan people are to realize the peace and democracy of which they dream.

In a post-war Iraq, the need for ongoing U.S. and allied intervention is likely to be far greater and far more costly. Experts in military operations maintain that creating a more stable Iraq will require the continued presence of between 50,000 to 100,000 troops. Not for a few weeks or months, but for several years.

There is another question that I believe must be addressed as we move forward: How will we bear the financial burdens of such a mission? It is impossible to place a price tag on the lives that might be saved by disarming Saddam Hussein. At the same time, it would be fiscally irresponsible to take on such an operation without at least considering the impact of a potential war on our already fragile economy. Over the past 2 years, we have watched the stock market plummet, making its sharpest decline in 70 years. The budget surplus that we worked so hard to achieve in the 1990's is gone. All the while, current estimates project the likely cost of U.S. military action in Iraq to be in the range of $100 billion. These estimates do not include the prospect of long-term peacekeeping operations in the event of a regime change. The presence of tens of thousands of U.S. troops for months—maybe years—once the fighting has ended will cost billions more. This is a cost we should not bear alone.

I believe the principles and questions I have laid out today were best embodied in, and addressed by, the bipartisan resolution drafted earlier this month by Senate RICHARD LUGAR and my fellow Senator from Delaware, JOE BIDEN—two Senators of intellect and skill in the area of international diplomacy. The Biden-Lugar draft resolution focused on the most critical task at hand—disarming Saddam Hussein. Senators BIDEN and LUGAR carefully crafted this resolution to give President Bush the flexibility he needs to garner international support now for a tough, new U.N. Security Council resolution. Their draft resolution also provided the President with the authority to unleash U.S. military force against Iraq should he determine that Iraq's continued intransigence makes such action necessary. I'm disappointed that we will not have the opportunity to vote on that alternative this week. Having said that though, I do believe that the Biden-Lugar proposal contributed appreciatively to the change in direction that this debate has taken in recent weeks, particularly in its emphasis on acting together with our allies. That change in tone was clearly evident in the address of President Bush to the American people this past Monday night. What he said encouraged me and served to reassure much of our nation.

The President spoke of the importance of working with the United Nations to craft a tough inspection regimen in Iraq. I agree with him. The President said that the U.N. must be "an effective organization that helps keep the peace." I agree with him. The President told the American people that our primary goal in this endeavor is to strip Saddam Hussein of his ability to manufacture and deploy weapons of mass destruction. Again, I agree with him. We also heard the President state that he hopes the policy he has laid out will not require military action, although he acknowledged that it might. I hope it will not. We all share that hope in the Senate as members of this body prepare to cast our votes and to authorize the use of force if certain conditions are met.

In closing, let me say for much of our Nation's history, the United States has been an instrument for peace and justice and a better life for the people of many nations throughout the world. That is our heritage. It is one of which we can be proud.

There have been times in our history when we have had to go it alone. But history has shown that we have been most successful when we provided the leadership that compelled other nations to join us in a just cause—two World Wars, the Cold War, the Persian Gulf War, Bosnia, Kosovo, Afghanistan, and the war on terrorism. Stripping Saddam Hussein, once and for all, of the weapons that would enable him to create havoc and great loss of life is a just cause. Other nations know that, too.

If we make the case to them forcefully, skillfully, and persistently in the weeks ahead, they will join us. I am certain of it. The burden before us—disarming Iraq—is one we should not bear alone. If the President uses the powers inherent in this resolution authorizing the use of force with great skill and diplomacy, we will not have to bear this burden, and face this challenge, alone. An armada of nations, again, will join us, and together we will make this world, at least for a little while, a safer and saner place in which to live.

I yield back my time.

The PRESIDING OFFICER. The Senator from Nevada is recognized for 20 minutes.

Mr. ENSIGN. Madam President, as our nation appears to draw closer to war, I rise with full consciousness of the burden that each of us has to help guide our nation during this time of peril. It is indeed a heavy burden to bear, but nothing compared to the burden of those who serve in our military.

The vote to authorize the use of force in Iraq is one of the most difficult and important votes any of us will ever cast. We need to approach this issue as if we are sending our very own children to war because, in effect, we are voting to send our nation's children to war.

Secretary of Defense Donald Rumsfeld recently told Congress that "a decision to use military force is never easy. No one with any sense considers war a first choice." The risks of war are real but the risks of inaction may be even greater. As Ronald Reagan put it in his first inaugural address, "I do not believe in a fate that will fall on us no matter what we do. I do believe in a fate that will fall on us if we do nothing."

The threat posed by Saddam Hussein's regime is growing with each passing day. He has, at this moment, chemical and biological weapons he could use against us or share with terrorist networks that threaten us. He is pursuing nuclear weapons. He has used chemical weapons against his own people, and against foreign forces. He has invaded two of his neighbors and fired ballistic missiles at four of his neighbors. He supports terrorist networks, and has harbored senior al-Qaida terrorists in Baghdad since September 11. He has a long-standing hostility toward the United States, because we have denied him his ambition to occupy the territory of his neighbors and dominate the Persian Gulf region. He has openly praised the September 11th attacks, and his state-run press has called them "God's punishment." He has warned that Americans should understand that "every Iraqi [can] become a missile."

Each of us needs to carefully weigh the risks posed by his regime the risk of acting and the risk of doing nothing in the face of this threat. And Mr. President, I submit that the risk of inaction far outweigh the risk of war in Iraq. Here is why:

For most of our history, America has been able to rely on our geography to protect us. Two oceans, and friendly neighbors, provided a buffer against enemies who might want to attack us. After September 11th, we now know our invulnerability has passed away. We are not only vulnerable to terrorists who use airplanes as missiles we are vulnerable to terrorist networks and terrorist states that want to use weapons of mass destruction against us.

As Secretary Rumsfeld has pointed out, when the threats came from conventional weapons, our country could afford to wait for an attack to happen, absorb the first blow, regroup, and then respond militarily. In the age of weapons of mass destruction, however, we can no longer afford to wait.

In this new security environment, we must become more proactive in our efforts to prevent attacks that have the potential to be far worse than that of September 11. We must make sure when possible that those who have the desire to attack us are prevented from having the means with which to carry out those attacks. We have a right and an obligation to take anticipatory action in our own self-defense.

This certainly would not be the first time that our nation engaged in preventative military action in defense of our homeland. During the Cuban Missile Crisis, President Kennedy ordered a military blockade of Cuba in 1962, an act of war under international law. This was done even though the Soviets were not engaged in an armed attack, nor were the missiles an imminent threat.

Today, Saddam Hussein poses a similar threat. And we should give this President the authority he needs to deal with the Iraqi threat now, before it reaches our shores.

Saddam Hussein poses a very real and imminent danger to the United States. According to the CIA, Iraq "has broad capability to attack" the U.S. "with chemical or biological weapons and could build a nuclear bomb within a year if it obtains fissile material from abroad." Iraq "probably" has "stockpiled more than 100 tons of mustard gas and other chemical weapons. Iraq has developed 'large scale' capability to produce anthrax and other bioweapons in mobile facilities that are easy to hide and hard to destroy."

The longer we wait, the stronger he becomes, and the harder he will be to defeat. Saddam Hussein's regime hosts terrorist networks and has directly ordered acts of terror on foreign soil. He has used weapons of mass murder before, and would not hesitate to use them again.

Moreover, Saddam Hussein's ongoing defiance of U.N. Security Council resolutions has made clear that he has no intention of disarming or discontinuing his weapons of mass destruction programs.

Remember, our goal is not to get weapons inspectors back into Iraq. Our goal is disarmament. And Saddam Hussein has shown that he is not willing to disarm. To the contrary, he has proven willing to pay an enormously high price to maintain his weapons of mass destruction aspirations. Under U.N. sanctions, he has given up about $180 billion in oil revenue to keep his weapons of mass destruction. As Richard Butler, a former U.N. chief weapons inspector has said, "The fundamental problem with Iraq remains the nature of the regime, itself. Saddam Hussein is a homicidal dictator who is addicted to weapons of mass destruction."

Congress recognized that fact in 1998 when it passed The Iraq Liberation Act stating that, "It should be the policy of the United States to support efforts to remove the regime headed by Saddam Hussein from power in Iraq and to promote the emergence of a democratic government to replace that regime." We knew then what we know now—that regime change and disarmament are inextricably linked.

Just like there are career criminals there are career criminal regimes. Leniency only incites them to more violence. They are driven; they are compulsive. And unless they are constantly thwarted they will continue to prey on the weak and defenseless.

We cannot stake the lives of tens of thousands of innocent American citizens on the hope that Saddam Hussein will never use his weapons of mass destruction against us. He has already proven that he cannot be trusted, and that he poses a great threat to the peace and stability of the world. This is a critical moment for the United States. If Saddam Hussein is appeased with more talk of weakened, compromised weapons inspections, which he has repeatedly defied, we risk leaving our country open for another catastrophic attack, one potentially far worse than the heinous acts of September 11th.

As we debate how to deal with the Iraqi threat, we must never forget that in Saddam Hussein we are dealing not just with a homicidal dictator; we are confronting Evil that is akin to Stalin and Hitler.

Just ask former Iraqi general, Najib Salhi. He defected from Iraq and was living in Amman, Jordan when one day he came home to find a package from Saddam Hussein's intelligence service. He opened it to find a video tape.

When he put it into the VCR, he saw what he thought was a pornographic film—till he realized, to his horror, that he was watching the rape of one of his closest female relatives. The message was clear. They wanted to blackmail him into silence.

That is the face of Evil.

Or consider the fact that Saddam Hussein's regime has admitted to having weaponized aflotoxin—the only country in the world known to have done so. As former CIA Director Jim Woolsey has stated, "The only use of aflatoxin is that it creates cancer, long-term cancer, especially in children."

Aflatoxin has no military value. It has no battlefield use. It takes tens of years to kill its victim. It is a weapons whose only purpose is to kill innocent people for murder's sake. Richard Spertzel, the former chief biological weapons inspector for UNSCOM, declared that aflatoxin is "a devilish weapon. From a moral standpoint, aflatoxin is the cruelest weapon—it means watching children die slowly of liver cancer."

That is the face of Evil.

Look at the attacks Saddam Hussein has ordered on his own people—on thousands of innocent men, women, and children—in Halabja, using a chemical weapons cocktail. Those attacks are causing cancer and genetic mutations that will be felt in this generation and the next.

That is the face of Evil.

Saddam Hussein is a man who has personally shot and killed members of his own cabinet; who has ordered his opponents to be burned alive in vats of acid; who forces those suspected of disloyalty to watch the gang rape of their mothers, daughters, wives, and sisters; who not only tortures dissidents, but tortures their children in front of them.

He is the living incarnation of an Evil that cannot be appeased and cannot be deterred, and must be confronted and defeated.

He has murdered hundreds of thousands of innocent people—and is pursuing weapons that will allow him to extend his deadly reach across oceans and continents—that will give him the capability to kill our people—our children, our families.

The President has rightly called Saddam Hussein "a student of Stalin." And I applaud him for his resolve in confronting the dangers posed by the Iraqi Regime.

The President has awakened the world to the existence of evil in our midst—and challenged the world to confront that evil before it confronts us, at the cost of millions of lives.

It is a natural reaction to flee in the face of evil. It is little wonder that much of the world has been reluctant to stand its ground and face down Saddam Hussein, which is why the President's leadership has been critical, and why it is so important for the United States Congress to show similar resolve, and demonstrate our unity with the President.

In showing steadfastness and steely determination, the President made clear to the Iraqi regime, and the world, that we were not going to repeat the tired old pattern of meeting Iraq's threats with inaction. And that leadership has had an impact. One by one we have seen nations join the U.S. in recognition that Saddam must go. Some have said so publicly, others privately. Let there be no doubt: if we go to war, we will not be going it alone.

Thanks to our President, the world understands that there is a price to be paid for defying the United States when our survival is at stake. And I believe that a strong show of support by Congress will strengthen the President's hand at the United Nations.

While we greatly value the support of our allies in the war on terror, we must never give other nations the authority to stop us from defending our freedom or from acting in our own self-defense. We must do what we feel is right in protecting America, whether or not we have the approval of France, Russia, China or any of the other nations which currently sit on the U.N. Security Council.

None of us takes the prospect of war lightly. War is difficult and dangerous, and lives will be lost. I understand the concerns many Americans have about war in Iraq, and I fully appreciate the sacrifice American families make when they lose a loved-one in the fight to keep America and the rest of the world free from tyranny and oppression.

This country lives, freedom lives, because brave men and women were willing to die for it—willing to risk their lives, and give their lives, for a cause greater than themselves. As scripture teaches "there is no greater love than this: that a man lay down his life for his friends." We are all concerned for the well being of our troops, and we thank them for their willingness to keep America safe from the evil that has been made so apparent in the last year.

While I value diplomacy and rhetoric, there comes a time when force is inevitable—when our choice is not between war and peace, but between war today, when our enemy is weaker, or war tomorrow, when our enemy is stronger. That is the choice we face today.

We have tried diplomacy. We have imposed sanctions. We have sent inspectors. All attempts to reason with the Iraqi Regime have failed. The only language Saddam Hussein understands is force.

Indeed, in a way, we are already at war with Iraq. Since hostilities ended in 1991, Iraq has repeatedly violated the ceasefire conditions which were set out at the close of the Gulf War. Just ask our brave pilots who are being shot almost every day as they patrol the no-fly zones over Iraq.

After President Bush's speech to the U.N., Saddam Hussein sent a letter to the U.N. promising to "allow the return of United Nations weapons inspectors to Iraq without conditions." He went on to say that Iraq "based its decision concerning the return of inspectors on its desire to complete the implementation of the relevant Security Council resolutions and to remove any doubts that Iraq still possesses weapons of mass destruction."

Hours after that letter arrived at the U.N., Iraq was shooting at U.S. aircraft implementing those same relevant U.N. Security Council resolutions. Since 1992, the Iraqis have used anti-aircraft artillery, or Triple-A, against our aircraft in the northern and southern no-fly zones. In fact, over the last three years Iraqi Triple-A has fired at coalition aircraft over 1,000 times. This year to date they have fired on us over 400 times—and since that September 16 letter where Saddam pledged his support for U.N. resolutions they have fired on coalition aircraft more than 70 times. It appears that Iraq has actually stepped up its firing on U.S. and British planes since he agreed to cooperate with the U.N. Actions speak louder than words. And for 11 years Saddam Hussein's actions have shown that he is bent upon pursuing weapons of mass destruction at all costs.

After all, three days after Saddam Hussein's September 16th letter pledging the unconditional return of weapons inspectors, Iraq's foreign minister stated U.N. resolutions were "unjust and at odds with the U.N. charter and international law." He further declared, "Iraq demands that its inalienable rights are met, including respect for its sovereignty, security and the lifting of the blockade imposed on it." Then Baghdad stated that the 1998 Memorandum of Understanding which exempted certain presidential palaces must stand. I am sure we will hear from time to time that Baghdad is once again stating that unconditional inspections could take place. The words change, but the actions stay the same. They keep right on firing at our pilots.

Madam President, on September 11, 3,000 innocent citizens were killed. If their deaths are to have any meaning, our nation must not forget the lesson they gave their lives for us to learn. The era of our invulnerability is over. Evil exists—it is real, it is out there, and it seeks our destruction. If we ignore it, it will not go away. It will continue to stalk us, and kill more of our people.

It must be confronted and it must be defeated.

"There is a time for all things," the Rev. Peter Muhlenberg told his congregation on the eve of the Revolutionary War, "a time to preach and a time to pray. But those times have passed away. There is a time to fight, and that time has now come."

We have listened and we have prayed. Now we must fight.

For the best honor we can bestow on those who have died for our nation, and those who will die for our nation, is victory. Victory over terrorism. And if the President believes it is necessary to secure our freedom, victory over the regime of Saddam Hussein.

Madam President, I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, I ask unanimous consent that Senator GRAHAM's and Senator CANTWELL's time be changed. Senator GRAHAM will go before Senator CANTWELL.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Florida is recognized for 30 minutes.

Mr. GRAHAM. Thank you, Madam President.

Madam President, I rise this evening to speak to my colleagues, more importantly to speak to the people of the United States and, especially, my fellow Floridians.

In my service in the Senate I have not shied away from authorizing the use of force when I believed it was in our Nation's interests.

I voted to use force in the Persian Gulf in 1991. I voted to use force in Bosnia in 1992. I voted to use force in Kosovo in 1999.

I have given the President of the United States a presumption of correctness in his assessment of our national security interest.

But, Madam President, tonight I am going to vote no on this resolution. The reason is this resolution is too timid. It is too limiting. It is too weak. This resolution fails to recognize the new reality of the era of terrorism. And that reality is that war abroad will, without assertive security actions, increase the prospects of terrorist attacks here at home.

In fact, war on Iraq alone leaves Americans more vulnerable to the No. 1 threat facing us today, those international terrorist organizations that have the capability to inflict upon us a repeat of the tragedy of September 11.

The resolution I had hoped we would pass would contain what the President has asked for relative to the use of force against Saddam Hussein's regime in Iraq, and more.

It also should provide the President all necessary authorities to use force against the international terrorist groups that will probably strike the United States as the regime of Saddam Hussein crumbles.

I offered an amendment on this floor yesterday that would have given the President the authorities he needs to deal with the threat posed by the five deadliest terrorist organizations in addition to al-Qaida—that would gladly join Saddam Hussein in his retaliatory strike.

Those five organizations have already killed hundreds of Americans. Those five organizations have ties to countries that could provide them with weapons of mass destruction. Those five organizations have the capability to strike within our homeland. They have recruited, trained, and placed operatives in our hometowns.

I argued that the President should have the option to set priorities and choose our targets, and to be able to preempt terrorists before they can order strikes against us in our homeland. Unfortunately, that amendment was rejected.

Some said I was incorrect in my contention that the President, as Commander in Chief, lacks the power to expand the war on terrorism beyond al-Qaida. I disagree. But I will not repeat the legal arguments that I made yesterday.

But even accepting the fact that others may disagree, how is it in the interest of our Nation's security to leave the question in doubt as to whether the President has the authority to attack these international terrorist organizations that represent such a lethal threat to the people of the United States?

There have been some past administrations which have allowed leaders of rogue states to be uncertain as to how America would respond if they used weapons of mass destruction. This administration should not repeat that fundamental error.

If we want to deter the world's terrorists and madmen, shouldn't we tell them, in the most explicit terms, what they will face by U.S. retaliation to their action?

I also want to restate my conviction that this resolution forces the President to focus our military and intelligence resources on the wrong target. A historical example, which has been used repeatedly in this debate, is the example of the 1930s: that England, France, and other nations, which would eventually join in the world's greatest alliance, slept while Hitler's power grew.

They say the equivalent of passing this resolution is to have declared war on Hitler. I disagree with that assessment of what this lesson of history means. In my judgment, passing this resolution tonight will be the equivalent of declaring war on Italy. That is not what we should be doing. We should not be declaring war just on Mussolini's Italy. We should also be declaring war on Hitler's Germany.

There are good reasons to consider attacking today's Italy, by which I mean Iraq. Saddam Hussein's regime has chemical and biological weapons and is trying to get nuclear capacity. But the briefings I have received suggest our efforts, for instance, to block him from obtaining necessary nuclear materials have been largely successful, as evidenced by the recent intercept of centrifuge tubes, and that he is years away from having nuclear capability.

So why does it make sense to attack this era's Italy and not Germany, especially when by attacking Italy, we are making Germany a more probable adversary?

The CIA has warned us that international terrorist organizations will probably use United States action against Iraq as a justification for striking us here in the homeland. You might ask: What does the word "probably" mean in intelligence speak. "Probably" means there is a 75 percent or greater chance of the event occurring. And the event is that international terrorist organizations will use United States action against Iraq as a justification for striking us here in the homeland.

Let me read a declassified portion of a CIA report recently presented to the Senate Select Committee on Intelligence:

> Baghdad for now appears to be drawing a line short of conducting terrorist attacks with conventional or [chemical and biological weapons] against the United States.
>
> Should Saddam conclude that a U.S.-led attack could no longer be deterred, he probably would become much less constrained in adopting terrorist actions.
>
> Such terrorism might involve conventional means . . . or [chemical and biological weapons].
>
> Saddam might decide that the extreme step of assisting Islamic terrorists in conducting a [weapon of mass destruction] attack against the United States would be his last chance to exact vengeance by taking a large number of victims with him.

In other words, the odds of another strike against the people of the United States by al-Qaida or one of the international terrorist groups goes up when we attack Baghdad.

The President should be in the most advantageous position to protect Americans, to launch preemptive strikes and hack off the heads of these snakes. With the resolution before us, we are denying the President that opportunity, and we are sending confusing signals to our people and our allies as to the sincerity of our commitment to the war on terrorism.

The American people and our allies gave President Bush their wholehearted support in the war on terrorism after September 11. They cheered our efforts to remove Osama bin Laden and the Taliban government from Afghanistan. A year after we commenced that war, action in Afghanistan has ground to a virtual halt. Osama bin Laden remains at large, and we have not moved aggressively beyond Afghanistan to take on the cells of al-Qaida operatives in other parts of the world.

We also know of sanctuaries, training camps where the next generation of terrorists are being trained and that those sanctuaries are going unattacked.

With sadness, I predict we will live to regret on this day, October 10, 2002, we stood by, and we allowed those terrorist organizations to continue growing in the shadows. It may be days, weeks, months, or years before they strike Americans again, but they will, and we will have allowed them to grow that capability.

If we are going to pass this resolution—and I expect we will—there are several things we should say about the need to protect the American people. Within the region of the Middle East and central Asia, we have a constellation of challenges, threats, and commitments of the United States. We need to use this period of time to begin to reduce the threat environment in that area by active, sustained U.S. diplomacy on two half-century-old disputes: The dispute between Israel and Palestine, and the dispute over Kashmir, the festering sore between two nuclear powers, India and Pakistan.

Second, the President a year ago should have ordered all of the law enforcement agencies under his control to design a comprehensive means of determining the number, location, and capability of terrorists who are living among us. But tonight, no one in our government can fully tell us which, when, where, and how terrorist organizations might hurt us. This I consider to be a stunning admission and an unnecessary vulnerability.

At this late hour, such action should be of the most urgent priority. This should be done, of course, within the confines of the protections afforded to all American persons by the Constitution of the United States.

Third, we should be moving to detain all those who can be legally detained who represent a threat to the United States.

Fourth, the President should direct the military forces of our country to prepare to execute a full-fledged war on terrorism. We must complete our mission in Afghanistan and then move to the next targets of al-Qaida cells.

Finally, I would advise the President to request of the Congress the authorities he needs to execute the war on terror and to protect Americans. Specifically, this should include the authority to use force against those international terrorist organizations with the greatest capability to kill Americans here at home, with the greatest history of having used their evil intent against Americans, and with the largest number of terrorist operatives located within the United States.

Our people need to know their government is doing all it can to keep them safe. Tonight many Americans are anxious and frightened, and they have cause to be. One year ago letters carrying anthrax killed five Americans, including one in my home State, and created great concern. That case has not yet been solved.

One year later, here in the Capital region, a sniper is randomly taking lives of innocent people going about their daily activities. Just hours ago, police confirmed the man who was shot last night while pumping gas into his car at a service station is the eighth victim, six of whom are dead. And in today's Washington Post, a front page article has the headline "Probe Less Cohesive Than Advertised."

It states:

> Behind the scenes at the command central, however, interviews with leading investigators suggest that while some aspects of the massive effort are working well, others are fraught with the same turf battles, politics, leaks and confusion that historically have characterized manhunts of this size.

Are these acts that we are trying to unravel those of a madman, a mad scientist, a terrorist? The honest answer is that we do not know. In these frightening times, it is irresponsible to add to the anxiety of the American people by going to war with Iraq—without taking the additional steps required to curtail the possibility of more horrors being inflicted upon us here in our homeland. This resolution fails to take those steps.

Different people have different opinions of what our national security priorities should be. Clearly, some—including the President—believe the first priority should be regime change in Baghdad. Others believe our first priority should be to disarm Iraq by removing its weapons of mass destruction. As important as they may be, I have a different view.

The United States has many challenges, threats, and commitments to respond to, particularly in the region of the Middle East and central Asia. These include the Israel-Palestine conflict, the India-Pakistan standoff, and the threats posed by weapons of mass destruction. Even if we say the No. 1 issue in the region should be containing weapons of mass destruction—especially nuclear weapons—I frankly do not believe Iraq should be our first concern. We do not know the full capabilities of the State of Israel, although we believe it has the full capacity to defend itself against attacks, or the threat of an attack. We are aware of the significant capacity possessed by India, Pakistan, and Iran. I can say without fear of contradiction that all of these possess substantially greater capabilities and means of delivering nuclear or other weapons of mass destruction than Iraq.

Of all the issues we care about, and those issues over which we have some capability to determine the outcome, in my judgment, the No. 1 priority should be the war on terrorism and its threat to the people of the United States in our homeland. Our top targets should be those groups that have the greatest potential to repeat what happened on September 11, killing thousands of Americans. Passing this timid resolution, I fear, will only increase the chances of Americans again being killed. That is not a burden of probability I am prepared to accept. Therefore, I will vote no.

I close with the words spoken in one of the darkest periods of the history of the Western World. In 1941, Winston Churchill said:

> Never, never, never believe any war will be smooth and easy, or that anyone who embarks on the strange voyage can measure the tides and hurricanes he will encounter.
>
> The statesman who yields to war fever must realize that once the signal is given, he is no longer the master of policy, but the slave of unforeseeable and uncontrollable events.

Mr. REID. Madam President, how much time did the Senator from Florida use?

The PRESIDING OFFICER. The Senator used 20 minutes.

Mr. REID. And he had 30 allocated to him. Therefore, I ask unanimous consent that Senator MIKULSKI be recognized for 10 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Maryland is recognized.

Ms. MIKULSKI. Madam President, after careful consideration, I have decided to oppose the Bush resolution on Iraq. This resolution would give President Bush the unilateral authority he seeks to go to war against Iraq without international support or international resources. The resolution includes only tepid language supporting diplomatic efforts at the United Nations.

The Senate is making a grave decision: Whether to give the President unlimited authority to go to war and send American military men and women into harm's way.

I take this responsibility very seriously. I have listened to the President and his advisors. I have consulted with experts and wise heads. I have participated in hearings and briefings as a member of the Senate, and particularly as a member of the Intelligence Committee. I have listened intently to my own constituents.

The American people are deeply ambivalent. The American people want a safer world, a world in which distant tyrants can't threaten us and our bases and our embassies and our treasured allies. The American people are counting on us to assess the Iraqi threat and to confront it with our allies. They and I firmly believe that Saddam Hussein is duplicitous, deceptive, and dangerous.

Iraq has grim and ghoulish weapons to carry out his evil plans. As part of the Gulf War cease-fire agreement, Saddam Hussein committed to destroying its chemical and biological and nuclear weapons programs and longer-range missiles. Instead, Saddam Hussein is trying to add nuclear weapons to an arsenal that already includes chemical and biological weapons and ballistic missiles.

These threats cannot be ignored and allowed to grow. But these are not only threats to us. These are threats to the international community, and the international community must share the responsibility of addressing them.

I support a robust multinational response to the Iraqi threat. That's why I supported the Levin resolution, urging the United Nations Security Council to fulfill President Bush's request to demand Iraqi disarmament, verified by unfettered inspections, and to authorize the use of multinational force if Iraq refuses to comply.

If the UN refuses to act, then Congress would consider a request from the President to authorize acting alone against Iraq.

Let me be very clear on one point. The United States always has the authority to take military action in self-defense. That is our right under international law, included as Article 51 of the United Nations Charter, and I support that.

President Bush says he has not yet decided whether the use of military force is necessary, and I take him at his word.

The United States should first exhaust all diplomatic and other nonmilitary means.

The United States should give the United Nations the opportunity to fulfill its responsibility to address the Iraqi threat.

The United States should fully pursue whether the UN Security Council will authorize the use of multinational force.

The Bush resolution, the White House resolution, would authorize the President to send our Armed Forces to war against Iraq without any further consideration by Congress.

Under the Levin resolution, which I cosponsored, Congress would remain in session, standing ready to promptly reconsider if the UN does not meet the challenge.

I have had to ask myself, "Why should the Senate wait to see what the United Nations will do before deciding on the unilateral use of force?"

The answer is this:

Voting now in support of unilateral action would take the international community off the hook.

Why would the other members of the United Nations Security Council make the tough decision to effectively authorize war against a member state if they know the U.S. will do it by ourselves?

I believe this resolution would actually weaken the negotiating position of the President and the Secretary of State at the United Nations.

Why would other nations send their troops into harm's way if America is ready to send our troops without them?

Why would other nations join us to rebuild Iraq after a war if Uncle Sam is willing to bear the financial burden, as well as the dangers?

I'm concerned about the prospect of America going it alone because I've thought about the risks and consequences.

The risks and consequences of acting alone are so much greater than they would be for multinational action.

The risks to our troops are greater if allied forces do not join the mission.

The challenge in post-conflict Iraq is greater if other nations do not share the burden and the cost.

The consequences for the war on terrorism are greater if we lose the essential cooperation of other nations in the effort to pursue al-Qaida and other terrorist groups. The consequences on our economy would be severe.

A mandate from the United Nations would mean the international community against Saddam instead of the United States against Iraq, and other countries in the region would join our coalition rather than obstructing or opposing us.

I recognize that I will likely be in the minority on this vote. The Senate and House of Representatives will probably grant the President the broad authority he now seeks.

I will vote differently than the majority, but I want my constituents, particularly our men and women in uniform, to know that I believe my vote represents the wisest, most prudent course with them in mind.

America's soldiers, sailors, airmen, and marines will always have my full and steadfast support. I stand accountable to the oath I took to defend the Constitution against all enemies, foreign and domestic. I hold myself accountable to my constituents, and I am prepared to defend this vote because I think when history is written, it would have been wiser not to give authority to go it alone right now.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized for 15 minutes.

Mr. SMITH of New Hampshire. I thank the Chair.

Madam President, I can recall 11 years ago—12 years ago actually—I made my maiden speech on the floor of the Senate. It was about Saddam Hussein and going to war with President Bush in office. Here we are 12 years later doing the same thing.

I rise today to again support the President in his duty, I believe, to stop Iraq from bringing weapons of mass destruction throughout the world. When I addressed this topic in January of 1991, I said then that there was a lot of talk about George Bush—President Bush 41—leading us into war. What I said then, and I will say now, is that was wrong. It is Saddam Hussein who is leading us into war. The same holds true today as it did 12 years ago.

Those voices against the Desert Storm operation, some of whom are repeating this same antiwar rhetoric today, are simply wrong. The warmonger is Saddam Hussein. He is now moving us toward another major military engagement with the stakes even higher than they were 12 years ago.

Unfortunately, Desert Storm did not finish the job. There has been some criticism about that. Given the data and facts President Bush had at the time and with the U.N. resolution, he did what he had to do.

If we calculate the costs of air operations, no-fly zones, and other activities over these past 12 years, containment has not worked. In this age of weapons of mass destruction, relying on a policy of containment and deterrence is a risk we cannot and must not take.

I pulled out a copy of the speech I made in 1991. I do not know anyone in this body who wants war. I do not know anyone in America who wants war. I certainly do not. The President does not. Nobody wants war. Yet we heard today on the floor that President Bush is leading us into war, and that is wrong.

Thomas Paine, who is often quoted, over 200 years ago said: These are the times that try men's souls. This is the time that American service men and women are keenly aware of the enormous burden which the world events have placed upon us. I said that in 1991, and it is true today.

Unfortunately, Saddam Hussein is still with us. The stakes are high. We are in a virtual state of war now with Saddam Hussein and with Iraq, but it has not produced the necessary results. Saddam is again developing the potential to threaten us with weapons of mass destruction and with terrorist attacks.

This threat has to be met. It just simply has to be met head on. And the only answer is the overthrow of Saddam's regime one way or the other—domestically if possible, militarily if necessary. The stakes are simply too high not to do it.

I served in Vietnam. Others have served in war. We all know the stakes. If we do not do this, people may die. If we do this, people will die. Imagine the tremendous burden that is placed now upon the President of the United States.

Democracies do not threaten democracies, and democracies do not start wars. We would all be much safer nations if everybody believed the way we did, but that is not the way it is.

We have learned much in the wake of the vicious attack upon our country on September 11. Frankly, we were pretty much asleep. We were complacent. The terrorist attacks in Africa, the USS *Cole*, Khobar Towers, our barracks in Saudi Arabia—these losses were largely inflicted on our military and on our State Department personnel, but we were still largely oblivious to the risks we faced right here on American soil. We were not prepared for the devastation of 9/11 and the lives of nearly 3,000 innocent Americans lost. The total costs are immeasurable. Some say as much as a trillion dollars, but how about in the human loss? All the children orphaned, young people, men and women who were embarking on careers—what they might have contributed to America over the next several years we will never know.

What Saddam Hussein is doing has to be met. He is a threat to the people of the world. He is indeed a threat to the world. I know. I have seen enough intelligence on this over the past several years to know—not only to believe it but to know it. Weapons of mass destruction—nuclear, biological, and chemical, whatever they may be—can kill millions in insidious ways throughout the world. We simply cannot let this stand.

I know, having been there, the enormous burden felt by young men and women in uniform who will be there when and if this happens. They need our support. Have the debate, get the debate behind us, and get behind our men and women because they are going to have to do the work, and they deserve our support, unlike Vietnam when the troops did not get that support.

We need to find out where the links to al-Qaida are. They annihilate innocent people by virtue of their religious faith or their national identity. That is what they are doing. They will do it with terrorist bombs on their backs. They can do it with nuclear missiles or biological or chemical missiles as well.

If there are some in doubt, I urge them to go down to the Holocaust Museum and take a look and see what the cost of doing nothing is: 6 million innocent lives annihilated because we stood by as a world and let it go too long, and then we finally stopped it. We cannot let this go too long. Six million lives lost the way Hitler took them is horrible, and as despicable as it was, it is nothing compared to the number of lives that can be taken in more evil and despicable ways now.

Some say we should not take preemptive action. Preemptive action? There is already action taken against the United States of America. Remember the 3,000 people dead. This is not preemptive. We are reacting.

Our survival as a nation is at risk. Earlier this year in the wake of the unprecedented and vicious attack in the United States and world by al-Qaida, President Bush came before the American people in his State of the Union Address and unveiled his advocacy for regime change in Iraq.

That is a sound policy. And this is a terrible dilemma. How would you like to be the President of the United States today, sitting in the White House contemplating what has to be done? Criticized if you take action, criticized if you don't; risking death if you do, risking death if you don't.

There is no time in American history where a decision has been more important. There is no more important debate, ever, in my view, in American history where the stakes are higher than they are right now.

I am standing right now at the desk of Daniel Webster. He probably from this desk made some of the greatest speeches in the history of this body, but none of them, whether they were about slavery or all the great issues of the day of the 1830s and 1840s, even come close to the impact of what could happen by allowing this man, this despot, to move forward in the world unchecked.

We cannot rely on the United Nations, weapons inspectors, or Saddam's word that he is going to comply with inspections and disarm. I wish we could. Neville Chamberlain thought that about Hitler, didn't he?

Saddam Hussein's brutal dictatorship has reigned for 30 years. During these three decades, we have seen him attack Iran in a war that took a million lives; we have seen him repress, through murder and terror, ethnic and political elements in Iraq; We have seen him use weapons of mass destruction on 250 occasions against the civilian population. He had come close to producing a nuclear device before the gulf war and is successfully continuing these efforts despite several years of failed weapons inspections. He has breached international law. He has invaded Kuwait. He set oil wells on fire. He has threatened the stability of the world. He prompted the use of military force to contain him, and Saddam Hussein has tried to assassinate a former President of the United States of America.

He is a sponsor of Islamic terrorism throughout the world, and his regime has harbored the likes and established relations with Osama bin Laden's al-Qaida. What more evidence do we need to act?

This resolution also touches my heart in another way. This resolution makes very brief mention that Iraq has failed to account for an American serviceman. It might be a small matter compared to the big issue of war with Iraq, but Captain Speicher, who was shot down over Iraq, was the first pilot lost in the war. He was pronounced dead by the Pentagon, but there is no evidence that he is dead. The information was incorrect. His status changed in January 2001. I worked for 7 years to change that status and President Clinton, to his credit, prior to leaving office, changed that status. I give him great credit for that because he very well may be a prisoner held by Saddam Hussein today. In short, whether he is a prisoner or not, Saddam Hussein knows what happened to him. We do not. This is simply unacceptable.

By not seeking a regime change in Iraq, by not backing our policies with military force, by not dismantling Saddam's regime and weapons of mass destruction, I am concerned America will repeat its folly and give Saddam the breathing room to produce a nuclear device, proliferate it, threaten to use it, or use it. He will continue to support terrorism which devastated our Nation.

I supported the resolution on Iraq during the administration of President Bush 41, and I will support the resolution of this President Bush to give him the power to authorize the use of military force against Iraq.

I will close with a comment I made in my closing remarks in 1991:

> Stand with the Commander in Chief. Have the courage to stand with him who was elected by all of the American people. Stand with him, and stand with our sons and daughters in the Persian Gulf. Do not give Saddam Hussein a reason to doubt our resolve. Stand together. Let us discard Saddam Hussein on the garbage heap of history along with the other despots like Khrushchev, Stalin, and Hitler. That is where he belongs, and that is where we are going to put him sooner or later.

Unfortunately, it is a little bit later than we expected. We need not fear. We are the greatest Nation in the world, with the greatest people, and I believe it is the right thing to confront this monster and do it now. That is why I will be supporting President Bush.

I yield the floor.

The PRESIDING OFFICER (Mr. DURBIN). The Senator from Washington is recognized for 30 minutes.

Ms. CANTWELL. Mr. President, I come to the floor today to discuss S.J. Res. 46, the Lieberman, Warner Bayh-McCain resolution, and the issue that everyone of my colleagues agree on—that Iraq is in serious violation of its U.S. and U.N. agreements prohibiting its possession of weapons of mass destruction.

What my colleagues cannot agree on is how we should go about disarming Iraq.

Let me add my views.

I believe that the best way to deal with the threat posed by Saddam Hussein is to build a multinational coalition and engage the United Nations.

But we can't ask the United Nations to disarm Saddam Hussein if we are not willing to disarm him ourselves.

Today's vote for S.J. Res. 46 is a statement of national resolve to disarm Saddam Hussein. By showing our unity as a nation, we help the United States unite the world against his continued effort to use weapons of mass destruction.

History has shown that we have been very patient with Saddam Hussein.

First, let us remember that the United States and 34 other nations were at war with Iraq in 1991.

After 3 months of war in which the U.S. coalition lost 556 lives and 502 wounded—including seven young men from my home State—not to mention the estimated 100,000 Iraqis killed—we negotiated a cease-fire agreement with Iraq that ended our military campaign.

This cease-fire was approved in return for Saddam Hussein's promise that he would unconditionally accept the destruction and removal of all biological, chemical and nuclear weapons and to allow U.N. inspectors to verify the elimination of these programs.

This cease-fire agreement was even signed by the Iraq government.

We staked lives, resources, and diplomatic weight on that promise, and yet here we are today because of the noncompliance of that issue.

If military action is eventually taken by a UN-backed effort or multinational US effort, that military action would not be a pre-emptive strike, but the enforcement of the Iraqi government cease fire agreement.

In fact, I would say we have been in a constant battle of enforcement for 11 years on this enforcement issue.

Shortly after the cease-fire agreement in 1991, Saddam Hussein started to thwart the cease fire agreement.

For 7 years, inspectors were sent to Iraq to verify his promise to disclose and destroy his cache of chemical, biological and nuclear weapons, and for 7 years Hussein obstructed the inspectors efforts.

Saddam Hussein did hide and inspectors did find weapons of mass destruction—literally tons of them—most of which were unaccounted for in the final reports" and in clear breach of the cease-fire agreement.

Saddam Hussein even bugged the UNSCOM offices in Bahrain and New York, disguised weapons and hid them in various places. He leaked false intelligence and blatantly lied over, and as Sandra Mackey outlines in her book, "The Reckoning, Iraq and the Legacy of Saddam Hussein," "Hussein's tactical war of cheat and retreat with UN arms inspectors gave him power to remain a world figure and gain a hold over his own people."

What has been our response and the response of the United Nations?

We have tried economic sanctions to get Iraq to comply with the disarmament agreement—and they have failed miserably.

It is the innocent Iraqi people that feel the effects of sanctions, including hunger and a lack of medical care.

Saddam Hussein not only continues to eat well—hoarding much of the aid and food imported into Iraq through the oil-for-food program—but he builds palaces, and he devotes substantial riches toward developing weapons of mass destruction.

We have tried sending a strong signal to the United Nations.

In 1994, I joined my colleagues in the House of Representatives in calling for the United Nations to take action on Iraq's noncompliance.

The House resolution went even further and urged the President and the United Nations to establish a tribunal to charge Saddam Hussein as a war criminal.

That vote showed a clear consensus eight years ago when members of the House agreed that Saddam Hussein was neither a legitimate ruler nor an honest actor in the ceasefire and UN agreements.

In 1998, we increased military pressure in the region and even conducted a military strike under President Clinton called Operation Desert Fox—hoping that the threat of force and the destruction of military installations would bring Hussein to reason and allow the inspectors back in.

While this limited military pressure produced some initial results, as soon as the United States turned down the heat Saddam Hussein went back to his old ways.

Where are we today.

For 11 years since our cease-fire agreement with Iraq we have tried to stop Iraq's effort to develop weapons of mass destruction.

In reality, our efforts have failed to stop his continued build-up of weapons of mass destruction.

The United Nations should never have allowed Saddam to negotiate the terms of inspections.

When he crossed the line in the sand that separated Iraq from Kuwait, Hussein demonstrated to the world his absolute disregard for international law; and his defiance of the will of the international community.

He also displayed, on a world platform, his utter disdain for the principles of human rights and a free society; and revealed to the world a frightening weapons capacity, including chemical and biological weapons and substantial progress towards developing a nuclear weapon—all of which he intended to use to advance his regional ambitions and threaten enemies.

Saddam Hussein is a global menace that we cannot simply wish away.

By doing nothing the world is not only failing to enforce the terms of a cease-fire that we fought for; but it is allowing a dangerous threat to grow that deserves renewed immediacy.

This immediacy was demonstrated 13 months ago, when we witnessed the devastating steps that terrorists were willing to take and we know that this problem is not going away; and Saddam only increases the danger.

Some citizens say there are other countries in the world producing weapons of mass destruction and could be a source of aid to terrorists. Why worry about Iraq?

I know of no other country that has posed such a unique threat by: Violating of US/UN cease-fire agreement to stop development of weapons of mass destruction; Using weapons of mass destruction in war or against its own people; and Refusing to help the U.S. in the Afghanistan war on terrorism and actually applauded the efforts of Al Quida of 9/11.

We are now considering a resolution that I believe will take a positive step towards effectively dealing with the threat of Saddam Hussein, his failure to comply with the terms of the 1991 ceasefire agreement.

The best way to do that is to bolster the President's and the U.S. efforts by sending a message to the U.N. Security Council that we must act. This vote tells the President of the United States we agree Saddam Hussein and his failure to comply with the cease-fire agreement constitutes a serious breach and a threat to global stability.

The vote tells the President we firmly support his promise to go to the United Nations Security Council and live up to the responsibilities to enforce a cease-fire agreement that Iraq has continued to try to subvert. This vote is a statement of national resolve that Saddam Hussein must be disarmed by peaceful means, if necessary, but by showing our unity as a nation, that we, the United States, will help eliminate this threat and will unite the world behind it.

Some have called this unconditional authorization. That is not the case. Senators LIEBERMAN, WARNER, BAYH, and others have made great progress on this legislation. There are conditions. It requires a limited scope of operations in the Iraq theater, continued consultation with Congress on military action, and serious reporting requirements to inform Congress of the commencement progress and plans of both operations and postwar strategies.

I make clear this resolution does not endorse a unilateral action. If for some reason the U.N. Security Council does not act, I expect the President to make a major and aggressive diplomatic effort to enlist other partners around the globe in doing the right thing to stop Hussein's efforts. The President has promised Members of Congress, including the chairman of the Foreign Affairs Committee, that he would be committed to developing a coalition of allies for military action. We know how important these coalitions are. We expect the President to fulfill this promise.

My vote for this resolution does not mean I am convinced the administration has answered all the questions. In fact, I believe the following issues must be addressed—there are several—before the U.N. or the United States takes military action: First, it is clear we need a continued, multilateral approach. The President must continue to make the disarmament of Iraq a global issue. The rhetoric surrounding Iraq earlier this summer was unilateralist. It offended our allies and others who might have been with us. It brandished the view around the world that the United States is an arrogant power, and did serious damage to our relationship with many important powers in the Middle East region.

The President's September speech to the United Nations reflected a new chapter and much needed improvement in the administration's efforts to confront Saddam Hussein. He made clear that the priority of the administration was to mobilize an international effort to enforce the cease-fire.

Second, we must understand what our successful military strategy is. This vote is not an endorsement of the President's military strategy, mainly because we have not been given what it is. However, there is good reason to believe that this operation, which may require force to enter Baghdad, will prove substantially more complex and difficult and costly than Operation Desert Storm—not only in its economic cost, but most important, in the lives of soldiers and innocent Iraqi citizens. This is, indeed, a troubling scenario. And if the administration ultimately acts within the scope of this authorization, it must be up front and honest with Congress and the American people in explaining what we are up against.

Third, we must have a postwar commitment strategy. This vote is not an endorsement of the President's postwar scenario either, largely because I have not seen details on that. We have heard some broad outlines, if, in fact, action by the U.N. or U.S. troops were taken. But we need to realize the process of creating a peaceful and stable post-Saddam Iraq will be huge and expensive and politically volatile.

If the President does not commit to multilateral military action, we must similarly commit ourself to a serious long-term strategy to bring about freedom, representative democracy, and prosperity to the people of Iraq. This will require a substantial obligation and commitment.

Fourth, fighting the broader war on terrorism cannot be left behind. And while the President has made the point that this effort is related, we need to make sure if we commit troops to the Persian Gulf, that we will not be diminishing our other efforts on the war on terrorism.

Fifth, and probably the challenge that most of my colleagues have tried to address, maintaining the Middle East stability. I do remain very concerned about the effective military action and the volatile situation that may occur in the Middle East. The Israeli-Palestinian conflict remains in a disappointing and potentially volatile state. We must be aware that any action in Iraq and the possible extension to Israel poses a serious threat to the future peace in this region.

If the administration or the U.N. selects military action against Iraq within the scope of this resolution, we must work aggressively through diplomatic channels to ensure that such action is kept separate and distinct from the Israeli-Palestinian conflict.

And lastly, we must protect Iraqi civilians. We cannot diminish the serious concerns regarding the effective potential military action on that population. They have been the victims of a brutal, harsh and inhumane dictator who has not only stripped away their political liberty and free expression but also distributed to Iraqi populations economic deprivation, malnutrition, lack of medicine, and diverted billions of dollars into other programs.

If the President of the United States or the U.N. determines that we should move forward within the framework of this resolution and military action must be taken, it must be used as a last resort.

The President needs to take leadership and work with Congress to incorporate the issues I have just mentioned and come back to Congress and consult with them.

I take this vote very seriously. The men and women in the Armed Forces from Washington State may very well be called into action. Whether it be our troops at Fort Lewis, our refueling tankers flying out of Fairchild Air Force Base in Spokane, our cargo planes from McChord, our radio jammers or P-2 aircraft out of Whidbey Island, or even the men and women of the USS *Abraham Lincoln* who were recently in the Persian Gulf, or the thousands of men and women serving in Washington State—I hope our vote tonight with the President's multilateral effort will lead to a successful result where we would not need to use these personnel. But if we do, I know these men and women will be ready to meet the task with conviction, resolve, and professionalism.

I do not now, nor have I ever believed, that military action is our preferred method to address international conflict. But I have seen over the last 11 years, Saddam Hussein has consistently failed to live up to the 1991 cease-fire agreement, and his noncompliance is a dangerous failure that this body must address. This problem is not going away. If anything, it will grow increasingly more dangerous as Saddam Hussein increases his chemical, biological, and nuclear weapons stockpile.

There is no question that we are looking for a strong and effective response from the United Nations Security Council, and I believe this vote sends an important message to the United Nations Security Council and gives the President the domestic backing he needs to get that international support. By being serious, forceful, and resolute in expressing our dissatisfaction with Saddam Hussein for his continued noncompliance, I think we are charting the best course for an international response. We are taking action in this body tonight, and we want the international community to take action with us.

I yield the floor.

The PRESIDING OFFICER. Under the unanimous consent agreement, the Chair recognizes the Senator from North Dakota for 30 minutes.

Mr. CONRAD. Mr. President, in a few moments we will make one of the most fateful decisions for our country. We will decide if we authorize the President to take this Nation to war. As with every momentous debate in this Chamber, our deliberations will resonate long into the future. Few decisions will have greater consequences to the people we represent and to the future of our Nation.

Before I ask young men and women to put themselves in harm's way, I must be convinced we have exhausted every other possibility, pursued every other avenue. For me, and I believe for the people I represent, war must be the last resort.

As we debate the course this Nation will take, some facts are clear and unassailable. Saddam Hussein is a menace to the whole region of the Middle East and a vicious tyrant who harms and oppresses his own people. He has waged war against neighboring nations, and he has attacked the people of his own country. He has acquired chemical and biological weapons. He is attempting to acquire nuclear weapons and the means to deliver those weapons using ballistic missiles.

There is no question that Saddam Hussein is ignoring the will of the United Nations and that he has not honored the agreements he made following the Gulf War. Saddam Hussein is a dangerous force in the world.

I agree that we must take action. The question is, What course do we take? How do we best protect the national security of our country?

A decade ago in the gulf war, Saddam Hussein launched a surprise attack on Kuwait and we rallied a powerful international response to defeat him. Today, we debate a much different scenario. Saddam has not directly threatened his neighbors since the gulf war. In a recent threat assessment from the Central Intelligence Agency, it concludes that Iraq is not likely to initiate a chemical or biological attack on the United States. Yet the President is contemplating a preemptive invasion of Iraq with the goal of ousting Saddam Hussein and installing a new regime. Never before in the history of this Nation has the Congress voted to authorize a preemptive attack on a country that has not first attacked us or our allies.

Let me be clear. I do not oppose the use of force against this lawless and dangerous tyrant, but I cannot support the resolution before us as it stands. It is too broad and open-ended, and I do not believe it is in the national security interest of the United States. In my judgment, an invasion of Iraq at this time would make the United States less secure rather than more secure. It would make a dangerous world even more dangerous.

First, we have unfinished business with the terrorists of al-Qaeda. For the past year we have all agreed that combating al-Qaeda was our first priority. News reports just this morning warned us of the danger of renewed terrorist attacks against our country, organized and orchestrated by al-Qaeda. I believe defeating the terrorists who launched the attacks on the United States last September 11 must be our first priority before we launch a new war on a new front. Yet today the President asks us to take action against Iraq as a first priority. I believe that has the priority wrong.

Second, a unilateral invasion could prompt the very attack we seek to preempt. In just the last few days, the CIA has reported that there is a very low probability Saddam Hussein would launch a biological or chemical attack against the United States or our interests in the region. However, if we launch a unilateral invasion, the risk rises dramatically that a desperate Saddam would use biological and chemical weapons.

Brent Scowcroft, National Security Adviser to former President Bush, wrote that in the wake of an invasion:

> Saddam would be likely to conclude he had nothing left to lose, leading him to unleash whatever weapons of mass destruction he possesses.

Third, an invasion of Iraq for the purposes of regime change would necessitate a march on Baghdad. Such a course would expose our forces on the ground to serious risks in hand-to-hand, street-by-street urban warfare in a foreign capital. We would lose much of our advantage in superior airpower and technology. The military and civilian casualties could be substantial.

The former Commander in Chief of the U.S. Central Command, retired Marine Corps General Joseph Hoar, testified before Congress:

> In urban warfare you could run through battalions a day at a time. All our advantages of command and control, technology, mobility . . . are in part given up.

Those are sobering words—battalions a day at a time.

Fourth, a unilateral attack by the United States could destabilize an already volatile and dangerous region and inflame anti-American interests around the globe. An American invasion could doubtless impact the Israeli-Palestinian conflict. The backlash in Arab nations could further energize and deepen anti-American sentiment. Al-Qaida and other terrorist groups could gain more willing suicide bombers and raise even greater financial resources from the wealthy nations of the region.

General Wesley Clark, the former Supreme Allied Commander, Europe, put it succinctly: "If we go in unilaterally or without the full weight of the international organizations behind us, if we go in with a very sparse number of allies. . . . we're liable to super-charge recruiting for al Qaeda." Let me repeat that. "We're liable to super-charge recruiting for al Qaeda."

Fifth, if this nation asserts that preemptive military attacks are justified in this conflict, what are the consequences for other conflicts around the globe? Would India or Pakistan claim the same justification in Kashmir, raising the prospect of nuclear war in South Asia? Could China use this precedent to attack Taiwan, potentially drawing the U.S. into a major war with China? Could Russia use this justification to re-occupy parts of the former Soviet Union?

And sixth, while the financial costs of this effort should not drive this debate, we cannot ignore them. The Congressional Budget Office has just estimated that an invasion of Iraq could cost this nation $6 billion to $9 billion a month. That is a significant financial toll at any time, but particularly when we are still engaged in conflict in Afghanistan. The economic downturn makes the expense even harder to bear.

CBO estimates that the costs of an invasion plus a five-year occupation would reach some $272 billion. How will we pay for this? Does the White House propose new taxes? Or are we to assume that this will be paid for out of the Social Security trust funds? Will we go deeper and deeper into debt? Or does the President suggest cuts in key domestic programs, such as education, highways, or healthcare.

Which brings me to my final point. If our goal is to topple Saddam, what is our responsibility for the regime that follows:

Forming a new government in Iraq is far from simple. There is no clear successor to Saddam Hussein. Iraq is a country filled with competing ethnic groups and religious and tribal factions with no history of democracy.

I do not want to see our forces mired in a long occupation, in dangerous territory, in a destabilized region, subject to violence within Iraq. I do not want to see the United States responsible for the stability of Iraq, the economy of Iraq, and the political future of that nation.

I began by saying that while I do not oppose the use of force against this dictator, war must be our last resort. I believe history has important lessons for us.

Many other dangerous dictators have acquired weapons of mass destruction, or tried to. Yet we successfully contained the Soviet Union, Communist China, and North Korea and others without resorting to a pre-emptive first strike. Again and again, we have seen the scenario. A vicious dictator amasses weapons of mass destruction, threatens his neighbors, and threatens the United States.

Always in the past, we have chosen containment and deterence—not invasion. In the past, we have contained the dictator, rallied international support to isolate him, and together with our allies carried out a disciplined, forceful and effective strategy of deterrence. We did not launch an invasion.

Even when the Soviet Union placed nuclear missiles just 90 miles off our coastline, we did not invade. Rather, President John F. Kennedy issued an ultimatum—a successful ultimatum. We demanded the removal of those missiles. We succeeded, and we brought the world back from the brink of a nuclear conflict that might have engulfed the world.

Historian Arthur Schlesinger, Jr., recently asked: "Why not . . . try the combination of containment and deterrence that won us the Cold War? Saddam is not likely to attack other countries. He knows that he would be playing into Bush's hands. Retaliation would be prompt and overwhelming, and Saddam has no interest in suicide. The one situation that might induce him to use his weaponry is a U.S. attack on Iraq."

The historical lesson is clear. There are disciplined and forceful actions we can take against dictators and aggressors short of invasion, actions that can succeed.

Clearly, if Saddam Hussein were to attack this country—or if we had strong evidence that an attack on this country were imminent—we would have every right to defend ourselves. In that case, Saddam should have no doubt that the United States would obliterate him.

If the President has new knowledge on an imminent threat from Iraq that contradicts the statement of his CIA Director just this week that an attack is unlikely, he should reveal it to this Congress. I believe in protecting our people and our allies from imminent danger. But I believe the President must present stronger evidence to the Congress and the American public before he reverses a strategy that has worked well against dictators around the world. Before this nation strikes first, strikes unilaterally, strikes preemptively, we must know how this threat is different from those that have come before.

Inaction and appeasement are not options. We must be prepared to use force to defend out national security interests, with or without the support of the UN. And I support the use of force against Iraq in the following circumstances.

We need no one's permission to fight back when attacked, and force would be fully justified in the case of an Iraqi attack against this country or our allies. Force would also be justified if we were presented with clear and compelling evidence Saddam was preparing an imminent attack on this nation, or on our allies.

Additionally, the use of force would be justified if we were provided with credible evidence that Saddam was linked to the September 11th attacks on this nation or if Saddam were to provide weapons of mass destruction to terrorists.

Finally, I believe we must be prepared to use force in concert with our allies to destroy, Iraq's weapons of mass destruction if Saddam refuses to comply with UN resolutions ordering him to disarm.

I support the use of force when it is in our national security interest. I voted for the Levin amendment to authorize the use of force to disarm Saddam Hussein and affirm our right to self defense. I also voted for the Durbin amendment to authorize the use of force to destroy Iraq's weapons of mass destruction.

For all the reasons I have cited, I believe an invasion of Iraq must be a last resort, not a first response. Instead, I believe we can and should take a phased approach.

First, we should exhaust every option available to us at the United Nations. Saddam has defied the U.N. in the past, but the growing U.S. and international pressure, and the imminent threat of military action may give the process new life. Further, our allies will be more willing to join with us if we exhaust every option at the U.N.

Next, we should make every attempt to forge the same strong coalition of nations that brought Saddam to his knees during the Gulf War. The knowledge that he is an outlaw in the eyes of the world community will send a powerful message to Saddam to comply with the U.N. resolutions he agreed to after the Gulf War.

I believe we should issue an ultimatum to Saddam to allow weapons inspections and immediately disarm. If he does not comply we can then take swift military action to force his compliance and deprive him of his weapons. But I do not believe we should authorize an invasion of Iraq tonight.

I know this vote will place me with a small minority of colleagues here, but I must vote my conscience.

I say to the President and to my colleagues that while I do not support this resolution, I know it will pass. And if the President exercises the authority it grants him to launch a unilateral invasion of Iraq, I will stand with him. I will do everything in my power to support our troops and ask for the support of our allies. Like every American on that day, I will pray for the safety of our soldiers in battle, the wisdom of our leaders, a swift victory, and the lasting peace that has so far eluded the troubled peoples of the region.

Mr. LEVIN. Mr. President, I would like to explain why I am voting against final passage of the Lieberman amendment. I have already explained much of my reasoning during the debate on my earlier amendment, but I wanted to state my opposition in one place.

Section 4 of the Lieberman amendment authorizes the President to use the Armed Forces of the United States, one, "against the continuing threat posed by Iraq;" and, two, to "enforce all relevant United Nations Security Council Resolutions regarding Iraq."

This grant of authority under (1) above, with its threshold of "continuing threat," is virtually the issuance of a blank check to the President to use U.S. military force, since the Findings section of the amendment already contains the statement that "Iraq poses a continuing threat to the national security of the United States."

The only limitation on the President's authority is found in section 4 of the amendment which requires that the President submit his determination to the Congress, within 48 hours after he exercises such authority, that further diplomatic or other peaceful means alone will not protect our national security or is not likely to lead to enforcement of all relevant Security Council Resolutions and that exercising such authority is consistent with the continuation of the United States and other countries actions against international terrorism.

This grant of authority is also unacceptable since it empowers the President to initiate the use of U.S. military force although the threat against which it is used is not imminent. International law has required that there be an imminent threat before one initiates an attack under the rubric of self defense. The resolution's language regrettably, therefore, serves to implement the President's desire, as expressed in his September 2002 National Security Strategy, to "adapt the concept of imminent threat to the capabilities and objectives of today's adversaries." This unfortunate precedent, if followed by, for example, nation A as a justification to use aggressive military force in the name of self-defense against nation B that nation A perceives poses a continuing threat to it, although the threat is not imminent, could lead to an increase in violence and aggression throughout the world. And it could have extraordinary consequences for the world if one or both of such nations possess nuclear weapons, such as India and Pakistan.

The grant of authority under (2) above, to enforce all relevant U.N. Security Council Resolutions regarding Iraq is also unacceptable. For instance, Iraq is presently in default on its obligations under relevant Security Council Resolutions that require it to return Kuwaiti archives and property. It is exceedingly unwise to provide such a broad grant of authority when the real threat that Iraq poses is because of its refusal to destroy its weapons of mass destruction and prohibited delivery systems.

The Lieberman amendment also sends the wrong message to the United Nations. It contradicts the thrust of the President's speech to the U.N. General Assembly on September 12 when he said "We will work with the U.N. Security Council for the necessary resolutions" and "We want the United Nations to be effective, and respectful, and successful." That is so because, at the same time that Secretary of State Powell is trying to negotiate with the U.N. Security Council for the very resolution that the President said he wants, the Congress would be vesting extraordinary authority in the President of the United States to "go it alone," to use U.S. military force whether or not the Security Council authorizes Members States to use military force to enforce its resolutions. By telling the Security Council, if you don't act, we will, we are letting them off the hook. We should, instead, as we did at the time of the Gulf War, be putting all of our focus on having the Security Council adopt the requisite resolution and committing forces to implement it. We should be working to unite the world community, not divide it.

Finally, and perhaps most importantly, the Lieberman amendment compounds all of these problems by authorizing the use of U.S. military force at this time unilaterally, i.e., without U.N. Security Council authorization. The unilateral, go-it-alone use of U.S. military force carries with it all of the risks that could be avoided or, at least, reduced by acting multilaterally, i.e., with the strength and world-wide political acceptance that flows from U.N. authorization. If we act unilaterally, will we be able to secure the use of airbases, supply bases, and overflight rights that we need; will there be a reduction in the international support we are receiving for the war on terrorism; will it destabilize an already volatile region and undermine governments such as Jordan and Pakistan; will Saddam Hussein and his generals be more likely to use weapons of mass destruction against our forces and other nations in the region; will we be undercutting efforts to get other nations to help us with the expensive, lengthy task of stabilizing a post-Saddam Iraq? These are serious short- and long-term risks that will be exacerbated if we act unilaterally rather than multilaterally.

Accordingly, and for all of these reasons, I will cast my vote against final passage of the Lieberman amendment.

VOTE ON AMENDMENT NO. 4856, AS MODIFIED

The PRESIDING OFFICER. Under the unanimous consent agreement, the question now occurs on agreeing to amendment No. 4856, as modified.

The amendment (No. 4856), as modified, was agreed to.

Mrs. BOXER. Mr. President, in 1991, just prior to the Persian Gulf war, I was the author of legislation that would have allowed one parent of a dual military couple to receive a waiver from deployment to areas where combat is imminent.

I remain very concerned about this issue and fear that if the President decides to use force against Iraq, minor children may face a situation in which both parents are deployed. The Military Family Resource Center estimates that there are approximately 35,000 dual military couples with children serving in the military today.

According to the Department of Defense, request for combat exceptions can be submitted at any time and military personnel may apply for reassignment for humanitarian or compassionate reasons. However, there are no specific policies restricting both parents from being assigned to a war zone.

I hope the Senator from Virginia, the ranking member of the Armed Services Committee, will join me in urging the Secretary of Defense to do everything possible to see that dual military couples are not deployed concurrently to a war zone.

Mr. WARNER. I understand the Senator's concerns, and I believe that the Department of Defense is already very sensitive to this situation, as reflected in the assignment policies of the military services. I trust the Department will continue to make every reasonable effort, through existing practices and policies, to avoid situations in which both parents would be deployed to a combat zone.

I thank the Senator from California for once again focusing attention on this issue.

Mr. REID. Mr. President, this is an important issue that Senator BOXER has raised and that she has been concerned about for many years: that is, when both parents of minor children are in the military, the Secretary of Defense should make every effort to ensure that both parents are not deployed in combat at the same time.

If we do indeed go to war against Iraq, this is an important issue that needs to be addressed, and I thank the Senator from California for raising it.

Mr. SHELBY. Mr President, I rise today in support of the resolution authorizing the use of military force against Iraq.

I support this resolution because the threat posed by the brutal dictatorship of Saddam Hussein is real, immediate, and growing.

The threat is real because Saddam possesses conventional, chemical, and biological weapons. He also is doing everything in his power to acquire the means to construct and field nuclear weapons.

The threat is real because Saddam has used his conventional and chemical weapons to attack his neighbors and his own people.

The threat is real because Saddam has openly defied the world and has made no secret of his enmity toward the United States and our allies. Saddam even attempted to assassinate a former American President.

The threat is immediate and growing because Saddam has extensive and growing ties to terrorist organizations that have either attacked the United States or declared the United States to be a legitimate target of their twisted crusade that they call "jihad."

The threat is immediate and growing because Saddam has developed the ability to deliver his poisons and pestilence by unmanned aerial vehicles that can easily be smuggled into the United States.

The threat is immediate and growing because Saddam has circumvented the sanctions regime to such an extent that he is virtually unrestrained by resources in his pursuit of weapons of mass destruction.

Let me put this in a historical context.

Following its bloody war with Iran, Hussein's Iraq was heavily in debt. While continuing to spend billions on weapons of mass destruction and long-range missiles, Saddam, in 1990, invaded and plundered Kuwait in order to help pay his bills. With that act, he made it clear that his priority was to feed the war machine which kept him in power.

In 1991, Kuwait was liberated and the Persian Gulf war ended when Saddam Hussein committed to abide by U.N. Security Council resolutions. Since then, he has broken those commitments. He ignored U.N. weapons prohibitions and ruthlessly crushed rebellions of the Shia and the Kurds.

Today, he continues to violate U.N. resolutions, the very commitments he made to save his regime. His actions continue to impose terrible hardships on his own people. After a decade of sanctions, Saddams's unwillingness to relinquish his prohibited weapons programs continues to cost his country tens of billions of dollars.

There are those who believe that a new U.N. Security Council resolution and renewed inspections are the answer. In reality, inspections will accomplish little, delay the inevitable and provide Saddam with yet more time to field additional weapons of mass destruction.

U.N. Security Council Resolutions have required much of Saddam and produced very little.

Starting in April 1991, Resolution 687 requires Iraq to declare, destroy, remove, or render harmless under U.N. or

International Atomic Energy Agency supervision and not to use, develop, construct, or acquire all chemical and biological weapons, all ballistic missiles with ranges greater than 150 kilometers, and all nuclear weapons-usable material, including related material, equipment, and facilities. What has happened?

Saddam has refused to declare all parts of each WMD program, submitted several declarations as part of his aggressive efforts to deny and deceive inspectors, and ensured that certain elements of the program would remain concealed. The prohibition against developing delivery platforms with ranges greater than 150 km allowed Baghdad to research and develop shorter-range systems with applications for longer-range systems.

Additionally, the prohibition did not affect Iraqi efforts to convert full-size aircraft into unmanned aerial vehicles for use as potential WMD delivery systems with ranges far beyond 150 km.

Resolution 707 enacted in August 1991, requires Iraq to allow U.N. and International Atomic Energy Agency, IAEA, inspectors immediate and unrestricted access to any site they wish to inspect. it also demands that Iraq provide full, final, and complete disclosure of all aspects of its WMD programs; cease immediately any attempt to conceal, move, or destroy WMD-related material or equipment; allow UNSCOM and IAEA teams to use fixed-wing and helicopter flights throughout Iraq; and respond fully, completely, and promptly to any Special Commission questions or requests. What has happened?

In 1996, Saddam negotiated with the UNSCOM Executive Chairman modalities that it used to delay inspections, to restrict to four the number of inspectors allowed into any site Baghdad declared as "sensitive," and to prohibit them from visiting altogether sites regarded as sovereign. These modalities gave Iraq leverage over individual inspections. Iraq eventually allowed larger numbers of inspectors into such sites but only after time consuming negotiations at each site.

Resolution 715 adopted in October 1991, requires Iraq to submit to long-term monitoring of Iraqi WMD programs by UNSCOM and IAEA; approved detailed plans called for in United Nations Security Council Resolutions 687 and 707 for long-term monitoring.

In reality, Iraq generally accommodated U.N. monitors at declared sites but obstructed access and manipulated the monitoring process.

Beginning in March 1996, Resolution 1051 established the Iraqi export and import monitoring system. This system requires U.N. members to provide IAEA and UNSCOM with information on materials exported to Iraq that may be applicable to WMD production, and requires Iraq to report imports of all dual-use items.

In reality, Iraq is negotiating contracts for the procurement, outside of U.N. controls, of dual-use items with WMD applications. The U.N. lacks the staff needed to conduct thorough inspections of goods at Iraq's borders and to monitor imports inside Iraq.

In June 1996 the following resolutions were adopted: Resolutions 1060, 1115, 1134, 1137, 1154, 1194, and 1205. These demand that Iraq cooperate with UNSCOM and allow inspection teams immediate, unconditional, and unrestricted access to facilities for inspection and access to Iraqi officials for interviews. U.N. Security Council Resolution 1137 condemns Saddam for his refusal to allow entry into Iraq of UNSCOM officials on the grounds of their nationality and for his threats to the safety of U.N. reconnaissance aircraft.

Throughout the inspection process in Iraq, Saddam consistently sought to impede and limit UNSCOM by blocking access to numerous facilities, sanitizing sites before the arrival of inspectors and routinely attempting to deny inspectors access to requested sites and individuals. At times, Saddam would promise compliance to avoid consequences, only to renege later.

Resolution 1154 enacted in March 1998, demands that Iraq comply with UNSCOM and IAEA inspections and endorses the Secretary General's memorandum of understanding with Iraq, providing for "severest consequences" if Iraq fails to comply.

Resolution 1194 adopted in September 1998, condemns Iraq's decision to suspend cooperation with UNSCOM and the IAEA.

Resolution 1205 adopted November 1998, condemns Iraq's decision to cease cooperation with UNSCOM.

These resolutions were meaningless without Iraqi compliance. Baghdad refused to work with UNSCOM and instead negotiated with the Secretary General, whom it believed would be more sympathetic to Iraq's needs.

Finally, in December 1999, Resolution 1284 established the United Nations Monitoring, Verification, and Inspection Commission, UNMOVIC, replacing UNSCOM. The resolution demanded that Iraq allow the commission's teams immediate, unconditional, and unrestricted access to any and all aspects of Iraq's WMD programs.

Iraq repeatedly has rejected the unrestricted return of U.N. arms inspectors and claims that it has satisfied all U.N. resolutions relevant to disarmament. Compared with UNSCOM, Resolution 1284 gives the UNMOVIC chairman less authority, gives the Security Council a greater role in defining key disarmament tasks, and requires that inspectors be full-time U.N. employees.

Saddam has manipulated the U.N. before, and if permitted, he will do it again. Right now, Saddam is "shuffling the deck" to hide his prohibited items in anticipation of the return of inspectors.

I believe that inspectors will not set foot in Iraq until Baghdad is ready for them. If they were to return, they would be starting from square one in a hostile and deceitful environment.

In a June 11, 2000 article, Charles Duelfer, the former deputy executive chairman for UNSCOM, noted that, ". . . the attempt to disarm Iraq of its weapons of mass destruction was doomed from the start. This failure repeats the same mismatch between disarmament goals and disarmament mechanisms that frustrated efforts to disarm Germany . . ." after the First World War.

In the Versailles Treaty of 1919, the victorious allies imposed disarmament obligations upon a defeated Germany. An international organization called the Inter-Allied Control Commission was created to implement those provisions. The Germans, however, were very adept at denial and deception. Consequently, Germany was able to preserve illicit armaments and weapons production. The Germans argued that the inspectors were too demanding and acted like spies. Does this rhetoric sound familiar?

The lessons of appeasement are not intended solely for history classrooms. These lessons are to be learned and where relevant, applied. Saddam Hussein's priorities have not changed and I do not believe that they ever will, so we must act before his alliance with terror finds it way to our shores.

Much has been said about how unprecedented it would be to engage in anticipatory self defense by taking military action against Iraq. In one respect, this is true: it is a step that our country has historically tended to shy away from taking.

But "unprecedented" is not the same thing as illegal or improper. Scholars have debated the idea of anticipatory self-defense for many years, and while there is no consensus upon its exact meaning, the idea is clearly not foreign to international law.

Under article 2 of the United Nations Charter, countries may not use the "threat or use of force" in a manner inconsistent with the purposes of the United Nations. Article 51 of the charter also recognizes that countries have an inherent right of both individual and collective self-defense.

Reading articles 2 and 51 together, it is clear to me that the right to self-defense can arise not only in response to the "use" of force but also in response to the threat of the use of force.

That this must be the case should be clear to anyone familiar with the dangers of the modern world. At some point in the past, it might have been possible to wait until an attack actually occurs before striking back. Today, however, such a rule would clearly be unworkable, so dangerously unworkable as to imperil the inherent right of self-defense in the first place.

Today, the proliferation of weapons of mass destruction make it madness to wait until one is attacked first. These basic military realities compel us to understand the idea of self-defense in response to a threat in broader ways than before.

To paraphrase U.S. Supreme Court Justice Robert Jackson, the law is not a suicide pact.

The law does not require us to wait for a biological weapon such as smallpox or a genetically engineered anthrax strain to be used to kill potentially millions of Americans before we have the right to attack the would-be user.

Especially in this age of modern transportation, biological weapons know no boundaries. From 1918 to 1919, the influenza pandemic killed between 20 and 40 million people worldwide. Today's biological weapons scientists have the capacity to cause even worse mayhem, not just to any single target country, but perhaps to everyone on the planet.

We have long recognized such principles in our domestic law. A policeman, for instance, need not wait for a criminal to actually shoot at him before he can use lethal force in self-defense.

The United States has been involved in Iraq for years in attempting to enforce the many Security Council resolutions violated by Iraq. Throughout this entire period, Iraq has continually fired upon our forces, and those of our allies, with conventional weapons.

Iraq has a large and expanding biological and chemical weapons program. And he is doing everything in his power to add nuclear weapons and long-range ballistic missiles to his arsenal.

The law does not require us to wait to be attached with the other weapons in Saddam's arsenal before completing the task the Security Council has set for ending the threat Iraq poses to international peace and security. The law does not require this, and our security, and that of other countries in the region, and around the world, does not permit it.

I will close with these final thoughts. There are those at home and abroad who criticize U.S. intent to take action. I remind them that the United States did not pick this conflict. The United States doe not want this fight. Saddam Hussein forced our hand by not complying with his obligations under the 1991 cease fire. He forced our hand by not complying with U.N. resolutions. He forced our hand by building alliances with terrorists.

We do not make this decision lightly, we are very aware of the potential costs of taking action, but we are much more aware of the costs of not taking action. As said by Edmond Burke, "All that is necessary for the triumph of evil is that good men do nothing."

I urge my colleagues to support this resolution.

Mr. DORGAN. Mr. President, I have decided that I will cast a vote tonight to authorize the President to use force if necessary to find and destroy any weapons of mass destruction under the control of Saddam Hussein in Iraq.

Some of my colleagues have expressed the ease with which they will vote to authorize the use of force. For me it has been very difficult.

When we cast a vote that could send our sons and daughters to war, it is deadly serious business. It requires us to ask tough questions and demand good answers.

And while I will vote to authorize the President to use force if necessary, I do so with reservation because I believe very strongly that force should be an option that is used only as a last resort, after all other diplomatic and peaceful means have been exhausted. And, if force is necessary , it ought to be carried out with a coalition of countries in whose interest it is to rid Iraq of weapons of mass destruction.

I want to stress that I would never have voted for the resolution in the form that the White House originally asked Congress to approve. That proposal asked Congress to give the President a blank check to use force, with or without the backing of other nations, not just to disarm Iraq, but also to deal with unspecified threats to American interests anywhere in the region.

However, the Joint Resolution that Congress will vote on tonight is fundamentally different from the one the President sent to us. It was narrowed substantially in scope through bipartisan negotiations.

First, this resolution focuses specifically on the threat posed by Iraq, instead of giving the President broad and unfocused authorization to take action in the region, as the Administration originally sought. Second, the resolution expresses the conviction that President Bush should continue to work through the United Nations to secure Iraq's compliance with U.N. resolutions. Third, this resolution makes it clear that the President must exhaust diplomatic and peaceful efforts before he can use force against Iraq. And fourth, this resolution protects the balance of power by requiring the President to comply with the War Powers Act.

I believe it is the right course to go to the United Nations, extract from the Security Council the tough new resolution requested by the President, and then coercively enforce that resolution with a coalition of countries who will not only bear the burden of fighting along side us if it is required, but who will also bear the expensive burden of occupation, peace keeping and nation building following any military action.

My fervent hope is that the Joint Resolution we pass tonight authorizing the President to use force if necessary to disarm Iraq will spur the United Nations Security Council to take similar action. And I hope that the action of Congress and the United Nations together will convince Saddam Hussein to allow complete and unfettered inspections and to cooperate in the elimination of any weapons of mass destruction that he still possesses.

With a backdrop of the September 11 terrorist attacks on the United States and the clear and present danger to our country of future terrorist attacks, coupled with the evidence that Saddam Hussein is aggressively trying to acquire nuclear weapons, I finally concluded that, if we err in this matter, we must err on the side of our national security interests. The stakes are too high, and the consequences too deadly to do otherwise.

The final point I will make about this resolution is that our confrontation with Iraq is dramatically different from our confrontation with any other "rogue" country. Saddam Hussein has consistently defied the terms of surrender to which he agreed at the end of the Gulf War in 1991. We know that he lied about his weapons of mass destruction and hid them from United Nations inspectors. We know that he secretly continued to produce chemical and biological agents. We know that he is still trying to acquire nuclear weapons.

I've been to the Incerlik Air Base in Turkey where American fighter pilots fly air cover over the Northern Iraq no-fly zone. I know firsthand that Iraq continues to fire on our pilots who are just doing what Saddam Hussein promised to allow under the terms of the Gulf War surrender.

I know there are some who say, "well, let's not be so hasty. There's another way, let's explore other options." But the fact is we have worked for 10 years without success to force Iraq to comply with the terms of its surrender following the Gulf War. So, to those who say let's give them more time, I say this situation is unique. Iraq has had a decade to comply, and the tyrant who runs it has demonstrated that he has no intention of complying without the threat of the use of force.

I will vote for this resolution because I think that it is important that we unite behind our President to deal with the clear and present danger that Iraq poses to our national security. But I want to point out a few concerns about aspects of this administration's foreign policy which I consider to be very troubling.

Recently the Bush administration released a new 33-page National Security Policy document that has alarmed even our closest allies because it declares that it is America's new policy to maintain overwhelming military might and to use preemptive force whenever and wherever it suits our national interests.

Few would deny that the United States has the right to go after terrorists or rogue states preemptively if we are in serious danger of being attacked by a weapon of mass destruction. So what in the world was the administration thinking when it decided to release this document at the same time that our diplomats around the world are seeking the support of the international community for action against Saddam Hussein?

In my judgment, this is an example of the Bush administration's approach to foreign policy that has largely abandoned the successful strategies we've employed for decades to weld together alliances and coalitions of our allies to tackle the threats and challenges of an unstable world.

Another issue that relates to this debate is America's role in the international effort to stop the proliferation of nuclear weapons.

One of the centerpieces of the debate about the danger Iraq poses for the rest of the world is that Saddam Hussein might soon possess a nuclear weapon. I acknowledge the danger that would pose for the region and the rest of the world, but I want to ask those who are experiencing seizures over that prospect: where is their concern about the larger danger posed by the spread of nuclear weapons to other countries and to terrorists?

Year after year, and time after time those who now appear most alarmed about the prospect that Iraq would possess even one nuclear weapon, are the same people who are unwilling to exert U.S. leadership in the international effort to stop the proliferation of nuclear weapons.

For example, President Bush has appointed John Bolton to be the Assistant Secretary of State responsible for arms control even though Bolton's stated position is that he doesn't believe in arms control. This administration, and its supporters in Congress, have demonstrated a lack of interest in making any effort to stop the spread of nuclear weapons.

They oppose the Comprehensive Nuclear Test Ban Treaty even though a blue-ribbon panel of the National Academies of Science recently concluded that the treaty would significantly enhance U.S. security by slowing the spread of nuclear weapons.

And this administration and its supporters want to deploy a new generation of "designer" nuclear weapons that could be used like conventional weapons. Nothing would do more to undermine international efforts to stigmatize countries that aspire to become nuclear powers.

Perhaps now the prospect of a country like Iraq acquiring one nuclear weapon will convince the Bush administration that safeguarding the nuclear weapons that exist around the world, reducing nuclear stockpiles, and stopping the proliferation of nuclear weapons to other countries and to terrorists must be among this country's top priorities.

There are somewhere in the neighborhood of 25,000–30,000 nuclear weapons in the world today. A fair number of them are not very well controlled, particularly in Russia, which has thousands of nuclear weapons in storage facilities that fall far short of American security standards. Russia also has enough highly enriched uranium and weapons-grade plutonium for 80,000 nuclear weapons. Much of it is poorly protected against theft or diversion.

One nuclear weapon in the wrong hands will make the devastating tragedy of 9/11 seem like a small incident by comparison. That is why this issue is so critical, and it is why I raise it now to point out the inconsistency of those who are pushing so hard to use force against Iraq but who are so unwilling to exhibit any muscle in dealing with the broader and potentially more devastating problem of the proliferation of nuclear weapons.

So I will vote for this Joint Resolution because I am convinced it is time for the United States to assume leadership in the effort to disarm Saddam Hussein and make Iraq live up to the commitments it made after the Gulf War. But I hope that President Bush will help prevent further Iraqs by stepping forward and exerting US leadership in the international effort to prevent the proliferation of nuclear weapons and other weapons of mass destruction.

Mr. EDWARDS. Mr. President, I am here to speak in support of the resolution before us, which I cosponsored. I believe we must vote for this resolution not because we want war, but because the national security of our country requires action. The prospect of using force to protect our security is the most difficult decision a Nation must ever make.

We all agree that this is not an easy decision. It carries many risks. If force proves necessary, it will also carry costs, certainly in resources, and perhaps in lives. After careful consideration, I believe that the risks of inaction are far greater than the risks of action.

Saddam Hussein's regime represents a grave threat to America and our allies, including our vital ally, Israel. For more than two decades, Saddam Hussein has sought weapons of mass destruction through every available means. We know that he has chemical and biological weapons. He has already used them against his neighbors and his own people, and is trying to build more. We know that he is doing everything he can to build nuclear weapons, and we know that each day he gets closer to achieving that goal.

Iraq has continued to seek nuclear weapons and develop its arsenal in defiance of the collective will of the international community, as expressed through the United Nations Security Council. It is violating the terms of the 1991 cease-fire that ended the Gulf war and as many as 16 Security Council resolutions, including 11 resolutions concerning Iraq's efforts to develop weapons of mass destruction.

By ignoring these resolutions, Saddam Hussein is undermining the credibility of the United Nations, openly violating international law, and making a mockery of the very idea of collective action that is so important to the United States and its allies.

We cannot allow Saddam Hussein to get nuclear weapons in violation of his own commitments, our commitments, and the world's commitments.

This resolution will send a clear message to Iraq and the world: America is united in its determination to eliminate forever the threat of Iraq's weapons of mass destruction.

The United States must do as much as possible to build a new United Nations Security Council coalition against Saddam Hussein.

Although the administration was far too slow to start this diplomatic process, squandering valuable time to bring nations to our side, I support its recent efforts to forge a new U.N. Security Council resolution to disarm Iraq.

If inspectors go back into Iraq, they should do so with parameters that are air-tight, water-tight, and Saddam-tight. They should be allowed to see what they want when they want, anytime, anywhere, without warning, and without delay.

Yet if the Security Council is prevented from supporting this new effort, then the United States must be prepared to act with as many allies as possible to address this threat.

We must achieve the central goal of disarming Iraq. Of course, the best outcome would be a peaceful resolution of this issue. No one here wants war. We all hope that Saddam Hussein meets his obligations to existing Security Council Resolutions and agrees to disarm, but after 11 years of watching Hussein play shell-games with his weapons programs, there is little reason to believe he has any intention to comply with an even tougher resolution. We cannot trust Saddam Hussein, and we would be irresponsible to do so.

That is why we must be prepared to use force, if necessary, to disarm Saddam Hussein, and eliminate Iraq's weapons of mass destruction once and for all.

Almost no one disagrees with these basic facts: that Saddam Hussein is a tyrant and a menace; that he has weapons of mass destruction and that he is doing everything in his power to get nuclear weapons; that he has supported terrorists; that he is a grave threat to the region, to vital allies like Israel, and to the United States; and that he is thwarting the will of the international community and undermining the United Nations' credibility.

Yet some question why Congress should act now to give the President the authority to act against Saddam Hussein's weapons of mass destruction.

I believe we should act now for two reasons: first, bipartisan congressional action on a strong, unambiguous resolution, like the one before us now, will strengthen America's hand as we seek support from the Security Council and seek to enlist the cooperation of our allies.

If the administration continues its strong, if belated, diplomacy, backed by the bipartisan resolve of the Congress, I believe the United States will succeed in rallying many allies to our side.

Second, strong domestic support and a broad international coalition will make it less likely that force would need to be used. Saddam Hussein has one last chance to adhere to his obligations and disarm, and his past behavior shows that the only chance he will comply is if he is threatened with force.

Of course, there is no guarantee that he will comply even if threatened by force, but we must try.

Others argue that if even our allies support us, we should not support this resolution because confronting Iraq now would undermine the long-term fight against terrorist groups like al-Qaida. Yet, I believe that this is not an either-or choice. Our national security requires us to do both, and we can.

The resolution before us today is significantly better than the one the president initially submitted. It is not a blank check. It contains several provisions that I and many of my colleagues have long argued were required.

First, it gives the administration the authority to use all necessary means to eliminate the threat posed by Saddam Hussein's weapons of mass destruction.

Second, it calls on the administration to do as much as possible to forge a new U.N. Security Council mandate, understanding that if new Security Council action proves impossible, the United States must be prepared to act with as many allies as will join us.

Third, it requires the administration to report to Congress on its plans to assist with Iraq's transition to democracy after Saddam Hussein is gone.

It is in America's national interest to help build an Iraq at peace with itself and its neighbors, because a democratic; tolerant and accountable Iraq will be a peaceful regional partner. Such an Iraq could serve as a model for the entire Arab world.

So far, we have not heard nearly enough from the administration about its plans for assisting the Iraqi people as they rebuild their lives and create a new, democratic government. The president has said that the U.S. will help, but he hasn't offered any details about how.

As we have learned in Afghanistan, this administration's words are not enough. This resolution will require the administration to move beyond its words and share with Congress, and the world, its concrete plans for how America will support a post-Saddam Iraq.

Finally, in taking this action, Congress must make clear that any actions against Iraq are part of a broader strategy to strengthen American security in the Middle East, and indeed around the world.

We must do more to support existing non-proliferation and disarmament programs that can help prevent access to the weapons-grade materials that tyrants like Saddam Hussein want. We must demand America's active and continuous involvement in addressing the crisis between Israel and the Palestinians, and promoting democratization throughout the Arab world. We must commit to developing a national strategy for energy security, one that would reduce our reliance on the Middle East for such critical resources.

The decision we must make now is one a nation never seeks. Yet when confronted with a danger as great as Saddam Hussein, it is a decision we must make. America's security requires nothing less.

Mr. BAUCUS. Mr. President, I rise today to speak out on the issue of Iraq. This conceivably is one of the most important issues that we as a governing body will address in what remains of the 107th Congress.

Let me start by saying that Saddam Hussein is a dangerous man. As many of my colleagues have already pointed out, he has actively engaged in attacking Americans in the region. He has actively engaged in deploying chemical and biological weapons against his own people. He has participated in genocide against his own people. He has continually deceived U.N. weapons inspectors. He has failed to comply with U.N. resolutions to disarm his weapons of mass destruction. He was involved in an assassination attempt against former President George Bush senior. He has committed serious acts of aggression against his neighbors.

These are all acts of a man that cannot be trusted.

Back in 1998, the Senate passed the Iraqi Liberation Act that declared it should be the policy of the United States to seek to remove Saddam Hussein from power in Iraq and replace him with a democratic government. I supported this bill and believe that Saddam continues to be a detriment to his people. The Iraqi people deserve a chance to be free from a vicious dictator.

Our actions today go far beyond declaring Saddam a danger to his people and to the rest of the world. Our actions today will authorize the use of force in the case Saddam refuses once again to defy U.N. resolutions and disarm. Our actions today could send our sons and daughters to battle. And, our actions today, if not handled cautiously, could erupt into a conflict we as a nation are not prepared to address. This is not something we can take lightly.

Last week, a bipartisan group of Congressmen and Senators brokered an agreement with the President and produced a resolution that strikes a good balance between diplomacy and force. The resolution supports exhausting diplomatic means to disarm Saddam prior to engaging in the use of force. It also provides the President with adequate flexibility to do what needs to be done in the case that Saddam refuses to disarm. I have cosponsored this bipartisan agreement and believe that the focus of the resolution is appropriate.

I believe that a strong resolution is necessary to protect the American people from threats posed by Saddam Hussein. And while I believe we should strive to garner the support of the U.N. and our allies around the world, we must ensure that we don't limit our ability to act to protect American lives.

Mr. SMITH of Oregon. Mr. President. I have the privilege of serving in what was, for 30 years, Mark Hatfield's seat in the United States Senate. And as those who served with him know, no one is more dedicated to peace than Mark Hatfield. As I have thought about the question of going to war with Iraq, I find myself mindful of Senator Hatfield, and I am likewise committed to working for peace.

I am also very mindful of the Oregonians who have expressed to me their hopes and prayers for peace. And it is precisely because I want peace that I stand today to express my support for this resolution.

I believe in peace and diplomacy. These values have guided my service on the Senate Foreign Relations Committee. And rather than an immediate declaration of war, I strongly believe that this resolution is but one step in a continuing diplomatic process.

I have no doubt that Saddam Hussein presents an imminent threat to America, our freedom and our way of life. The proof lies in Baghdad. Over the last decade we have collected a considerable body of evidence that Hussein is amassing weapons of mass destruction, weapons that he has already used on his own people.

It is only with a heavy heart that any of us can reach the solemn conclusion that our young men and women may have to risk their lives in defense of our Nation. But the heavy weight of proof moves us now to prevent the loss of more American lives.

More than a decade ago, the United States led a coalition of nations against the tyrannical regime of Saddam Hussein. The United Nations resolutions that followed Saddam's surrender required Iraq, among other things, to halt its chemical, biological and nuclear weapons programs, account for POWs from the Gulf War, and cease its support for terrorism. Since that time, Saddam Hussein has continually and flagrantly violated the U.N.'s requirements. In less than 12 years, he has defied 16 Security Council resolutions and provoked at least 30 Council statements condemning these violations. He has exploited the goodwill of the international community, oppressed his people, devastated his nation and developed weapons of mass destruction.

Today, as it was then, we are called as Americans not simply to contribute to an international coalition, but to lead it. That obligation became all the more clear when last year's terrorist attacks ushered in an era when threats are more tangible, where civilians are at risk, and where deterrence no longer works. I believe the free nations of the world will again join us in the fight against tyranny, and I still hold out hope that the danger Iraq poses can be eliminated without war.

But today, we must choose whether to allow Saddam Hussein to continue threatening the civilized world or to disarm him. I believe we must choose the latter. We will first exhaust every peaceful means in our effort, but confront him we must.

Saddam Hussein has attacked Iran, Israel, Kuwait and Saudi Arabia. He recently called on the people of the Arab world to attack the United States and he is an avowed enemy of the democracy in the Middle East, Israel. He is a man who murdered his own people in chemical attacks and systematically attempted to destroy an ethnic minority in his nation. To believe that Saddam Hussein would hesitate to launch future attacks would be to turn a blind eye to a lethal mix of weapons of mass destruction and terrorists waiting to use them.

In addition to the arms we are certain he has, overwhelming evidence indicates that he continues to develop weapons of mass destruction with the full intention of using them. High level Iraqi defectors have provided similar evidence of biological and nuclear weapons programs, evidence that is substantiated by Saddam's actions. We know that he has sold $3 billion worth of oil illegally this year, money that is unaccounted for, while importing materials used in nuclear enrichment programs. All the while, he has called Iraq's nuclear scientists "the salvation of his nation."

On September 12, President Bush outlined these facts when he spoke to the United Nations. As he said then, Saddam is truly defying the U.N., not only the United States. The 16 resolutions Iraq has violated were not issued by the U.S. Congress, but by the U.N. Security Council, the highest body of international diplomacy. While few reasonable people would disagree that Saddam Hussein is dangerous and will attack America and its allies whenever it is possible, the President was correct in seeking international support for confronting Iraq.

Diplomacy and efforts toward peace are always preferable to war. But if war is unavoidable, it is best to have the backing of the world community. Immediately following the president's call to action, international support began to increase. And the president continues to build on that support. I believe that with the passage of this resolution we will see our allies join in lending our sons and daughters in seeking a peaceful regime in Iraq.

The United Nations now has the opportunity to prove itself to be an important world body. It is incumbent upon the U.N., and especially the Security Council, to ensure that if Saddam Hussein fails to fulfill his most recent commitments to weapons inspectors, he does not do so with impunity.

I would like to conclude by telling you about a trip I made earlier this year. I traveled to Coos Bay, OR to attend the memorial service of a remarkable young man named Bryan Bertrand. Bryan was a 23-year-old Marine who gave his life for his country when his C–130 crashed into a mountain near the Afghan-Pakistan border. The memorial service program included excerpts from the last letter that Bryan had sent his parents.

In this letter he explained why he had turned down the opportunity to return to duty in the United States. "You know me," wrote the former high school athlete, "I always hated sitting on the bench."

In those words, we can find our calling as a Nation. If Saddam Hussein does not comply with United Nations resolutions and if he continues to build and stockpile weapons of mass destruction, then America can no longer sit on the bench. We must take the heavy mantle of leadership to seek a peaceful regime change. This burden rests on the President, on the Congress, but more importantly, it rests on the people of the United States. For it is the American people, 3,000 of whom died on September 11, 2001, who are Saddam's targets. We are targets because ours is a Nation that is the beacon of liberty in the world. We must never forget that, and we must never take it for granted.

Mr. HARKIN. Mr. President, the debate here in this chamber is being held in community halls, meeting places and living rooms across America and across Iowa. Many Iowans have told me in recent weeks that going to war should be the last resort for our Nation and I agree with them.

Saddam Hussein is a brutal dictator, who has brought nothing but pain and suffering to the Iraqi people and threat and instability to his neighbors throughout the Persian Gulf and the Middle East. He invaded Iran before he invaded Kuwait. He has aided and abetted the suicide bombers. He is guilty of countless crimes against humanity. He has even used chemical weapons against men, women and children in his own country. I understand the grave danger posed to America and the whole international community by weapons of mass destruction in the hands of a reckless dictator like Saddam Hussein. Since the terrorist hijackings and anthrax attacks in America last year, which wantonly took the lives of more than 3,000 people, all Americans are rightly concerned about the safety of our homeland and united in supporting the brave men and women who defend us and the cause of freedom around the world.

While there is not definite evidence of prior close collaboration between the al-Qaeda criminals who attacked our nation last year and Saddam Hussein, there is no doubt they might find common cause in attacking us and our allies at any time. Simply put: it is clear to me that the current situation in Iraq is an ongoing tragedy for the Iraqi people and an unacceptable menace for us, his neighbors, and the world. President Bush is to be commended for calling on the United Nations to confront this menace and Iraq's flagrant disregard of past Security Council Resolutions. It remains to be seen whether and how the UN Security Council will meet head-on the direct challenge posed by the continued failure of Saddam Hussein and the Government of Iraq to fully comply with 16 resolutions approved by the Council since 1991, including an ironclad requirement that Iraq destroy all of its biological and chemical weapons, dismantle its nuclear program, and submit to rigorous international inspections to verify its compliance.

But there is a right way and a wrong way to confront Saddam Hussein and to force him to relinquish all of the weapons of mass destruction at his disposal. Our policy, and certainly any fateful decision to actually go to war, must be made after careful deliberation and in full accordance with the U.S. Constitution and our Nation's laws. No President of either political party should be allowed to take our nation into war like the one that is now possible solely on his or her own authority. That is why last July Senator SPECTER and I were the first members of the Senate to introduce bipartisan legislation to require the Congress to debate and vote on a resolution to require the Congress to debate and vote on a resolution authorizing the use of force by American armed forces against Iraq before the President issued such an order. I think the President was right to provide additional information to the Congress and the American people and to put this issue before the Congress with the draft resolution of three weeks ago.

In my view, that first draft amounted to a blank check for the President to go to war with Iraq and other countries in the region, whenever he saw fit, and regardless of whether we had the backing of our allies inside and outside the region or in the international community. I have said that I could not have supported that resolution. It was too broad, too unqualified, and too far-reaching. I am glad that since then Republican and Democratic Senators across the political spectrum have recognized the need to narrow and improve upon the President's initial request. Senators BIDEN and LEVIN, Chairmen of the Senate Foreign Relations Committee and Armed Services Committee respectively, held essential hearings and formulated thoughtful legislative proposals. Their work reaffirms that the focus of U.S. policy should be to secure the disarmament of Iraq's weapons of mass destruction and the establishment of a new, effective international inspections regime to enforce that policy. Their careful approach also underscores the urgency and importance of maximizing our diplomatic efforts to secure the strongest possible U.N. Security Council resolution to force Saddam Hussein to relinquish his pursuit of weapons of mass destruction once and for all.

I also took to heart the President's statement in his address to the nation Monday night in which he said that the pending congressional resolution giving him the right to use force if necessary, "does not mean that military action is imminent or unavoidable." That statement is consistent with the approach I believe in, which can maximize the strength of our coalition and the success of our policy. Accordingly, at this point in time, I believe the President and the Congress should be united and focused like a laser on getting the strongest possible, enforceable resolution through the U.N. Security Council. That is why I will vote for the Levin resolution and why I ultimately will vote for the Lieberman resolution, too, if that is the final choice. But I want to be very clear that in voting for these resolutions, this Senator is not voting for immediate war with Iraq. I am voting for them in order to give the President and Secretary of State Powell the maximum leverage to persuade the UN Security Council to promptly approve a new, tough resolution that requires Iraq to immediately allow unconditional, unfettered inspections designed to secure the complete disarmament of Saddam Hussein's weapons of mass destruction. There should be clear consequences that follow from his failure to comply. And the UN inspectors should be given enough time to complete their work and to determine whether Iraq can be disarmed short of going to war.

I am concerned that if we immediately move to unilateral U.S. military action or in concert with only our British allies we will weaken our coalition efforts to wage and win the international fight against terrorism. This would also undermine international respect for the rule of law and the multilateral problem-solving institutions that America helped to create and which have served as the foundation for principled U.S. leadership in the world for 50 years and more. Indeed, I am concerned that precipitous U.S. military action against Iraq could result in our nation and world becoming less rather than more stable and secure. Under the terms of these resolutions, the President will be required to report to the Congress every 60 days on on-going diplomatic efforts at the UN Security Council and elsewhere to establish a tough new inspections regime and to force Saddam Hussein to destroy his weapons of mass destruction. At that time, we will have the opportunity to examine the issues again. Nobody knows for certain at this time, including the President of the United States, how best to compel Iraq to get rid of all of its weapons of mass destruction. But we do know, we all agree, that war must be a last resort, not a first response. We must work with the international community as much as possible to find new and enforceable means to deal with the Iraqi danger in ways that make this a safe world.

Mr. McCONNELL. Mr. President, the resolution authorizing the use of force against Iraq is before us.

We are being asked to decide some fundamental questions about the world in which we live. But more significantly, we are being asked to decide what kind of world we choose for our children.

Essentially, the question is this: Is the world going to be safer today, tomorrow and in the years ahead if the United States leads an effort to rid the world of not only Iraqi weapons of mass destruction, but of a ruthless terrorist-supporting despot as well?

Here is what we have learned.

There is agreement that Saddam Hussein is amassing weapons of mass destruction—chemical, biological, and even nuclear—but some continue to naively believe that diplomatic initiatives and weapon inspections must be given a chance to succeed. There is consensus that Iraq is a state sponsor of terrorism, but some believe that America should not act alone against Iraq and that an attack on Iraq will detract from our ongoing pursuit of al-Qaida. There is concurrence that Saddam Hussein is a mass murderer of Iraqi, Kurdish, Kuwaiti and Iranian men, women, and children, but some believe that Iraq poses no immediate threat to the American people or those in Saddam's backyard, including our allies.

My views on this issue could not be more clear: Our Commander in Chief has requested the authority to use force against Iraq to "defend the national security of the United States against the continuing threat posed by Iraq" and Congress must authorize it and must do so now.

Nine days after the al-Qaida attacks on our soil, President Bush promised Congress and the world that America would bring the war on terrorism to the terrorists wherever they may hide. He intends to do just that in Iraq. This Congress and our entire nation stood as one with President Bush following the September 11th attacks. A year later, we must continue to stand behind his outstanding leadership in combating terrorism around the globe. This war on terrorism will not end—it must not end—until terrorists and their supporters are destroyed.

Let me say to my colleagues who suggest that diplomatic initiatives and weapon inspections can prevent the coming conflict with Iraq to look at recent history. Saddam Hussein has violated each and every one of the 16 U.N. Security Council Resolutions pertaining to Iraq. His armed forces continue to fire on American and coalition aircraft in the no-fly zone. Al-Qaida terrorists continue to leave footprints on Iraqi soil. And Saddam Hussein and his henchmen continue to make billions of dollars by exploiting the U.N.'s oil for food program and through other illicit activities.

Although the regime recently proved that it can fool some embarrassingly naive visiting American lawmakers into believing its empty assurances of cooperation and compliance, they are not duping this Senator—or the President.

More importantly, the American people will not follow the lead of these modern-day Neville Chamberlains and allow the United States to be played for a fool. For it is only a fool who does not learn from past mistakes, and the world has ten years of Iraqi lies from which to learn. Speaking before the United Nations General Assembly a day after the anniversary of the September 11th attacks, President Bush challenged the United Nations to maintain its relevancy in a world challenged by terror:

> Iraq has answered a decade of U.N. demands with a decade of defiance. . . . [America] will work with the U.N. Security Council to meet our common challenge. If Iraq's regime defies us again, the world must move deliberately, decisively to hold Iraq to account. We will work with the U.N. Security Council for the necessary resolutions.

The fact is that President Bush is giving the United Nations and the international community a final chance to disarm Saddam Hussein through diplomatic means. But under no illusions of Saddam Hussein's violent and irrational character, the President has made clear that if reason fails, force will prevail. I am reminded of President Franklin Roosevelt's insights into Nazi Germany and Adolph Hitler: "No man can tame a tiger into a kitten by stroking it. There can be no appeasement with ruthlessness. There can be no reasoning with an incendiary bomb."

Unfortunately, some of my colleagues seem to ignore this indisputable truth—and the fact that America is at war against global terrorists. Former Vice President Al Gore's recent attack on the President for his conduct of the war was ill-timed and ill-advised. A self proclaimed hawk, Mr. Gore alleged in a recent speech that in a single year, President Bush "squandered the international outpouring of sympathy, goodwill, and solidarity that followed the attacks of September 11th and converted it into anger and apprehension aimed much more at the United States than at the terrorist network. . . . " This is utter nonsense, and the American people are right to expect more from a former national leader.

Mr. Gore seems to have forgotten that in a single year the Bush administration liberated the people of Afghanistan from oppressive Taliban rule, destroyed and disrupted al-Qaida operations in South Asia and throughout the world, and bolstered homeland defense for the American people. If Mr. Gore belittles the victory in Afghanistan—against what he describes as a "fifth rate military power"—why was it that his own administration failed to take decisive action to topple the Taliban and al-Qaida? One might surmise that they were too busy "feeling pain" to inflict any.

Mr. Gore's characterization of the pre-emptive use of force to prevent terrorist attacks as "a troubling new element" of U.S. foreign policy is similarly misguided. In the post-September 11th world, the Bush doctrine of preemption makes plain old common sense. Who among us disagrees that terrorists should be destroyed before they have a chance to again bring death and destruction on our family, friends, or neighbors? What do we say to the victims of a terrorist attack that we could have prevented—sorry, but Moscow, Paris, or Beijing objected to pre-emptive action?

The fact is that America has the right and the responsibility to protect and defend its citizens against terrorism—be it from al-Qaida terrorists or weapons of mass destruction in Iraq.

Let me also dispel the myth that military action against Iraq will detract from ongoing operations against al-Qaida. Secretary of Defense Donald Rumsfeld testified before Congress last month that ". . . Iraq is part of the global war on terror. Stopping terrorist regimes from acquiring weapons of mass destruction is a key objective of that war. And we can fight all elements of the global war on terrorism simultaneously."

We have no choice but to fight these threats simultaneously. Our nation is at war. Given Saddam Hussein's use of chemical and biological weapons against his own people and his neighbors, it is reckless to dismiss the immediacy of the threats posed by his regime to the United States. We already know that he is a mass murderer and that he is armed and dangerous—to treat him otherwise is folly.

Saddam Hussein is also a danger to the region. Those nations reluctant to confront him would be wise to take note of the British Government's assessment that Iraq is capable of deploying chemical and biological weapons within 45 minutes.

With Fort Campbell and the 101st Airborne Division in Kentucky, I understand firsthand what risks are posed to our military personnel by an attack on Iraq. Having fired the opening shots of Operation Desert Storm more than a decade ago, the Screaming Eagles are no strangers to that country. They—and the Special Forces soldiers of the 5th Group and the Night Stalkers of Task Force 160—are professionals, the best of best. America is fortunate to have such dedicated patriots serving on our front lines. We can be secure in the knowledge that if these troops return to the region, they will answer the call with the same determination and dedication as they did in 1991.

Let me conclude by saying that we did not ask for this war on terrorism. But we will fight it and win it—on our terms and conditions.

Mrs. FEINSTEIN. Mr. President, I have come to the floor to state that, after much deliberation, I have decided to vote for the resolution introduced by Senators LIEBERMAN, WARNER, BAYH and McCAIN.

In two prior floor statements, I have expressed my views. I serve as the senior Senator from California, representing 35 million people. That is a formidable task. People have weighed in by the tens of thousands. If I were just to cast a representative vote based on those who have voiced their opinions with my office—and with no other factors—I would have to vote against this resolution. But as a member of the Intelligence Committee, as someone who has read and discussed and studied the history of Iraq, the record of obfuscation and the terror Saddam Hussein has sown, one comes to the conclusion that he remains a consequential threat.

Although the ties between Saddam Hussein and al-Qaida are tenuous, there should be no question that his entire government is forged and held together by terror: The terror of secret police in station wagons on street corners watching; The terror forged through assassinations and brutal murders of anyone who disagrees with him; And yes even of his own family members.

While the distance between the United States and Iraq is great, Saddam Hussein's ability to use his chemical and biological weapons against us is not constrained by geography—it can be accomplished in a number of different ways—which is what makes this threat so real and persuasive. I supported the Levin amendment, which authorized use of force pursuant to U.N. Security Council action, because it was the strongest resolution supporting a multilateral effort. I believe a multilateral effort, through the United Nations, provides a strong moral imprimatur and as such is preferable to America's taking preemptive action that could have consequences tomorrow and years after that—consequences we cannot imagine or even begin to understand today.

The original resolution sent to Congress by the President would have authorized a broad and sweeping use of force whenever or wherever he deemed necessary—literally any place on earth. It would have authorized the newly promulgated national security strategy of unilateral preemptive use of force in the defense of the nation in the war on terror. The resolution before us does not grant such a sweeping use of force. Rather, the use of force is confined to Iraq and targeted toward forcing Iraq to comply with 16 Security Council resolutions passed in the wake of the Persian Gulf war in 1991.

Most importantly, I believe the Lieberman resolution becomes a catalyst to encourage prompt, forceful and effective action by the United Nations to compel this long sought-after and much-evaded disarmament of weapons of mass destruction. Disarming Iraq under Saddam Hussein is necessary and vital to the safety and security of America, the Persian Gulf and the Middle East—let there be no doubt about this. But the decision to cast this vote does not come lightly. I continue to have serious concerns that there are those in the administration who would seek to use this authorization for a unilateral, preemptive attack against Iraq. I believe this would be a terrible mistake.

But I am reassured by statements made by the President in his address to the United Nations on September 12, which conveyed a major shift in the administration's approach—turning away from a preemptive strategy and, instead, engaging and challenging the U.N. Security Council to compel Iraq's disarmament and back this with force. I deeply believe that it is vital for the U.N. Security Council to approve a new, robust resolution requiring full and unconditional access to search for and destroy all weapons of mass destruction. Unfortunately, the Security Council has not yet taken this action. Nor do we, at this time, know if they will.

If one believes Iraq is a real threat, and I do, and if the United Nations fails to act, then the only alternative is military action led by the United States. Ironically, this authorization of use of force may well prompt the Security Council to act. Because if they do not, the United Nations becomes a paper tiger unable to enforce its mandates and unwilling to meet the challenge of this new day of danger.

For the past 11 years, Saddam Hussein has prevaricated, manipulated, deceived and violated every agreement he has made to disarm. If the past is prologue, this record means that arms inspections, alone, will not force disarmament. The great danger is a nuclear one. If Saddam Hussein achieves nuclear capability, the risk increases exponentially and the balance of power shifts radically in a deeply menacing way. As I said on this floor in earlier remarks, I believe that Saddam Hussein rules by terror and has squirreled away stores of biological and chemical weapons. He has used them on Kurdish villages and in his invasion of Iran.

Evidence indicates that he is engaged in developing nuclear weapons. However, today the best authorities I could find indicate he does not yet have nuclear capability. But this is only a question of time. And we cannot let Saddam Hussein become a nuclear power.

And, so, it is my intention to vote yes on the resolution before us. I do so with the hope that the United Nations will rise to the challenge and with the trust that the administration forge a coalition rather than go it alone. And I do so with the fervent prayer that it will not be necessary to place America's fighting forces or innocent civilians anywhere in harm's way.

Ms. LANDRIEU. Mr. President, as Members of this body, there is no issue we face as grave and important as determining whether we should authorize force against Iraq that might place our men and women in uniform in mortal danger in order to protect the freedoms we cherish, and extend these freedoms to the people of Iraq, through the disarmament of a tyrant committed to harming his own people and the rest of the world. As a member of the Armed Services Committee, and as a citizen, I have given great consideration and thought to this course of action. Can I in good conscience authorize the use of force that could place someone's child, or my child, or someone's husband, wife, mother, or father in harm's way? Should the President commit troops to Iraq, American blood will certainly be shed. But, the authorization of force is recourse we must take.

For 11 years, Saddam Hussein has openly violated 16 U.N. resolutions calling on him to disarm; cease his production of weapons of mass destruction; and stop the ethnic cleansing of his own people. For 11 years, the people of Iraq have suffered. Furthermore, Saddam Hussein has made the world a much more dangerous place. His relish to produce chemical, biological, and nuclear weapons has only increased since the end of the Gulf War. Now, we have learned that he is harboring al-Qaida terrorists; strengthening his ties to al-Qaida; and financing terrorist organizations that promote suicide bomb attacks in Israel.

I am confident that the enactment of this resolution will give our President the tools he needs to bring the world community together to disarm this brutal tyrant through diplomacy. But, this resolution also gives the President authority to follow diplomacy with force, if necessary, to ensure that the threats Saddam Hussein brings to the world are neutralized.

The threat from Saddam Hussein's WMD programs is real and growing every day we fail to take action to disarm him. He has used WMD against his own people and his neighbors. We should not wonder whether he has any interest in using them against the U.S. or our allies.

As chair of the Emerging Threats and Capabilities Subcommittee, along with Senator ROBERTS, the Subcommittee held a hearing in February to investigate the status of his WMD programs since inspectors left and the threat those weapons could pose to the U.S. At that hearing, the Subcommittee was faced with the blunt findings that Saddam successfully hid weapons while U.N. inspectors were in Iraq. Moreover, there are no mechanisms in place to prohibit Iraq from ramping up its production of biological and chemical weapons, and its quest for nuclear weapons.

At the hearing, Anthony Cordesman, from the Center for Strategic and International Studies, stated Iraq admitted in 1995, "that it had produced 30,000 liters of bulk biological agents. Iraq admitted it produced anthrax, botulinum toxins, and aflatoxins." We must remember it took only a few grams of Anthrax to throw the Senate and the East Coast of the U.S. into disarray. Worse yet, Iraq admitted it had affixed these biological agents to missile warheads and bombs.

Dr. Cordesman went on to say that UNSCOM believed Iraq had produced as much as 120,000 liters of biological weapons, not the 30,000 it admitted—enough to kill millions. Furthermore, UNSCOM has been out of Iraq for 4 years, yet UNSCOM stated that Iraq could reconstitute its biological weapons program within a matter of weeks after UNSCOM's departure. Imagine the destruction that could be caused by Saddam Hussein with his unchecked inventory of hundreds of thousands of liters of biological weapons. Again, he has the capability to injure or kill millions.

The Subcommittee also received testimony that Iraq has actively rebuilt its chemical weapons programs since UNSCOM was thrown out of Iraq. UNSCOM reported to the Security Council that Iraq withheld information related to Iraq's chemical weapons program. UNSCOM uncovered only a small portion of Iraq's chemical weapons. In fact, Iraq confiscated information gathered by UNSCOM regarding Iraq's chemical weapons, so the information could not be transmitted to the Security Council. Iraq also told UNSCOM Iraq had not armed missiles with VX gas—one of the deadliest of nerve agents. Yet, in 1998, UNSCOM discovered missiles tipped with VX. Soon after, UNSCOM was told to leave Iraq and Iraq has resumed chemical weapons production. It takes only 10 milligrams of VX to kill a person. A wine bottle full of VX could kill at least 75 people. We must find out how much VX Saddam has, and destroy it.

Moreover, Saddam Hussein is devoting much of his defense budget to becoming a nuclear power. After the Gulf War, we learned from the U.N. weapons inspectors that Iraq was within 1 year of developing nuclear weapons. Prior to the war, we thought Iraq was 5 to 7 years away. Since 1998, we cannot say with any certainty that we know the status of Iraq's nuclear program. Once again, Saddam could be less than a year away from a nuclear bomb. The world must know how close he is, and he must stop his nuclear development. Once he develops a nuclear program, we will never be able to shut it down.

For these reasons, we cannot take our time in passing this resolution. We must act now. Saddam Hussein has shown, on numerous occasions, his willingness to use WMD to attack his countrymen and his neighbors. He has killed 20,000 Iraqis in 40 villages with WMD. As President Bush said two nights ago, "Saddam Hussein is a homicidal dictator who is addicted to weapons of mass destruction."

I want to read from Charles Duelfer's testimony before the Emerging Threats and Capabilities Subcommittee's hearing on Iraq's WMD programs on February 27, 2002. Mr. Duelfer was the Deputy Executive Chairman of UNSCOM. He said that it is inconceivable that Iraq did not resume its WMD programs after UNSCOM left. Mr. Duelfer said it is difficult "to imagine circumstances under which this regime would end these programs" of WMD because . . . "the regime in Baghdad will devote full resources to its weapons programs . . . This has not changed even under sanctions . . . The regime seeks to dominate the region . . . The use of force comes naturally" to Saddam Hussein.

WMD are his tools to dominate the region. If we wait to pass this resolution, Saddam will only continue to enlarge his WMD program; threaten the Middle East; and then threaten the U.S. He will never end his programs unless the world reins down on him to eliminate his tremendous capacity for killing.

This resolution is the proper tool to give the Administration a firm hand in negotiating with the world to disarm Saddam Hussein and eliminate his capacity to kill. We should pass the Lieberman-McCain Resolution immediately and overwhelmingly to show the world we are united. We must not tie the President's hands and the hands of Secretary Powell to negotiate a new Security Council Resolution that calls for the disarmament of Iraq—and the threat of force against Iraq if Saddam does not abide by the resolution. We can bring the Security Council on board if we can show them the United States stands together to disarm Saddam Hussein. If this body is divided, the U.N., and especially Saddam Hussein, will pay us no mind.

The best outcome is a new Security Council resolution that calls for unfettered inspections throughout Iraq, including Saddam's presidential palaces; the disarmament of all WMD; and the threat of force should Saddam Hussein not comply. That outcome has a better chance of becoming a reality if we pass this resolution.

The new U.N. resolution the President and Secretary Powell seek is our best chance to avoid a war. But the threat of force must be present to enforce a new resolution because Saddam only understands force. Again, Charles Duelfer testified before the Iraqis were perfectly willing to thumb their nose at UNSCOM because the U.N. had not authorized force to make Iraq comply.

Iraq's Deputy Foreign Minister, Tariq Aziz, regularly told Mr. Duelfer, "You are not General MacArthur (referring to MacArthur's occupation/disarmament of the Japanese) . . . Therefore, there are limits to what you can do." What Aziz meant was you have no authorized force; you have no army with you to make us show you what we have and where it is. A new resolution will only work if the threat of force lurks behind any Iraqi failure to obey.

This resolution is also a narrowly tailored authorization of force. It seeks peace before war to enforce past and future U.N. resolutions against Iraq. This resolution does not give the President carte blanche to use force throughout the Middle East for any reason. Force is only authorized to bring Iraq into compliance with U.N. resolutions—so that Iraq disarms its WMD; ceases production of WMD; does not threaten its neighbors, and does not repress and commit atrocities against its citizens with WMD.

This resolution correctly authorizes force for the violation of all 16 U.N. resolutions, because Saddam's crimes against humanity should concern America as much as his WMD capabilities.

America has been a tremendous defender of human rights. But, at times, we have not always defended the victims of ruthless dictators.

In Rwanda, 800,000 Rwandans were slaughtered in 12 months, yet America did nothing to stop the ethnic cleansing. America's failure to act in Rwanda could be the lowest point in American history. We should not make the same mistake by turning a blind eye to the Kurds and Shiites Saddam has tortured for years. Any resolution to dismantle his WMD must also call for him to end ethnic cleansing in Iraq.

In 1944, two Jews who escaped Auschwitz—and revealed the horrors of concentration camps to the world—asked the U.S. War Department and the War Refugee Board to bomb train tracks leading to Auschwitz so no more Jews could be brought there. U.S. bombers were already bombing fuel dumps near Auschwitz. Yet the War Refugee Board refused this simple request. John McCloy, the head of the Refugee Board, denied the request. He stated the operation did "not warrant the use of our resources." How could saving lives not warrant the use of American resources? As a result, between 500,000 and 800,000 Jews died at Auschwitz in the final year of WWII. These lives could have been saved, but we did not make it a priority.

We shouldn't now say that human rights are not worthy of U.S. and international diplomacy. We should not say that we are unwilling to disarm a dictator who brutalizes his people. If we do, we will have failed the world, again.

Fortunately, I think this body and the American people do care about human rights. We stood up for human rights in Kosovo. We used force against a sovereign leader, Milosevic, who was committed to the genocide of ethnic Albanians. Through American force, Milosevic was removed from power and indicted for numerous war crimes. We did the right thing for an oppressed people. And, I must remind you President Clinton did not seek Congressional authorization to use force in Kosovo. Today, unlike in Kosovo, the President does seek Congressional approval for force in an effort to seek a unified American front to disarm another leader threatening his people and the world.

But, I must say, again, that force is a last option under this resolution. The resolution requires the president not to use force until he presents his determination to Congress that diplomacy is no longer an option. This resolution is not a call to arms. The President will not roll tanks into Iraq as soon as we pass the Lieberman-McCain resolution. As the President said on Monday, "War is neither desirable nor inevitable." War can be avoided.

The President will seek Security Council support and support from other allies to bring about a diplomatic answer to disarm Saddam Hussein. I have no doubt that the President's first hope is to neutralize the Iraqi threat without invading Iraq.

But, if a Security Council resolution cannot be achieved and Saddam continues to jeopardize the livelihood of Americans—or if Saddam violates any future resolution—the President should have the authority to use force. Because his most important job as Commander in Chief is to keep the American people safe from a tyrant.

In conclusion, I want to, once again, reiterate my support for the Lieberman-McCain resolution. As a cosponsor, this resolution is America's best effort to stand united to show the world, and especially Saddam Hussein, that we are committed to disarm Iraq's weapons of mass destruction, which are a clear and present danger to America and the world. Hopefully, this can be accomplished diplomatically with the world-wide support. But, this resolution also sends a clear signal that we are willing to use force to change Iraq's ways if Iraq continues to threaten the U.S.; if Iraq disobeys a new Security Council resolution; or if the President determines all diplomatic efforts have been exhausted. At that time, force may be necessary for America to defend herself. This resolution is the proper mix of diplomacy and force. As President Kennedy said, "Either alone, will fail." I hope the Senate will pass this resolution overwhelmingly to show solidarity and resolve to our friends and our enemies.

Mr. SANTORUM. Mr. President, I rise tonight to address the important resolution pending before the Senate concerning the authority to use military force against the Republic of Iraq. I firmly believe that this resolution we are debating will strengthen the hand of President Bush and the international community in forcing Saddam Hussein to disarm and to ensure his compliance with all relevant United Nations Security Council resolutions.

I believe President Bush will do everything possible before deciding to commit U.S. military forces against Saddam Hussein's regime. The President has not decided to employ military force, nor does this resolution demand that he do so. Rather, the resolution signals to the President that Congress stands behind his decision to employ military force if Saddam Hussein fails to disarm or abide by all relevant United Nations Security Council resolutions.

When he addressed the United Nations on September 12, 2002, President Bush convincingly and accurately presented the case against Saddam Hussein and his flouting of international norms and agreements. President Bush rightly called attention to Saddam

Hussein's abysmal track record on complying with the terms of disarmament he accepted at the conclusion of the Persian Gulf war. In so doing, President Bush bucked current international attitudes that would prefer that we not call attention to his regime's activities.

Ever since the conclusion of the Persian Gulf war, we have seen Saddam behave with contempt towards those countries that see value in the United Nations resolutions and that ultimately seek a peaceful and stable Middle East. For more than 10 years, the world looked the other way and ignored the problem with the hope that Saddam Hussein and his regime would go away. Regretfully, Saddam Hussein has displayed remarkable staying power and a powerful appetite for acquiring weapons of mass destruction.

I commend President Bush for seeking congressional authorization for possible military action against Iraq and for consulting with Congress on the drafting of a truly bipartisan resolution. In response to those who condemn the United States for displaying "unilateralism," President Bush took his case to the United Nations and forced the world to acknowledge the realities of the Iraqi transgressions. The President is also right to seek a United Nations Security Council resolution authorizing a return of weapons inspectors to Iraq. These inspectors must have unfettered access to suspected weapons sites in Iraq. There can be no conditions or dickering over Iraq's national sovereignty. Saddam Hussein lost a war he initiated, he sued for peace, and he needs to accept the terms and conditions he pledged to honor. To expect anything less would be to condone his transgressions.

The President is being practical by raising the "what if" element to the debate. History has shown Saddam will go to elaborate measures to conceal and elude efforts to uncover his weapons of mass destruction capabilities and development efforts. It is only prudent that the U.S. Congress and all members of the U.N. Security Council consider authorizing measures to force Iraq's compliance with efforts to ensure disarmament. Earlier today, the House of Representatives passed this same resolution on a vote of 296 to 133, and I firmly believe that overwhelming bicameral approval of this resolution will strengthen the hand of the President in securing the strongest possible United Nations Security Council resolution.

In plain terms, the threat posed by Saddam Hussein is analogous to the threat posed by a drunk driver. The drunk driver is a threat to all on and in close proximity to the road. Behind the wheel of a rolling weapon, it is only a matter of time before the drunk driver crashes into another car, kills an innocent bystander or causes immense damage to someone's personal property. Saddam is this drunk driver careening along the road, a threat to all those innocents who have the misfortune to cross his path. It is time to get Saddam off the road before he can kill or injure innocents who cross his path.

For those who are critical of discussion or references to "regime change," I call to your attention section 3 of the Iraq Liberation Act of 1998, P.L. 105–338. Section 3 of the act states: "It should be the policy of the United States to support efforts to remove the regime headed by Saddam Hussein from power in Iraq and to promote the emergence of a democratic government to replace that regime." Through this provision, Congress has already expressed its views on this subject. I applaud the efforts of the Bush administration to engage Iraqi opponents of Saddam Hussein and to work with these groups to provide a democratic alternative to this tyrant.

The United States has a strong record of restoring order and cultivating democracy in post-conflict regions of the globe. Examples such as post-World War II Germany and Japan are stellar illustrations of how the U.S. has worked to better defeated nations that strayed from the norms and rules of acceptable international behavior. In addition, unlike Afghanistan, Iraq is a wealthy nation with natural resources, an educated populace and a middle class—all elements that will bolster the chances of democracy thriving in this country. There is no reason to expect that with a concerted effort by the U.S. and other democratic nations that Iraq cannot join Israel as the only other Middle Eastern democracy.

But perhaps most important, benign neglect is not morally acceptable. Looking the other way will not and cannot improve the situation in Iraq and the threat Saddam Hussein poses to the world. There is a parallel between today's situation and the situation that confronted the civilized Western World of the 1930s. In that era, democratic leaders sought to appease the ambitions of Adolph Hitler and the Third Reich. World War II, the Holocaust and millions of military and civilian casualties are the outcome of that deferral of action.

President Bush's effort to compel compliance with applicable U.N. Security Council resolutions is our best chance for peaceful disarmament. Not one speaker here in the Senate has indicated that the status quo is acceptable or reasonable. It is painfully clear that one way or another we—preferably the U.S. in concert with our allies and the support of the United Nations—must deal with Saddam and his threat to our interests, our allies' interests, the stability of the Middle East and the interests of the civilized world.

In conclusion, given the events of September 11th, given the past transgressions of Saddam Hussein, and given the threat posed to the world by his weapons of mass destruction programs, it is imperative that we provide President Bush with the strongest hand possible to seek compliance with all applicable U.N. Security Council resolutions. The attacks of September 11th and the fateful decisions not taken in the 1930s illustrate that there is a cost to not taking corrective action in a prompt and decisive fashion.

It is my sincere hope that this resolution will rally the United Nations Security Council to draft a strong resolution forcing the disarmament of Saddam Hussein and his regime of terror. If the U.N. fails to act, the U.S. must do what is in the best interest of our national security interests and disarm Saddam Hussein. Today represents our best opportunity for peaceful disarmament disarmament on our terms and according to standards established by the U.N. and other civilized nations. To do or expect anything less is to shirk our moral obligation to meet the national security obligations of our country.

It is for this reason that I will vote in favor of the bipartisan resolution which is before us now.

Mr. MURKOWSKI. Mr. President, we have a dilemma where we recognize that one individual, who has repeatedly defied the will of the international community, almost certainly has control over a concentration of weapons of mass destruction.

We have already seen this individual's willingness to use these weapons against his own people and against Iranian forces during the Iran-Iraq war.

So the question is, is it inevitable that sooner or later Saddam Hussein will again use weapons of mass destruction, and if so, against whom?

There is concern that if the United States and her allies use force against Iraq, Saddam will attempt to use his weapons of mass destruction in order to remain in power. It is a legitimate concern and one that must not be taken lightly.

But I ask my colleagues, if we are hesitant now, how hesitant will we be when Saddam Hussein possesses a nuclear capability? And what will Saddam do when he knows we are unwilling to take action?

We have seen Saddam's willingness to invade his neighbors—Iran and Kuwait. How much farther would Saddam have gone had he not been stopped by U.S.-led coalition forces?

In 1981, Israeli aircraft destroyed an Iraqi military reactor capable of producing nuclear weapons in a surprise, preemptive strike. Israel faced tremendous criticism from the world, but a decade later, during the gulf war, allied forces did not face a nuclear weapon capability from Iraq.

Last month, Secretary Rumsfeld testified before the Senate Armed Forces

Committee that prior to Operation Desert Storm, the best intelligence estimates were that Iraq was at least 5 to 7 years away from having nuclear weapons. Yet, when coalition forces entered Iraq, we found that Iraq was 6 months to one year away, not 5 to 7 years.

How close is Saddam today from acquiring nuclear weapons capability? We don't know. We have not been able to place weapons inspectors in Iraq since 1998. Recent reports indicate one to five years, but just like 1991, we don't know for sure.

We do know that Saddam Hussein has developed weapons of mass destruction—weapons such as anthrax, VX, sarin and mustard gas. Are these weapons a country would use to defend itself? Or are these the weapons of an aggressor that would go to whatever means necessary to prevail?

And let's not forget about the threat of proliferation—the threat of Saddam sharing these weapons with like minded terrorist organizations who would not hesitate to use them against the United States and our allies.

Had we known in advance the tragic events of September 11, 2001, there is no doubt that the United States would have taken preemptive action against the al-Qaida terrorist network.

Every month, every year that Saddam Hussein remains in defiance of U.N. Security Council resolutions, we face an even larger, more deadly threat to the security of this great nation. As the President has said, to ignore these threats is to encourage them.

I am hopeful that the use of military action will not be necessary. That Saddam Hussein will fulfill the requirements of the United Nations Security Council. That he will allow full and unobstructed access to U.N. weapons inspectors to destroy all of Iraq's weapons of mass destruction. But past history does not give much cause for hope.

In the 11 years since the Persian Gulf War, Saddam Hussein has blatantly ignored 16 U.N. Security Council Resolutions calling for the total destruction of Iraq's weapons of mass destruction. Eleven years; 16 Resolutions.

This is not a game. We are currently in a limited war with Iraq. So far in 2002, Iraq has fired on Allied fighter planes 409 times, 14 times this past weekend alone. Iraqi forces have fired anti-aircraft artillery 1,000 times, launched 600 rockets and fired nearly 60 surface-to-air missiles. Since Iraq set a letter accepting the return of weapons inspectors on September 16, they have fired on Allied forces 70 times.

The time for appeasement is over. We have seen the policy of appeasement prove ineffectual in the past. The League of Nations was unable to stop Germany from rearming itself and threatening her neighbors. Its policy of appeasement only served to advance Hitler's ambitions.

The United Nations now finds itself in a similar situation. It can choose to either enforce its own resolutions passed by the Security Council, or find itself irrelevant in the view of the world.

The U.N. Security Council is expected to soon take up its 17th resolution regarding Iraq. They deserve to hear, not just from the President of the United States, but the Congress of the United States as well.

We can wait. We can react after the fact. But at what point do we act? When do we recognize that Saddam is a threat, that he does train al-Qaida, that he does fund the terrorists? At a certain point in time, we have to face reality.

What if we left this session of the Congress without authorizing the President to take the appropriate action needed to defend the national security of the United States against the threat posed by Iraq?

How would we feel if—God forbid—Saddam was to take action and take American lives? We would feel we had been derelict in our obligation.

We have an obligation to provide for the security of the people of the United States. Do we follow a policy of appeasement?

Allowing Saddam Hussein to continue to build his weapons of mass destruction?

To continue to play a cat and mouse game of allowing weapons inspectors in, only to place conditions on their actions?

To continue to defy the international community, without fear of reprisal?

To take the chance that those terrorist networks that Saddam supports will not take action against the United States—with Saddam's weapons of mass destruction?

It is oil that built Iraq and it is oil dollars that keep Saddam in power.

Oil dollars fund the weapons, the research, and the training camps for terrorists that give Saddam a global reach.

Do we continue to import hundreds of thousands of barrels of oil from Iraq each day? In September 2002, it is estimated the U.S. imported 550,000 barrels a day. In September of 2001, we imported 1.2 million barrels a day—and broke an 11 year record.

The GAO reports Saddam received $6.6 billion in illegal revenue through smuggled oil since 1997, $1.5 billion in 2001 alone.

The number of vessels smuggling oil has dramatically risen in the past few months. In June through August, the Multi-national Interception Force boarded 297 vessels—nearly 100 per month—with 225,000 barrels of oil. Prior to that, the boarded an average of 12 vessels per month.

This is the Iraqi oil that powers our economy, fuels our school buses, and provides jet fuel for our fighters.

No longer should Iraq count on the United States to fund its regime.

We must pass an energy bill that helps reduce our dangerous dependence on Iraq. America must not be held victim to the whims of Saudi kings and Middle Eastern dictators.

We have an obligation to the American people. We have an obligation to send a strong, unified voice to the United Nations—Congress and the President, hand in hand—that it is time to stop appeasing Saddam.

It is time to enforce the multitude of resolutions already passed and it is time to remove the deadly threat posed by Saddam Hussein.

And if the United Nations is not willing to enforce its own resolutions, if the United Nations is not willing to make itself relevant, then the United States must not be afraid to stand up, to ensure that the national security of the United States is not endangered by the actions of Saddam Hussein.

I support this resolution. It is time to send a clear message to Saddam that we will no longer stand by while he develops these weapons that threaten the stability of the region, while he continues to defy the will of the international community, and while he poses a threat to the national security of the United States.

We cannot afford the risks of inaction. Not after the lessons we have learned from September 11.

Mrs. LINCOLN. Mr. President, I rise today as the Mother of two sons as well as a proud member of this body.

I have come to my decision on this grave matter after going to every length to gather as much information as I could, then weighing it carefully with the general sentiment in my state that we should be very thoughtful. My constituents want us to consider the consequences of war.

I have asked the same questions of the President and his national security team that my constituents asked me. I understand that there are no easy choices when confronting a menace like Saddam Hussein. I have decided to support the Lieberman-Bayh resolution because I believe it gives the President the authority to act with military force if necessary while holding him accountable for a preferred, peaceful solution.

I look at my sons every day and wonder what kind of a world we are creating for them. I am sad that September 11, 2001 has forever changed our perspective on their future and ours. I regret that I cannot be sure that my boys will always be safe from terrorism. But, I am ever more resolved that we have a responsibility to eliminate the Saddam Husseins and Osama bin Ladens of the world. These are people who bear an irrational hatred toward America and the liberty and justice that we stand for. They have converted that hatred into weapons stockpiles and terrorist networks that threaten our way of life. We cannot stand idly by while they gain strength and underestimate our resolve.

Today, I make a difficult choice. I choose to give our President the authority to take military action against Iraq if necessary because I believe him when he says he does not want to go to war. I take our President at his word that disarming Saddam Hussein peacefully is his first choice. I support the notion that a unified Congress sends a strong message to our allies and gives our Secretary of State more leverage as he negotiates a new and tougher U.N. resolution that mandates weapons inspections in Iraq with military consequences if Saddam resists.

Saddam Hussein is a ruthless dictator. He has set himself apart from dictators of the past by using biological weapons against his own people. He has used them before and I don't want to be left with regret if he were to use them against our military or diplomatic personnel overseas, or even our allies. Our objective must be to disarm him before he can unleash his arsenal of chemical and biological weapons or before he can complete work on a nuclear weapon.

The time has come to no longer abide the threat that Saddam Hussein brings to everything that is good in this world. The time has come to eliminate his tools of destruction. Whether we do it alone or with the support of our allies, there can be no question that disarmament of Iraq cannot happen without the significant involvement, in fact the leadership, of the United States.

So I have concluded that Saddam Hussein understands only one kind of communication. A strongly worded U.N. resolution with the solid military backing of the Security Council may change his mind about cooperating. If it doesn't, he must know that his evil and treachery will have consequences.

Today I believe that the risk of doing nothing outweighs the risk of taking action. President Bush has pledged to me and the nation that he will exhaust a peaceful solution before resorting to a military solution. And I intend to hold him to his word.

I vote for this resolution with a heavy heart but also with the knowledge that we can't have it both ways. We cannot wish terrorism away without taking the necessary steps to ensure that our country, and certainly our children, are safe and free.

Mr. KENNEDY. Mr. President, we face no more serious decision in our democracy than whether to go to war. America's values and interests are served best if war is a last resort. I do not believe America should go to war against Iraq unless and until other reasonable alternatives are exhausted, and I will vote against this resolution authorizing the use of force against Iraq.

Too often in this debate, we have failed to address the real effects of unilateral war with Iraq. The more we debate the war, the more we learn of the danger of going to war alone, the danger that it will cause to our urgent war against al-Qaida and terrorism, the danger that Saddam may be provoked into using his weapons of mass destruction against us or against Israel, the danger that allies we need will refuse to support us on other major challenges in the years ahead, and the dangerous new instability that could be caused in that volatile region if we go to war alone.

Because the threat of Saddam is real, I commend President Bush for taking America's case to the United Nations. We have a better prospect of disarming Iraq with the world behind us, than with our allies on the sidelines, or even at odds with our mission.

As we approach a vote on this important question, I offer the strongest possible affirmation that good and decent people on all sides of this debate who may in the end stand on opposing sides of this decision, are equally committed to our national security.

The life and death issue of war and peace is too important to be left to politics. And I disagree with those who suggest that this fateful issue cannot or should not be contested vigorously, publicly, and all across America. When it is the people's sons and daughters who will risk and even lose their lives, then the people should hear and be heard, speak and be listened to.

But there is a difference between honest public dialogue and partisan appeals. There is a difference between questioning policy and questioning motives. There are Republicans and Democrats who support the immediate use of force, and Republicans and Democrats who have raised doubts and dissented.

In this serious time for America and many American families, no one should poison the public square by attacking the patriotism of opponents, or by assailing proponents as more interested in the cause of politics than in the merits of their cause. I reject this, as should we all.

Let me say it plainly: I not only concede, but I am convinced that President Bush believes genuinely in the course he urges upon us. And let me say with the same plainness: Those who agree with that course have an equal obligation—to resist any temptation to convert patriotism into politics. It is possible to love America while concluding that it is not now wise to go to war. The standard that should guide us is especially clear when lives are on the line: We must ask what is right for country and not party.

That is the true spirit of September 11, not unthinking unanimity, but a clear-minded unity in or determination to defeat terrorism, to defend our values and the value of life itself.

Just a year ago, the American people and the Congress rallied behind the President and our Armed Forces as we went to war in Afghanistan. al-Qaida and the Taliban protectors who gave them sanctuary in Afghanistan posed a clear, present and continuing danger. The need to destroy al-Qaida was urgent and undeniable.

In the months that followed September 11, the Bush administration marshaled an international coalition. Today, 90 countries are enlisted in the effort, from providing troops to providing law enforcement, intelligence, and other critical support.

But I am concerned that using force against Iraq before other means are tried will sorely test both the integrity and effectiveness of the coalition. Just one year into the campaign against al-Qaida, the administration is shifting focus, resources and energy to Iraq. The change in priority is coming before we have fully eliminated the threat from al-Qaida, before we know whether Osama bin Laden is dead or alive, and before we can be assured that the fragile post-Taiban government in Afghanistan will consolidate its authority.

No one disputes that America has lasting and important interests in the Persian Gulf, or that Iraq poses a significant challenge to U.S. interests. There is no doubt that Saddam Hussein's regime is a serious danger, that he is a tyrant, and that his pursuit of lethal weapons of mass destruction cannot be tolerated. The question is not whether he should be disarmed, but how.

How can we best achieve this objective in a way that minimizes the risks to our country? How can we ignore the danger to our young men and women in uniform, to our ally Israel, to regional stability, the international community, and victory against terrorism?

There is clearly a threat from Iraq, and there is clearly a danger, but the administration has not made a convincing case that we face such an imminent threat to our national security that a unilateral American strike and an immediate war are necessary.

Nor has the administration laid out the cost in blood and treasure of this operation.

With all the talk of war, the administration has not explicitly acknowledged, let alone explained to the American people, the immense post-war commitment that will be required to create a stable Iraq.

The President's challenge to the United Nations requires a renewed effort to enforce the will of the international community to disarm Saddam. Resorting to war is not America's only or best ocurse at this juncture. There are realistic alternatives between doing nothing and declaring unilateral or immediate war. War should be a last resort. Let us follow that course, and the world will be with us—even if, in the end, we have to move to the ultimate sanction of armed conflict.

The Bush administration says America can fight a war in Iraq without undermining our most pressing national security priority, the war against al-Qaida. But I believe it is inevitable that a war in Iraq without serious international support will weaken our effort to ensure that al-Qaida terrorists can never, never, never threaten American lives again.

Unfortunately, the threat from al-Qaida is still imminent. The Nation's armed forces and law enforcement are on constant high alert. America may have broken up the al-Qaida network in Afghanistan and scattered its operatives across many lands. But we have not broken its will to kill Americans.

As I said earlier, we still don't know the fate, the location, or the operational capacity of Osama bin Laden himself. But we do know that al-Qaida is still there, and still here in America, and will do all it can to strike at America's heart and heartland again. But we don't know when, where, or how this may happen.

On March 12, CIA Director Tenet testified before the Senate Armed Services Committee that al-Qaida remains "the most immediate and serious threat" to our country, "despite the progress we have made in Afghanistan and in disrupting the network elsewhere."

Even with the Taliban out of power, Afghanistan remains fragile. Security remains tenuous. Warlords still dominate many regions. Our reconstruction effort, which is vital to long-term stability and security, is halting and inadequate. Some al-Qaida operatives, no one knows how many, have faded into the general population. Terrorist attacks are on the rise. President Karzai, who has already survived one assassination attempt, is still struggling to solidify his hold on power. And although neighboring Pakistan has been our ally, its stability is far from certain.

We know all this, and we also know that it is an open secret in Washington that the Nation's uniformed military leadership is skeptical about the wisdom of war with Iraq. They share the concern that it may adversely affect the ongoing war against al-Qaida and the continuing effort in Afghanistan by draining resources and armed forces already stretched so thin that many Reservists have been called for a second year of duty, and record numbers of service members have been kept on active duty beyond their obligated service.

They said that spy satellites, reconnaissance aircraft and other intelligence analysts with regional or linguistic expertise would have to be reassigned.

To succeed in our global war against al-Qaida and terrorism, the United States depends on military, law enforcement, and intelligence support from many other nations. We depend on Russia and countries in the former Soviet Union that border Afghanistan for military cooperation. We depend on countries from Portugal to Pakistan to the Philippines for information about al-Qaida's plans and intentions. Because of these relationships, terrorist plots are being foiled and al-Qaida operatives are being arrested.

Support from our allies has been indispensable in the war on terrorism, and has had real results: In December 2001, Singapore officials arrested 13 members of a group with ties to al-Qaida that had planned to bomb the U.S. embassy and U.S. commercial and military targets in Singapore. Malaysia has arrested nearly 50 suspected al-Qaida terrorists since September 11th. In March 2002, a joint U.S.-Pakistani police operation arrested 29 al-Qaida suspects, believed to include Abu Zubayday, a key bin Laden deputy. In May 2002, Morocco arrested three alleged al-Qaida members in connection with a plot to attack American and British naval ships in the Straits of Gibraltar. In June, Moroccan authorities also detained Abu Zubair, nicknamed "the bear"—a top associate of Abu Zubaydah. In June 2002, Saudi Arabia arrested seven al-Qaida members on suspicion of planning terrorist attacks. One of them, a Sudanese, had allegedly been involved in a missile attack near a Saudi airbase used by U.S. forces. The United States has worked closely with Yemen to combat terrorism, and the Yemeni government recently reported that it is holding 85 suspects accused of links to al-Qaida and other militant groups.

These arrests may seem small in number. But we know only too well that only 19 al-Qaida terrorists were responsible for the murder of nearly 3000 Americans on September 11.

It is far from clear that these essential relationships, which are yielding tangible law enforcement results, will survive the strain of unilateral war with Iraq that comes before the alternatives are tried, or without the support of an international coalition.

A largely unilateral American war that is widely perceived in the Muslim world as untimely or unjust could worsen not lessen the threat of terrorism. War with Iraq before a genuine attempt at inspection and disarmament, or without genuine international support, could swell the ranks of al-Qaida sympathizers and trigger an escalation in terrorist acts. As General Clark told the Senate Armed Services Committee, it would "super-charge recruiting for al-Qaida."

General Hoar advised the Committee on September 23 that America's first and primary effort should be to defeat al-Qaida. In a September 10th article, General Clark wrote: "Unilateral U.S. action today would disrupt the war against al-Qaida." We ignore such wisdom and advice from many of the best of our military at our own peril.

We have known for many years that Saddam Hussein is seeking and developing weapons of mass destruction. Our intelligence community is deeply concerned about the acquisition of such weapons by Iran, North Korea, Libya, Syria and other nations. But information from the intelligence community over the past six months does not point to Iraq as an imminent threat to the United States or a major proliferation of weapons of mass destruction.

In public hearings before the Senate Armed Services Committee in March, CIA Director George Tenet described Iraq as a threat but not as a proliferator, saying that Saddam Hussein, and I quote, "is determined to thwart U.N. sanctions, press ahead with weapons of mass destruction, and resurrect the military force he had before the Gulf War." That is unacceptable, but it is also possible that it could be stopped short of war.

In recent weeks, in briefings and in hearings in the Senate Armed Services Committee, I have seen no persuasive evidence that Saddam is not today deterred from attacking U.S. interests by America's overwhelming military superiority.

I have heard no persuasive evidence that Saddam is on the threshold of acquiring the nuclear weapons he has sought for more than 20 years.

And the Administration has offered no persuasive evidence that Saddam would transfer chemical or biological weapons of mass destruction to al-Qaida or any other terrorist organization. As General Joseph Hoar, the former Commander of Central Command told the members of the Armed Services Committee, a case has not been made to connect al-Qaida and Iraq.

To the contrary, there is no clear and convincing pattern of Iraqi relations with either al-Qaida or the Taliban.

Moreover, in August, former National Security Advisor Brent Scowcroft wrote that there is "scant evidence" linking Saddam Hussein to terrorist organizations, and "even less to the September 11 attacks." He concluded that Saddam would not regard it as in his interest to risk his country or his investment in weapons of mass destruction by transferring them to terrorists who would use them and "leave Baghdad as the return address."

Some who advocate military action against Iraq assert that air strikes will do the job quickly and decisively, and that the operation will be complete in 72 hours. But there is again no persuasive evidence that air strikes alone over the course of several days will incapacitate Saddam and destroy his weapons of mass destruction. Experts have informed us that we do not have sufficient intelligence about military targets in Iraq. Saddam may well hide his most lethal weapons in mosques, schools and hospitals. If our forces attempt to strike such targets, untold numbers of Iraqi civilians could be killed.

In the gulf war, many of Saddam's soldiers quickly retreated because they did not believe the invasion of Kuwait was justified. But when Iraq's survival is at stake, it is more likely that they will fight to the end. Saddam and his military may well abandon the desert, retreat to Baghdad, and engage in urban, guerrilla warfare.

Many believe that our armed forces may need to occupy Baghdad, which has over 5 million residents. In our September 23 hearing, General Clark told the committee that we would need a large military force and a plan for urban warfare. General Hoar said that our military would have to be prepared to fight block by block in Baghdad, and that we could lose a battalion of soldiers a day in casualties. Urban fighting would, he said, look like the last brutal 15 minutes of the movie "Saving Private Ryan."

We know that the senior military leadership is concerned about the long-term consequences of an occupation. Secretary of Defense Rumsfeld testified in September that if force were used in Iraq, disarmament would take some period of time. As he said, "one would think there would have to be a military presence, undoubtedly a coalition presence or a U.N. presence, for a period of time.

In fact, the Congressional Budget Office estimated that the cost of an occupation force would be $1 billion to $4 billion a month, depending on the size of the force, and military experts have suggested that up to 200,000 peace keepers might be needed for the occupation. However, and let me emphasize this, the Congressional Budget Office concluded that current U.S. Army forces would be unable to support the needed troop rotations for a prolonged 200,000-person occupation.

I do not accept the idea that trying other alternatives is either futile or perilous—that the risks of waiting are greater than the risks of war. Indeed, in launching a war against Iraq now, the United States may precipitate the very threat that we are intent on preventing—weapons of mass destruction in the hands of terrorists. If Saddam's regime and his very survival are threatened, then his view of his interests may be profoundly altered: He may decide he has nothing to lose by using weapons of mass destruction himself or by sharing them with terrorists.

Indeed, in an October 7 letter to Senator GRAHAM, Chairman of the Senate Intelligence committee, CIA Director George Tenet stated this risk. He said, "Baghdad for now appears to be drawing a line short of conducting terrorist attacks with conventional or C.B.W. against the United States."

In discussing the scenario of a military attack, the CIA Director said, "Should Saddam conclude that a U.S.-led attack could no longer be deterred, he probably would become much less constrained in adopting terrorist actions . . . Saddam might decide that the extreme step of assisting Islamist terrorists in conducting a W.M.D. attack against the United States would be his last chance to exact vengeance by taking a large number of victims with him.

In the same letter, the CIA declassified an exchange between Senator LEVIN and a senior intelligence witness. When asked about the likelihood of Saddam using weapons of mass destruction without provocation, the intelligence witness said, "My judgment would be that the probability of him initiating an attack . . . in the foreseeable future, given the conditions we understand now, the likelihood I think would be low." When asked about the likelihood that Saddam would use weapons of mass destruction if he thought his regime was in danger, the witness said, "Pretty high, in my view."

Before the Gulf War in 1991, Secretary of State James Baker met with the Iraqis and threatened Hussein with "catastrophe" if he employed weapons of mass destruction. In that war, although Saddam launched 39 Scud missiles at Israel, he did not use the chemical or biological weapons he had.

If Saddam's regime and survival are threatened, he will have nothing to lose, and may use everything at his disposal. Israeli Prime Minister Ariel Sharon has announced that instead of its forbearance in the 1991 gulf war, this time Israel will respond if attacked. If weapons of mass destruction land on Israeli soil, killing innocent civilians, the experts I have consulted believe Israel will retaliate, and possibly with nuclear weapons.

This escalation, spiraling out of control, could draw the Arab world into a regional war in which our Arab allies side with Iraq, against the United States and against Israel. And that would represent a fundamental threat to Israel, to the region, to the world economy and international order.

Nor can we rule out the possibility that Saddam would assault American force with chemical or biological weapons. Despite advances in protecting our troops, we may not yet have the capability to safeguard all of them. The Congressional General Accounting Office published a report on October 1 which clearly suggests that our forces are not adequately prepared for a chemical or biological attack, even though the Defense Department has been taking significant actions to provide such protection.

The GAO emphasizes the importance of chemical and biological defense training, the medical readiness of units to conduct operations in a contaminated environment, and the critical need for an adequate supply of required protective gear.

Our forces are already stretched thin in other ways. Our soldiers, sailors, airmen and Marines are serving their country with great distinction. Just under 70,000 Reservists and National Guardsmen have been mobilized for the war against terrorism. Many reservists who were initially recalled for the war in Afghanistan have been either de-mobilized or extended for a second year. They are concerned about the impact a war against Iraq will have on their families and on their jobs. Many employers who are struggling in the current sagging economy are also deeply concerned about the stability of their workforce. These patriotic Americans are willing to sacrifice, but they deserve to know that all reasonable alternatives to war have been exhausted.

If we embark upon a premature or unilateral military campaign against Iraq, or a campaign only with Britain, our forces will have to serve in even greater numbers, for longer periods, and with graver risks. Our force strength will be stretched even thinner. If in the end we must go to war, the burden should be shared with allies, and an alliance is less likely if war becomes an immediate response.

Even with the major technological gains demonstrated in Afghanistan, the logistics and manpower required in a war with Iraq would be extraordinarily challenging if we could not marshal a real coalition of regional and international allies. The Chairman of the Joint Chiefs of Staff, General Richard Myers, told the Senate Armed Services Committee two week ago that because of the high demand placed on some of our forces, coalition partners would be necessary to mitigate the risk of war in Iraq.

President Bush made the right decision on September 12 when he expressed America's willingness to work with the United Nations to prevent Iraq from using chemical, biological or nuclear weapons. The President's address to the General Assembly challenging the United Nations to enforce its long list of Security Council Resolutions on Iraq was powerful, and for me, it was persuasive.

The President reports important progress has been made in urging many nations to join us in insisting that Saddam Hussein's regime be held accountable. The meetings already held between the U.N. and the Iraqi government on resuming inspections reflects the new international resolve to ensure that Iraq's weapons of mass destruction are identified and destroyed. Yet, the resolution before us would allow the President to go it alone against Iraq without seeing our U.N. initiative through, and without exhausting the alternatives.

To maintain the credibility he built when he went to the U.N., the President must follow the logic of his own argument. Before we go to war, we should give the international community a chance to meet the President's challenge, to renew its resolve to disarm Saddam Hussein completely and effectively.

Some have argued that inspections have already been tried, and that they have failed. They argue that the international community has exhausted the option of inspections, and that immediate war is now justified. I disagree.

I have spoken to former inspectors and non-proliferation experts who are convinced that 7 years of inspections significantly impeded Saddam's efforts to acquire weapons of mass destruction. Indeed, they are convinced that inspections can work effectively again.

According to Rolf Ekeus, who served as the executive chairman of the U.N. Special Commission on Iraq from 1991 to 1997, inspectors ensured that not much was left of Iraq's once massive weapons programs at the time they departed.

In fact, the seven years of inspections that took place until 1998 succeeded in virtually eliminating Saddam's ability to develop a nuclear weapon in Iraq during that period. Even with Iraq's obstructions, those inspections resulted in the demolition of large quantities of chemical and biological weapons. The inspection program, before its forced termination in 1998, had accomplished far more disarmament than the gulf war itself.

President Bush acknowledged the successes of the International Atomic Energy Agency, or I.A.E.A., in thwarting Saddam's nuclear ambitions in his October 7 address to the Nation. He said, "Before being barred from Iraq in 1998, the International Atomic Energy Agency dismantled extensive nuclear weapons-related facilities, including three uranium-enrichment sites."

A CIA assessment, released to the public in October 2002, says: "Before its departure from Iraq, the IAEA made significant strides toward dismantling Iraq's nuclear weapons program and unearthing the nature and scope of Iraq's past nuclear activities."

Even the assessment of Iraq's WMD program published by the British Government to demand action in the United Nations against Iraq acknowledges the success of inspections. It says: "Despite the conduct of the Iraqi authorities towards them, both, the UN, and the IAEA Action Team have valuable records of achievement in discovering and exposing Iraq's biological weapons program and destroying very large quantities of chemical weapons stocks and missiles as well as the infrastructure for Iraq's nuclear weapons programme."

Among the U.N.'s significant achievements cited in the assessment are: The destruction of 40,000 munitions for chemical weapons, 2,610 tons of chemical precursors, and 411 tons of chemical warfare agent. The dismantling of Iraq's prime chemical weapons development production complex. The destruction of 48 Scud-type missiles, 11 mobile launchers and 56 sites, 30 warheads filled with chemical agents, and 20 conventional warheads. The destruction of the al-Hakam biological weapons facility and a range of production equipment. The removal and destruction of the infrastructure of the nuclear weapons program, including a weaponization and testing facility.

Experts on inspections advise that it would be extremely hard for Iraq to carry on an active and even secret WMD program while inspections are being conducted, especially with the inspection technology that has been developed over the last ten years. One former nuclear inspector told me that he found it hard to keep Iraqi scientists quiet about Iraq's nuclear program, once they started to talk.

Given these assessments, there is every reason to believe that unrestricted and unconditional inspections can again be effective in ensuring the destruction of weapons of mass destruction. It is an option that must be given a clear chance before going to war again.

So this should be the first aim of our policy, to get U.N. inspectors back into Iraq without conditions. I hope the Security Council will approve a new resolution requiring the Government of Iraq to accept unlimited and unconditional inspections and the destruction of any weapons of mass destruction.

The resolution should set a short timetable for the resumption of inspections. I would hope that inspections could resume, at the latest, by the end of October.

The resolution should also require the head of the U.N. inspection team to report to the Security Council every two weeks. No delaying tactics should be tolerated, and if they occur, Saddam should know that he will lose his last chance to avoid war.

The Security Council Resolution should authorize the use of force, if the inspection process is unsatisfactory. And there should be no doubt in Baghdad that the United States Congress would then be prepared to authorize force as well.

The return of inspectors with unfettered access and the ability to destroy what they find not only could remove any weapons of mass destruction from Saddam's arsenal. They could also be more effective than an immediate or unilateral war in ensuring that these deadly weapons would not fall into terrorist hands.

Before going to war again, we should seek to resume the inspections now—and set a non-negotiable demand of no obstruction, no delay, no more weapons of mass destruction in Iraq.

We know that our actions against Iraq do not occur in a vacuum. The world is watching. The Administration's decisions to abandon the Kyoto Protocol on global warming, to unilaterally withdraw from the ABM Treaty, and to reject ratification of the Treaty on the International Criminal Court have left the unmistakable impression across the globe that the United States wants to write its own international rules.

In February, Secretary of State Powell testified that there was significant concern among the Europeans earlier last year about "unbridled U.S. unilateralism," because "the U.S. was going off on its own without a care for the rest of the world." Further unilateral action on our part, especially on the all-important issue of war, could trigger a new global anti-Americanism that causes peoples and governments to question our motives and actions on a wide range of issues.

We should not embark on a unilateral war, without fully considering the potentially destabilizing impact on our allies in the region.

If we insist on attacking Iraq alone without the clear support of the international community, we could inflame anti-Americanism in the predominantly Muslim countries throughout the Middle East and South Asia. In an article this month in the New York Times, an expert at the Brookings Institution wrote that regardless of our real objectives, most Arabs and Muslims will see "American imperialism" in a war with Iraq.

This expert says that a war with Iraq would "render the Middle East more . . . unstable than it is today." Middle Eastern leaders could be faced with mass street protests over a highly unpopular American strike.

Jordan's King Abdullah, who is a trusted friend of America, is deeply concerned that war will inflame the large Palestinian population and inflame Islamic views. Iraq is one of Jordan's largest trading partners, and King Abdullah is understandably concerned about a potentially devastating impact on the Jordanian economy. Some experts have suggested that King Abdullah may lose power if war breaks out. Already the Jordanian Government is working actively to discourage popular outbursts against war with Iraq.

In Egypt, President Mubarak is concerned that war with Iraq will further ignite strong Islamist sentiment.

We also need to consider the possibility that Iran would try to increase its strength and influence in Southern Iraq in a post-Saddam era. More than 50 percent of the Iraqi population is Shiite, just as in Iran, and if the Iranian Government senses a vacuum, it very well might try to increase its influence in Iraq.

The United States must clearly act to defend our national security against an imminent threat. In doing so, the President will have the full support of Congress and the American people. But when an imminent threat does not exist, and when reasonable alternatives are available, as they are now, we must use them before resorting to war.

What can be gained here is success and in the event of failure, greater credibility for an armed response, greater international support, and the prospect of victory with less loss of American life.

So what is to be lost by pursuing this policy before Congress authorizes sending young Americans into another and in this case perhaps unnecessary war?

Even the case against Saddam is, in important respects, a case against immediate or unilateral war. If Prime Minister Blair is correct in saying that Iraq can launch chemical or biological warheads in 45 minutes, what kind of sense does it make to put our soldiers in the path of that danger without exhausting every reasonable means to disarm Iraq through the United Nations?

Clearly we must halt Saddam Hussein's quest for weapons of mass destruction. Yes, we may reach the point where our only choice is conflict with like-minded allies at our side, if not in a multilateral action authorized by the Security Council. But we are not there yet.

The evidence does not take us there; events do not compel us there and both the war against terrorism and our wider interests in the region and the world summon us to a course that is sensible, graduated, and genuinely strong—not because it moves swiftly to battle, but because it moves resolutely to the objective of disarming Iraq peacefully if possible, and militarily if necessary.

In his October 7 address to the nation, President Bush said Congressional approval of a resolution authorizing the use of force does not mean that war with Iraq is "imminent or unavoidable." The President himself has not decided that our nation should go to war. Yet, Congress is being asked to authorize war now. He may decide not to use that authority. But this resolution leaves it to the President to make the decision on his own, without further recourse to Congress or to the American people.

The power to declare war is the most solemn responsibility given to Congress by the Constitution. We must not delegate that responsibility to the President in advance.

Let me close by recalling the events of an autumn of danger four decades ago. When missiles were discovered in Cuba—missiles more threatening to us than anything Saddam has today, some in the highest councils of government urged an immediate and unilateral strike. Instead the United States took its case to the United Nations, won the endorsement of the Organization of American States, and brought along even our most skeptical allies. We imposed a blockade, demanded inspection, and insisted on the removal of the missiles.

When an earlier President outlined that choice to the American people and the world, he spoke of it in realistic terms not with a sense that the first step would necessarily be the final step, but with a resolve that it must be tried.

As he said then, "Action is required . . . and these actions [now] may only be the beginning. We will not prematurely or unnecessarily risk the costs of . . . war—but neither will we shrink from that risk at any time it must be faced."

In 2002, we too can and must be both resolute and measured. In that way, the United States prevailed without war in the greatest confrontation of the Cold War. Now, on Iraq, let us build international support, try the United Nations, and pursue disarmament before we turn to armed conflict.

Mr. JOHNSON. Mr. President, I rise today to offer my support for the pending resolution. I am pleased to be a cosponsor of the Lieberman-Warner-McCain resolution because I believe it is in our national security interests to deal with the threat posed by Iraq. The world would be a far safer place without Saddam Hussein, and as long as he remains in power, he will continue to be a threat to the region, to the United States, and to his own people.

Saddam Hussein is a destabilizing force in the Middle East. A quick review of history reveals he has invaded two of his neighbors—Iran and Kuwait—causing massive destruction, killing hundreds of thousands of people, and bankrupting his country. During the gulf war, he launched ballistic missiles at civilian populations in Israel. He opposes the Middle East peace process and has provided financial rewards to the families of suicide bombers. He supports organizations engaged in terrorism and committed to the overthrow of governments within the region. It is clear that Saddam Hussein is an opponent of stability in the Middle East, and our efforts to build a lasting peace in the region is in jeopardy as long as he remains in power.

In addition to being a threat to his neighbors, Saddam Hussein is a threat to the United States and to our vital national security interests. There can be no doubt that Iraq has continued its drive to develop weapons of mass destruction and the means to deliver them. After the gulf war, Saddam Hussein agreed to open up his country to international inspectors, to destroy his weapons stockpiles, and to halt all weapons of mass destruction development programs. Despite near continual obstruction by Iraq, international weapons inspectors were able to uncover a portion of his extensive chemical and biological weapons, and gain vital information about his effort to develop nuclear weapons.

However, the weapons inspectors' progress was thwarted when Saddam Hussein forced them to leave the country in 1998. For 4 years, he has been able to pursue chemical, biological, and nuclear weapons capabilities outside the watchful eye of the international community. While Iraq has agreed to allow the weapons inspectors to return, I am skeptical that Saddam Hussein will keep his word and allow unfettered access to suspect sites. Already there are indications that the agreement under which the inspectors will return allows Iraq to forbid entrance into certain key locations. Without full and guaranteed access to all sites, this inspection regime is likely to fail and prove to be just another delaying tactic.

Saddam Hussein's possession of weapons of mass destruction is in itself a threat to the United States, but equally concerning is his ties to international terrorism. It is clear that Iraq is in violation of its obligation to renounce terrorism and to halt its support for terrorist organizations. Recently, the Bush administration announced that it has evidence linking Saddam Hussein with international terrorists. A link between Saddam Hussein's weapons of mass destruction and al-Qaida terrorists would be the gravest threat facing our Nation and would require immediate action by the United States.

Given this threat, and the fact that Iraq is in violation of 16 separate United Nations Security Council resolutions, the United States is well within its rights to act militarily to protect the safety of the American people. I disagree with those who argue our actions must be tied to prior approval by the United Nations. The defense of our Nation should not be dictated by other countries or international organizations. If necessary, the United States should be prepared to act alone.

However, I strongly support efforts to build international support prior to military action against Iraq. The support of our allies, and the international community as a whole, will increase the chances of success for our policy in Iraq and in the ongoing fight against global terrorism. One reason why I support the pending resolution is that I believe a strong vote by Congress will signal our national unity and make it more likely that the President will succeed in creating a strong international coalition.

While much of our focus has been on preparing for possible military action against Iraq, and working with the international community to resume inspections of Iraq's suspected weapons of mass destruction sites, I believe we must also begin the process of planning for a post-Saddam Hussein Iraq. As a part of this, we must begin to talk to the Iraqi people and enlist their support in the fight against Saddam Hussein. There can be no doubt that no one has suffered more from Saddam Hussein's regime than the people of Iraq.

The list of crimes Saddam Hussein has perpetrated against his own citizens is shocking. Since 1997, he has killed over 2,500 prisoners—many of whom were jailed simply for their opposition to his regime. He has repressed both the Kurds in the north and the Shiites in the south by causing environmental devastation, demolishing homes, destroying villages, and creating hundreds of thousands of internally displaced people throughout the country. In 1988 in the village of Halabja, he used chemical weapons to kill more than 5,000 innocent Iraqi civilians. And while thousands of his people starve, Saddam Hussein diverts much needed food and medicine from the U.N.'s Oil for Food Program for his own enrichment.

Given his history, the Iraqi people should no doubt welcome the end of Saddam Hussein's brutal regime. We should ask for their support in ousting Saddam by assuring them that our goal is nothing short of helping them establish a functioning, democratic society. Iraq enjoys a wealth of natural resources and a well-educated, innovative population. The Iraqi people may well thrive once they are allowed to harness the power of democracy and free markets.

I believe we can succeed in helping the Iraqi people create a better country. It will be difficult and will take a long-term commitment from the United States. But ultimately, the success of our efforts in Iraq will be judged by our ability to make sure that Saddam Hussein is not simply replaced by another dictator who will pursue weapons of mass destruction, invade his neighbors, and support global terrorism.

This vote has particular significance to me. My son, Brooks, is currently serving in the 101st Airborne. The 101st is one of the Army divisions that has been identified by military leaders as likely to prosecute the war against Iraq. I know that a vote in favor of this resolution may be a vote to send my own son to war. Given this, I do not take this vote lightly. I am very proud of my son, and of the thousands of South Dakotans serving in our Armed Forces, and I know they are prepared to do what is necessary to protect the United States.

I will vote for this resolution because I know putting a stop to Iraq's weapons of mass destruction program and ending Saddam Hussein's brutal dictatorship is in our national security interests and vital to protecting the American people. While this approach is not without danger, the greatest danger of all would be in a failure of the U.S. and the world community to act in a decisive and urgent manner.

Mr. LIEBERMAN. Mr. President, what weapons, exactly, does Saddam Hussein have, and what could he do with them? When we are talking about this dangerous dictator, that is not a hypothetical question. We can see what he has done already with the chemicals he has developed. We don't have to imagine; we need only extrapolate.

Saddam Hussein not only has large and growing stockpiles of chemical and biological weapons. He alone among the dictators of the world has shown a willingness to use them.

In the 1980s Iran-Iraq War, Iraqi troops repeatedly used poison gas, including mustard gas and the nerve agent sarin, against Iranian soldiers. And Saddam has repeatedly attacked Kurds in the north with chemical weapons, namely nerve agents and mustard gas, the most horrifying single attack coming in Halabja in 1988.

It is one thing to see nations accumulate dangerous weapons for purely deterrent and defensive purposes. It is another entirely to see a dictator develop such weapons and deploy them to murder opponents of his regime and wage offensive war against a neighbor.

That is why we must look with special scrutiny on Saddam's stockpiles.

When the U.N. inspectors were forced out of Iraq in 1998, here is what was unaccounted for: up to 360 tons of bulk chemical warfare agents, including one and a half tons of VX nerve agent; up to 3,000 tons of precursor chemicals; growth media sufficient to produce 26,000 liters of anthrax spores; and over 30,000 special munitions for delivery of chemical and biological agents.

Those are just the leftovers that we know about. Then add to that all the deadly weapons that Saddam has been cooking up over the last 11 years. We know Iraq continues to produce chemical agents for chemical weapons. We know Saddam has rebuilt previously destroyed production plants across Iraq. We know he has retained the key personnel formerly engaged in the chemical weapons program. He has mustard gas, VX nerve agent, and a range of other chemical weapons.

The record repeats itself with biological weapons. Intelligence shows us that production has continued. Facilities formerly used for biological weapons have been rebuilt. Equipment has been purchased. And Saddam has retained the personnel who worked on it before the gulf war. Indeed, UNSCOM found that Iraq was working to build mobile biological weapons facilities which are easier to conceal. It appears that they now have such facilities. The biological agents we believe Iraq can produce include anthrax, botulinum, toxin, aflatoxin and ricin.

Perhaps we recite the litany, "chemical, biological, working on nuclear," so often that it loses some of its meaning. British Prime Minister Tony Blair has warned against us developing a kind of "word fatigue" when it comes to these weapons, and I take that warning to heart.

"New Yorker" writer Jeffrey Goldberg has traveled to the region and done significant reporting on Saddam's capabilities and his intentions—on his deadly weapons and his brutal will. Let me read a piece Mr. Goldberg wrote in the online magazine Slate that puts Saddam's possession of at least one of these toxins in sharp relief. I quote:

> In 1995, the government of Saddam Hussein admitted to United Nations weapons inspectors that its scientists had weaponized a biological agent called aflatoxin. Charles Duelfer, the former deputy executive chairman of the now—defunct UNSCOM, told me earlier this year that the Iraqi admission was startling because aflatoxin has no possible battlefield use. Aflatoxin, which is made from fungi that occur in moldy grains, does only one thing well: It causes liver cancer. In fact, it induces it particularly well in children. Its effects are far from immediate. The joke among weapons inspectors is that aflatoxin would stop a lieutenant from making colonel, but it would not stop soldiers from advancing across a battlefield.
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> I quoted Duelfer, in an article that appeared in the New Yorker, saying that "we kept pressing the Iraqis to discuss the concept of use of aflatoxin." They never came up with an adequate explanation, he said. They did admit, however, that they had loaded aflatoxin into two warheads capable of being fitted onto Scud missiles.

Richard Spertzel, who was the chief biological weapons inspector for UNSCOM, told me that aflatoxin is "a devilish weapon. From a moral standpoint, aflatoxin is the cruelest weapons, it means watching children die slowly of liver cancer."

Spertzel went on to say that, to his knowledge, Iraq is the only country ever to weaponize aflatoxin.

> In an advertisement that appeared in the New York Times on Tuesday, a group of worthies called upon the American people to summon the courage to question the war plans of President Bush. The advertisement, which was sponsored by Common Cause, asks, in reference to the Saddam regime, "Of all the repugnant dictatorships, why this one?" . . .
>
> . . . There are, of course, many repugnant dictators in the world; a dozen or so in the Middle East alone. But Saddam Hussein is a figure of singular repugnance, and singular danger. To review: There is no dictator in power anywhere in the world who has, so far in his career, invaded two neighboring countries; fired ballistic missiles at the civilians of two other neighboring countries; tried to have assassinated an ex-president of the United States; harbored al-Quaida fugitives; attacked civilians with chemical weapons; attacked the soldiers of an enemy country with chemical weapons; conducted biological weapons experiments on human subjects; committed genocide; and then there is, of course, the matter of the weaponized aflatoxin, a tool of mass murder and nothing else.
>
> I do not know how any thinking person could believe that Saddam Hussein is a run-of-the-mill dictator. No one else comes close

> . . . to matching his extraordinary and variegated record of malevolence.
>
> Earlier this year, while traveling across northern Iraq, I interviewed more than 100 survivors of Saddam's campaign of chemical genocide. I will not recite the statistics, or recount the horror stories here, except to say that I met enough barren and cancer-ridden women in Iraqi Kurdistan to last me several lifetimes.
>
> So: Saddam Hussein is uniquely evil, the only ruler in power today—and the first one since Hitler—to commit chemical genocide. Is that enough of a reason to remove him from power? I would say yes, if "never again" is in fact actually to mean "never again."

That is why every day this man remains in power is a day of danger for the American people, the Iraqi people, and, indeed, the people of the world.

Let me give you one more example that is as disturbing as aflatoxin. It is botulinum toxin, the cause of botulism, which comes from bacteria found in the soil. After the gulf war, United Nations weapons inspectors found that Iraq had produced tons of botulinum toxin, some of it loaded into missiles and bombs. Let me repeat. Years ago, inspectors found tons, some of it weaponized. So we know Saddam has experience with this weapon.

For smallpox, there is a vaccine. Anthrax and other bacterial agents can be treated with antibiotics. But botulism is a toxin, a poisonous chemical made by bacteria. Less than a handful of pure botulinum toxin, evenly dispersed in an aerosol, would be enough to kill more than a million people. The only treatment for botulism poisoning is an anti-toxin made from horse serum, and it only works about half the time.

There is a horror story for every biological or chemical agent in this man's arsenal. I don't need to go through them all. We only need to understand that these horror stories could come true if we do not confront Saddam's devious designs.

Some insist, and I don't understand this claim, that chemical and biological weapons aren't all that troubling. They say we need only really worry about nuclear weapons.

Given what I have just explained, I think that is a dangerous assumption. But assume for a moment that Saddam has no chemical weapons and no biological weapons. Would there be cause for forceful United Nations action, and, failing that, American military action?

I say, yes, without a doubt.

There is now a consensus belief that Saddam could have an atomic weapon within months of acquiring fissile material. Based on the best estimates, his regime could manufacture the fuel itself within as little as 3 years. There is no way to measure now long it might take Saddam to acquire the fuel from an outside source. He could be attempting to do so as we speak. Indeed, it would be näive to assume otherwise.

This leads to a critical question, and perhaps the threshold question in the debate. How long do my fellow Senators suggest we wait? Until we know, beyond dispute, if there is ever such evidence beyond dispute, that Saddam is 1 month away from obtaining a nuclear weapon and the means to deliver it? Until we know beyond dispute that he is a week away? Or perhaps we should wait until he has it?

In 1996, the International Atomic Energy Agency, IAEA, reported that Iraq had all the materials for a bomb except for the fissile material itself—either plutonium or highly enriched uranium. It is now 6 years later.

The debate about whether Saddam is an "imminent" threat is an interesting one. What better defines imminence than the facts that I have just outlined?

In fact, we must admit that the only conclusive proof of imminence could come in the hindsight, when innocents are sorting through the rubble and counting the injured or the dead. As National Security Advisor Condaleeza Rice said, the smoking gun could be a mushroom cloud. Or add to that a yellow cloud of mustard gas, an invisible cloud of sarin gas, or the slow and silent spread of smallpox.

I know, despite all this evidence, much of which is beyond dispute, some say, "There is no new evidence."

I have two answers to that. One, we don't need new evidence. The existing evidence of his capabilities and intent is more than enough to paint a poisonous picture.

Two, there is, in fact, new evidence. For instance, the fact that, once acquiring fissile material, Saddam will be just months of developing a nuclear weapon, is new. And it underlines the urgency of defanging this dictator immediately.

In fact, here is a brief review what we know about what Saddam has done since the departure of the U.N. weapons inspections in 1998. British Prime Minister Tony Blair laid this out to the Parliament last month.

Since 1998, we know that Saddam has sought or attempted to buy: specialized vacuum pumps, the type needed for the gas centrifuge to enrich uranium; an entire magnet production lien of the type for use in the motors and top bearings of gas centrifuges; dual use products such as Anhydrous Hydrogen Fluoride and fluoride gas; a filament winding machine, which can be used to manufacture carbon fiber gas centrifuge rotors; 60,000 or more specialized aluminum tubes, which are subject to strict controls due to their potential use in the construction of gas centrifuges.

And Saddam has been trying to buy significant quantities of uranium, though we do not know whether he has been successful. Key personnel from his old nuclear weapons program are at work again. Iraq claims that this is for a civil nuclear power program but it has no nuclear powerplants.

We can search for the most innocuous possible explanation, of each and every disturbing piece of evidence, or we can look realistically at the totality of the evidence.

And what about delivery systems?

Iraq is supposed to only have limited missile capability for conventional weaponry. But we know that a significant number of longer-range missiles were concealed from the previous inspectors, including up to 20 extended range Scud missiles. We know that 2001, Iraq's plans entered a new stage and that now, the regime's development of weapons with a range over 600 miles. Hundreds of key personnel are working on the delivery systems.

The danger will not abate unless we make it abate. it will only grow. And we will be forced to simply wait and see how, when, and against whom Saddam will use these weapons.

What more do we need to know?

Some say that removing Saddam Hussein from power would compromise the wider war against terrorism. But to me, the two are inextricably linked.

First, remember that Iraq under Saddam is one of only seven nations in the world to be designated by our State Department as a state sponsor of terrorism. He provides aid, funding, and training to terrorists who have killed Americans and others. He hosted the Abu Nidal Organization, whose leader was found dead in Baghdad in August. He gives money to the families of Palestinian suicide bombers.

Second, Saddam himself meets the definition of a terrorist, someone who attacks civilians to achieve a political purpose. He has done so repeatedly against the Kurds in the north of Iraq, as well as against the Shi'a in the south. If he is willing to kill thousands of Iraqis, how many Americans or Europeans do we think he considers expendable?

Third, though the relationship between al-Qaida and Saddam's regime is a subject of intense debate within the intelligence community, we do have evidence of meetings between Iraqi officials and leaders of al-Qaida, and some testimony that Iraqi agents helped train al-Qaida operatives to use chemical and biological weapons. We also know that senior leaders of al-Qaida have been and are now harbored in Iraq.

It is not speculation to suggest that Iraq might pass chemical, biological, or nuclear weapons to terrorists. It is realism.

There are other state sponsors of terrorism, all of which pose serious dangers to the security of America and the world.

But Saddam's is the only regime that combines a record of supporting terrorists with a history of killing and torturing dissidents, ambitions to dominate his region, growing stockpiles of chemical and biological weapons and a willingness to use them. That is why the danger he poses rises above the rest on the topography of terror.

In my view, if we remove his pernicious influence from the Middle East and free the Iraqi people to determine their own destiny, we will transform the politics of the region, and advance the war against terrorism, not set it back as some have suggested.

In April 1917, in requesting a congressional declaration to enter what was then known as the Great War, Woodrow Wilson said, "We act without animus, not in enmity toward a people or with the desire to bring any injury or disadvantage upon them, but only in armed opposition to an irresponsible government which has thrown aside all considerations of humanity and of right and is running amuck."

The same can be said if and when we must confront Saddam's brutal regime. We will not be fighting the Iraqi people. Our goal, to the contrary, will be to liberate the Iraqi people from tyranny even as we remove the threat from this rabid regime.

But we must prove that good and decent intent not only on the day we commit arms, if we must, on the day we win. We must prove our commitment to building a better nation for the Iraqi people on the day after the day after, and the day after that, when we will face, and help the Iraqi people to face, the broad range of humanitarian, economic, diplomatic, and political problems that will no doubt present themselves.

The wars we wage are measured by the quality of the peace that follows.

I know that some fear the future of Iraq post-Saddam. They fear the risks, the responsibilities, and the costs, so much that those fears of tomorrow lead them to justify inaction today. To me, post-Saddam Iraq is not a burden to be shunned but an opportunity to be seized. It must become a signal to the world, particularly the Islamic world, of our Nation's best intentions.

Indeed, post-Suddam Iraq will be a test of America and our values. We have barely earned a passing grade on our first test, in post-Taliban Afghanistan. We cannot afford to scrape and slip by again, because this time the stakes are higher, the stage larger, and the consequences of failure even more dire.

How do we lay the foundation for a civil and open society after the fighting stops and the likely celebrations in the streets subside?

First, we must we invest in Iraq's security. Some will be tempted to shortchange our post-Saddam commitment by whittling down a security presence to the smallest possible size we think we can get away with, or by pulling our forces out the first open window.

But we must learn from Afghanistan, where, despite a brilliant military victory and early movements toward a stable and civil society, some big mistakes have been made.

Perhaps due to the Bush administration's stated aversion to nation building, we failed to establish a peacekeeping presence strong enough or geographically wide enough to tame the factionalism and ethnic conflict that have plagued Afghanistan for years. We failed to get ready to deal with the decrepit state of the nation's infrastructure caused by the long civil war that preceded our involvement. And, though our nations assisted us in our military victory, we did not leverage their investment to give them sufficient stake in a responsibility in a long-term peace.

As a result, the situation on the ground in Afghanistan is tenuous today. Warlords control the countryside. Hamid Karzai's rule in Kabul is uncertain. His ministers have been assassinated. Karzai himself came within a hair's breath of assassination. Have we lost the peace? No. But the current instability can, if left to fester, give rise to terrorism. oppression, and civil war.

It is not too late to correct our course. That is why Senator Hagel and I have sponsored the Afghanistan Freedom Support Act of 2002, currently before the Senate Foreign Relations Committee. The bill would commit to the country's stability, security, and democratic development by investing $2.5 billion over 4 years in economic, political, and humanitarian assistance, including a half billion dollars toward an enterprise fund for business development and job creation and $300 million in military and security assistance for police training and crime control. It would also urge President Bush to expand the international security force beyond Kabul, and, if that decision were made, would authorize $1 billion over the next two years to make that possible. This is extremely important legislation that deserves broad legislative and public support.

Now we must hear from the administration that they are ready with specific plans for Iraq that will not repeat the mistakes of Afghanistan.

In fact, we have to face the fact that the best-case military scenario—the rapid collapse of the Iraqi military and the swift capture or elimination of Saddam—would also present the most challenging security scenario.

The three most immediate security objectives will be securing all chemical, biological and nuclear weapons sites and relevant personnel, tracking down Saddam's remaining secret police, and preventing potential Iranian military interference.

Simultaneously, among the Iraqi people at large, U.S. forces must be ready immediately to shift gears to post-conflict operations, helping to restore order and handling humanitarian emergencies. Despite its tremendous training and talent, our military needs more specialized teams to take on this crucial job.

The administration should also work with non-governmental organizations to recruit Iraqi-American and other Arab-American volunteers who can help peacekeepers and humanitarian organizations communicate with the Iraqi people, distribute supplies, assist in healthcare delivery, and do other critical jobs. A similar volunteer program worked in the Balkans and can work again in Iraq.

Like the military campaign itself, stabilizing post-Saddam Iraq and tending to the Iraqi people will be aided dramatically if the United States is part of a international coalition, especially one that includes Muslim and Arab nations. That will make clear to Iraqis and the world that our enemy is Saddam and not the Iraqi people, and just as Saddam is a threat to the world, securing and rebuilding Iraq is the duty of the world.

The bottom line is this: While Afghanistan's growing instability is deeply troubling, allowing post-Saddam Iraq, which abuts Syria and Iran, Saudi Arabia and Jordan, Kuwait and Turkey, to fall into civil war or into the hands of another dictator would be disastrous. If post-Saddam Iraq unravels, as Afghanistan is at risk of doing, so will the credibility and the effectiveness of our wider war against terrorism. And we will be that much closer to a global civilization war.

Once security and stability are established in post-Saddam Iraq, we must begin to establish the foundation for democratic governance and the rule of law. I am pleased that the Bush administration has begun bringing key opposition groups together to lay what a foundation for an honest, effective, and representative government. Iraq is a divided nation, with at least three key regions and three key religious, ethnic, and political factions. But let's be clear. Post-Saddam Iraqi governance will take more than a couple of conference calls to get right.

And we must be very careful here. Our goal is not replacing Baghdad with New York on the Tigris. We do not want an American client state, and we can't expect a democracy that overnight looks exactly like ours. We must be realistic. This process will require the sustained guidance, partnership, and investment of our nation and our allies, working with the Iraqi people.

The war against terrorism, including this effort to disarm Iraq, is like no other war we have waged.

If we are true to our principles, we can again make the world a safer and better place, not only for us Americans but for people in Iraq and throughout the Arab and Muslim worlds, who deserve the freedom and opportunity that we declared at the birth of our Nation 226 years ago: the endowment each human being receives at birth from our Creator.

Mr. FITZGERALD. Mr. President, I rise today in support of the Lieberman-Warner resolution authorizing the use of force against Iraq. This resolution gives President Bush the flexibility he needs to address the threat posed by Saddam Hussein, including the authority to use military force as he deems appropriate, without ceding too much authority to the executive to wage war outside Iraq. I applaud Senators LIEBERMAN, WARNER, McCAIN, and so many others who have worked with President Bush to reach an agreement on this critical issue.

I support the President's policy of regime change in Iraq to eliminate the threat Saddam poses to the U.S. and the world, and agree that time is of the essence. I was concerned that the administration's initial draft resolution was too broad, and called for tighter parameters on the Presidential mandate. The resolution now before us addresses my concerns by confining the scope of possible military action to Iraq, rather than the entire Middle East region.

Only last month we commemorated the one-year anniversary of the deadliest terrorist attack in our history. Today, we face a threat from a regime that would not hesitate to use weapons of mass destruction against our friends and allies, or against the United States itself, or transfer these weapons to terrorist groups that target Americans.

Saddam Hussein's track record is well-known to all. He ordered the use of chemical weapons—including sarin, VX, tabun, and mustard agents—against his own people, killing tens of thousands of innocent civilians. His regime invaded two neighbors and threatened others. In 1991, his troops were prepared to invade other countries, had they not been thwarted by the U.S.-led international coalition. His regime launched ballistic missiles at four of its neighbors—Israel, Saudi Arabia, Iran, and Bahrain. He ordered the assassination of opponents in Iraq and abroad, including a former president of the United States. His regime beat and tortured American POWs and used them as human shields during the 1991 Persian gulf war. His military continues to fire at U.S. and coalition aircraft patrolling the no-fly zones in northern and southern Iraq.

Based on the information presented to me in classified briefings, I share President Bush's assessment that Iraqi disarmament must be the objective. Weapon inspections alone will not achieve this goal, and a lengthy inspections regime could inadvertently give Saddam more time to stockpile and conceal weapons of mass destruction. After eleven years of lies and deception, we cannot expect that Saddam will reverse course and willingly disarm. Clearly, regime change in Iraq is the only way to end the threat Saddam Hussein poses to the United States and the world.

What has brought us to this point?

On March 3, 1991, Iraq, having been forced to abandon the territory it overran in Kuwait, agreed to the terms of a cease-fire offered by the allied forces. Since the cease-fire, Iraq has repeatedly violated a series of Security Council resolutions designed to ensure that Iraq submits to U.N. inspections, abides by the cease-fire agreement, dismantles its extensive weapons of mass destruction programs, and returns Kuwaiti and other nations' POWs, missing persons, and property seized during the gulf war. The United Nations has found Iraq in "material breach of cease-fire terms" on seven occasions, and Iraq remains in violation of the cease-fire to this very day.

For seven and one-half years, Saddam Hussein played a cat-and-mouse game with U.N. inspectors. The Iraqi regime misled, lied, intimidated, and physically obstructed the inspectors; and Iraqi scientists who provided in formation to the inspectors disappeared, most likely into Saddam's dungeons and execution chambers. The inspectors uncovered an enormous amount of biological and chemical weapons materials and production facilities, but by their own account they could not find everything. And any success they may have had was in large measure because Saddam feared a renewed military offensive by the United States. Finally, on November 11, 1998, following Iraq's announcement that it was prohibiting all U.N. inspections, weapons inspections in Iraq ceased. Under increasing international pressure, Iraq again agreed to allow inspectors full access, but then resumed obstructing their operations, and the United Nations withdrew the inspectors on December 15, 1998. Over the next 4 years, Iraq refused to admit weapons inspectors under the terms set forth by the Security Council.

Iraq has had 4 years to refine its techniques of deception. It defies common sense to suggest that a hundred or even a thousand U.N. inspectors could, with any assurance, succeed in finding small WMD stockpiles and facilities in a country the size of the state of California. Many former U.N. inspectors who experienced first-hand Iraq's lies and deceptions have come to the same conclusion.

We know that Saddam has chemical and biological weapons, and is developing nuclear weapons. These weapons would immediately threaten U.S. troops and our friends and allies in the region. A Saddam Hussein with nuclear weapons would radically alter the balance of power in the Middle East, requiring a profound shift in the deployment of American forces and undermine our ability to respond to other potential threats around the globe.

Saddam has worked with terrorist networks for many years. He harbored Abu Nidal, and is reportedly providing safe have to Abdul Rahman Yasin, a key participant in the 1993 World Trade Center bombing. Saddam has himself ordered acts of terror. He shares many objectives with groups like al-Qaida, and may decide to use terrorists to conceal his responsibility for an attack on the United States.

For 11 years, Saddam Hussein has thumbed his nose at the international community. Would it be prudent to continue what has failed for 11 long years? Would it be wise to give Saddam more time, which we know he will devote to realizing his greatest dream—to obtain the nuclear weapons that would allow him to dominate the Middle East with all of its oil and threaten to drive the United States out of a region that is vital to our security?

Never in our history have we been in a position where we could be blackmailed, under the threat of nuclear war, into withdrawing support for our closest allies or sacrificing our national security to prevent the death of millions. And yet this is the danger we face in as little as one year if we do not act to remove this looming threat. Time is not on our side; it is on the side of Saddam Hussein. We cannot wait for a smoking gun, because a gun smokes only after it is fired, and the smoke of a nuclear blast would mean that we are too late.

I applaud the President's decision to seek international support for regime change in Iraq, but U.S. action should not hinge on the endorsement of the United Nations. The United States is leading a coalition of international allies in the war on terror, not the other way around.

In the case of Iraq, U.S. national security interests should not be sacrificed if the U.N. cannot be persuaded of the urgency of this threat. It would be preferable to have U.N. support, but we have to be prepared to go it alone if necessary. We cannot give the United Nations veto power over our decisions to protect our national interests.

I remain concerned about our planning for the future of Iraq if we succeed in removing Saddam Hussein from power. Administration officials have presented a vision of a post-Saddam Iraq that is peaceful, democratic, and unified. Defeating the Iraqi military on the battlefield will not be easy, but ensuring a stable and friendly post-Saddam Iraq will pose even greater challenges, requiring careful planning by the administration in concert with our allies in the region. Iraq could rapidly slide into long-term political instability or even bloody war upon the collapse of the Baathist regime.

Iraq's population is made up of three main components: the Kurdish speaking people in the north, the Arab

Sunnis in the center, and the Arab Shiites in the south who make up a majority—some 60 percent—of the entire population of the country. Many Shiites desire a theocratic government similar to that in neighboring Iran. The Kurdish leadership in the north may recognize that independence is an impossible dream, but their experience of ten years of self-government will make their reintegration into a unified Iraq problematic at best. Arab Sunnis, fearing retaliation from the long-oppressed Shiite majority, may use the Sunni-dominated Iraqi military to keep the Shiites from gaining power. And while the overthrow of Saddam Hussein would involve the likely end to the Iraqi Republican Guard, the regular Iraqi army may remain to play a critical role in a post-Saddam Iraq. Yet the Iraqi army may become a den of coup-plotters; after all, Iraq endured a succession of bloody coups from 1953 until Saddam Hussein's ascent to power in the late 1970s.

Our military planning should be guided by an awareness that how Saddam's regime falls will shape the Iraq that follows. At some point the American people will need to know the nature and extent of America's commitment to a post-Saddam Iraq. How long will our troops be on the ground in Iraq? What material and financial resources will we be asked to provide to Iraq? What responsibility will the United States have to maintain peace in the region? What help will we get from our allies in rebuilding Iraq?

President Bush has exercised great leadership at a critical time in our history. I am proud to be a part of the debate we are having today in this chamber, which is a powerful demonstration of our democratic institutions. Ours is a nation that is slow to anger. Americans abhor war. I vote in support of this resolution, but hope and pray that the President, united with Congress, will succeed in averting war.

There is no question in my mind that we must disarm Saddam, and that time is running out. Clearly, there are risks involved. But I believe the risks of doing nothing are far greater.

I yield that floor.

The PRESIDING OFFICER. Under the previous order, the cloture motion is vitiated on Senate Joint Resolution 45.

The clerk will read the joint resolution for the third time.

The joint resolution was read the third time.

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of House Joint Resolution 114.

The clerk will report.

The assistant legislative clerk read as follows:

> A joint resolution (H.J. Res. 114) to authorize the use of United States Armed Forces against Iraq.

The PRESIDING OFFICER. The clerk will read House Joint Resolution 114 for a third time.

The joint resolution was read the third time.

The PRESIDING OFFICER. The joint resolution having been read the third time, the question is, Shall the joint resolution pass?

Mr. McCAIN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 77, nays 23, as follows:

[Rollcall Vote No. 237 Leg.]

YEAS—77

Allard
Allen
Baucus
Bayh
Bennett
Biden
Bond
Breaux
Brownback
Bunning
Burns
Campbell
Cantwell
Carnahan
Carper
Cleland
Clinton
Cochran
Collins
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Dorgan
Edwards
Ensign
Enzi
Feinstein
Fitzgerald
Frist
Gramm
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Johnson
Kerry
Kohl
Kyl
Landrieu
Lieberman
Lincoln
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nelson (FL)
Nelson (NE)
Nickles
Reid
Roberts
Rockefeller
Santorum
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner

NAYS—23

Akaka
Bingaman
Boxer
Byrd
Chafee
Conrad
Corzine
Dayton
Durbin
Feingold
Graham
Inouye
Jeffords
Kennedy
Leahy
Levin
Mikulski
Murray
Reed
Sarbanes
Stabenow
Wellstone
Wyden

The joint resolution (H.J. Res. 114) was passed.

The PRESIDING OFFICER. Under the previous order, the preamble is agreed to.

Under the previous order, S.J. Res. 45, as amended, is indefinitely postponed.

UNANIMOUS CONSENT AGREEMENT—S. 3009

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 619, S. 3009, a bill to provide a 13-week extension for unemployment compensation, and that the bill be read the third time and passed.

The PRESIDING OFFICER (Ms. LINCOLN). Is there objection?

Mr. NICKLES. Madam President, reserving the right to object—and I shall object—this is not a 13-week extension, it is a 26-week extension, plus an additional 7 weeks for some States. It changes the threshold. It costs $17 billion. A clean extension would be $7 billion.

I will be happy to work with my colleagues to come up with something more reasonable and affordable. This bill before us, S. 3009, is not. Therefore, I object.

The PRESIDING OFFICER. Objection is heard.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to a period for morning business, with Senators allowed to speak for up to 5 minutes each.

The PRESIDING OFFICER (Mr. CARPER). Without objection, it is so ordered.

ASSISTANCE TO AFGHANISTAN

Mr. DASCHLE. Mr. President, it is now just more than a year since our Armed Forces started Operation Enduring Freedom in Afghanistan. This is a fitting time to look back at what we have accomplished, and ahead at the challenges that remain.

I am reminded of a young Army private from Midland, SD, whom I met in Uzbekistan last February. He had gone to Uzbekistan just after completing a tour of duty in Bosnia, foregoing leave, because, he told me, that is where our country needed him.

I am certain that each member of this body knows someone from his or her State who has made a contribution to our successful effort in Afghanistan. On behalf of every member of the Congress and the American people, let me say how proud and grateful we are for those efforts.

Our military quickly and effectively accomplished its objective of removing the repressive Taliban regime. The challenge before us now is whether we can promote peace and economic and political stability as effectively as we waged and won the war. I am pleased to see the senior Senator from Vermont on the floor. I am wondering if he would engage in a brief colloquy with me on the subject of our humanitarian and reconstruction efforts in Afghanistan.

Mr. LEAHY. Yes, I would.

Mr. DASCHLE. As our colleagues know, Senator LEAHY is the Chairman of the Foreign Operations Subcommittee. Two weeks ago, I listened with interest to the Senator's speech on Iraq, part of which he rightly dedicated to the situation in Afghanistan. Afghanistan is our first, and most visible effort in the war on terrorism. The eyes of the region and the world are watching whether we are willing to do what is needed to follow through in Afghanistan. I would like Senator LEAHY to, once again, share his views on the developments in Afghanistan.

Mr. LEAHY. I thank the distinguished majority leader for his question. Much has been accomplished in

Afghanistan over the course of the last year. The brutal Taliban regime has been vanquished to the ash heap of history. Thousands of Afghans have returned to their homes, and our humanitarian efforts have raised the standard of living of many Afghans.

We have spent billions to win the war. I fear, however, that unless we dramatically increase our efforts there we could lose the peace. The humanitarian situation in Afghanistan remains critical. Thousands of people are still homeless and as winter comes, so too will the very real threat of widespread hunger, even famine. Afghans whose homes were mistakenly bombed have not been helped. There are reports that some Afghans are starting to return to refugee camps in Pakistan. It is a very dire situation.

We have a moral duty to help the people of Afghanistan. Beyond that, there are critical U.S. interests at stake in ensuring that this country becomes peaceful and prosperous. That's why I was pleased when, earlier this year, President Bush called for a Marshall Plan for Afghanistan.

I commended him for that important announcement, but since that time we have not seen the resources put behind these statements. No one is asking the Administration to spend 13 percent of the entire federal budget, as we did with the original Marshall Plan. But the Administration did not even ask Congress for a single cent for Afghanistan in its budget for fiscal year 2003. The Foreign Operations Subcommittee was advised informally that the Administration planned to spend $98 million for relief and reconstruction activities in Afghanistan. The Subcommittee felt that this amount was still insufficient to adequately address the needs in Afghanistan, and provided $157 million, an additional $59 million.

I would also add that the Senate is not alone in its concern for the situation in Afghanistan. Just yesterday, I received a letter from the President of CARE, a non-partisan, relief organization with significant operations in Afghanistan, which stated:

> President Bush has committed the United States Government to work "in the best traditions of George Marshall" and help the people of Afghanistan rebuild their country. For this goal to be achieved, CARE believes that the international community, led by the United States Government, must do two things. We must provide at least $10 billion in reconstruction funding over the next five years, and we must respond positively to the requests of the Afghan Government to expand the International Security Assistance Force beyond Kabul as part of a comprehensive plan to improve security for all Afghans

This letter goes on to say that a CARE report, "finds that the U.S. Government has actually exceeded its one-year Tokyo pledge of $297 million, primarily in the form of humanitarian assistance. Our concern, however, is that the Administration, to date, has not made any long-term commitment to Afghan reconstruction."

Mr. DASCHLE. I thank the Senator from Vermont. There is clearly still much to be done in Afghanistan.

Mr. LEAHY. I agree with the majority leader. As I have said over and over, it is one thing to topple a regime, but it is equally important, and sometimes far more difficult, to rebuild a country to prevent it from becoming engulfed by factional fighting. If such nations cannot successfully rebuild, there is a real risk that they will once again become havens for terrorists.

Mr. DASCHLE. I would like to ask the Senator from Vermont if the Congress provided additional funding for Afghanistan in the Supplemental Appropriations bill that was passed earlier this year. Isn't it true that the Congress fully funded the Administration's request for a range of activities in Afghanistan during fiscal year 2002? And weren't you subsequently told by officials in the State Department and USAID that this request was not nearly enough to address some of the most acute problems in that country? And isn't it true that the Congress added $94 million for humanitarian, refugee, and reconstruction assistance to Afghanistan, only to be told later by the President that he would not provide this additional assistance to Afghanistan?

Mr. LEAHY. That is correct. Now, some relief organizations have already been told that they may have to shut down programs for lack of funds. This is happening in a country that desperately needs the most basic staples such as water, education and medical care.

I agree with those who point out that many other nations have yet to fulfill pledges of assistance to Afghanistan. But, if the President is serious about a Marshall Plan, and I believe he is right, then we need to do much more to help rebuild that country.

Mr. DASCHLE. I agree with the Senator. We need to find additional resources for humanitarian efforts in Afghanistan, but I know that the Senator, like me, is concerned about the deteriorating security situation. For months, in the form of letters to the Administration and amendments here on the Senate floor, we have been urging the President to expand the International Security Assistance Force beyond greater Kabul. Coalition forces provide much needed security throughout the country, but significant concerns remain, highlighted by the assassination attempt on President Karzai just last month. I know that the Senator agrees with me that expanding ISAF could play a central role in improving this worsening security situation.

Mr. LEAHY. I strongly agree with the Majority Leader and thank him for this colloquy.

REVISED ALLOCATION TO SUBCOMMITTEES FOR FISCAL YEAR 2003

Mr. BYRD. Mr. President, on Thursday June 27, the Committee on Appropriations, by a unanimous roll call vote of 29 to 0, approved the allocation to subcommittees for fiscal year 2003.

On Wednesday July 26, after Congress adopted the conference report to accompany H.R. 4775, the fiscal year 2002 supplemental appropriations bill, I submitted a revised allocation which was modified primarily to conform outlays to the outcome on the supplemental.

Today I submit a revised allocation which has been modified, primarily, to reduce outlays for each subcommittee to reflect the President's decision to release none of the contingent emergency appropriations in the supplemental. In addition, the allocation reflects final decisions on the conference report on defense and military construction appropriations bills.

These revised allocations were prepared in consultation with my dear colleague, Senator STEVENS, the distinguished ranking member of the Committee, who stands with me committed to presenting bills to the Senate consistent with the allocations.

Furthermore, we remain committed to oppose any amendments that would breach the allocations.

SENATE COMMITTEE ON APPROPRIATIONS—REVISED FY 2003 SUBCOMMITTEE ALLOCATIONS, DISCRETIONARY SPENDING

($ millions)

Subcommittee	Budget authority	Outlays
Agriculture	17,980	18,195
Commerce	43,475	42,937
Defense	354,830	348,828
District of Columbia	517	582
Energy & Water	26,300	25,835
Foreign Operations	16,350	16,443
Interior	18,926	18,547
Labor-HHS-Education	134,132	126,321
Legislative Branch	3,413	3,467
Military Construction	10,499	10,071
Transportation	21,600	61,984
Treasury, General Gov't	18,501	17,970
VA, HUD	91,434	96,945
Deficiencies	10,132	13,366
Total	768,089	801,491

Revised on October 10, 2002.

RETIREMENT OF SENATOR JESSE HELMS

Ms. SNOWE. Mr. President, I rise today in tribute to Senator JESSE HELMS, who as we know is retiring from the U.S. Senate at the end of this Congress.

Simply put, the name "JESSE HELMS" has become a household name because he has never been afraid to stand by his principles. Indeed, throughout his five terms in the Senate, Senator HELMS has been a passionate voice for those ideals by which he has lived his life.

And that is a critical distinction—Senator HELMS has not only propounded certain values and philosophies, he has also lived them. He has always enjoyed the kind of unique credibility that comes from integrity—a personal quality that Senator HELMS has carried with him from his very first days in Monroe, NC.

This is a man for whom service is a higher calling, a commitment not only reflected by his years in elective office, but also—and at least as importantly—by his service in the Navy from 1942 to 1945. One cannot help but feel that Senator HELMS later brought the reality of that experience significantly to bear in his legendary work on matters of international import.

When I first came to Congress in 1979, I of course knew of Senator HELMS. And as I worked in the House on State Department authorizations over the years as well as a variety of global issues as a member of the Foreign Affairs Committee and Ranking Member of the International Operations Subcommittee, I became even more familiar with his profound interest in, and impact on, international affairs.

When I came to the Senate, I became a freshman member of the Committee on Foreign Relations, and the Chair of the International Operations Subcommittee. Throughout that time—and ever since Senator HELMS has been relentlessly gracious to me, as he had been whenever we had worked together on various conference committees back when I was in the House.

Here in the Senate, we worked hand-in-glove on the State Department reauthorization, and I appreciated the opportunity he gave me to chair a full committee hearing with then-Secretary Albright on the issue of intelligence sharing with the U.N. in the wake of our involvement in Somalia.

That was a serious concern that he and I shared—how would we protect U.S. intelligence information, particularly in light of the intelligence breach that had taken place in Somalia, where the U.N. had documents they should not have had which were also not properly secured. Issues brought to our attention during that hearing with Secretary Albright were eventually incorporated into the State Department bill.

During my tenure on the Foreign Relations Committee, I worked with Senator HELMS on the reorganization of the State Department, which was passed in 1998. As Chair of the International Operations Subcommittee I also introduced legislation in 1995 to create Terrorist Lookout committees in our embassies. With the help of Senator HELMS, this bill was incorporated in the State Department Authorization Act of 1996-1997, that was subsequently vetoed.

In the wake of 9/11, I re-introduced this legislation with Senator HELMS as a cosponsor and worked with him to seek its inclusion in the USA PATRIOT Act passed last year. With his support, this bill has finally become law as part of the Enhanced Border Security and Visa Entry Reform Act.

Of course, it will come as no surprise that we didn't agree on all the issues. But it can truly be said he has left his mark on the global landscape. And that includes his introduction of legislation last year to prevent mother-to-child transmission of HIV infection—a goal I share by providing $700 million in international emergency AIDS spending.

It is also true that agreement is not the test of friendship or respect in this body—nor should it be. Indeed, this body was founded on the ideals of debate and deliberation among men and women of good conscience who feel strongly about the pressing matters of the day.

I appreciate his candor, his friendship, and his service to North Carolina, America and indeed the world. On the occasion of his retirement, I would like to extend my best wishes to him, as well as his wife Dorothy with whom he has such a special and loving relationship. Senator HELMS will truly be missed, but most assuredly never forgotten.

TRIBUTE TO SEN. STROM THURMOND

Mr. SHELBY. Mr. President, I rise today to pay tribute to South Carolina Senator STROM THURMOND, an institution unto himself who has served with distinction in the U.S. Senate for almost a half-century. Senator THURMOND is the longest-serving member in the history of the Senate and the second Senator in history to cast 15,000 votes. During his tenure, Senator THURMOND has been a enduring witness to history, presiding over the chamber during a tremendous transformation of the American landscape. During this time, Senator THURMOND has steadfastly remained responsible to the voters of South Carolina, who have returned him to the chamber time and time again. Senator THURMOND's enduring legacy will continue on well beyond his retirement at the end of the 107th Congress.

Senator THURMOND was born in 1902, in Edgefield, SC. His early years were spent as an Army reservist, teacher, superintendent and lawyer. Senator THURMOND won election to the South Carolina State Senate in 1933, representing his home district of Edgefield for the next five years. Senator THURMOND then became a Circuit Judge of South Carolina, just as the clouds of war descended over Europe. Never one to shy away from his duty to his country, Senator THURMOND sought and received an exemption to return to military duty. On June 6, 1944, he landed in Normandy on D-Day with the 82nd Airborne Division at the age of 42. For his service in World War II, Senator THURMOND earned eighteen decorations, medals and awards, including the Purple Heart, Legion of Merit with Oak Leaf Cluster and Bronze Star for Valor. He returned to South Carolina a war hero, and was elected Governor of the Palmetto State in 1946. In 1954, Senator THURMOND was elected to the United States Senate, becoming the first, and so far, the only politician elected to the Senate as a write-in candidate.

Senator THURMOND has dedicated his life to preserving, defending and participating in our democracy. He attended the Democratic National Convention in 1932 and voted for Franklin D. Roosevelt. Sixty four years later, he attended the Republican Convention and voted for Bob Dole. In fact, Senator THURMOND was a Democrat for thirty two years and has been a Republican for the past thirty eight. Through it all, he has managed to remain relevant, active and a force on the national scene. Just two years ago, he played a critical role in helping to line up Republican support for George Bush in the South Carolina primary, helping to secure his nomination for President of the United States.

Senator THURMOND's countless achievements and awards are a testament to his distinguished career in public service. He holds thirty four honorary degrees, is in the South Carolina Hall of Fame, and is a recipient of the Presidential Citizens Award, Presidential Freedom Award, as well as other major awards from American Legion, VFW, DAV, AMVETS, the National Guard, Army and Navy associations, farm groups, business groups, education groups and several foreign countries.

It is with great admiration for Senator THURMOND's longevity and service that I commend him for his distinguished career in Congress. No one in the history of the Senate can say that they gave more of their life to this body, and while his presence may be gone after the 107th Congress, his spirit will forever remain a part of this chamber. I wish he and his family all the best in the future.

THE JUDICIARY COMMITTEE'S 100TH VOTE IN 15 MONTHS ON JUDICIAL NOMINATIONS

Mr. LEAHY. Mr. President, today marks the 15-month anniversary of the reorganization of the Senate Judiciary Committee following the change in the Senate majority last summer. This week also became another milestone as the Judiciary Committee voted on the 100th judicial nominee of President George W. Bush. This historic demonstration of bipartisanship toward this President's judicial nominees has been overshadowed by partisan attacks in this very chamber and in the press.

I have worked diligently along with the other Democratic Senators on the Judiciary Committee to hold a record number of hearings for this President's district and circuit court nominees during the past 15 months and to bring as many as we could to a vote this year. Given all of the competing responsibilities of the committee and the Senate in these times of great challenges to our Nation, hearings for 103 judicial nominees, voting on 100, and favorably reporting 98 is a record of which the Judiciary Committee and the Senate can be proud. We have transcended the relative inaction of the prior 6½ years of Republican control by moving forward on judicial nominees twice as quickly as our predecessors did. Indeed, the Senate has already confirmed more judicial nominees in 15 months than the Republican-controlled Senate did during its last 30 months. More achieved, and in half the time.

The raw numbers, not percentages, reveal the true workload of the Senate on nominations and everyone knows that. Anyone who pays attention to the federal judiciary and who does not have a partisan agenda must know that. In addition, Democrats have moved more quickly in voting on judicial nominees of a President of a different party than in any time in recent history. Led by Majority Leader DASCHLE, the Democratic majority in the Senate has confirmed 80 judicial nominees, including 14 circuit court nominees, for a President of a different party, in just 15 months since the reorganization of the Judiciary Committee. In comparison, in the first two full years of President George H.W. Bush's administration, the Democratic-led Senate confirmed 71 judicial nominees. In fact, during the first 15 months of the first Bush Administration, only 23 judges were confirmed, with eight to the circuit courts. Our confirmation of 80 of President George W. Bush's judicial nominees in just 15 months is historic progress for a President and a Senate led by different parties.

Apparently, however, Republicans believe that there is partisan hay to be harvested in complaining that every single judicial nominee has not yet been confirmed. The fact is that we have proceeded with hearings for 103 of the 110 judicial nominees eligible for hearings 94 percent, for those focused on percentages. The other 17 judicial nominees who have not participated in a hearing either lack home-state consent or peer reviews or both. Thus, when partisans harp on the nominations of Terrence Boyle and Carolyn Kuhl and other nominees without home-State Senator support, they know they are being misleading. Senator HATCH never proceeded on a nomination without home-State Senator support and acknowledges that this is the Senate's tradition. At least six of the President's circuit court nominees fall into this category and, for many if not all of them, the White House knew about the lack of home-State Senator support before the nominations were made.

The committee has voted on 100 of the 103 judicial nominees eligible for votes—97 percent. Of those voted upon, 98—98 percent have been reported favorably to the Senate. In addition to the 80 judges already confirmed, another 18 approved by the Judiciary Committee await Senate action on the Senate Executive Calendar.

It is disappointing that the Republican leader and others are reported to have said that they will not be allowed Senate votes before we adjourn. Earlier this year the majority leader had to work through a problem caused by the administration's failure to work with Senators on executive branch appointments. The majority leader was required by Republican objection to invoke cloture in order to vote on President Bush's judicial nominations. Whether there is time left in this session to overcome Republican objections to action on the roster of President Bush's judicial nominations currently on the calendar is problematic.

To date, and unlike the recent past, every judicial nominee who participated in a hearing has been considered and voted upon by the Judiciary Committee but for the three controversial circuit court nominees we continue to consider.

I know that Senator THURMOND is very disappointed that we could not bring his choice for the Fourth Circuit to a vote this week. I regret that he is upset. The nomination of his former aide for a promotion to the Court of Appeals has grown more controversial. On our committee, as on all committees, controversy takes a toll in the time needed for action on a bill or on a nomination. Members of the committee need time to fully evaluate the merits of concerns about this nomination raised by hundreds if not thousands of citizens from throughout the Fourth Circuit and the Nation. In accordance with our responsibilities under the Constitution to evaluate these nominations for lifetime appointments, the members of the committee continue to work diligently on simultaneously evaluating three controversial circuit court nominations.

As much as I personally would have liked to resolve this nomination by now at the request of the distinguished Senior Senator from South Carolina, and as hard as I have worked to resolve the problems with it, we were not able to vote on it this week. I worked hard to try to move the nomination of his former aide forward to a vote up or down but, with war resolutions pending before the Senate and limited time for debate this Tuesday, I had to make a difficult decision. Seventeen relatively noncontroversial judicial nominations were ready for committee votes this week. I decided to try to bring some relief to 17 vacant seats in district courts across our country rather than begin what promised to be a lengthy and inconclusive debate about Judge Shedd's record as a Federal district court judge and whether he should be elevated. That was a tough decision for me, personally, but the rising tide of citizen distress over the Shedd nomination made bringing that vote to a conclusion an impossibility this week.

Republican efforts to gain some political advantage for this difficult situation are especially unfounded given the stark contrast between what we have achieved in the past 15 months compared with the most recent period of Republican control of the committee. In the 15 months before the reorganization of the Judiciary Committee after the shift in Senate majority, the Senate confirmed only 32 judicial nominees, including three to the circuits. Under Democratic leadership, we have already confirmed 80, including 14 to the circuit courts, in just 15 months. Even if we compare our record with a period of Republican control that is twice as long—the last 30 months of Republican control—our predecessors confirmed only 72 judges, while in half the time, we have confirmed 80. Alternatively, if we go back and compare the Republicans' first 15 months of Senate control in 1995 and 1996, we have accomplished far more: more hearings, 26 versus 14, for more judicial nominees, 103 versus 67, with more committee votes, 100 versus 61, for more confirmations, 80 versus 56. We have reached the century mark for committee votes in less than half the time, 15 months, while it took our predecessors 33 months to vote on 100 judicial nominees.

In another departure from the past, we have had hearings even for several controversial judicial nominees and brought them to votes this year. Most were voted out of committee despite their controversy. Given the number of vacancies that we inherited—110—concentrating on the most controversial, time-consuming nominations would have been to the detriment of the courts. The President has made a number of divisive choices—divisive to the American people and divisive to the Senate—for these lifetime seats on the courts, and they take more time to bring to hearings and votes. None of these nominees, however, have waited as long for hearings or votes as did some of President Clinton's judicial nominees, such as Judge Richard Paez, who waited 1,500 days to be confirmed and 1,237 days to get a final vote by the Republican-controlled Senate Judiciary Committee, or Judge Helene White, whose nomination languished for more than 1,500 days without ever getting a hearing or a committee vote.

As frustrated as Democrats were with the lengthy delays and obstruction of scores of judicial nominees in the prior 6½ years of Republican control, we never attacked the Chairman of the Committee in the manner Republicans chose this week. Similarly, as disappointed as Democrats were with the refusal of Chairman HATCH to include Allen Snyder, Bonnie Campbell, Clarence Sundram, Fred Woocher and other nominees on an agenda for a vote by the committee for months following their hearings, we never resorted to the tactics and tone used by Republicans in committee statements, in hallway discussions, in press conferences or in Senate floor debate. We never tried to override the chairman's prerogative to set the agenda for consideration of judicial nominees by trying to manipulate the committee's cloture rule. We did not try to use the committee rule to hold off consideration of an agenda item for at least a week to force either legislation or nominations to be voted on in one week's time. During Republican rule, even some uncontroversial nominees like Judge Kim Wardlaw were held over more than once. We also never sought to invoke Senate Rule 26.3 to make an end-run around Chairman HATCH—even when weeks and months passed without a single nominee on the agenda or when nominees who had hearings went for months without being placed on the agenda. As frustrated and disappointed as we were that the Republican majority refused to proceed with hearings or votes on scores of judicial nominees, we never sought to override Senator HATCH's judgments and authority as chairman of the committee.

Some in the other party have spared no efforts in making judicial nominations into a partisan, political issue, all the while refusing to acknowledge the progress made in these past 15 months when 100 of President Bush's judicial choices have had committee votes. We have perhaps moved too quickly on some, relaxing past standards, being more expeditious and generous than Republicans were to a Democratic President's nominees, and trying to take some of them at their word that they will follow the law and the ethical rules for judges.

Just last week, on October 2, 2002, we confirmed Ron Clark to an emergency vacancy in the United States District Court for the Eastern District of Texas. Two other judicial nominees, Larry Block and Judge James Gardner, were confirmed the very same day. The commissions for Judge Block and Judge Gardner were signed by the President on October 3, but the judge for the emergency vacancy in the President's home state was not. Just this week we learned that Mr. Clark was quoted as saying that he asked the White House to delay signing his commission while he runs as a Republican candidate for re-election to a seat in the Texas legislature. The White House apparently has been complicit in these unseemly political actions by a person confirmed to the federal bench. Mr. Clark, who the Senate has confirmed to a seat on the Federal district court in Texas, has been actively campaigning for election despite his confirmation.

These actions call into question Mr. Clark's ability to put aside his partisan roots and be an impartial adjudicator of cases. In his answers under oath to the committee, he swore that if he were "confirmed" he would follow the ethical rules. Canon 1 of the Code of Conduct for United States Judges explicitly provides that the Code applies to "judges and nominees for judicial office," and Canon 7 provides quite clearly that partisan political activity is contrary to ethical rules. In his answers to me, Mr. Clark promised: "[s]hould I be confirmed as a judge, my role will be different than that of a legislator." Yet now that he is confirmed, he has been flaunting his written statements to me personally and to the Senate Judiciary Committee and, by proxy, to the Senate as a whole. That the White House would go along with these partisan ploys reveals much about the political way this administration approaches judicial nominations.

Senators KENNEDY and SCHUMER have written a letter of complaint to the Fifth Circuit Judicial Council, which has jurisdiction over ethical complaints arising in that jurisdiction. I ask unanimous consent that the letter and a newspaper report of the Clark scandal be included in the RECORD. Tonight, only after this scandal came to the Nation's attention in today's news account in the New York Times, the President has apparently signed Mr. Clark's commission.

With a White House that is politicizing the Federal courts and making so many nominations, especially to the circuit courts, to appease the far-right wing of the Republican Party, it would be irresponsible for us to simply rubber-stamp these nominations for lifetime appointments to our independent Federal judiciary. Advice and consent does not mean giving any President carte blanche to pack the courts with ideologues from the right or the left.

I have worked hard to bring to a vote an overwhelming majority of this President's judicial nominees, but we cannot afford to make errors in these lifetime appointments out of haste or sentimental considerations, however well intentioned. To help smooth the confirmation process, I have gone out of my way to encourage the White House to work in a bipartisan way with the Senate, as past Presidents have, but, in all too many instances, the White House has chosen to bypass bipartisan cooperation in favor of partisanship.

The American people expect the federal courts to be fair forums and not bastions of favoritism on the right or the left. These are the only lifetime appointments in our whole system of government, and they matter a great deal to the future of each and every American. I will continue to work hard to ensure the independence of our Federal judiciary.

U.S. SENATE,
Washington, DC, October 9, 2002.

The Hon. CAROLYN DINEEN KING,
Chief Judge, U.S. Court of Appeals for the Fifth Circuit, New Orleans, LA.

DEAR CHIEF JUDGE KING: We write to raise an ethics issue regarding Ronald W. Clark, who was nominated by President Bush on January 24 and confirmed by the Senate on October 2, to be a judge on the U.S. District court for the Eastern District of Texas, but whose commission has not yet been signed by the President.

It has come to our attention Mr. Clark continues to hold his seat in the Texas state legislature and continues to campaign for re-election to that seat. Although Mr. Clark does not officially become a federal judge until he takes the oath of office, his continuing campaign activities appear to be in clear violation of Code of Conduct for Untied States Judges. The commentary to Code of Conduct makes clear that the Canons of Ethics define judicial nominees as judges and bind them to the same ethical rules. Canon 7 of the Code states that "a judge should refrain from political activity" and should not "act as a leader or hold any office in a political organization; make speeches for a political organization, or candidate or publicly endorse or oppose a candidate for public office; [or] solicit funds." Canon 7 goes on to state that a judge "should not engage in any other political activity."

Traditionally, this provision has been construed to have limited application to nominees. Because of the contingent nature of the Senate confirmation process, it would be unfair to require nominees to resign from elective office merely upon being nominated. But once the President's nominees are confirmed by the Senate, the process loses its uncertainty. The only step between nominee and judge is a ministerial act that should be completed promptly, and not delayed for partisan or political reasons.

Despite the clear applicability of the Code of Conduct, Mr. Clark continues to be a candidate for re-election to the Texas House of Representatives. This matter is of grave concern to us. As Members of the United States Senate Judiciary Committee, we take our Constitutional confirmation responsibilities seriously. Mr. Clark's continued candidacy appears to be a flagrant violation of the judicial code of conduct, which is deeply troubling. Judges should be paragons of ethics, and Mr. Clark's actions do not set a sterling standard at the outset of his judicial career.

According to the Code of Conduct, complaints of ethical misconduct may be lodged with the Circuit council, which we understand you chair. We would appreciate your prompt consideration of this inquiry, and we look forward to hearing from you in the near future.

Sincerely,

CHARLES E. SCHUMER,
U.S. Senator.
EDWARD M. KENNEDY,
U.S. Senator.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Oct. 10, 2002]

BUSH ACTING TO FORESTALL AN ISSUE IN TEXAS

(By Neil A. Lewis)

WASHINGTON, OCT. 9—The White House moved quickly tonight to quash a politically embarrassing problem with one of President Bush's nominees to a federal court seat.

Although the nominee, Ron Clark, was confirmed by the Senate earlier this month to be a federal district judge based in Texas, he was out campaigning today for re-election as a state representative from his district north of Dallas. Mr. Clark had said he might want to delay taking his seat on the bench to serve one more term in the State Legislature, where his vote might be crucial to Republicans winning the speakership.

Two Democratic Senators, Charles E. Schumer of New York and Edward M. Kennedy of Massachusetts, complained about Mr. Clark's actions today, saying they were a blatant violation of judicial ethics, a view with which some legal scholars agreed. The senators wrote to Carolyn D. King, the chief judge of the United States Court of Appeals for the Fifth Circuit based in New Orleans, asking her to evaluate whether Mr. Clark had violated the judicial canons of ethics even before he had put on his robe.

By evening, the White House intervened, saying President Bush would soon sign the formal commission for Mr. Clark, the last step in making him a federal judge.

In an interview earlier today, Mr. Clark said he was just playing it safe.

"If the president signs the certificate then, I'll move forward," he said before going out to a campaign appearance in which he presented a flag to some cub scouts. He said he had no control over Mr. Bush's actions and "right now, I'm running for state representative."

Mr. Clark said he had been trapped by circumstances because he was confirmed on Oct. 2 and the last date for withdrawing from the ballot under Texas law was Sept. 3. "There is no legal way to take it off, so I'm in the race, until Election Day," he said. Asked if he intended to keep campaigning for re-election, he said: "Oh, yes, I go to functions, go block walking, that sort of thing."

Mr. Clark has asserted that he did not know why Mr. Bush had not yet acted, yet he was quoted in this week in Texas Weekly, a political journal, as saying he had asked the White House to delay signing his commission so he could serve another legislative term. Ross Ramsey, the journal's editor, who wrote the article, said Mr. Clark had told him he would be interested in serving through May, when the 20-week session is expected to end.

In his article, Mr. Ramsey said Mr. Clark's presence in the Legislature when it convenes in January might be crucial to Republican hopes to retain the speakership in what is expected to be a close race.

Senators Schumer and Kennedy, both of whom serve on the Judiciary committee, said in their letter that Mr. Clark's legislative campaign "appears to be in clear violation of the Code of Conduct for United States Judges." The canons mandate that "a judge refrain from political activity."

Steven Gillers, the vice dean of the New York University Law School and an authority on ethics, said that provisions in both the federal and state codes of conduct mandated that Mr. Clark resign his political office. The Texas code, he said, makes it clear that a candidate for a judicial office has to behave as a judge in avoiding politics. The federal rules require a judge to resign from office when he or she becomes a candidate for political office.

"While a person seeking a judgeship may have an argument that he not give up a political office, this man is, for all intents and purposes, a judge," Mr. Gillers said.

Erwin Chemerinsky, a visiting law professor at Duke University, said Mr. Clark seemed to be using the formality of Mr. Bush's signature to avoid his obligations.

"But judicial ethics is all about removing judges from politics," Mr. Chemerinsky said, and given that Mr. Bush is the president who appointed him, Mr. Clark should not run for office.

Senate Republicans and President Bush have said that there is an urgent need to fill federal judgeships and that action is being blocked by the Democrats who have opposed several of the president's nominees.

In fact, today, at a White House celebration of Hispanic Heritage Month, Mr. Bush criticized the Senate's handling of his nomination of Miguel Estrada to a seat on the United States Court of Appeals for the District of Columbia.

"There are senators who are playing politics with this good man's nomination," the president said. "There are senators who would rather not give him the benefit of the doubt, senators looking for a reason to defeat him as opposed to looking for a reason to herald his intelligence, his capabilities, his talent. I strongly object to the way this man is going to be treated in the United States Senate."

The Judiciary Committee recently held a hearing on Mr. Estrada's nomination but has not scheduled a vote.

PALESTINIAN SUICIDE BOMBER

Mr. McCONNELL. Mr. President, as the Senate debates the resolution authorizing the use of force against Iraq, yet another Palestinian suicide bomber killed himself and an innocent bystander in Israel. Twenty-nine others were reportedly injured in that attack.

Those who believe that Saddam Hussein's murderous regime poses no immediate threat to America or our allies would be wise to consider the evidence seized by Israeli forces in their own war against terrorism. According to recent press reports, Iraqi Vice President Taha Yassin Ramadan personally directed the transfer of funds to the families of suicide bombers in amounts ranging from $10,000 to $25,000. The delusional butchers in Baghdad may view this money as a sort of "martyr fund", in reality it is no more than a "murder fund."

Palestinian and Iraqi extremists are cut from the same cloth as the al-Qaida terrorists who attacked our shores. As a threat to human life and decency, there is only one way to deal with these fanatics and that is to destroy them.

The innocent victims of this latest suicide bombing are in my thoughts and prayers. I ask all my colleagues to join me in honoring all those killed by terrorists in the United States and abroad, particularly in Israel.

SENATOR BYRD: ELOQUENTLY RESISTING THE RUSH TO WAR

Mr. KENNEDY. Mr. President, I welcome this opportunity to commend our outstanding colleague, Senator ROBERT BYRD, for his thoughtful and eloquent op-ed article in The New York Times this morning. In his article, Senator BYRD rightfully condemns the failure of Congress to take adequate time to exercise our all-important constitutional responsibility in deciding whether or not America should go to war with Iraq.

Instead of fairly assessing the full consequences of the administration's proposal, Congress is allowing itself to be rushed into a premature decision to go to war. Many of us agree with Senator BYRD, and so do large numbers of Americans across the country.

We owe the Senate and the Nation a more thoughtful deliberation about war. Senator BYRD's article is a powerful statement urging Congress not delegate our constitutional power to the President, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Oct. 10, 2002]

CONGRESS MUST RESIST THE RUSH TO WAR

(By Robert C. Byrd)

WASHINGTON.—A sudden appetite for war with Iraq seems to have consumed the Bush administration and Congress. The debate that began in the Senate last week is centered not on the fundamental and monumental questions of whether and why the United States should go to war with Iraq, but rather on the mechanics of how best to wordsmith the president's use-of-force resolution in order give him virtually unchecked authority to commit the nation's military to an unprovoked attack on a sovereign nation.

How have we gotten to this low point in the history of Congress? Are we too feeble to resist the demands of a president who is determined to bend the collective will of Congress to his will—a president who is changing the conventional understanding of the term "self-defense"? And why are we allowing the executive to rush our decision-making right before an election? Congress, under pressure from the executive branch, should not hand away its Constitutional powers. We should not hamstring future Congresses by casting such a shortsighted vote. We owe our country a due deliberation.

I have listened closely to the president. I have questioned the members of his war cabinet. I have searched for that single piece of evidence that would convince me that the president must have in his hands, before the month is out, open-ended Congressional authorization to deliver an unprovoked attack on Iraq. I remain unconvinced. The president's case for an unprovoked attack is circumstantial at best. Saddam Hussein is a threat, but the threat is not so great that we must be stampeded to provide such authority to this president just weeks before an election.

Why are we being hounded into action on a resolution that turns over to President Bush the Congress's Constitutional power to declare war? This resolution would authorize the president to use the military forces of this nation wherever, whenever and however he determines, and for as long as he determines, if he can somehow make a connection to Iraq. It is a blank check for the president to take whatever action he feels "is necessary and appropriate in order to defend the national security of the United States against the continuing threat posted by Iraq." This broad resolution underwrites, promotes and endorses the unprecedented Bush doctrine of preventive war and preemptive strikes—detailed in a recent publication, "National Security Strategy of the United States"—against any nation that the president, and the president alone, determines to be a threat.

We are at the gravest of moments. Members of Congress must not simply walk away from their Constitutional responsibilities. We are the directly elected representatives of the American people, and the American people expect us to carry out our duty, not simply hand it off to this or any other president. To do so would be to fail the people we represent and to fall woefully short of our sworn oath to support and defend the Constitution.

We may not always be able to avoid war, particularly if it is thrust upon us, but Congress must not attempt to give away the authority to determine when war is to be declared. We must not allow any president to unleash the dogs of war at his own discretion and for an unlimited period of time.

Yet that is what we are being asked to do. The judgment of history will not be kind to us if we take this step.

Members of Congress should take time out and go home to listen to their constituents. We must not yield to this absurd pressure to act now, 27 days before an election that will determine the entire membership of the House of Representatives and that of a third of the Senate. Congress should take the time to hear form the American people, to answer their remaining questions and to put the frenzy of ballot-box politics behind us before we vote. We should hear them well, because while it is Congress that casts the vote, it is the American people who will pay for a war with the lives of their sons and daughters.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of last year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred June 20, 2000 in New York NY. Amanda Milan, a 27-year-old transgendered woman, died after her throat was slashed with a knife outside the Port Authority. Witnesses say that a group of taxi drivers cheered and applauded as the crime was committed and shouted anti-transgender remarks. One of the perpetrators shouted phrases like "You're a man!" and made crude reference to the victim's gender. Three men were arrested in connection with the incident.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

ISRAELI-PALESTINIAN CONFLICT

Mr. HOLLINGS. Mr. President, during the summer I cautioned that we had problems: the terrorism war, the Middle East, Iraq, and we needed to put first things first. Success in the terrorism war depends in large measure on the cooperation and support of the Arab world. Obviously, this support would sharply diminish with an invasion of Iraq. The Israeli-Palestinian conflict had gotten out of hand with daily suicide bombings and we needed to stablize the peace process before invading. More importantly, I was convinced that any imminent threat from Saddam would be handled by Israel without debate. I ask unanimous consent a copy of these thoughts published in the Charleston, SC Post and Courier back in August be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Post and Courier, Aug. 30, 2002]

Israel-Palestine Crisis, Not Saddam, Should Be Bush's Priority

(By Senator Ernest F. Hollings)

We have problems:

(1) The Muslim extremists' attack on 9/11 starting the Terrorism War.

(2) The Israeli-Palestinian conflict.

(3) The Saudi Arabian and other Muslim support of terrorists.

(4) At the same time, the need for Muslim support in the Terrorism War.

(5) Iraq.

For the moment, the Iraq problem is easily solved. Our friend Israel, with its Mossad Intelligence, knows the Iraqi threat—nuclear, chemical, or biological. In 1981, they didn't wait for the nuclear plant to be completed in Baghdad. They knocked it out and today stand ready to knock out such a threat again. We can depend on Israel for this. But Israel must depend on America to get it out of its present fix. Prime Minister Sharon's approach to peace—bulldozing homes, sending in gun ships, and reoccupying Palestinian territories—is creating more terrorists than are being eliminated. We must put first things first. Secure Israel and deal later with Saddam. Mention the Middle East and the extremes take over. There are those who want to eliminate Israel; and those who want to prevent a Palestinian state. It's important to remember a few historical "non-extremes":

(1) We supported the settlement of Holocaust survivors into the Middle East, and the United States and the United Nations recognized the State of Israel.

(2) Egypt, Syria, Jordan and the Palestinians went to war with Israel over this and Israel won.

(3) As a result, the Palestinian losers have been holed up in Gaza and the West Bank for 35 years. The Israelis use the Palestinians in Israel as a workforce, but Palestinian living conditions in Gaza and the West Bank have been semi-prisoner and now prisoner.

(4) Israel and the world leadership recognized that the condition of the Palestinians could not be sustained and all have announced for a Palestinian state.

Trying to define a Palestinian state and guaranteeing the security of Israel at the same time has always been tenuous. Anwar Sadat tried and was assassinated. Yitzhak Rabin tried and was assassinated. In forming the state of Israel, Palestinians were scattered to Lebanon, Syria, Jordan, Egypt, Kuwait and the world around. Many still consider themselves refugees and live for the day that they can return to Israel. They feel the U.S. support for Israel prevents that return. This enmity toward the U.S. in exacerbated by our support of the corrupt government of Saudi Arabia.

The Saudis are two-faced. They maintain the kingdom by financing the clerics and Madrassa schools against the "Great Satan" United States while securing their national defense from the United States with cheap oil. Not surprisingly 15 of the terrorists on September 11th were from Saudi Arabia. A feeling of hopelessness has developed in Gaza and the West Bank. Youngsters with nothing to lose willingly give their lives to terrorize Israel.

Frustration with the United States' support of Israel is exemplified by attacks on the World Trade Towers in 1993, on our barracks in Lebanon and Saudi Arabia, our embassies in Kenya and Tanzania, the consulate now in Pakistan and martyrs willingly giving their lives to blow up the USS Cole, the Pentagon and again the World Trade Center. A cause against Israel and the United States has developed in the Muslim world. A recent Gallup poll in Pakistan shows that 80 percent of the people in Pakistan consider Osama bin Laden a war hero.

When President Bush took office, he was determined not to pursue President Clinton's full-court press for peace in the Middle East. He applied "benign neglect" for 16 months. Now that it has his attention, he dismisses the problem by calling for the removal of the elected leader of the Palestinians and the forming of a democratic government in three years. In the Middle East forming a democracy would be more like 30 years. And the best way to guarantee the continuation of Yasser Arafat is for the U.S. president to call for his removal.

Whining, "they hate us," we refuse to discuss or recognize the Palestinian cause. The cause must be confronted. "You can't kill an idea with a sword." The Terrorism War won't be won militarily. Our foreign policy must not be left to the extremes, Sharon and Arafat. Five years from now, 10 years from now, 50 years from now there will be an Israel and there will be a Palestine. The only course is for the Israelis and the Palestinians to learn to live together. For this to occur, President Bush must personally meet with the Middle East leaders and work out a realistic step-by-step institution for the security of Israel and the State of Palestine. Only after that can America get the support we need around the globe for the Terrorism War and the overthrow of Saddam.

Mr. HOLLINGS. The President's policy is correct, but his implementation miserable. One would hope that, with an imminent threat, the Congressional leadership is corralled quietly, briefed, and allies consulted for whatever action is taken. On the contrary, this President started off by threatening friends and foes alike blabbing, "You are either with us or against us," "We are the world superpower," "I don't need the U.N.," "I don't need the Congress." He seemed totally oblivious to the fact that he is going in two different directions at the same time.

Success in the war on terrorism is largely dependent on support of the Arab world, but with the President's abruptness and braggadocio, that support could disappear with the invasion of an Arab country. The President thinks leadership is announcing without any massaging. His policy of preventive war was made to appear that war was our first choice. At one time the President managed to have the international community united against us.

Now, it seems that President Bush has been housebroken on foreign policy. He has asked for the approval of Congress; he has presented his case to the United Nations; and, amazingly, last week said that for the United States, "War is the last option." In turn, some of our European allies have come on board so that we now have a coalition, the United Nations is strengthening its inspection resolution and finally—itself. The resolution of approval by the Congress for the President to take action has now been changed to make sense. While the threat is not imminent, the goal is desirable and the failure of Congress and the President to move together at this point would seriously damage our creditbility and cause us irreparable harm in foreign affairs.

LIGHTS ON AFTER SCHOOL! DAY

Mr. DODD. Mr. President, I rise to recognize today as Lights On After School! Day. Lights On After School! is a project of the Afterschool Alliance to open the doors of after-school programs around the country to neighbors, community leaders, and the media so that everyone understands the importance of after-school programs to providing children of working parents with a safe place to be until their parents are home and providing all children with cultural and academic opportunities. Last year, more than 400,000 people participated in Lights On After School! events and I hope that even more will participate this year.

I have been a longtime supporter of the 21st Century Community Learning Centers program, which provides federal support for local after-school centers. For years, I have worked hard, as have many others, including Senator JEFFORDS and Senator BOXER, to increase support for these centers. And, with the appropriation having grown from $750,000 in fiscal year 1995 to $1 billion in fiscal year 2002, I think we've been phenomenally successful. I'm very disappointed that the President wants to freeze support for these programs, but I'm pleased that the Senate Appropriations Committee's education appropriations bill increases funding for fiscal year 2003 by $90 million. I hope that we can do even better in the end.

I can think of few programs with as wide-ranging support as these centers. Parents, teachers, youth groups, law enforcement, and others all recognize that providing extensive, effective after-school programs is one of the most important things we can do to support working parents and to help our children be safe and reach their potential in school and in life.

As evidence, a survey taken in August by the Afterschool Alliance found that nine in ten voters agree that there should be organized activities for children and teens after school every day that provide opportunities for them to learn.

By more than two to one, voters disagree with the President's proposal to freeze federal funding for after-school programs, and sixty-three percent are concerned that existing programs may have to reduce their services or close their doors due to lack of increased funding.

More than nine in ten voters who have children in after-school programs believe that their children are safer and less likely to be involved in juvenile crime than children who aren't in after-school programs.

Finally, 92 percent of these parents say their children do better in reading, writing and math because of after-school programs, and 87 percent say that their children are less likely to use alcohol and drugs because of after-school programs.

I thank the Afterschool Alliance for all their work, and urge my colleagues to join me in commemorating Lights On After School!

Mrs. BOXER. Mr. President, I would like to take this opportunity to discuss an issue of great importance to our Nation's children: afterschool programs. Children are much more likely to be involved in crime, substance abuse, and teenage pregnancy in the hours after school. In fact, about 10 percent of violent juvenile crimes are committed between 3 p.m. and 4 p.m. alone. The Urban Institute estimates that at least 7 million and as many as 15 million "latchkey kids" go to an empty house on any given afternoon. These children need a place to go—an empty house should not be an option.

It is essential that we provide children with organized activities or programs to go to during the critical afterschool hours. According to the Departments of Education and Health and Human Services, extracurricular activities like those provided by afterschool programs have proven to reduce the number of students likely to use drugs by 50 percent and the number of students likely to become teen parents by 33 percent. Furthermore, studies have shown that students who participate in extracurricular activities have better grades, feel greater attachment to school, have lower truancy rates and reach higher levels of achievement in college.

We have made great progress in the last 5 years toward making these kinds of programs more widely available. Through the 21st Century Community Learning Center Program, federal support for local afterschool programs increased from $1 million in fiscal year 1997 to $1 billion in fiscal year 2002. As a result, over 900 communities across the Nation are now providing their children with a positive alternative to unsupervised care. In addition, Senator ENSIGN and I offered an amendment to the Leave No Child Behind Act to increase funding for afterschool programs. As enacted, the bill will raise afterschool funding to $2.5 billion by the year 2007.

To highlight the growing need for afterschool programs, the Afterschool Alliance—a nonprofit organization dedicated to ensuring that all children and youth have access to quality, affordable afterschool programs by the year 2010—has announced the third annual nationwide day of awareness for afterschool programs called "Lights On After School!." Today, schools, community centers, museums, libraries, and parks across America will host activities to inform families about the places currently open to children after school and the need to provide additional centers where children can participate in engaging, stimulating activities until their parents return from work.

I applaud the Afterschool Alliance for recognizing the important role of afterschool programs in the lives of children, families, and communities, and I enthusiastically support the effort to build awareness through "Lights On After School!." Promoting the safety and well-being of our children is the best way to ensure that they have a genuine opportunity to succeed.

CATOCTIN MOUNTAIN NATIONAL RECREATION AREA

Mr. SARBANES. Mr. President, on October 1, I introduced legislation, together with Senator MIKULSKI, to redesignate Catoctin Mountain Park as the Catoctin Mountain National Recreation Area.

Catoctin Mountain Park is a hidden gem in our National Park System. Home to Camp David, the Presidential retreat, it has been aptly described as "America's most famous unknown park." Comprising nearly 6,000 acres of the eastern reach of the Appalachian Mountains in Maryland, the park is rich in history as well as outdoor recreation opportunities. Visitors can enjoy camping, picnicking, cross-country skiing, fishing, as well as the solitude and beauty of the woodland mountain and streams in the park.

Catoctin Mountain Park had its origins during the Great Depression as one of 46 Recreational Demonstration Areas, RDA, established under the authority of the National Industrial Recovery Act. The Federal Government purchased more than 10,000 acres of mountain land that had been heavily logged and was no longer productive to demonstrate how sub-marginal land could be turned into a productive recreational area and help put people back to work. From 1936 through 1941, hundreds of workers under the Works Progress Administration and later the Civilian Conservation Corps were employed in reforestation activities and in the construction of a number of camps, roads and other facilities, including the camp now known as Camp David, and one of the earliest, if not the oldest, camps for disabled individuals. In November 1936, administrative authority for the Catoctin RDA was transferred to the National Park Service by Executive Order.

In 1942, concern about President Roosevelt's health and safety led to the selection of Catoctin Mountain, and specifically Camp Hi-Catoctin as the location for the President's new retreat. Subsequently approximately 5,000 acres of the area was transferred to the State of Maryland, becoming Cunningham Falls State Park in 1954. The remaining 5,770 acres of the Catoctin Recreation Demonstration Area was renamed Catoctin Mountain Park by the Director of the National Park Service in 1954. Unfortunately, the Director failed to include the term "National" in the title and the park today remains one of eleven units in the National Park System, all in the National Capital Region, that do not have this designation.

The proximity of Catoctin Mountain Park, Camp David, and Cunningham Falls State Park, and the differences between national and State park management, has caused longstanding confusion for visitors to the area. Catoctin Mountain Park is continually misidentified by the public as containing lake and beach areas associated with Cunningham Falls State Park, being operated by the State of Maryland, or being closed to the public because of the presence of Camp David. National Park employees spend countless hours explaining, assisting and redirecting visitors to their desired destinations.

My legislation would help to address this situation and clearly identify this park as a unit of the National Park System by renaming it the Catoctin Mountain National Recreation Area. The mission and characteristics of this park, which include the preservation of significant historic resources and important natural areas in locations that provide outdoor recreation for large numbers of people, make this designation appropriate. This measure would not change access requirements or current recreational uses occurring within the park. But it would assist the visiting public in distinguishing between the many units of the State and Federal systems. It will also, in my judgment, help promote tourism by enhancing public awareness of the National Park unit.

I urge approval of this legislation.

ECONOMIC GROWTH NOW

Mr. EDWARDS. Mr. President, today the members of the Senate are focused on Iraq. There's no task more serious than deciding whether to send our young men and women into harm's way. My position is clear: The time has come for decisive action to eliminate the threat of Iraq's weapons of mass destruction once and for all.

But as we act to defend America's interests abroad, we must also act to make America strong at home. With 8 million people out of work and millions more struggling to make ends meet, our government is falling down on the job of protecting economic security. To restore an economic environment where businesses are creating jobs and parents are earning a better living for their children, I believe we need to act, and act now. I want to explain very specifically why and how we should act. And I call on the President and my colleagues to join together immediately to take decisive action.

Nobody is a greater optimist about America's future than me. Our long-term economic outlook remains strong because our free enterprise system remains strong—our spirit of innovation, our leadership in new technologies, and of course our people's hard work and productivity.

But sound economic fundamentals and strong economic growth are not things we can take for granted. They are things we have to work for.

Like all Americans, I have hoped that our economy is on the way to a speedy recovery. While I continue to hold out hope, I do not believe that hope can stand in the way of action any longer. There is too much uncertainty and there are too many disturbing signs. Economic indicators that had started to turn up, including consumer confidence and manufacturing, have turned back down again. Many industries, particularly telecommunications, have far too much capacity, and they will continue to cut back in order to restore profitability. Job growth remains stagnant, and CEOs report that they are planning to cut jobs rather than hire. As more and more Americans worry about their prospects, the last bulwark of the economy, consumer spending, shows signs of weakening.

We should not overreact. We need to keep our faith in the fundamental strength of our economy. But we cannot turn away from the reality we face. This administration has spent months saying that recovery is just around the corner, but wishful thinking will not create jobs, pay the bills, or get the economy going again.

America is right to prepare for action against Iraq. But we ought to apply that same logic to our economy. If you look at the recent economic evidence, the risks of inaction on our economy now outweigh the risks of action. We cannot wait until thousands more people lose their jobs before taking steps to defend our economic security. We can and should take preemptive action against this economic slump.

The President's plan is: Do nothing to promote economic growth in the short-run, and pretend that deficit-exploding tax cuts for the wealthiest will promote economic growth in the long-run. That is wrong for our economy and our security.

What our economy needs is the reverse prescription: a shot-in-the arm in the short-term, and a tighter grip on fiscal discipline in the long-term.

Contracting the economy in this environment makes no economic sense. On the other hand, stimulating the economy while exploding the long-term deficit would be self-defeating. The loss of confidence in long-term fiscal discipline can undermine both long-term confidence and short-term progress.

With a shot-in-the-arm now and a tighter grip on fiscal discipline in the long run, we can have the best of both worlds. Right now, we can increase demand, prevent a negative or even deflationary cycle, create jobs, and get incomes growing again. In the long run, we can get back to balanced budgets and maintain the investment climate we need for prosperity.

Let me be very specific about what we should do.

On the long-run side, we have to take two major steps. Number one, we have to tackle excessive spending by restoring the budget enforcement rules that have lapsed. Congress should not go home without making sure these rules are back in place. If Congress and the administration can't agree on spending bills before the election, let us at least show the voters that we are serious about holding down spending.

Number two, we must ask our most fortunate citizens to forgo the full extent of future tax cuts. Since the President took office, a $5.6 trillion surplus has almost entirely disappeared, and the biggest single reason was a tax cut whose full cost was over $2 trillion. As I have said before, we need to ask Americans at the very top of the economic ladder to live with smaller tax cuts than the tax bill passed last year. If we stop cuts in the top two rates, eliminate new deductions for very high-income earners, and triple the estate tax exemption without repealing it, we can save over $1.3 trillion in the next two decades.

This kind of fiscal discipline will have at least five advantages for our country: Number one, it will help bring us back to the strong economic fundamentals that led to growth during the 1990s. Number two, it will enable us to save for grave national security needs. Number three, it will help us save Social Security and address the coming explosion of baby boom retirements. Number four, it will reduce our dependence on foreign capital. Number five, it will allow us to confront emergencies when we need to. The fiscal surplus inherited by President Bush has helped our country to meet its challenges since September 11. Restoring long-term fiscal discipline will help us meet the challenges of the future.

To meet the challenge of today, we need decisive action that satisfies two basic principles. First, we should provide an efficient and effective spur to the economy. Second, the effect must be immediate and temporary—with incentives for business investment and consumer demand that will jumpstart the economy now, and get out of the way when they are no longer needed.

We all have to admit that the stimulus package of last spring did not meet that test. In the fall, I advocated a stimulus package that would have provided greater depreciation in the near-term, then tapered off quickly. That package would have been efficient and temporary. Unfortunately, the President and his party blocked proposals like that because they supported special-interest giveaways that the independent Congressional Budget Office found to be the most ineffective on the market. While we all hoped for the best, the business incentives that eventually passed did not create the surge our country needed. In addition, the tax rebates bypassed in part or in full 50 million Americans who would have been most likely to spend the money and increase economic activity.

This time, we should do it right. Here is how.

First, and most important, we have to make sure the economic uncertainty and higher energy prices we're likely to face this winter don't hurt the economic confidence and consumer spending that have been so critical over the last year. Today, I am proposing a one-time refundable energy tax cut of $500 per family. This tax cut will put money into the pockets of Americans who will spend it where they need it most: to pay their heating bills; make their homes more energy-efficient, and prevent higher energy prices from squeezing out other vital needs. Unlike last year's rebate, this energy tax credit will leave no American behind.

Earlier this week, this administration's own experts said that families in the Midwest will be paying 19 percent more for natural gas and 22 percent more for heating oil. Increases in the Northeast will be even higher. All the price hikes will fall particularly hard on the elderly, who have watched their life savings disappear in the stock market and have no way to make up the lost income.

Americans are prepared to sacrifice to win the war on terrorism and in Iraq. But America can win a war without leaving old people to cut back on their medicine to keep from shivering in the dark. We can protect people against rising oil prices and, at the same time, reduce our country's dependence on Middle Eastern oil. This administration approaches energy the same way it approaches the economy: doing nothing in the short-term and ignoring the big problems in the long-term. That is wrong.

I also continue to believe we should take the steps to stimulate the economy that the administration failed to take earlier this year. To encourage businesses to invest, we should raise the bonus for investing in new equipment from 30 percent to 45 percent—a 50 percent increase—but do it through June 30 of next year only. This will do what the administration's stimulus has failed to do so far: persuade businesses to get off the fence and put their money to work in our economy.

We also should act to prevent painful property tax increases and education cuts at the State level, giving States relief to deal with what the Wall Street Journal this week said is a $58 billion budget gap. The Senate has already acted to provide relief in the quickest possible way—through the Medicaid program—and there is no excuse for further delay.

Last but not least, we have to change a terrible reality: At a time when the index of Help Wanted listings is at historic lows, we are set to cut off unemployment benefits for nearly a million out-of-work Americans just three days after Christmas. These are good people who want nothing more than to get back to work. Last September, 800,000 Americans had been out of work for 6 months or more. By December, that total will have climbed to over 2 million. We have to do what is right for the workers who have done the worst in this economy and extend their benefits. They are sure to pump the money right back into our economy.

I call on the President and my colleagues in both parties to put politics aside and come together immediately to take these urgent steps to get our economy going again. Americans deserve nothing less from us.

HISPANIC HERITAGE MONTH

Mr. CRAIG. Mr. President, as the ranking member of the Special Committee on Aging, and in honor of this year's Hispanic Heritage Month, I rise today to give special recognition to 104-year-old Jose Rodriguez, who recently has been determined to be the Oldest Hispanic American now living in my State of Idaho. In honoring one man, Jose Rodriguez, this Nation honors all Americans of Hispanic descent.

Hispanic Heritage Month began on September 15 a day which marks the anniversary of independence for five Latin American countries Costa Rica, El Salvador, Guatemala, Honduras, and Nicaragua. Mexico achieved its independence on September 16, and Chile on September 18.

This being a Nation of immigrants, it is only fitting that Jose Rodriguez is himself an immigrant from Mexico. Some of us have been blessed by being born in Idaho. Others, like Jose, have been wise and bold enough to journey, sometimes great distances, to claim these blessings. He chose Idaho because Idaho was in his heart a place where family, faith, and freedom flourish.

Jose was born in Doctor Arrollo, in the State of Nuevo Leon, Mexico, on March 19, 1898. In 1913, at the tender age of 15, he joined in the Mexican revolution led by Pancho Villa. He arrived in the United States in 1922 and settled in Eagle Pass, TX. He married his wife Guadalupe, who he knew from childhood, in 1929. They had seven children together: Five sons and two daughters. While his wife passed away a few years ago and he misses her, Mr. Rodriguez enjoys his more than 80 grandchildren and numerous great-grandchildren, who carry on his legacy.

In the 1950s, Mr. Rodriguez moved his family to Idaho where he worked as a farm worker and crew leader for most of his life. According to one of his sons, the hallmark of Jose's life has been his generosity. He is a man known to help others, especially those in need.

Still living independently today, Mr. Rodriguez spends summers in Idaho with his son Meliton and winters in Arizona with his daughter Marina. Jose still cares for himself, takes daily walks, and credits his long life to, in his words, "God's good will and living a healthy life." That is what aging should be.

That type of wonderfully positive outlook have no doubt contributed to his longevity.

When Jose Rodriguez was born, Idaho had only been a State for 7 years and 8 months. That year, the first photographs taken with a flashbulb were produced and 1,000 automobiles were manufactured, up from a total of 100 the year before. Around that time, a child born in the United States was expected to live less than fifty years. Jose, a child born in Mexico, has more than doubled that expectation.

Jose is part of a large and growing population of Hispanic Americans throughout the nation and especially in Idaho. Within the past decade, the Hispanic population in Idaho has doubled from approximately 50,000 in 1990 to more than 100,000 today. Nationwide, there are now some 26 million people of Hispanic origin in the United States approximately ten percent of the American population. We honor their contributions during Hispanic Heritage

Month, which have maintained America's tradition as a rich, cultural melting pot and strengthened our shared national values.

Jose is a trendsetter in another way. Following his example, the number of centenarians those 100 years old or older has grown to 50,000 Americans today. In the next 50 years, according to Census Bureau estimates, there will be between 800,000 and one million people 100 years or older living in the United States.

Jose Rodriguez is a man of honor. It is with great pride that I rise today to recognize him, and I thank him for allowing me this privilege.

LOW-FAT, LOW-CALORIE CUISINE

Mr. SPECTER. Mr. President, today at the weekly Thursday Republican Lunch group, Lifestyle Advantage from Highmark Blue Cross/Blue Shield, in collaboration with Dr. Dean Ornish, served a gourmet, low-calorie, virtually no-fat, lunch with the following menu: Tuscan Vegetable Minestrone, Roasted Vegetable Lasagne, Caesar Salad, Apple-Raisin Strudel, Vanilla ala mode with caramel sauce.

As explained by Ms. Anna Silberman and Ms. Marlene Janco, Executives of Lifestyle Advantage/Highmark, the lunch contained approximately 450 calories compared to about 850 calories with regular ingredients.

There was real enthusiasm among the 27 Republican Senators who were very complimentary about the taste, elegance, and healthy content of the cuisine.

When one senator was being served the apple-raisin strudel with vanilla ice cream—actually ice milk—topped by caramel sauce and was told it was fat-free and low-calorie, he replied:

"Next they'll want to sell me the Brooklyn Bridge."

When assured that it was fat-free and low-calorie, he was very much impressed. Other senators marveled at the tastiness of the caesar salad, especially contrasted to its ordinarily high-caloric content. The Tuscan vegetable minestrone had a special quality with roasted vegetables. Again, the roasted vegetables in the lasagne made it especially tasty.

The Capitol dining service is now considering adding to the regular menu on both the House and Senate sides low-fat, low-calorie tasty cuisine as demonstrated by today's lunch.

ADDITIONAL STATEMENTS

IN RECOGNITION OF JOSEPH TORREZ

• Mr. DOMENICI. Mr. President, today I honor the accomplishments of Principal Joseph Torrez of Tucumcari, NM, who is in the Nation's capital today to be recognized as the 2002 New Mexico National Distinguished Principal of the Year. He was one of 63 principals from across the country who will be honored by the United States Department of Education and the National Association of Elementary School Principals.

Joseph is a product of the New Mexico higher education system, having received both his undergraduate degree and Master's degree from New Mexico Highlands University. Since completing his master's degree, he has dedicated his life to educating New Mexico's children. As a language arts teacher at Taos High School, Thoreau High School and Memorial Middle School in Las Vegas, NM, he has touched the hearts and minds of his students, while generating interest and enthusiasm in learning.

Three years ago Joseph agreed to move from the classroom to the principal's office. In this role he has shown leadership skills that have earned him the respect of parents and teachers alike.

One of his many accomplishments is the development of a program that targets at-risk kids by providing them with after-school activities. These include recreation, assistance with school work, and instruction on ways to become involved as volunteers in the community.

This program is not limited simply to the children in these families, however. He has used money from a state grant to assist parents of his students obtain the skills needed to succeed in the workforce.

Joseph's contributions to the community are not limited simply to his work in the Tucumcari schools. He has also encouraged his students to aid the local homeless shelter, collect food, and visit senior citizens.

I commend Joseph for his hard work and dedication to help students, their parents and the community of Tucumcari. Joseph has set the bar for excellence through his exemplary efforts. He has used creative and innovative means to improve the lives of his students and beyond, through reaching out to the community.

I am proud to honor Principal Joseph Torrez, our 2002 New Mexico National Distinguished Principal. On behalf of the Senate and New Mexico, I thank this fellow New Mexican for making a difference in our children's lives.•

NORTH DAKOTA'S 164TH INFANTRY REGIMENT

• Mr. DORGAN. Mr. President, it was 60 years ago that 2,000 men from North Dakota's 164th Infantry Regiment performed heroically in a savage battle in the South Pacific. It marked the first time the U.S. Army launched an offensive operation in that war and stands today as a critical juncture in World War II.

Coming from almost every city and village in North Dakota, the members of the 164th Infantry were North Dakota's National Guard and traced their unit's heritage to the Indian wars on the American frontier. Its history was one of distinction, most notably marked by a spectacular ten Medals of Honor its men won in the Philippines in 1899.

Called to active duty early in 1941, the North Dakotans were ordered to the West Coast the day after Pearl Harbor, and landed in the South Pacific in the spring of 1942.

Meanwhile, on the island of Guadalcanal, U.S. Marines had begun America's first offensive action against Japan. By autumn, it was a precarious deadlock and the 164th Infantry was sent in October 13. By noon it had its first casualty. Corporal Kenneth Foubert of Company M of Grand Forks, North Dakota, was killed in a bombing run by Japanese planes. As Japanese ground patrols tested U.S. positions, the 164th Infantry advanced, the first unit of the Army to go on the offensive in WWII.

An intense Japanese attack, the largest battle fought on Guadalcanal, occurred October 24–25. In "Citizens as Soldiers," a history of the North Dakota National Guard, authors Jerry Cooper and Glenn Smith tell how a battalion of the 164th Infantry was sent to reinforce the Marines. Despite the blackness of night, made darker by a heavy tropical rain, the 164th Infantry, over narrow trails slippery with mud, followed its Marine escorts to the front line, holding on to the backpacks of the man in front of them to avoid being lost.

Fighting side by side with the Marines, the 164th Infantry poured relentless fire through the night into continuous waves of oncoming Japanese. At dusk of the next day, the Japanese attacked again. The situation was precarious and cooks, messengers, and clerks manned positions and waited for the worst. Even the musicians of the North Dakota band were pressed into service as litter bearers. Every member of the 164th had a role in that battle, the fiercest of the campaign.

At one outpost, 18 Marines, many seriously wounded, were surrounded. The 164th Infantry's Sgt. Kevin McCarthy of Jamestown, ND, used a small, lightly armored, open topped vehicle to make repeated trips to the desperate men and, under heavy fire, rescued them all. For his bravery, he was awarded the Distinguished Service Cross.

By dawn, it was clear the enemy had suffered a disastrous defeat. In front of the 164th Infantry were 1,700 dead Japanese. The North Dakota unit, meanwhile, suffered only 26 killed and 52 wounded.

Impressed, the Marines' commanding general sent the North Dakotans a message that said the Marines "salute you for a most wonderful piece of work. We are honored to serve with such a unit. Our hat is off to you."

Lt. Col. Robert Hall of Jamestown, ND, received the Navy Cross for his leadership of the battalion during this crucial action.

The fight for Guadalcanal continued into November when the 164th was assigned to drive Japanese defenders off a series of ridges. From November 20–27, the battle raged. It was the bloodiest week of the entire war for the unit. More than 100 men were killed and some 200 wounded. Not until February did the Japanese finally flee the island.

It was none too soon. Guadalcanal had taken its toll. The 164th was no longer combat effective. It was down to less than two-thirds its authorized number. Most men had lost 20 pounds or more. They suffered from malaria, heat exhaustion, exotic tropical diseases. All told, the unit buried 147 men on the island, had 309 wounded, and another 133 casualties from shock, trauma, and neurosis.

It was little wonder that the Americans called the island "green hell" and Japanese referred to it as the "island of death."

The regiment received a Presidential Unit Citation for its outstanding contributions and personal plaudits from General George Marshall, chairman of the Joint Chiefs of Staff, and Admiral William Halsey, commander of the South Pacific forces. For Guadalcanal, men of the regiment won a Navy Cross, five Distinguished Service Crosses, 40 Silver Stars, more than 300 Purple Hearts, and many Soldier's Medals and Legions of Merit. One of its proud boasts was that it would leave no one behind and, indeed, it had no men missing in action.

The survivors are now old men. They have had America's hat tipped to them before, but they deserve it again, one more time before they leave us to rejoin their comrades, brave young men who left North Dakota on troop trains in the bitter February cold so long ago to answer their Nation's call.•

COMMEMORATING THE BIRTH OF GEORGE ROGERS CLARK

• Mr. LUGAR. Mr. President, I rise today to speak about an important event in Indiana, the 250th birthday of George Rogers Clark. Vincennes University, located in Vincennes, IN, is hosting a celebration that will be held on November 19, 2002. I am pleased to add my voice to those honoring a man who is one of the greatest figures in American frontier history.

George Rogers Clark was born on November 19, 1752, to John and Ann Rogers Clark. Although Clark was literate, he was not known as a scholar. Instead, like George Washington, he took an interest in surveying, a high risk profession that presented the possibility of great reward. Surveying required intelligence, determination, physical strength, resilience, and a thorough knowledge of wilderness survival skills.

When the Revolution began, the Virginia legislature appointed Clark to the position of Commander of the Frontier Militia. He set out, in May 1778, with a small force to battle the British and their Native American allies. During the summer, Clark and his troops ousted the British from Kaskaskia, Cohokia, and Vincennes.

On December 17, 1778, British Lt. Governor Henry Hamilton and his troops retook Fort Sackville, the important stronghold in the City of Vincennes. Clark led about 170 men on a grueling 18-day winter trek from Kaskaskia, through present day Illinois, up to Fort Sackville. Clark and his men moved relentlessly, braving cold weather and crossing freezing rivers, in an effort to stop further British incursions. Then, in a brilliant maneuver, he duped the British into believing that he had gathered a considerably larger militia than he actually had. This tactic worked, and Lt. Governor Henry Hamilton surrendered Fort Sackville to Clark on February 25, 1779. For the next several years, Clark conducted successful campaigns against the Shawnee. He and his forces maintained control of most of the Northwest. This success not only had military significance, but it also strengthened America's post-war claims to the western territories. During this period, Clark spent his own money to help maintain his small army.

George Rogers Clark's courage and leadership have been recognized and carefully remembered in the Hoosier State. President Franklin Roosevelt dedicated the memorial of George Rogers Clark in the City of Vincennes on June 14, 1936. This memorial is the focal point of George Rogers Clark National Historical Park that had 128,000 visitors last year.

I appreciate the efforts of Vincennes University and the George Rogers Clark National Historical Park to honor this remarkable man and his contributions to American history. This event will be a testament to the exceptional accomplishments and overall character of George Rogers Clark and his men.•

THE AWARDING OF THE 2002 NOBEL PRIZE IN CHEMISTRY TO PROFESSOR JOHN B. FENN

• Mr. LIEBERMAN. Mr. President, I rise today to express my heartfelt congratulations to a former long-time Connecticut resident and member of the Yale University faculty, Professor John B. Fenn, for being jointly awarded the 2002 Nobel Prize in Chemistry, the world's highest honor for scientific achievement.

I cannot imagine another person for whom this prestigious award is more richly deserved. Professor Fenn has conducted pioneering research on powerful analytical methods for studying biological macromolecules such as proteins. His work has revolutionized the development of new medicines and has broken new ground in the early diagnosis of certain cancers. The possibility of analyzing proteins in detail has led to an increased understanding of the processes of life. Because of the advances resulting from Professor Fenn's work, researchers can now rapidly and simply identify the constituent proteins contained within a substance. They can also create three-dimensional pictures showing what protein molecules look like in solution in order to better understand their functions within a cell. In addition to assisting the diagnosis of breast and prostate cancer, applications of this groundbreaking area of research are also being reported in other areas; for example, foodstuff control, pharmaceutical development, environmental analysis, and the diagnosis of malaria.

Mass spectrometry is a very important analytical method used in practically all chemistry laboratories the world over. This process lets scientists rapidly identify a substance and is used in areas such as testing for doping and illegal drugs. For much of the 20th century, the technique had been used to identify only small-or medium-sized molecules. In the latter half of the 1980s, Professor Fenn and his colleague Koichi Tanaka, with whom he is sharing the prize, developed methods that make it possible to analyze biological macromolecules as well. Professor Fenn has been honored for finding ways to extend the technique to large molecules by making the individual molecules separate and spread out as a cloud in a gas without losing their original structure. In the method that he published in 1988, electrospray ionisation—ESI—charged droplets of protein solution are produced which shrink as the water evaporates. Eventually, freely hovering protein ions remain, and their masses may then be determined by setting them in motion and measuring their time of flight over a known distance.

Professor Fenn received a B.A. in chemistry from Berea College in 1937 and a Ph.D. from Yale in 1940. After a dozen years in industry, he was appointed director of Project SQUID, a Navy program of basic and applied research in jet propulsion administered by Princeton University, where he later became professor of aerospace and mechanical sciences in 1959. He returned to Yale in 1967 as professor of applied science and chemistry, a post he held for 13 years. From 1980 until his retirement in 1987, he was a professor of chemical engineering. He became a research scientist at Yale after being named Emeritus in 1987. In 1994, he moved to Virginia Commonwealth University as a research professor. He has served as a visiting professor at Trento University in Italy, the University of Tokyo, the Indian Institute of Science at Bangalore, and the Chinese Academy of Science in Beijing, and as a distinguished lecturer at several other institutions. Author of one book and over a hundred papers, he is sole or co-inventor on 19 patents. Much of his research has centered on the properties and uses of supersonic free jets expanding into vacuum. Such jets can produce molecular beams with much higher intensities and energies than can the classical effusion ovens they have replaced. Their ability to cool molecules to ultra low temperatures, with or without condensation, has revolutionized molecular spectroscopy and made them versatile sources of clusters and van der Waals molecules. In mass spectrometry, Professor Fenn is best known for his work in the development and applications of electrospray ionization.

I speak with utmost sincerity in expressing my gratitude to Professor Fenn for the lifetime of contributions or, more accurately, several lifetimes' worth of contributions that he has rendered in service to our Nation in his research on mass spectrometry. The work resulting from his drive and genius will no doubt improve our lives and our society, and it fills me with exceptional pride to see him recognized for his efforts. Outstanding scientists such as he undertake research to fully realize human and societal potential, and by having had someone as accomplished as Professor Fenn on its faculty, both Connecticut and Yale University have greatly benefited from his groundbreaking work. On behalf of your State and your country, Professor Fenn, please accept my deepest congratulations and thanks.•

TRIBUTE TO DR. LURA POWELL

• Mrs. MURRAY Mr. President, I would like to take a moment today to recognize the accomplishments of Dr. Lura Powell, the Laboratory Director of the Department of Energy's Pacific Northwest National Laboratory in Richland, WA. Dr. Powell will be stepping down at the end of this year and, over the past 2 years as director, has provided many contributions while leading this National Laboratory. I would also like to thank her for her leadership and her commitment to the Tri-Cities Community.

Lura Powell joined the Laboratory after a lengthy career at the Department of Commerce's National Institute of Standards and Technology. During her tenure at NIST, she served as Director of the Advanced Technology Program. She earned the Department of Commerce Gold Medal in 1998. In 2000, Dr. Powell joined Battelle and became the first woman director of the Laboratory. There are several noteworthy successes to mention, including two "Outstanding" ratings from the Department of Energy, the highest rating available, during her tenure. In addition, DOE recently announced its intention to renew the 5-year contract for the Laboratory.

During her tenure, the acquisition of two major pieces of equipment, including a leading-edge supercomputer and the world's first 900 Megahertz wide bore Nuclear Magnetic Resonance spectrometer, will position the laboratory to be a leader in molecular research. Dr. Powell can also be credited with enhancing university partnerships in the Northwest with the University of Washington and Washington State University, as well as the University of Idaho and Oregon State University. Dr. Powell's legacy is the successful combination of academic partnerships with this state-of-the-art laboratory, securing a strong economic future for my state of Washington and the Pacific Northwest region of the United States.

In the Tri-City Community, Dr. Powell has been active in promoting economic growth and providing leadership in the role that science and technology can play in education, work, and our daily lives. In Washington State, Dr. Powell has been a member of the Washington Roundtable and the Washington Technology Alliance Board where she has cared deeply about bringing growth to the state economy.

On behalf of the people of the Tri-Cities and Washington State, I would like to thank Lura Powell for her hard work and know that wherever she goes, those around her will benefit from her leadership, insight, and commitment.•

WEST VIRGINIA VET CENTER RECEIVES AWARD

• Mr. ROCKEFELLER. Mr. President, once again I rise to congratulate the Morgantown Vet Center in my State of West Virginia for receiving both the "Clinical Programs of Excellence" award presented by the Department of Veterans Affairs Health Administration and the "Vet Center of Excellence" award presented by VA's Readjustment Counseling Service.

For the second time in a row, the skilled, dedicated staff of the Morgantown Vet Center has been recognized by VA for providing the best of VA care in their field. To receive either of these two awards once would be an outstanding accomplishment. But to receive both of them, twice in a row, by continuing to meet such high standards of care is something to be enormously proud of.

The services provided by the staff at the Morgantown Vet Center include individual and group counseling, family/marital counseling, sexual trauma counseling, substance abuse counseling, vocational and employment assistance, VA claims and benefits information, help for the homeless, and social service and health care referrals. They provide readjustment counseling to combat veterans and their families, including veterans who served during Vietnam, Korea, World War II, and the Persian Gulf.

The staff at the Morgantown Vet Center is extremely dedicated, and literally hundreds of veterans have benefitted from their expertise. In fiscal year 2001, 11,528 visits were made to the Morgantown Vet Center, a 41 percent increase in the number of visits for fiscal year 1998. This growth is just one of the many positive facets of Morgantown's program that allowed VA to select them once again as a "Clinical Program of Excellence."

So to each and every one of the staff at the Morgantown Vet Center, thank you again for the exemplary work you do, for your professionalism, your dedication, and your compassion.

Congratulations for a job well done.•

NATIONAL WILDLIFE REFUGE WEEK

• Mr. DOMENICI. Mr. President, I rise today to celebrate National Wildlife Refuge Week. This week of wildlife education and activities marks the 99th birthday of the National Wildlife Refuge System. Following in the footsteps of one of our first conservationist Presidents, Theodore Roosevelt, who in 1903 instituted the National Wildlife Refuge on Pelican Island in Florida, the National Wildlife Refuge System attentively monitors and preserves wildlife habitats on 538 National Wildlife Refugees spanning 94 million acres. The National Wildlife Refuge System plays a unique and critical role in ensuring Americans a safe, clean, and natural ecosystem where both wildlife and people benefit from a healthy environment.

The National Wildlife Refuge System protects a wide range of wildlife and landscapes throughout the country. In particular, the refuges in the Southwest are necessary to secure the well-being and survival of an assortment of migratory birds, including the bald eagle, who make the Southwest their home during the fall and spring months. The National Wildlife Refuge System concentrates not only on the hands-on aspect of environmental protection but, focuses on the importance of science in determining the future and well-being of wildlife. Specifically, they direct their scientific endeavors towards the accelerating rate of extinction of species and the associated loss of biological diversity coupled with habitat alteration and destruction. Their efforts towards the preservation of wildlife are in conjunction with and for the well-being of Americans and their ability to enjoy a peaceful, natural, and unspoiled national refuge.

The National Wildlife Refuge contributes greatly to ensuring many of New Mexico's natural landmark treasures such as Bitter Lake, Bosque del Apache, Grulla, Las Vegas, Maxwell, San Andres, and Sevilleta. The National Wildlife Refuge has been devoted to the restoration of Sevilleta, making native animals such as deer, elk, coyotes, mountain lions, and various birds and reptiles more abundant and visible. In particular, and of great interest to me, is the Long-Term Ecological Research Project the National Wildlife Refuge System they have launched. Such programs are key to the revitalization of not just Sevilletta, but to all of New Mexico's varying ecosystems. Their project is in line with the Sevilleta National Wild Refuge program and the Rio Grande Bosque Initiative that was implemented in 1991.

As part of my concern for New Mexico's wildlife, I included a provision in this year's Interior Appropriations bill providing $1.25 million for the Fish and Wildlife program to design a new research complex for Sevilleta NWR. This facility will support numerous university and Federal agency research programs.

The National Wildlife Refuge System consistently helps prevent and regulate environmental disasters through their highly cultivated set of management tools that includes farming, prescribed burning, exotic plant control, moist soil management, and water level manipulation. Without the perseverance of such organizations as the National Wildlife Refuge System, we would not be able to successfully tackle the many environmental obstacles that stand in the way of a healthy and well managed ecosystem.

I wish the National Wildlife Refuge System a great week of learning, exploration, and fun and a continued success in their wildlife and environmental work. Although I cannot be in my beloved home of New Mexico for this noble event, I congratulate this organization for their almost one hundred years of conservation and public works.●

PROFESSIONAL DEVELOPMENT IN CIVICS AND GOVERNMENT

●Mrs. FEINSTEIN. Mr. President, I rise today to bring to the attention of my colleagues the work of the Center for Civic Education. The center offers outstanding professional development institutes for teachers of civics and government throughout the United States.

While the center is based in my home State of California, their programs are administered nationally by a network of State and congressional district coordinators. Many of you are familiar with We the People: The Citizen and the Constitution, a nationally acclaimed civic education program for upper elementary, middle, and high school students. I know that a number of you have met with the high school students who participate in the We the People national finals, a three-day academic competition in which students respond to questions on the U.S. Constitution and Bill of Rights.

The center-sponsored professional development institutes are offered at national, regional, and State levels. These institutes are designed to instruct teachers in the content and methodology required to deliver quality education in civics and government. Institutes are usually one week long and provide rigorous content knowledge, innovative teaching techniques, and authentic assessment practices. Regional institutes provide an opportunity for teachers from neighboring states to share best practices in civic education.

This past year, 27 regional and State institutes were held in Arizona, California, Colorado, Florida, Idaho, Indiana, Louisiana, Maryland, Massachusetts, Mississippi, Missouri, Montana, Nevada, New Mexico, New York, Oregon, South Carolina, Tennessee, Texas, Virginia, Washington, and Wisconsin. A Juvenile Justice Institute was offered for teachers of incarcerated youth, and a civics and government institute was held for university professors of education.

The center also sponsors a more intensive 3-week National Academy for teachers from across the country; the academy is held in California. Participants in the academy study major works of political theory such as Aristotle's Politics, Hobbes' Leviathan, Locke's Second Treatise, The Federalist, anti-federalist writings, and U.S. Supreme Court opinions. They also discuss relevant knowledge and creative ways to apply this experience when they return to the classroom.

National institutes for elementary school teachers and teachers interested in advanced content knowledge were held for the first time this year. These institutes were conducted in Virginia and Missouri, respectively. In 2003, the center will increase the number of summer professional development institutes offered.

The poor performance of students on the 1998 National Assessment for Educational Progress, NAEP, Civics Report Card can be traced to inadequate teacher preparation and insufficient quantity of instruction. We know that outstanding programs and student outcomes are directly attributed to adequately prepared teachers.

Investment in professional development opportunities, such as the summer institutes and the National Academy sponsored by the Center for Civic Education, are helping to address this critical situation of teacher preparedness in the field of civics and government.

I commend the center for their efforts and applaud their investment in one of our most treasured resources, the American classroom teacher.●

TRIBUTE TO DANIEL A. BENAC

● Mr. LEVIN. Mr. President, I am delighted to bring to the attention of my colleagues a great American. Mr. Daniel A. Benac of Hillman, MI has made service to his country and community a cornerstone of his life. In 1942, Daniel answered the call to serve his country and joined the United States Army's 103rd Infantry Division. After being honorably discharged from the Army, Dan went back to Michigan where he became a member of a variety of important organizations including the International Brotherhood of Electrical Workers and the United Auto Workers. As a skilled tradesman, Dan also ran a successful small business. In the military, business and personal life, he has demonstrated his commitment to his country, family, and friends.

Dan's leadership capabilities are highlighted by his commitment to a variety of community-based organizations including the Masons, Shriners, Disabled American Veterans, and the American Legion. He also serves as a Board member for the United Auto Worker's state-wide coordinating committee for the Democratic Party and the National Council for Senior Citizens. Furthermore, Dan is the Chairman of the Michigan Veterans Trust Fund for Montmorency County and Past Chairman of the Montmorency County Democratic Party. Dan currently serves as the chairman of Region 1D, United Auto Worker Retirees, a region which encompasses 62 counties. Daniel was instrumental in the formation of the Montmorency County Democratic Party and has served as the party chairman for many years.

Dan and his wife Geraldine will celebrate their 60th wedding anniversary on February 9, 2003. They have three children, eight grandchildren, and fifteen great grandchildren. At 80 years of age, he has been, and continues to be, an inspiration to all who know him. I know my colleagues will join me in saluting Daniel Benac for his leadership in the community dedication to his country, and loyalty to his family and friends.●

FEED AMERICA THURSDAY

● Mr. HATCH. Mr. President, I rise today to introduce "Feed America Thursday," a resolution which designates November 21, 2002, the Thursday before Thanksgiving Day, as "Feed America Thursday."

This resolution encourages Americans to sacrifice two meals on November 21 and donate the money they would have used for food to a charity or religious organization of their choice. The charities and churches, in turn, are encouraged to feed the hungry with the funds received. "Feed America Thursday" will not only encourage Americans to help those in need, it will encourage a spirit of selflessness and sacrifice vital to our strength as a nation.

Each day people in our Nation suffer due to hunger. The United States Department of Agriculture recently reported that 33 million Americans, 13 million of whom are children, live in homes that do not have an adequate supply of food. Hunger among children is especially devastating because it has a serious impact on physical growth and brain development. The contributions this resolution encourages will serve the needs of those who suffer from hunger in our Nation, especially the children. This resolution will not only help alleviate hunger, it will both affirm and restore the spirit of giving in our society. Hunger affects people from every state and in all age groups.

I ask every American to join me in feeding the hungry and affirming the values that make our Nation great. This resolution, if passed, will provide food to the hungry and hope to our nation.•

THE RETIREMENT OF SHERIFF BILL BREWER

• Mr. ENZI. Mr. President, I have often heard it said that Wyoming is such a remarkable place to live because of the remarkable people who live there. For my part, I can not only assure you that it is true, but I have the proof in the form of one of the stories of our remarkable citizenry that I would like to share with my colleagues today.

In just a few weeks, Bill Brewer will be retiring after serving for 26 years as our Sheriff for Park Country. All told, he will be closing the books on a career in law enforcement that totals almost 40 years.

As a former Mayor, I know full well the importance of a good Sheriff in city and county management and the important role law enforcement plays in the services we provide to the citizens of our communities. If nothing else, good city and county government demands that we ensure the safety of our people to the fullest extent possible. That is why law enforcement officers like Bill Brewer are so important in the day to day life of our communities.

Sheriff Brewer has been an integral part of the daily life of the community of Cody and Park County since 1972, when he became the Sheriff of Park County. Over the years, he proved to be instrumental in bringing the Cody Police Department and the Park County Sheriff's Department together as he worked to bring both offices into the modern age. Through his efforts, he was able to improve the technology both offices have come to depend on as they became more effective and responsive to the needs of the people of the area. Thanks to his dedication to improving the system he was a part of, numerable changes were made in the way the offices communicated with each other. And thanks to his willingness to try new things, the kind of information they exchanged and the speed with which it was shared increased dramatically.

Sheriff Brewer's vision and commitment to making a difference in his corner of the world did not go unnoticed through the years, and he was named Wyoming Peace Officer of the Year in 1981. The award was presented to him to recognize his devotion to duty as well as his dedication and commitment to improving the tools his officers had access to in the performance of their daily duties.

For example, in the 1980's, Sheriff Brewer's foresight and commitment to ensuring Cody and Park County had the most modern crime fighting tools possible led him to create a SWAT team for the County. Although there was quite a bit of dissension about the formation of such a force, it proved to be an important addition to the law enforcement team of the area when there was a shooting at a bar in Cody. The perpetrators fled the scene and barricaded themselves in a cabin. It was then up to the newly formed SWAT team to capture them and bring them to justice. They were subsequently convicted and the story was broadcast across the nation as part of a television series of law enforcement.

In addition to his duties as a Sheriff, Bill has also been very involved with the youth of the community. He was a boxing coach and referee, as well as a baseball and basketball coach.

I would be remiss if I didn't also point out Bill's participation in the music community of the area. He plays the banjo and the guitar and he and his father played with the Wyoming Fiddlers Association. He also enjoys playing horseshoes and now that he's retired, I have no doubt that he is going to get into a lot more activities in the years to come.

Bill Brewer will long be remembered for all he has done to make his community a better place to live. For his almost forty years of service, he has made a huge difference in his neck of the woods of Wyoming. There is no way to measure all Bill has accomplished as Sheriff and the lives he has touched in all his activities. A lot of the area bears his remarkable and gentle touch and is better for his having passed by.

Now, I have a hunch Bill and his remarkable wife Janet won't be slowing down so much as changing gears and direction in retirement. I wish them all the best in whatever they decide to do in the coming years. After all, Bill has done all we could have asked him to do, and more, for almost forty years. I hope he and Janet enjoy their retirement. They have been a great team for Park County and Wyoming and they have earned it.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the PRESIDING OFFICER laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 3:57 p.m., a message from the House or Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 114. A joint resolution to authorize the use of the United States Armed Forces against Iraq.

At 5:34 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 5010) making appropriations for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment to the Senate to the bill (H.R. 5011) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes.

The message further announced that the Speaker has signed the following enrolled bills:

ENROLLED BILLS SIGNED

H.R. 2121. An act to make available funds under the Foreign Assistance Act of 1961 to expand democracy, good governance, and anti-corruption programs in the Russian Federation in order promote and strengthen democratic government and civil society and independent media in that country.

H.R. 4085. An act to increase, effective as of December 1, 2002, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans.

The enrolled bills were signed subsequently by the President pro tempore (Mr. BYRD.)

At 8:42 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following joint resolution, in which it request the concurrence of the Senate:

H.J. Res. 122. A joint resolution making further appropriations for the fiscal year 2003, and for other purposes.

At 11:05 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate.

H. Con. Res. 508. Concurrent resolution resolving all disagreements between the House of Representatives and Senate with respect to H.R. 3295.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the text to the bill (H.R. 3295) to establish a program to provide funds to States to replace punch card voting systems, to establish the Election Assistance Commission to assist in the administration of Federal elections and to otherwise provide assistance with the administration of certain Federal election laws and programs, to establish minimum election administration standards for States and units of local government with responsibility for the administration of Federal elections and for other purposes.

The House insists on its disagreement to the amendment of the Senate to the title to the aforesaid bill.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

H.R. 5427. An act to designate the Federal building located at Fifth and Richardson Avenues in Roswell, New Mexico, as the "Joe Skeen Federal Building".

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 4968. An act to provide for the exchange of certain lands in Utah.

S. 3099. A bill to provide emergency disaster assistance to agricultural producers.

S. 3100. A bill to amend title 18, United States Code, to limit the misuse of social security numbers, to establish criminal penalties for such misuse, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–9285. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, a report on the reimbursements to countries for support of U.S. military operations in connection with the global war on terrorism; to the Committee on Appropriations.

EC–9286. A communication from the Under Secretary of Defense, Comptroller, transmitting, pursuant to law, the report of a violation of the Antideficiency Act case number 00–07; to the Committee on Appropriations.

EC–9287. A communication from the Director, Office of Hearings and Appeals, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Special Rules Applicable to Surface Coal Mining Hearings and Appeals" (RIN1090–AA82) received on October 2 , 2002; to the Committee on Energy and Natural Resources.

EC–9288. A communication from the Deputy Congressional Liaison, Board of Governor of the Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled "Regulation Z (Truth in Lending)" received on October 3, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–9289. A communication from the Secretary of Labor, transmitting , a draft of proposed legislation entitled "Black Lung Consolidation of Administrative Responsibilities Act"; to the Committee on Health, Education, Labor, and Pensions.

EC–9290. A communication from the Acting Director, Office of Regulatory Law, Veterans Health Administration, Department of Veterans' Affairs, transmitting, pursuant to law, the report of a rule entitled "Priorities for Outpatient Medical Services and Inpatient Hospital Care" (RIN2900–AL39) received on October 2, 2002; to the Committee on Veterans' Affairs.

EC–9291. A communication from the Director of Regulations and Forms Services Division, Immigration and Naturalization, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Delegating the Secretary of Labor the Authority to Adjudicate Certain Temporary Agricultural Worker (H–2A) Petitions" (RIN1115–AF29) received on October 2, 2002; to the Committee on the Judiciary.

EC–9292. A communication from the Secretary of Defense, transmitting, the report of a retirement; to the Committee on Armed Services.

EC–9293. A communication from the Director of Defense Procurement, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Overseas Use of the Purchase Card in Contingency, Humanitarian, or Peacekeeping Operations" (DFARS Case 2000–D019) received on October 2, 2002; to the Committee on Armed Services.

EC–9294. A communication from the Under Secretary of Defense, Acquisition, Technology and Logistics, transmitting, pursuant to law, a report on Fiscal Year 2001 funds obligated in support of the procurement of a vaccine for biological agent Anthrax; to the Committee on Armed Services.

EC–9295. A communication from the Acting Assistant Secretary of State, Legislative Affairs, transmitting, pursuant to law, the Affirmative Action Employment Program Accomplishment Report for the period of October 1, 2000 through October 1, 2001; to the Committee on Foreign Relations.

EC–9296. A communication from the Acting General Counsel, Department of Defense, transmitting, a draft of proposed legislation to extend through Fiscal Year 2003 the authorities necessary to continue the unified campaign against drugs and terrorism in Colombia; to the Committee on Foreign Relations.

EC–9297. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the report of the texts and background statements of international agreements, other than treaties; to the Committee on Foreign Relations.

EC–9298. A communication from the Deputy Associate Administrator, Office of Acquisition Policy, National Aeronautics and Space Administration, General Service Administration, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; Federal Acquisition Circular 2001–09" (FAC 2001–09) received on October 2, 2002; to the Committee on Governmental Affairs.

EC–9299. A communication from the Secretary of Commerce, transmitting, pursuant to law, the report of the Office of the Inspector General for the period October 1, 2001 through March 31, 2002; to the Committee on Governmental Affairs.

EC–9300. A communication from the Commissioner of the Social Security Administration, transmitting, a draft of proposed legislation entitled "Supplemental Security Income Program Amendments of 2002"; to the Committee on Finance.

EC–9301. A communication from the Secretary of Labor, transmitting, a draft of proposed legislation entitled "Black Lung Disability Trust Fund Debt Restructuring Act"; to the Committee on Finance.

EC–9302. A communication from the Secretary of Labor, transmitting, a draft of proposed legislation entitled "Employment Security Reform Act of 2002"; to the Committee on Finance.

EC–9303. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare and Medicaid Programs; Conditions of Participation: Immunization Standards for Hospitals, Long-Term Care Facilities, and Home Health Agencies" (RIN0938–AM00) received on October 2, 2002; to the Committee on Finance.

EC–9304. A communication from the Chief of the Regulations Branch, United States Customs Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Duty-free Treatment for Certain Beverages Made with Caribbean Rum" (RIN1515–AC78) received on October 4, 2002; to the Committee on Finance.

EC–9305. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Effect of Collars on Qualified Covered Calls" (Rev. Proc. 2002–66, 2002–43) received on October 3, 2002; to the Committee on Finance.

EC–9306. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Annual Report for 2002 entitled "Evaluation of Medicare's Competitive Bidding Demonstration for Durable Medical Equipment, Prosthetics, Orthotics, and Supplies"; to the Committee on Finance.

EC–9307. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Reallocation of Projected Unused Amounts of Bering Sea Subarea (BS) Pollock from the Incidental Catch Account to the Directed Fisheries. This Action is Necessary to Allow the 2002 Total Allowable Catch (TAC) of Pollock to be Harvested" received on October 2, 2002; to the Committee on Commerce, Science, and Transportation.

EC–9308. A communication from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Closure Notice for Black Sea Bass Fishery; Commercial Quota Harvested for Quarter 3" (RIN0648–AP06) received on October 2, 2002; to the Committee on Commerce, Science, and Transportation.

EC–9309. A communication from the Acting Director, Office of Sustainable Fisheries, Nation Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "NMFS is prohibiting retention of all rockfish defined in the category "other rockfish" in Table 3 of 2002 harvest specifications and associated management measures for groundfish fisheries off Alaska (67 FR 956, January 8, 2002) in the Bering Sea subarea of the Bering Sea and Aleutian Islands management area (BSAI). NMFS is required that catch of "other rockfish" in this area be treated in the same manner as prohibited species and discarded at sea with a minimum of injury. This action is necessary because the amount of 2002 total allowable catch (TAC) of "other rockfish" in this area has been achieved" received on October 2, 2002; to the Committee on Commerce, Science, and Transportation.

EC–9310. A communication from the Senior Regulations Analyst, Office of the Secretary of Transportation, Department of Transportation, transmitting, the report of a correction of EC 4629, a rule entitled "Procedures for Compensation of Air Carriers" (RIN2105–AD06) that was received on November 16, 2001; to the Committee on Commerce, Science, and Transportation.

EC–9311. A communication from the Senior Transportation Analyst, Office of the Secretary of Transportation, Department of Transportation, transmitting, the report of a correction of EC 5109, a rule entitled "Procedures for Compensation of Air Carriers" ((RIN2105–AD06)(2002–0001)) that was received on January 16, 2002; to the Committee on Commerce, Science, and Transportation.

EC–9312. A communication from the Senior Regulations Analyst, Department of Transportation, transmitting, the report of a correction of EC 9153, a rule entitled "Procedures for Compensation of Air Carriers" ((RIN2105–AD06)(2002–0002)) that was received on September 25, 2002; to the Committee on Commerce, Science, and Transportation.

EC–9313. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Tecumseh, MI; Correction" (RIN2120–AA66) received on October 4, 2002; to the Committee on Commerce, Science, and Transportation.

EC–9314. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Eurocopter France Model EC 155B Helicopters" (RIN2120–AA64) received on October 4, 2002; to the Committee on Commerce, Science, and Transportation.

EC–9315. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Vulcanair SpA P 68 Series Airplanes" (RIN2120–AA64) received on October 4, 2002; to the Committee on Commerce, Science, and Transportation.

EC–9316. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Bombardier Model CL 600 2B19 Series Airplanes" (RIN2120–AA64) received on October 4, 2002; to the Committee on Commerce, Science, and Transportation.

EC–9317. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Bell Helicopter Textron, Inc. Model 212 Helicopters" (RIN2120–AA64) received on October 4, 2002; to the Committee on Commerce, Science, and Transportation.

EC–9318. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Lockheed C–130A Airplanes; Type Certification in the Restricted Category" (RIN2120–AA64) received on October 4, 2002; to the Committee on Commerce, Science, and Transportation.

EC–9319. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: SOCATA—Groupe AEROSPATIALE Model TBM 700 Airplanes" (RIN2120–AA64) received on October 4, 2002; to the Committee on Commerce, Science, and Transportation.

EC–9320. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Certain Airplanes Originally Manufactured by Lockheed" (RIN2120–AA64) received on October 4, 2002; to the Committee on Commerce, Science, and Transportation.

EC–9321. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Textron Lycoming IO–540, LTIO–540, and TIO–540 Series Reciprocating Engines" (RIN2120–AA64) received on October 4, 2002; to the Committee on Commerce, Science, and Transportation.

EC–9322. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (25); Amdt. No. 3024)" (RIN2120–AA65) received on October 4, 2002; to the Committee on Commerce, Science, and Transportation.

EC–9323. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (20); Amdt. No. 3023" (RIN2120–AA65) received on October 4, 2002; to the Committee on Commerce, Science, and Transportation.

EC–9324. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Bombardier Rotax GmbH Type 912 F and 912 S Series Reciprocating Engines" (RIN2120–AA64) received on October 4, 2002; to the Committee on Commerce, Science, and Transportation.

EC–9325. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Lapeer, MI" (RIN2120–AA66) received on October 4, 2002; to the Committee on Commerce, Science, and Transportation.

EC–9326. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations: Ponce Bay, Tallaboa Bay, and Guayanilla Bay, Puerto Rico and Limetree Bay, St. Croix, U.S. Virgin Islands" ((RIN2115–AA97)(2002–0192)) received on October 4, 2002; to the Committee on Commerce, Science, and Transportation.

EC–9327. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Shipping—Technical and Conforming Amendments" (RIN2115–AG48) received on October 4, 2002; to the Committee on Commerce, Science, and Transportation.

EC–9328. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Zanesville, OH" (RIN2120–AA64) received on October 4, 2002 ; to the Committee on Commerce, Science, and Transportation.

EC–9329. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Athens, OH" (RIN2120–AA66) received on October 4, 2002; to the Committee on Commerce, Science, and Transportation.

EC–9330. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, a report entitled "Implementation Guidance for the Arsenic Rule: Drinking Water Regulations for Arsenic and Clarifications to Compliance and New Source Containments Monitoring"; to the Committee on Environment and Public Works.

EC–9331. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; New Hampshire; Prevention of Significant Deterioration (PSD) of Air Quality Permit Requirement" (FRL7376–5) received on October 7, 2002; to the Committee on Environment and Public Works.

EC–9332. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; State of Utah; Vehicle Inspection and Maintenance

Programs; Salt Lake County and General Requirements and Applicability" (FRL7262-2) received on October 7, 2002; to the Committee on Environment and Public Works.

EC-9333. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; West Virginia; To Prevent and Control Air Pollution from the Operation of Hot Mix Asphalt Plants" (FRL7391-3) received on October 7, 2002; to the Committee on Environment and Public Works.

EC-9334. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Indiana" (FRL7390-3) received on October 7, 2002; to the Committee on Environment and Public Works.

EC-9335. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; State of Iowa" (FRL7392-6) received on October 7, 2002; to the Committee on Environment and Public Works.

EC-9336. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Plans for Designated Facilities and Pollutants; Massachusetts; Plan for Controlling MWC Emissions from Existing Large MWC Plants" (FRL7387-5a) received on October 7, 2002; to the Committee on Environment and Public Works.

EC-9337. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; State of Montana: General Conformity" (FRL7383-2) received on October 2, 2002; to the Committee on Environment and Public Works.

EC-9338. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Massachusetts; Volatile Organic Compound Reasonably Available Control Technology (RACT) Plans and Regulation" (FRL7374-9) received on October 2, 2002; to the Committee on Environment and Public Works.

EC-9339. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Allegheny County's Generic VOC and NO_x RACT Regulation and Revised Definitions" (FRL7389-2) received on October 2, 2002; to the Committee on Environment and Public Works.

EC-9340. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; West Virginia, Regulation to Prevent and Control Air Pollution from the Operation of Coal Preparation Plants, Coal Handling Operations and Coal Refuse Disposal Areas" (FRL7381-7) received on October 2, 2002; to the Committee on Environment and Public Works.

EC-9341. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Ambient Air Quality Standard for Carbon Monoxide and Ozone" (FRL7388-9) received on October 2, 2002; to the Committee on Environment and Public Works.

EC-9342. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Ambient Air Quality Standard for Nitrogen Dioxide" (FRL7381-9) received on October 2, 2002; to the Committee on Environment and Public Works.

EC-9343. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Massachusetts; Approval of PM10 State Implementation Plan (SIP) Revisions and Designation of Areas for Air Quality Planning Purposes" (FRL7374-7) received on October 2, 2002; to the Committee on Environment and Public Works.

EC-9344. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency transmitting, pursuant to law, the report of a rule entitled "Clean Air Act Approval and Promulgation of Air Quality Implementation Plan Revision for North Dakota; Revisions to the Air Pollution Control Rules; Delegation of Authority for New Source Performance Standards and National Emission Standards for Hazardous Air Pollution" (FRL7379-8) received on October 2, 2002; to the Committee on Environment and Public Works.

EC-9345. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency transmitting, pursuant to law, the report of a rule entitled "Guidelines Establishing Test Procedures for the Analysis of Pollutants; Measurement of Mercury in Water; Revisions to EPA Method 1631" (FRL7390-6) received on October 2, 2002; to the Committee on Environment and Public Works.

EC-9346. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency transmitting, pursuant to law, the report of a rule entitled "Interim Final Determination to Stay Sanctions; Bay Area Air Quality Management District" (FRL7387-2) received on October 2, 2002; to the Committee on Environment and Public Works.

EC-9347. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency transmitting, pursuant to law, the report of a rule entitled "Land Disposal Restrictions: National Treatment Variance to Designate New Treatment Subcategories for Radioactivity Contaminated Cadmium-, Mercury-, and Silver-Containing Batteries" (FRL7390-7) received on October 2, 2002; to the Committee on Environment and Public Works.

EC-9348. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, Antelope Valley Air Pollution Control District and South Coast Air Quality Management District" (FRL7380-8) received on October 2, 2002; to the Committee on Environment and Public Works.

EC-9349. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, Bay Area Air Quality Management District" (FRL7387-1) received on October 2, 2002; to the Committee on Environment and Public Works.

EC-9350. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, South Coast Air Quality Management District" (FRL7385-3) received on October 2, 2002; to the Committee on Environment and Public Works.

EC-9351. A communication from the Deputy Assistant for the Fish and Wildlife Service, transmitting, pursuant to law, the report of a rule entitled "Injurious Wildlife Species: Snakeheads (family Channidae)" (RIN1018-AI36) received on October 2, 2002; to the Committee on Environment and Public Works.

EC-9352. A communication from the Secretary of Agriculture and the Secretary of the Interior, transmitting jointly, four legislative proposals to implement the President's Healthy Forests Initiative; to the Committee on Environment and Public Works.

EC-9353. A communication from the Director of the Office of Congressional Affairs, Nuclear Material Safety and Safeguards, United States Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Specification of a Probability for Unlikely Features, Events and Processes" (RIN3150-AG91) received on October 4, 2002; to the Committee on Environment and Public Works.

EC-9354. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Determination of Critical Habitat for Thlaspi californicum (Kneeland Prairie Penny-cress)" (RIN1018-AG92) received on October 2, 2002; to the Committee on Environment and Public Works.

EC-9355. A communication from the Assistant Secretary of the Interior for Fish, Wildlife and Parks, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants: Designation of Critical Habitat for the Appalachian Elktoe" received on October 2, 2002; to the Committee on Environment and Public Works.

EC-9356. A communication from the Assistant Secretary of the Interior for Fish, Wildlife and Parks, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Final Designation of Critical Habitat for Holocarpha macradenia (Santa Cruz Tarplant)" (RIN1018-AG73) received on October 2, 2002; to the Committee on Environment and Public Works.

EC-9357. A communication from the Senior Regulations Analyst, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Procedures for Compensation of Air Carriers" ((RIN2105-AD06)(2002-0003)) received on October 4, 2002; to the Committee on Commerce, Science, and Transportation.

EC-9358. A communication from the Chairman of the Nuclear Regulatory Commission, transmitting, pursuant to law, the Commission's monthly report on the status of licensing and regulatory duties for June 2002; to the Committee on Environment and Public Works.

EC–9359. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, a report entitled "CERCLA Future Response Costs: Settlement, Billing and Collection"; to the Committee on Environment and Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 2951: A bill to authorize appropriations for the Federal Aviation Administration, and for other purposes. (Rept. No. 107–309).

H.R. 2486: To authorize the National Oceanic and Atmospheric Administration, through the United States Weather Research Program, to conduct research and development, training, and outreach activities relating to inland flood forecasting improvement, and for other purposes. (Rept. No. 107–310).

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, with amendments:

S. 2950: A bill to amend title 49, United States Code, to authorize appropriations for the National Transportation Safety Board for fiscal years 2003, 2004, and 2005, and for other purposes. (Rept. No. 107–311).

From the Committee on Foreign Relations, with an amendment in the nature of a substitute:

S. 2667: A bill to amend the Peace Corps Act to promote global acceptance of the principles of international peace and nonviolent coexistence among peoples of diverse cultures and systems of government, and for other purposes.

By Mr. LIEBERMAN, from the Committee on Governmental Affairs, without amendment:

S. 3054: A bill to provide for full voting representation in Congress for the citizens of the District of Columbia, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. LEVIN:

S. 3089. A bill to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Ukraine, and for other purposes; to the Committee on Finance.

By Mr. FEINGOLD (for himself and Mr. Kohl):

S. 3090. A bill to provide for the testing of chronic wasting disease and other infectious disease in deer and elk herds, to establish the Interagency Task Force on Epizootic Hemorrhagic Disease, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. KOHL (for himself, Mr. Reid, Mr. Rockefeller, Mr. Kerry, Mr. Bingaman, Mr. Graham, Mr. Miller, Mr. Breaux, Mr. Nelson of Florida, Ms. Landrieu, and Mrs. Lincoln):

S. 3091. A bill to amend titles XVIII and XIX of the Social Security Act to prevent abuse of recipients of long-term care services under the Medicare and Medicaid programs; to the Committee on Finance.

By Ms. CANTWELL (for herself and Mrs. Murray):

S. 3092. A bill to amend title XXI of the Social Security Act to extend the availability of allotments to States for fiscal years 1998 through 2000, and for other purposes; to the Committee on Finance.

By Mr. WYDEN (for himself and Mr. Kyl):

S. 3093. A bill to develop and deploy technologies to defeat Internet jamming and censorship; to the Committee on Commerce, Science, and Transportation.

By Mr. DORGAN (for himself, Mr. Roberts, Mr. Conrad, Mr. Crapo, Mr. Craig, Mr. Burns, Mr. Johnson, Mr. Allard, Mr. Brownback, and Mr. Campbell):

S. 3094. A bill to amend the Farm Security and Rural Investment Act of 2002 to clarify the rates applicable to marketing assistance loans and loan deficiency payments for other oilseeds, dry peas, lentils, and small chickpeas; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DURBIN:

S. 3095. A bill to amend the Federal Food, Drug, and Cosmetic Act to require premarket consultation and approval with respect to genetically engineered foods, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. KOHL (for himself, Mrs. Feinstein, Mr. Schumer, and Mr. Reed):

S. 3096. A bill to amend chapter 44 of title 18, United States Code, to require ballistics testing of all firearms manufactured and all firearms in custody of Federal agencies; to the Committee on the Judiciary.

By Mr. BAUCUS (for himself and Mr. Crapo):

S. 3097. A bill to amend the Internal Revenue Code of 1986 to provide a nonrefundable credit for holders of qualified highway bonds; to the Committee on Finance.

By Mr. GRAHAM (for himself and Mr. Gramm):

S. 3098. A bill to amend title XVIII of the Social Security Act to establish a program for the competitive acquisition of items and services under the medicare program; to the Committee on Finance.

By Mr. DASCHLE:

S. 3099. A bill to provide emergency disaster assistance to agricultural producers.

By Mrs. FEINSTEIN:

S. 3100. A bill to amend title 18, United States Code, to limit the misuse of social security numbers, to establish criminal penalties for such misuse, and for other purposes.

By Mr. LEAHY (for himself, Mr. Hatch, and Mr. Biden):

S. 3101. A bill to amend title IV of the Missing Children's Assistance Act to provide for increased funding for the National Center for Missing and Exploited Children, and for other purposes; to the Committee on the Judiciary.

By Mr. LEAHY (for himself, Mr. Jeffords, and Mrs. Murray):

S. 3102. A bill to amend the Communications Act of 1934 to clarify and reaffirm State and local authority to regulate the placement, construction, and modification of broadcast transmission facilities, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. LEAHY (for himself, Mr. Jeffords, and Mrs. Murray):

S. 3103. A bill to amend the Communications Act of 1934 to clarify and reaffirm State and local authority to regulate the placement, construction, and modification of personal wireless services facilities, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. MURKOWSKI (for himself and Mr. Stevens):

S. 3104. A bill to amend the Marine Mammal Protection Act of 1972 to repeal the long-term goal for reducing to zero the incidental mortality and serious injury of marine mammals in commercial fishing operations, and to modify the goal of take reduction plans for reducing such takings; to the Committee on Commerce, Science, and Transportation.

By Mr. FRIST (for himself, Mr. Dodd, Mr. Santorum, Mr. Bayh, Mr. Cochran, and Mr. DeWine):

S. 3105. A bill to amend the Public Health Service Act to provide grants for the operation of enhanced mosquito control programs to prevent and control mosquito-borne diseases; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MURKOWSKI (for himself and Mr. Stevens):

S. 3106. A bill to amend the Denali Commission Act of 1998 to establish the Denali transportation system in the State of Alaska; to the Committee on Energy and Natural Resources.

By Mr. DURBIN (for himself and Mr. McCain):

S. 3107. A bill to improve the security of State-issued driver's licenses, enhance highway safety, verify personal identity, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BUNNING:

S. 3108. A bill to authorize the conveyance of a portion of the Bluegrass Army Depot, Kentucky, to preserve a historic Civil War battlefield; to the Committee on Armed Services.

By Mr. BUNNING:

S. 3109. A bill to authorize the conveyance of a portion of the Bluegrass Army Depot, Richmond, Kentucky, to facilitate construction of a State veterans' center; to the Committee on Armed Services.

By Ms. COLLINS:

S. 3110. A bill to require further study before amendment 13 to the Northeast Multispecies (Groundfish) Management Plan is implemented; to the Committee on Commerce, Science, and Transportation. RN35G

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. McCAIN (for himself, Mr. Hollings, Mr. Breaux, Mrs. Hutchison, Mr. Allen, Mr. Cleland, Mr. Brownback, Mr. Craig, Mrs. Clinton, Ms. Cantwell, Mr. Durbin, Mr. Edwards, Mr. Dodd, Mr. Kerry, Mr. Bunning, Mr. Hatch, Mr. Bennett, Mr. Hutchinson, and Ms. Snowe):

S. Res. 338. A resolution designating the month of October, 2002, as "Children's Internet Safety Month"; to the Committee on the Judiciary.

By Mrs. MURRAY (for herself and Ms. Collins):

S. Res. 339. A resolution designating November 2002, as "National Runaway Prevention Month"; to the Committee on the Judiciary.

By Mrs. CLINTON (for herself and Mr. Hagel):

S. Con. Res. 152. A concurrent resolution designating August 7, 2003, as "National Purple Heart Recognition Day"; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 724

At the request of Mr. BOND, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 724, a bill to amend title XXI of the Social Security Act to provide for coverage of pregnancy-related assistance for targeted low-income pregnant women.

S. 987

At the request of Mr. TORRICELLI, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 987, a bill to amend title XIX of the Social Security Act to permit States the option to provide medicaid coverage for low-income individuals infected with HIV.

S. 2006

At the request of Mr. GRAHAM, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 2006, a bill to amend the Internal Revenue Code of 1986 to clarify the eligibility of certain expenses for the low-income housing credit.

S. 2663

At the request of Mr. DORGAN, his name was added as a cosponsor of S. 2663, a bill to permit the designation of Israeli-Turkish qualifying industrial zones.

S. 2672

At the request of Mr. BINGAMAN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 2672, a bill to provide opportunities for collaborative restoration projects on National Forest System and other public domain lands, and for other purposes.

S. 2790

At the request of Ms. CANTWELL, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 2790, a bill to provide lasting protection for inventoried roadless areas within the National Forest System.

S. 2848

At the request of Ms. COLLINS, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 2848, a bill to amend title XVIII of the Social Security Act to provide for a clarification of the definition of homebound for purposes of determining eligibility for home health services under the medicare program.

S. 2872

At the request of Mr. FITZGERALD, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2872, a bill to reinstate and extend the deadline for commencement of construction of a hydroelectric project in the State of Illinois.

S. 2903

At the request of Mr. JOHNSON, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 2903, a bill to amend title 38, United States Code, to provide for a guaranteed adequate level of funding for veterans', health care.

S. 2968

At the request of Mr. SARBANES, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 2968, a bill to amend the American Battlefield Protection Act of 1996 to authorize the Secretary of the Interior to establish a battlefield acquisition grant program.

S. 2972

At the request of Ms. SNOWE, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 2972, a bill to amend the Magnuson-Stevens Fishery Conservation and Management Act to provide for a cooperative research and management program, and for other purposes.

S. 3018

At the request of Mr. BAUCUS, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 3018, a bill to amend title XVIII of the Social Security Act to enhance beneficiary access to quality health care services under the medicare program, and for other purposes.

S. 3054

At the request of Mr. LIEBERMAN, the names of the Senator from Iowa (Mr. HARKIN) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 3054, a bill to provide for full voting representation in Congress for the citizens of the District of Columbia, and for other purposes.

S. 3057

At the request of Ms. LANDRIEU, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 3057, a bill to support the establishment or expansion and operation of programs using a network of public and private community entities to provide mentoring for children in foster care.

S.J. RES. 46

At the request of Mr. THURMOND, his name was added as a cosponsor of S.J. Res. 46, a joint resolution to authorize the use of United States Armed Forces against Iraq.

S.J. RES. 49

At the request of Mr. AKAKA, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S.J. Res. 49, a joint resolution recognizing the contributions of Patsy Takemoto Mink.

S. RES. 307

At the request of Mr. TORRICELLI, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. Res. 307, a resolution reaffirming support of the Convention on the Prevention and Punishment of the Crime of Genocide and anticipating the commemoration of the 15th anniversary of the enactment of the Genocide Convention Implementation Act of 1987 (the Proxmire Act) on November 4, 2003.

S. CON. RES. 3

At the request of Mr. FEINGOLD, the names of the Senator from Vermont (Mr. JEFFORDS) and the Senator from Montana (Mr. BURNS) were added as cosponsors of S. Con. Res. 3, a concurrent resolution expressing the sense of Congress that a commemorative postage stamp should be issued in honor of the U.S.S. *Wisconsin* and all those who served aboard her.

S. CON. RES. 11

At the request of Mrs. FEINSTEIN, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. Con. Res. 11, a concurrent resolution expressing the sense of Congress to fully use the powers of the Federal Government to enhance the science base required to more fully develop the field of health promotion and disease prevention, and to explore how strategies can be developed to integrate lifestyle improvement programs into national policy, our health care system, schools, workplaces, families and communities.

S. CON. RES. 135

At the request of Mr. NICKLES, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. Con. Res. 135, a concurrent resolution expressing the sense of Congress regarding housing affordability and urging fair and expeditious review by international trade tribunals to ensure a competitive North American market for softwood lumber.

S. CON. RES. 138

At the request of Mr. REID, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. Con. Res. 138, a concurrent resolution expressing the sense of Congress that the Secretary of Health And Human Services should conduct or support research on certain tests to screen for ovarian cancer, and Federal health care programs and group and individual health plans should cover the tests if demonstrated to be effective, and for other purposes.

S. CON. RES. 142

At the request of Mr. SMITH of Oregon, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. Con. Res. 142, a concurrent resolution expressing support for the goals and ideas of a day of tribute to all firefighters who have died in the line of duty and recognizing the important mission of the Fallen Firefighters Foundation in assisting family members to overcome the loss of their fallen heroes.

S. CON. RES. 148

At the request of Mr. BROWNBACK, the names of the Senator from Montana (Mr. BAUCUS), the Senator from Colorado (Mr. ALLARD), the Senator from Idaho (Mr. CRAIG), and the Senator from Arkansas (Mr. HUTCHINSON) were added as cosponsors of S. Con. Res. 148, a concurrent resolution recognizing the significance of bread in American history, culture, and daily diet.

AMENDMENT NO. 4856

At the request of Mr. THURMOND, his name was added as a cosponsor of amendment No. 4856 proposed to S.J. Res. 45, a joint resolution to authorize the use of United States Armed Forces against Iraq.

AMENDMENT NO. 4862

At the request of Mr. CORZINE, his name was added as a cosponsor of amendment No. 4862 proposed to S.J. Res. 45, a joint resolution to authorize the use of United States Armed Forces against Iraq.

AMENDMENT NO. 4868

At the request of Mrs. DAYTON, his name was added as a cosponsor of amendment No. 4868 proposed to S.J. Res. 45, a joint resolution to authorize the use of United States Armed Forces against Iraq.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LEVIN:

S. 3089. A bill to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Ukraine, and for other purposes; to the Committee on Finance.

Mr. LEVIN. Mr. President, today I introduce a bill to grant normal trade treatment to the products of Ukraine. My brother, Congressman SANDER LEVIN, has introduced an identical bill, H.R. 4723, in the House. It is our hope that enactment of this legislation will help to build stronger economic ties between the United States and Ukraine.

The cold war era Jackson-Vanik immigration restrictions that deny most favored nation trade status to imports from former Soviet-Block countries are outdated and when applied to Ukraine, inappropriate. Those restrictions were established as a tool to pressure Communist nations to allow their people to freely emigrate in exchange for favorable trade treatment by the United States.

Ukraine does allow it citizens the right and opportunity to emigrate. It has met the Jackson-Vanik test. In fact, Ukraine has been found to be in full compliance with the freedom of emigration requirements under the Jackson-Vanik law. Ukraine has been certified as meeting the Jackson-Vanik requirements on an annual basis since 1992 when a bilateral trade agreement went into effect. It is time the United States recognize this reality by eliminating the Jackson-Vanik restrictions and granting Ukraine normal trading status on a permanent basis. Our bill does this as well as addressing traditional Jackson-Vanik issues such as emigration, religious freedom, restoration of property, and human rights. It also deals with the important trade issues that must be considered when granting a country permanent normal trade relations, PNTR, such as making progress toward World Trade Organization, WTO, accession and tariff and excise tax reductions.

Since reestablishing independence in 1991, Ukraine has taken important steps toward the creation of democratic institutions and a free-market economy. As a member state of the Organization for Security and Cooperation in Europe, OSCE, Ukraine is committed to developing a system of governance in accordance with the principles regarding human rights and humanitarian affairs that are set forth in the Final Act of the Conference on Security and Cooperation in Europe, the Helsinki Final Act. I believe that more needs to be done to reform Ukraine's economy and legal structures, but I believe that the hope for PNTR and thus PNTR itself, can encourage these reforms.

Drawing Ukraine into normal trade relations should lead Ukraine to achieve greater market reform and continue its commitment to safeguarding religious liberty and enforcing laws to combat discrimination as well as expand on the restitution of religious and communal properties. Also, PNTR status will hopefully do more than increase bilateral trade between the United States and Ukraine and encourage increased international investment in Ukraine. Hopefully it will also stimulate the reform we all want and Ukraine deserves on their way to achieving a mature nation statehood.

Ukraine is important to U.S. strategic interests and objectives in Central and Eastern Europe and has participated with the United States in its peacekeeping operations in Europe and has provided important cooperation in the global struggle against international terrorism. It's time we recognize Ukraine's accomplishments and status as an emerging democracy and market economy and graduate it from the Jackson-Vanik restrictions.

By Mr. FEINGOLD (for himself and Mr. KOHL):

S. 3090. A bill to provide for the testing of chronic wasting disease and other infectious disease in deer and elk herds, to establish the Interagency Task Force on Epizootic Hemorrhagic Disease, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. FEINGOLD. Mr. President. I rise today to introduce legislation to address two emergent wildlife diseases in my state, chronic wasting disease, or CWD, and epizootic hemorrhagic disease, or EHD, both of which have been found in Wisconsin's deer. I am pleased to be joined in introducing this legislation today by the Senior Senator from Wisconsin, Mr. KOHL. CWD was detected in wild deer in my state earlier this year, and, unfortunately, has now spread to captive herds. EHD was detected in wild deer in the last week of September. These diseases have become serious and substantial management problems in my home State of Wisconsin.

To address CWD, the State of Wisconsin has decided to eradicate free-ranging white tailed deer within eastern Iowa, western Dane, and southern Sauk counties in an effort to try to eradicate the disease. Wisconsin will sample and test another 50,000 deer statewide. This represents an unprecedented eradication and sampling effort in Wisconsin. Most likely, it is the largest ever undertaken in the United States.

For months, the Wisconsin delegation has been unified, on a bipartisan basis, in seeking Federal assistance from the Administration to combat this problem. We have sought assistance from the United States Department of Agriculture and the Department of the Interior. We have pursued any and every other Federal agency that might be able to provide us with assistance. Some help has been forthcoming, and we are grateful for the help that we have received.

But the help our State has gotten so far to combat CWD isn't near enough. We need to be ready for the deer hunt that begins next month. We need to expand the availability of CWD testing in our State, and we need to expand it now. Wisconsin is undertaking an unprecedented testing program, but USDA has refused to allow Wisconsin to certify private labs to run CWD tests. That is why I have authored this new bill to require USDA to make CWD screening tests available to the public, that's the only way Wisconsinites can make informed decisions when hunting season arrives.

USDA is concerned that the public may interpret the results of the currently available CWD tests to be more than a determination of whether the deer does or does not have CWD. USDA is concerned because the current tests have certain limitations and are only accurate in determining whether a deer is infected with CWD. No test has yet been approved by the Food and Drug Administration as a way of proving that deer meat is safe to eat.

While I understand USDA's concern that an animal screening test for CWD should not be viewed by the public as a food safety test, at present there is no food safety test for venison. The CWD screening tests are the only tests that are available today. We should make the public aware of the limitations of today's tests, but we should also make those tests available and let the public use their own judgment. The World

Health Organization has advised that meat from CWD-infected deer should not be consumed. The only way Wisconsinites can follow the WHO's advice and make an informed decision is to have their deer tested.

This bill addresses Wisconsin's urgent short term need for enhanced testing capacity in two ways. First, the bill requires USDA to release, within 30 days, protocols both for labs to use in performing tests for chronic wasting disease and for the proper collection of animal tissue to be tested. Second, the bill requires USDA to develop a certification program for Federal and non-federal labs, including private labs, allowing them to conduct chronic wasting disease tests within 30 days of enactment. I hope these measures will enhance Wisconsin's capacity to expand deer testing this year. To address longer-term needs the bill directs USDA to accelerate research into the development of live animal tests for chronic wasting disease, including field diagnostic tests, and to develop testing protocols that reduce laboratory test processing time.

I believe that the alternative to not expanding testing in Wisconsin is much worse, and much more challenging than undertaking an effort to educate our hunters about the limitations of current tests. The alternative, frankly, is the spread of this disease. We should be very clear that the Federal Government will be allowing this disease to spread if it does not act to make more testing available.

Concerned hunters, faced with limited information, will simply choose not to hunt Already, the lack of testing is affecting the number of hunters who will take to the woods in Wisconsin this fall. Registration for hunting licenses in my State is already down 30 percent from this time last year. If we do not expand testing in Wisconsin, we will likely guarantee the spread of the disease.

Failure to aggressively work to eradicate CWD before it spreads could allow the very resilient prions that spread the disease to survive in the environment for years, further complicating eradication efforts. And although CWD has never spread to other species, scientists have not ruled out that possibility, and more deer with the disease may well increase the risk.

The bill also addresses another issue, the emergence of another animal disease, this time a viral disease, EHD. This disease has apparently killed eighteen deer in Iowa County, and could have spread beyond the deer population in Iowa County.

This disease affects not only our deer population, but could also harm our world famous dairy industry. While I am told that cows don't frequently die from EHD, they can carry the disease, and some are worried that this disease could subject our dairy herds to quarantine if they were found to have EHD.

Our hunters and dairy industry do seem to have caught a break when it comes to EHD. I understand that colder weather will kill off the biting insects that spread the EHD virus. This should provide some protection for deer and dairy cattle for the next few months. In the meantime, however, we must take steps to prevent the spread of this disease now before it becomes a problem in the spring and to prevent its possibly spreading to our dairy industry.

The Administration has simply not taken sufficient steps on CWD, and I am concerned that it will again fail to do enough if EHD becomes a problem. That's why my legislation today also includes a provision to create an action plan to address concerns about EHD. It would require that the Secretary of Agriculture create a federal working group to outline what actions the federal government is taking now, and to determine the future actions that are important to take in addressing EHD.

My legislation is also budget neutral. It won't cost taxpayers a dime. It asks USDA to undertake these activities using current funds. I refuse to accept that USDA cannot find the resources within its budget of over seventy three billion dollars to take these actions. The Department must find the means to develop an efficient and accurate way to certify private labs to conduct CWD tests following the standards that the USDA labs use.

Legislative action on this problem is urgently needed. We cannot afford to wait, or we will allow these wildlife diseases to spread. This legislation is a necessary step in ensuring that we can bring these diseases under control and I urge its swift consideration.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3090

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION. 1. SHORT TITLE.

This Act may be cited as the "Comprehensive Wildlife Disease Testing Acceleration Act of 2002".

SEC. 2. DEFINITIONS.

In this Act:

(1) CHRONIC WASTING DISEASE.—The term "chronic wasting disease" means the animal disease that afflicts deer and elk—

(A) that is a transmissible disease of the nervous system resulting in distinctive lesions in the brain; and

(B) that belongs to the group of diseases—

(i) that is known as transmissible spongiform encephalopathies; and

(ii) that includes scrapie, bovine spongiform encephalopathy, and Cruetzfeldt-Jakob disease.

(2) EPIZOOTIC HEMORRHAGIC DISEASE.—The term "epizootic hemorrhagic disease" means the animal disease afflicting deer and other wild ruminants—

(A) that is an insect-borne transmissible viral disease; and

(B) that results in spontaneous hemorraging in the muscles and organs of the afflicted animals.

(3) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

(4) TASK FORCE.—The term "Task Force" means the Interagency Task Force on Epizootic Hemorrhagic Disease established by section 4(a).

SEC. 3. CHRONIC WASTING DISEASE SAMPLING GUIDELINES AND TESTING PROTOCOL.

(a) SAMPLING GUIDELINES.—

(1) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Secretary shall issue guidelines for the collection of animal tissue by Federal, State, tribal, and local agencies for testing for chronic wasting disease.

(2) REQUIREMENTS.—Guidelines issued under paragraph (1) shall—

(A) include procedures for the stabilization of tissue samples for transport to a laboratory for assessment; and

(B) be updated as the Secretary determines to be appropriate.

(b) TESTING PROTOCOL.—Not later than 30 days after the date of enactment of this Act, the Secretary shall issue a protocol to be used in the laboratory assessment of samples of animal tissue that may be contaminated with chronic wasting disease.

(c) LABORATORY CERTIFICATION AND INSPECTION PROGRAM.—

(1) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Secretary shall establish a program for the certification and inspection of Federal and non-Federal laboratories (including private laboratories) under which the Secretary shall authorize laboratories certified under the program to conduct tests for chronic wasting disease.

(2) VERIFICATION.—In carrying out the program established under paragraph (1), the Secretary may require that the results of any tests conducted by private laboratories shall be verified by Federal laboratories.

(d) DEVELOPMENT OF NEW TESTS.—Not later than 45 days after the date of enactment of this Act, the Secretary shall accelerate research into—

(1) the development of animal tests for chronic wasting disease, including—

(A) tests for live animals; and

(B) field diagnostic tests; and

(2) the development of testing protocols that reduce laboratory test processing time.

SEC. 4. INTERAGENCY TASK FORCE ON EPIZOOTIC HEMORRHAGIC DISEASE.

(a) IN GENERAL.—There is established a Federal interagency task force to be known as the "Interagency Task Force on Epizootic Hemorrhagic Disease" to coordinate activities to prevent the outbreak of epizootic hemorrhagic disease and related diseases in the United States.

(b) MEMBERSHIP.—The Task Force shall be composed of—

(1) the Secretary, who shall serve as the chairperson of the Task Force;

(2) the Secretary of the Interior;

(3) the Secretary of Commerce;

(4) the Secretary of Health and Human Services;

(5) the Secretary of the Treasury;

(6) the Commissioner of Food and Drugs;

(7) the Director of the National Institutes of Health;

(8) the Director of the Centers for Disease Control and Prevention;

(9) the Commissioner of Customs; and

(10) the heads of any other Federal agencies that the President determines to be appropriate.

(c) REPORT.—Not later than 60 days after the date of enactment of this Act, the Task Force shall submit to Congress a report that—

(1) describes any activities that are being carried out, or that will be carried out, to prevent—

(A) the outbreak of epizootic hemorrhagic disease and related diseases in the United States; and

(B) the spread or transmission of epizootic hemorrhagic disease and related diseases to dairy cattle or other livestock; and

(2) includes recommendations for—

(A) legislation that should be enacted or regulations that should be promulgated to prevent the outbreak of epizootic hemorrhagic disease and related diseases in the United States; and

(B) coordination of the surveillance of and diagnostic testing for epizootic hemorrhagic disease, chronic wasting disease, and related diseases.

SEC. 5. FUNDING.

To carry out this Act, the Secretary may use funds made available to the Secretary for administrative purposes.

By Mr. KOHL (for himself, Mr. REID, Mr. ROCKEFELLER, Mr. KERRY, Mr. BINGAMAN, Mr. GRAHAM, Mr. MILLER, Mr. BREAUX, Mr. NELSON of Florida, Ms. LANDRIEU, and Mrs. LINCOLN):

S. 3091. A bill to amend titles XVIII and XIX of the Social Security Act to prevent abuse of recipients of long-term care services under the Medicare and Medicaid programs; to the Committee on Finance.

Mr. KOHL. Mr. President, I rise today to reintroduce the Patient Abuse Prevention Act, which will help protect patients in long-term care from abuse and neglect by those who are supposed to care for them. This legislation will establish a National Registry of abusive long-term care workers and require criminal background checks for potential employees. The changes we are making today are technical in nature and are designed to ensure that the background check system runs as smoothly and efficiently as possible.

There is absolutely no excuse for abuse or neglect of the elderly and disabled at the hands of those who are supposed to care for them. Our parents and grandparents made our country what it is today, and they deserve to live with dignity and the highest quality care.

Unfortunately, this is not always the case. We know that the majority of caregivers are dedicated, professional, and do their best under difficult circumstances. But it only takes a few abusive staff to cast a dark shadow over what should be a healing environment.

Current State and national safeguards are inadequate to screen out abusive workers. All States are required to maintain registries of abusive nurse aides. But nurse aides are not the only workers involved in abuse, and other workers are not tracked at all. Even worse, there is no system to coordinate information about abusive nurse aides between States. A known abuser in Iowa would have little trouble moving to Wisconsin and continuing to work with patients there.

In addition, there is no Federal requirement that long-term care facilities conduct criminal background checks on prospective employees. People with violent criminal backgrounds, people who have already been convicted of murder, rape, and assault, could easily get a job in a nursing home or other health care setting without their past ever being discovered.

Our legislation will go a long way toward solving this problem. First, it will create a National Registry of abusive long-term care employees. States will be required to submit information from their current State registries to the National Registry. Facilities will be required to check the National Registry before hiring a prospective worker. Any worker with a substantiated finding of patient abuse will be prohibited from working in long-term care.

Second, the bill provides a second line of defense to protect patients from violent criminals. If the National Registry does not contain information about a prospective worker, the facility is then required to initiate a FBI background check. Any conviction for patient abuse or a relevant violent crime would bar that applicant from working with patients.

A disturbing number of cases have been reported where workers with criminal backgrounds have been cleared to work in direct patient care, and have subsequently abused patients in their care. In 1997, the Milwaukee Journal-Sentinel ran a series of articles describing this problem. In 1998, at my request, the Senate Special Committee on Aging held a hearing that focused on how easy it is for known abusers to find work in long-term care and continue to prey on patients. At that hearing, the HHS Inspector General presented a report which found that, in the two States they studied, between 5–10 percent of employees currently working in nursing homes had serious criminal convictions in their past. They also found that among aides who had abused patients, 15–20 percent of them had at least one conviction in their past.

In 1998, I offered an amendment which became law that allowed long-term care providers to voluntarily use the FBI system for background checks. So far, 7 percent of those checks have come back with criminal convictions, including rape and kidnapping.

And on July 30, 2001, the House Government Reform Committee's Special Investigations Division of the Minority staff issued a report which found that in the past two years, over 30 percent of nursing homes in the U.S. were cited for a physical, sexual, or verbal abuse violation that had the potential to harm residents. Even more striking, the report found that nearly 10 percent of nursing homes had violations that caused actual harm to residents.

Clearly, this is a critical tool that long-term care providers should have; they don't want abusive caregivers working for them any more than families do. I am pleased that the nursing home industry has worked with me over the years to refine this legislation, and I greatly appreciate their support of the bill with the changes we are incorporating today. This bill reflects their input and will help ensure a smooth transition to an efficient, accurate background check system. This is a common-sense, cost-effective step we can and should take to protect patients by helping long-term care providers thoroughly screen potential caregivers.

I realize that this legislation will not solve all instances of abuse. We still need to do more to stop abuse from occurring in the first place. But this bill will ensure that those who have already abused an elderly or disabled patient, and those who have committed violent crimes against people in the past, are kept away from vulnerable patients.

I want to repeat that I strongly believe that most long-term care providers and their staff work hard to deliver the highest quality care. However, it is imperative that Congress act immediately to get rid of those that don't.

This bill is the product of collaboration and input from the health care industry, patient and employee advocates, who all have the same goal I do: protecting patients in long-term care. I look forward to continuing to work with my colleagues, the Administration, and the health care industry in this effort. Our Nation's seniors and disabled deserve nothing less than our full attention.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3091

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Patient Abuse Prevention Act".

SEC. 2. ESTABLISHMENT OF PROGRAM TO PREVENT ABUSE OF NURSING FACILITY RESIDENTS.

(a) SCREENING OF SKILLED NURSING FACILITY AND NURSING FACILITY EMPLOYEE APPLICANTS.—

(1) MEDICARE PROGRAM.—Section 1819(b) of the Social Security Act (42 U.S.C. 1395i–3(b)) is amended by adding at the end the following:

“(8) SCREENING OF SKILLED NURSING FACILITY WORKERS.—

“(A) BACKGROUND CHECKS ON APPLICANTS.—Subject to subparagraph (B)(ii), before hiring a skilled nursing facility worker, a skilled nursing facility shall—

“(i) give the worker written notice that the facility is required to perform background checks with respect to applicants;

“(ii) require, as a condition of employment, that such worker—

“(I) provide a written statement disclosing any conviction for a relevant crime or finding of patient or resident abuse;

“(II) provide a statement signed by the worker authorizing the facility to request the search and exchange of criminal records;

“(III) provide in person to the facility a copy of the worker's fingerprints or thumb print, depending upon available technology; and

“(IV) provide any other identification information the Secretary may specify in regulation;

“(iii) initiate a check of the data collection system established under section 1128E in accordance with regulations promulgated by the Secretary to determine whether such system contains any disqualifying information with respect to such worker; and

“(iv) if that system does not contain any such disqualifying information—

“(I) request through the appropriate State agency that the State initiate a State and national criminal background check on such worker in accordance with the provisions of subsection (e)(6); and

“(II) submit to such State agency the information described in subclauses (II) through (IV) of clause (ii) not more than 7 days (excluding Saturdays, Sundays, and legal public holidays under section 6103(a) of title 5, United States Code) after completion of the check against the system initiated under clause (iii).

“(B) PROHIBITION ON HIRING OF ABUSIVE WORKERS.—

“(i) IN GENERAL.—A skilled nursing facility may not knowingly employ any skilled nursing facility worker who has any conviction for a relevant crime or with respect to whom a finding of patient or resident abuse has been made.

“(ii) PROVISIONAL EMPLOYMENT.—After complying with the requirements of clauses (i), (ii), and (iii) of subparagraph (A), a skilled nursing facility may provide for a provisional period of employment for a skilled nursing facility worker pending completion of the check against the data collection system described under subparagraph (A)(iii) and the background check described under subparagraph (A)(iv). Such facility shall maintain direct supervision of the covered individual during the worker's provisional period of employment.

“(C) REPORTING REQUIREMENTS.—A skilled nursing facility shall report to the State any instance in which the facility determines that a skilled nursing facility worker has committed an act of resident neglect or abuse or misappropriation of resident property in the course of employment by the facility.

“(D) USE OF INFORMATION.—

“(i) IN GENERAL.—A skilled nursing facility that obtains information about a skilled nursing facility worker pursuant to clauses (iii) and (iv) of subparagraph (A) may use such information only for the purpose of determining the suitability of the worker for employment.

“(ii) IMMUNITY FROM LIABILITY.—A skilled nursing facility that, in denying employment for an applicant (including during the period described in subparagraph (B)(ii)), reasonably relies upon information about such applicant provided by the State pursuant to subsection (e)(6) or section 1128E shall not be liable in any action brought by such applicant based on the employment determination resulting from the information.

“(iii) CRIMINAL PENALTY.—Whoever knowingly violates the provisions of clause (i) shall be fined in accordance with title 18, United States Code, imprisoned for not more than 2 years, or both.

“(E) CIVIL PENALTY.—

“(i) IN GENERAL.—A skilled nursing facility that violates the provisions of this paragraph shall be subject to a civil penalty in an amount not to exceed—

“(I) for the first such violation, $2,000; and

“(II) for the second and each subsequent violation within any 5-year period, $5,000.

“(ii) KNOWING RETENTION OF WORKER.—In addition to any civil penalty under clause (i), a skilled nursing facility that—

“(I) knowingly continues to employ a skilled nursing facility worker in violation of subparagraph (A) or (B); or

“(II) knowingly fails to report a skilled nursing facility worker under subparagraph (C),

shall be subject to a civil penalty in an amount not to exceed $5,000 for the first such violation, and $10,000 for the second and each subsequent violation within any 5-year period.

“(F) DEFINITIONS.—In this paragraph:

“(i) CONVICTION FOR A RELEVANT CRIME.—The term ‘conviction for a relevant crime’ means any Federal or State criminal conviction for—

“(I) any offense described in paragraphs (1) through (4) of section 1128(a); and

“(II) such other types of offenses as the Secretary may specify in regulations, taking into account the severity and relevance of such offenses, and after consultation with representatives of long-term care providers, representatives of long-term care employees, consumer advocates, and appropriate Federal and State officials.

“(ii) DISQUALIFYING INFORMATION.—The term ‘disqualifying information’ means information about a conviction for a relevant crime or a finding of patient or resident abuse.

“(iii) FINDING OF PATIENT OR RESIDENT ABUSE.—The term ‘finding of patient or resident abuse’ means any substantiated finding by a State agency under subsection (g)(1)(C) or a Federal agency that a skilled nursing facility worker has committed—

“(I) an act of patient or resident abuse or neglect or a misappropriation of patient or resident property; or

“(II) such other types of acts as the Secretary may specify in regulations.

“(iv) SKILLED NURSING FACILITY WORKER.—The term ‘skilled nursing facility worker’ means any individual (other than a volunteer) that has access to a patient of a skilled nursing facility under an employment or other contract, or both, with such facility. Such term includes individuals who are licensed or certified by the State to provide such services, and nonlicensed individuals providing such services, as defined by the Secretary, including nurse assistants, nurse aides, home health aides, and personal care workers and attendants.”.

(2) MEDICAID PROGRAM.—Section 1919(b) of the Social Security Act (42 U.S.C. 1396r(b)) is amended by adding at the end the following new paragraph:

“(8) SCREENING OF NURSING FACILITY WORKERS.—

“(A) BACKGROUND CHECKS ON APPLICANTS.—Subject to subparagraph (B)(ii), before hiring a nursing facility worker, a nursing facility shall—

“(i) give the worker written notice that the facility is required to perform background checks with respect to applicants;

“(ii) require, as a condition of employment, that such worker—

“(I) provide a written statement disclosing any conviction for a relevant crime or finding of patient or resident abuse;

“(II) provide a statement signed by the worker authorizing the facility to request the search and exchange of criminal records;

“(III) provide in person to the facility a copy of the worker's fingerprints or thumb print, depending upon available technology; and

“(IV) provide any other identification information the Secretary may specify in regulation;

“(iii) initiate a check of the data collection system established under section 1128E in accordance with regulations promulgated by the Secretary to determine whether such system contains any disqualifying information with respect to such worker; and

“(iv) if that system does not contain any such disqualifying information—

“(I) request through the appropriate State agency that the State initiate a State and national criminal background check on such worker in accordance with the provisions of subsection (e)(8); and

“(II) submit to such State agency the information described in subclauses (II) through (IV) of clause (ii) not more than 7 days (excluding Saturdays, Sundays, and legal public holidays under section 6103(a) of title 5, United States Code) after completion of the check against the system initiated under clause (iii).

“(B) PROHIBITION ON HIRING OF ABUSIVE WORKERS.—

“(i) IN GENERAL.—A nursing facility may not knowingly employ any nursing facility worker who has any conviction for a relevant crime or with respect to whom a finding of patient or resident abuse has been made.

“(ii) PROVISIONAL EMPLOYMENT.—After complying with the requirements of clauses (i), (ii), and (iii) of subparagraph (A), a nursing facility may provide for a provisional period of employment for a nursing facility worker pending completion of the check against the data collection system described under subparagraph (A)(iii) and the background check described under subparagraph (A)(iv). Such facility shall maintain direct supervision of the worker during the worker's provisional period of employment.

“(C) REPORTING REQUIREMENTS.—A nursing facility shall report to the State any instance in which the facility determines that a nursing facility worker has committed an act of resident neglect or abuse or misappropriation of resident property in the course of employment by the facility.

“(D) USE OF INFORMATION.—

“(i) IN GENERAL.—A nursing facility that obtains information about a nursing facility worker pursuant to clauses (iii) and (iv) of subparagraph (A) may use such information only for the purpose of determining the suitability of the worker for employment.

“(ii) IMMUNITY FROM LIABILITY.—A nursing facility that, in denying employment for an applicant (including during the period described in subparagraph (B)(ii)), reasonably relies upon information about such applicant provided by the State pursuant to subsection (e)(8) or section 1128E shall not be liable in any action brought by such applicant based on the employment determination resulting from the information.

"(iii) Criminal penalty.—Whoever knowingly violates the provisions of clause (i) shall be fined in accordance with title 18, United States Code, imprisoned for not more than 2 years, or both.

"(E) Civil penalty.—

"(i) In general.—A nursing facility that violates the provisions of this paragraph shall be subject to a civil penalty in an amount not to exceed—

"(I) for the first such violation, $2,000; and

"(II) for the second and each subsequent violation within any 5-year period, $5,000.

"(ii) Knowing retention of worker.—In addition to any civil penalty under clause (i), a nursing facility that—

"(I) knowingly continues to employ a nursing facility worker in violation of subparagraph (A) or (B); or

"(II) knowingly fails to report a nursing facility worker under subparagraph (C),

shall be subject to a civil penalty in an amount not to exceed $5,000 for the first such violation, and $10,000 for the second and each subsequent violation within any 5-year period.

"(F) Definitions.—In this paragraph:

"(i) Conviction for a relevant crime.—The term 'conviction for a relevant crime' means any Federal or State criminal conviction for—

"(I) any offense described in paragraphs (1) through (4) of section 1128(a); and

"(II) such other types of offenses as the Secretary may specify in regulations, taking into account the severity and relevance of such offenses, and after consultation with representatives of long-term care providers, representatives of long-term care employees, consumer advocates, and appropriate Federal and State officials.

"(ii) Disqualifying information.—The term 'disqualifying information' means information about a conviction for a relevant crime or a finding of patient or resident abuse.

"(iii) Finding of patient or resident abuse.—The term 'finding of patient or resident abuse' means any substantiated finding by a State agency under subsection (g)(1)(C) or a Federal agency that a nursing facility worker has committed—

"(I) an act of patient or resident abuse or neglect or a misappropriation of patient or resident property; or

"(II) such other types of acts as the Secretary may specify in regulations.

"(iv) Nursing facility worker.—The term 'nursing facility worker' means any individual (other than a volunteer) that has access to a patient of a nursing facility under an employment or other contract, or both, with such facility. Such term includes individuals who are licensed or certified by the State to provide such services, and nonlicensed individuals providing such services, as defined by the Secretary, including nurse assistants, nurse aides, home health aides, and personal care workers and attendants.".

(3) Federal responsibilities.—

(A) Development of standard federal and state background check form.—The Secretary of Health and Human Services, in consultation with the Attorney General and representatives of appropriate State agencies, shall develop a model form that an applicant for employment at a nursing facility may complete and Federal and State agencies may use to conduct the criminal background checks required under sections 1819(b)(8) and 1919(b)(8) of the Social Security Act (42 U.S.C. 1395i-3(b), 1396r(b)) (as added by this section).

(B) Periodic evaluation.—The Secretary of Health and Human Services, in consultation with the Attorney General, periodically shall evaluate the background check system imposed under sections 1819(b)(8) and 1919(b)(8) of the Social Security Act (42 U.S.C. 1395i-3(b), 1396r(b)) (as added by this section) and shall implement changes, as necessary, based on available technology, to make the background check system more efficient and able to provide a more immediate response to long-term care providers using the system.

(4) No preemption of stricter state laws.—Nothing in section 1819(b)(8) or 1919(b)(8) of the Social Security Act (42 U.S.C. 1395i-3(b)(8), 1396r(b)(8)) (as so added) shall be construed to supersede any provision of State law that—

(A) specifies a relevant crime for purposes of prohibiting the employment of an individual at a long-term care facility (as defined in section 1128E(g)(6) of the Social Security Act (as added by section 3(f) of this Act) that is not included in the list of such crimes specified in such sections or in regulations promulgated by the Secretary of Health and Human Services to carry out such sections; or

(B) requires a long-term care facility (as so defined) to conduct a background check prior to employing an individual in an employment position that is not included in the positions for which a background check is required under such sections.

(5) Technical amendments.—Effective as if included in the enactment of section 941 of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (114 Stat. 2763A–585), as enacted into law by section 1(a)(6) of Public Law 106–554, sections 1819(b) and 1919(b) of the Social Security Act (42 U.S.C. 1395i–3(b), 1396r(b)), as amended by such section 941 (as so enacted into law) are each amended by redesignating the paragraph (8) added by such section as paragraph (9).

(b) Federal and State Requirements Concerning Background Checks.—

(1) Medicare.—Section 1819(e) of the Social Security Act (42 U.S.C. 1395i–3(e)) is amended by adding at the end the following:

"(6) Federal and state requirements concerning criminal background checks on skilled nursing facility employees.—

"(A) In general.—Upon receipt of a request by a skilled nursing facility pursuant to subsection (b)(8) that is accompanied by the information described in subclauses (II) through (IV) of subsection (b)(8)(A)(ii), a State, after checking appropriate State records and finding no disqualifying information (as defined in subsection (b)(8)(F)(ii)), shall immediately submit such request and information to the Attorney General and shall request the Attorney General to conduct a search and exchange of records with respect to the individual as described in subparagraph (B).

"(B) Search and exchange of records by attorney general.—Upon receipt of a submission pursuant to subparagraph (A), the Attorney General shall direct a search of the records of the Federal Bureau of Investigation for any criminal history records corresponding to the fingerprints and other positive identification information submitted. The Attorney General shall provide any corresponding information resulting from the search to the State.

"(C) State reporting of information to skilled nursing facility.—Upon receipt of the information provided by the Attorney General pursuant to subparagraph (B), the State shall—

"(i) review the information to determine whether the individual has any conviction for a relevant crime (as defined in subsection (b)(8)(F)(i));

"(ii) immediately report to the skilled nursing facility in writing the results of such review; and

"(iii) in the case of an individual with a conviction for a relevant crime, report the existence of such conviction of such individual to the database established under section 1128E.

"(D) Fees for performance of criminal background checks.—

"(i) Authority to charge fees.—

"(I) Attorney general.—The Attorney General may charge a fee to any State requesting a search and exchange of records pursuant to this paragraph and subsection (b)(8) for conducting the search and providing the records. The amount of such fee shall not exceed the lesser of the actual cost of such activities or $50. Such fees shall be available to the Attorney General, or, in the Attorney General's discretion, to the Federal Bureau of Investigation until expended.

"(II) State.—A State may charge a skilled nursing facility a fee for initiating the criminal background check under this paragraph and subsection (b)(8), including fees charged by the Attorney General, and for performing the review and report required by subparagraph (C). The amount of such fee shall not exceed the actual cost of such activities.

"(ii) Prohibition on charging applicants or employees.—An entity may not impose on an applicant for employment or an employee any charges relating to the performance of a background check under this paragraph.

"(E) Regulations.—

"(i) In general.—In addition to the Secretary's authority to promulgate regulations under this title, the Attorney General, in consultation with the Secretary, may promulgate such regulations as are necessary to carry out the Attorney General's responsibilities under this paragraph and subsection (b)(9), including regulations regarding the security confidentiality, accuracy, use, destruction, and dissemination of information, audits and recordkeeping, and the imposition of fees.

"(ii) Appeal procedures.—The Attorney General, in consultation with the Secretary, shall promulgate such regulations as are necessary to establish procedures by which an applicant or employee may appeal or dispute the accuracy of the information obtained in a background check conducted under this paragraph. Appeals shall be limited to instances in which an applicant or employee is incorrectly identified as the subject of the background check, or when information about the applicant or employee has not been updated to reflect changes in the applicant's or employee's criminal record.

"(F) Report.—Not later than 2 years after the date of enactment of this paragraph, the Attorney General shall submit a report to Congress on—

"(i) the number of requests for searches and exchanges of records made under this section;

"(ii) the disposition of such requests; and

"(iii) the cost of responding to such requests.".

(2) MEDICAID.—Section 1919(e) of the Social Security Act (42 U.S.C. 1396r(e)) is amended by adding at the end the following:

“(8) FEDERAL AND STATE REQUIREMENTS CONCERNING CRIMINAL BACKGROUND CHECKS ON NURSING FACILITY EMPLOYEES.—

“(A) IN GENERAL.—Upon receipt of a request by a nursing facility pursuant to subsection (b)(8) that is accompanied by the information described in subclauses (II) through (IV) of subsection (b)(8)(A)(ii), a State, after checking appropriate State records and finding no disqualifying information (as defined in subsection (b)(8)(F)(ii)), shall immediately submit such request and information to the Attorney General and shall request the Attorney General to conduct a search and exchange of records with respect to the individual as described in subparagraph (B).

“(B) SEARCH AND EXCHANGE OF RECORDS BY ATTORNEY GENERAL.—Upon receipt of a submission pursuant to subparagraph (A), the Attorney General shall direct a search of the records of the Federal Bureau of Investigation for any criminal history records corresponding to the fingerprints and other positive identification information submitted. The Attorney General shall provide any corresponding information resulting from the search to the State.

“(C) STATE REPORTING OF INFORMATION TO NURSING FACILITY.—Upon receipt of the information provided by the Attorney General pursuant to subparagraph (B), the State shall—

“(i) review the information to determine whether the individual has any conviction for a relevant crime (as defined in subsection (b)(8)(F)(i));

“(ii) immediately report to the nursing facility in writing the results of such review; and

“(iii) in the case of an individual with a conviction for a relevant crime, report the existence of such conviction of such individual to the database established under section 1128E.

“(D) FEES FOR PERFORMANCE OF CRIMINAL BACKGROUND CHECKS.—

“(i) AUTHORITY TO CHARGE FEES.—

“(I) ATTORNEY GENERAL.—The Attorney General may charge a fee to any State requesting a search and exchange of records pursuant to this paragraph and subsection (b)(8) for conducting the search and providing the records. The amount of such fee shall not exceed the lesser of the actual cost of such activities or $50. Such fees shall be available to the Attorney General, or, in the Attorney General's discretion, to the Federal Bureau of Investigation, until expended.

“(II) STATE.—A State may charge a nursing facility a fee for initiating the criminal background check under this paragraph and subsection (b)(8), including fees charged by the Attorney General, and for performing the review and report required by subparagraph (C). The amount of such fee shall not exceed the actual cost of such activities.

“(ii) PROHIBITION ON CHARGING APPLICANTS OR EMPLOYEES.—An entity may not impose on an applicant for employment or an employee any charges relating to the performance of a background check under this paragraph.

“(E) REGULATIONS.—

“(i) IN GENERAL.—In addition to the Secretary's authority to promulgate regulations under this title, the Attorney General, in consultation with the Secretary, may promulgate such regulations as are necessary to carry out the Attorney General's responsibilities under this paragraph and subsection (b)(8), including regulations regarding the security, confidentiality, accuracy, use, destruction, and dissemination of information, audits and recordkeeping, and the imposition of fees.

“(ii) APPEAL PROCEDURES.—The Attorney General, in consultation with the Secretary, shall promulgate such regulations as are necessary to establish procedures by which an applicant or employee may appeal or dispute the accuracy of the information obtained in a background check conducted under this paragraph. Appeals shall be limited to instances in which an applicant or employee is incorrectly identified as the subject of the background check, or when information about the applicant or employee has not been updated to reflect changes in the applicant's or employee's criminal record.

“(F) REPORT.—Not later than 2 years after the date of enactment of this paragraph, the Attorney General shall submit a report to Congress on—

“(i) the number of requests for searches and exchanges of records made under this section;

“(ii) the disposition of such requests; and

“(iii) the cost of responding to such requests.”.

(c) APPLICATION TO OTHER ENTITIES PROVIDING HOME HEALTH OR LONG-TERM CARE SERVICES.—

(1) MEDICARE.—Part D of title XVIII of the Social Security Act (42 U.S.C. 1395x et seq.) is amended by adding at the end the following:

“APPLICATION OF SKILLED NURSING FACILITY PREVENTIVE ABUSE PROVISIONS TO ANY PROVIDER OF SERVICES OR OTHER ENTITY PROVIDING HOME HEALTH OR LONG-TERM CARE SERVICES

“SEC. 1897. (a) IN GENERAL.—The requirements of subsections (b)(8) and (e)(6) of section 1819 shall apply to any provider of services or any other entity that is eligible to be paid under this title for providing home health services, hospice care (including routine home care and other services included in hospice care under this title), or long-term care services to an individual entitled to benefits under part A or enrolled under part B, including an individual provided with a Medicare+Choice plan offered by a Medicare+Choice organization under part C (in this section referred to as a ‘medicare beneficiary’).

“(b) SUPERVISION OF PROVISIONAL EMPLOYEES.—

“(1) IN GENERAL.—With respect to an entity that provides home health services, such entity shall be considered to have satisfied the requirements of section 1819(b)(8)(B)(ii) or 1919(b)(8)(B)(ii) if the entity meets such requirements for supervision of provisional employees of the entity as the Secretary shall, by regulation, specify in accordance with paragraph (2).

“(2) REQUIREMENTS.—The regulations required under paragraph (1) shall provide the following:

“(A) Supervision of a provisional employee shall consist of ongoing, good faith, verifiable efforts by the supervisor of the provisional employee to conduct monitoring and oversight activities to ensure the safety of a medicare beneficiary.

“(B) For purposes of subparagraph (A), monitoring and oversight activities may include (but are not limited to) the following:

“(i) Follow-up telephone calls to the medicare beneficiary.

“(ii) Unannounced visits to the medicare beneficiary's home while the provisional employee is serving the medicare beneficiary.

“(iii) To the extent practicable, limiting the provisional employee's duties to serving only those medicare beneficiaries in a home or setting where another family member or resident of the home or setting of the medicare beneficiary is present.”.

(2) MEDICAID.—Section 1902(a) of the Social Security Act (42 U.S.C. 1396a) is amended—

(A) in paragraph (64), by striking “and” at the end;

(B) in paragraph (65), by striking the period and inserting “; and”; and

(C) by inserting after paragraph (65) the following:

“(66) provide that any entity that is eligible to be paid under the State plan for providing home health services, hospice care (including routine home care and other services included in hospice care under title XVIII), or long-term care services for which medical assistance is available under the State plan to individuals requiring long-term care complies with the requirements of subsections (b)(8) and (e)(8) of section 1919 and section 1897(b) (in the same manner as such section applies to a medicare beneficiary).”.

(3) EXPANSION OF STATE NURSE AIDE REGISTRY.—

(A) MEDICARE.—Section 1819 of the Social Security Act (42 U.S.C. 1395i–3) is amended—

(i) in subsection (e)(2)—

(I) in the paragraph heading, by striking “NURSE AIDE REGISTRY” and inserting “EMPLOYEE REGISTRY”;

(II) in subparagraph (A)—

(aa) by striking “By not later than January 1, 1989, the” and inserting “The”;

(bb) by striking “a registry of all individuals” and inserting “a registry of (i) all individuals”; and

(cc) by inserting before the period the following: “, (ii) all other skilled nursing facility employees with respect to whom the State has made a finding described in subparagraph (B), and (iii) any employee of any provider of services or any other entity that is eligible to be paid under this title for providing home health services, hospice care (including routine home care and other services included in hospice care under this title), or long-term care services and with respect to whom the entity has reported to the State a finding of patient neglect or abuse or a misappropriation of patient property”; and

(III) in subparagraph (C), by striking “a nurse aide” and inserting “an individual”; and

(ii) in subsection (g)(1)—

(I) by striking the first sentence of subparagraph (C) and inserting the following: “The State shall provide, through the agency responsible for surveys and certification of skilled nursing facilities under this subsection, for a process for the receipt and timely review and investigation of allegations of neglect and abuse and misappropriation of resident property by a nurse aide or a skilled nursing facility employee of a resident in a skilled nursing facility, by another individual used by the facility in providing services to such a resident, or by an individual described in subsection (e)(2)(A)(iii).”; and

(II) in the fourth sentence of subparagraph (C), by inserting “or described in subsection (e)(2)(A)(iii)” after “used by the facility”; and

(III) in subparagraph (D)—

(aa) in the subparagraph heading, by striking “NURSE AIDE”; and

(bb) in clause (i), in the matter preceding subclause (I), by striking “a nurse aide” and inserting “an individual”; and (cc) in clause (i)(I), by striking “nurse aide” and inserting “individual”.

(B) Medicaid.—Section 1919 of the Social Security Act (42 U.S.C. 1396r) is amended—

(i) in subsection (e)(2)—

(I) in the paragraph heading, by striking “Nurse aide registry” and inserting “Employee registry”;

(II) in subparagraph (A)—

(aa) by striking “By not later than January 1, 1989, the” and inserting “The”;

(bb) by striking “a registry of all individuals” and inserting “a registry of (i) all individuals”; and

(cc) by inserting before the period the following: “, (ii) all other nursing facility employees with respect to whom the State has made a finding described in subparagraph (B), and (iii) any employee of an entity that is eligible to be paid under the State plan for providing home health services, hospice care (including routine home care and other services included in hospice care under title XVIII), or long-term care services and with respect to whom the entity has reported to the State a finding of patient neglect or abuse or a misappropriation of patient property”; and

(III) in subparagraph (C), by striking “a nurse aide” and inserting “an individual”; and

(ii) in subsection (g)(1)—

(I) by striking the first sentence of subparagraph (C) and inserting the following: “The State shall provide, through the agency responsible for surveys and certification of nursing facilities under this subsection, for a process for the receipt and timely review and investigation of allegations of neglect and abuse and misappropriation of resident property by a nurse aide or a nursing facility employee of a resident in a nursing facility, by another individual used by the facility in providing services to such a resident, or by an individual described in subsection (e)(2)(A)(iii).”; and

(II) in the fourth sentence of subparagraph (C), by inserting “or described in subsection (e)(2)(A)(iii)” after “used by the facility”; and

(III) in subparagraph (D)—

(aa) in the subparagraph heading, by striking “nurse aide”; and

(bb) in clause (i), in the matter preceding subclause (I), by striking “a nurse aide” and inserting “an individual”; and

(cc) in clause (i)(I), by striking “nurse aide” and inserting “individual”.

(d) Reimbursement of Costs for Background Checks.—The Secretary of Health and Human Services shall reimburse nursing facilities, skilled nursing facilities, and other entities for costs incurred by the facilities and entities in order to comply with the requirements imposed under sections 1819(b)(8) and 1919(b)(8) of such Act (42 U.S.C. 1395i–3(b)(8), 1396r(b)(8)), as added by this section.

SEC. 3. INCLUSION OF ABUSIVE WORKERS IN THE DATABASE ESTABLISHED AS PART OF NATIONAL HEALTH CARE FRAUD AND ABUSE DATA COLLECTION PROGRAM.

(a) Inclusion of Abusive Acts Within a Long-Term Care Facility or Provider.—Section 1128E(g)(1)(A) of the Social Security Act (42 U.S.C. 1320a–7e(g)(1)(A)) is amended—

(1) by redesignating clause (v) as clause (vi); and

(2) by inserting after clause (iv), the following:

“(v) A finding of abuse or neglect of a patient or a resident of a long-term care facility, or misappropriation of such a patient's or resident's property.”.

(b) Coverage of Long-Term Care Facility or Provider Employees.—Section 1128E(g)(2) of the Social Security Act (42 U.S.C. 1320a–7e(g)(2)) is amended by inserting “, and includes any individual of a long-term care facility or provider (other than any volunteer) that has access to a patient or resident of such a facility under an employment or other contract, or both, with the facility or provider (including individuals who are licensed or certified by the State to provide services at the facility or through the provider, and nonlicensed individuals, as defined by the Secretary, providing services at the facility or through the provider, including nurse assistants, nurse aides, home health aides, individuals who provide home care, and personal care workers and attendants)” before the period.

(c) Reporting by Long-Term Care Facilities or Providers.—

(1) In general.—Section 1128E(b)(1) of the Social Security Act (42 U.S.C. 1320a–7e(b)(1)) is amended by striking “and health plan” and inserting “, health plan, and long-term care facility or provider”.

(2) Correction of information.—Section 1128E(c)(2) of the Social Security Act (42 U.S.C. 1320a–7e(c)(2)) is amended by striking “and health plan” and inserting “, health plan, and long-term care facility or provider”.

(d) Access to Reported Information.—Section 1128E(d)(1) of the Social Security Act (42 U.S.C. 1320a–7e(d)(1)) is amended by striking “and health plans” and inserting “, health plans, and long-term care facilities or providers”.

(e) Mandatory Check of Database by Long-Term Care Facilities or Providers.—Section 1128E(d) of the Social Security Act (42 U.S.C. 1320a–7e(d)) is amended by adding at the end the following:

“(3) Mandatory check of database by long-term care facilities or providers.—A long-term care facility or provider shall check the database maintained under this section prior to hiring under an employment or other contract, or both, any individual as an employee of such a facility or provider who will have access to a patient or resident of the facility or provider (including individuals who are licensed or certified by the State to provide services at the facility or through the provider, and nonlicensed individuals, as defined by the Secretary, that will provide services at the facility or through the provider, including nurse assistants, nurse aides, home health aides, individuals who provide home care, and personal care workers and attendants).”.

(f) Definition of Long-Term Care Facility or Provider.—Section 1128E(g) of the Social Security Act (42 U.S.C. 1320a–7e(g)) is amended by adding at the end the following:

“(6) Long-term care facility or provider.—The term ‘long-term care facility or provider’ means a skilled nursing facility (as defined in section 1819(a)), a nursing facility (as defined in section 1919(a)), a home health agency, a provider of hospice care (as defined in section 1861(dd)(1)), a long-term care hospital (as described in section 1886(d)(1)(B)(iv)), an intermediate care facility for the mentally retarded (as defined in section 1905(d)), or any other facility or entity that provides, or is a provider of, long-term care services, home health services, or hospice care (including routine home care and other services included in hospice care under title XVIII), and receives payment for such services under the medicare program under title XVIII or the medicaid program under title XIX.”.

(g) Authorization of Appropriations.—There is authorized to be appropriated to carry out the amendments made by this section, $10,200,000 for fiscal year 2003.

SEC. 4. PREVENTION AND TRAINING DEMONSTRATION PROJECT.

(a) Establishment.—The Secretary of Health and Human Services shall establish a demonstration program to provide grants to develop information on best practices in patient abuse prevention training (including behavior training and interventions) for managers and staff of hospital and health care facilities.

(b) Eligibility.—To be eligible to receive a grant under subsection (a), an entity shall be a public or private nonprofit entity and prepare and submit to the Secretary of Health and Human Services an application at such time, in such manner, and containing such information as the Secretary may require.

(c) Use of Funds.—Amounts received under a grant under this section shall be used to—

(1) examine ways to improve collaboration between State health care survey and provider certification agencies, long-term care ombudsman programs, the long-term care industry, and local community members;

(2) examine patient care issues relating to regulatory oversight, community involvement, and facility staffing and management with a focus on staff training, staff stress management, and staff supervision;

(3) examine the use of patient abuse prevention training programs by long-term care entities, including the training program developed by the National Association of Attorneys General, and the extent to which such programs are used; and

(4) identify and disseminate best practices for preventing and reducing patient abuse.

(d) Authorization of Appropriations.—There is authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 5. EFFECTIVE DATE.

This Act and the amendments made by the Act shall take effect on the date that is 6 months after the effective date of final regulations promulgated to carry out this Act and such amendments.

By Ms. CANTWELL (for herself and Mrs. Murray):

S. 3092. A bill to amend title XXI of the Social Security Act to extend the availability of allotments to States for fiscal years 1998 through 2000, and for other purposes; to the Committee on Finance.

Ms. CANTWELL. Mr. President, I rise today to introduce the Children's Health Protection and Eligibility Act. I am delighted to be joined on this bill with my good friend, Senator Patty Murray. Senator Murray has been a champion for children's health issues throughout her career in the Senate. This important legislation addresses the allocation of budgeted but unspent SCHIP funds that are currently out of reach of states and, under current law, are scheduled to be returned to the federal treasury. This legislation also helps those States with the highest unemployment rates use more of their SCHIP dollars to provide health insurance coverage for low-income children.

Washington State is in the middle of an economic crisis resulting from a downturn in both our aviation and high-tech sectors. With the jobless rate at 7.2 percent, we have one of the highest unemployment rates in the country, 202,000 Washingtonians are unable to find work. And over the last 12 months, our State has lost 50,000 jobs, and 60 percent of those are in the high-paying manufacturing sector.

In 2000, before the recession began, there were 780,000 uninsured people in Washington state, including 155,000 children. That number has surely grown as the economy has worsened and our population has risen. In fact, just last week the Census Bureau reported that the number of uninsured increased for the first time in two years. Sadly, there are 41.2 million people nationwide without health insurance, 8.5 million of whom are children.

The increasing number of uninsured isn't the only problem facing the health care system. In September, the Kaiser Family Foundation reported the largest increase in health insurance premium costs since 1990, while the Center for Studying Health System Change found that health care spending has returned to double-digit growth for the first time since that year.

The lack of health insurance has very real consequences. We know that the uninsured are four times as likely as the insured to delay or forego needed care, and uninsured children are six times as likely as insured children to go without needed medical care. Health insurance matters for kids, and coverage today defrays costs tomorrow.

Five years ago, Congress created a new $40 billion state grant program to provide health insurance to low-income, uninsured children who live in families that earn too much to qualify for Medicaid but not enough to afford private insurance. In most states, the State Children's Health Insurance Program, SCHIP, has been extremely successful. Nearly one million children gained coverage each year through SCHIP and, by December 2001, 3.5 million children were enrolled in the program.

Unfortunately, however, not all States have been able to participate in this success, and perversely, these are the states that had taken bold initiatives by expanding their Medicaid programs to cover low-income children at higher levels of poverty. Sadly, the recession and high unemployment means that the health insurance coverage we do have for children, pregnant women, and low-income individuals is in jeopardy due to State budget crises.

Washington State has been a leader in providing health insurance to our constituents. We have long provided optional coverage to Medicaid populations and began covering children up to 200 percent of poverty in 1994, three years before Congress passed SCHIP

When SCHIP was enacted in 1997, most States were prohibited from using the new funding for already covered populations. This flaw made it difficult for Washington to access the money and essentially penalized the few States that had led the nation on expanding coverage for kids. This means that my State only receives the enhanced SCHIP matching dollars for covering kids between 200 and 250 percent of the Federal poverty level. Washington has been able to use less than four percent of the funding the Federal Government gave us for SCHIP.

Today, Washington has the highest unemployment in the country, an enormous budget deficit, and may need to cut as many as 150,000 kids from the Medicaid roles. Because it is penalized by SCHIP rules and cannot use funds like other States, Washington State is sending $95 million back to the Federal treasury or to other States. This defies common sense, and I do not believe that innovative States should be penalized for having expanded coverage to children before the enactment of SCHIP.

This is why we are introducing the Children's Health Protection and Eligibility Act. This bill will give States the ability to use SCHIP funds more efficiently to prevent the loss of health care coverage for children. This bill targets expiring funds to States that otherwise may have to cut health care coverage for kids. States that have made a commitment to insuring children could use expiring SCHIP funds and a portion of current SCHIP funds on a short-term basis to maintain access to health care coverage for all low-income children in the State. The bill also ensures that all states that have demonstrated a commitment to providing health care coverage to children can access SCHIP funds in the same manner to support children's health care coverage.

First, as my colleagues know, 1998 and 1999 State allotments "expired" at the end of fiscal year 2002 and are scheduled to be returned to the federal treasury. Our bill allows states to keep their remaining 1998 and 1999 funds, and use these funds for the for the purposes of this legislation.

Second, unused SCHIP dollars from the fiscal year 2000 allotment are due to be redistributed at the end of fiscal year 2002 among those States that have spent all of their SCHIP funds. Our bill would allow the retention and redistribution these funds as was done two years ago through the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act, P.L. 106-554. However, under our bill, States that had an unemployment rate higher than six percent for two consecutive months in 2002 would be eligible to keep all of their unspent 2000 SCHIP allotment.

Third, at State option, for certain Medicaid expenditures, qualifying States would receive the difference between their Medicaid federal matching assistance percentage, or FMAP, and their enhanced SCHIP matching rate. This temporary measure would be paid out of a State's current SCHIP allotment to ensure children's health care coverage does not erode as states face enormous budget deficits. States would be able to use any remaining funds from fiscal years 1998, 1999, and 2000 SCHIP allotments, plus ten percent of fiscal 2001, 2002, and 2003 allotments.

Finally, our bill allows States that have expanded coverage to the highest eligibility levels allowed under SCHIP, and meet certain requirements, to receive the enhanced SCHIP match rate for any kids that had previously been covered above the mandatory level.

Children are the leaders of tomorrow; they are the very future of our great nation. We owe them nothing less than the sum of our energies, our talents, and our efforts in providing them a foundation on which to build happy, healthy and productive lives. During this tough economic time, it is more important than ever to maintain existing health care coverage for children in order to hold down health care costs and to keep children healthy. I urge my colleagues to join us in support of this bill.

By Mr. WYDEN (for himself and Mr. KYL):

S. 3093. A bill to develop and deploy technologies to defeat Internet jamming and censorship; to the Committee on Commerce, Science, and Transportation.

Mr. WYDEN. Mr. President, over the past seven years, Congressman CHRIS COX and I have teamed up several times on legislation affecting the Internet. The Global Internet Freedom Act that I will introduce today could be called "Cox-Wyden V," because this is our fifth collaboration. I am pleased to be joined by Senator KYL in introducing this bill in the Senate.

This legislation aims to foster the development and deployment of technologies to defeat state-sponsored Internet jamming and censorship, and in turn, to help unleash the potential of the Internet to promote the causes of freedom and democracy worldwide.

This is a time when Americans are acutely focused on security threats emanating from sources beyond U.S. borders. The terrorist attacks of September 11 made plain that ignorance, extremism, and hate abroad can have terrible consequences not just in other countries, but right here at home. And the daily drumbeat of debate over Iraq emphasizes that oppressive foreign regimes can pose serious hazards. The world is truly getting smaller.

In the field of information technology, Americans have rightly responded with a renewed emphasis on cybersecurity. The interlinked computer networks that make up the Internet, and on which American's critical infrastructure increasingly relies, must be secured against would-be cyberterrorists. This is a matter of top importance, and I have sponsored legislation, as Chairman of the Science and Technology Subcommittee, to promote research and innovation in this area. It is my hope that the Cybersecurity Research and Development Act will be signed by the President in the coming weeks.

But it is important to remember that the international nature of the Internet does not just create new threats. It also presents tremendous new opportunities.

Openness, transparency, and the unfettered flow of information have always been the allies of freedom and democracy. Over time, nothing erodes oppression and intolerance like the widespread dissemination of knowledge and ideas. And technology has often played a key role in this process. From the printing press to radio, technological advances have revolutionized the spread information and ideas and opened up new horizons for people everywhere. Not surprisingly, the foes of freedom, understanding the threat these technologies pose, have often responded with such steps as censoring the press, jamming radio broadcasts, and putting media outlets under state control.

The Internet promises to revolutionize the spread of information yet again. Unlike its predecessor technologies, it offers a truly worldwide network that makes geographic distance irrelevant. It enables any person connected to it to exchange ideas quickly and easily with people and organizations on the other side of the globe. The quantity and variety of information it permits access to are virtually unlimited.

So once again, governments that fear freedom are trying to rein in the technology's potential. They block access to websites. They censor websites and email. They interrupt Internet search engines when users try explore the "wrong" topics. They closely monitor citizens' Internet usage and make it known that those who visit the "wrong" websites will be punished. Or they prevent Internet access altogether, by prohibiting ownership of personal computers.

For a confirmed example of this, I would simply call attention to the inaugural report of the Congressional-Executive Commission on China, issued just last week, October 2. This report, the product of a bipartisan commission with members from the Senate, the House of Representatives, and the Administration, finds that "over the last 18 months, the Chinese government has issued an extensive and still growing series of regulations restricting Internet content and placing monitoring requirements on industry." It goes on to cite accounts of the Chinese government using high-tech software and hardware to "block, filter, and hack websites and e-mail." Offshore dissident websites, foreign news websites, search engines, and Voice of America's weekly e-mail to China are all subject to being blocked. Internet users attempting to access foreign websites often find themselves redirected to Chinese government-approved websites.

Other countries, from Cuba to Burma to Tunisia to Vietnam, engage in similar activity.

There are technologies that can help defeat the firewalls and filters that these governments choose to erect. Proxy servers, intermediaries, "mirrors," and encryption may all have useful applications in this regard. But the U.S. Government has done little to promote technological approaches. This country devotes considerable resources to combat the jamming of Voice of America broadcasting abroad. But to date, it has budgeted only about $1 million for technologies to counter Internet jamming and censorship.

This country can and should do better. The Internet is too important a communications medium, and its potential as a force for freedom and democracy is too great, to make a second-rate effort in this area.

That is why Senator KYL and I are introducing the Global Internet Freedom Act today. It is time for the U.S. Government to make a serious commitment to support technology that can help keep the Internet open, available, and free of political censorship for people all over the world.

This legislation would establish an Office of Global Internet Freedom, with the express mission of promoting technology to combat state-sponsored Internet jamming. The office would be based in the Department of Commerce's National Telecommunications and Information Administration, NTIA, to take advantage of NTIA's extensive expertise in international telecommunications and Internet issues. Location within the Department of Commerce will also help ensure close ties with American technology companies, whose active involvement will be essential for any technology-based effort to succeed. Cooperation with the International Broadcasting Bureau will be indispensable as well, and is required in the legislation.

Funding for the new office would be authorized at $30 million for each of the next two fiscal years. The office would make an annual report to Congress on its activities, and on the extent of state-sponsored Internet blocking in different countries around the world.

Finally, the bill would express the sense of Congress that the United States should denounce the practice of state-sponsored blocking of access to the Internet, should submit a resolution on the topic to the United Nations Human Rights Convention, and should deploy technologies to address the problem as soon as practicable.

As I mentioned at the outset, Representatives CHRIS COX and TOM LANTOS have already introduced companion legislation in the House, and I strongly applaud them for taking the lead on this issue. Here in the Senate, I urge my colleagues to join Senator KYL and myself in this important, bipartisan effort.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3093

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Global Internet Freedom Act".

SEC. 2 FINDINGS.

The Congress makes the following findings:

(1) Freedom of speech, freedom of the press, and freedom of association are fundamental characteristics of a free society. The first amendment to the Constitution of the United States guarantees that "Congress shall make no law . . . abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble." These constitutional provisions guarantee the rights of Americans to communicate and associate with one another without restriction, including unfettered communication and association via the Internet. Article 19 of the United Nation's Universal Declaration of Human Rights explicitly guarantees the freedom to "receive and impart information and ideas through any media and regardless of frontiers".

(2) All people have the right to communicate freely with others, and to have unrestricted access to news and information, on the Internet.

(3) With nearly 10 percent of the world's population now online, and more gaining access each day, the Internet stands to become the most powerful engine for democratization and the free exchange of ideas ever invented.

(4) Unrestricted access to news and information on the Internet is a check on repressive rule by authoritarian regimes around the world.

(5) The governments of Burma, Cuba, Laos, North Korea, the People's Republic of China, Saudi Arabia, Syria, and Vietnam, among others, are taking active measures to keep their citizens from freely accessing the Internet and obtaining international political, religious, and economic news and information.

(6) Intergovernmental, nongovernmental, and media organizations have reported the widespread and increasing pattern by authoritarian governments to block, jam, and monitor Internet access and content, using technologies such as firewalls, filters, and "black boxes". Such jamming and monitoring of individual activity on the Internet includes surveillance of e-mail messages, message boards, and the use of particular words; "stealth blocking" individuals from visiting websites; the development of "black lists" of users that seek to visit these websites; and the denial of access to the Internet.

(7) The Voice of America and Radio Free Asia, as well as hundreds of news sources with an Internet presence, are routinely being jammed by repressive governments.

(8) Since the 1940s, the United States has deployed anti-jamming technologies to make Voice of America and other United States Government sponsored broadcasting available to people in nations with governments that seek to block news and information.

(9) The United States Government has thus far commenced only modest steps to fund and deploy technologies to defeat Internet censorship. To date, the Voice of America and Radio Free Asia have committed a total of $1,000,000 for technology to counter Internet jamming by the People's Republic of China. This technology, which has been successful in attracting 100,000 electronic hits per day from the People's Republic of China, has been relied upon by Voice of America and Radio Free Asia to ensure access to their programming by citizens of the People's Republic of China, but United States Government financial support for the technology has lapsed. In most other countries there is no meaningful United States support for Internet freedom.

(10) The success of United States policy in support of freedom of speech, press, and association requires new initiatives and technologies to defeat totalitarian and authoritarian controls on news and information over the Internet.

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to adopt an effective and robust global Internet freedom policy;

(2) to establish an office within the National Telecommunications and Information Administration with the sole mission of promoting technological means of countering Internet jamming and blocking by repressive regimes;

(3) to expedite the development and deployment of technology to protect Internet freedom around the world;

(4) to authorize the commitment of a substantial portion of United States Government resources to the continued development and implementation of technologies to counter the jamming of the Internet;

(5) to utilize the expertise of the private sector in the development and implementation of such technologies, so that the many current technologies used commercially for securing business transactions and providing virtual meeting space can be used to promote democracy and freedom; and

(6) to bring to bear the pressure of the free world on repressive governments guilty of Internet censorship and the intimidation and persecution of their citizens who use the Internet.

SEC. 4. DEVELOPMENT AND DEPLOYMENT OF TECHNOLOGIES TO DEFEAT INTERNET JAMMING AND CENSORSHIP.

(a) Establishment of Office of Global Internet Freedom.—There is established in the National Telecommunications and Information Administration the Office of Global Internet Freedom (hereinafter in this Act referred to as the "Office"). The Office shall be headed by a Director who shall develop and implement, in consultation with the International Broadcasting Bureau, a comprehensive global strategy for promoting technology to combat state-sponsored and state-directed Internet jamming and persecution of those who use the Internet.

(b) Authorization of Appropriations.—There are authorized to be appropriated to the Office $30,000,000 for each of the fiscal years 2003 and 2004.

(c) Corporation of Other Federal Departments and Agencies.—Each department and agency of the United States Government shall cooperate fully with, and assist in the implementation of, the strategy developed by the Office and shall make such resources and information available to the Office as is necessary to the achievement of the purposes of this Act.

(d) Report to Congress.—On March 1 following the date of the enactment of this Act and annually thereafter, the Director of the Office shall submit to the Congress a report on the status of state interference with Internet use and of efforts by the United States to counter such interference. Each report shall list the countries that pursue policies of Internet censorship, blocking, and other abuses; provide information concerning the government agencies or quasi-governmental organizations that implement Internet censorship; and describe with the greatest particularity practicable the technological means by which such blocking and other abuses are accomplished. In the discretion of the Director, such report may be submitted in both a classified and nonclassified version.

(e) Limitation on Authority.—Nothing in this Act shall be interpreted to authorize any action by the United States to interfere with foreign national censorship for the purpose of protecting minors from harm, preserving public morality, or assisting with legitimate law enforcement aims.

SEC. 5. SENSE OF CONGRESS.

It is the sense of the Congress that the United States should—

(1) publicly, prominently, and consistently denounce governments that restrict, censor, ban, and block access to information on the Internet;

(2) direct the United States Representative to the United Nations to submit a resolution at the next annual meeting of the United Nations Human Rights Commission condemning all governments that practice Internet censorship and deny freedom to access and share information; and

(3) deploy, at the earliest practicable date, technologies aimed at defeating state-directed Internet censorship and the persecution of those who use the Internet.

Mr. KYL. Mr. President, I rise today to introduce, with Senator WYDEN, the Global Internet Freedom Act.

The Internet is one of the most powerful tools to promote the exchange of ideas and to disseminate information. In that regard, it is a key component in our efforts to reach populations living under undemocratic governments that continue to restrict freedom of speech, the press, and association. Unfortunately, however, many authoritarian governments including the regimes in the People's Republic of China, Saudi Arabia, Syria, Vietnam, Cuba, and North Korea aggressively block and censor the Internet, often subjecting to torture and imprisonment those individuals who dare to resist the controls.

In Vietnam, for example, the Prime Minister issued a decree in August 2000 that prohibits individuals from using the Internet "for the purpose of hostile actions against the country or to destabilize security, violate morality, or violate other laws and regulations." The Communist government owns and controls the sole Internet access provider, which is authorized to monitor the sites that subscribers use. It erects firewalls to block sites it deems politically or culturally inappropriate. And it is seeking additional authority to monitor some 4,000 Internet cafes in Vietnam, and hold responsible the owners of these cafes for customer use of the Internet.

The situation in Syria is no better. Like Vietnam, that country has only one government-run Internet service provider. The Government blocks access to Internet sites that contain information deemed politically sensitive including pro-Israel sites and also periodically blocks access to servers that provide free e-mail services. In 2000, the Syrian Government which monitors e-mail detained one individual for simply forwarding via e-mail a political cartoon.

The Chinese Government is one of the worst offenders. Beijing has passed sweeping regulations in the past 2 years prohibiting news and commentary on Internet sites in China that are not state-sanctioned. The Ministry of Information Industry regulates Internet access, and the Ministries of Public and State Security monitor its use. According to the State Department's most recent Country Reports on Human Rights Practices.

> Despite the continued expansion of the Internet in the country, the Chinese government maintained its efforts to monitor and control content on the Internet. . . . The authorities block access to Web sites they find offensive. Authorities have at times blocked politically sensitive Web sites, including those of dissident groups and some major foreign news organizations, such as the VOA, the Washington Post, the New York Times, and the BBC.

The U.S.-China Security Review Commission noted in its recent report that China has even convinced American companies like Yahoo! to assist in its censorship efforts, and others, like America Online, to leave open the possibility of turning over names, e-mail addresses, or records of political dissidents if the Chinese Government demands them.

Those who attempt to circumvent Internet restrictions in China are often subject to harsh punishment. For example, Huang Qi, the operator of an Internet site that posted information about missing persons, including students who disappeared in the 1989 Tiananmen massacre, was tried secretly and found guilty of "subverting state power." According to the State Department, Huang was bound hand and foot and beaten by police while they tried to force him to confess.

These are but a few examples of the incredible lengths that authoritarian governments will go to in order to preserve control over their populations and prevent change. Voice of America, Radio Free Asia, Amnesty International, and the National Endowment for Democracy—just to name a few—all utilize the Internet to try to provide news, spread democratic values, and promote human rights in these countries. But the obstacles they face are great.

The U.S. private sector is developing a number of techniques and technologies to combat Internet blocking. Unfortunately, however, the U.S. Government has contributed few resources to assist these efforts and to put the new techniques to use. For example, Voice of America and Radio Free Asia have budgeted only $1 million for technology to counter Chinese Government Internet jamming, and that funding has now expired.

This is why I am pleased to introduce the Global Internet Freedom Act. This bill will take an important step toward promoting Internet freedom throughout the world. Specifically, it establishes, within the Commerce Department's National Telecommunications and Information Administration, the Office of Global Internet Freedom. It authorizes $30 million per year in fiscal years 2003 and 2004 for this office, which would be responsible for developing and implementing a comprehensive global strategy to combat state-sponsored Internet jamming and persecution of Internet users. Additionally, the director of the office would be required to submit to Congress an annual report on U.S. efforts to counter state interference with Internet use.

Similar legislation has already been introduced in the House of Representatives by Congressmen COX and LANTOS.

I cannot stress enough the importance of the Internet in promoting the flow of democratic ideas. If the benefits of the Internet are able to reach more and more people around the globe, repressive governments will begin to be challenged by individuals who are freely exchanging views and getting uncensored news and information.

The United States should take full advantage of the opportunities inherent in worldwide access to the Internet, and should make clear to the international community that fostering Internet freedom is a top priority. Creation of an Office of Global Internet Freedom will enable us to do just that.

I ask unanimous consent that the bill be printed in the RECORD.

By Mr. DORGAN (for himself, Mr. ROBERTS, Mr. CONRAD, Mr. CRAPO, Mr. CRAIG, Mr. BURNS, Mr. JOHNSON, Mr. ALLARD, Mr. BROWNBACK, and Mr. CAMPBELL):

S. 3094. A bill to amend the Farm Security and Rural Investment Act of 2002 to clarify the rates applicable to marketing assistance loans and loan deficiency payments for other oilseeds, dry peas, lentils, and small chickpeas; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. DORGAN. Mr. President, today along with Senators ROBERTS, CONRAD, CRAPO, CRAIG, BURNS, JOHNSON, ALLARD, BROWNBACK, and CAMPBELL I am introducing legislation to clarify Congressional intent regarding minor oilseed and pulse crop loan rates in the Farm Security and Rural Investment Act, FSRIA, of 2002. This is a redraft of legislation introduced last July.

In June, the United States Department of Agriculture incorrectly interpreted the intent of the new farm bill when the Farm Service Agency arbitrarily announced a wide range of minor oilseed loan rates. For some minor oilseed crops, the loan rate increased substantially, while for others, the rates plunged. A few months later, in early September, the Farm Service Agency continued to err when it announced the loan rates for dry peas, lentils and small chickpeas that completely ignored the instructions laid down by the Statement of Managers that accompanied the conference report of the new farm bill.

Not once during the farm bill debate was there ever discussion of splitting apart minor oilseed loan rates. In fact, the minor oilseed industry and farmers alike anticipated a county-level increase in loan rates from $9.30 to 9.60/cwt. The announcement by the Farm Service Agency caught virtually everyone in the agriculture community by surprise.

This legislation is intended to correct this misinterpretation of the new farm bill, and to prevent what will certainly be extreme acreage shifts among these crops in the coming years should these rates be allowed to stand. These acreage shifts will destroy segments of the minor oilseed and pulse crop industry that have been painstakingly developed over a number of years.

For instance, already, users of the oil derived from oil sunflowers anticipate supply shortages next year and have indicated they may remove sunflower oil from their product mix. Conversely, incentives caused by the much higher confectionery sunflower loan rate could deluge USDA with massive loan forfeitures of low quality confectionery sunflowers if farmers simply grow for the loan rate rather than a quality crop that has a market.

The legislation amends the new farm bill by simply and redundantly listing each minor oilseed crop after the stated loan rate. The legislation reinstates the crambe and sesame seed loan rates that were eliminated by USDA. The legislation also puts into bill language the instructions that were spelled out in the Statement of Managers regarding a single loan rate for all sunflowers and the quality grades for the loan rates for dry peas, lentils and small chickpeas.

This legislation should not be needed. USDA could easily repeal the current announcement of minor oilseed and pulse crop loan rates in favor of rates consistent with this legislation and the new farm bill, as I and my colleagues have asked in recent meetings and letters on this issue.

I request unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3094

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MARKETING ASSISTANCE LOANS AND LOAN DEFICIENCY PAYMENTS FOR OTHER OILSEEDS, DRY PEAS, LENTILS, AND SMALL CHICKPEAS.

(a) DEFINITION OF OTHER OILSEED.—Section 1001(9) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7901(9)) is amended by inserting "crambe, sesame seed," after "mustard seed,".

(b) LOAN RATES FOR NONRECOURSE MARKETING ASSISTANCE LOANS.—Section 1202 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7932) is amended—

(1) in subsection (a), by striking paragraph (10) and inserting the following:

"(10) In the case of other oilseeds, $.0960 per pound for each of the following kinds of oilseeds:

"(A) Sunflower seed.
"(B) Rapeseed.
"(C) Canola.
"(D) Safflower.
"(E) Flaxseed.
"(F) Mustard seed.
"(G) Crambe.
"(H) Sesame seed.
"(I) Other oilseeds designated by the Secretary.";

(2) in subsection (b), by striking paragraph (10) and inserting the following:

"(10) In the case of other oilseeds, $.0930 per pound for each of the following kinds of oilseeds:

"(A) Sunflower seed.
"(B) Rapeseed.
"(C) Canola.
"(D) Safflower.
"(E) Flaxseed.
"(F) Mustard seed.
"(G) Crambe.
"(H) Sesame seed.
"(I) Other oilseeds designated by the Secretary.";

(3) by adding at the end the following:

"(c) SINGLE COUNTY LOAN RATE FOR OTHER OILSEEDS.—The Secretary shall establish a single loan rate in each county for each kind of other oilseeds described in subsections (a)(10) and (b)(10).

"(d) QUALITY GRADES FOR DRY PEAS, LENTILS, AND SMALL CHICKPEAS.—The loan rate for dry peas, lentils, and small chickpeas shall be based on—

"(1) in the case of dry peas, United States feed peas;

"(2) in the case of lentils, United States number 3 lentils; and

"(3) in the case of small chickpeas, United States number 3 small chickpeas that drop below a 20/64 screen.".

(c) REPAYMENT OF LOANS.—Section 1204 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7934) is amended—

(1) in subsection (a), by striking "and extra long staple cotton" and inserting "extra long staple cotton, and confectionery and each other kind of sunflower seed (other than oil sunflower seed)";

(2) by redesignating subsection (f) as subsection (h); and

(3) by inserting after subsection (e) the following:

"(f) REPAYMENT RATES FOR CONFECTIONERY AND OTHER KINDS OF SUNFLOWER SEEDS.—The Secretary shall permit the producers on a farm to repay a marketing assistance loan under section 1201 for confectionery and each other kind of sunflower seed (other than oil sunflower seed) at a rate that is the lesser of—

"(1) the loan rate established for the commodity under section 1202, plus interest (determined in accordance with section 163 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7283)); or

"(2) the repayment rate established for oil sunflower seed.

"(g) QUALITY GRADES FOR DRY PEAS, LENTILS, AND SMALL CHICKPEAS.—The loan repayment rate for dry peas, lentils, and small chickpeas shall be based on the quality grades for the applicable commodity specified in section 1202(d).".

(d) EFFECTIVE DATE.—This section and the amendments made by this section take effect as if included in the provisions of the

Farm Security and Rural Investment Act of 2002 (Public Law 107-171) to which this section and the amendments relate.

By Mr. DURBIN:

S. 3095. A bill to amend the Federal Food, Drug, and Cosmetic Act to require premarket consultation and approval with respect to genetically engineered foods, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. DURBIN. Mr. President, today I am introducing legislation that would strengthen consumer confidence in the safety of genetically engineered foods and genetically engineered animals that may enter the food supply. This bill, known as the Genetically Engineered Foods Act, requires an FDA review of all genetically engineered foods, and requires an environmental review to be conducted as part of the safety review for genetically engineered animals. In addition, the Genetically Engineered Foods Act creates a transparent process that will better inform and involve the public as decisions are made regarding the safety of all genetically engineered foods and animals.

Make no mistake, our country has been blessed with one of the safest and most abundant food supplies in the world, but we can always do better. Genetically engineered foods have become a major part of the American food supply in recent years. Many of the foods we consume now contain genetically engineered ingredients such as corn and soy. These foods have been enhanced with important qualities that help farmers grow crops more efficiently. However, their development has raised important questions about the safety of these foods and the adequacy of government oversight.

Currently, genetically engineered foods are screened by the Federal Food and Drug Administration under a voluntary consultation program. The Genetically Engineered Foods Act will make this review program mandatory, and will strengthen government oversight in several important ways.

Mandatory Review: Producers of genetically engineered foods must receive approval from the FDA before introducing their products into interstate commerce. The FDA will scientifically ensure that genetically engineered foods are just as safe as comparable food products before allowing them on the market.

Public Involvement: Scientific studies and other materials submitted to the FDA as part of the mandatory review of genetically engineered foods will be made available for public review and comment. Members of the public can submit any new information on genetically engineered foods not previously available to the FDA and request a new review of a particular genetically engineered food product even if that food is already on the market.

Testing: The FDA, in conjunction with other Federal agencies, will be given the authority to conduct scientifically-sound testing to determine whether genetically engineered foods are inappropriately entering the food supply.

Communication: The FDA and other Federal agencies will establish a registry of genetically engineered foods for easy access to information about those foods that have been cleared for market. The genetically engineered food review process will be fully transparent so that the public has access to all non-confidential information.

Environmental Review with respect to Animals: While genetically engineered foods such as corn and soy are already part of our food supply, genetically engineered animals will also soon be ready for market approval. These animals hold much promise for serving as an additional source of food for our nation. However, in the case of animals, we must ensure not only the safety of these products as they enter the food supply, but also the safety of these products as they come in contact with the environment.

The FDA has a mandatory review process in place that will be used to review the safety of genetically engineered animals before they enter the food supply. However, this bill will provide the FDA will additional oversight authorities to be used during the safety approval of genetically engineered animals.

Environmental issues have been identified as a major science-based concern associated with genetically engineered animals. Therefore, to obtain approval to market a genetically engineered animal, an environmental assessment must be conducted that analyzes the potential effects of the genetically engineered animal on the environment. A plan must also be in place to reduce or eliminate any negative effects. If the environmental assessment is not adequate, approval will not be granted.

Transparency: In order to gain the benefits that genetically engineered animals can offer as an additional source of food, public confidence must be maintained in the safety of the product. This bill will provide for public involvement in the approval process by providing information to consumers, as well as the opportunity to provide comments. Adding transparency will increase the public's understanding and confidence in the safety of these animals as they enter the food supply.

I urge my colleagues to join me in this effort to strengthen consumer confidence in the safety of genetically engineered foods and genetically engineered animals that may enter the food supply. The Genetically Engineered Foods Act can help provide the public with the added assurance that genetically engineered foods and animals are safe to produce and consume. I ask unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3095

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Genetically Engineered Foods Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) genetically engineered food is rapidly becoming an integral part of domestic and international food supplies;

(2) the potential positive effects of genetically engineered foods are enormous;

(3) the potential for both anticipated and unanticipated effects exists with genetic engineering of foods;

(4) genetically engineered food not approved for human consumption has, in the past, entered the human food supply;

(5) environmental issues have been identified as a major science-based concern associated with animal biotechnology;

(6) it is essential to maintain—

(A) public confidence in—

(i) the safety of the food supply; and

(ii) the ability of the Federal Government to exercise adequate oversight of genetically engineered foods; and

(B) the ability of agricultural producers and other food producers of the United States to market, domestically and internationally, foods that have been genetically engineered;

(7) public confidence can best be maintained through careful review and formal determination of the safety of genetically engineered foods, and monitoring of the positive and negative effects of genetically engineered foods as the foods become integrated into the food supply, through a review and monitoring process that—

(A) is scientifically sound, open, and transparent;

(B) fully involves the general public; and

(C) does not subject most genetically engineered foods to the lengthy food additive approval process; and

(8) because genetically engineered foods are developed worldwide and imported into the United States, it is imperative that imported genetically engineered food be subject to the same level of oversight as domestic genetically engineered food.

SEC. 3. DEFINITIONS.

(a) THIS ACT.—In this Act, the terms "genetic engineering technique", "genetically engineered animal", "genetically engineered food", "interstate commerce", "producer", "safe", and "Secretary" have the meanings given those terms in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321) (as amended by subsection (b)).

(b) FEDERAL FOOD, DRUG, AND COSMETIC ACT.—Section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321) is amended—

(1) in subsection (v)—

(A) by striking "(v) The term" and inserting the following:

"(v) NEW ANIMAL DRUG.—

"(1) IN GENERAL.—The term";

(B) by striking "(1) the composition" and inserting "(A) the composition";

(C) by striking "(2) the composition" and inserting "(B) the composition"; and

(D) by adding at the end the following:

“(2) INCLUSION.—The term ‘new animal drug’ includes—

“(A) a genetic engineering technique intended to be used to produce an animal; and

“(B) a genetically engineered animal.”; and

(2) by adding at the end the following:

“(ll) GENETIC ENGINEERING TECHNIQUE.—The term ‘genetic engineering technique’ means the use of a transformation event to derive food from a plant or animal or to produce an animal.

“(mm) GENETICALLY ENGINEERED ANIMAL.—The term ‘genetically engineered animal’ means an animal that—

“(1) is intended to be used—

“(A) in the production of a food or dietary supplement; or

“(B) for any other purpose;

“(2)(A) is produced in the United States; or

“(B) is offered for import into the United States; and

“(3) is produced using a genetic engineering technique.

“(nn) GENETICALLY ENGINEERED FOOD.—

“(1) IN GENERAL.—The term ‘genetically engineered food’ means a food or dietary supplement, or a seed, microorganism, or ingredient intended to be used to produce a food or dietary supplement, that—

“(A)(i) is produced in the United States; or

“(ii) is offered for import into the United States; and

“(B) is produced using a genetic engineering technique.

“(2) INCLUSION.—The term ‘genetically engineered food’ includes a split use food.

“(3) EXCLUSION.—The term ‘genetically engineered food’ does not include a genetically engineered animal.

“(oo) PRODUCER.—The term ‘producer’, with respect to a genetically engineered animal, genetically engineered food, or genetic engineering technique, means a person, company, or other entity that—

“(1) develops, manufactures, or imports the genetically engineered animal, genetically engineered food, or genetic engineering technique; or

“(2) takes other action to introduce the genetically engineered animal, genetically engineered food, or genetic engineering technique into interstate commerce.

“(pp) SAFE.—The term ‘safe’, with respect to a genetically engineered food, means as safe as comparable food that is not produced using a genetic engineering technique.

“(qq) SPLIT USE FOOD.—The term ‘split use food’ means a product that—

“(1)(A) is produced in the United States; or

“(B) is offered for import into the United States;

“(2) is produced using a genetic engineering technique; and

“(3) could be used as food by both humans and animals but that the producer does not intend to market as food for humans.

“(rr) TRANSFORMATION EVENT.—The term ‘transformation event’ means the introduction into an organism of genetic material that has been manipulated in vitro.”.

SEC. 4. GENETICALLY ENGINEERED FOODS.

Chapter IV of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341 et seq.) is amended—

(1) by inserting after the chapter heading the following:

“Subchapter A—General Provisions”; and

(2) by adding at the end the following:

“Subchapter B—Genetically Engineered Foods

“SEC. 421. PREMARKET CONSULTATION AND APPROVAL.

“(a) IN GENERAL.—A producer of genetically engineered food, before introducing a genetically engineered food into interstate commerce, shall first obtain approval through the use of a premarket consultation and approval process.

“(b) REGULATIONS.—The Secretary shall promulgate regulations that describe—

“(1) all information that is required to be submitted for the premarketing approval process, including—

“(A) specification of the species or other taxonomic classification of plants for which approval is sought;

“(B) identification of the genetically engineered food;

“(C)(i) a description of each type of genetic manipulation made to the genetically engineered food;

“(ii) identification of the manipulated genetic material; and

“(iii) the techniques used in making the manipulation;

“(D) the effect of the genetic manipulation on the composition of the genetically engineered food (including information describing the specific substances that were expressed, removed, or otherwise manipulated);

“(E) a description of the actual or proposed applications and uses of the genetically engineered food;

“(F) information pertaining to—

“(i) the safety of the genetically engineered food as a whole; and

“(ii) the safety of any specific substances introduced or altered as a result of the genetic manipulation (including information on allergenicity and toxicity);

“(G) test methods for detection of the genetically engineered ingredients in food;

“(H) a summary and overview of information and issues that have been or will be addressed by other regulatory programs for the review of genetically engineered food;

“(I) procedures to be followed to initiate and complete the premarket approval process (including any preconsultation and consultation procedures); and

“(J) any other matters that the Secretary determines to be necessary.

“(2) SPLIT USE FOOD.—

“(A) IN GENERAL.—The regulations under paragraph (1) shall provide for the approval of—

“(i) split use foods that are not approved for human consumption;

“(ii) split use foods that are intended for human use but are marketed under restricted conditions; and

“(iii) other categories of split use food.

“(B) ISSUES.—For each category of split use food, the regulations shall address—

“(i)(I) whether a protocol is needed for segregating a restricted split use food from the food supply; and

“(II) if so, what the protocol shall be;

“(ii)(I) whether action is needed to ensure the purity of any seed to prevent unintended introduction of a genetically engineered trait into a seed that is not designed for that trait; and

“(II) if so, what action is needed and what industry practices represent the best practices for maintaining the purity of the seed;

“(iii)(I) whether a tolerance level should exist regarding cross-mixing of segregated split use foods; and

“(II) if so, the means by which the tolerance level shall be determined;

“(iv) the manner in which the food safety analysis under this section should be conducted, specifying different standards and procedures depending on the degree of containment for that product and the likelihood of the product to enter the food supply;

“(v)(I) the kinds of surveillance that are needed to ensure that appropriate segregation of split use foods is being maintained;

“(II) the manner in which and by whom the surveillance shall be conducted; and

“(III) the manner in which the results of surveillance shall be reported; and

“(vi) clarification of responsibility in cases of breakdown of segregation of a split use food.

“(C) RECALL AUTHORITY.—The regulations shall provide that, in addition to other authority that the Secretary has regarding split use food, the Secretary may order a recall of any split use food (whether or not the split use food has been approved under this section) that—

“(i) is not approved, but has entered the food supply; or

“(ii) has entered the food supply in violation of a condition of restriction under an approval.

“(c) APPLICATION.—The regulations shall require that, as part of the consultation and approval process, a producer submit to the Secretary an application that includes a summary and a complete copy of each research study, test result, or other information referenced by the producer.

“(d) REVIEW.—

“(1) IN GENERAL.—After receiving an application under subsection (c), the Secretary shall—

“(A) determine whether the producer submitted information that appears to be adequate to enable the Secretary to fully assess the safety of the genetically engineered food, and make a description of the determination publicly available; and

“(B) if the Secretary determines that the producer submitted adequate information—

“(i) provide public notice regarding the initiation of the consultation and approval process;

“(ii) make the notice, application, summaries submitted by the producer, and research, test results, and other information referenced by the producer publicly available, including, to the maximum extent practicable, publication in the Federal Register and on the Internet; and

“(iii) provide the public with an opportunity, for not less than 45 days, to submit comments on the application.

“(2) EXCEPTION.—The Secretary may withhold information in an application from public dissemination to protect a trade secret if—

“(A) the information is exempt from disclosure under section 522 of title 5, United States Code, or applicable trade secret law;

“(B) the applicant—

“(i) identifies with specificity the trade secret information in the application; and

“(ii) provides the Secretary with a detailed justification for each trade secret claim; and

“(C) the Secretary—

“(i) determines that the information qualifies as a trade secret subject to withholding from public dissemination; and

“(ii) makes the determination available to the public.

“(3) DETERMINATION.—Not later than 180 days after receiving the application, the Secretary shall issue and make publicly available a determination that—

“(A) summarizes the information referenced by the producer in light of the public comments; and

“(B) contains a finding that the genetically engineered food—

"(i) is safe and may be introduced into interstate commerce;

"(ii) is safe under specified conditions of use and may be introduced into interstate commerce if those conditions are met; or

"(iii) is not safe and may not be introduced into interstate commerce, because the genetically engineered food—

"(I) contains genes that confer antibiotic resistance;

"(II) contains an allergen; or

"(III) presents 1 or more other safety concerns described by the Secretary.

"(4) EXTENSION.—The Secretary may extend the period specified in paragraph (3) if the Secretary determines that an extension of the period is necessary to allow the Secretary to—

"(A) review additional information; or

"(B) address 1 or more issues or concerns of unusual complexity.

"(e) RESCISSION OF APPROVAL.—

"(1) RECONSIDERATION.—On the petition of any person, or on the Secretary's own motion, the Secretary may reconsider an approval of a genetically engineered food on the basis of information that was not available before the approval.

"(2) FINDING FOR RECONSIDERATION.—The Secretary shall conduct a reconsideration on the basis of the information described in paragraph (1) if the Secretary finds that the information—

"(A) is scientifically credible;

"(B) represents significant information that was not available before the approval; and

"(C)(i) suggests potential impacts relating to the genetically engineered food that were not considered in the earlier review; or

"(ii) demonstrates that the information considered before the approval was inadequate for the Secretary to make a safety finding.

"(3) INFORMATION FROM THE PRODUCER.—In conducting the reconsideration, the Secretary may require the producer to provide information needed to facilitate the reconsideration.

"(4) DETERMINATION.—After reviewing the information by the petitioner and the producer, the Secretary shall issue a determination that—

"(A) revises the finding made in connection with the approval with respect to the safety of the genetically engineered food; or

"(B) states that, for reasons stated by the Secretary, no revision of the finding is needed.

"(5) ACTION BY THE SECRETARY.—If, based on a reconsideration under this section, the Secretary determines that the genetically engineered food is not safe, the Secretary shall—

"(A) rescind the approval of the genetically engineered food for introduction into interstate commerce;

"(B) recall the genetically engineered food; or

"(C) take such other action as the Secretary determines to be appropriate.

"(f) EXEMPTIONS.—

"(1) IN GENERAL.—The Secretary may by regulation exempt a category of genetically engineered food from the regulations under subsection (b) if the Secretary determines that the category of food does not pose a food safety risk.

"(2) REQUIREMENTS.—A regulation under paragraph (1) shall—

"(A) contain a narrowly specified definition of the category that is exempted;

"(B) describe with specificity the genetically engineered foods that are included in the category; and

"(C) describe with specificity the genes, proteins, and adjunct technologies (including use of markers or promoters) that are involved in the genetic engineering of the foods included in the category.

"(3) PUBLIC COMMENT.—The Secretary shall provide an opportunity for the submission of comments by interested persons on a proposed regulation under paragraph (1).

"SEC. 422. MARKETPLACE TESTING.

"(a) IN GENERAL.—The Secretary, in consultation with the Secretary of Agriculture and the Administrator of the Environmental Protection Agency, shall establish a program to conduct testing that the Secretary determines to be necessary to detect, at all stages of production and distribution (from agricultural production to retail sale), the presence of genetically engineered ingredients in food.

"(b) PERMISSIBLE TESTING.—Under the program, the Secretary may conduct tests on foods to detect genetically engineered ingredients—

"(1) that have not been approved for use under this Act, including foods that are developed in foreign countries that have not been approved for marketing in the United States under this Act; or

"(2) the use of which is restricted under this Act (including approval for use as animal feed only, approval only if properly labeled, and approval for growing or marketing only in certain regions).

"SEC. 423. REGISTRY.

"(a) ESTABLISHMENT.—The Secretary, in consultation with the Secretary of Agriculture, the Administrator of the Environmental Protection Agency, and the heads of other agencies, as appropriate, shall establish a registry for genetically engineered food that contains a description of the regulatory status of all genetically engineered foods approved under section 421.

"(b) REQUIREMENTS.—The registry under subsection (a) shall contain, for each genetically engineered food—

"(1) the technical and common names of the genetically engineered food; and

"(2) a description of the regulatory status, under all Federal programs pertaining to the testing and approval of genetically engineered foods, of the genetically engineered food;

"(3) a technical and nontechnical summary of the type of, and a statement of the reason for, each genetic manipulation made to the genetically engineered food;

"(4) the name, title, address, and telephone number of an official at each producer of the genetically engineered food whom members of the public may contact for information about the genetically engineered food;

"(5) the name, title, address, and telephone number of an official at each Federal agency with oversight responsibility over the genetically engineered food whom members of the public may contact for information about the genetically engineered food; and

"(6) such other information as the Secretary determines should be included.

"(c) PUBLIC AVAILABILITY.—The registry under subsection (a) shall be made available to the public, including availability on the Internet.".

SEC. 5. GENETICALLY ENGINEERED ANIMALS.

Chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351 et seq.) is amended by inserting after section 512 the following:

"SEC. 512A. GENETICALLY ENGINEERED ANIMALS.

"(a) IN GENERAL.—Section 512 shall apply to genetic engineering techniques intended to be used to produce an animal, and to genetically engineered animals, as provided in this section.

"(b) APPLICATION.—An application under section 512(b)(1) shall include—

"(1) specification of the species or other taxonomic classification of the animal for which approval is sought;

"(2) an environmental assessment that analyzes the potential effects of the genetically engineered animal on the environment, including the potential effect on any nongenetically engineered animal or other part of the environment as a result of any intentional or unintentional exposure of the genetically engineered animal to the environment; and

"(3) a plan to eliminate or mitigate the potential effects to the environment from the release of the genetically engineered animal.

"(c) DISSEMINATION OF APPLICATION AND OPPORTUNITY FOR PUBLIC COMMENT.—

"(1) IN GENERAL.—On receipt of an application under section 512(b)(1), the Secretary shall—

"(A) provide public notice regarding the application, including making the notice available on the Internet;

"(B) make the application and all supporting material available to the public, including availability on the Internet; and

"(C) provide the public with an opportunity, for not less than 45 days, to submit comments on the application.

"(2) EXCEPTION.—

"(A) IN GENERAL.—The Secretary may withhold information in an application from public dissemination to protect a trade secret if—

"(i) the information is exempt from disclosure under section 522 of title 5, United States Code, or applicable trade secret law;

"(ii) the applicant—

"(I) identifies with specificity the trade secret information in the application; and

"(II) provides the Secretary with a detailed justification for each trade secret claim; and

"(iii) the Secretary—

"(I) determines that the information qualifies as a trade secret subject to withholding from public dissemination; and

"(II) makes the determination available to the public.

"(B) RISK ASSESSMENT INFORMATION.—This paragraph does not apply to information that assesses risks from the release into the environment of a genetically engineered animal (including any environmental assessment or environmental impact statement performed to comply with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.)).

"(d) DENIAL OF APPLICATION.—Under section 512(d)(1), the Secretary shall deny an application if—

"(1) the environmental assessment for a genetically engineered animal is not adequate; or

"(2) the plan to eliminate or mitigate the potential environmental effects to the environment from the release of the genetically engineered animal does not adequately protect the environment.

"(e) ENVIRONMENTAL ASSESSMENT.—

"(1) IN GENERAL.—Before determining whether to approve an application under section 512 for approval of a genetic engineering technique intended to be used to produce an animal, or of a genetically engineered animal, the Secretary shall—

"(A) conduct an environmental assessment to evaluate the potential effects of such a genetically engineered animal on the environment; and

"(B) determine that the genetically engineered animal will not have an unreasonable adverse effect on the environment.

"(2) CONSULTATION.—In conducting an environmental assessment under paragraph (1), the Secretary may consult, as appropriate, with the Department of Agriculture, the United States Fish and Wildlife Service, and any other Federal agency that has expertise relating to the animal species that is the subject of the application.

"(f) SAFETY DETERMINATION.—In determining the safety of a genetic engineering technique or genetically engineered animal, the Secretary shall consider the potential effects of the genetically engineered animal on the environment, including the potential effect on nongenetically engineered animals.

"(g) PROGENY.—If an application for approval of a genetic engineering technique to produce an animal of a species or other taxonomic classification, or genetically engineered animal, has been approved, no additional application shall be required for animals of that species or other taxonomic classification produced using that genetic engineering technique or for the progeny of that genetically engineered animal.

"(h) CONDITIONS OF APPROVAL.—The Secretary may require as a condition of approval of an application that any producer of a genetically engineered animal that is the subject of the application—

"(1) take specified actions to eliminate or mitigate any potential harm to the environment that would be caused by a release of the genetically engineered animal, including actions specified in the plan submitted by the applicant; and

"(2) conduct post-approval monitoring for environmental effects of any release of the genetically engineered animal

"(i) RECALL; SUSPENSION OF APPROVAL.—

"(1) RECALL.—The Secretary may order a recall of any genetically engineered animal (whether or not the genetically engineered animal, or a genetic engineering technique used to produce the genetically engineered animal, has been approved) that the Secretary determines is harmful to—

"(A) humans;

"(B) the environment;

"(C) any animal that is subjected to a genetic engineering technique; or

"(D) any animal that is not subjected to a genetic engineering technique.

"(2) SUSPENSION OF APPROVAL.—If the Secretary determines that a genetically engineered animal is harmful to the health of humans or animals or to the environment, the Secretary may—

"(A) immediately suspend the approval of application for the genetically engineered animal;

"(B) give the applicant prompt notice of the action; and

"(C) afford the applicant an opportunity for an expedited hearing.

"(j) RESCISSION OF APPROVAL.—

"(1) RECONSIDERATION.—On the motion of any person, or on the Secretary's own motion, the Secretary may reconsider an approval of a genetic engineering technique or genetically engineered animal on the basis of information that was not available during an earlier review.

"(2) FINDING FOR RECONSIDERATION.—The Secretary shall conduct a reconsideration on the basis of the information described in paragraph (1) if the Secretary finds that the information—

"(A) is scientifically credible;

"(B) represents significant information that was not available before the approval; and

"(C)(i) suggests potential impacts relating to the genetically engineered animal that were not considered before the approval; or

"(ii) demonstrates that the information considered before the approval was inadequate for the Secretary to make a safety finding.

"(3) INFORMATION FROM THE PRODUCER.—In conducting the reconsideration, the Secretary may require the producer to provide information needed to facilitate the reconsideration.

"(4) DETERMINATION.—After reviewing the information by the petitioner and the producer, the Secretary shall issue a determination that—

"(A) revises the finding made in connection with the approval with respect to the safety of the genetically engineered animal; or

"(B) states that, for reasons stated by the Secretary, no revision of the finding is needed.

"(5) ACTION BY THE SECRETARY.—If, based on a review under this subsection, the Secretary determines that the genetically engineered animal is not safe, the Secretary shall—

"(A) rescind the approval of the genetic engineering technique or genetically engineered animal for introduction into interstate commerce;

"(B) recall the genetically engineered animal; or

"(C) take such other action as the Secretary determines to be appropriate.".

SEC. 6. PROHIBITED ACTS.

(a) UNLAWFUL USE OF TRADE SECRET INFORMATION.—Section 301(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331(j)) is amended in the first sentence—

(1) by inserting "421," after "414,"; and

(2) by inserting "512A," after "512,".

(b) ADULTERATED FOOD.—Section 402 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 342) is amended by adding at the end the following:

"(i) GENETICALLY ENGINEERED ANIMALS.—If it is a genetically engineered animal, or is a genetically engineered animal produced using a genetic engineering technique, that is not approved under sections 512 and 512A.

"(j) GENETICALLY ENGINEERED FOODS.—

"(1) IN GENERAL.—If it is a genetically engineered food, or is a genetically engineered food produced using a genetic engineering technique, that is not approved under section 421.

"(2) SPLIT USE FOODS.—If it is a split use food that does not maintain proper segregation as required under regulations promulgated under section 421.".

SEC. 7. TRANSITION PROVISION.

(a) IN GENERAL.—A genetic engineering technique, genetically engineered animal, or genetically engineered food that entered interstate commerce before the date of enactment of this Act shall not require approval under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), but shall be considered to have been so approved, if—

(1) the producer, not later than 90 days after the date of enactment of this Act, submits to the Secretary—

(A) a notice stating that the genetic engineering technique, genetically engineered animal, or genetically engineered food entered interstate commerce before the date of enactment of this Act, providing such information as the Secretary may require; and

(B) a request that the Secretary conduct a review of the genetic engineering technique, genetically engineered animal, or genetically engineered food under subsection (b); and

(2) the Secretary does not issue, on or before the date that is 2 years after the date of enactment of this Act, a notice under subsection (b)(2) that an application for approval is required.

(b) REVIEW BY THE SECRETARY.—

(1) IN GENERAL.—Not later than 21 months after the date on which the Secretary receives a notice and request for review under subsection (a), the Secretary shall review all relevant information in the possession of the Secretary, all information provided by the producer, and other relevant public information to determine whether a review of new scientific information is necessary to ensure that the genetic engineering technique, genetically engineered animal, or genetically engineered food is safe.

(2) NOTICE THAT APPLICATION IS REQUIRED.—If the Secretary determines that new scientific information is necessary to determine whether a genetic engineering technique, genetically engineered animal, or genetically engineered food is safe, the Secretary, not later than 2 years after the date of enactment of this Act, shall issue to the producer a notice stating that the producer is required to submit an application for approval of the genetic engineering technique, genetically engineered animal, or genetically engineered food under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).

(c) FAILURE TO SUBMIT APPLICATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), a genetically engineered animal or genetically engineered food with respect to which the Secretary issues a notice that an application is required under subsection (b)(2) shall be considered adulterated under section 402 or 501, as the case may be, of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 342, 351) unless—

(A) not later than 45 days after the producer receives the notice, the producer submits an application for approval; and

(B) the Secretary approves the application.

(2) PENDING APPLICATION.—A genetically engineered animal or genetically engineered food with respect to which the producer submits an application for approval shall not be considered to be adulterated during the pendency of the application.

SEC. 8. REPORTS.

(a) IN GENERAL.—Not later than 2 years, 4 years, and 6 years after the date of enactment of this Act, the Secretary and the heads of other Federal agencies, as appropriate, shall jointly submit to Congress a report on genetically engineered animals, genetically engineered foods, and genetic engineering techniques.

(b) CONTENTS.—A report under subsection (a) shall contain—

(1) information on the types and quantities of genetically engineered foods being offered for sale or being developed, domestically and internationally;

(2) a summary (including discussion of new developments and trends) of the legal status and acceptability of genetically engineered foods in major markets, including the European Union and Japan;

(3) information on current and emerging issues of concern relating to genetic engineering techniques, including issues relating to—

(A) the ecological impact of, antibiotic markers for, insect resistance to, nongerminating or terminator seeds for, or cross-species gene transfer for genetically engineered foods;

(B) foods from genetically engineered animals;

(C) nonfood crops (such as cotton) produced using a genetic engineering technique; and

(D) socioeconomic concerns (such as the impact of genetically engineered animals and genetically engineered foods on small farms);

(4) a response to, and information concerning the status of implementation of, the recommendations contained in the reports entitled "Genetically Modified Pest Protected Plants", "Environmental Effects of Transgenic Plants", and "Animal Biotechnology Identifying Science-Based Concerns", issued by the National Academy of Sciences;

(5) an assessment of the need for data relating to genetically engineered animals and genetically engineered foods;

(6) a projection of—

(A) the number of genetically engineered animals, genetically engineered foods, and genetic engineering techniques that will require regulatory review during the 5-year period following the date of the report; and

(B) the adequacy of the resources of the Food and Drug Administration; and

(7) an evaluation of the national capacity to test foods for the presence of genetically engineered ingredients in food.

By Mr. KOHL (for himself, Mrs. FEINSTEIN, Mr. SCHUMER, and Mr. REED):

S. 3096. A bill to amend chapter 44 of title 18, United States Code, to require ballistics testing of all firearms manufactured and all firearms in custody of Federal agencies; to the Committee on the Judiciary.

Mr. KOHL. Mr. President, I rise today with my colleagues Senator FEINSTEIN, Senator SCHUMER, and Senator REED to introduce "BLAST", the Ballistics, Law Assistance, and Safety Technology Act.

Never before have the tremendous law enforcement benefits of ballistics testing been so apparent. We have the technology to "fingerprint" every new gun, and if we were using it today, we would be well on our way toward stopping the serial killer who even now is preying on the residents of suburban Washington.

Every gun has a unique "fingerprint", the distinct patterns left on spent casings and bullets after it is fired. What we need to do is create a comprehensive library of the ballistic images of all new guns sold in the U.S. as they come off the assembly line and a library of the images of all guns used in crimes. With those libraries in place, new technology would allow us to compare those "gun prints" with bullets found at crime scenes, bullets like those found from the Washington area sniper's gun.

By keeping a computerized image of each new gun's fingerprint, police can compare the microscopic differences in markings left by each gun until they find a match. Once a match is found, law enforcement can begin tracing that weapon from its original sale to the person who used it to commit the crime.

Police tell of solving multiple crimes simply by comparing bullets and shell casings found at the scene of a crime to a gun seized in a seemingly unrelated incident. Let me explain how ballistics testing works and how our measure is crucial to the fight against crime.

The only evidence at the scene of a recent brutal homicide in Milwaukee was 9 millimeter cartridge casings, there were no other clues. But four months later, when a teenage male was arrested on an unrelated charge, he was found to be in possession of the firearm that had discharged those casings. Ballistics linked the two cases. Prosecutors successfully prosecuted three adult suspects for the homicide and convicted the teen in juvenile court.

On September 9, 2000, several suspects were arrested in Boston for the illegal possession of three handguns. Each of the guns was test fired, and the ballistics information was compared to evidence found at other crime scenes. The police quickly found that the three guns were used in the commission of 15 felonies in Massachusetts and Rhode Island. This routine arrest for illegal possession of firearms provided police with new leads in the investigation of 15 unsolved crimes. Without the ballistics testing, these crimes would not have been linked and might have never been solved.

Since the early 1990's, more than 250 crime labs and law enforcement agencies in more than 40 states have been operating independent ballistics systems maintained by either the ATF or the FBI. Together, ATF's Integrated Ballistics Identification System, "IBIS", and the FBI's DRUGFIRE system have been responsible for linking 5,700 guns to two or more crimes where corroborating evidence was otherwise lacking.

While success stories are increasingly frequent, the potential of ballistics testing is still untapped. One way that the Bureau of Alcohol, Tobacco and Firearms is making ballistics testing more accessible to State and local law enforcement is through the installation of a new network of ballistics imaging machines. The final introduction of the machines across the country is almost complete and, once it is, the computers will be able to access each other and search for a greater number of images. The National Integrated Ballistics Information network, better know as "NIBIN," will permit law enforcement in one locality access to information stored in other gun crime databases around the entire country. This will help law enforcement exponentially in their efforts to solve gun crimes.

But ballistics testing is only as useful as the number of images in the database. Today, almost all jurisdictions are limited to images of bullets and cartridge casings that come from guns used in crimes. Our bill would dramatically expand the scope of that database by mandating that all guns manufactured or imported would be test fired before being placed into the stream of commerce. The images collected from the test firing would then be collected and accessible to law enforcement, and law enforcement only, for the purpose of investigating and prosecuting gun crimes.

As local, State and Federal law enforcement authorities search for the deranged murderer who has been terrorizing the Washington D.C. metropolitan area, they are using ballistics testing to determine whether the bullets and shell casings found at the scene of each crime are from the same gun. They can then identify the gun, giving them a better idea of what, and who, they are looking for in their manhunt. Had the gun used in these crimes been subject to a test fire before being placed in the stream of commerce, authorities would be able to identify the gun based on the bullets and casings. With that information, law enforcement could then trace the sale and transfer of the firearm in an effort to identify the owner of the gun and solve the crime.

Today, police can find out more about a human being than they can about a gun used in a crime. Law enforcement can use DNA testing, take fingerprints and blood samples, search a person's health records, peruse bank records and credit card statements, obtain phone records and get a list of book purchases to link a suspect to a crime. Yet, the bullets found at the scene of a crime often cannot be traced back to the gun used because our ballistics images database is not comprehensive. We are unnecessarily limiting law enforcement's ability to track the criminals who have used guns in the commission of a crime. The BLAST bill will change all that, by making gun crimes easier to solve, all of us will be safer.

The burden on manufacturers is minimal, we authorize funds to underwrite the cost of testing, and the assistance to law enforcement is considerable. And don't take my word for it, ask the gun manufacturers and the police. Listen to what Paul Januzzo, the vice-president of the gun manufacturer Glock, said in reference to ballistics testing, "our mantra has been that the issue is crime control, not gun control . . . it would be two-faced of us not to want this." In their agreement with the Department of Housing and Urban Development, Smith & Wesson agreed to perform ballistics testing on all new handguns. And Ben Wilson, the chief of the firearms section at ATF, emphasized the importance of ballistics testing as a investigative device. "This [ballistics] allows you literally to find a needle in a haystack."

To be sure, we are sensitive to the notion that law abiding hunters and sportsmen need to be protected from any misuse of the ballistics database by government. The BLAST bill explicitly prohibits ballistics information from being used for any purpose unless it is necessary for the investigation of a gun crime.

The BLAST bill will enhance a revolutionary new technology that helps solve crime. BLAST is a worthwhile piece of crime control legislation. I hope that the Senate will quickly move to pass it.

I ask unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3096

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Ballistics, Law Assistance, and Safety Technology Act" or the "BLAST Act".

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to increase public safety by assisting law enforcement in solving more gun-related crimes and offering prosecutors evidence to link felons to gun crimes through ballistics technology;

(2) to provide for ballistics testing of all new firearms for sale to assist in the identification of firearms used in crimes;

(3) to require ballistics testing of all firearms in custody of Federal agencies to assist in the identification of firearms used in crimes; and

(4) to add ballistics testing to existing firearms enforcement programs.

SEC. 3. DEFINITION OF BALLISTICS.

Section 921(a) of title 18, United States Code, is amended by adding at the end the following:

"(35) BALLISTICS.—The term 'ballistics' means a comparative analysis of fired bullets and cartridge casings to identify the firearm from which bullets and cartridge casings were discharged, through identification of the unique characteristics that each firearm imprints on bullets and cartridge casings.".

SEC. 4. TEST FIRING AND AUTOMATED STORAGE OF BALLISTICS RECORDS.

(a) AMENDMENT.—Section 923 of title 18, United States Code, is amended by adding at the end the following:

"(m)(1) In addition to the other licensing requirements under this section, a licensed manufacturer or licensed importer shall—

"(A) test fire firearms manufactured or imported by such licensees as specified by the Secretary by regulation;

"(B) prepare ballistics images of the fired bullet and cartridge casings from the test fire;

"(C) make the records available to the Secretary for entry in a computerized database; and

"(D) store the fired bullet and cartridge casings in such a manner and for such a period as specified by the Secretary by regulation.

"(2) Nothing in this subsection creates a cause of action against any Federal firearms licensee or any other person for any civil liability except for imposition of a civil penalty under this section.

"(3)(A) The Attorney General and the Secretary shall assist firearm manufacturers and importers in complying with paragraph (1) through—

"(i) the acquisition, disposition, and upgrades of ballistics equipment and bullet and cartridge casing recovery equipment to be placed at or near the sites of licensed manufacturers and importers;

"(ii) the hiring or designation of personnel necessary to develop and maintain a database of ballistics images of fired bullets and cartridge casings, research and evaluation;

"(iii) providing education about the role of ballistics as part of a comprehensive firearm crime reduction strategy;

"(iv) providing for the coordination among Federal, State, and local law enforcement and regulatory agencies and the firearm industry to curb firearm-related crime and illegal firearm trafficking; and

"(v) any other steps necessary to make ballistics testing effective.

"(B) The Attorney General and the Secretary shall—

"(i) establish a computer system through which State and local law enforcement agencies can promptly access ballistics records stored under this subsection, as soon as such a capability is available; and

"(ii) encourage training for all ballistics examiners.

"(4) Not later than 1 year after the date of enactment of this subsection and annually thereafter, the Attorney General and the Secretary shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report regarding the impact of this section, including—

"(A) the number of Federal and State criminal investigations, arrests, indictments, and prosecutions of all cases in which access to ballistics records provided under this section served as a valuable investigative tool in the prosecution of gun crimes;

"(B) the extent to which ballistics records are accessible across jurisdictions; and

"(C) a statistical evaluation of the test programs conducted pursuant to section 6 of the Ballistics, Law Assistance, and State Technology Act.

"(5) There is authorized to be appropriated to the Department of Justice and the Department of the Treasury for each of fiscal years 2001 through 2004, $20,000,000 to carry out this subsection, including—

"(A) installation of ballistics equipment and bullet and cartridge casing recovery equipment;

"(B) establishment of sites for ballistics testing;

"(C) salaries and expenses of necessary personnel; and

"(D) research and evaluation.

"(6) The Secretary and the Attorney General shall conduct mandatory ballistics testing of all firearms obtained or in the possession of their respective agencies.".

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the amendment made by subsection (a) shall take effect on the date on which the Attorney General and the Secretary of the Treasury, in consultation with the Board of the National Integrated Ballistics Information Network, certify that the ballistics systems used by the Department of Justice and the Department of the Treasury are sufficiently interoperable to make mandatory ballistics testing of new firearms possible.

(2) BALLISTICS TESTING.—Section 923(m)(1) of title 18, United States Code, as added by subsection (a), shall take effect 5 years after the date of enactment of this Act.

(3) EFFECTIVE ON DATE OF ENACTMENT.—Section 923(m)(6) of title 18, United States Code, as added by subsection (a), shall take effect on the date of enactment of this Act.

SEC. 5. PRIVACY RIGHTS OF LAW ABIDING CITIZENS.

Ballistics information of individual guns in any form or database established by this Act may not be used for prosecutorial purposes unless law enforcement officials have a reasonable belief that a crime has been committed and that ballistics information would assist in the investigation of that crime.

Mr. REED. Mr. President, I rise today to join my colleague Senator KOHL in introducing the Ballistics, Law Assistance, and Safety Technology Act. This legislation would build on the success of the existing National Integrated Ballistic Information Network by requiring, for the first time, ballistics testing of all new firearms so that law enforcement can more effectively trace bullets or cartridge casings recovered from shootings.

As we have learned from the horrific series of sniper shootings in the Washington, D.C. metropolitan area over the past week, law enforcement already has the technology to link bullets or casings found at separate crime scenes back to a single gun. Every firearm has individual characteristics that are as unique to it as fingerprints are to human beings. When a gun is fired, it transfers these characteristics, in the form of small, sometimes microscopic scratches and dents, to the projectiles and cartridge casings fired in it.

These unique fingerprints offer a great crime-solving tool for law enforcement. When bullets or cartridge casings are found at a crime scene, firearms examiners can use the marks for comparison, to determine whether or not the bullets or casings were expelled from a suspect's firearm. If a firearm is recovered at the scene, a test fire of the weapon creates example bullets and cartridge casings for comparison to those found in or near a victim. Bullets and casings found at one crime scene can also be compared with those found at another in order to link the crimes.

On the national level, the Federal Bureau of Investigation and the Bureau of Alcohol, Tobacco and Firearms recently combined their ballistics identification programs into the National Integrated Ballistic Information Network, or NIBIN, which provides for the installation and networking of automated ballistic imaging equipment in state and local law enforcement agencies across the country. Because thousands more pieces of recovered ballistic evidence can be compared using digital automation than would be possible using only manual comparisons, links between otherwise seemingly unrelated crimes are discovered, and investigative leads are generated for police followup.

Ballistics imaging technology is already demonstrating its potential to revolutionize criminal investigation.

But a major tool for law enforcement is missing here, and that is a national ballistics fingerprint system that would enable law enforcement to trace crime scene evidence back to a suspect. The current NIBIN system provides valuable information on guns that have been used in crime, but unless such a gun was used in a previous crime for which ballistics evidence was collected and entered, the bullets or casings from the crime scene will find no match in the NIBIN system. No ballistics data are available for most of the estimated 200 million guns in this country, and no ballistics fingerprint information is being collected on the three to five million new guns coming into commerce in the United States each year. As a result, law enforcement usually has no way to trace the evidence back to a specific firearm and, ultimately, a suspect.

The bill we are introducing today would give law enforcement the tools it needs to fight violent crime by requiring gun manufacturers and importers to test fire all new firearms, prepare ballistics images of the fired bullet and cartridge casings, and make these records available to the Bureau of Alcohol, Tobacco and Firearms for entry in a computerized database which would be shared with state and local law enforcement agencies across the country. The bill also provides $20 million per year for ATF to help gun manufacturers and importers comply with these requirements by installing or upgrading ballistics equipment at or near the places of business of manufacturers and importers.

I have no doubt that the National Rifle Association and some in the gun industry are going to say that what we are proposing is tantamount to establishing a national registry of gun owners. I want to point out that this bill does not require the submission to law enforcement of any information beyond the ballistic images produced by test firing the gun. The names of any people or businesses that buy guns from federally licensed manufacturers or importers will continue to be kept in the files of those manufacturers and importers just as the law requires today. Law enforcement would only have access to this information in the context of a criminal investigation, for example when the evidence from a crime scene matches a ballistics fingerprint record for a gun produced and sold by a certain manufacturer or importer.

We should have taken these steps years ago. If we had, maybe the ballistic evidence from this week's sniper shootings would match an image in the law enforcement database, and we could save lives by identifying and arresting this cold-blooded killer before he strikes again. But the gun lobby has prevented the creation of an effective ballistics database by portraying this as a national gun registry. In fact, they have been so successful that even though two States, Maryland and New York, have created a ballistics fingerprint system for all guns sold in those States, the ATF's NIBIN system is not even allowed to access those records, nor can law enforcement agencies in other States look at the records through the NIBIN network. We will never know how many violent crimes may go unsolved because of this insane restriction on law enforcement's ability to do its job.

We have a responsibility to give law enforcement authorities the tools they need to quickly track down and bring to justice those who would use firearms to prey on our communities. The bill we are introducing today will do that by taking full advantage of the crime-fighting benefits that ballistic imaging and analysis can provide. I urge all of my colleagues to support this important legislation.

By Mr. BAUCUS (for himself and Mr. CRAPO):

S. 3097. A bill to amend the Internal Revenue Code of 1986 to provide a nonrefundable credit for holders of qualified highway bonds; to the Committee on Finance.

Mr. BAUCUS. Mr. President, I rise today to introduce the MEGA INNOVATE ACT. Maximum Economic Growth for America through Innovative Financing.

MEGA Innovate is part of a series of bi-partisan bills that Senator CRAPO and I have introduced that serve as our proposals for TEA 21 Reauthorization.

I was privileged to have been an author of TEA 21, and I look forward to working with my fellow Finance Committee members, EPW Committee members, as well as members on other Committees, as we craft the next highway bill under the leadership of Senator JEFFORDS.

The Finance Committee has held hearings that examined how to provide funding for our highway system. We heard about projections for Trust Fund income over the next 10 years.

As successful as standard financing has been, our transportation needs far outweigh our resources.

The MEAGA INNOVATE ACT is about increasing financing to the Highway Trust Fund without raising taxes. I am looking at additional means of financing to supplement the Highway Trust Fund in order to meet our Nation's transportation needs.

In recent years there has been increased recognition, throughout the country, of the important contribution that a strong highway program makes to our nation's economic prosperity and quality of life.

In Montana it is our economy's "golden egg" so to speak.

As we prepare to reauthorize the highway program next year, a fundamental question for the Congress is how to increase the level of investment, for the benefit of all citizens and all States.

Earlier this year Senator CRAPO and I introduced bi-partisan legislation with 12 co-sponsors, S. 2678—the MEGA TRUST Act. Maximum Economic Growth for America through the Highway Trust Fund. This bill laid out some ways to increase investment in the highway program without raising taxes.

That legislation would allow the Highway Trust Fund to be properly credited with taxes either paid or foregone with respect to gasohol consumption.

It would also reinstate the principle that the highway and mass transit accounts of the Highway Trust Fund should be credited with interest on their respective balances.

Those are important reforms that I believe we must enact as soon as possible. But we must continue to work to find additional ways to enable a stronger level of highway investment, because that investment is so important and beneficial to the country.

Today I am introducing the MEGA INNOVATE Act—Maximum Economic Growth for America Through Innovative Financing.

Under this legislation the Secretary of the Treasury would sell Tax Credit Bonds with the proceeds being placed in the Highway Account of the Highway Trust Fund. The Treasury would be responsible for the principal and interest.

The bond proceeds will enable the basic highway program to grow and would help the citizens of every state.

Administration of this initiative will be simple. No new structures are required. This is a new idea that does not raise taxes, but would advance our national interest in a strong highway program.

As this is a new idea for highways, the bill introduces this concept at a very modest level, in the range of $3 billion annually in bond sales.

However, when combined with the provisions of the MEGA TRUST Act, and the continuation of current sources of revenue, this legislation should enable the highway program to achieve an obligation level of approximately $41 to 42 billion by fiscal year 2009.

Many other officials and organizations have shown interest in both MEGA TRUST and MEGA INNOVATE, such as the State DOTs of Montana, Idaho, North and South Dakota and Wyoming. Highway Advocate groups, such as the Highway Users Alliance have also shown support for both bills.

I very much appreciate the support of these groups, as well as the support of others for these two important initiatives.

A well-funded highway program is certainly essential to the economic future of my State of Montana and to other States.

So, I look forward to working with my colleagues on the MEGA INNOVATE ACT, on the MEGA TRUST ACT, and all my other MEGA bills. I also look forward to looking at other ways to help our citizens benefit from increased levels of highway investment.

By Mr. GRAHAM (for himself and Mr. GRAMM):

S. 3098. A bill to amend title XVIII of the Social Security Act to establish a program for the competitive acquisition of items and services under the medicare program; to the Committee on Finance.

Mr. GRAHAM. Mr. President, I rise today with my friend and colleague from Texas, Mr. Gramm, to introduce the Medicare Competition Acquisition Act of 2002.

Today, we are faced with the reality that the Medicare program must be reformed for the 21st Century. In the 37 years since Medicare was created, several medical advances have been achieved. It is time to reap the full benefits of those advances and shift the focus of the Medicare program to one that promotes wellness. For that, a prescription drug benefit is mandatory. It is the single most important reform we can make to Medicare.

However, the absence of a prescription drug benefit for America's seniors is not the only archaic aspect of the Medicare program. Congress has required Medicare to use an arbitrary method of payment for certain items and services, which costs the program and its beneficiaries much more than it should.

We think America's seniors deserve better. They deserve to pay fair market price for high-quality medical products instead of being subject to an outdated fee schedule that often reflects unreasonably high markups above actual cost.

The Medicare Competitive Acquisition Act applies high-quality standards and fiscal discipline to the Medicare program. Under this bill, Medicare will be able to use the same competitive tools the private sector has in place to control costs, while maintaining beneficiary access to quality medical supplies and services. This proposal was included in President Bush's fiscal year 2003 budget, and the Clinton Administration long advocated this fiscally responsible, high quality approach to improve Medicare.

Several studies by the United States General Accounting Office (GAO) and the Department of Health and Human Services, HHS, Inspector General indicate that the Medicare program and Medicare beneficiaries have been paying far too much for some medical equipment and supplies. Take pre-fabricated orthotics, for example. The most recent GAO data available indicates that the Medicare allowance for a pre-fabricated, self-adjusting hand/wrist brace is more than 140% higher than its average retail price. For an intermittent urinary catheter, the difference between the Medicare allowance and the average retail price is 93 percent.

The Congressional Budget Office estimates that our bill will save Medicare $1.8 billion over 5 years and $6.9 billion over 10 years. This means savings for beneficiaries of $450 million over 5 years and $1.72 billion over 10 years.

I was pleased that the Balanced Budget Act of 1997 included a modified version of my competitive bidding proposal. It gave HHS the authority to conduct competitive bidding demonstrations for Medicare Part B items and services other than physician services. The Medicare Competitive Acquisition Act builds upon successful demonstration projects in Polk County, Florida and San Antonio, Texas by allowing the HHS Secretary to establish a competitive bidding system for durable medical equipment and supplies in appropriate parts of the country.

I want to thank my colleague from the great State of Georgia, Mr. Cleland, for his leadership on this issue. The Senator not only helped us develop significant beneficiary protections, he worked to ensure flexibility for rural areas. Senator Cleland was also instrumental in our request for a GAO study on the introduction of new and innovative medical equipment and supplies to the Medicare market.

The Medicare Competitive Acquisition Act allows the Centers for Medicare and Medicaid Services, CMS, to award contracts to multiple suppliers in each region in order to enhance beneficiary freedom of choice and promote quality among competitors. The number of suppliers selected will be based on product demand, the number of suppliers selected will be based on product demand, the number of suppliers who bid and the service capacity of bidding suppliers. This ensures that the number of suppliers selected will be more than sufficient to supply a given area and that beneficiaries will have access to the products and services they need. CMS will have the authority to replace any winning supplier whose product or service quality deteriorates after the contract is awarded.

Small businesses are vital to the success of competitive bidding. In both rounds of the Polk County demonstration, small businesses received 12 of the 16 willing contracts. In the San Antonio demonstration, they received 40 of the 51 winning contracts.

To ensure a level playing field in the future, we continue small business protections implemented under the demonstration by CMS. For example, we give suppliers the option to bid for a portion of an expansion area as opposed to having to bid for an entire expansion area. We also allow suppliers to bid for only one or a few product categories in a competitive acquisition area as opposed to having to bid for all of the product categories in a particular area.

The introduction of competitive bidding into the Medicare program will not only ensure beneficiary access to high-quality medical equipment and supplies, it will also reduce fraud and abuse. Suppliers who are under sanctions for fraud and abuse will be ineligible to participate in the bidding process. On-site reviews will be conducted prior to awarding contracts, ensuring that the suppliers are valid and operating businesses.

Contrary to what the nay-sayers will tell you, competitive bidding for durable medical equipment and suppliers has nothing to do with cutting services to beneficiaries or lowering quality standards. It has everything to do with improving access to high-quality medical equipment for America's seniors in a cost-effective manner.

As we search for ways to secure Medicare for the long term, we must take prudent steps to improve the efficiency of the program. Implementation of competitive bidding for certain Part B items and services is one way in which Congress can show that we are serious about preserving the integrity of Medicare.

I urge the Senate to support this measure.

By Mrs. FEINSTEIN (for herself, Mr. GREGG, and Mr. BAUCUS):

S. 3100. A bill to amend title 18, United States Code, to limit the misuse of social security numbers, to establish criminal penalties for such misuse, and for other purposes.

Mr. BAUCUS. Mr. President, I rise to strongly speak in favor of the legislation introduced today by Senators FEINSTEIN and GREGG titled "The Social Security Number Misuse Prevention Act of 2002," indeed, I am an original cosponsor of this legislation. If enacted, this bill will reduce the misuse of individuals' Social Security numbers, SSNs, by others.

As you well know, the Social Security number is increasingly being used for purposes not related to the administration of the Social Security program, because it is, in many cases, our national identification number. As a result, many people can gain access to the number, and this facilitates its use as a tool for illegal activity, most significantly for the crime of identity theft. In a report issued by the Social Security Administration's Office of the Inspector General, OIG, in May 1999, investigators concluded that most identity-related crimes involved the fraudulent use of a Social Security number. Additionally, the introduction of the SSN into the arena of electronic commerce has been accompanied by a dramatic increase in SSN misuse.

Given the upward trend in SSN misuse, I feel that the Congress must take a fresh look at options for safeguarding Social Security numbers. I believe that the bill introduced by Senators FEINSTEIN, GREGG and myself today is an important development in that effort. However, I want to make it clear that this bill will not eliminate all misuse of Social Security numbers. There are many legitimate and necessary uses of Social Security numbers and this bill does not prohibit such uses. Unfortunately, the absence of such prohibitions makes it easier for those who seek to misuse Social Security numbers.

The legislation being introduced today is very similar to a bill, S. 848, that was introduced by Senators FEINSTEIN and GREGG during the first session of the 107th Congress. Although S. 848 was referred to the Judiciary Committee, the bill deals extensively with sections of the US Code concerning Social Security numbers, legislative changes to these sections are in the jurisdiction of the Finance Committee. Therefore, Senator GRASSLEY and I expressed our concern that S. 848 should have been referred to the Finance Committee and we initiated a successful unanimous consent request, with the support of Senators LEAHY, HATCH, FEINSTEIN, and GREGG, to sequentially refer the bill to the Finance Committee. The Judiciary Committee favorably reported the bill on May 16th of this year and it was immediately referred to the Finance Committee.

We at the Finance Committee examined the problems which this legislation tries to address and found potential solutions to these problems to be very complex. In addition, as the legislation could potentially affect all of the uses and availabilities of SSNs many interested parties contacted the Finance Committee to express their views.

Given the complexity of the issues and the large number of stakeholders involved, the Finance Committee decided to schedule a subcommittee hearing in advance of a mark-up in order to better inform Committee members and their staffs about these issues. Special attention was focused on the core set of solutions embodied in the bill reported by the Judiciary Committee. After a long series of discussions, we reached agreement with Senator FEINSTEIN on legislation which makes a number of changes to the reported version of S. 848. We then scheduled a mark-up of this substitute for S. 848, but were unable to proceed with the mark-up because some members of the Committee planned to offer amendments that were extraneous and controversial. As a result, in order to move this legislation forward expeditiously, I asked Senators FEINSTEIN and GREGG to introduce the substitute for S. 848 as new legislation with me as an original cosponsor. Moreover, I intend to use procedures in Rule XIV of the Senate to have it placed on the calendar, rather than have it referred to Committee. Once on the calendar, the bill is eligible to be brought up for debate on the Senate floor.

As reported by the Judiciary Committee, S. 848 would: Prohibit the sale, purchase, or display of a Social Security number to the general public without the individual's consent, with exceptions for legitimate business and government activity; prohibit the release of certain key public records to the general public unless Social Security numbers are first redacted, this provision applies only to records created after the bill is enacted; require Social Security numbers to be removed from government checks, drivers' licenses, and motor vehicle registrations; prohibit the employment of prisoners in any capacity that would give them access to Social Security numbers; make it a crime to obtain an SSN for the purpose of locating or identifying a person with the intent to physically harm that person; give consumers the right to refuse to give out their Social Security numbers when purchasing a good or service from a commercial entity, unless the entity has a legitimate need as specified in the law; and create new civil monetary penalties, criminal penalties, and civil actions to help prevent misuse of Social Security numbers; requires all new credit card payment processing machines to truncate the credit card account numbers to the last five digits on the printed receipt.

The substitute for S. 848 that is being introduced today retains the basic structure and objectives of the Judiciary Committee-reported bill, but makes several substantive changes that improve the bill. The substitute bill: makes clear that it is permissible to sell, purchase or display Social Security numbers for any legitimate use required, authorized or excepted by any Federal law. Stops new public records containing Social Security numbers from being posted on the Internet and calls for a study by the General Accounting Office of issues pertaining to the display of Social Security numbers on any public records. Permits State Attorneys General to enforce the new "right to refuse" to provide a Social Security number, but prohibits class action lawsuits to enforce this new "right." Sunsets the "right to refuse" after six years, and calls for a report by the Attorney General, six months after the sunset regarding the effectiveness of this "right to refuse" and whether it should be reauthorized.

To conclude, I think that the introduction of this revised version of S. 848 and the placement of it on the calendar are two very important steps in our fight to reduce the misuse of Social Security numbers and reduce the theft of identities. I look forward to working with my colleagues to enact this important piece of legislation.

By Mr. LEAHY (for himself, Mr. HATCH, and Mr. BIDEN):

S. 3101. A bill to amend title IV of the Missing Children's Assistance Act to provide for increased funding for the National Center for Missing and Exploited Children, and for other purposes; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, I rise today to introduce the Missing Children's Assistance Act of 2002, which doubles the funding for the National Center for Missing and Exploited Children and reauthorizes the Center through fiscal year 2006. I am pleased to have Senators HATCH and BIDEN as cosponsors.

Due to tragic circumstances, the importance of the National Center for Missing and Exploited Children, "NCMEC", has become even more pronounced over the past year. We have seen repeated media coverage of missing children from every corner of our nation, and parents and children alike have slept less easily. As a father and grandfather, I know that an abducted child is every parent's or grandparent's worst nightmare.

The Justice Department estimates that between 3,000 and 4,000 children are taken by strangers every year. This legislation will strengthen our efforts to return those children to their homes, and relieve their parents of unimaginable grief.

The Center for Missing and Exploited Children assists parents, children, law enforcement, schools, and the community in their efforts to recover missing children. The professionals at NCMEC have disturbingly busy jobs, they have worked on more than 73,000 cases of missing and exploited children since NCMEC's founding in 1984, helping to recover more than 48,000 of them. They also raise awareness about preventing child abduction, molestation, and sexual exploitation.

As part of its mission, NCMEC runs: 1. a 24-hour telephone hotline to take reports about missing children and clues that might lead to their recovery, 2. a national child pornography tipline, and 3. a program that assists families in the reunification process. NCMEC also helps runaway children, including through attempts to reduce child prostitution.

NCMEC manages to do all of this good work with only a $10 million authorization, which expires after fiscal year 2003. We should act now both to extend its authorization and provide additional funds so that it can continue to help keep children safe and families intact around the nation.

By Mr. LEAHY (for himself, Mr. JEFFORDS, and Mrs. MURRAY):

S. 3102. A bill to amend the Communications Act of 1934 to clarify and reaffirm State and local authority to regulate the placement, construction, and modification of broadcast transmission facilities, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. LEAHY (for himself, Mr. JEFFORDS, and Mrs. MURRAY):

S. 3103. A bill to amend the Communications Act of 1934 to clarify and reaffirm State and local authority to regulate the placement, construction, and modification of wireless services facilities, and for other purposes; to the

Committee on Commerce, Science, and Transportation.

Mr. LEAHY. Mr. President, I rise today to offer two pieces of legislation that would close a loophole that allows Federal regulators to overrule local officials on the building of cellular and broadcast towers. I am proud to be joined by Senator JEFFORDS, and Senator MURRAY in introducing legislation that will return decision-making power on the siting of towers to local communities.

The 1996 Telecommunications Act, which I opposed, contained a provision that allowed the Federal Communications Commission to preempt the decisions of local authorities. Over the last five years, a small loophole in the 1996 Act has spurred David versus Goliath battles across the country. Small communities that pride themselves in deciding what their towns will look like, now have few options when they try to stop or even negotiate a different site for broadcast or cellular towers. In Vermont, we have had several communities, Shelburne, Bethel, and Charlotte, run directly into this problem. What used to be their right to decide these decisions under zoning laws was up-ended.

These communities understand that there will be new towers. Demand for wireless services has skyrocketed over the last few years. The mountains and hills of Vermont make many Vermonters joke that cell phones are more useful as paper weights than as a way to talk with friends and family. However, Vermonters and people across the country do not believe that we have to sacrifice our scenic views and residential areas to ensure wireless coverage.

As a Vermonter, I do not want to wake up ten years from now and see my State turned into a pincushion of antennas and towers. That is why I am introducing these bills today. In a way, these bills are the culmination of a long battle with the Federal Communications Commission and in the courts to protect local authority.

In 1997, the Federal Communications Commission seized on the legislative loophole and proposed an expansive new rule to prevent State and local zoning laws from regulating the placement of cell and broadcast towers on the basis of environmental considerations, aviation safety, or other locally-determined matters. I fought this proposed rule and was joined by many Vermonters, Governor Dean, the Vermont Environmental Board, mayors, zoning officials and others. I also joined with many Vermonters and the rest of the Vermont Congressional Delegation to file an amicus brief in the Supreme Court, arguing that the preemption of local power to issue building permits was a clear violation of the 10th Amendment.

Unfortunately, that petition failed and now I am introducing legislation to fix a problem Congress created. The preemption of local authority should never have happened. Health, safety, and local land use issues should be left in the hands of those who know these issues best and can find a way to balance the needs of their community—the local zoning authorities.

In Vermont, we actually have a very well-tested and successful way of finding a balance between protecting the environment, the health and safety of Vermonters, and meeting economic demands. It's called Act 250. It was adopted over three decades ago when Vermonters realized that our cherished hillsides and New England towns could be overrun with homes. Now, the same realization has occurred with cell and broadcast towers.

My bill will not prohibit new towers. It will simply let local officials use their state and local protections, like Act 250, find the best solution for their community.

I think that many of my colleagues would agree that it is not too much to ask that telecommunication companies follow the zoning laws that apply to everyone else.

In fact, we already have ways to meet the needs of telecommunication companies and communities. There are other viable alterative communication technologies to massive towers. I have in the past discussed how PCS-Over-Cable and PCS-Over-Fiber technologies can provide digital cellular service using small antennas, eliminating the need for large towers. These small antennas can be attached to an existing telephone pole or lamp post. Not only is this technology more aesthetically pleasing, but because the companies do not need to buy land for these antennas, these delivery mechanisms are cheaper as well. We should allow local government to require the usage of these less intrusive technologies,

This is ultimately a very simple issue. It's an issue of local control. I believe that it is local authorities, not Federal regulators, who should determine when and where these structures are built. I urge my fellow Senators to join me in supporting this legislation. I ask unanimous consent that the text of these bills and two section-by-section analyses be printed in the RECORD.

There being no objection, the additional material was ordered to be printed in the RECORD, as follows:

S. 3102

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION. 1. SHORT TITLE.

This Act may be cited as the "Local Control of Broadcast Towers Act".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress makes the following findings:

(1) The placement, construction, and modification of broadcast transmission facilities near residential communities and facilities such as schools can greatly reduce the value of residential properties, destroy the views from properties, produce radio frequency interference, raise concerns about potential long-term health effects of such facilities, and reduce substantially the desire to live in the areas of such facilities.

(2) States and local governments have traditionally regulated development and should be able to exercise control over the placement, construction, and modification of broadcast transmission facilities through the use of zoning and other land use regulations relating to the protection of the environment, public health and safety, and the general welfare of the community and the public.

(3) The Federal Communications Commission establishes policies to govern interstate and international communications by television, radio, wire, satellite and cable. The Commission ensures compliance of such activities with applicable Federal laws, including the National Environmental Policy Act of 1969 and the National Historic Preservation Act, in its decision-making on such activities.

(4) The Commission defers to State and local authorities which regulate the placement, construction, and modification of broadcast transmission facilities through the use of zoning, construction and building, and environmental and safety regulations in order to protect the environment and the health, safety, and general welfare of communities and the public.

(5) On August 19, 1997, the Commission issued a proposed rule, MM Docket No. 97–182, which would preempt the application of most State and local zoning, environmental, construction and building, and other regulations affecting the placement, construction, and modification of broadcast transmission facilities.

(6) The telecommunications industry and its experts should be expected to have access to the best and most recent technical information and should therefore be held to the highest standards in terms of their representations, assertions, and promises to governmental authorities.

(b) PURPOSE.—The purpose of this Act is to confirm that State and local governments are the appropriate entities—

(1) to regulate the placement, construction, and modification of broadcast transmission facilities consistent with State and local zoning, construction and building, environmental, and land use regulations;

(2) to regulate the placement, construction, and modification of broadcast transmission facilities so that their placement, construction, or modification will not interfere with the safe and efficient use of public airspace or otherwise compromise or endanger the health, safety, and general welfare of the public; and

(3) to hold accountable applicants for permits for the placement, construction, or modification of broadcast transmission facilities, and providers of services using such facilities, for the truthfulness and accuracy of representations and statements placed in the record of hearings for such permits, licenses, or approvals.

SEC. 3. PROHIBITION ON ADOPTION OF RULE REGARDING PREEMPTION OF STATE AND LOCAL AUTHORITY OVER BROADCAST TRANSMISSION FACILITIES.

Notwithstanding any other provision of law, the Federal Communications Commission shall not adopt as a final rule or otherwise directly or indirectly implement any portion of the proposed rule set forth in "Preemption of State and Local Zoning and

Land Use Restrictions on Siting, Placement and Construction of Broadcast Station Transmission Facilities", MM Docket No. 97-182, released August 19, 1997.

SEC. 4. AUTHORITY OVER PLACEMENT, CONSTRUCTION, AND MODIFICATION OF BROADCAST TRANSMISSION FACILITIES.

Part I of title III of the Communications Act of 1934 (47 U.S.C. 301 et seq.) is amended by adding at the end the following:

"SEC. 340. STATE AND LOCAL AUTHORITY OVER PLACEMENT, CONSTRUCTION, AND MODIFICATION OF BROADCAST TRANSMISSION FACILITIES.

"(a) Authority To Require Least Intrusive Facilities.—

"(1) In general.—A State or local government may deny an application to place, construct, or modify broadcast transmission facilities on the basis that alternative technologies, delivery systems, or structures are capable of delivering broadcast signals comparable to that proposed to be delivered by such facilities in a manner that is less intrusive to the community concerned than such facilities.

"(2) Considerations.—In determining under paragraph (1) the intrusiveness of technologies, delivery systems, or structures for the transmission of broadcast signals, a State or local government may consider the aesthetics of such technologies, systems, or structures, the environmental impact of such technologies, systems, or structures, and the radio frequency interference or radiation emitted by such technologies, systems, or structures.

"(3) Burden of proof.—In any hearing for purposes of the exercise of the authority in paragraph (1), the burden shall be on the applicant.

"(b) Radio Interference.—A State or local government may regulate the location, height, or modification of broadcast transmission facilities in order to address the effects of radio frequency interference caused by such facilities on local communities and the public.

"(c) Authority To Require Studies and Documentation.—No provision of this Act may be interpreted to prohibit a State or local government from—

"(1) requiring a person seeking authority to place, construct, or modify broadcast transmission facilities to produce—

"(A) environmental, biological, and health studies, engineering reports, or other documentation of the compliance of such facilities with radio frequency exposure limits, radio frequency interference impacts, and compliance with applicable laws, rules, and regulations governing the effects of such facilities on the environment, public health and safety, and the general welfare of the community and the public; and

"(B) documentation of the compliance of such facilities with applicable Federal, State, and local aviation safety standards or aviation obstruction standards regarding objects effecting navigable airspace; or

"(2) refusing to grant authority to such person to place, construct, or modify such facilities within the jurisdiction of such government if such person fails to produce studies, reports, or documentation required under paragraph (1).

"(d) Construction.—Nothing in this section may be construed to prohibit or otherwise limit the authority of a State or local government to ensure compliance with or otherwise enforce any statements, assertions, or representations filed or submitted by or on behalf of an applicant with the State or local government for authority to place, construct, or modify broadcast transmission facilities within the jurisdiction of the State or local government.

"(e) Broadcast Transmission Facility Defined.—In this section, the term 'broadcast transmission facility' means the equipment, or any portion thereof, with which a broadcaster transmits and receives the radiofrequency waves that carry the services of the broadcaster, regardless of whether the equipment is sited on one or more towers or other structures owned by a person or entity other than the broadcaster, and includes the location of such equipment.".

Section-by-Section Summary of Local Control of Broadcast Towers Act

SECTION. 1. SHORT TITLE.

The subtitle may be cited as the "Local Control of Broadcast Towers Act."

SEC. 2. FINDINGS AND PURPOSES.

The bill finds that as the placement of broadcast towers or other broadcast structures (heretofore referred to as "broadcast transmission facilities") can reduce property values, create radio frequency interference, and raise potential long-term health concerns. It also finds that state and local authorities should have the same control to regulate the placement of broadcast transmission facilities as they would with any other type of construction. The purpose of the bill is to reinstate the right of state and local governments to regulate the placement, construction, and modification of these facilities.

SEC. 3. PROHIBITION ON ADOPTION OF RULE REGARDING PREEMPTION OF STATE AND LOCAL AUTHORITY OVER BROADCAST TRANSMISSION FACILITIES.

Section 3 prohibits the Federal Communications Commission (FCC) from implementing "Preemption of State and Local Zoning and Land Use Restrictions on Siting, Placement and Construction of Broadcast Station Transmission Facilities." This rule prevents state and local governments from regulating the construction or modification of broadcast transmission facilities.

SEC. 4. AUTHORITY OVER PLACEMENT, CONSTRUCTION, AND MODIFICATION OF BROADCAST TRANSMISSION FACILITIES.

Section 4 adds a new section to Part I of title III. It gives state and local governments the power to deny applications to place, construct, or modify broadcast transmission facilities on the basis that less intrusive technologies are available to provide comparable service. Denials can be issued for reasons of aesthetics, environmental impact, radio frequency interference, or radiation emissions. Burden of proof lies with the applicant.

Section 4(b) also stipulates that state and local governments are empowered to regulate the location, height, or modification of broadcast transmission facilities to reduce the effects of radio interference. State and local governments may also require environmental, biological, and health studies, engineering studies, or other comparable documentation from any person seeking to build or modify a broadcast transmission facility. In addition, state and local governments may require documentation of compliance with any applicable Federal, State, or local regulation regarding aviation safety standards. Failure to provide such documentation or studies is grounds for a denial to construct or modify a facility.

Section 4(e) defines broadcast transmission facilities.

S. 3103

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Local Control of Cellular Towers Act".

SEC. 2. FINDINGS AND PURPOSES.

(a) Findings.—Congress makes the following findings:

(1) The placement, construction, and modification of personal wireless services facilities (also known as wireless facilities) near residential communities and facilities such as schools can greatly reduce the value of residential properties, destroy the views from properties, produce radio frequency interference, raise concerns about potential long-term health effects of such facilities, and reduce substantially the desire to live in the areas of such facilities.

(2) States and local governments have traditionally regulated development and should be able to exercise control over the placement, construction, and modification of wireless facilities through the use of zoning and other land use regulations relating to the protection of the environment, public health and safety, and the general welfare of the community and the public.

(3) The Federal Communications Commission establishes policies to govern interstate and international communications by television, radio, wire, satellite and cable. The Commission ensures the compliance of such activities with a variety of Federal laws, including the National Environmental Policy Act of 1969 and the National Historic Preservation Act, in its decision-making on such activities.

(4) Under section 332(c)(7)(A) of the Communications Act of 1934 (47 U.S.C. 332(c)(7)(A)), the Commission defers to State and local authorities that regulate the placement, construction, and modification of wireless facilities through the use of zoning and other land use regulations.

(5) Alternative technologies for the placement, construction, and modification of wireless facilities may meet the needs of a wireless services provider in a less intrusive manner than the technologies proposed by the wireless services provider, including the use of small towers that do not require blinking aircraft safety lights, break skylines, or protrude above tree canopies.

(6) It is in the interest of the Nation that the requirements of the Commission with respect to the application of State and local ordinances to the placement, construction and modification of wireless facilities (for example WT Docket No. 97-192, ET Docket No. 93-62, RM-8577, and FCC 97-303, 62 F.R. 47960) be modified so as—

(A) to permit State and local governments to exercise their zoning and other land use authorities to regulate the placement, construction, and modification of such facilities; and

(B) to place the burden of proof in civil actions, and in actions before the Commission and State and local authorities relating to the placement, construction, and modification of such facilities, on the person that seeks to place, construct, or modify such facilities.

(7) PCS-Over-Cable, PCS-Over-Fiber Optic, and satellite telecommunications systems, including Low-Earth Orbit satellites, offer a significant opportunity to provide so-called "911" emergency telephone service throughout much of the United States without unduly intruding into or effecting the environment, public health and safety, and the general welfare of the community and the public.

(8) The Federal Aviation Administration must rely upon State and local governments

to regulate the placement, construction, and modification of telecommunications facilities near airports or high-volume air traffic areas such as corridors of airspace or commonly used flyways. The proposed rules of the Commission to preempt State and local zoning and other land-use regulations for the siting of such facilities will have a serious negative impact on aviation safety, airport capacity and investment, the efficient use of navigable airspace, public health and safety, and the general welfare of the community and the public.

(9) The telecommunications industry and its experts should be expected to have access to the best and most recent technical information and should therefore be held to the highest standards in terms of their representations, assertions, and promises to governmental authorities.

(b) PURPOSES.—The purposes of this Act are as follows:

(1) To repeal certain limitations on State and local authority regarding the placement, construction, and modification of personal wireless services facilities under section 332(c)(7) of the Communications Act of 1934 (47 U.S.C. 332(c)(7)).

(2) To permit State and local governments—

(A) to regulate the placement, construction, or modification of personal wireless services facilities with respect to their impacts on land use, including radio frequency interference and radio frequency radiation, in order to protect the environment, public health and safety, and the general welfare of the community and the public;

(B) to regulate the placement, construction, and modification of personal wireless services facilities so that they will not interfere with the safe and efficient use of public airspace or otherwise compromise or endanger the public health and safety and the general welfare of the community and the public; and

(C) to hold accountable applicants for permits for the placement, construction, or modification of personal wireless services facilities, and providers of services using such facilities, for the truthfulness and accuracy of representations and statements placed in the record of hearings for permits, licenses, or approvals for such facilities.

SEC. 3. STATE AND LOCAL AUTHORITY OVER PLACEMENT, CONSTRUCTION, AND MODIFICATION OF PERSONAL WIRELESS SERVICES FACILITIES

(a) LIMITATIONS ON STATE AND LOCAL REGULATION OF FACILITIES.—Subparagraph (B) of section 332(c)(7) of the Communications Act of 1934 (47 U.S.C. 332(c)(7)) is amended—

(1) by striking clause (iv);

(2) by redesignating clause (v) as clause (iv); and

(3) in clause (iv), as so redesignated—

(A) in the first sentence, by striking "may, within 30 days" and all that follows through the end of the sentence and inserting "may commence an action in any court of competent jurisdiction. Such action shall be commenced within 30 days after such action or failure to act unless the State concerned has established a different period for the commencement of such action."; and

(B) by striking the third sentence and inserting the following: "In any such action in which a person seeking to place, construct, or modify a personal wireless services facility is a party, such person shall bear the burden of proof, regardless of who commences such action.".

(b) PROHIBITION ON ADOPTION OF RULE REGARDING RELIEF FROM STATE AND LOCAL REGULATION OF FACILITIES.—Notwithstanding any other provision of law, the Federal Communications Commission shall not adopt as a final rule or otherwise directly or indirectly implement any portion of the proposed rule set forth in "Procedures for Reviewing Requests for Relief From State and Local Regulation Pursuant to Section 332(c)(7)(B)(v) of the Communications Act of 1934", WT Docket No. 97-192, released August 25, 1997.

(c) AUTHORITY OVER PLACEMENT, CONSTRUCTION, AND MODIFICATION OF FACILITIES.—Such section 332(c)(7) is further amended—

(1) by redesignating subparagraph (C) as subparagraph (D); and

(2) by inserting after subparagraph (B) the following new subparagraph (C):

"(C) ADDITIONAL LIMITATIONS.—

"(i) AUTHORITY TO REQUIRE LEAST INTRUSIVE FACILITIES.—

"(I) IN GENERAL.—A State or local government may deny an application to place, construct, or modify personal wireless services facilities on the basis that alternative technologies, delivery systems, or structures are capable of delivering a personal wireless services signal comparable to that proposed to be delivered by such facilities in a manner that is less intrusive to the community concerned than such facilities.

"(II) CONSIDERATIONS.—In determining under subclause (I) the intrusiveness of technologies, delivery systems, or structures for personal wireless services facilities, a State or local government may consider the aesthetics of such technologies, systems, or structures, the environmental impact of such technologies, systems, or structures, and the radio frequency interference or radiation emitted by such technologies, systems, or structures.

"(III) BURDEN OF PROOF.—In any hearing for purposes of the exercise of the authority in subclause (I), the burden shall be on the applicant.

"(ii) RADIO INTERFERENCE.—A State or local government may regulate the location, height, or modification of personal wireless services facilities in order to address the effects of radio frequency interference caused by such facilities on local communities and the public.

"(iii) AUTHORITY TO REQUIRE STUDIES AND DOCUMENTATION.—No provision of this Act may be interpreted to prohibit a State or local government from—

"(I) requiring a person seeking authority to place, construct, or modify personal wireless services facilities to produce—

"(aa) environmental, biological, and health studies, engineering reports, or other documentation of the compliance of such facilities with radio frequency exposure limits, radio frequency interference impacts, and compliance with applicable laws, rules, and regulations governing the effects of such facilities on the environment, public health and safety, and the general welfare of the community and the public; and

"(bb) documentation of the compliance of such facilities with applicable Federal, State, and local aviation safety standards or aviation obstruction standards regarding objects effecting navigable airspace; or

"(II) refusing to grant authority to such person to place, construct, or modify such facilities within the jurisdiction of such government if such person fails to produce studies, reports, or documentation required under subclause (I).

"(iv) CONSTRUCTION.—Nothing in this subparagraph may be construed to prohibit or otherwise limit the authority of a State or local government to ensure compliance with or otherwise enforce any statements, assertions, or representations filed or submitted by or on behalf of an applicant with the State or local government for authority to place, construct, or modify personal wireless services facilities within the jurisdiction of the State or local government.".

SECTION-BY-SECTION SUMMARY OF LOCAL CONTROL OF CELLULAR TOWERS ACT

SECTION 1. SHORT TITLE.

The subtitle may be cited as the "Local Control of Cellular Towers Act."

SEC. 2. FINDINGS AND PURPOSES.

The bill finds that the placement of cellular towers can reduce property values, create radio frequency interference, and raise potential long-term health concerns. It also finds that state and local authorities should have the same control to regulate the placement of cellular facilities as they would with any other type of construction. The purpose of the bill is to reinstate the right of state and local governments to regulate the placement, construction, and modification of these facilities.

SEC. 3. STATE AND LOCAL AUTHORITY OVER PLACEMENT, CONSTRUCTION, AND MODIFICATION OF PERSONAL WIRELESS SERVICES FACILITIES.

This section of the bill amends title 47 of the U.S. Code.

Section 3(a) strikes 47 U.S.C. 332(c)(7), clause iv, which prevented state and local governments from regulating the placement, construction, or modification of personal wireless service facilities on the basis of environmental effects of radio frequency emissions. Clause v of the same section of the Code is amended to allow States to determine the timeline for any appeal of a State or local decision that adversely affects a personal wireless service provider. A personal wireless service provider is no longer allowed to make a further appeal to the Federal Communications Commission (FCC). Furthermore, the bill clarifies that the party that wishes to build a personal wireless service facility bears the burden of proof in any appeal of state or local law.

Section 3(b) prohibits the FCC from implementing "Procedures for Reviewing Requests for Relief from State and Local Regulation Pursuant to Section 332(c)(7)(B)(v)." This rule stipulated the procedures for appealing state and local regulations to the FCC.

Section 3(c) adds a new subparagraph (C) to Section 332(c)(7) to give State and local governments the power to deny applications to place, construct, or modify personal wireless service facilities on the basis that less intrusive technologies are available that provide comparable service. Denials can be issued for reasons of aesthetics, environmental impact, radio frequency interference, or radiation emissions.

Section 3(c) also stipulates that state and local governments are empowered to regulate the location, height, or modification of personal wireless service facilities to reduce the effects of radio interference. State and local governments may also require environmental, biological, and health studies, engineering studies, or other comparable documentation from any person seeking to build or modify a personal wireless service facility. In addition, state and local governments may require documentation of compliance with any applicable Federal, State, or local regulation regarding aviation safety standards. Failure to provide such documentation or studies is grounds for a denial to construct or modify a facility.

Mr. JEFFORDS. Mr. President, I would like to rise today to express my support for the Local Control of Cellular Towers Bill, as well as the Local Control of Broadcast Towers Bill. I am pleased to be a cosponsor of these two pieces of legislation and commend my colleague from Vermont, Senator LEAHY, for his continued work on this issue.

The 1996 Telecommunications Act preempts State and local zoning laws, transferring jurisdiction away from State and local authorities to the Federal government. The legislation that we are introducing today would return that jurisdiction to the State and local authorities that are best equipped to make decisions regarding the placement and construction of cellular and broadcast towers.

In Vermont, new development and construction is governed by Act 250, an environmental land use law specifically written to control and manage development, while maintaining a balance between environmental protection and economic growth. Act 250 maintains this equilibrium by placing the permitting rights in the hands of local environmental review boards with appeal rights to the Vermont Environmental Board. Act 250 is therefore administered by men and women who are directly involved in their communities and thoroughly familiar with local concerns.

The state of Vermont established Act 250 in response to a period of unchecked development that began in the 1960's. As the Attorney General for the state at the time, I was one of the primary drafters of the environmental land use law. Since 1969, Act 250 has protected our environment, managed development, and provided a forum for neighbors, municipalities and other interest groups to voice their concerns about new development. I see no reason why the construction of cellular and broadcast towers should not be governed by Act 250 as well, and I remain hopeful that these two bills will reverse what the 1996 Act set forth.

Although I recognize the importance of building a sound and functional wireless network, I urge Congress to allow states and local communities to build that network so the negative impacts of tower construction are kept to a minimum. Among Vermont's greatest assets are its mountain ranges and beautiful views. Giving local communities authority over tower construction and placement is a step towards preserving and protecting those assets.

By Mr. MURKOWSKI (for himself and Mr. STEVENS):

S. 3104. A bill to amend the Marine Mammal Protection Act of 1972 to repeal the long-term goal for reducing to zero the incidental mortality and serious injury of marine mammals in commercial fishing operations, and to modify the goal of take reduction plans for reducing such takings; to the Committee on Commerce, Science, and Transportation.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3104

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MODIFICATION OF GOALS FOR REDUCING INCIDENTAL TAKE OF MARINE MAMMALS IN COMMERCIAL FISHING.

(a) REPEAL OF ZERO MORTALITY GOAL.—Section 118 of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1387) is amended by striking subsection (b), and by redesignating subsections (c) through (l) in order as subsections (b) through (k).

(b) CONFORMING AMENDMENTS.—Such Act is further amended as follows:

(1) In section 101(a)(2) (16 U.S.C. 1371(a)(2)) by striking the third sentence.

(2) In section 101(a)(5)(E)(i)(III) (16 U.S.C. 1371(a)(5)(E)(i)(III) by striking "subsection (d)" and inserting "subsection (c)".

(3) In section 115(b)(4) (16 U.S.C. 1384(b)(4)) by striking "section 118(f)(1)" and inserting "section 118(e)(1)".

(4) In section 117(a)(4) (16 U.S.C. 1386(a)(4)) in subparagraph (D) by striking ", and an analysis" and all that follows through the end of the subparagraph and inserting a semicolon.

(5) In section 118 (16 U.S.C. 1387) by striking "subsection (c)(1)(A)(i)" each place it appears and inserting "subsection (b)(1)(A)(i)".

(6) In section 118 (16 U.S.C. 1387) by striking "subsection (c)(1)(A)(i)" each place it appears and inserting "subsection (b)(1)(A)(i)".

(7) In section 118(a)(1) (16 U.S.C. 1387(a)(1)) by striking the last sentence.

(8) In section 118(b), as redesignated by this subsection (16 U.S.C. 1387(c)(1)(B)), by striking "subsection (e)" each place it appears and inserting "subsection (d)".

(9) In section 118(c)(1)(B), as redesignated by this subsection (16 U.S.C. 1387(d)(1)(B)), by striking "subsection (e)" and inserting "subsection (d)".

(10) In section 118(e)(9)(D), as redesignated by this subsection (16 U.S.C. 1387(f)(9)(D)), by striking "subsection (d)" and inserting "subsection (c)".

(11) In section 118(f)(1), as redesignated by this subsection (16 U.S.C. 1387(g)(1)), by striking "subsection (c)(1)(A)(iii)" each place it appears and inserting "subsection (b)(1)(A)(iii)".

(12) In section 118(g), as redesignated by this subsection (16 U.S.C. 1387(h)), by striking "subsection (c)" and inserting "subsection (b)".

(13) In section 120(j)(2) (16 U.S.C. 1389(j)(2)) by striking "118(f)(5)(A)" and inserting "118(e)(5)(A)".

(c) MODIFICATION OF GOAL OF TAKE REDUCTION PLANS.—Section 118(e)(2) of such Act, as redesignated by subsection (a) of this section (16 U.S.C. 1387(f)(2)), is amended by striking the last sentence and inserting the following: "The long-term goal of the plan shall be to reduce, within 5 years of its implementation, the incidental mortality or serious injury of marine mammals incidentally taken in the course of fishing operations taking into account the economics of the fishery, the availability of existing technology, and existing State and regional fishery management plans.".

By Mr. FRIST (for himself, Mr. DODD, Mr. SANTORUM, Mr. BAYH, Mr. COCHRAN, and Mr. DEWINE):

S. 3105. A bill to amend the Public Health Service Act to provide grants for the operation of enhanced mosquito control programs to prevent and control mosquito-borne diseases; to the Committee on Health, Education, Labor, and Pensions.

Mr. FRIST. Mr. President, I rise today to introduce the "West Nile Virus and Arboviral Disease Act"—a bill to help strengthen our public health system and improve research so that we can better respond to West Nile virus and other arboviruses. I want to thank Senators DODD, SANTORUM, BAYH, COCHRAN, AND DEWINE for their work in helping craft this important legislation.

This year, nearly 3000 Americans have been diagnosed with West Nile Virus, WNV. At least 146 have died. While this virus is transmitted to humans primarily through migratory birds and mosquitoes, recent evidence strongly suggests that WNV can be transmitted through blood transfusions, organ donations, and possibly even breast milk. Further, the latest studies indicate that some patients may experience polio-like symptoms as a result of WNV infection.

WNV first appeared in North America in 1999 with reports of encephalitis in birds, humans and horses. Prior to this summer, there had been only 149 cases and 18 deaths from this virus. Now, WNV has spread as far south as Florida and as far west as California, encompassing areas with warmer climates that will allow a year-round transmission cycle. In three years, we have lost the opportunity to contain the disease to the northeastern region of the United States, where mosquitoes do not breed year-round. As a result, many more people will die and become ill.

Clearly, the increasing spread of the disease and these new findings require an enhanced response at the Federal level. We must do more to support State and local public health efforts to combat the spread of West Nile. And we must also intensify research at the federal level to better understand the etiology of the virus, develop improved abatement tools, and prevent the spread of the illness.

The Centers for Disease Control and Prevention, CDC, has published national guidelines for surveillance, prevention and control of WNV. CDC also developed a national electronic surveillance system, ArboNET, to track West Nile in humans, birds, mosquitoes, horses, and other animals. However, the data available to the ArboNET system likely underestimates actual geographic distribution of WNV transmission in the United States because the data are provided by up to 54

ArboNet by local health unit surveillance efforts which vary according to capacity and ability. We need to do more to strengthen the capacity of those surveillance efforts. One only needs to examine the map of the spread of WNV to determine that there may be gaps in our surveillance when some States, like Kansas and West Virginia, are surrounded by other states with similar arbovirus patterns but still not indicating the presence of human disease. One of the peculiarities of great surveillance systems is the increased incidence of disease, simply because better information is being collected.

Although strengthening our surveillance and response capabilities will help, we must also do more to increase the number of appropriately trained entomologists. There is clearly a need for more individuals who can understand the disease vectors, identify their breeding areas, and take action to eliminate the mosquito population before WNV season.

In response to these obvious deficiencies, this legislation establishes a temporary program for the containment of WNV and related arboviral diseases. Through this grant program, which is authorized for two years, but can be extended by the Secretary of Health and Human Services for an additional year, the CDC is authorized to make grants to states. States can use the funds to develop, implement, and evaluate comprehensive, community-based mosquito control plans. Additionally, states can work with local communities to develop and implement programs to support longer term prevention and control efforts, including training to develop a competent public health workforce. Finally, States are encouraged to work with local health entities to develop prevention and control programs.

As part of the requirement under the grant program, the CDC is charged with developing, in consultation with public and private health and mosquito control organizations, guidelines for State and local communities for sustainable, locally managed, integrated mosquito control programs, as well as otherwise increasing CDC's capacity to provide technical assistance.

We also need to learn more about this virus and how it is spread. To combat WNV, we must develop: 1. improved insecticides; 2. rapid tests for the presence of WNV in human blood products; 3. pathogen inactivation technologies; and 4. additional methodologies to contain the spread of WNV or other related arboviruses, including the development of an appropriate WNV vaccine for humans and other mammals and better antiviral treatments.

In 1972, the FDA banned the general use of the pesticide DDT, ending nearly three decades of application, during which time, the once-popular chemical was used to control insect pests on crop and forest lands, around homes and gardens, and for industrial and commercial purposes. DDT was developed as the first of the modern insecticides early in World War II. It was initially used with great effect to combat malaria, typhus, and the other insect-borne human diseases among both military and civilian populations. A persistent, broad-spectrum compound often termed the "miracle" pesticide, DDT came into wide agricultural and commercial usage in this country in the late 1940s, but was banned by the FDA when the Director at that time determined that the continued massive use of DDT posed unacceptable risks to the environment and potential harm to human health. Since that time, we have not developed a replacement for DDT. We have become complacent, assuming that there would be no need to continue reducing the insect population. We can no longer be complacent.

We have not yet developed a rapid diagnostic WNV test for blood products. There are two types of tests available, a serologic test or a polymerase chain reaction, PCR, test, but only the PCR test would be feasible for screening purposes. Experts have suggested that a new PCR test could be available within 18 months if the appropriate market incentives were in place. We need to determine the best way to expedite the development of this test.

Pathogen inactivation techniques could be used to purify blood samples by removing all DNA and RNA particles from the blood. However, we have not yet performed a larger assessment to determine the overall health benefit of this technique. Because the process relies on adding additional chemicals to the blood product, those chemicals, or derivatives thereof, may have a particular health effect. Therefore, given that there will be other emerging infectious diseases in our future, we need to develop a proactive, not reactive, mode to dealing with those infections.

Currently, scientists have developed an equine vaccine for WNV, but there is no human vaccine. Given the limited vaccine options, many veterinarians are even using the equine vaccine for avians and other mammals. Therefore, we need to focus efforts on developing vaccines for a host of susceptible mammals.

In conducting that research, given the nature of all arboviruses and the fact that WNV also infects a host of mammals, we need to build more bridges between veterinary health and public health. Already, avian experts are asked to assist our public health experts to help identify how bird migration would affect the spread of WNV. Additionally, any new vaccine or diagnostic test for WNV may have broader applicability to the host of other mammals affected by the virus.

Given the multitude of federal agencies that should be involved with relevant research, the legislation charges the President with expanding, intensifying, and enhancing research related to the identification or the development of insecticides, the development of screening tools for WNV in both blood and organs, the development of pathogen inactivation technologies, technologies that safely and cost-effectively remove RNA and DNA from blood, and the development of additional methodologies for containing the spread of West Nile Virus and other related arboviruses. This research program is authorized for five years.

More should be done to continuously support the development of a capable public health infrastructure and increased response coordination at all levels. At the Federal level, we have significantly increased our resources for these purposes by providing nearly $1 billion for bioterrorism-related activities, activities which should focus on "dual use" capabilities to strengthen our ability to respond to all infectious diseases. However, we need to ensure a continued investment if we are to stabilize our public health infrastructure and continue to focus on means by which to increase coordination.

Again, I want to commend Senators DODD, SANTORUM, BAYH, COCHRAN, and DEWINE for their contributions to the development of this legislation. It has been an honor and a pleasure to work with my distinguished colleagues on this bill, and I look forward to continuing to working with them and others to find better solutions to combating WNV.

By Mr. MURKOWSKI (for himself and Mr. STEVENS):

S. 3106. A bill to amend the Denali Commission Act of 1998 to establish the Denali transportation system in the State of Alaska; to the Committee on Energy and Natural Resources.

Mr. MURKOWSKI. Mr. President, I rise to introduce a bill to establish the Denali Transportation System for my State of Alaska. I am pleased to be joined by the senior Senator from Alaska, Senator STEVENS, on this important legislation. I understand that a companion measure is to be introduced in the House.

This bill authorizes the Secretary of Transportation to establish a program to fund the costs of construction of the Denali Transportation System, at a level of $440 million per year for the next 5 years. It is patterned after similar statutory language establishing the Appalachian Commission, which provides for transportation construction in that area of the nation.

As my colleagues are aware, Alaska lags far behind the rest of the country in its transportation infrastructure. Our road system is still in its infancy and our highway system reaches only the major cities of the State.

As we all know, the key to a thriving and self-sufficient economy for any State or Nation is commerce. But commerce itself cannot thrive without transportation. We must be able to travel from one place to another, to move goods from one place to another, to harvest our resources and craft our merchandise and get them both to market.

The Denali transportation system will provide benefits far outweighing its costs, not only to Alaska but to the Nation. It will make it possible to provide Alaska's valuable resources to those who need them. It will allow significant savings for residents of Alaska's remote areas, who today must pay the nation's highest prices for even basic things that you and I take for granted, for food, for energy to heat our houses, for access to a doctor's care when we need it, and access to reasonable educational opportunities for our children.

None of these things are universally available in Alaska as they are in other States. We have children who must board an aircraft every day, at least when the weather permits, just to be flown across a river that separates them from their only area school. We have villages where fuel arrives barrel by barrel, because there is no other way to get it there. We have communities where butter, and eggs, and milk, and fresh vegetables are still luxury items. We have towns where injured workers and pregnant women in need of care have access to a doctor only when the weather permits them to undertake an arduous journey by boat and small aircraft.

Alaska has much to offer the rest of the Nation. We have incomparable resources and energetic, innovative citizens. It is time we have a transportation system that will allow us to fully enter the world of the 21st Century, and this bill will help us accomplish that goal.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3106

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Denali Transportation System Act".

SEC. 2. DENALI TRANSPORTATION SYSTEM.

The Denali Commission Act of 1998 (Public Law 105–277; 42 U.S.C. 3121 note) is amended—

(1) by redesignating section 309 as section 310; and

(2) by inserting after section 308 the following:

"SEC. 309. DENALI TRANSPORTATION SYSTEM.

"(a) CONSTRUCTION.—

"(1) IN GENERAL.—The Secretary of Transportation shall establish a program under which the Secretary may pay the costs of construction (including the costs of design) in the State of Alaska of the Denali transportation system.

"(2) DESIGN STANDARDS.—Any design carried out under this section shall use technology and design standards determined by the Commission.

"(b) DESIGNATION OF SYSTEM BY COMMISSION.—The Commission shall submit to the Secretary of Transportation—

"(1) designations by the Commission of the general location and termini of highways, port and dock facilities, and trails on the Denali transportation system;

"(2) priorities for construction of segments of the system; and

"(3) other criteria applicable to the program established under this section.

"(c) CONNECTING INFRASTRUCTURE.—In carrying out this section, the Commission may construct marine connections (such as connecting small docks, boat ramps, and port facilities) and other transportation access infrastructure for communities that would otherwise lack access to the National Highway System.

"(d) ADDITION TO NATIONAL HIGHWAY SYSTEM.—On completion, each highway on the Denali transportation system that is not already on the National Highway System shall be added to the National Highway System.

"(e) PREFERENCE TO ALASKA MATERIALS AND PRODUCTS.—In the construction of the Denali transportation system under this section, the Commission may give preference—

"(1) to the use of materials and products indigenous to the State; and

"(2) with respect to construction projects in a region, to local residents and firms headquartered in that region.".

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

Section 310 of the Denali Commission Act of 1998 (Public Law 105–277; 42 U.S.C. 3121 note) (as redesignated by section 2(1)) is amended by striking subsection (a) and inserting the following:

"(a) IN GENERAL.—There are authorized to be appropriated to the Commission—

"(1) to carry out the duties of the Commission under this title (other than section 309), and in accordance with the work plan approved under section 304, such sums as are necessary for fiscal year 2003; and

"(2) to carry out section 309 $440,000,000 for each of fiscal years 2003 through 2008.".

By Mr. DURBIN (for himself and Mr. MCCAIN):

S. 3107. A bill to improve the security of State-issued driver's licenses, enhance highway safety, verify personal identity, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. DURBIN. Mr. President, I rise to introduce the Driver's License Fraud Prevention Act. This is a timely bill that would provide much needed Federal assistance to the States to help make their driver's licenses more reliable and secure than they are today. I am pleased that my colleague, Senator MCCAIN, has joined me in this effort.

Since September 11, 2001, we have learned much about our society. We learned in the most painful way that those aspects of our open society that we, as Americans, value the most, are the very same characteristics exploited by people who hate freedom.

Our open borders welcome millions of visitors and immigrants each year. Our civil society is based on the integrity of our citizens to self regulate their behaviors and to abide by the rule of law. And our very informal system of personal identification relies on the honesty of people to represent themselves as who they are, and to not hide their true identities.

Yet, after September 11, we learned that it was the very openness of our society that the nineteen terrorists took advantage of by slipping into our country and mingling among us for months before embarking on their evil tasks.

Since that tragic day, as a price for enhancing national security, we have imposed numerous measures across the country, including erecting barricades in front of buildings and requiring tougher screenings at airports. But there is one area that we need further improvements on, which is what our bill would address.

It seems that everywhere we turn today, we are asked to present photo identification. And what is the most common identification that we show? It's the State-issued driver's license.

The purpose of the driver's license has changed dramatically over the years. The driver's license was originally created by States for a public safety purpose, to permit a qualified person to operate a motor vehicle. Today, however, the license has become the most widely-used form of identification that is accepted by a wide variety of private and public entities. In an April 2002 poll conducted by Public Opinion Strategies, 83 percent of the American public noted that they used their driver's license for purposes other than driving.

A driver's license has undoubtedly become a key that can open many doors, yet the current framework that States rely on in issued licenses was not designed for the cards to be used for identification purposes. Today, the 50 States follow 50 different methods for verifying a person's identification when they process driver's license applications. They apply different standards for defining what the acceptable documentation are that they require from applicants.

Additionally, the level of security in the driver's licenses and identification cards varies widely, from those states that incorporate high tech biometric identifiers to ones that are simply laminated. In fact, law enforcement officials estimate that there are more than 240 different formats of valid driver's licenses in circulation today.

Because of the disparity in the State issuance processes and the varying degrees of security of the cards themselves, it is extremely easy for individuals today to abuse the system by shopping around for licenses in those States with the weakest practices.

Earlier this year, I chaired a hearing in the Governmental Affairs Subcommittee on Oversight of Government Management, where we learned that eighteen of the nineteen hijackers involved in the September 11th attacks probably used State-issued driver's licenses or identification cards to board those doomed airplanes.

We also learned that these terrorists specifically went to motor vehicle agencies in States that, at that time, employed some of the most lenient processes and requirements in issuing licenses and identification cards.

For example, on August 1, 2001, two of the terrorists, Hani Hanjour and Khalid Al-Mihdhar, drove a van from New Jersey to the Virginia Department of Motor Vehicles, DMV, office in Arlington. In the parking lot, they asked around until they found someone willing to lie and vouch for their Virginia residency. They met Luis Martinez-Flores and Herbert Villalobos who, for a price, were willing to help.

Hanjour and Al-Mihdhar paid these strangers $50 each and received notarized forms which claimed that the two transients were in fact Virginia residents. Using these fake documents, Hanjour and Al-Mihdhar walked into the DMV, stood in line, had their photos taken, and walked out with authentic State-issued Virginia photo identification cards.

The next day, on August 2, 2001, Hanjour and Al-Mihdhar returned to the same Arlington DMV with two other September 11 terrorists, Salem Al-Hazmi and Majed Moqed. Hanjour and Al-Mihdhar helped Al-Hazmi and Moqed obtain Virginia identification cards of their own by vouching that they lived together in Virginia.

On the same day, two more terrorists, Abdul Al-Omari and Ahmed Al-Ghamdi, who were renting a room at a Maryland motel, contacted Kenys Galicia, a Virginia legal secretary and notary public, through a referral from Luis Martinez-Flores, the same person who was loitering near the Arlington DMV the day before.

Al-Omari and Al-Ghamdi paid Galicia to have her prepare false notarized affidavits stating that the two men lived in Virginia. Using these fake documents, these two also went to a Virginia motor vehicles office and received State-issued identification cards.

In addition to exploiting the lax Virginia system, at least thirteen of the nineteen terrorists held driver licenses or identification cards from Florida, a State that, at that time, did not require proof of residency from applicants.

A few of the September 11 terrorists held licenses or identification cards from more than one State, including from California, Arizona, and Maryland, while only one did not appear to hold any form of American-issued identification. Some received duplicate cards from the same State within months of September.

Some of them used these licenses to rent automobiles and check into motels, which provided them with constant mobility. Others used licenses as identification to receive wire transferred funds and to register for flight schools.

Yet had they not held these valuable commodities, would they have been successful in carrying out their evil final acts?

At the Governmental Affairs Subcommittee hearing, we heard testimony from a Maryland police chief that, just two days before September 11th, Ziad Jarrah, one of the terrorists, was stopped for speeding on Interstate 95, north of Baltimore. During this traffic stop, Jarrah produced an apparently valid driver's license from the State of Virginia, and as a result, the stop proceeded in a typical fashion.

However, while Jarrah's license indicated a resident address in Virginia, Jarrah was in fact resting overnights at motels along the way to Newark, New Jersey, from where he boarded Flight 93, which ultimately crashed in Pennsylvania. Had he been unable to produce a license when he was pulled over, or if he had produced a license that the trooper could have identified as having been issued fraudulently, who knows how that stop may have concluded.

What we do know is that these terrorists bought their way into our shaky, unreliable, and dangerous system of government-issued identification. With the identification cards that they obtained under phony pretenses, doors opened across America, including the doors of the four doomed aircrafts on the morning of September 11, 2001.

More troubling is that it appears what the terrorists did in obtaining the multiple identification cards was a part of an official strategic plan that terrorists employ as they seek to infiltrate our society.

Last year, Attorney General Ashcroft presented to the Senate Judiciary Committee, on which I serve, a copy of an Al Qaeda Terrorists Manual that was found by Manchester, England, police officials during the search of an Al Qaeda member's home.

Contained in it is a page that reads as follows:

FORGED DOCUMENTS (IDENTITY CARDS, RECORD BOOKS, PASSPORTS)

The following security precautions should be taken:

* * * * *

2. All documents of the undercover brother, such as identity cards and passport, should be falsified.

3. When the undercover brother is traveling with a certain identity card or passport, he should know all pertinent [information] such as the name, profession, and place of residence.

* * * * *

5. The photograph of the brother in these documents should be without a beard. It is preferable that the brother's public photograph [on these documents] be also without a beard. If he already has one [document] showing a photograph with a beard, he should replace it.

6. When using an identity document in different names, no more than one such document should be carried at one time.

* * * * *

It is obvious to me that the September 11 terrorists were trained very well by Al Qaeda. They followed these instructions flawlessly as they sought, and successfully obtained, multiple State-issued driver's licenses and identification cards in America.

The use of fake IDs is one of the oldest tricks in the book for criminals, and now we know that this is a page in the book for terrorists as well.

It is also one of the oldest traditions of adolescence, and a rite of passage for many teenagers who casually use a borrowed or tampered ID to buy alcohol or tobacco products, or to get into a nightclub. But underage drinking not only endangers the lives of those consuming the alcohol, it threatens the lives of others as well.

According to a 2001 survey by the Substance Abuse and Mental Health Services Administration, SAMHSA, more than 10 million individuals aged between 12 to 20 years old reported consuming alcohol in the year prior to the survey. The National Highway Traffic Safety Administration, NHTSA, reports that in the United States, drivers between the ages of 16 and 21 account for just seven percent of all drivers in the Nation, yet are involved in fifteen percent of all alcohol-related fatalities.

Drunk drivers are perhaps the most dangerous drivers on the road. But there are others who should not be allowed on the road.

We learned that thousands of drivers each year operate motor vehicles using multiple licenses issued under different identities from multiple states, which enable them to evade enforcement of driving restrictions imposed on them.

They know that under the current license issuance process, no State checks the background of license applicants with its sister States to see if that person may have already been issued a license by another State. So it is quite easy for individuals who have had their license suspended or revoked in one State to travel to a neighboring State and acquire a new license.

A representative of the American Association of Motor Vehicle Administrators, AAMVA, who testified at our hearing stated it this way: "Although the current system allows for reciprocity among the States, it lacks uniformity. Individuals looking to undermine the system, whether it is a terrorist, a drunk driver or an identity thief, shop around for licenses in those States that have become the weakest link."

AAMVA is a nonprofit voluntary association representing all motor vehicle agency administrators and chief law enforcement officials throughout the United States and Canada.

At the hearing, we also heard from a representative of the National Governors Association, NGA, who testified that the NGA has not yet developed an official position on the subject of identity security or enhancing the driver's license systems.

However, he acknowledged that the current system employed by States is broken, and is more likely to actually enable identity theft and fraud rather than prevent it.

He and others on the panel referenced several initiatives that some states were currently undertaking to improve their driver's license systems. For example, Virginia and Florida adopted revised procedures since last year to prevent the types of abuses we all recognized since September 11. And many other State legislatures have adopted, and are still in the process of debating, various reform measures, which, I believe, are all steps in the right direction.

I was especially encouraged to hear that the states were willing and ready to work with the Federal Government to address their problem together.

At our hearing, the AAMVA representative also testified that:

> Seventy-seven percent of the American public support Congress passing legislation to modify the driver's licensing process and identification security. And, we need Congress to help in five areas: (1) support minimum compliance standards and requirements that each state must adopt when issuing a license; (2) help us identify fraudulent documents; (3) support an interstate network for confirming a person's driving history; (4) impose stiffer penalties on those committing fraudulent acts; (5) and, provide funding to make this happen. Funding so states can help ensure a safer America.

Thus, following this hearing, I reached out to, and worked with a number of groups and individuals representing States, motor vehicle agencies, privacy advocates, immigrant communities, and the technology industry, to consider an appropriate federal legislation on this issue.

We also reached out to various agencies in the Bush Administration, including the Office of Homeland Security, to seek their input on legislation.

Then, in July of this year, President Bush unveiled his "National Strategy for Homeland Security." In that report the President wrote:

> Major Initiatives (State)
>
> Given the states' major role in homeland security, and consistent with the principles of federalism inherent to American government, the following initiatives constitute suggestions, not mandates, for state initiatives.
>
> Coordinate suggested minimum standards for state driver's licenses. The licensing of drivers by the 50 states, the District of Columbia, and the United States terrorities varies widely. There is no national or agreed upon state standards for content, format, or license acquisition procedures. Terrorist organizations, including Al-Qaeda operatives involved in the September 11 attacks, have exploited these differences. While the issuance of drivers' licenses fall squarely within the powers of the states, the federal government can assist the states in crafting solutions to curtail the future abuse of drivers' licenses by terrorist organizations. Therefore, the federal government, in consultation with state government agencies and non-governmental organizations, should support state-led efforts to develop suggested minimum standards for driver's licenses, recognizing that many states should and will exceed these standards.

I fully agree with the President that the issuance of driver's licenses is within the province of the States. In fact, our bill explicitly recognizes and preserves the right of states to determine the qualification or eligibility for obtaining driver's licenses, the terms of its validity, and how the license should look.

But I also agree with the President that there is an important role for the Federal Government to play in assisting the states to address the national problem of fraud and abuse. I therefore believe this bill that we are introducing today strikes an appropriate balance between the states' authority and federal interests.

Our bill is narrowly drafted to improve the process by which licenses are issued. First, I note that there are two already existing federal programs that address driver's licenses.

The National Driver Register, NDR, which was first created by Congress in 1960 and revised in 1982, serves as a central file of state reports on drivers whose licenses have been suspended, revoked, canceled, or denied, or who have been convicted of serious traffic-related offenses. The NDR's primary purpose is to enable State motor vehicle agencies to share driver record information with each other so that they can make informed decisions about issuing driver's licenses to individuals, particularly those who move into their states from other jurisdictions.

The Commercial Driver License Information System is the second Federal program, which was established by Congress in 1986, to keep problem commercial drivers off the roads, and to prevent traffic violations from being hidden behind multiple licenses.

Every State today participates in both federal programs, and all States currently share certain information with each other in order to make informed decisions before issuing driver's licenses. However, the current limited scope of these programs leave a gaping loophole: One deals only with records of problem drivers, while the other deals only with records of commercial drivers. What about the records of non-problem drivers who are not commercial drivers?

Our bill closes this loophole by consolidating the appropriate functionalities of these two programs and by adding new security measures that would allow every State to check all other States' records of all drivers before issuing commercial or regular driver's licenses. This new process will help prevent States from issuing more than one license to any one individual, which will end forum shopping, abuse, and fraud.

In recognizing the federal responsibilities of this program, our bill would provide Federal funding for the upgrades as well as direct Federal funding to states to assist their continued participating in the new integrated system.

While the goals of the bill are specific and firm, we are also mindful of the jurisdiction of the states to regulate who is eligible to receive driver's licenses, and what the licenses should look like. We thus provide authority to the Secretary of Transportation to engage in a negotiated rulemaking which would include all the appropriate affected entities and individuals, in order to collectively develop the required minimum standards on the issuance process.

This program can be successful only if every state participates enthusiastically. Therefore, to provide maximum input from the states, the bill specifically requires that the Secretary consult with the states and entities representing the interest of the states, and, as necessary, with interested groups and individuals in developing consensus implementing regulations.

I should note, as the White House has, that many States should and will exceed these minimum standards set forth in this bill. So for states that are already above the curve, our bill provides federal grants to highlight innovative pilot programs designed to verify driver's identity, prevent fraud, or demonstrate the use of technology to create tamper resistant licenses.

Our bill also requires States to make their driver's licenses and identification cards more resistant to tampering, altering, or counterfeiting then they are today. But, again, the bill does not specify what those security features ought to be. Instead, it requires the Secretary of Transportation to engage in rulemaking with the States and with experts to collectively develop the required minimum standards for all states to adopt.

The bill also cracks down on internal fraud and bribery that, unfortunately, occur behind the DMV counters. We impose tough penalties for unauthorized access to or use of DMV equipment used to manufacture licenses, and also creates penalties for persons who fraudulently issue, obtain, renew, or transfer a driver's license. The bill also requires States to conduct internal audits of license issuance processes to identify and address these fraudulent activities.

Finally, our bill enhances privacy protection for license holders by significantly strengthening the Driver's Privacy Protection Act, which Congress last amended in 1994. The bill protects the privacy of driver's information by expanding the definitions of sensitive "personal information" and by tightening up the current set of permissible disclosures.

Additionally, under this bill, State motor vehicle agencies would be prohibited from disclosing or displaying social security numbers on any driver's license, motor vehicle registration, or any other document issued for the purpose of identification.

With Federal financial and technical assistance and a narrowly tailored common-sense approach, I believe this bill can close the loopholes that continue to leave all of us vulnerable. By working together, we can assist states to adopt a new system that will ensure integrity in the issuance process, integrity in the cards themselves, and protection of privacy of drivers across the country. I urge my colleagues to support this important bill.

By Ms. COLLINS:

S. 3110. A bill to require further study before amendment 13 to the Northeast Multispecies (Groundfish) Management Plan is implemented; to the Committee on Commerce, Science, and Transportation.

Ms. COLLINS. Mr. President, I rise today to introduce the Fisheries Management Fairness Act in order to provide New England fishermen with a guarantee that the fisheries management decisions that affect their lives will not be made without the benefit of sound, reliable data.

Fishing is more than just a profession in New England. Fishing is a way of life. This way of life is being threatened, however, by excessive regulations and unnecessary litigation. Despite scientific evidence of a rebound in fish stocks, fishermen are suffering under ever more burdensome restrictions. As a result of recent litigation, fishermen have seen their days at sea slashed, struggle to implement new gear changes, and are squeezed into ever smaller fishing areas.

Everyday, I hear from fishermen who struggle to support their families because they have been deprived of their right to make an honest living on the seas. The "working waterfronts" of our communities are in danger of disappearing, likely to be replaced by tourism and development. Once the culture of fishing is lost, it will be all but impossible to replace.

On September 11, 2002, the National Marine Fisheries Service announced that the trawler gear used on the NOAA research vessel *Albatross IV* had been calibrated incorrectly, casting suspicion over the data it had collected since February of 2000. The miscalibrated gear had been used to conduct the last eight stock abundance surveys, which measure long-term increases and decreases in stock populations.

Data gathered by these surveys are the basis for regulations in fisheries management plans governing the rebuilding of overfished stocks. These regulations take the form of "amendments" to the New England's overall groundfish management plan, covering a complex of thirteen groundfish species. Amendment 13, the next set of regulations, is supposed to be ready for implementation by August 22, 2003.

Although the National Marine Fisheries Service has conducted an observation cruise and a performance review workshop with industry to examine the extent of the damage in the survey, the agency has concluded that additional research is required to determine the full extent of the damage caused by the flawed gear. The Service has pledged to conduct a "short-term experiment" to determine the extent of the damage to the survey. This short-term experiment will rely on video and sensor equipment to gather data, and a subsequent workshop to examine the data and produce a report that can be used in updating groundfish assessments.

It is unlikely that this experiment will provide the quality of data necessary to develop Amendment 13 by its court-ordered deadline. The type of data necessary to develop fisheries management plans can be produced only after years of research that demonstrate long-term stock trends. Theoretical modeling of past data of questionable quality is simply not good enough to develop the regulations of a plan that will affect the survival of our fishermen.

When fishermen's livelihoods depend on the quality of survey data, we owe it to them to get the data collection right. There is no room for second-rate science and faulty data.

My bill addresses these problems by preventing Amendment 13 from being implemented for two years, enough time to allow the Northeast Fishery Science Center and the National Marine Fishery Center to determine the reliability of the data collected by the *Albatross IV* and to collect accurate data on which to base future amendments.

I will not stand idly by and let New England's fishing community die without a fight. I pledge to work with my colleagues in the Senate to work to pass this legislation. If we cannot pass it as a rider to another bill during this session, then I plan to reintroduce it and fight for its passage when we reconvene next year.

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE RESOLUTION 338—DESIGNATING THE MONTH OF OCTOBER, 2002, AS "CHILDREN'S INTERNET SAFETY MONTH"

Mr. MCCAIN (for himself, Mr. HOLLINGS, Mr. BREAUX, Mrs. HUTCHISON, Mr. ALLEN, Mr. CLELAND, Mr. BROWNBACK, Mr. CRAIG, Mrs. CLINTON, Ms. CANTWELL, Mr. DURBIN, Mr. EDWARDS, Mr. DODD, Mr. KERRY, Mr. BUNNING, Mr. HATCH, Mr. BENNETT, Mr. HUTCHINSON, and Ms. SNOWE) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 338

Whereas the Internet is one of the most effective tools available for purposes of education and research and gives children the means to make friends and freely communicate with peers and family anywhere in the world;

Whereas the new era of instant communication holds great promise for achieving better understanding of the world and providing the opportunity for creative inquiry;

Whereas it is vital to the well-being of children that the Internet offer an open and responsible environment to explore;

Whereas access to objectionable material, such as violent, obscene, or sexually explicit adult material may be received by a minor in unsolicited form;

Whereas there is a growing concern in all levels of society to protect children from objectionable material; and

Whereas the Internet is a positive educational tool and should be seen in such a manner rather than as a vehicle for entities to make objectionable materials available to children: Now, therefore, be it

Resolved, That the Senate

(1) designates October, 2002, as "Children's Internet Safety Month" and supports its official status on the Nation's promotional calendar; and

(2) supports parents and guardians in promoting the creative development of children by encouraging the use of the Internet in a safe, positive manner.

SENATE RESOLUTION 339—DESIGNATING NOVEMBER 2002, AS "NATIONAL RUNAWAY PREVENTION MONTH"

Mrs. MURRAY (for herself and Ms. COLLINS) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 339

Whereas the prevalence of runaway and homeless youth in our Nation is staggering, with studies suggesting that between 1,300,000 and 2,800,000 young people live on the streets of the United States each year;

Whereas running away from home is widespread, with 1 out of every 7 children in the United States running away before the age of 18;

Whereas youth that end up on the streets are often those who have been "thrown out" of their homes by their families, who have been physically, sexually, and emotionally abused at home, who have been discharged by State custodial systems without adequate transition plans, who have lost their parents through death or divorce, and who are too poor to secure their own basic needs;

Whereas effective programs supporting runaway youth and assisting young people in remaining at home with their families succeed because of partnerships created among families, community-based human service agencies, law enforcement agencies, schools, faith-based organizations, and businesses;

Whereas preventing young people from running away and supporting youth in high-risk situations is a family, community, and national responsibility;

Whereas the future well-being of the Nation is dependent on the value placed on young people and the opportunities provided for youth to acquire the knowledge, skills, and abilities necessary to develop into safe, healthy, and productive adults;

Whereas the National Network for Youth and its members advocate on behalf of runaway and homeless youth and provide an array of community-based support services that address the critical needs of such youth;

Whereas the National Runaway Switchboard provides crisis intervention and referrals to reconnect runaway youth to their families and to link young people to local resources that provide positive alternatives to running away; and

Whereas the National Network for Youth and National Runaway Switchboard are cosponsoring National Runaway Prevention Month to increase public awareness of the life circumstances of youth in high-risk situations and the need for safe, healthy, and productive alternatives, resources, and supports for youth, families, and communities: Now, therefore, be it

Resolved, That the Senate designates November 2002, as "National Runaway Prevention Month".

Mrs. MURRAY. Mr. President, I am pleased to be joined by my colleague from Maine, Senator COLLINS, in submitting this Senate resolution designating November as "National Runaway Prevention Month."

A recent study by the Federal Office of Juvenile Justice and Delinquency Prevention estimates that nearly 1.7 million American youth run away or are turned out of their homes in a single year. Many of these children end up living on the streets where they become victims of illness, hunger, drug use, and crime. Any parent knows how important their support is to helping children get a good start in life.

Unfortunately, too many young people find themselves in desperate straits. Imagine a young girl, perhaps 15 or 16 years old, finding herself with no place to sleep. Or realizing that she is hungry but has no money left for food or for bus fare to get to a soup kitchen. Imagine her fear when the nights turn very cold and the clothes on her back are not enough to keep her warm. As a country, we would not, could not and must not ignore this young girl. I bring this resolution to the floor today to raise awareness of the tragedy of runaway youth, to express my appreciation for those who work to prevent runaways and help street children, and to remind my colleagues of the difference our funding decisions make in people's lives.

Many street youth are running from families beleaguered by physical abuse, neglect, parental substance abuse, poverty or serious family conflict. Unlike many homeless adults, who often suffer from mental illness or substance abuse problems, most of these young people are leaving their homes as a reaction to intolerable circumstances. But while the conditions that drive these young people out of their homes may be intolerable, they are almost always preventable or treatable.

As with many problems our society faces, the best way for us to prevent runaway and "thrownaway" children from taking to the streets is for our communities to work together. Communities can and must intervene to strengthen families and help youth in high-risk situations. The needs of these families are as diverse as our nation, but the solutions are often as simple as high-quality intervention services from a government, community or faith-based organization. Local organizations offering services to victims of domestic violence, counseling and anger management courses, substance abuse treatment and other social services could make the difference in whether or not a child runs away.

I would like to take a moment to recognize and thank the social workers, counselors, caseworkers, teachers, and volunteers who devote their lives to preventing runaways. The services they offer vary widely, but their intervention may keep a family together and a young person in a healthy home. I would also like to thank the thousands of workers and volunteers who work with runaway youth. It is not always easy to work with young people who may be angry, alienated or addicted to drugs, but the people who go into the streets to find and help these children are capable, committed and caring. They are often the only thing standing between a young person and self-destruction. They help street children find shelter and food, get an education and recover from substance abuse where necessary. They also help them reunite with their families when appropriate, or find a safe alternative. They are truly guardian angels.

Finally, I want to remind my colleagues that many of the local services that can help a struggling family become a healthy home are federally funded. We often see these services as abstract line-items in an appropriations bill: Temporary Assistance to Needy Families, Child Abuse Prevention and Treatment State Grants, and Social Services Block Grants. We must remember that these are not just line-items, they are lifelines to youth who need our help. Given the enormous deficits most States are facing, many of these services are losing critical state resources. As we ensure resources are available for the war against terrorism, we must not abandon our vulnerable young people in their own fight for survival.

The recent White House Conference on Missing, Exploited, and Runaway Children helped to remind us of the fate of thousands of these children. Declaring November to be "National Runaway Prevention Month" would build on that reminder. Across our country, communities will undertake activities during November to increase public awareness of the circumstances facing many youth and the need for safe, healthy, and productive alternatives and resources for these children and their families. This resolution puts the United States Senate on record in support of National Runaway Prevention Month and its effort to promote family-based and community-based interventions that prevent young people from running away from home. I urge my colleagues to support our Nation's vulnerable youth by co-sponsoring this resolution and making an effort through their actions or their words to raise awareness of the tragedy of runaway youth.

SENATE CONCURRENT RESOLUTION 152—DESIGNATING AUGUST 7, 2003, AS "NATIONAL PURPLE HEART RECOGNITION DAY"

Mrs. CLINTON (for herself and Mr. HAGEL) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 152

Whereas the Order of the Purple Heart for Military Merit, commonly known as the Purple Heart, is the oldest military decoration in the world in present use;

Whereas the Purple Heart is awarded in the name of the President of the United States to members of the Armed Forces who are wounded in conflict with an enemy force or while held by an enemy force as a prisoner of war, and posthumously to the next of kin of members of the Armed Forces who are killed in conflict with an enemy force or who die of a wound received in conflict with an enemy force;

Whereas the Purple Heart was established on August 7, 1782, during the Revolutionary War, when General George Washington issued an order establishing the Honorary Badge of Distinction, otherwise known as the Badge of Military Merit or the Decoration of the Purple Heart;

Whereas the award of the Purple Heart ceased with the end of the Revolutionary war, but was revived out of respect for the memory and military achievements of George Washington in 1932, the 200th anniversary of his birth; and

Whereas the designation of August 7, 2003, as "National Purple Heart Recognition Day" is a fitting tribute to General Washington and to the over 1,535,000 recipients of the Purple Heart Medal, approximately 550,000 of whom are still living: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) designates August 7, 2003, as "National Purple Heart Recognition Day";

(2) encourages all Americans to learn about the history of the Order of the Purple Heart for Military Merit and to honor its recipients; and

(3) requests that the President issue a proclamation calling on the people of the United States to conduct appropriate ceremonies, activities, and programs to demonstrate support for the Order of the Purple Heart for Military Merit.

AMENDMENTS SUBMITTED & PROPOSED

SA 4871. Mr. SPECTER submitted an amendment intended to be proposed by him to the joint resolution S.J. Res. 45, to authorize the use of United States Armed Forces against Iraq; which was ordered to lie on the table.

SA 4872. Mr. SPECTER submitted an amendment intended to be proposed by him to the joint resolution S.J. Res. 45, supra; which was ordered to lie on the table.

SA 4873. Mr. SPECTER submitted an amendment intended to be proposed by him to the joint resolution S.J. Res. 45, supra; which was ordered to lie on the table.

SA 4874. Mr. SPECTER submitted an amendment intended to be proposed by him to the joint resolution S.J. Res. 45, supra; which was ordered to lie on the table.

SA 4875. Mr. SPECTER submitted an amendment intended to be proposed by him to the joint resolution S.J. Res. 45, supra; which was ordered to lie on the table.

SA 4876. Mr. SPECTER submitted an amendment intended to be proposed by him to the joint resolution S.J. Res. 45, supra; which was ordered to lie on the table.

SA 4877. Mr. SPECTER submitted an amendment intended to be proposed by him to the joint resolution S.J. Res. 45, supra; which was ordered to lie on the table.

SA 4878. Mr. REID (for Mr. KERRY) proposed an amendment to the bill H.R. 3389, to reauthorize the National Sea Grant College Program Act, and for other purposes.

TEXT OF AMENDMENTS

SA 4871. Mr. SPECTER submitted an amendment intended to be proposed by him to the joint resolution S.J. Res. 45, to authorize the use of United States Armed Forces against Iraq; which was ordered to lie on the table; as follows:

Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Authorization for the Use of Force Against Iraq Resolution of 2002."

SEC. 2.

The Senate finds that under United Nations Security Council Resolution 687 (1991), which effected a formal cease-fire following the Persian Gulf War, Iraq agreed to destroy or dismantle, under international supervision, its nuclear, chemical, and biological weapons programs (hereinafter in this joint resolution referred to as Iraq's "weapons of mass destruction program"), as well as its program to develop or acquire ballistic missiles with a range greater than 150 kilometers (hereafter in this joint resolution referred to as Iraq's "prohibited ballistic missile program"), and undertook unconditionally not to develop any such weapons thereafter.

On numerous occasions since 1991, the United Nations Security Council has reaffirmed Resolution 687, most recently in Resolution 1284, which established a new weapons inspection regime to ensure Iraqi compliance with its obligations under Resolution 687;

On numerous occasions since 1991, the United States and the United Nations Security Council have condemned Iraq's failure to fulfill its obligations under Resolution 687 to destroy or dismantle its weapons of mass destruction program and its prohibited ballistic missile program;

Iraq under Saddam Hussein used chemical weapons in its war with Iran in t8he 1980s and against Kurdish population in northern Iraq in 1988;

Since 1990, the United States has considered Iraq to be a state sponsor of terrorism;

Iraq's failure to comply with its international obligations to destroy or dismantle its weapons of mass destruction program and its prohibited ballistic missile program, its record of using weapons of mass destruction, its record of using force against neighboring states, and its support for international terrorism require a strong diplomatic, and if necessary, military response by the international community, led by the United States.

SEC. 3. AUTHORIZATION FOR THE USE OF UNITED STATES ARMED FORCES.

(a) AUTHORIZATION FOR THE USE OF FORCE.—The President, subject to subsection (b), is authorized to use United States Armed Forces—

(1) to enforce United Nations Security Council Resolution 687, and other resolutions approved by the Council which govern Iraqi compliance with Resolution 687, in order to secure the dismantlement or destruction of Iraq's weapons of mass destruction program and its prohibited ballistic missile program; or

(2) in the exercise of individual or collective self-defense, to defend the United States or allied nations against a grave threat posed by Iraq's weapons of mass destruction program and its prohibited ballistic missile program.

(b) REQUIREMENT FOR DETERMINATION THAT USE OF FORCE IS NECESSARY.—Before exercising the authority granted by subsection (a), the President shall make available to the Speaker of the House of Representatives and the President pro tempore of the Senate his determination that—

(1) the United States has attempted to seek, through the United Nations Security Council, adoption of a resolution after September 12, 2002 under Chapter VII of the United Nations Charter authorizing the action described in subsection (a)(1), and such resolution has been adopted; or

(2) that the threat to the United States or allied nations posed by Iraq's weapons of mass destruction program and prohibited ballistic missile program is grave that the use of force is necessary pursuant to subsection (a)(2), notwithstanding the failure of the Security Council to approve a resolution described in paragraph (1).

SEC. 3. CONSULTATION AND REPORTS.

(a) CONSULTATION.—The President shall keep Congress fully and currently informed on matters relevant to this joint resolution.

(b) INITIAL REPORT.—

(1) As soon as practicable, but not later than 30 days after exercising the authority under subsection 2(a), the President shall submit to Congress a report setting forth information—

(A) about the degree to which other nations will assist the United States in the use of force in Iraq;

(B) regarding measures the United States is taking, or preparing to take, to protect key allies in the region from armed attack by Iraq; and

(c) on planning to establish a secure environment in the immediate aftermatch of the use of force (including estimated expenditures by the United States and allied nations), and, if necessary, prepare for the political and economic reconstruction of Iraq following the use of force.

(2) CLASSIFICATION OF REPORT.—The reported required by paragraph (1) may be submitted in classified form.

(c) SUBSEQUENT REPORTS.—Following transmittal of the report required by subsection (b), the President shall submit a report to Congress every 60 days thereafter on the status of United States diplomatic, military and reconstruction operations with respect to Iraq.

SEC. 4. WAR POWERS RESOLUTION REQUIREMENTS.

(a) SPECIFIC STATUTORY AUTHORIZATION.—Consistent with section 8(a)(1) of the War Powers Resolution, the Congress declares that section 2 is intended to constitute specific statutory authorization within the meaning of section 5(b) of the War Powers Resolution.

(b) APPLICABILITY OF OTHER REQUIREMENTS.—Nothing in this resolution supersedes any requirement of the War Powers Resolution.

SA 4872. Mr. SPECTER submitted an amendment intended to be proposed by him to the joint resolution S.J. Res. 45, to authorize the use of United States Armed Forces against Iraq; which was ordered to lie on the table; as follows:

Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Authorization for Use of Force Against Iraq Resolution of 2002."

SEC. 2.

The Senate finds that—Under United Nations Security Council Resolution 687 (1991), which effected a formal cease-fire following the Persian Gulf War, Iraq agreed to destroy or dismantle, under international supervision, its nuclear, chemical, and biological weapons programs (hereafter in this joint resolution referred to as Iraq's "weapons of mass destruction program"), as well as its program to develop or acquire ballistic missiles with a range greater than 150 kilometers (hereafter in this joint resolution referred to as Iraq's "prohibited ballistic missile program"), and undertook unconditionally not to develop any such weapons thereafter.

On numerous occasions since 1991, the United Nations Security Council has reaffirmed Resolution 687, most recently in Resolution 1284, which established a new weapons inspection regime to ensure Iraqi compliance with its obligations under Resolution 687;

On numerous occasions since 1991, the United States and the United Nations Security Council have condemned Iraq's failure to fulfill its obligations under Resolution 687 to destroy or dismantle its weapons of mass destruction program and its prohibited ballistic missile program;

Iraq under Saddam Hussein used chemical weapons in its war with Iran in the 1980s and against the Kurdish population in northern Iraq in 1988;

Since 1990, the United States has considered Iraq to be a state sponsor of terrorism;

Iraq's failure to comply with its international obligations to destroy or dismantle its weapons of mass destruction program and its prohibited ballistic missile program, its record of using weapons of mass destruction, its record of using force against neighboring states, and its support for international terrorism require a strong diplomatic, and if necessary, military response by the international community, led by the United States.

SEC. 2. AUTHORIZATION FOR THE USE OF UNITED STATES ARMED FORCES.

(a) AUTHORIZATION FOR THE USE OF FORCE.—The President, subject to subsection (b), is authorized to use United States Armed Forces

(1) to enforce United Nations Security Council Resolution 687, and other resolutions approved by the Council which govern Iraqi compliance with Resolution 687, in order to secure the dismantlement or destruction of Iraq's weapons of mass destruction program and its prohibited ballistic missile program; or

(2) in the exercise of individual or collective self-defense, to defend the United States or allied nations against a grave threat posed by Iraq's weapons of mass destruction program and its prohibited ballistic missile program.

(b) REQUIREMENT FOR DETERMINATION THAT USE OF FORCE IS NECESSARY.—Before exercising the authority granted by subsection (a),the President shall make available to the Speaker of the House of Representatives and the President pro tempore of the Senate his determination that—

(1) the United States has attempted to seek, through the United Nations Security Council, adoption of a resolution after September 12, 2002 under Chapter VII of the United Nations Charter authorizing the action described in subsection (a)(1), and such resolution has been adopted; or

(2) that the threat of the United States or allied nations posed by Iraq's weapons of mass destruction program and prohibited ballistic missile program is so grave that the use of force is necessary pursuant to subsection (a)(2), notwithstanding the failure of the Security Council to approve a resolution described in paragraph (1).

SEC. 3. CONSULTATION AND REPORTS.

(a) CONSULTATION.—The President shall keep Congress fully and currently informed on matters relevant to this joint resolution.

(b) INITIAL REPORT.—

(1) As soon as practicable, but not later than 30 days after exercising the authority under subsection 2(a), the President shall submit to Congress a report setting forth information—

(A) about the degree to which other nations will assist the United States in the use of force in Iraq;

(B) regarding measures the United States is taking, or preparing to take, to protect key allies in the region from armed attack by Iraq; and

(C) on planning to establish a secure environment in the immediate aftermath of the use of force (including estimated expenditures by the United States and allied nations), and, if necessary, prepare for the political and economic reconstruction of Iraq following the use of force.

(2) CLASSIFICATION OF REPORT.—The report required by paragraph (1) may be submitted in classified form.

(c) SUBSEQUENT REPORTS.—Following transmittal of the report required by subsection (b), the President shall submit a report to Congress every 60 days thereafter on the status of United States diplomatic, military and reconstruction operations with respect to Iraq.

SEC. 4. WAR POWERS RESOLUTION REQUIREMENTS.

(a) SPECIFIC STATUTORY AUTHORIZATION.—Consistent with section 8(a)(1) of the War Powers Resolution, the Congress declares that section 2 is intended to constitute specific statutory authorization within the meaning of section 5(b) of the War Powers Resolution.

(b) APPLICABILITY OF OTHER REQUIREMENTS.—Nothing in this resolution supersedes any requirement of the War Powers Resolution.

SA 4873. Mr. SPECTER submitted an amendment intended to be proposed by him to the joint resolution S.J. Res. 45, to authorize the use of United States Armed Forces against Iraq; which was ordered to lie on the table; as follows:

Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Authorization for the Use of Force Against Iraq Resolution of 2002."

SEC. 2.

The Senate finds that under United Nations Security Council Resolution 687 (1991), which effected a formal cease-fire following the Persian Gulf War, Iraq agreed to destroy or dismantle, under international supervision, its nuclear, chemical, and biological weapons programs (hereafter in this joint resolution referred to as Iraq's "weapons of mass destruction program"), as well as its program to develop or acquire ballistic missiles with a range greater than 150 kilometers (hereafter in this joint resolution referred to as Iraq's "prohibited ballistic missile program"), and undertook unconditionally not to develop any such weapons thereafter.

On numerous occasions since 1991, the United Nations Security Council has reaffirmed Resolution 687, most recently in Resolution 1284, which established a new weapons inspection regime to ensure Iraqi compliance with its obligations under Resolution 687;

On numerous occasions since 1991, the United States and the United Nations Security Council have condemned Iraq's failure to fulfill its obligations under Resolution 687 to destroy or dismantle its weapons of mass destruction program and its prohibited ballistic missile program;

Iraq under Saddam Hussein used chemical weapons in its war with Iran in the 1980s and against the Kurdish population in northern Iraq in 1988;

Since 1990, the United States has considered Iraq to be a state sponsor of terrorism;

Iraq's failure to comply with its international obligations to destroy or dismantle its weapons of mass destruction program and its prohibited ballistic missile program, its record of using weapons of mass destruction, its record of using force against neighboring states, and its support for international terrorism require a strong diplomatic, and if necessary, military response by the international community, led by the United States.

SEC. 3. AUTHORIZATION FOR THE USE OF UNITED STATES ARMED FORCES.

(a) AUTHORIZATION FOR THE USE OF FORCE.—The President, subject to subsection (b), is authorized to use United States Armed Forces—

(1) to enforce United Nations Security Council Resolution 687, and other resolutions approved by the Council which govern Iraqi compliance with Resolution 687, in order to secure the dismantlement or destruction of Iraq's weapons of mass destruction program and its prohibited ballistic missile program; or

(2) in the exercise of individual or collective self-defense, to defend the United States or allied nations against a grave threat posed by Iraq's weapons of mass destruction program and its prohibited ballistic missile program.

(b) REQUIREMENT FOR DETERMINATION THAT USE OF FORCE IS NECESSARY.—Before exercising the authority granted by subsection (a), the President shall make available to the Speaker of the House of Representatives and the President pro tempore of the Senate his determination that—

(1) the United States has attempted to seek, through the United Nations Security Council, adoption of a resolution after September 12, 2002 under Chapter VII of the United Nations Charter authorizing the action described in subsection (a)(1), and such resolution has been adopted; or

(2) that the threat to the United States or allied nations posed by Iraq's weapons of mass destruction program and prohibited ballistic missile program is so grave that the use of force is necessary pursuant to subsection (a)(2), notwithstanding the failure of the Security Council to approve a resolution described in paragraph (1).

SEC. 3. CONSULTATION AND REPORTS

(a) CONSULTATION.—The President shall keep Congress fully and currently informed on matters relevant to this joint resolution.

(b) INITIAL REPORT.—

(1) As soon as practicable, but not later than 30 days after exercising the authority under subsection 2(a), the President shall submit to Congress a report setting forth information—

(A) about the degree to which other nations will assist the United States in the use of force in Iraq;

(B) regarding measures the United States is taking, or preparing to take, to protect key allies in the region from armed attack by Iraq; and

(C) on planning to establish a secure environment in the immediate aftermath of the use of force (including estimated expenditures by the United States and allied nations), and, if necessary, prepare for the political and economic reconstruction of Iraq following the use of force.

(2) CLASSIFICATION OF REPORT.—The report required by paragraph (1) may be submitted in classified form.

(c) SUBSEQUENT REPORTS.—Following transmittal of the report required by subsection (b), the President shall submit a report to Congress every 60 days thereafter on the status of United States diplomatic, military and reconstruction operations with respect to Iraq.

SEC. 4. WAR POWERS RESOLUTION REQUIREMENTS

(a) SPECIFIC STATUTORY AUTHORIZATION.—Consistent with section 8(a)(1) of the War Powers Resolution, the Congress declares that section 2 is intended to constitute specific statutory authorization within the meaning of section 5(b) of the War Powers Resolution.

(b) APPLICABILITY OF OTHER REQUIREMENTS.—Nothing in this resolution supersedes any requirement of the War Powers Resolution.

SA 4874. Mr. SPECTER submitted an amendment intended to be proposed by him to the joint resolution S.J. Res. 45, to authorize the use of United States Armed Forces against Iraq; which was ordered to lie on the table; as follows:

Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Authorization for the Use of Force Against Iraq Resolution of 2002."

SEC. 2.

The Senate finds that under United Nations Security Council Resolution 687 (1991), which effected a formal cease-fire following the Persian Gulf War, Iraq agreed to destroy or dismantle, under international supervision, its nuclear, chemical, and biological weapons programs (hereafter in this joint resolution referred to as Iraq's "weapons of mass destruction program"), as well as its program to develop or acquire ballistic missiles with a range greater than 150 kilometers (hereafter in this joint resolution referred to as Iraq's "prohibited ballistic missile program"), and undertook unconditionally not to develop any such weapons thereafter.

On numerous occasions since 1991, the United Nations Security Council has reaffirmed Resolution 687, most recently in Resolution 1284, which established a new weapons inspection regime to ensure Iraqi compliance with its obligations under Resolution 687;

On numerous occasions since 1991, the United States and the United Nations Security Council have condemned Iraq's failure to fulfill its obligations under Resolution 687 to destroy or dismantle its weapons of mass destruction program and its prohibited ballistic missile program;

Iraq under Saddam Hussein used chemical weapons in its war with Iran in the 1980s and against the Kurdish population in northern Iraq in 1988;

Since 1990, the United States has considered Iraq to be a state sponsor of terrorism.

Iraq's failure to comply with its international obligations to destroy or dismantle its weapons of mass destruction program and its prohibited ballistic missile program, its record of using weapons of mass destruction, its record of using force against neighboring states, and its support for international terrorism require a strong diplomatic, and if necessary, military response by the international community, led by the United States.

SEC. 2. AUTHORIZATION FOR THE USE OF UNITED STATES ARMED FORCES.

(a) AUTHORIZATION FOR THE USE OF FORCE.—The President, subject to subsection (b), is authorized to use United States Armed Forces—

(1) to enforce United Nations Security Council Resolution 687, and other resolutions approved by the Council which govern Iraqi compliance with Resolution 687, in order to secure the dismantlement or destruction of Iraq's weapons of mass destruction program and its prohibited ballistic missile program; or

(2) in the exercise of individual or collective self-defense, to defend the United States or allied nations against a grave threat posed by Iraq's weapons of mass destruction program and its prohibited ballistic missile program.

(b) REQUIREMENT FOR DETERMINATION THAT USE OF FORCE IS NECESSARY.—Before exercising the authority granted by subsection (a), the President shall make available to the Speaker of the House of Representatives and the President pro tempore of the Senate his determination that—

(1) the United States has attempted to seek, through the United Nations Security Council, adoption of a resolution after September 12, 2002 under Chapter VII of the United Nations Charter authorizing the action described in subsection (a)(1), and such resolution has been adopted; or

(2) That the threat to the United States or allied nations posed by Iraq's weapons of mass destruction program and prohibited ballistic missile program is so grave that the use of force is necessary pursuant to subsection (a)(2), notwithstanding the failure of the Security Council to approve a resolution described in paragraph (1).

SEC. 3. CONSULTATION AND REPORTS.

(a) CONSULTATION.—The President shall keep Congress fully and currently informed on matters relevant to this joint resolution.

(b) INITIAL REPORT.—

(1) As soon as practicable, but not later than 30 days after exercising the authority under subsection 2(a), the President shall submit to Congress a report setting forth information—

(A) about the degree to which other nations will assist the United States in the use of force in Iraq;

(B) regarding measures the United States is taking, or preparing to take, to protect key allies in the region from armed attack by Iraq; and

(C) on planning to establish a secure environment in the immediate aftermath of the use of force (including estimated expenditures by the United States and allied nations), and, if necessary, prepare for the political and economic reconstruction of Iraq following the use of force.

(2) CLASSIFICATION OF REPORT.—The report required by paragraph (1) may be submitted in classified form.

(c) SUBSEQUENT REPORTS.—Following transmittal of the report required by subsection (b), the President shall submit a report to Congress every 60 days thereafter on the status of United States diplomatic, military and reconstruction operations with respect to Iraq.

SEC. 4. WAR POWERS RESOLUTION REQUIREMENTS.

(a) SPECIFIC STATUTORY AUTHORIZATION.—Consistent with section 8(a)(1) of the War Powers Resolution, the Congress declares that section 2 is intended to constitute specific statutory authorization within the meaning of section 5(b) of the War Powers Resolution.

(b) APPLICABILITY OF OTHER REQUIREMENTS.—Nothing in this resolution supersedes any requirement of the War Powers Resolution.

SA 4875. Mr. SPECTER submitted an amendment intended to be proposed by him to the joint resolution S.J. Res. 45, to authorize the use of United States Armed Forces against Iraq; which was ordered to lie on the table; as follows:

SECTION. 1. SHORT TITLE.

This Act may be cited as the "Authorization for the Use of Force Against Iraq Resolution of 2002."

Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled,

SEC. 2.

The Senate finds that under United Nations Security Council Resolution 687 (1991), which effected a formal cease-fire following the Persian Gulf War, Iraq agreed to destroy or dismantle, under international supervision, its nuclear, chemical, and biological weapons programs (hereafter in this joint resolution referred to as Iraq's "weapons of mass destruction program"), as well as its program to develop or acquire ballistic missiles with a range greater than 150 kilometers (hereafter in this joint resolution referred to as Iraq's "prohibited ballistic missile program"), and undertook unconditionally not to develop any such weapons thereafter.

On numerous occasions since 1991, the United Nations Security Council has reaffirmed Resolution 687, most recently in Resolution 1284, which established a new weapons inspection regime to ensure Iraqi compliance with its obligations under Resolution 687;

On numerous occasions since 1991, the United States and the United Nations Security Council have condemned Iraq's failure to fulfill its obligations under Resolution 687 to destroy or dismantle its weapons of mass destruction program and its prohibited ballistic missile program;

Iraq under Saddam Hussein used chemical weapons in its war with Iran in the 1980s and against the Kurdish population in northern Iraq in 1988;

Since 1990, the United States has considered Iraq to be a state sponsor of terrorism;

Iraq's failure to comply with its international obligations to destroy or dismantle its weapons of mass destruction program and its prohibited ballistic missile program, its record of using weapons of mass destruction, its record of using force against neighboring states, and its support for international terrorism, require a strong diplomatic, and if necessary, military response by the international community, led by the United States.

SEC. 3. AUTHORIZATION FOR THE USE OF UNITED STATES ARMED FORCES.

(a) AUTHORIZATION FOR THE USE OF FORCE.—The President, subject to subsection (b), is authorized to use United States Armed Forces—

(1) to enforce United Nations Security Council Resolution 687, and other resolutions approved by the Council which govern Iraqi compliance with Resolution 687, in order to secure the dismantlement or destruction of Iraq's weapons of mass destruction program and its prohibited ballistic missile program; or

(2) in the exercise of individual or collective self-defense, to defend the United States or allied nations against a grave threat posed by Iraq's weapons of mass destruction program and its prohibited ballistic missile program.

(b) REQUIREMENT FOR DETERMINATION THAT USE OF FORCE IS NECESSARY.—Before exercising the authority granted by subsection (a), the President shall make available to the Speaker of the House of Representatives and the President pro tempore of the Senate his determination that—

(1) the United States has attempted to seek, through the United Nations Security Council, adoption of a resolution after September 12, 2002 under Chapter VII of the United Nations Charter authorizing the action described in subsection (a)(1), and such resolution has been adopted; or

(2) that the threat to the United States or allied nations posed by Iraq's weapons of mass destruction program and prohibited ballistic missile program is so grave that the use of force is necessary pursuant to subsection (a)(2), notwithstanding the failure of

the Security Council to approve a resolution described in paragraph (1).

SEC. 3. CONSULTATION AND REPORTS.

(a) CONSULTATION.—The President shall keep Congress fully and currently informed on matters relevant to this joint resolution.

(b) INITIAL REPORT.—

(1) As soon as practicable, but not later than 30 days after exercising the authority under subsection 2(a), the President shall submit to Congress a report setting forth information—

(A) about the degree to which other nations will assist the United States in the use of force in Iraq;

(B) regarding measures the United States is taking, or preparing to take, to protect key allies in the region from armed attack by Iraq; and

(C) on planning to establish a secure environment in the immediate aftermath of the use of force (including estimated expenditures by the United States and allied nations), and, if necessary, prepare for the political and economic reconstruction of Iraq following the use of force.

(2) CLASSIFICATION OF REPORT.—The report required by paragraph (1) may be submitted in classified form.

(c) SUBSEQUENT REPORTS.—Following transmittal of the report by subsection (b), the President shall submit a report to Congress every 60 days thereafter on the status of United States diplomatic, military and reconstruction operations with respect to Iraq.

SEC. 4. WAR POWERS RESOLUTION REQUIREMENTS.

(a) SPECIFIC STATUTORY AUTHORIZATION.—Consistent with section 8(a)(1) of the War Powers Resolution, the Congress declares that section 2 is intended to constitute specific statutory authorization within the meaning of section 5(b) of the War Powers Resolution.

(b) APPLICABILITY OF OTHER REQUIREMENTS.—Nothing in this resolution supersedes any requirement of the War Powers Resolution.

SA 4876. Mr. SPECTER submitted an amendment intended to be proposed by him to the joint resolution S.J. Res. 45, to authorize the use of United States Armed Forces against Iraq; which was ordered to lie on the table; as follows:

Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Authorization for the Use of Force Against Iraq Resolution of 2002."

SEC. 2.

The Senate finds that under United Nations Security Council Resolution 687 (1991), which effected a formal cease-fire following the Persian Gulf War, Iraq agreed to destroy or dismantle, under international supervision, its nuclear, chemical, and biological weapons programs (hereafter in this joint resolution referred to as Iraq's "weapons of mass destruction program"), as well as its program to develop or acquire ballistic missiles with a range greater than 150 kilometers (hereafter in this joint resolution referred to as Iraq's "prohibited ballistic missile program"), and undertook unconditionally not to develop any such weapons thereafter.

On numerous occasions since 1991, the United Nations Security Council has reaffirmed Resolution 687, most recently in Resolution 1284, which established a new weapons inspection regime to ensure Iraqi compliance with its obligations under Resolution 687;

On numerous occasions since 1991, the United States and the United Nations Security Council have condemned Iraq's failure to fulfill its obligations under Resolution 687 to destroy or dismantle its weapons of mass destruction program and its prohibited ballistic missile program;

Iraq under Saddam Hussein used chemical weapons in its war with Iran in the 1980s and against the Kurdish population in northern Iraq in 1988;

Since 1990, the United States has considered Iraq to be a state sponsor of terrorism;

Iraq's failure to comply with its international obligations to destroy or dismantle its weapons of mass destruction program and its prohibited ballistic missile program, its record of using weapons of mass destruction, its record of using force against neighboring states, and its support for international terrorism require a strong diplomatic, and if necessary, military response by the international community, led by the United States.

SECTION 3. AUTHORIZATION FOR THE USE OF UNITED STATES ARMED FORCES.

(a) AUTHORIZATION FOR THE USE OF FORCE.—The President, subject to subsection (b), is authorized to use United States Armed Forces—

(1) to enforce United Nations Security Council Resolution 687, and other resolutions approved by the Council which govern Iraqi compliance with Resolution 687, in order to secure the dismantlement or destruction of Iraq's weapons of mass destruction program and its prohibited ballistic missile program; or

(2) in the exercise of individual or collective self-defense, to defend the United States or allied nations against a grave threat posed by Iraq's weapons of mass destruction program and its prohibited ballistic missile program.

(b) REQUIREMENT FOR DETERMINATION THAT USE OF FORCE IS NECESSARY.—Before exercising the authority granted by subsection (a), the President shall make available to the Speaker of the House of Representatives and the President pro tempore of the Senate his determination that—

(1) the United States has attempted to seek, through the United Nations Security Council, adoption of a resolution after September 12, 2002 under Chapter VII of the United Nations Charter authorizing the action described in subsection (a)(1), and such resolution has been adopted; or

(2) that the threat to the United States or allied nations posed by Iraq's weapons of mass destruction program and prohibited ballistic missile program is so grave that the use of force is necessary pursuant to subsection (a)(2), notwithstanding the failure of the Security Council to approve a resolution described in paragraph (1).

SEC. 3. CONSULTATION AND REPORTS.

(a) CONSULTATION.—The President shall keep Congress fully and currently informed on matters relevant to this joint resolution.

(b) INITIAL REPORT.—

(1) As soon as practicable, but no later than 30 days after exercising the authority under subsection 2(a), the President shall submit to Congress a report setting forth information—

(A) about the degree to which other nations will assist the United States in the use of force in Iraq;

(B) regarding measures the United States is taking, or preparing to take, to protect key allies in the region from armed attack by Iraq; and

(C) on planning to establish a secure environment in the immediate aftermath of the use of force (including estimated expenditures by the United States and allied nations), and, if necessary, prepare for the political and economic reconstruction of Iraq following the use of force.

(2) CLASSIFICATION OF REPORT.—The report required by paragraph (1) may be submitted in classified form.

(c) SUBSEQUENT REPORTS.—Following transmittal of the report required by subsection (b), the President shall submit a report to Congress every 60 days thereafter on the status of United States diplomatic, military and reconstruction operations with respect to Iraq.

SEC. 4. WAR POWERS RESOLUTION REQUIREMENTS.

(a) SPECIFIC STATUTORY AUTHORIZATION.—Consistent with section 8(a)(1) of the War Powers Resolution, the Congress declares that section 2 is intended to constitute specific statutory authorization within the meaning of section 5(b) of the War Powers Resolution.

(b) APPLICABILITY OF OTHER REQUIREMENTS.—Nothing in this resolution supersedes any requirement of the War Powers Resolution.

SA 4877. Mr. SPECTER submitted an amendment intended to be proposed by him to the joint resolution S.J. Res. 45, to authorize the use of United States Armed Forces against Iraq; which was ordered to lie on the table, as follows:

Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Authorization for the Use of Force Against Iraq Resolution of 2002."

SEC. 2.

The Senate finds that under United Nations Security Council Resolution 687 (1991), which effected a formal cease-fire following the Persian Gulf War, Iraq agreed to destroy or dismantle, under international supervision, its nuclear, chemical, and biological weapons programs (hereafter in this joint resolution referred to as Iraq's "weapons of mass destruction program"), as well as its program to develop or acquire ballistic missiles with a range greater than 150 kilometers (hereafter in this joint resolution referred to as Iraq's "prohibited ballistic missile program"), and undertook unconditionally not to develop any such weapons thereafter.

On numerous occasions since 1991, the United Nations Security Council has reaffirmed Resolution 687, most recently in Resolution 1284, which established a new weapons inspection regime to ensure Iraqi compliance with its obligations under Resolution 687;

On numerous occasions since 1991, the United States and the United Nations Security Council have condemned Iraq's failure to fulfill its obligations under Resolution 687 to destroy or dismantle its weapons of mass destruction program and its prohibited ballistic missile program;

Iraq under Saddam Hussein used chemical weapons in its war with Iran in the 1980s and against the Kurdish population in northern Iraq in 1988;

Since 1990, the United States has considered Iraq to be a state sponsor of terrorism;

Iraq's failure to comply with its international obligations to destroy or dismantle its weapons of mass destruction program and its prohibited ballistic missile program, its record of using weapons of mass destruction, its record of using force against neighboring states, and its support for international terrorism require a strong diplomatic, and if necessary, military response by the international community, led by the United States.

SEC. 3. AUTHORIZATION FOR THE USE OF UNITED STATES ARMED FORCES.

(a) AUTHORIZATION FOR THE USE OF FORCE.—The President, subject to subsection (b) is authorized to use United States Armed Forces.

(1) to enforce United Nations Security Council Resolution 687, and other resolutions approved by the Council which govern Iraqi compliance with Resolution 687, in order to secure the dismantlement or destruction of Iraq's weapons of mass destruction program and its prohibited ballistic missile program; or

(2) in the exercise of individual or collective self-defense, to defend the United States or allied nations against a grave threat posed by Iraq's weapons of mass destruction program and its prohibited ballistic missile program.

(b) REQUIREMENT FOR DETERMINATION THAT USE OF FORCE IS NECESSARY.—Before exercising the authority granted by subsection (a), the President shall make available to the Speaker of the House of Representatives and the President pro tempore of the Senate his determination that—

(1) the United States has attempted to seek, through the United Nations Security Council, adoption of a resolution after September 12, 2002 under Chapter VII of the United Nations Charter authorizing the action described in subsection (a)(1), and such resolution has been adopted; or

(2) that the threat to the United States or allied nations posed by Iraq's weapons of mass destruction program and prohibited ballistic missile program is so grave that the use of force is necessary pursuant to subsection (a)(2), notwithstanding the failure of the Security Council to approve a resolution described in paragraph (1).

SEC. 3. CONSULTATION AND REPORTS.

(a) CONSULTATION.—The President shall keep Congress fully and currently informed on matters relevant to this joint resolution.

(b) INITIAL REPORT.—

(1) As soon as practicable, but not later than 30 days after exercising the authority under subsection 2(a), the President shall submit to Congress a report setting forth information—

(A) about the degree to which other nations will assist the United States in the use of force in Iraq;

(B) regarding measures the United States is taking, or preparing to take, to protect key allies in the region from armed attack by Iraq; and

(C) on planning to establish a secure environment in the immediate aftermath of the use of force (including estimated expenditures by the United States and allied nations), and, if necessary, prepare for the political and economic reconstruction of Iraq following the use of force.

(2) CLASSIFICATION OF REPORT.—The report required by paragraph (1) may be submitted in classified form.

(c) SUBSEQUENT REPORTS.—Following transmittal of the report required by subsection (b), the President shall submit a report to Congress every 60 days thereafter on the status of United States diplomatic, military and reconstruction operations with respect to Iraq.

SEC. 4. WAR POWERS RESOLUTION REQUIREMENTS.

(a) SPECIFIC STATUTORY AUTHORIZATION.—Consistent with section 8(a)(1) of the War Powers Resolution, the Congress declares that section 2 is intended to constitute specific statutory authorization within the meaning of section 5(b) of the War Powers Resolution.

(b) APPLICABILITY OF OTHER REQUIREMENTS.—Nothing in this resolution superseded any requirement of the War Powers Resolution.

SA 4878. Mr. REID (for Mr. KERRY) proposed an amendment to the bill H.R. 3389, to reauthorize the National Sea Grant College Program Act, and for other purposes; as follows:

Strike out all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Sea Grant College Program Act Amendments of 2002".

SEC. 2. AMENDMENTS TO FINDINGS.

Section 202(a)(6) of the National Sea Grant College Program Act (33 U.S.C. 1121(a)(6)) is amended by striking the period at the end and inserting ", including strong collaborations between Administration scientists and scientists at academic institutions.".

SEC. 3. REQUIREMENTS APPLICABLE TO NATIONAL SEA GRANT COLLEGE PROGRAM.

(a) QUADRENNIAL STRATEGIC PLAN.—Section 204 (c)(1) of the National Sea Grant College Program Act (33 U.S.C. 1123(c)(1)) is amended to read as follows:

"(1) The Secretary, in consultation with the panel, sea grant colleges, and sea grant institutes, shall develop at least every 4 years a strategic plan that establishes priorities for the national sea grant college program, provides an appropriately balanced response to local, regional, and national needs, and is reflective of integration with the relevant portions of the strategic plans of the Department of Commerce and of the Administration.".

(b) PROGRAM EVALUATION AND RATING.—

(1) EVALUATION AND RATING REQUIREMENT.—Section 204(d)(3)(A) of the National Sea Grant College Program Act (33 U.S.C. 1123(d)(3)(A)) is amended to read as follows:

"(A)(i) evaluate the performance of the programs of sea grant colleges and sea grant institutes, using the priorities, guidelines, and qualifications established by the Secretary under subsection (c), and determine which of the programs are the best managed and carry out the highest quality research, education, extension, and training activities; and

"(ii) rate the programs according to their relative performance (as determined under clause (i)) into no less than 5 categories, with each of the 2 best-performing categories containing no more than 25 percent of the programs;".

(2) REVIEW OF EVALUATION AND RATING PROCESS.—(A) After 3 years after the date of the enactment of this Act, the Secretary of Commerce, acting through the Under Secretary of Commerce for Oceans and Atmosphere, shall contract with the National Academy of Sciences—

(i) to review the effectiveness of the evaluation and rating system under the amendment made by paragraph (1) in determining the relative performance of programs of sea grant colleges and sea grant institutes;

(ii) to evaluate whether the sea grant programs have improved as a result of the evaluation process; and

(iii) to make appropriate recommendations to improve the overall effectiveness of the evaluation process.

(B) The National Academy of Sciences shall submit a report to the Congress on the findings and recommendations of the panel under subparagraph (A) by not later than 4 years after the date of the date of the enactment of this Act.

(c) ALLOCATION OF FUNDING.—Section 204(d)(3)(B) of the National Sea Grant College Program Act (33 U.S.C. 1123(d)(3)(B)) is amended by striking "and" after the semicolon at the end of clause (ii) and by adding at the end the following:

"(iv) encourage and promote coordination and cooperation between the research, education, and outreach programs of the Administration and those of academic institutions; and".

SEC. 4. COST SHARE.

Section 205(a) of the National Sea Grant College Program Act (33 U.S.C. 1124(a)) is amended by striking "section 204(d)(6)" and inserting "section 204(c)(4)(F)".

SEC. 5. FELLOWSHIPS.

(a) ENSURING EQUAL ACCESS.—Section 208(a) of the National Sea Grant College Program Act (33 U.S.C. 1127(a)) is amended by adding at the end the following: "The Secretary shall strive to ensure equal access for minority and economically disadvantaged students to the program carried out under this subsection. Not later than 1 year after the date of the enactment of the National Sea Grant College Program Amendments of 2002, and every 2 years thereafter, the Secretary shall submit a report to the Congress describing the efforts by the Secretary to ensure equal access for minority and economically disadvantaged students to the program carried out under this subsection, and the results of such efforts.".

(b) POSTDOCTORAL FELLOWS.—Section 208(c) of the National Sea Grant College Program Act (33 U.S.C. 1127(c)) is repealed.

SEC. 6. TERMS OF MEMBERSHIP FOR SEA GRANT REVIEW PANEL.

Section 209(c)(2) of the National Sea Grant College Program Act (33 U.S.C. 1128(c)(2)) is amended by striking the first sentence and inserting the following: "The term of office of a voting member of the panel shall be 3 years for a member appointed before the date of enactment of the National Sea Grant College Program Act Amendments of 2002, and 4 years for a member appointed or reappointed after the date of enactment of the National Sea Grant College Program Act Amendments of 2002. The Director may extend the term of office of a voting member of the panel appointed before the date of enactment of the National Sea Grant College Program Act Amendments of 2002 by up to 1 year.".

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

Subsections (a), (b), and (c) of section 212 of the National Sea Grant College Program Act (33 U.S.C. 1131) are amended to read as follows:

"(a) AUTHORIZATION.—

"(1) IN GENERAL.—There are authorized to be appropriated to the Secretary to carry out this title—

"(A) $60,000,000 for fiscal year 2003;
"(B) $75,000,000 for fiscal year 2004;
"(C) $77,500,000 for fiscal year 2005;
"(D) $80,000,000 for fiscal year 2006;
"(E) $82,500,000 for fiscal year 2007; and
"(F) $85,000,000 for fiscal year 2008.

“(2) Priority Activities.—In addition to the amounts authorized under paragraph (1), there are authorized to be appropriated for each of fiscal years 2003 through 2008—

“(A) $5,000,000 for competitive grants for university research on the biology and control of zebra mussels and other important aquatic nonnative species;

“(B) $5,000,000 for competitive grants for university research on oyster diseases, oyster restoration, and oyster-related human health risks;

“(C) $5,000,000 for competitive grants for university research on the biology, prevention, and forecasting of harmful algal blooms, including Pfiesteria piscicida; and

“(D) $3,000,000 for competitive grants for fishery extension activities conducted by sea grant colleges or sea grant institutes to enhance, and not supplant, existing core program funding.

“(b) Limitations.—

“(1) Administration.—There may not be used for administration of programs under this title in a fiscal year more than 5 percent of the lesser of—

“(A) the amount authorized to be appropriated under this title for the fiscal year; or

“(B) the amount appropriated under this title for the fiscal year.

“(2) Use for other offices or programs.—Sums appropriated under the authority of subsection (a)(2) shall not be available for administration of this title by the National Sea Grant Office, for any other Administration or department program, or for any other administrative expenses.

“(c) Distribution of Funds.—In any fiscal year in which the appropriations made under subsection (a)(1) exceed the amounts appropriated for fiscal year 2003 for the purposes described in such subsection, the Secretary shall distribute any excess amounts (except amounts used for the administration of the sea grant program) to any combination of the following:

“(1) sea grant programs, according to their rating under section 204(d)(3)(A);

“(2) national strategic investments authorized under section 204(b)(4);

“(3) a college, university, institution, association, or alliance for activities that are necessary for it to be designated as a sea grant college or sea grant institute;

“(4) a sea grant college or sea grant institute designated after the date of enactment of the National Sea Grant College Program Act Amendments of 2002 but not yet evaluated under section 204(d)(3)(A).”.

SEC. 8. ANNUAL REPORT ON PROGRESS IN BECOMING DESIGNATED AS SEA GRANT COLLEGES AND SEA GRANT INSTITUTES.

Section 207 of the National Sea Grant college Program Act (16 U.S.C. 1126) is amended by adding at the end the following:

“(e) Annual Report on Progress.—

“(1) Report requirement.—The Secretary shall report annually to the Committee on Resources and the Committee on Science of the House of Representatives, and to the Committee on Commerce, Science, and Transportation of the Senate, on efforts and progress made by colleges, universities, institutions, associations, and alliances to become designated under this section as sea grant colleges or sea grant institutes, including efforts and progress made by sea grant institutes in being designated as sea grant colleges.

“(2) Territories and freely associated States.—The report shall include description of—

“(A) efforts made by colleges, universities, associations, institutions, and alliances in United States territories and freely associated States to develop the expertise necessary to be designated as a sea grant institute or sea grant college;

“(B) the administrative, technical, and financial assistance provided by the Secretary to those entities seeking to be designated; and

“(C) the additional actions or activities necessary for those entities to meet the qualifications for such designation under subsection (a)(1).”.

SEC. 9. COORDINATION.

Not later than February 15 of each year, the Under Secretary of Commerce for Oceans and Atmosphere and the Director of the National Science Foundation shall jointly submit to the Committees on Resources and Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on how the oceans and coastal research activities of the National Oceanic and Atmospheric Administration, including the Coastal Ocean Program and the National Sea Grant College Program, and of the National Science Foundation will be coordinated during the fiscal year following the fiscal year in which the report is submitted. The report shall describe in detail any overlapping ocean and coastal research interests between the agencies and specify how such research interests will be pursued by the programs in a complementary manner.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON INDIAN AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Thursday, October 10, 2002, at 11 a.m. in Room 485 of the Russell Senate Office Building to conduct a hearing on S. 2986, a bill to provide for and approve the settlement of certain land claims of the Bay Mills Indian Community, Michigan.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INTELLIGENCE

Mr. REID. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, October 10, 2002 at 10 a.m. to hold an open hearing with the House Permanent Select Committee on Intelligence concerning the Joint Inquiry into the events of September 11, 2001.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. REID. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, October 10, 2002 at 5 p.m. to hold a closed Conference on the FY 03 Intelligence Authorization bill with the House Permanent Select Committee on Intelligence.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PERSONNEL

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on Personnel of the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, October 10, 2002, at 9:30 a.m., in open session to receive testimony regarding the Department of Defense's inquiry into Project 112/Shipboard Hazard and Defense (SHAD) tests.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. REID. Mr. President, I ask unanimous consent that Andrew Morrison, a State Department fellow on the staff of the Committee on Foreign Relations, be granted the privilege of the floor during consideration of S.J. Res. 45.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CARPER. Mr. President, I ask unanimous consent that privilege of the floor be granted to Jessica Hafer, a member of my staff, during debate on this resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

MAKING FURTHER CONTINUING APPROPRIATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.J. Res. 122 received from the House, which is now at the desk.

The PRESIDING OFFICER. The clerk will report the joint resolution by title.

The legislative clerk read as follows:

> A joint resolution (H.J. Res. 122) making further continuing appropriations for the fiscal year 2003, and for other purposes.

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. REID. Mr. President, I ask unanimous consent that the joint resolution be read three times, passed, and the motion to reconsider be laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution (H.J. Res. 122) was read the third time and passed.

PATSY TAKEMOTO MINK

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.J. Res. 113, which has been received from the House and is now at the desk.

The PRESIDING OFFICER. The clerk will report the joint resolution by title.

The legislative clerk read as follows:

> A joint resolution (H.J. Res. 113) recognizing the contributions of Patsy Takemoto Mink.

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. REID. I ask unanimous consent that the joint resolution be read three times, passed, the motion to reconsider be laid upon the table, the preamble be agreed to, and that any statements relating thereto be printed in the RECORD, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution (H.J. Res. 113) was read the third time and passed.

The preamble was agreed to.

MEASURE PLACED ON THE CALENDAR—H.R. 5427

Mr. REID. Mr. President, H.R. 5427 is at the desk and due for its second reading; is that right?

The PRESIDING OFFICER. The Senator is correct.

Mr. REID. I ask that H.R. 5427 be read a second time, but I also object to any further proceedings.

The PRESIDING OFFICER. The clerk will read the bill by title for the second time.

The legislative clerk read as follows:

A bill (H.R. 5427) to designate the Federal building located at Fifth and Richardson Avenues in Roswell, New Mexico, as the "Joe Skeen Federal Building".

The PRESIDING OFFICER. Objection having been heard, the bill will be placed on the calendar.

MEASURE READ THE FIRST TIME—H.R. 4968

Mr. REID. Mr. President, it is my understanding that H.R. 4968, which has been received from the House, is now at the desk.

The PRESIDING OFFICER. The Senator is correct.

Mr. REID. I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4968) to provide for the exchange of certain lands in Utah.

Mr. REID. I ask for its second reading but object to my own request on behalf of a number of my colleagues.

The PRESIDING OFFICER. Objection having been heard, the bill will receive its second reading on the next legislative day.

MEASURE READ THE FIRST TIME—S. 3099

Mr. REID. Mr. President, I understand S. 3099, introduced earlier today by Senator DASCHLE and others, is at the desk.

The PRESIDING OFFICER. The Senator is correct.

Mr. REID. I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 3099) providing emergency disaster assistance to agricultural producers.

Mr. REID. I ask for its second reading, and I object to my own request on behalf of the minority.

The PRESIDING OFFICER. The objection is heard.

The bill will be read for the second time on the next legislative day.

MEASURE READ THE FIRST TIME—S. 3100

Mr. REID. Mr. President, I understand S. 3100, introduced earlier today by Senator FEINSTEIN and others, is at the desk.

The PRESIDING OFFICER. That is correct.

Mr. REID. I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 3100) to amend title 18, United States Code, to limit the misuse of social security numbers, to establish criminal penalties for such misuse, and for other purposes.

Mr. REID. I now ask for its second reading, and I object to my own request on behalf of the minority.

The PRESIDING OFFICER. The objection is heard.

This bill will be read for the second time on the next legislative day.

REFERRAL OF S. 2018

Mr. REID. I ask unanimous consent that Calendar No. 637, S. 2018, a bill to establish the T'uf Shur Bien Preservation Trust Area, be referred to the Indian Affairs Committee for the sole purpose of the committee reporting the bill with amendments that were agreed upon by the committee, and the bill be returned to the calendar forthwith.

The PRESIDING OFFICER. Without objection, it is so ordered.

MILITARY CONSTRUCTION APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2003—CONFERENCE REPORT

Mr. REID. Mr. President, I submit a report of the committee on the conference on the bill (H.R. 5011), and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 5011), making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes, having met, have agreed that the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, signed by all of the conferees on the part of both Houses.

The PRESIDING OFFICER. The Senate will proceed to the consideration of the conference report.

(The report is printed in the House proceedings of the RECORD of October 9, 2002.)

Mrs. FEINSTEIN. Mr. President, I am pleased to bring before the Senate the conference agreement on the fiscal year 2003 military construction appropriations bill.

While the United States is engaged in a war on terrorism, and Congress is debating whether to give the President the authority to attack Iraq, it is timely that we are also acting to provide the military with the resources it needs to carry out its missions. The military construction appropriations bill funds scores of mission critical and quality of life infrastructure projects that are essential to support the efforts of the military.

I am pleased that the Senate has moved quickly to take up this conference agreement. This bill provides nearly $10.5 billion in new budget authority, an amount only slightly below last year's funding. Given the many additional requirements being imposed on the military, particularly to meet new antiterrorism and force protections standards, additional funding would have been helpful. Still, within the funding constraints imposed on the bill, this measure does an excellent job of meeting the most critical infrastructure needs of the services.

Mr. President, the projects in this bill address military readiness, quality of life, and anti-terrorism/force protection requirements. The conference attempted to address as many of the services' priorities as possible, and I believe we have done a good job in that respect, particularly in light of the fact that the House and Senate bills had very significant differences between them.

The conference agreement provides nearly $4.9 billion for the active components of the military. It provides $688 million for the guard and reserve, more than double the President's budget request. Within these amounts is included $799 million for anti-terrorism/force protection enhancements for military facilities worldwide. This commitment to protect American military bases will help to ensure the security of military personnel and the families, as well as to protect the taxpayers' substantial investment in defense infrastructure.

The Conference Agreement also provides $1.2 billion for barracks, and $4.2 billion for military family housing, both of which are top quality of life priorities for military personnel and their families.

There are two other very important items that merit mention. The first is a $25 million initiative to accelerate the construction associated with the Army's Stryker Brigade combat teams. The Stryker Brigades will offer the military fast, light-weight, air-mobile combat power—a far advanced system when compared to the restrictions with heavy armor.

An additional $25 million initiative will accelerate the Air Force's C–17 Air Mobility Program.

The C–17 initiative will provide the infrastructure needed to support and enhance the ability of one of the air force's most dependable aircraft, capable of transporting both troops and equipment. The C–17 program will help address the significant shortfall in Military airlift requirements.

The conference report also includes $20 million dollars for a BRAC Environmental cleanup initiative.

This initiative assists Military installations that have been closed as part of the base realignment and closure effort. This additional funding, in addition to the budget requested amount, is necessary to enable the military to honor its commitments to the people and the communities that have been affected by these last four rounds of base closure.

This is a start, but much more will be needed to complete the environmental clean up of BRAC sites across the nation in a reasonable period of time. This is certainly something that should be considered before the nation embarks on any future rounds of base closings.

Mr. President, I thank chairman BYRD, Senator STEVENS, and my ranking member on the subcommittee, Senator HUTCHISON, for their support and assistance in bringing this conference agreement to the Senate. I also thank the subcommittee staff, including Christina Evans and BG Wright of the majority staff; Sid Ashworth and Alycia Farrell of the minority staff; and Matt Miller of my staff, for their hard work on this measure.

Given the difficulties that have faced the appropriations process this year, I am pleased and grateful that the military construction bill will be sent to the President prior to the Senate's adjournment. I urge the President to sign this bill without delay.

Mrs. HUTCHISON. Mr. President, I am pleased to bring before the Senate the conference agreement on the fiscal year 2003 military construction appropriations bill and endorse those comments made by the Chairman, Senator FEINSTEIN.

I am gratified that the Congress was able to move forward on a military construction bill for fiscal year 2003. This is especially critical when the nation is considering military action to prevent the spread of terrorism and the potential use of weapons of mass destruction. Given the circumstances, this is a particularly timely, and time sensitive, Conference Report, and it is important that the Senate is moving quickly to pass it so that we can provide our military personnel the housing and facilities they need to perform their duties.

This is a good package that meets the most pressing needs of the military, both in terms of readiness and quality of life issues. It is not, of course, a perfect package. The Conference Report does not include everything that the Senate wanted; nor does it includes everything that the House wanted. It does, however, address the priorities of the Department of Defense as well as both Houses of Congress. It is a carefully crafted compromise that is both balanced and bipartisan.

The Chairman highlighted several of the critical items contained in this bill, such as $1.2 billion for new barracks, $151 million for military hospitals and medical facilities, $688 million for new Guard and Reserve facilities, and $1.34 billion for new family housing for military personnel and their families.

These are important increases that signal a renewed commitment to upgrading and rebuilding the infrastructure that is truly the backbone of our Nation's military. I am proud to support funding for these important programs.

In recent years, we have made real progress in improving family housing for single service members and for families, as well as improving the workplaces for the men and women who serve America both at home and abroad. However, much remains to be done.

It is my hope that in future budgets, we will see sufficient resources to continue the Department of Defense's efforts to modernize, renovate and improve aging defense facilities and infrastructure. the effects of sustained and structural inattention by the Pentagon and the military services to basic infrastructure are apparent on nearly every military installation. This will continue to have long-term implications as facilities continue to age disproportionately without a sustained level of investment in maintenance and repair.

Mr. President, I want to thank Chairman BYRD, Senator STEVENS, and the Chairman of this subcommittee, Senator FEINSTEIN, for their unflagging support and assistance in bringing this conference agreement to the Senate. I also thank the subcommittee staff for their hard work on this measure.

Mr. REID. I ask unanimous consent that the conference report be agreed to, the motion to reconsider be laid upon the table, and that any statements be printed in the RECORD with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The conference report was agreed to.

RECOGNIZING THE EXPLOITS OF THE OFFICERS AND CREW OF THE S.S. HENRY BACON

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to the consideration of H. Con. Res. 411.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 411) recognizing the exploits of the officers and crew of the S.S. *Henry Bacon*, a United States Liberty ship that was sunk on February 23, 1945, in the waning days of World War II.

There being no objection, the Senate proceeded to consideration of the concurrent resolution.

Mr. REID. I ask unanimous consent the resolution and preamble be agreed to, the motion to reconsider be laid on the table, and any statements regarding this resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 411) was agreed to.

The preamble was agreed to.

NATIONAL SEA GRANT COLLEGE PROGRAM ACT AMENDMENTS OF 2002

Mr. REID. Mr. President, I ask unanimous consent the Senate now proceed to H.R. 3389, Calendar No. 463.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3389) to reauthorize the National Sea Grant College Program Act, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Senator KERRY has an amendment at the desk. I ask unanimous consent the amendment be considered and agreed to, the motion to reconsider be laid on the table, the bill as amended be read a third time, passed, the motion to reconsider be laid on the table, and any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4878) was agreed to, as follows:

(Purpose: To reauthorize the National Sea Grant Program, and for other purposes)

Strike out all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Sea Grant College Program Act Amendments of 2002".

SEC. 2. AMENDMENTS TO FINDINGS.

Section 202(a)(6) of the National Sea Grant College Program Act (33 U.S.C. 1121(a)(6)) is amended by striking the period at the end and inserting ", including strong collaborations between Administration scientists and scientists at academic institutions.".

SEC. 3. REQUIREMENTS APPLICABLE TO NATIONAL SEA GRANT COLLEGE PROGRAM.

(a) QUADRENNIAL STRATEGIC PLAN.—Section 204 (c)(1) of the National Sea Grant College Program Act (33 U.S.C. 1123(c)(1)) is amended to read as follows:

"(1) The Secretary, in consultation with the panel, sea grant colleges, and sea grant institutes, shall develop at least every 4 years a strategic plan that establishes priorities for the national sea grant college program, provides an appropriately balanced response to local, regional, and national needs, and is reflective of integration with the relevant portions of the strategic plans of the Department of Commerce and of the Administration.".

(b) Program Evaluation and Rating.—

(1) Evaluation and Rating Requirement.—Section 204(d)(3)(A) of the National Sea Grant College Program Act (33 U.S.C. 1123(d)(3)(A)) is amended to read as follows:

"(A)(i) evaluate the performance of the programs of sea grant colleges and sea grant institutes, using the priorities, guidelines, and qualifications established by the Secretary under subsection (c), and determine which of the programs are the best managed and carry out the highest quality research, education, extension, and training activities; and

"(ii) rate the programs according to their relative performance (as determined under clause (i)) into no less than 5 categories, with each of the 2 best-performing categories containing no more than 25 percent of the programs;".

(2) Review of Evaluation and Rating Process.—(A) After 3 years after the date of the enactment of this Act, the Secretary of Commerce, acting through the Under Secretary of Commerce for Oceans and Atmosphere, shall contract with the National Academy of Sciences—

(i) to review the effectiveness of the evaluation and rating system under the amendment made by paragraph (1) in determining the relative performance of programs of sea grant colleges and sea grant institutes;

(ii) to evaluate whether the sea grant programs have improved as a result of the evaluation process; and

(iii) to make appropriate recommendations to improve the overall effectiveness of the evaluation process.

(B) The National Academy of Sciences shall submit a report to the Congress on the findings and recommendations of the panel under subparagraph (A) by not later than 4 years after the date of the enactment of this Act.

(c) Allocation of Funding.—Section 204(d)(3)(B) of the National Sea Grant College Program Act (33 U.S.C. 1123(d)(3)(B)) is amended by striking "and" after the semicolon at the end of clause (ii) and by adding at the end the following:

"(iv) encourage and promote coordination and cooperation between the research, education, and outreach programs of the Administration and those of academic institutions; and".

SEC. 4. COST SHARE.

Section 205(a) of the National Sea Grant College Program Act (33 U.S.C. 1124(a)) is amended by striking "section 204(d)(6)" and inserting "section 204(c)(4)(F)".

SEC. 5. FELLOWSHIPS.

(a) Ensuring Equal Access.—Section 208(a) of the National Sea Grant College Program Act (33 U.S.C. 1127(a)) is amended by adding at the end the following: "The Secretary shall strive to ensure equal access for minority and economically disadvantaged students to the program carried out under this subsection. Not later than 1 year after the date of the enactment of the National Sea Grant College Program Act Amendments of 2002, and every 2 years thereafter, the Secretary shall submit a report to the Congress describing the efforts by the Secretary to ensure equal access for minority and economically disadvantaged students to the program carried out under this subsection, and the results of such efforts.".

(b) Postdoctoral Fellows.—Section 208(c) of the National Sea Grant College Program Act (33 U.S.C. 1127(c)) is repealed.

SEC. 6. TERMS OF MEMBERSHIP FOR SEA GRANT REVIEW PANEL.

Section 209(c)(2) of the National Sea Grant College Program Act (33 U.S.C. 1128(c)(2)) is amended by striking the first sentence and inserting the following: "The term of office of a voting member of the panel shall be 3 years for a member appointed before the date of enactment of the National Sea Grant College Program Act Amendments of 2002, and 4 years for a member appointed or reappointed after the date of enactment of the National Sea Grant College Program Act Amendments of 2002. The Director may extend the term of office of a voting member of the panel appointed before the date of enactment of the National Sea Grant College Program Act Amendments of 2002 by up to 1 year.".

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

Subsections (a), (b), and (c) of section 212 of the National Sea Grant College Program Act (33 U.S.C. 1131) are amended to read as follows:

"(a) Authorization.—

"(1) In General.—There are authorized to be appropriated to the Secretary to carry out this title—

"(A) $60,000,000 for fiscal year 2003;
"(B) $75,000,000 for fiscal year 2004;
"(C) $77,500,000 for fiscal year 2005;
"(D) $80,000,000 for fiscal year 2006;
"(E) $82,500,000 for fiscal year 2007; and
"(F) $85,000,000 for fiscal year 2008.

"(2) Priority Activities.—In addition to the amounts authorized under paragraph (1), there are authorized to be appropriated for each of fiscal years 2003 through 2008—

"(A) $5,000,000 for competitive grants for university research on the biology and control of zebra mussels and other important aquatic nonnative species;

"(B) $5,000,000 for competitive grants for university research on oyster diseases, oyster restoration, and oyster-related human health risks;

"(C) $5,000,000 for competitive grants for university research on the biology, prevention, and forecasting of harmful algal blooms, including Pfiesteria piscicida; and

"(D) $3,000,000 for competitive grants for fishery extension activities conducted by sea grant colleges or sea grant institutes to enhance, and not supplant, existing core program funding.

"(b) Limitations.—

"(1) Administration.—There may not be used for administration of programs under this title in a fiscal year more than 5 percent of the lesser of—

"(A) the amount authorized to be appropriated under this title for the fiscal year; or

"(B) the amount appropriated under this title for the fiscal year.

"(2) Use for Other Offices or Programs.—Sums appropriated under the authority of subsection (a)(2) shall not be available for administration of this title by the National Sea Grant Office, for any other Administration or department program, or for any other administrative expenses.

"(c) Distribution of Funds.—In any fiscal year in which the appropriations made under subsection (a)(1) exceed the amounts appropriated for fiscal year 2003 for the purposes described in such subsection, the Secretary shall distribute any excess amounts (except amounts used for the administration of the sea grant program) to any combination of the following:

"(1) sea grant programs, according to their rating under section 204(d)(3)(A);

"(2) national strategic investments authorized under section 204(b)(4);

"(3) a college, university, institution, association, or alliance for activities that are necessary for it to be designated as a sea grant college or sea grant institute;

"(4) a sea grant college or sea grant institute designated after the date of enactment of the National Sea Grant College Program Act Amendments of 2002 but not yet evaluated under section 204(d)(3)(A).".

SEC. 8. ANNUAL REPORT ON PROGRESS IN BECOMING DESIGNATED AS SEA GRANT COLLEGES AND SEA GRANT INSTITUTES.

Section 207 of the National Sea Grant College Program Act (16 U.S.C. 1126) is amended by adding at the end the following:

"(e) Annual Report on Progress.—

"(1) Report Requirement.—The Secretary shall report annually to the Committee on Resources and the Committee on Science of the House of Representatives, and to the Committee on Commerce, Science, and Transportation of the Senate, on efforts and progress made by colleges, universities, institutions, associations, and alliances to become designated under this section as sea grant colleges or sea grant institutes, including efforts and progress made by sea grant institutes in being designated as sea grant colleges.

"(2) Territories and Freely Associated States.—The report shall include description of—

"(A) efforts made by colleges, universities, associations, institutions, and alliances in United States territories and freely associated States to develop the expertise necessary to be designated as a sea grant institute or sea grant college;

"(B) the administrative, technical, and financial assistance provided by the Secretary to those entities seeking to be designated; and

"(C) the additional actions or activities necessary for those entities to meet the qualifications for such designation under subsection (a)(1).".

SEC. 9. COORDINATION.

Not later than February 15 of each year, the Under Secretary of Commerce for Oceans and Atmosphere and the Director of the National Science Foundation shall jointly submit to the Committees on Resources and Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on how the oceans and coastal research activities of the National Oceanic and Atmospheric Administration, including the Coastal Ocean Program and the National Sea Grant College Program, and of the National Science Foundation will be coordinated during the fiscal year following the fiscal year in which the report is submitted. The report shall describe in detail any overlapping ocean and coastal research interests between the agencies and specify how much research interests will be pursued by the programs in a complementary manner:

The bill (H.R. 3389), as amended, was read the third time and passed.

EXECUTIVE SESSION

NOMINATION PLACED ON EXECUTIVE CALENDAR—NANCY PELLETT

Mr. REID. On behalf of Senator HARKIN, I ask unanimous consent the Senate proceed to executive session and that the nomination of Nancy Pellett, to be a member of the Farm Credit Administration Board, be discharged from the Agriculture Committee and be placed on the Executive Calendar, and that the Senate return to legislative session without any intervening action.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

UNANIMOUS CONSENT AGREEMENT—H.R. 3295

Mr. REID. Mr. President, I ask unanimous consent that on Tuesday, October 15, at 11 a.m., the Senate proceed to the conference report to accompany H.R. 3295, the election reform legislation; this would be under the provisions of the previous order; and that, upon conclusion of the debate on Tuesday, the conference report be set aside to recur on Wednesday at 2:15 p.m., at which time there will be an additional 20 minutes equally divided and controlled between the chairman and ranking member of the Rules Committee; and that upon the use of that time, without further intervening action or debate, the Senate proceed to vote on adoption of the conference report.

Further, that immediately following the vote on the adoption of the conference report accompanying H.R. 3295, the Senate then proceed to the conference report to accompany H.R. 5010, the Department of Defense appropriations bill; that there be 15 minutes for debate divided as follows: 5 minutes for Senator INOUYE, 5 minutes for Senator STEVENS, 5 minutes for Senator WELLSTONE; and that upon the use or yielding back of that time, with no intervening action or debate, the Senate proceed to vote on adoption of that conference report.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON APPROPRIATIONS REPORTING THIRTEEN APPROPRIATIONS BILLS BY JULY 31, 2002

CLOTURE MOTION

Mr. REID. Mr. President, I move to proceed to Calendar No. 506, S. Res. 304, and I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the motion to a close the debate on the motion to proceed to Calendar No. 506, S. Res. 304, a resolution encouraging the Senate Appropriations Committee to report 13 fiscally responsible, bipartisan appropriations bills:

Harry Reid, Byron L. Dorgan, Joseph Lieberman, Barbara Boxer, Jean Carnahan, Jeff Bingaman, Daniel K. Akaka, Jim Jeffords, Kent Conrad, Blanche L. Lincoln, Ron Wyden, Ernest F. Hollings, Mary L. Landrieu, Jon Corzine, Jack Reed, Richard J. Durbin, John Edwards.

Mr. REID. Mr. President, I ask unanimous consent that the mandatory quorum call required under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I now withdraw that motion.

The PRESIDING OFFICER. The Senator has that right.

ORDERS FOR TUESDAY, OCTOBER 15, 2002

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 a.m. on Tuesday, October 15, 2002; that following the prayer and pledge the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day; that there be a period of morning business until 11 a.m. with Senators permitted to speak therein for up to 10 minutes each, with the first half under the control of the majority leader or his designee, and the second half under the control of the Republican leader or his designee; that at 11 a.m. the Senate begin consideration of the conference report to accompany H.R. 3295, the Election Reform Act, under the previous order; and, further, that the cloture vote on the motion to proceed to S. Res. 304 occur on Wednesday, October 16, at 12 noon.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, there will be no rollcall votes on Tuesday. The next rollcall vote will occur on Wednesday, October 16, at 12 noon. That will be on the cloture motion to proceed to S. Res. 304.

ADJOURNMENT UNTIL TUESDAY, OCTOBER 15, 2002 AT 10 A.M.

Mr. REID. Mr. President, if there is no further business to come before the Senate—which I hope there isn't—I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 1:44 a.m., adjourned until Tuesday, October, 15, 2002, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate October 10, 2002:

DEPARTMENT OF STATE

J. COFER BLACK, OF VIRGINIA, TO BE COORDINATOR FOR COUNTERTERRORISM, WITH THE RANK AND STATUS OF AMBASSADOR AT LARGE, VICE FRANCIS XAVIER TAYLOR.

THE JUDICIARY

CORMAC J. CARNEY, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA, VICE CARLOS R. MORENO, RESIGNED.

JOHN R. ADAMS, OF OHIO, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF OHIO, VICE GEORGE WASHINGTON WHITE, RETIRED.

J. DANIEL BREEN, OF TENNESSEE, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF TENNESSEE, VICE JULIA SMITH GIBBONS, ELEVATED.

THOMAS A. VARLAN, OF TENNESSEE, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF TENNESSEE, VICE ROBERT LEON JORDAN, RETIRED.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

DAVID HERTZ, OF INDIANA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2006, VICE HENRY GLASSIE.

STEPHAN THERNSTROM, OF MASSACHUSETTS, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2008, VICE ARTHUR I. BLAUSTEIN, TERM EXPIRED.

MARGUERITE SULLIVAN, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2008, VICE SUSAN FORD WILTSHIRE, TERM EXPIRED.

LAWRENCE OKAMURA, OF MISSOURI, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2008, VICE DORIS B. HOLLEB, TERM EXPIRED.

SIDNEY MCPHEE, OF TENNESSEE, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2008, VICE MARGARET P. DUCKETT, TERM EXPIRED.

STEPHEN MCNIGHT, OF FLORIDA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2006, VICE ISABEL CARTER STEWART.

ELIZABETH FOX-GENOVESE, OF GEORGIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2008, VICE LORRAINE WEISS FRANK, TERM EXPIRED.

DARIO FERNANDEZ-MORERA, OF ILLINOIS, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2008, VICE SUSAN E. TREES, TERM EXPIRED.

JEWEL SPEARS BROOKER, OF FLORIDA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2008, VICE PEGGY WHITMAN PRENSHAW, TERM EXPIRED.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. GLEN W. MOOREHEAD III, 6124

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

JUDY A ABBOTT, 0741
JOEL N ABRAMOVITZ, 5571
ALEXANDRA L ACCARDI, 6364
ROBERT D AKERSON, 3622
ANTONIO R BALUGA JR., 1815
DAVID J BARILLO, 9867
JAMES B BORDEN, 8447
DANIEL BOUCHETTE, 9717
HOWARD R BROMLEY, 5719
PATRICK F BROPHY, 3613
PATRICK J CAHILL, 3770
PETER A CARDINAL, 2375
WILLIAM G CAREY, 7763
ANTONIO CORTESSANCHEZ, 7113
MICHAEL W CRUZ, 4360
JANE L CURTIS, 2230

REGINA M CURTIS, 8093
MARK A DENNER, 7004
JUAN J DEROJAS, 1154
LUIS M DIAZBARRIOS, 8737
MATTHEW E DUBAN, 0363
ALBERT B DUNCAN, 1476
JARED E FLORANCE, 5525
JEFFREY F FULLENKAMP, 2645
RICHARD GONZALEZ, 9506
WAVELL C HODGE, 8217
EDMUND H HORNSTEIN, 3425
MARK C HUDSON, 1839
BETH KURTZMAZYCK, 0470
DONALD H LOEBL, 4932
JOHN S LOOPER, 4062
RONDA F LUCE, 1901
LILIAN I LUSTMAN, 3550
CLYDE E MARKON, 7267
AIZENHAWAR J MARROGI, 0060
ANTHONY E MARTIN, 5378
HAROLD L MARTIN, 0922
DOUGLAS S MCFARLANE, 9262
LISA A MCPEAK, 3336
CLARK A MORRES, 2625
MICHAEL P MOURI, 0409
KEVIN P MURPHY, 2704
FREDDIE A NAZARIOALMODOVAR, 2646
ATTILIO G NEGRO, 7904
MARGARET R H NUSBAUM, 2638
CRAIG M ONO, 0151
DONNA M PERISEE, 4561
DAVID D PERKINS, 7083
JOHN D PITCHER JR., 5019
JAMES C POST, 2908
AWILDA I RAMOS, 4298
MATTHEW J REARDON, 0217
JUDE T ROUSSERE, 1641
AURORA M SARINAS, 3709
MARK F SHERIDAN, 7888
FRANK S SHERMAN, 3268
PRAVINA B SHETH, 9695
THOMAS M STEIN, 1149
JAY F SULLIVAN, 4892
JOHN R TICEHURST, 3085
LISA M TOEPP, 3153
EDWARD TRUDO JR., 1896
WILLIAM E TYNDALL, 3955
ANNE B WARWICK, 5766
JAMES S WEISENSEE, 3467
DUANE V WILKINS, 7843
JOHN M WING, 3498
BENNIE B WRIGHT JR., 7960
TERRY D YEAGER, 1817
SIMON M YU, 9191
DENNIS C ZACHARY, 3162

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

JOSE ALAMOCARRASQUILLO, 4175
JOSEPH H BOWERS, 1519
TERRY G BOX, 7820
JODIE A BUEHLER, 7063
RONALD J BURKHOLDER, 0821
STEVEN F BURMASTER, 5433
JEFFREY T BURTON, 0702
THOMAS P CASEY, 5488
JOSE J CASTILLO, 2667
WILLIAM J CONNOR JR., 7633
ROBIN K DARLING, 5449
EDWARD F FREDERICK JR., 4990
MICHAEL E GILBERT, 7378
MONTE F GRANDGEORGE, 9444
GEORGE P GREEN, 8094
MARC C HENDLER, 2996
MARK A HENDRIX, 6082
WILLIAM L HOON, 3831
TAKESHI G ICHIKAWA, 7249
WILLIAM IRVING, 6700
ARIEL JUSINOCORDOVA, 6120
ABEN A KASLOW, 0032
DWIGHT H KELLER, 8537
JAMES R KIMMELMAN, 1344
JOHNNIE L KNIGHT, 3242
MARY A LICKING, 8132
RICHARD M LOFTHOUSE, 8430
FRANK D MARCANTONIO, 8055
ROBERT C METTE, 1878
JAMES W MINEKIME, 2844
MARK S MORELOCK, 4434
TIMOTHY P NARY, 1086
GAYLE A OWENS, 4770
THOMAS J PFAU, 8022
JAMES D RITCHIE, 7788
FRANK M SAWYER, 2155
JON A SHNEIDMAN, 6291
JASON E SHOWMAN, 0677
ROGER E SIENKIEWICZ, 7936
EDWARD J SITTLER JR., 4632
TOBIN J STRUPP, 7764
JOHN W SUMMERS, 5029
PETER M TAN, 7530
ELLIS B THIGPEN, 0667
JOSEPH L THOMAN, 4941
RUSSELL B TIMMS, 3525
GABRIELLE V VALENTI, 3137
MATTHEW L ZIZMOR, 4126

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

ARTHUR L ARNOLD JR., 3141
MICHAEL BABICH, 2564
ARTHUR W BEAN, 8581
MICHAEL J BRIDGEWATER, 7480
SANDRA H BURCH, 9020
WILLIAM W BURGIN III, 7365
RICHARD M CARNEVALE, 3769
BRYAN E CLEMENTS, 9387
ROBERT M CODY, 7217
BRUCE V CORSINO, 8590
DANIEL J CRAWFORD, 8028
FLOYD C DEVENBECK III, 4557
JOHN J DONNELLY III, 9719
DAVID L FENELL, 7242
ANTHONY M FLOOD, 6257
FAITH A S FRANK, 6119
ROBERT R FREEMAN, 1076
RONALD W GADSDEN, 4275
CLINTON B GIVEN, 5368
WILLIAM R GOWER, JR., 4098
JOHN W HALL III, 4660
DON R HARRIS, 8121
GARY L HOWE, 9603
SUSAN M JONES, 9140
WALTER L JONES, 0487
EILEEN P KELLY, 1941
DEBORAH A KELLYHOEHN, 8655
RICHARD B LAKES, 3001
JAY D LANE, 5424
DENNIS B LATIMER, 1234
SAMUEL H MAKRIS, 0617
LESTER K MCGILVRAY, 3045
LINWOOD MOORE, 5157
IGWEKALA E NJOKU, 3840
DANIEL T OBRIEN, 0860
DENNIS T SEKINE, 9793
RUSSELL F SHEARER, 2095
DAVID L SMALLEY, 9481
LAWRENCE R SUDDENDORF, 2257
JOSEPH TORRES JR., 5943
WILLIAM B UROSEVICH, 0329
MARK S VAJCOVEC, 8385

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

ADRINE S ADAMS, 7766
REBECCA D BAKER, 2774
ANNA J BREWSTER, 8855
AVIS C BUCHANAN, 1235
EILEEN V CAULFIELD, 3784
LEANNE L CHABIOR, 3382
NANCY L CLARK, 4896
MARGARET L CLIFTON, 2216
THOMAS COOK, 9685
ALBERT B COONEY, 1147
EDNA B DAVIS, 6938
LYNN C DENOOYER, 7305
KAREN L DORN, 8316
MARY FRANKEN, 7949
JANET L FREUDENRICH, 9372
ELIZABETH A GAUDET, 0684
PEGGY J HENGEVELD, 7598
CHRISTINE L INGLE, 9464
LUCILLE T IRBY, 6725
CHERYL L W JACKSON, 7234
JUDITH A KEMPER, 1330
SHIRLEY C KYLES, 6524
COLLEEN K MALL, 0941
VERDELL MARSH, 5418
ADDIE M MORRIS, 1085
JEFFREY D MORRIS, 2491
TERESA G PARKER, 4891
SUSAN M PONTIUS, 9314
CHERYL A PRESTIANNI, 1266
SANDRA L PUFAL, 4523
FLORESITA C QUARTO, 3555
SHARON A SINGLETON, 2790
FRANCES I SNELL, 0355
ALLEN R STURDEVANT, 6000
ELSA M TORRES, 3677
JUDITH L TRACY, 2727
WAYNE M VANHAMME, 8786
SARAH L WALLACE, 0312
ANDREA J WALLEN, 5627
NORMA J WILSON, 6352
MARYELLEN YACKA, 4078

HOUSE OF REPRESENTATIVES—*Friday, October 11, 2002*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. DAN MILLER of Florida).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

> WASHINGTON, DC,
> *October 11, 2002.*
>
> I hereby appoint the Honorable DAN MILLER to act as Speaker pro tempore on this day.
>
> J. DENNIS HASTERT,
> *Speaker of the House of Representatives.*

PRAYER

The Reverend W. Douglas Tanner, Jr., President, The Faith & Politics Institute, Washington, DC, offered the following prayer:

As a deer longs for running streams, our souls long for Thee, O God. You have sent rain to fall gently and steadily upon this city, and its streams indeed are running.

In this painfully momentous season, we dare to recall the words of the prophet Amos, when he speaks of Your desire for justice also to flow like water, and righteousness like an ever-flowing stream.

Awaken us ever more fully, O Lord, to the streams of love, compassion, and courage that You continue to send as surely as the rain. Let those streams flow into us, among us and through us, that we may be the people—and the Nation—You would have us be.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER pro tempore led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ADJOURNMENT TO TUESDAY, OCTOBER 15, 2002

The SPEAKER pro tempore. Without objection, when the House adjourns today, it will adjourn to meet at 12:30 p.m. on Tuesday, October 15, 2002, for morning hour debates.

There was no objection.

ADJOURNMENT

The SPEAKER pro tempore. Without objection, the House stands adjourned until 12:30 p.m. on Tuesday next for morning hour debates.

There was no objection.

Accordingly (at 10 o'clock and 3 minutes a.m.), under its previous order, the House adjourned until Tuesday, October 15, 2002, at 12:30 p.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

9633. A letter from the Secretary, Department of Agriculture, transmitting the annual animal welfare enforcement report for fiscal year 2001, pursuant to 7 U.S.C. 2155; to the Committee on Agriculture.

9634. A letter from the Under Secretary, Department of Defense, transmitting a FY 2002 report entitled, "Performance of Commercial Activities," pursuant to 10 U.S.C. 2461; to the Committee on Armed Services.

9635. A letter from the Assistant Secretary of Defense, Health Affairs, Department of Defense, transmitting the Department's review on the operational use of mefloquine; to the Committee on Armed Services.

9636. A letter from the Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Army's Proposed Letter(s) of Offer and Acceptance (LOA) to the Taipei Economic and Cultural Representative Office in the United States (Transmittal No. 03-01), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

9637. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's Twenty-Fourth Annual Report to Congress pursuant to section 7A of the Clayton Act, pursuant to 15 U.S.C. 18a(j); to the Committee on the Judiciary.

9638. A letter from the Secretary, Department of Transportation, transmitting the Department's report entitled, "Local Officials' Participation in Transportation Planning and Programming," pursuant to Public Law 105–178, section 1204(i); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HANSEN: Committee on Resources. H.R. 2826. A bill to increase the waiver requirements for certain local matching requirements for grants provided to American Samoa, Guam, the Virgin Islands, or the Commonwealth of the Northern Mariana Islands, and for other purposes; with an amendment (Rept. 107–741). Referred to the Committee of the Whole House on the State of the Union.

Mr. HANSEN: Committee on Resources. H.R. 635. A bill to establish the Steel Industry National Historic Park in the Commonwealth of Pennsylvania; with amendments (Rept. 107–742). Referred to the Committee of the Whole House on the State of the Union.

Mr. HANSEN: Committee on Resources. H.R. 464. A bill to establish the Kate Mullany National Historic Site in the State of New York, and for other purposes (Rept. 107–743). Referred to the Committee of the Whole House on the State of the Union.

Mr. HANSEN: Committee on Resources. H.R. 3148. A bill to amend the Alaska Native Claims Settlement Act to provide equitable treatment of Alaska Native Vietnam Veterans, and for other purposes; with an amendment (Rept. 107–744). Referred to the Committee of the Whole House on the State of the Union.

Mr. HANSEN: Committee on Resources. H.R. 4734. A bill to expand Alaska Native contracting of Federal land management functions and activities and to promote hiring of Alaska Natives by the Federal Government within the State of Alaska, and for other purposes; with an amendment (Rept. 107–745). Referred to the Committee of the Whole House on the State of the Union.

Mr. HANSEN: Committee on Resources. H.R. 4749. A bill to reauthorize the Magnuson-Stevens Fishery Conservation and Management Act, and for other purposes; with an amendment (Rept. 107–746). Referred to the Committee of the Whole House on the State of the Union.

Mr. HANSEN: Committee on Resources. H.R. 4844. A bill to enhance ecosystem protection and the range of outdoor opportunities protected by statute in the Skykomish River valley of the State of Washington by designating certain lower-elevation Federal lands as wilderness, and for other purposes; with an amendment (Rept. 107–747). Referred to the Committee of the Whole House on the State of the Union.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII the Committee on Energy and Commerce was discharged from further consideration. H.R. 4889 was referred to the Committee of the Whole House on the State of the Union.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

H.R. 3929. Referral to the Committee on Energy and Commerce extended for a period ending not later than October 18, 2002.

ADDITIONAL SPONSORS

Under clause 7 of rule XIII, sponsors were added to public bills and resolutions as follows:

H. Con. Res. 422: Mr. KIRK.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 11, by Mrs. THURMAN on House Resolution 517: Solomon P. Ortiz.

Petition 12, by Mr. CONYERS on House Resolution 519: Jim Turner.

EXTENSIONS OF REMARKS

STATEMENT IN FAVOR OF H. CON. RES. 451

SPEECH OF

HON. JUANITA MILLENDER-McDONALD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2002

Ms. MILLENDER-McDONALD. Madam Speaker, I want to speak out on behalf of H. Con. Res. 451, which would promote the teaching of U.S. history to our elementary and secondary students. As a former instructor, I know the importance of teaching students American history so that they will become informed citizens.

If we want the American public to become more enlightened and more engaged, let's start by promoting efforts to teach our young people about this country's great history, and its diversity that makes it the world leader and those nations who have contributed so greatly to our success.

APPLAUDING THE 4-H YOUTH DEVELOPMENT PROGRAM

HON. JUANITA MILLENDER-McDONALD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 9, 2002

Ms. MILLER-McDONALD. Mr. Speaker, I am here to applaud the long history of service provided by the 4-H Youth Development Program to young people all over the world. For over 100 years, 4-H has taught six million youth ages 5-19 the value of leadership, good citizenship and life skills.

In my home state of California, 4-H assists over 120,000 youth each year in urban, rural and suburban communities, and has a large volunteer network of more than 26,000 youth and adult volunteers.

Let's do all that we can to continue allotting resources to expand 4-H's positive influence on our young people nationwide.

RECOGNIZING THE ADOPTION OF THE SKI INDUSTRY CLIMATE CHANGE POLICY BY THE NATIONAL SKI AREAS ASSOCIATION BOARD OF DIRECTORS AND COLORADO SKI COUNTRY USA

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 2002

Mr. UDALL of Colorado. Mr. Speaker, I rise today to recognize adoption of the Ski Industry Climate Change Policy by the National Ski Areas Association and Colorado Ski Country USA, an organization in Colorado that represents Colorado's 25 ski and snowboard resorts. I am submitting the policy for the Record.

The climate change policy was developed over the last several months and was adopted by the National Ski Areas Association Board of Directors on September 18, 2002 under the auspices of Sustainable Slopes. This campaign has its origins in the Environmental Charter adopted in June 2000, which contains a sweeping set of voluntary principles for protecting the environment and formalizes the industry's commitment to environmental sustainability. More than 170 ski areas in 31 states, plus six resorts in Canada, have endorsed the Charter. The Colorado ski industry leads the nation in endorsing Sustainable Slopes, with all Colorado resorts except one endorsing.

Variability in climate is not good for skiers, the ski industry, or the environment. Given the ski industry's dependence on weather, climate changes that produce weather patterns of warmer temperatures or decreased snowfall could significantly impact the industry. The Union of Concerned Scientists reports that global warming may already be affecting the snow pack of the Sierra Mountains in California.

I'm pleased that the ski industry in general and Colorado Ski Country in particular has taken a leadership role in raising awareness and encouraging solutions on this important issue.

SKI INDUSTRY CLIMATE CHANGE POLICY

Ski areas across the country adopted an Environmental Charter in 2000 to address the environmental concerns of our industry. The Charter, commonly referred to as "Sustainable Slopes," identifies climate change as a potential threat to the environment and our business. Although we are not a major source of greenhouse gas (GHG) emissions, many resorts across the country already are taking steps to reduce their own, limited GHG emissions.

To collectively address the long-term challenges presented by climate change and continue our commitment to stewardship under the Sustainable Slopes program, we hereby adopt this climate change policy. Through this policy, we aim to raise awareness of the potential impacts of climate change on our weather-dependent business and the winter recreation experience; reduce our own greenhouse gas emissions; and encourage others to take action as well. We are committed to working toward solutions that will keep both the environment and economy healthy and preserve quality of life. To this end, we will take the following actions:

Educate the public and resort guests about the dependence of winter sports on natural ecosystems and the potential impacts of climate change on the winter recreation experience; educate guests on how they can help reduce GHG emissions.

Raise policy maker awareness of the dependence of winter sports on natural ecosystems and the potential impacts of climate change on the winter recreation experience.

Advocate the national reduction of GHG emissions through legislative, regulatory or voluntary measures.

Support sound, science-based solutions to climate change, including the use of renewable energy technologies.

Partner with appropriate organizations and agencies to assess opportunities to reduce resort emissions and increase energy efficiency; invest in new, more efficient products, practices and technologies; and measure our emission reductions.

75TH ANNIVERSARY OF COTTEY COLLEGE AND THE P.E.O. SISTERHOOD

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 2002

Mr. SKELTON. Mr. Speaker, let me take this means to recognize the 75th anniversary of the forging of Cottey College in Nevada, MO, and the P.E.O. Sisterhood. Cottey College together with the P.E.O., have worked diligently together to provide higher education for women.

Cottey College was founded in 1884 by Virginia Alice Cottey Stockard who believed that women deserved the same educational opportunities as men. Late in her life, she became a member of P.E.O. and realized that the goals of her college and the P.E.O. paralleled.

Today, Cottey College is a well-established, financially stable college for women. Its mission remains true to the ideals and aspirations of Virginia Alice Cottey Stockard and those courageous P.E.O. members who voted in 1927 to accept the responsibility of owning this College.

Mr. Speaker, the P.E.O. Sisterhood and Cottey College can be proud of the 75 year history they have had together. I know the Members of the House will join me in congratulating the P.E.O and Cottey College for 75 years of fine service.

POEMS BY GERALD GRIMM

HON. PATRICK J. TOOMEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 2002

Mr. TOOMEY. Mr. Speaker, I rise today to share two patriotic poems with my colleagues entitled "A Veteran" and "Remember Me?" These poems were brought to my attention by a constituent of mine, Gerald Grimm of the Lehigh County Council of the American Legion.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

A VETERAN

What is a veteran, just look around
Right where you've standing,
He fought for that ground.
A Vet is a person, who answered the call
Who went into war, and gave it his all.

He defended a way of life that we love,
But much preferred peace,
Like the way of the dove.
He asked not the reason, as he stood in his trench
He faltered not once, in the muck and the stench

As soldiers in legions, they stood side by side,
They knew some would fall, as many more died.
They whispered their prayers, in a helmet of sweat,
Shells bursting above, wouldn't let them forget.

Tears in their eyes, as their friend lays so still,
One hour ago, he was king of the hill.
Many more wounded, spilling their life,
When will it end, this battle of strife?

For many, the battles, never will end,
Now they're civilians, and find they can't blend.
Some are disabled, and some are disturbed,
After coming from hell, they find they've been curbed.

A veteran is special, to be not denied,
He put it up front, he need never hide.
Now is the time, to honor our vets,
Remember their pain, don't ever forget.
Remember them now, and give them their due,
Stand by their side, cause they did it for you.

REMEMBER ME

Some people call me Old Glory, others call me the Star Spangled Banner, but whatever they call me, I am your Flag of the United States of America. Something has been bothering me, so I thought I might talk it over with you.

I remember some time ago people lined up on both sides of the street to watch the parade and naturally, I was leading every parade, proudly waving in the breeze. When your daddy saw me coming, he immediately removed his hat and placed it over his heart . . . remember? And you, I remember you. Standing there as straight as a soldier. You didn't have a hat but you were giving the right salute. Remember your little sister? Not to be outdone, she was saluting the same as you, with her right hand over her heart . . . remember?

What happened? I'm still the same old flag. Oh, I have a few more stars since you were a boy. A lot more blood has been shed since those parades of long ago.

But now I don't feel as proud as I used to be. When I come down the street, you just stand there with your hands in your pockets and I may get a small glance, then you look away. I see the children running around and shouting . . . they don't seem to know who I am . . . I saw one man take off his hat and then look around. He didn't see anybody else with theirs off so he quickly put his hat back on.

Is it a sin to be patriotic any more? Have you forgotten what I stand for and where I've been . . . Anzio, Korea, Guadalcanal, and Vietnam. Take a look at the Memorial Honor Rolls sometime, of those who never came back, to keep this Republic free . . . One Nation Under God . . . When you salute me, you are actually saluting them.

Well, it won't be long until I'll be coming down your street again. So, when you see me, stand straight, place your right hand over your heart . . . and I'll salute you, by waving back and I'll know that YOU REMEMBERED!!!

I want to thank Mr. Grimm for these poems and commend him for his dedication to God and country. Thank you.

IN HONOR OF MARÍA PESTANA

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 2002

Mr. MENENDEZ. Mr. Speaker, I rise today to honor María Pestana for thirty years of service to Hudson United Bank (HUD) and communities throughout New Jersey. The Federation of Cuban Musicians is honoring Mrs. Pestana for her dedication to Hudson United Bank and the Hispanic community on Saturday, October 12, 2002, at Las Palmas Restaurant in West New York, New Jersey.

In 1957, as a young adult, Mrs. Pestana arrived in the United States from Cuba, initially devoting her time to the care of her family. As her children grew, Mrs. Pestana began a career at Hudson United Bank. She started at an entry-level position, but her enthusiasm and hard work quickly propelled her up the corporate ladder. Today, she is the well-regarded Executive Vice President of HUD and the General Manager of the Main Office.

For over thirty years, she has been a devoted employee, not only providing outstanding customer service, but also helping HUD become a fundamental fixture of the community. Her ability to rise to the occasion and attend to the needs of her customers and colleagues has gained her much respect and admiration.

Mrs. Pestana, and her husband, Francisco, have four children, Frank, Mary, Georgia and Jackie.

Today, I ask my colleagues to join me in honoring María Pestana for her outstanding leadership and countless accomplishments. She is an important and integral part of the Hispanic community, and we are proud of her dedication and hard work on behalf of all New Jerseyans.

SENATE SHOULD ACT ON HOMELAND SECURITY LEGISLATION

HON. LAMAR S. SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 2002

Mr. SMITH of Texas. Mr. Speaker, the House has acted on the new Department of Homeland Security legislation; the Senate has not.

This bipartisan legislation will enable our government to coordinate its intelligence efforts and strengthen its defenses against terrorism.

Also, H.R. 3482,, the Cybercrime Enhancement Act that I introduced, has been included as an amendment to the Senate homeland security legislation. H.R. 3482 passed the House by a vote of 385–3 and the Senate by unanimous consent.

Cyber terrorists do not have to sneak into our borders, they only have to hit a computer key to attack our homeland. We must improve our nation's cvber-security and strengthen our criminal laws to prevent, deter and respond to cyber attacks that could disable the economy or endanger lives.

It is urgent that the Senate act on the Homeland Security legislation.

RECOGNIZING THE 100TH BIRTHDAY OF JESSIE FULLERTON BARRETT

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 2002

Mr. UDALL of Colorado. Mr. Speaker, I rise today to congratulate Jessie Barrett, the grandmother of my staff member Jennifer Barrett, on Jessie's 100th birthday. Jessie will turn 100 on November 5th. Jennifer's father (also Jessie's son) Peter came up with a few reflections on Jessie's life that I would like to submit for the RECORD. The way Jennifer describes her grandmother, it seems clear that Jessie is a strong woman who played a vital role in the family's development and progress over the years, through the hard times as well as the good times. I congratulate her on living such a full life and for the inspiration she has always been to her family and to everyone who has known her.

COMMENTS AND REFLECTIONS BY THE BARRETT FAMILY

Jessie was raised in Plainfield, New Jersey, where her father ran a business, the Watchung Stone Company. Neither of her parents attended college, but both believed in the importance of education. Jessie recalls the excitement in her town when Andrew Carnegie donated money for a library, and she also recalls that she and her brothers looked forward each week to spending most of Saturday in the library. Hard work in their studies and the family attitude about the importance of education determined her family's life paths. With a background of university studies and law school, her brother became President and CEO of Florida Power & Light Corporation, while Jessie gained teaching skills at Wheelock College in Boston. After meeting a special young man at Harvard, Hollis Barrett, she and her new husband set out for the wilds of California, where Hollis built a successful life as a real estate broker.

Jessie seems to have passed on her interest in teaching to her family; her daughter, Martha, taught students at both the elementary and high school levels, while her son, Peter, pursued a career in academic medicine at UCLA, which involved him in the training of medical students and internal medicine residents. Jessie has also taken great pride in the accomplishments of her five grandchildren. Following in his father's footsteps, John is a physician; Anna, the youngest, is a project manager for a non-profit organization involved in health care access; and Jennifer is Rep. MARK UDALL's Deputy Legislative Director. Jessie's Texas granddaughters, Barbara and Nancy, are pursuing both careers and motherhood, and Jessie is now a great-grandmother for the two youngest members of the family, Audrey and Grace.

A few more words about Jessie will allow the reader to know something about her as a person, and perhaps to understand how she has been able to enjoy life for several decades longer than many of her friends. If only one word could be used to describe her, it would be "optimist." That point of view was reflected in her daily approach to life as well as in her general philosophy. Her optimism even extended to thunder storms, as she pointed out that ". . . if you can see enough blue sky to make a sailor a pair of pants, then you know the storm is clearing up." Consistent with her philosophy, no matter how hard it was raining, she was always able to see a patch of blue sky, even when no one else could see it. Importantly, she has shared this philosophy with the children she taught in school, and with her own family.

Jessie's life spanned most of the twentieth century. She saw both Halley's Comet and Mark Twain in 1910, waved goodbye to relatives as they sailed for France in World War I, manned a coastal watch tower in World War II, and watched Americans walk on the moon. The Great Depression had a great impact on the family and on their views about investments and savings.

She has dedicated her life to her family, and imbued them with a strong devotion to each other, a love of learning and education, and a strong sense of patriotism. And it should be noted that she loves all her grandchildren, even though some of them have joined the Democratic Party.

Jessie continues to enjoy life and looks forward to the family celebration on November 5th. The family will also remember to vote on that date, but the most important event of the day for them will be "Nana Jessie's" 100th birthday.

PETER V. BARRETT, MD
MARTHA B. BELL

STATEMENT ON SECURING AMERICA'S FUTURE ENERGY ACT

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 2002

Mr. SKELTON. Mr. Speaker, on September 19, 2002, I submitted a statement during the meeting of conferees for H.R. 4, the Securing America's Future Energy Act. During this session, House conferees approved a burdensome electricity title that could do irreparable harm to how rural Missourians receive power. Because this portion of the energy bill could have a significantly negative impact on rural America, let me take this means to share my statement with all members of the U.S. House of Representatives. Set forth text as follows:

I want to thank the leaders of the energy bill conference for holding this important meeting today. Although I have been appointed a conferee to this energy legislation because of its provisions related to the military, I come before you today to share my support for rural electric cooperatives and to express profound concerns about the possible inclusion of an onerous electricity title in the final energy bill.

Since the beginning months of the 107th Congress, Members from the House and Senate in both political parties have worked to draft energy legislation that is good for our Nation. In 2000, both presidential candidates developed plans for our future energy needs, and President Bush asked Congress to craft comprehensive energy policy legislation. We have done that. Each chamber has approved two distinct versions of an energy bill, and there are good and bad aspects to each of them. That is why we are here today and have been meeting in conference to iron out the differences between our respective bills.

As someone who is privileged to represent rural Missouri in the United States Congress, I am particularly mindful of rural American interests, including the electric cooperatives that power nearly all of the Fourth Congressional District. The version of the energy bill approved by the Senate includes a title dedicated to electricity. The Senate electricity provisions, which are supported by the National Rural Electric Cooperative Association, recognize the unique role electric cooperatives play in providing electric power to folks who live throughout the countryside.

The House-passed version of the energy bill does not include an electricity title. In fact, the House has been unable to develop a sufficient consensus to approve an electric utility restructuring bill during the 107th Congress. Such a measure failed to pass the Energy and Air Quality Subcommittee or the Energy and Commerce Committee. That is a good thing for rural electricity consumers because the House bill would not acknowledge the special private business characteristics and the unique demographics of electric cooperatives and their customers.

It has come to my attention that during the last meeting of the energy bill conference, members discussed several aspects of the House electricity reform bill. I am concerned that some members who have been long-time advocates of stringent House electricity legislation are attempting to use this conference committee to advocate their bill as the "House position" on electricity, even though the House has repeatedly been unable to find general agreement on this matter. Such action would be devastating to electric cooperatives and to the customers they serve.

Electric cooperatives have a long and distinguished history in our country. They provide private ownership to consumers of their electric utility and operate at cost. This type of ownership has been very successful in rural Missouri where population densities and revenues are low. It has also immunized electric cooperatives from the price gouging, market manipulation, and corporate malfeasance activities that have emerged in the electricity industry over the past year.

Any electricity provision approved by the conferees must carefully address the unique interests of rural America. If conferees proceed with approving the House Energy and Commerce Committee's electricity restructuring proposal as part of this energy bill, it will cause great heartburn for those of us who represent rural America. Although I have not made a determination on how I will vote on a final energy work product, the inclusion of this burdensome provision will make me think twice about supporting it. More importantly, it will lead to higher rates for rural Americans who rely on electric cooperatives for their energy needs.

LEHIGH VALLEY HERO—GRACE HART O'BOYLE

HON. PATRICK J. TOOMEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 2002

Mr. TOOMEY. Mr. Speaker, today I would like to share my Report from Pennsylvania for my colleagues and the American people.

All across Pennsylvania's 15th Congressional District there are some amazing people who do good things to make our communities a better place. These are individuals of all ages who truly make a difference and help others. I like to call these individuals Lehigh Valley Heroes for their good deeds and efforts.

Today, I would like to recognize Mrs. Grace Hart O'Boyle of Bethlehem. Mrs. O'Boyle is a prime example of someone who has devoted her life to the betterment of our communities.

Mrs. O'Boyle served the Bethlehem City Schools as a teacher at Northeast Junior High and was an active participant in the city's summer school program for many decades. Despite commitments to Brownie troops and other youth organizations, Mrs. O'Boyle found time to raise a family and her strong commitment to education and the community is reflected in her own children's education-based careers.

While most would relax in their retirement, Mrs. O'Boyle saw her retirement only as an opportunity to help her community. She continued to substitute teach and was a member of Bethlehem's Professional Woman's Association, American Association of University Women, and served with various other Organizations.

Mrs. O'Boyle is marked by her humbleness and devotion, which she exhibited on her 80th birthday. Instead of accepting the flowers and gifts that usually mark such an occasion, Mrs. O'Boyle established a Scholarship fund to help bright, dedicated students at her local parish school.

Mrs. O'Boyle stands out as an example of the effect one person can have upon their community and for this she is a Lehigh Valley Hero in my book.

Mr. Speaker, this concludes my Report from Pennsylvania.

TRIBUTE TO MR. JOSEPH RAFFERTY

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 2002

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise to honor the accomplishments of my friend and brother in the labor movement, Mr. Joseph Rafferty. Mr. Rafferty has been honored by our fellow Philadelphians by receiving the 2002 Laborers' Local Union 332 Outstanding Labor Leader Award. He has earned that honor by providing guidance and direction to Steamfitters' Local 420, the Philadelphia Building and Construction Trade Council as well as other trade councils, the Philadelphia

AFL–CIO, and the entire Pennsylvania community.

In 1964, Mr. Rafferty entered Steamfitters' Local 420 for a five-year apprentice program. He went on to serve as the Assistant Business Manager, Business Agent, and is now the elected Business Manager. Under Mr. Rafferty's leadership, Local 420 actively aides the community by repairing and replacing piping, boilers, and refrigeration units for non-profit agencies. Local 420 has helped organizations such as the Ronald McDonald House, the Variety Club Camp, and the Scanlon Playground Ice Skating Rink.

Married to Frances, Joe's family includes his son Tom, his daughter Michele Quinn and his stepdaughters Eleanor and Aimee Troise. Mr. and Mrs. Rafferty have four grandchildren: Peter, Jake, Casey Leigh, and Chelsea. I am quite sure Joe's entire family is very proud of his numerous accomplishments.

It is a privilege to recognize a person whose leadership and commitment to community has enriched the lives of countless individuals. I ask you and my other distinguished colleagues to join me in commending Mr. Rafferty for his lifetime of service and dedication to Pennsylvania's First Congressional District.

IN HONOR OF THE STATEWIDE HISPANIC CHAMBER OF COMMERCE OF NEW JERSEY

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 2002

Mr. MENENDEZ. Mr. Speaker, I rise today to honor the Statewide Hispanic Chamber of Commerce of New Jersey (SHCC), an organization whose efforts have contributed to the increased prosperity and achievement of Hispanics throughout the State. New Jersey's Hispanic Chamber of Commerce will be holding its 12th Annual Convention Expo and Career Fair at the Newark Airport Marriott in Newark, New Jersey, on October 11, 2002.

The Hispanic market represents the fastest growing demographic sector in the United States. The SHCC has contributed to this growth by forming new partnerships in Latin America, bringing products and jobs back to New Jersey, and creating further economic development and business opportunities throughout our region.

The general business community, government agencies and Hispanic entrepreneurs have all benefited from the many innovative events and networking opportunities of the SHCC.

At the Career Fair, the SHCC provides participating organizations with the chance to meet college students, professionals, and inner city residents to identify them for internships, full-time jobs, and career opportunities. SHCC considers employment to be an important factor in economic development of our communities and acts as a link between employers and career seekers.

Today, I ask my colleagues to join me in honoring the Statewide Hispanic Chamber of Commerce of New Jersey for its contributions to the economic development and empowerment of the Hispanic community throughout New Jersey.

INTRODUCTION OF THE PRIVATE PARTY JUDICIAL FAIRNESS ACT

HON. LAMAR S. SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 2002

Mr. SMITH of Texas. Mr. Speaker, I have introduced legislation to help private parties seek justice against the Federal Government. The Private Party Judicial Fairness Act allows for pre-judgment interest to accrue in cases where it is now prohibited. Interest will be paid from the date the action is filed in the United States Court of Federal Claims.

Upon receipt of a judgment against the United States, this legislation will allow private parties to receive the proper proceeds. It also will create an incentive for the government to process these suits at a reasonable pace.

Under current law, a narrow group of suits against the United States are ineligible for pre-judgment interest.

The lack of pre-judgment interest available in these cases encourages government lawyers to delay the ultimate resolution of the cases. Some of these cases have been pending before the Court for ten or more years. And even if the private parties win their cases and are awarded judgments, it is usually far less than what they deserve.

It is time to aid this small class of claimants and create an incentive for the prompt administration of justice.

A PROCLAMATION RECOGNIZING THE RETIREMENT OF TECHNICAL SERGEANT ALAN MONTE DE RAMOS

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 2002

Mr. NEY. Mr. Speaker, whereas, TSgt Alan Monte de Ramos is retiring from the United States Air Force after 21 years of service; and

Whereas, TSgt Alan Monte de Ramos married Cheryl in 1989 and they have a daughter, Rachel and a son Kyle; and

Whereas, TSgt Alan Monte de Ramos has received many recognitions including, the Air Force Commendation Medal First Oak Leaf Cluster and the Air Force Achievement Medal; and

Whereas, TSgt Alan Monte de Ramos is to be commended for serving his country with professionalism, dedication, passion, and integrity;

Therefore, I join with the residents of the entire 18th Congressional District of Ohio in celebrating TSgt Alan Monte de Ramos' retirement from the United States Air Force.

RECOGNIZING DAVID GREEN, JR., FOR HIS FUNDRAISING BIKE RIDE ACROSS AMERICA

HON. SAXBY CHAMBLISS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 2002

Mr. CHAMBLISS. Mr. Speaker, I would like to commend the selfless deeds of David Green, Jr., of Macon, GA. During this past summer, David spent six weeks riding his bicycle across our great nation from Seattle, Washington to Savannah, Georgia in order to raise money for the Methodist Home for Children and Youth's new Intergenerational Activity Center in Macon, GA.

With today's endless media stories depicting our nation's youth in a negative light, it is refreshing to see the giving attitude of this young man. To date, David has raised over $63,000 in gifts and pledges toward the new "Teen Center." The mission of the Methodist Home for Children and Youth is to provide a redemptive ministry in South Georgia of healing and nurturing to children, youth and their families in the most appropriate setting, enabling them to grow and become more productive in society. His selfless act will help provide opportunities for young individuals for many years to come.

David's record of community service is well established. His years of giving back include work with the Salvation Army, Habitat for Humanity, as well as the Big Brothers Big Sisters program. While in high school, David also served as a member of Students Against Drunk Driving as well as a member of Teen Advisors, pledging each year not to drink alcohol or smoke. A distinguished Boy Scout, he obtained scouting's highest honor, the rank of eagle. He has recently graduated from Stratford Academy in Macon, GA, and is currently attending the University of the South in Sewanee, Tennessee, where he is a member of the Boys Varsity Soccer Team.

Mr. Speaker, I am convinced that David Green, Jr., will continue his service to others as he moves toward a higher education. It is comforting to know that tomorrow's leaders are already positively affecting our nation. I am truly proud to represent such an individual from the eighth district of Georgia. Today it is my pleasure to commend David for his ongoing efforts to better society.

TRIBUTE TO MR. BOUIE FISHER

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 2002

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise to honor the accomplishments of Mr. Bouie Fisher, recipient of the 2002 Laborers' Local Union 332 Outstanding Community Leader Award. It is a privilege to recognize a person whose commitment to family and community has enriched the lives of countless individuals.

Mr. Fisher received his first union work permit with Laborers' Local #332 when he began his construction career at the age of 17 in 1944. In both construction and amateur boxing, Mr. Fisher became a mentor and supporter of his coworkers. His success in professional boxing and in labor was propelled by the belief that any good fighter is only as good as the people around him and that a strong team can make the difference between success and failure. Even after leaving the labor field, Bouie Fisher demonstrated loyalty to Local #332 by helping on picket lines and remaining available to assist the labor movement.

Mr. Fisher built a record of 13–5 fighting. The strength and support he received and imparted came largely from his wife of 55 years, Peggy, five daughters, three sons, and twelve grandchildren.

Mr. Speaker, Bouie Fisher is a model citizen. I ask you and my other distinguished colleagues to join me in commending Mr. Fisher for his lifetime of service and dedication to Laborers' Local #332 and Pennsylvania's First Congressional District.

HONORING RICHARD A. BOIARDO, M.D.

HON. MICHAEL FERGUSON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 2002

Mr. FERGUSON. Mr. Speaker, I rise today to honor Dr. Richard A. Boiardo, for his dedicated efforts in service to New Jersey through his work in the medical field. Dr. Boiardo has been a practicing orthopedic surgeon in New Jersey since 1986.

Dr. Boiardo graduated Phi Beta Kappa and summa cum laude from Georgetown University in 1974. He went on to study medicine at the New York Medical College in Valhalla, New York, and completed his residency in orthopedic surgery at Lenox Hill Hospital in New York City.

Currently, Dr. Boiardo serves as Chief of the Orthopedic Department at Saint Mary's Hospital, in Hoboken, New Jersey, and is on the orthopedic medical staff at several other hospitals in Passaic and Newark. He is a member of the Essex County Medical Society and the American Academy of Orthopedic Surgeons. And he is also the team surgeon for the Newark Bears, a minor league baseball team.

The Columbian Foundation, a non-profit organization of business and professional men of Italian descent, will recognize Dr. Boiardo with a Humanitarian and Achievement Award on October 12.

Mr. Speaker, it is my privilege to honor Dr. Boiardo today for his good works and providing New Jersey with his talent and service.

U.S.-IRELAND BUSINESS SUMMIT

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 9, 2002

Mr. GILMAN. Mr. Speaker, I was pleased to join with my colleagues in voting unanimously on September 10, 2002, to pass H. Res. 513, a bipartisan recognition of the historical significance and timeliness of the 3-day U.S.-Ireland Business Summit. This gathering was held September 4–6, 2002 at the Ronald Reagan International Trade Center in Washington, DC.

It was a great pleasure for me to participate in this first-ever Summit which was organized and chaired by a distinguished Irish-American leader, Susan Ann Davis. As members of this institution with an interest in the Irish isle know, Susan Davis is a great advocate for the peace process and for strengthening the bonds of friendship between the U.S. and the people of the Republic of Ireland and Northern Ireland. In addition to founding Susan Davis International, one of Washington, DC's most respected public affairs and communications firms, Susan serves as the President of the National Assembly of Irish American Republicans.

The U.S.-Ireland Business Summit brought together business leaders from the Republic of Ireland, Northern Ireland and the United States to discuss the importance and the advancement of our bilateral commercial ties across the Atlantic. The special relationship which America enjoys with Ireland is reflected in the increased trade between our two nations over the past decade. This has produced enormous benefits both for Ireland as well as for the United States, and continues to underscore our common values, our traditions and our commitment to free trade. Moreover, expanding international commercial links has underscored and reinforced the benefits of peace in Northern Ireland at a critical time.

It is clear that an environment free of violence and fear is vital to fostering a prosperous business community. Though, it is clear that the hard-won peace in Northern Ireland still remains fragile as we again see strains and developments that threaten the power sharing arrangement.

In fact, violence we saw this last summer in the interface areas of Northern Ireland demonstrates that there is much work to be done. Fortunately, as reflected by the coverage in the media, the U.S.-Ireland Business Summit has created a new momentum for peace and a sense of hope and optimism. I want to commend President Bush for his outlining the bold vision for strengthening the peace process that the Summit embodies and for ensuring that the Summit received strong support from across his Administration. In fact, a key to the Summit's success—and the success of initiatives announced and launched at its conclusion—were a result of the personal involvement and efforts of the Secretary of State, Mr. Powell, Secretary of Commerce, Mr. Evans, the Secretary of Health and Human Services, Mr. Thompson, and the President's key advisor on the Irish peace process, Ambassador Richard Haass.

I look forward to continuing to work with the President, my colleagues, Susan Ann Davis and other concerned Irish-Americans in the private sector to complete the work begun at the U.S.-Ireland Business Summit.

RECOGNIZING THE ACCOMPLISHMENTS OF THE CU SOLAR DECATHLON TEAM

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 2002

Mr. UDALL of Colorado. Mr. Speaker, I rise today to recognize the accomplishments of a talented group of students from the University of Colorado who designed and built the winning entry at the Department of Energy's Solar Decathlon. I am submitting for the RECORD a recent article from the Daily Camera describing the team's achievement.

The Solar Decathlon is a competition organized by the Department of Energy that gives college students an opportunity to demonstrate practical uses of solar power. This October, 14 university teams from around the country competed in the first-ever Solar Decathlon to build the most energy-efficient, solar-powered house. Each team was required to use solar energy to power the entire house, and was judged on how well its house was able to produce energy for heating, cooling, hot water, lighting, appliances, computers, and charging an electric car. The houses were also critiqued on their overall aesthetic design.

The students from the University of Colorado designed a building that demonstrates how clean, renewable, solar energy can practically and efficiently power a home. They focused on making the design of the house attractive and affordable to show that homeowners don't have to compromise style and convenience to live in a sustainable and environmentally friendly way.

These enterprising students from the University of Colorado had a challenge—to take advanced architectural and engineering concepts, put them together in a design, and build a house that could be a model of our energy future. These students met that challenge and met it better than any of the other teams. I'm proud of these students and I'm proud that the University of Colorado produced such a talented team. Most of all, I am proud to represent these young people who are working so hard to make our way of life a sustainable one.

[From the Daily Camera, Oct. 6, 2002]

CU WINS CONTEST FOR SOLAR HOUSE DESIGN

BUILDERS TRIUMPH OVER 13 OTHER COLLEGE TEAMS

(By Ryan Alessi)

WASHINGTON.—The bright sunny October morning proved an appropriate backdrop Saturday for the 14 Solar Decathlon teams to finish the last few tasks of the weeklong competition.

The 14 homes built on the National Mall by college teams from around the country and Puerto Rico had been probed, monitored, inspected and judged since last weekend. Architects and U.S. Department of Energy officials rated the teams in 10 categories ranging from the appearance of the homes to how much energy they saved. And of course, everything from the fridge to their electric buggy-mobiles had to be powered by sunlight.

By Saturday morning, the University of Colorado sat atop the standings as the team to beat. Then, shortly after noon, video cameras, photographers and a crowd began gathering outside the CU team's house, leaving little doubt that they had, in fact, won.

At a brief ceremony, David Garman, assistant energy secretary for energy efficiency and renewable energy, presented a polished steel trophy to Michael Brandemuehl, the CU team's adviser and professor of civil, environmental and architectural engineering.

The University of Virginia, which started the day in third place, passed Auburn University for second place. "We were pretty confident," said Mike Renner, CU's engineering design leader. "All the other teams had pretty much decided they were going for second."

The judges scored the CU house among the top five in all the design-based categories. And the engineering spoke for itself as the team received the best marks in the competition for the amount of electricity it generated and how efficiently the home used the power.

"It's a well-oiled machine because of the team's all-around planning," said Sheila Hayter, one of the scoring officials from the National Renewable Energy Laboratory in Golden. She said the team's use of recycled materials also boosted the team's scores. "They put together a very environmentally conscious house." That also caught the attention of many of the estimated 75,000 visitors who have streamed through the solar village.

"I loved their efficient use of space and their overall design," said Elizabeth Ridgeway, visiting Washington from North Hollywood, Calif. She voted for CU's house in a separate People's Choice competition whose winner will be announced today. "And they used a lot of interesting materials," said Bill Lyon, also from Los Angeles. "I really liked to see so many students focusing on the environment."

After the Energy Department declared CU the winner, other onlookers couldn't wait to see the house, so a group rushed up to the porch and into the foyer before team members could stop them.

"Geez, they're practically breaking the doors down," Renner said. "Good thing we don't have any goal posts."

Team members said that type of public response has been the real trophy that they can take away from the competition, especially because this home was their second design. They opted to scrap their original design in January and start over.

The public response "was satisfying for us as individuals because the reason we changed our design was because we didn't agree that it was the direction we should go," said Adam Jackaway, a graduate student in charge of the home's lighting and the passive solar design. "And the direction we should go is targeting the homeowners who are looking for something right now that conforms to their aesthetic taste and what they can afford and what is easy to operate."

Jackaway said he wants to challenge the Department of Energy to hold this kind of a competition not only for college students, but for home builders, car manufacturers and energy companies, to see who can build the most self-sufficient neighborhoods, the most efficient vehicles and the cleanest energy.

The CU home—which cost about $200,000 for materials, construction and transportation to Washington—will return to campus for about a year. Then, team members say, they plan to sell the 800-square-foot house to make up some of the costs.

As for the competition, Richard King, the Solar Decathlon's founder and director, said the Department of Energy will begin focusing on the next decathlon for fall 2004.

He said future teams probably will study how the CU team wove engineering and architecture together to build a winning design.

Teams that didn't properly balance the two quickly fell from the top five. The University of Maryland, a team of all engineering students, built a plain, white, box-like house that "worked like a tank," King said. It scored high in engineering but low in design.

The Carnegie Mellon team of all design students had large windows, open ventilation systems and tons of recycled materials. "It looks great, but they couldn't get it to work," King said.

"So now the engineers will go back and say, 'Hey, we need to get some architects.' And the architects will go back and say, 'We need engineers,' " he said. "That's how it works in real life."

The team from CU used everything from compressed sunflower board to reclaimed bleacher seats for cabinet facing. Other "green" materials used included soy adhesives in the countertops and bamboo flooring.

To help make the home more energy-efficient, the team installed thermally insulated blinds and limited the highest ceiling to 18 feet.

About 100 students and faculty from engineering, architecture and design programs at CU have worked on the project for the past two years, said Matthew Henry, the team's construction manager and design leader.

Henry, 28, graduated from CU last spring with a degree in environmental design, but he said the project meant so much to him that he came back to help with the competition.

"The prize is going to be someone coming up and saying I want to build a whole community of these types of houses, I want to build better," he said.

For more information on the CU team's project, visit *solar.colorado.edu*.

(The Associated Press contributed to this report.)

BERNARD E. BEIDEL, DIRECTOR OF THE U.S. HOUSE OF REPRESENTATIVES' OFFICE OF EMPLOYEE ASSISTANCE, HONORED AS 2002 MEMBER OF THE YEAR

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 2002

Mr. NEY. Mr. Speaker, each year, the Employee Assistance Professionals Association (EAPA) selects one person who has consistently demonstrated outstanding service throughout their professional career in the field of employee assistance. It is with great honor that I am able to say that this year's recipient of the "2002 EAPA Member of the Year" award goes to one of our own, Bernard E. Beidel, Director of the House Office of Employee Assistance. Bern is being recognized for his commitment to the employee assistance field and the leadership he demonstrated most recently by providing assistance and support to the leaders of the House of Representatives, their staff, and their families following the difficult events of September 11th, 2001, and the House building evacuations due to anthrax.

When the House first implemented the Office of Employee Assistance in 1991, Bern was selected to head the program. Through his years with the House, he has helped many House employees, and managers, be at their best; both on the job and off. He has helped us expand this umbrella of care to also serve other employees of the House community to include the employees of the U.S. Capitol Police and the Congressional Budget Office and to guide us to a healthier workplace.

Bern came to the House with over fifteen years of experience in employee assistance and has continued to prove himself as a leader in the field. He has authored a number of book chapters and articles on various issues and best practices in the EA field and has been a presenter and guest faculty member at numerous EA institutes. His commitment to the field is evident in his professional work as well as his willingness to serve as a Chair for a wide variety of EAP organizations and task forces, including the committee that rewrote the professional standards for the employee assistance field. Last year, under his leadership, the House Office of Employee Assistance was awarded the EAP Digest/Employee Assistance Professionals Association's "2001 Quality Award for EAP Excellence."

On behalf of the U.S. House of Representatives, I join his staff at the employee assistance office; his wife, Donna; and daughters, Cindy and Jessica in recognizing Bern for this outstanding and well-deserved award, and, for his ongoing caring, commitment, and dedication to the House and the people who serve here. Thank you Bern, and keep up the great work!

TRIBUTE TO DON SCHNEIDER

HON. THOMAS E. PETRI

OF WISCONSIN

HON. MARK GREEN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 2002

Mr. PETRI. Mr. Speaker, we want to pay tribute today to Don Schneider, who has recently assumed the position of Chairman of the Board of Schneider National Inc., based in Green Bay, Wisconsin. Don becomes Chairman after serving as President and CEO of the company since 1974.

Don is one of the most innovative and creative businessmen we know—not only in the State of Wisconsin, but in the entire country. Upon meeting Don, one is immediately struck by his tremendous energy, drive and the commitment he has for his company and for the transportation and logistics business. Indeed, that is why he has been so successful. The enjoyment he takes in tackling problems and finding solutions is infectious and motivates all those around him. He is a forward-thinker who literally has revolutionized the transportation industry. For example, Don has been a leader in the use of technology, and his company was the first to adopt satellite-based communications and positioning in its trucks—which many years later is now considered standard in the transportation industry.

The Transportation and Infrastructure Committee of the House has called on Don several times to present testimony regarding emerging infrastructure and transportation issues. His presentations on the role of a well-performing transportation network in spurring economic growth and of reducing logistic costs—which can be as much as 11 percent of product costs—for greater product supply chain efficiency has been critical to the understanding of the Committee and the Congress as we consider related legislation.

Schneider National was founded by Don's father back in 1935. During his high school years, Don worked as a mechanic's helper and then a driver, which he continued to do while attending college. In 1961, he joined the company as a manager and succeeded his father as President and CEO in 1974. During his years at the helm of the company, he has built it into a $2.4 billion business that is now the largest truckload carrier in the country. In 1993, Don founded Schneider Logistics as a wholly owned subsidiary. Again, with its focus on technology, Schneider Logistics guides its Fortune 1000 customers in efficiently managing and moving their goods.

Don has always been charitable with his time out of the office and is actively involved in a number of organizations. He is Chairman of the Business Advisory Committee for Northwestern University's Transportation Center and is a member of the Advisory Board for the Kellogg Graduate School of Management. Don also is a member of the board and executive committee of the Green Bay Packers football team and a former director of the Federal Reserve Board.

It is heartening these days to see a businessman who is humble, who treats his employees with respect, and who truly believes in the value of his work. The accolades and awards he has received as an outstanding entrepreneur are too numerous to mention.

So we, too, want to recognize Don and his accomplishments, and wish him all the best in this new phase of his life. We have no doubt that he will continue to make valuable contributions to our community and to the transportation industry.

HONORING MIAMI-DADE FIREFIGHTER LINDA HERNANDEZ

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 2002

Mr. DIAZ-BALART. Mr. Speaker, I rise today to honor the lives of America's fallen heros. This past weekend, Washington, D.C. was the host of this year's National Fallen Firefighters Memorial Ceremony. Following the attacks of September 11, 2001, this year's ceremony held a higher importance as it honored the 343 brave men and women firefighters who died in the terrorist attacks over a year ago. The courage shown by these firefighters embodies the values that we as a society find all too often in our heroes. While these men and women will always be remembered, we must not forget the many other American firefighters who died in the line of duty over the past year.

One such person is Linda Hernandez, a Miami-Dade County firefighter who died September 18, 2001. While attending the firefighting college in Miami, she strived to excel in her duties. While she impressed the other trainees and instructors, Mrs. Hernandez earned the respect of her colleagues when she routinely helped other women through the rigorous physical and mental tests. Mary Giles, a friend of Linda's and a fellow Miami firefighter summed her feelings in the following words. "There were times when we wanted to throw in the towel. But Linda was always there for us. And we became determined that nothing would beat us."

Mrs. Hernandez's life was tragically cut short, just one week after the horrible terrorist attacks on America. Her health problem began on March 28, 1999. In her capacity as a Miami-Dade County firefighter, Mrs. Hernandez had become an expert using the K–12, which is a special saw used to ventilate buildings during a fire. On March 28, 1999, she was using the machinery she had used so many times before when she was enveloped in smoke and left without the use of her oxygen tank. That day she was treated for smoke inhalation and lung damage and given medication to combat the damage. Unfortunately, the medication had the opposite effect, destroying her liver, and necessitating a transplant in June of 2000. However, after a year, her body rejected the transplant and sadly Mrs. Hernandez died of her illness.

Mr. Speaker, Mrs. Hernandez is one of 446 brave firefighters who died while protecting our families and communities this past year. While we have had time since September 11, 2001 to realize the importance of public servants and the outstanding jobs they often perform, we sometimes forget that these men and women risk their lives every day to make sure we are safe. Mrs. Hernandez left behind her husband, Miami-Dade police Sergeant Paul Hernandez, and four children. While we join to mourn their loss, we must rejoice in the positive impact that Miami-Dade firefighter Linda Hernandez had on the Miami-Dade community.

PERSONAL EXPLANATION

HON. MARY BONO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 2002

Mrs. BONO. Mr. Speaker, I rise to clarify that had I not been unavoidably detained yesterday, October 9, 2002, I would have voted "aye" on the following rollcall votes: rollcall No. 448; rollcall No. 449, rollcall No. 450, and rollcall No. 451.

TRIBUTE TO FRED BAKI

HON. CLIFF STEARNS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 2002

Mr. STEARNS. Mr. Speaker, I want to call my colleagues attention to a remarkable constituent of mine. He is an immigrant from Turkey, who, forty years ago, came to the U.S., became a naturalized citizen and spent many years working in the import/export business. He retired in Florida and now resides in the 6th district. He is one of the Points of Light appointees by President Bush, Senior. His name is Fred Baki.

After retirement, Fred formed a not-for-profit organization to teach adults reading, writing and arithmetic. Since 1989, he and his thirty-three volunteers have been serving U.S. citizens in the educational field.

Several years ago, he and the volunteers developed a system by which long distance instruction could be provided over the telephone. This unusual teaching system is offered to all citizens, wherever they may reside, free of charge.

Three telephone lines are open twenty-four hours a day, 365 days a year, including weekends and holidays. Now named Cottage Education Corporation, the effort is offering its services to public schools at no cost to the school system.

I think Mr. Baki's long distance teaching and tutoring system is worthy of exploration to be implemented on a larger scale. Should this program prove valuable, it could possibly be implemented throughout the country.

The system includes ten disciplines including addition, subtraction, multiplication, division, science, civics, history, geography and biology. It contains a database with one thousand questions and answers. All of the subjects are presently taught in our public schools from the grade school to high school.

HONORING COMMANDER ROBERT R. DAVIS

HON. SAXBY CHAMBLISS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 2002

Mr. CHAMBLISS. Mr. Speaker, our country has lost a great American. My good friend, retired U.S. Navy Commander Robert R. Davis, passed away on Oct. 1, 2002, and he will be greatly missed by all who knew him.

It was very much a privilege for me to have known Commander Davis for many years. I had the privilege of being with him on several special occasions including the Georgia Pearl Harbor Survivors Association on December 7, 2001 when he kindly asked me to address the survivors on the 60th anniversary of the infamous attacks on our country.

Then on July 19, 2002, I was so proud to have Commander Davis as my special guest when Vice President DICK CHENEY came to Georgia.

The last time I saw Commander Davis was on September 7 of this year when he and his son Jim were hunting in Georgia on the opening day of dove season. On many other memorable occasions he and I were together as friends. He loved his country and strongly supported its military. I always appreciated his wise counsel on defense and other issues.

Robert Roscoe Davis was born on December 16, 1914, in Jacksonville, in Telfair County, Georgia. He joined the United States Navy at age 17, enlisting as a seaman, and made the Navy his career for 28 years. On December 7, 1941, Bob Davis was assigned to the Minesweeper U.S.S. *Ogloia* at Pearl Harbor. He was not aboard when the Japanese attack came and the ship was sunk, but later put on a diving suit and went down to try to raise it. He was later commissioned as an officer, rose to the rank of Commander, and was the commanding officer of the USS *Washoe County,* LST 1165. He had assignments all over the world and was commander of the Naval Reserve Training Center on Riverside Drive in Macon when he retired.

Upon his retirement from the United States Navy Commander Davis entered the real estate business and was active in the Pearl Harbor Survivors Association, the Veterans of Foreign Wars Post 658, and the Macon Exchange Club. His friends and family used the term "Commander" to respectfully address him for the rest of his life.

On Saturday, October 5, 2002, Commander Davis was given a distinguished funeral and a graveside ceremony at Riverside Cemetery in Macon, Georgia, with military honors including a Navy Honor Guard, bugler, and bagpipe player.

Mr. Speaker, my wife Julianne and I express our sadness over the passing of Commander Robert Davis and we send our sincere condolences and best wishes to his loyal family. He was a great American and he will be missed so very much. I think it is most appropriate that I close this tribute to Commander Robert R. Davis with the first verse of the "Navy Hymn."

Eternal Father strong to save, Whose arm
hath bound the restless wave,
Who bid'st the mighty ocean deep Its own
appointed limits keep;
O hear us when we cry to thee, for those in
peril on the sea.

HONORING THE 91ST NATIONAL DAY OF THE REPUBLIC OF CHINA ON TAIWAN

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 2002

Mr. TOWNS. Mr. Speaker, I would like to recognize and congratulate the Republic of China on Taiwan on the occasion of its 91st National Day on October 10, 2002.

Those of us from New York City are mindful that President Chen Shui-bian lost no time in condemning the horrific attacks of September 11, 2001 and in offering his country's unequivocal and generous support. Following the attacks, President Chen immediately acted to: (1) reinforce protection for U.S. personnel and facilities in Taiwan; (2) heighten security at airports and harbors; (3) provide government and private Taiwanese donations of approximately $20,000,000 for relief funds to New York City; (4) initiate a plan to prevent money laundering schemes that could benefit terrorists; and (5) increase the exchange of intelligence with the U.S.

New York City and the surrounding metropolitan area are home to hundreds of thousands of Americans of Taiwanese descent. We are very proud of the Taiwanese heritage of so many of our citizens. Their many contributions have made our community a better place in which to live.

Taiwan is also an economic powerhouse with the 12th largest economy in the world and the seventh largest U.S. trading partner. U.S. exports to Taiwan make it one of the largest export markets for many states including New York.

The 23 million people of Taiwan enjoy a vibrant democracy and human rights. With more than 90 political parties, elections at all levels of government are hotly contested through free and fair means. In fact, President Chen is a former political dissident himself. Taiwan's constitution guarantees its citizens extensive political, personal and religious freedoms. Further, President Chen has committed Taiwan to many international human rights treaties.

Finally, as we know from this country's generosity to New York City, Taiwan has always been as Secretary Colin Powell noted recently "a generous contributor to the international community." Over the years, it has sent 10,000 experts to train technicians in developing countries. It also has provided direct financial assistance to Kosovo and Afghan refugees to name a few.

October 10 is a time to celebrate a great friend of our country—one that shares in our ideals and freedoms. Let us hope that the cooperation between our two nations continues to grow even stronger and that we will continue to support efforts to bring Taiwan further into the community of nations worldwide.

CONGRATULATIONS TO NOTRE DAME ACADEMY AND OTTAWA HILLS HIGH SCHOOL

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 2002

Ms. KAPTUR. Mr. Speaker, Notre Dame Academy and Ottawa Hills High School were recently awarded the Blue Ribbon School Award for the 2001–2002 school year. I was pleased to congratulate each school at receptions in their honor held in Washington, DC, October 3–4, 2002.

For the past 19 years, the U.S. Department of Education has honored schools that have demonstrated excellence through leadership, teaching, curriculum, student achievement, and parental involvement. Upon receiving the Blue Ribbon School of Excellence Award, Notre Dame Academy and Ottawa Hills High School have joined a select group of outstanding schools throughout America.

The human mind is our most valuable resource, and education equips young people to function in a free society, keep America competitive in the world economy, and enjoy all the resources and opportunities our country has to offer. Upon receiving this recognition, Notre Dame Academy and Ottawa Hills High School will continue to be viewed with high esteem by educators, teachers and parents in the state of Ohio and across the country. These schools truly have elevated the citizens of our great community, and join the ranks of previous local awardees, each superb local school, offering our students the finest quality education.

I commend the Notre Dame community—administrators, teachers, support personnel, parents and students and alumni—for their hard work and unwavering commitment to educational quality. Likewise, Ottawa Hills High School will continue to be viewed with high esteem by educators, teachers and parents in the state of Ohio and across the country. Onward!

HONORING DR. VERNON SMITH, RECIPIENT OF 2002 NOBEL PRIZE IN ECONOMIC SCIENCES

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 2002

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today to honor Dr. Vernon Smith, the recipient of the 2002 Nobel Prize in Economic Sciences.

A professor at George Mason University, in Fairfax, Virginia, Dr. Smith has laid the foundation for the field of experimental economics by pioneering the use of laboratory experiments in evaluating the performance and function of markets. He has demonstrated the importance of alternative market institutions, such as how the revenue expected by a seller depends on the choice of auction method. Smith has also spearheaded "wind-tunnel tests", where trials of alternative market designs, when deregulating electricity markets, are carried out in the lab before being implemented in practice.

As a result of Dr. Smith's compelling research, experimental techniques have been applied by economic scholars worldwide. They have given economists a deeper understanding of the actual workings of the real-world markets and institutions and have helped guide public policy in electric power, water markets and in the design and testing of a pollution permit trading system. His ability to test economic theory has shed new insight into how goods are bought and sold, how airlines price their tickets, how pollution could be reduced, how stock trading could be less volatile, how state and federal regulations are developed, how states structure electric power industries, and how companies manage their employees.

Dr. Smith is a faculty member at the George Mason University School of Law and the Department of Economics, and leads a team of economists at the Interdisciplinary Center for Economic Science. He came to George Mason thanks in part to a $3 million grant from the Charles G. Koch Charitable Foundation. Dr. Smith is the second George Mason scholar to receive the Nobel Memorial Prize in Economic Sciences; economics professor James Buchanan received the award in 1986 for his groundbreaking work on public choice theory.

Mr. Speaker, in closing, it gives me great pleasure to extend my warmest congratulations to Dr. Smith on his 2002 Nobel Memorial Prize in Economic Sciences. His achievements and contribution to the field will be priceless to Virginia and the world as a whole. Virginia is proud to have such a distinguished citizen in its professional and social community. Once again, Mr. Speaker, Northern Virginia has proven to be a hotbed of cutting-edge, influential scientific process. I call upon my colleagues to join me in applauding this remarkable achievement.

HONORING WAYNE J. POSITAN, ESQ.

HON. MICHAEL FERGUSON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 2002

Mr. FERGUSON. Mr. Speaker, I rise today to honor a friend, Wayne J. Positan, Esquire for his outstanding contributions to the people of New Jersey through his expertise in law. Wayne has practiced law in New Jersey for nearly 30 years.

Wayne is an active member of the New Jersey State Bar Association and has been a member of the Essex County Bar Association throughout his career. He is also the Editor-in-Chief of the book "New Jersey Labor and Employment Law."

He is widely respected within his profession. He is listed in "Best Lawyers in America" for labor and employment law. He was inducted as a Fellow of the American Bar Foundation in 2002, was the 2001 recipient of the Professional Achievement Award of the Essex County Bar Association and was the 2002 recipient of the Professional Lawyers of the Year Award from the New Jersey Commission on Professionalism.

In addition to his extensive professional career, Wayne makes significant contributions to his community. Most notably, Governor Whitman appointed him to the Board of Trustees of Montclair State University in 1999, where he has served in a number of different capacities.

The Columbian Foundation, a non-profit organization of business and professional men of Italian descent, will recognize Wayne with a Humanitarian and Achievement Award on October 12.

Mr. Speaker, it is my privilege to honor Wayne J. Positan today for his good works and providing New Jersey with his talent and service.

RECOGNIZING OCTOBER 10, 2002 AS THE 91ST NATIONAL DAY OF THE REPUBLIC OF CHINA

HON. ADAM H. PUTNAM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 2002

Mr. PUTNAM. Mr. Speaker, On the occasion of Republic of China's 91st National Day, I wish to express my best wishes and congratulations to the leaders and people of Taiwan. While I regret that our government does not have formal relations with Taiwan, we do enjoy a flourishing relationship with Taiwan. I have met with President Chen Shui-bian, and others members of the Government of the Republic of China on Taiwan, and congratulate them on their commitment to maintaining Taiwan as a vibrant democracy and a free market economy.

Indeed, through the free market system Taiwan's economy has grown spectacularly. In terms of Taiwan's trade with us, Taiwan is our eighth largest trading partner and seventh-largest export market. Our exports to Taiwan in 2001 totaled US$18.2 billion and Taiwan exported $27.7 billion of 'goods to us. Taiwan's importance as a world economy can be witnessed in Taiwan's accession into the World Trade Organization (WTO) earlier this year, the culmination of twelve years of collaborative efforts with the government of the United States. Due to its strong free market economy Taiwan is a likely candidate for future free trade negotiations with the United States. The signing of such an agreement could promote even stronger bilateral economic relations.

It is now universally acknowledged that Taiwan is a vibrant democracy and Taiwan should be accorded a proper place in the family of nations. It has been unproductive to keep Taiwan out of the United Nations, the World Health Organization and other major international organizations. Over the past decade, Taiwan has become a successful model of rapid political reform. Taiwan is today home to more than 90 political parties and virtually every political office is hotly contested through free and fair elections. And just two years ago, Mr. Chen Shui-bian, a former political dissident, was elected the tenth president of the Republic of China. Democracy is doing very well in Taiwan.

It is my pleasure to extend my congratulations to the people of Taiwan as they celebrate their National Day this October 1Oth. It is my hope that our relations with Taiwan will continue to be maintained in friendship, based on the mutual commitment of our peoples to free enterprise, democratic values and respect for individual liberty.

COMMENDING THE DISTINGUISHED SERVICE OF COLONEL WILLIAM H. PETTY

HON. TERRY EVERETT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 2002

Mr. EVERETT. Mr. Speaker, I rise today to pay tribute to the distinguished career of Colonel William H. Petty of the Alabama National Guard who prepares for retirement in the coming months. Colonel Petty has distinguished himself through more than twenty-nine years of service in the United States Armed Forces.

Colonel Petty is best known for his outstanding performance as the director of human resources for the Alabama National Guard. As the human resources officer, his command presence and superb situational awareness helped to ensure all units within the Alabama National Guard, both Army and Air, exceeded personnel standards.

Colonel Petty developed, implemented, and coordinated the State's first reduction-in-force of full-time personnel for both Army and Air AGR programs. Thanks to his efforts, no full-time AGR soldier lost his or her job. His superior application of technical, tactical and leadership abilities earned him the respect and admiration of all soldiers assigned to the command.

In his current assignment as director of human resources, Colonel Petty has fully demonstrated his desire and ability to lead soldiers by example and prepare them for possible mobilization and deployment.

Colonel Petty is a tough, standards oriented officer who always extracts the very best performance from soldiers assigned to his command. Colonel Petty is the epitome of the core Army values and proudly serves his nation, the State of Alabama, and the local community in an unwavering manner.

Colonel Petty's numerous achievements and outstanding dedication to duty are in keeping with the highest traditions of military service and reflect great credit on himself, the Alabama National Guard, and the United States armed forces.

U.S.-U.K. COOPERATION ON GULF WAR SYNDROME RESEARCH

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 2002

Mr. GILMAN. Mr. Speaker, I rise today to bring attention to recent developments in the Government Reform Subcommittee of National Security, Veterans, Affairs, and International Relations.

I would like to commend my colleagues, Mr. SANDERS, Mr. PUTNAM and Mr. SHAYS, on their trip to London in June, where they met with Lord Alfred Morris of Manchester as well as veterans, parliamentarians and researchers from the United Kingdom. The purpose of the meeting was to examine the status of international cooperation with regard to epidemiological and clinical research into illnesses reported by the United Kingdom Veterans of the Persian Gulf War.

This meeting followed a hearing held by Chairman SHAY's subcommittee last January that examined Allied research into Gulf War Illnesses and recent progress in that field.

It is only fitting that the United States and Great Britain should pool their respective resources in unraveling the mysteries of Gulf War Syndrome and fight together in learning more about it and how to combat it.

I strongly support the efforts of our British Ally to make the results of their research available to the Congress and to the Department of Veterans, Affairs Research Advisory Committee on Gulf War Veterans Illnesses.

Later tonight, the House will vote on a resolution authorizing the President to use force in Iraq. American and British troops may soon face the prospects of fighting on the potentially toxic battlefields of Iraq. It is therefore of the utmost importance that we continue in our struggle to understand Gulf War Syndrome's causation and cures. We must not withhold information from our allies which might help us to reach these goals, and the level of cooperation between Mr. SHAYS, Mr. PUTNAM, Mr. SANDERS and our British Allies, during their meeting in June was very much in the spirit of this idea.

RECOGNIZING THE MOST REVEREND WILTON D. GREGORY AND THE RED MASS

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 2002

Mr. COSTELLO. Mr. Speaker, I rise today to submit the homily given by the Most Reverend Wilton D. Gregory at the Red Mass to the CONGRESSIONAL RECORD.

Bishop Gregory is a constituent of mine from Belleville, Illinois and serves as the President of the United States Conference of Catholic Bishops. He delivered the Red Mass homily on October 6 at the Basilica of the National Shrine of the Immaculate Conception in Washington, D.C.

The Red Mass is sponsored by the John Carroll Society. This group was created in 1951 to encourage educational, religious and charitable activities in the community. To achieve this, the organization is involved with many projects in the Washington, D.C. metropolitan area, including the Red Mass.

The Red Mass was first introduced in the United States in 1928 at Saint Andrew's Church in New York City. Since 1953, the John Carroll Society has sponsored the Red Mass annually in Washington D.C. This mass takes place on the Sunday before the first Monday in October, just before the Supreme Court begins its new term to bless those that administer justice in our society.

Bishop Gregory's homily was an eloquent message about the importance of responsibility and fairness in the administration of justice. Furthermore, while some believe there have been signs of darkness in our society in the past year, Bishop Gregory reminds us that we cannot afford to give up our hope and our faith.

Mr. Speaker, I ask my colleagues to join me in honoring Bishop Gregory and to commend him for his message of hope and his dedicated leadership.

HOMILY OF BISHOP WILTON GREGORY, RED MASS, SUNDAY 6 OCTOBER, 2002

It is a pleasure and an honor to be able to add to the words of greeting of Cardinal McCarrick, my own personal recognition to all of the dignitaries who have gathered to pray with us this Sunday morning. You are here, as are we all, to invoke God's blessings upon all those responsible for the administration of justice and upon all our public officials. In doing so, we are recognizing that the exercise of civic authority, the responsibility for the well-being of our citizens, and often of many who are not our citizens, is not merely a work of our own human resources. Rather, it is a cooperative venture with the plan and the will of God Himself.

Everyone who holds a title of civil office is not simply the beneficiary of honor or privilege, although that may accompany the office. More importantly, they carry the responsibility to exercise wisely, fairly, and in a personally disinterested fashion the call for justice and solidarity that God intends for us during our lives on this earth. Indeed, Christ Himself, in His hour of trial reminded His earthly judge that the power, which was given to be exercised over Him, had been given by Heaven itself For that reason, it is indeed good that we gather at this year's Red Mass to offer our prayers that God give to every civic and public official the wisdom to recognize His influence in their lives and the grace to carry out well the obligations they have accepted.

The Second Vatican Council, which is one of the essential guides for our Catholic thought at this turn of the millennium, has reminded us to "read the signs of the times" (GS, 4) so that we might seek to carry out God's plan in the circumstances in which we find ourselves. As we read the signs of our times, we cannot fail to see how demanding they are, to us as individuals and to those who lead us. In fct, in our time these signs have raised questions about our leadership itself, in many aspects of society.

We are all living daily with the memory of 9/11 as well as with the future responses to that attack. Questions are rightly raised about changes in our personal lives, and about how to react as a people in a manner that is just and moral. We continue, almost on a daily basis, to read the signs about leadership in business and our County's economy. What is the meaning of the failures of leadership summed up by names like Enron and World Com? And I would be injudicious if I did not mention the doubts about leadership that have arisen in our counuy as a result of the sex abuse scandal that has plagued the Catholic Church in the United States in recent months, and the terrible personal suffering which it has exposed. From a certain point of view, many of the signs of this time in which we live seem to be those of darkness, like endless clouds from storms that seem unwilling to pass.

But we cannot allow matters to remain that way. It is neither our history as Americans, nor our nature as men and women of faith, to give in to pessimism or resignation, somehow burying our heads in the sand, wringing our hands, or doubting the power of God to guide us as we respond to the world in which we live. Because we are people of faith, we must also live as people of hope. We trust that God is not somehow looking away but even in our difficult moments, He is the reason we look confidently to the future.

Do not the signs of this time call for us proudly to acknowledge our roots in faith and to renew our commitment to God in a moment of trial? Moreover, in so doing, we fulfill not only our own personal quest for faith, but we are consistent with the very values upon which this beloved nation was founded. In fact, from the very beginning of our democratic experiment, it was understood that justice, morality and good governance, indeed the essence of leadership, are not the arbitrary re-creations of each generation. Rather they are based in the will of God Himself.

George Washington, in his farewell address, described his Presidency as a time of "passions, agitated in every direction, . . . liable to mislead; appearances sometimes dubious, vicissitudes of fortune often discouraging, [and] situations in which not unfrequently want of success has countenanced the spirit of criticism". Yet following this somber description, which could easily be applied to our own day, Washington observed that in leading the nation through these obstacles, his path had been lighted by the twin torches of religious faith and moral convictions stating: "Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. . . . Let it simply be asked, Where is the security for property, for reputation, for life, if the sense of religious obligation desert the oaths which are the instruments of . . . justice?"

Our first great President continued, "And let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education, . . . reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principle."

It is the world's experience that true greatness in leadership, be it religious or secular, is a rare commodity. The combination of spirit, intellect, courage and the gift of being able to motivate fellow travelers in this world are often diminished by sin and the human limitations that each of us knows only too well, both in ourselves and in others.

It is for that reason that we are gathered here today, and gathered in hope as we pray for our public officials and administrators of justice. We do so at this Mass in which we call upon the Holy Spirit, the Spirit of God Himself, and we ask that that Spirit be given to those entrusted with our welfare to strengthen them, purify their vision and guide them. Moreover, that Holy Spirit is ready to help us both to understand and to respond to the signs of our times.

As Isaiah tells us in the reading this morning, this Spirit of the Lord is "a spirit of wisdom and understanding". He therefore assists those who must wrestle with the most complex and conflicting legal arguments and proofs, helping them not to be rnisled by what is superficial, beguiling or false. Isaiah tells us that this is "a spirit of counsel and of strength", guiding the vision of legislators and administrators to look to the greater good, not responsive merely to momentary influences or transient majorities, but seeking to make us a people in solidarity, brought together by the values and the bonds of truth which God has written on the heart of each one of us. This is, as Isaiah says, "a spirit of knowledge and of fear of the Lord. And that Spirit "shall judge the poor with justice and decide aright for the land's afflicted. He shall strike the ruthless with the rod of his mouth, and with the breath of his lips he shall slay the wicked."

We must not forget that the Spirit of the Lord for whose presence we pray this morning, that same Spirit, was given to Christ, as we read in the Gospel. And that Spirit brings about a special care, attention and love for those who are in need among us. Christ told His listeners that in their hearing was fulfilled His anointing with the Spirit, so that He might "bring glad tidings to the poor ...

proclaim liberty to captives ... recovery of sight to the blind ... and let the oppressed go free". obviously no small agenda, but it is one that we too must embrace as part of the work of our time. And we should not be bashful in proclaiming from the housetops, that in many places, and under many circumstances, it is precisely churches, synagogues, mosques and temples, in short it is religious faith, that has answered the cry of those who are most in need.

While there is much more still to do, we can be justly proud of the way religion has shaped our response as individuals and as a society in the United States when confronting the needs of the poor. We also know of the importance of members of different religions developing deeper respect for one another, so as to collaborate in shaping the common good. And as President of the United States Conference of Catholic Bishops, while apologizing once more for the cleansing needed within our own house, I would argue most powerfully that those scandals must not silence nor limit the excellent influence that religious voices have in the formation of our governmental and societal policies, whether they be war and peace, the death penalty, stem cell research or questions of poverty. The truth that underlies faith is not diminished because its messengers are human beings with all their faults and failings. The miracle of faith is that truth is proclaimed in spite of ourselves.

All too often in recent years, it has been a sign of our time that some urge that the role of religion in public life be marginalized and even suppressed. And too frequently, men and women of faith have not challenged the assertion that religion is a strictly private matter and that faith in God, and its accompanying moral and social values, have no role to play in our national life. We are even told that our children should not utter God's name when reciting the Pledge of Allegiance, as if that would do them harm or make them less fully Americans. Instead of accepting this claim, our faith in God leads us to another conclusion. As we face the signs of our times—the moral decline in society, the threats against life both from abroad and from within, and the lack of trust in our leaders—we recognize that this time, our time, is a time for religious renewal. It is a time for us to recover our sense of God, of the sacredness of human life and of doing what is right, whatever the cost and whatever the circumstance. It is a time for us to be not more reticent, but more courageous in professing our faith in God and acting upon it.

Pope John Paul II, the outstanding religious and moral leader in the world today, had this to say to visiting Bishops from the United States in 1998, "The survival of a . . . democracy depends not only on its institutions, but to an even greater extent on the spirit which inspires and permeates its procedures for legislating, administering, and judging. The future of democracy, in fact, depends on a culture capable of forming men and women who are prepared to defend certain truths and values. it is imperiled when politics and law are sundered from any connection to the moral law written on the human heart."—(Address of Pope John Paul II to the Bishops of Region X, June 27, 1998).

In gathering today and offering Mass to invoke the Holy Spirit upon those public servants who bear responsibility for the health and well being of our nation, we are inspired by St. Paul who told Timothy that he urged "supplications, prayer, intercessions and thanksgivings . . . for kings and all who are in high positions so that we may lead a quiet and peaceable life in all godliness and dignity" (I Tim. 2:1). In doing so, let us highlight one thing more: our gratitude.

The burden of public service, when rightly lived, is indeed a heavy burden. Not all agree to take it up. We need to pray for the Holy Spirit's guidance for our judges, administrators and governmental officials. But as well, we must pray in gratitude for those who have given a life of service to us. That service is a sacred trust and no small contribution to our ability to live the quiet and peaceable life that St. Paul mentioned.

In gathering this morning for this sacrifice of the Mass, as we place before the altar our very selves, our many needs and our petitions, we must also thank God. We thank Him especially for His providence in the history of our country, raising up in difficult moments leaders, such as Presidents Washington and Lincoln, to help us through our trials. Moreover, we thank God for the leaders and public servants of our own time, who truly strive to protect our country's justice and peace, ensure for us the opportunity to work for the fulfillment of God's plan in our lives and in society.

TRANSATLANTIC SECURITY AND NATO ENHANCEMENT RESOLUTION OF 2002

SPEECH OF

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 7, 2002

Mr. TANCREDO. Mr. Speaker, I rise in support of House Resolution 468 which expresses the House's support for the further enlargement of NATO at the upcoming Prague summit. I believe that such an expansion would further U.S. foreign policy interests by ensuring peace and stability in Central Europe.

As during the first round of enlargement in 1999, countries joining NATO must support and implement the democratic principles that serve as the foundation of the countries that established the alliance. It is essential to the continued viability of NATO that new members fully abide by Western values, including respect for religious and national minority rights.

Mr. Speaker, over 2,000,000 Hungarians live as minorities in Romania and Slovakia as a result of borders being drawn without the affected populations allowed to express their views through plebiscites. These minority communities had their religious, educational and community properties confiscated by the Communist regimes. Following the historic changes of the early 1990s, laws had been passed in these countries providing for the restitution of or compensation for these confiscated properties. However, the implementation has been extremely slow, especially when it comes to the return of the properties of Hungarian religious and educational institutions.

Mr. Speaker, I believe it is essential that countries seeking to join the alliance of free and democratic countries represented by NATO make significant strides to protect religious and minority rights and expeditiously restore or compensate the minority communities for the illegally confiscated properties. The stability of the region and indeed of NATO requires that the member countries take all measures necessary to ensure ethnic and religious harmony within their borders. Therefore, it is critical that the governments of Romania and Slovakia take immediate measures to ensure religious and minority rights and fully implement the laws designed to restore properties confiscated from the Hungarian and other minorities. NATO members must adhere to these minimum requirements of free democratic societies that the alliance and the United States represent.

INTRODUCTION OF THE HOUSE DEMOCRATS' EARNED LEGALIZATION AND FAMILY UNIFICATION LEGISLATION

HON. RICHARD A. GEPHARDT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 2002

Mr. GEPHARDT. Mr. Speaker, before September 11, 2001, our country's leaders from the Executive Branch to the Congress were actively engaged in exploring a fundamental re-crafting and rewriting of our immigration policies. Due to the horrific events of September 11, 2001, that agenda had to be delayed as our country struggled to find ways to ensure our security, while still respecting the civil rights and essential dignity of the immigrants within our country.

Since September 11, Congress has taken important steps to secure our borders and enhance our nation's security against the terrorist threat. The sound policy rationales that were propelling us to re-craft our immigration laws before September 11 continue to exist today and are even more urgent. To the core values of family unity, fundamental fairness and economic opportunity that we articulated in the Democratic Statement of Principles on Immigration a year ago, we now add a pressing concern—the need to bring the undocumented population out of the shadows and into the light of greater accountability so that they too can aid in effectively securing our great nation. The need for comprehensive immigration reform has not abated, and our resolve to move forward in this effort remains.

EARNED LEGALIZATION AND FAMILY UNIFICATION

Today, Democrats are introducing legislation that will take the first step toward comprehensive immigration reform that will recognize immigrants who have been working and contributing to this country while also increasing our security. Our earned legalization legislation will ensure that hard-working, tax-paying immigrants will be able to adjust their status and live legally if they have resided in the United States for at least five years, have a work history of at least two years and are able to pass a background check.

Our legislation will benefit both America and an immigrant population that has embraced the American Dream. It will streamline the enforcement of our immigration laws and allow us to shift important enforcement resources to tracking down those who have come to the US to do us harm. Reducing the number of undocumented immigrants in the US will enable us to better focus on individuals who pose a real terrorist threat. At the same time, our legislation rewards work by ensuring that qualifying immigrants can move on with their lives free of the fear that one day they or members of their family may be sent away from their adopted country forever.

Our legislation will also speed the reunification of families, so that our immigration system will not force families to choose between long years of separation and undocumented immigration. We value family-based immigration because it solidifies important family ties and creates stronger communities. Yet, our current immigration system puts extreme stress on families, forcing them to wait many years before they can be reunited. We believe it is not in the best interest of our communities to force such long separations.

We must recognize, however, that this is but a first step, and that much more remains to be done. There has been much debate about the need for new and expanded temporary worker programs. Even as we debate the merits of legalizing the hard-working population already in the United States, we acknowledge that a comprehensive immigration policy debate must address future flows of immigrants and their impact on the US labor force. Indeed, President Fox of Mexico continues to press the Bush Administration for movement in this area. We must consider reasonable policy options for regulating, limiting and controlling this future flow of immigrants in a way consistent with our nation's highest values.

As Presidents Bush and Fox resume bilateral migration discussions, and we encourage their efforts, we note that immigrants come from many different countries which highlights the importance of having broad and expansive discussions of the myriad issues presented by immigration trends. As the discussion continues, it is vital that the issues we set forth below are thoughtfully and effectively addressed and are key elements to any future legislative or administrative efforts.

ADJUSTED STATUS FOR WORKERS CURRENTLY IN THE UNITED STATES AND TOWARDS REGULARIZING THE STATUS OF FUTURE IMMIGRANTS

Consistent with our original Democratic Statement of Principles on Immigration, we recognize that to achieve the comprehensive immigration reform that we outlined, the status adjustment of undocumented immigrants currently residing in the United States who do not otherwise qualify for our earned legalization proposal must be addressed. We should find a way to place these undocumented workers and their families on the same path to legalization as those who qualify for our earned legalization proposal.

In addition, we must seek to regularize the flow of immigrants who cross our border. By seeking regularization, a legal mechanism could be provided for recent arrivals to the US to work while not undermining the wages, benefits standards and legal protections of US workers and local labor markets. Such an effort should include the following essential elements: (1) a thorough and accurate methodology for determining the need for foreign workers and the application of the most reliable labor market tests; (2) accurate wage determinations based on relevant wage information, union contracts and benefits and the development of new formulas that reflect industry standards; (3) equitable labor protections for foreign and US workers, including the right to organize—foreign temporary workers should not be used to undermine union organizing efforts; and (4) the Department of Labor must be given the necessary enforcement resources and procedures to ensure full compliance and temporary foreign workers must be provided a private right of action to ensure full compliance.

As we move forward in the development of any new efforts, we also recognize the necessity of avoiding the failures of past guest-worker programs. We must ensure that existing visa programs are reformed to function properly and as intended, and we must direct the necessary resources to training for US workers and better link such training to available jobs.

CONCLUSION

We enter this debate recognizing that immigration reform can be a complex issue; indeed, previous immigration reforms have failed to meet the high standards that we establish for ourselves in this debate. For precisely this reason, we intend to lead a comprehensive immigration reform debate that unflinchingly addresses the difficult questions that are critical to any serious policy discussion. We look forward to the challenges ahead and to reshaping our immigration policy to strengthen America's control over its borders and to reflect the American values of hard work and family.

U.S.-INDIA RELATIONS

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 2002

Mr. SAXTON. Mr. Speaker, I rise today to talk about one of America's key foreign policy priorities in this new era—our relationship with India, a democracy with more than one billion people. U.S.-India relations continue to expand and to grow deeper in many areas, from economic and trade relations, to political and diplomatic ties; from the promotion of democracy internationally, to cooperation in such areas as environmental protection, health care, the exploration of outer space and the development of information technologies. Two areas in which our bilateral relationship has made particular progress are security cooperation and partnership in the international campaign against terrorism.

One tangible example of this newfound cooperation is taking place right now in Alaska. The second Indo-U.S. Joint Military Exercise began September 19 and will continue until October 11. The aim of the joint exercise is to learn from each other's experience and procedures towards achieving interoperability. Troops from the two countries are carrying out para-drops, scouting/airborne assault missions and progressed with various levels of joint firing exercises. The first joint airborne military exercise between the two countries was held at Agra, India in May of this year. I'm pleased to report that the distinguished Indian Ambassador to the U.S., Mr. Lalit Mansingh, traveled to Alaska on October 7, to witness the exercises. The Ambassador met Brigadier General John M. Brown III, Commander of the U.S. Army Alaska at Fort Richardson, who expressed his appreciation of the professionalism, discipline and adaptability of the Indian armed forces.

Defense cooperation between our two countries has emerged as one of the most important dimensions of the overall U.S.-Indian bilateral relations. A major joint naval exercise, named "Malabar IV" was successfully completed in the Indian Ocean last week. The Executive Steering Groups of all the three defense services are scheduled to meet again later this year to develop plans for additional joint exercises, training and other areas of cooperation.

Another recent example of our joint commitment for a more stable and secure world was the U.S.-India Security and Non-Proliferation Dialogue held in New Delhi September 23–24. India continues to make substantial progress in meeting U.S. non-proliferation goals and is also committed to vigorously enforcing stringent export controls on dual-use technologies.

Mr. Speaker, since last September 11, the struggle against the international terrorist threat has been an overriding priority in all of our international relations. As President Bush told the world with admirable clarity, "Either you're with us or you're with the terrorists." India has clearly risen to the occasion and made it clear that it stands with us and against the terrorists—without any ambiguity.

In the year since September 11, 2001, India and the U.S. have forged an ever-closer partnership in the struggle against international terrorism—a partnership that had actually began in January 2000 with the establishment of the U.S.-India Joint Working Group on Counterterrorism. The Commission has met five times since, and high-level consultations between key officials are ongoing.

Mr. Speaker, I am encouraged by the Bush Administration's recognition of the importance of India as a growing ally of the United States. The pace of bilateral engagement since President Bush took office has been unprecedented. The National Security Strategy of the United States, transmitted by President Bush to Congress in early September as a declaration of the Administration's policy, calls India "a growing world power with which we have common strategic interests." The report further states: "The Administration sees India's potential to become one of the great democratic powers of the twenty-first century and has worked hard to transform our relationship accordingly."

Our President and Prime Minister Vajpayee of India have established a strong working relationship, which symbolizes the friendship and partnership between our countries. We welcomed Prime Minister Vajpayee's visit to the United States last month for the U.N. General Assembly meeting. During his stay in New York, the Prime Minister met with President Bush, and also attended commemoration ceremonies for 9/11—a further indication of the deep sympathy and strong sense of solidarity that the Indian government and people feel regarding the attacks on America.

At their November 2001 meeting, President Bush and Prime Minister Vajpayee issued a joint statement outlining the broad scope of bilateral relations. The statement affirmed their commitment to complete the process of qualitatively transforming bilateral relations in pursuit of their many common goals in Asia and beyond. In addition to the increasing exchanges and technical cooperation in the defense and security areas, the President and Prime Minister also stressed the importance of policies to enhance the economic and commercial ties between our nations, and agreed to dialogue and cooperation in the areas of energy, the environment, health, space, export controls, science and technology, including biotechnology and information technology.

A major part of the human dimension to our bilateral relationship is the Indian-American community. Numbering more than 1.7 million, the community has played a leading role in bringing together our two great democracies. The community has also worked to educate us, the elected Representatives of the United States, about the importance of U.S.-India relations to build the security and prosperity that will benefit both of our peoples and create a more stable world.

HONORING THE DISTINGUISHED MILITARY SERVICE OF REGGIE FARMER

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 2002

Mr. GORDON. Mr. Speaker, I rise today to recognize the courageous service that Rutherford County Sheriff's Deputy and Air National Guardsman Reggie Farmer has given to his Middle Tennessee community and his grateful country.

Reggie has been serving active duty in the Air National Guard for the past year in the nation's ongoing war against terrorism. In fact, he just recently returned from Afghanistan where our brave military men and women have been fighting terrorists and restoring order in the war-torn country.

In his civilian life, Reggae serves Rutherford County citizens as a sheriff's deputy and Kittrell Elementary School students as a school resource officer. Reggie resumes his duties at Kittrell Elementary School on Tuesday, October 15, the day he officially retires from the military.

Reggie began his military career in April 1978 after enlisting in the United States Air Force. After leaving active duty in the Air Force, Reggie enlisted in the Air National Guard where he has been deployed all over the world. I congratulate Reggie on a long and honorable military career and join the rest of the citizens of Rutherford County in welcoming back home a true American hero.

TRIBUTE TO ELSIE BAILEY, NEW NATIONAL PRESIDENT OF THE AMERICAN LEGION AUXILIARY

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 2002

Mr. SMITH of New Jersey. Mr. Speaker, as Chairman of the House Committee on Veterans' Affairs, I am proud to rise today to pay tribute to Elsie Bailey, a constituent of mine from Whiting, New Jersey, who was recently elected President of the American Legion Auxiliary.

Mr. Speaker, on August 28th, in Charlotte, North Carolina, Elsie Bailey was sworn in as President at the American Legion Auxiliary's 82nd National Convention. The American Legion Auxiliary is the world's largest women's patriotic service organization, with more than 10,500 units in every state and some foreign countries.

Founded in 1919, the Auxiliary consists of women whose husbands or other male relatives are members of the American Legion. The Auxiliary has over a million members today, including more than 15,000 in New Jersey, and operates hundreds of volunteer programs. Their dedicated and generous members provide thousands of hours of service to our Nation's veterans and to the communities in which they live. Through their efforts, millions of dollars have been raised to support veterans programs, as well as to support both national and local charities.

Mr. Speaker, I am especially proud of the fact that Elsie Bailey is the first woman from New Jersey in more than 75 years to serve as President of the Auxiliary. And the American Legion Auxiliary could not have found a more caring, compassionate and capable woman to lead them.

Elsie Bailey was born in Hillsborough, New Jersey, later lived in both Somerville and Bridgewater, and is now a resident of Whiting, in the heart of my congressional district. She worked for 23 years at the Somerset Medical Center, retiring as personnel director.

Throughout her life, Elsie has been active in her communities, having served on the Somerset County Teacher Credit Union, the Parent Teachers Association and the Employees Activities Committee. She is currently a volunteer mentor, a member of the Whiting Rescue Squad Auxiliary, and a parishioner of St. Elizabeth Ann Seton Catholic Church. But perhaps her proudest accomplishments are her two children and four grandchildren.

In 1961, Elsie Bailey joined the Stevenson-D'Alessio Auxiliary Unit 12 in Somerville, quickly becoming secretary of that unit. She has continued to serve in leadership roles at the unit, department and national levels, including serving as state President for New Jersey and as National Vice President.

Now as National President, Elsie has already begun implementing an ambitious agenda for the Auxiliary. She plans to travel across the country to every state and perhaps even to some foreign countries, in an effort to boost the Auxiliary's already impressive membership rolls. A lover of country music, Elsie has established a membership theme called "Country Hearts in Celebration," which she intends to use to recruit new members.

She has also taken on a special project called "Veteran's Pot of Gold" designed to raise funds to assist homeless veterans, an issue that has been a large part of my agenda as Chairman of the Committee on Veterans' Affairs. I look forward to working with Elsie in this most noble mission to help the estimated 275,000 veterans who are homeless today.

Mr. Speaker, as our Nation fights a war on terrorism to keep America free and secure, it is comforting to know that there are people like Elsie Bailey supporting our veterans and our communities. I am confident Elsie Bailey will serve as new National President of the American Legion Auxiliary with the same distinction she has demonstrated her entire life. Through her service to our veterans, our communities and our Nation, Elsie Bailey has earned our respect and I ask my colleagues to join me in paying tribute to her today.

IN RECOGNITION OF THE SISTERS OF CHARITY AND GOOD SAMARITAN HOSPITAL EMPLOYEES ON THE 150TH BIRTHDAY OF THE GOOD SAMARITAN HOSPITAL

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 2002

Mr. PORTMAN. Mr. Speaker, I rise today to recognize the Sisters of Charity and the employees, physicians, and volunteers of the Good Samaritan Hospital, which will celebrate its 150th birthday on November 2, 2002.

Good Samaritan Hospital was founded by the Sisters of Chanty in 1852. It was Cincinnati's first private general hospital. The 21-bed hospital was located downtown and, back then, was known as St. John's Hotel for Invalids. For over 100 years, the Sisters of Chanty was intimately involved with the running of the hospital and, early on, Cincinnatians quickly came to trust and depend on the care of the Sisters. By 1856, the hospital's size tripled. Shortly thereafter, business leaders were so impressed with St. John's philanthropic leadership that two of them bought a 95-bed hospital downtown and renamed it the Hospital of the Good Samaritan in honor of the Sisters of Charity. In 1915, the hospital was so popular that it moved to larger quarters in Clifton—where it is today—and opened 400 beds. Today, Good Samaritan Hospital cares for more inpatients than any other hospital in Southwestern Ohio.

Good Samaritan Hospital is known for its high level of patient care and its nursing care. In recent years, it has been ranked among the top 50 hospitals in the United States for its cardiology/heart surgery, endocrinology, neurology/neurosurgery, and urology services, and among the top 100 for its orthopedic services and coronary artery bypass surgery.

The vision of the Sisters of Charity, the devotion and hard work of the Good Samaritan medical staff, employees, and volunteers and Catholic Health Initiatives, which the Sisters of Charity helped found in 1996, have made Good Samaritan Hospital a great success.

All of us in Greater Cincinnati recognize the Sisters of Chanty and the Good Samaritan Hospital medical staff, employees, and volunteers on its 150th birthday.

FLOOR STATEMENT ON TAIWAN'S 91ST NATIONAL DAY

HON. CHRISTOPHER COX

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 2002

Mr. COX. Mr. Speaker, today I have the great pleasure of sending my congratulations to the people of Taiwan on the 91st anniversary of Double Ten National Day.

Ninety-one years ago today, forces loyal to Sun Yat-sen led the Wuch'ang uprising and paved the way for the rise of a new political experiment in democracy for the people of China—the establishment of the Republic of China, Asia's first republic. This was a turning point not only in the history of the East but in the history of the world.

In 1911, Dr. Sun envisioned a China that was nationalist, democratic, and dedicated to the social well-being of its citizens. While his Republic's political control on the mainland of China was short-lived, its impact in the minds of the people of China is eternal.

After more than 50 years of sound economic and political development, the Republic of China on Taiwan has proven to the world that not only the citizens of Taiwan, but all of the people of China can govern themselves in a system that is—as Dr. Sun Yat-sen envisioned—Chinese, demccratic, and prosperous. The significance of this experiment is especially meaningful to us now because Taiwan has attained such a full measure of economic and political freedom.

And in that fifty year history, Taiwan has proven to be one of America's most loyal friends. It is my deepest hope that we continue to recognize Taiwan's great achievements, loyal friendship, and sustained progress by continuing to promote Taiwan's participation in the World Trade Organization and such global bodies as the World Health Organization. We must also continue to provide Taiwan the defensive arms it requires to maintain peace on the Taiwan Strait.

I am very happy to join with the citizens of Taiwan to celebrate Double Ten National Day 2002.

ACKNOWLEDGING WORLD SIGHT DAY

HON. JOHN BOOZMAN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 2002

Mr. BOOZMAN. Mr. Speaker, as a member of the optometry community for over 24 years, I would like to take this opportunity to acknowledge World Sight Day.

Today, the National Eye Institute, the Lions Club International, Lighthouse International, and the International Agency for the Prevention of Blindness will host World Sight Day this year with the Martin Luther King, Jr. Memorial Library. Here in the Nation's Capital there will be adult and children's programs educating this community about the importance to understanding and preventing blindness and what they can do to help.

While working as an optometrist in Northwest Arkansas with groups such as the Lions Club and others which provide eye care for those unable to afford it, I saw first hand how important education and availability of services are to preventing blindness. Dealing with blindness is a serious challenge to the individual, and their families. Today sheds light on what people can do within their communities to end preventable blindness and provide the facilities needed to deal with blindness. Every volunteer in these programs has the potential to change lives.

All to often, we take for granted how precious our senses are to our daily lives. I commend these organizations in declaring October 10th, 2002 as World Sight Day and in promoting the importance of vision throughout America's communities.

IN HONOR OF TED MALIARIS

HON. JIM DAVIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 2002

Mr. JIM DAVIS of Florida. Mr. Speaker, I rise in honor of Ted Maliaris, a devoted American who is following his heart and sharing his love for our Nation through his passionate music. Through his "A Tribute to America Tour," Ted is lifting the spirits of Americans across the nation while teaching children the importance of American values.

Ted was born in South Florida, and thanks to the encouragement of his grandparents, who were both musicians, Ted soon discovered his true love for music. During his years working on the family farm, Ted honed his musical talents and soon decided to follow his dream of sharing his music with others. He recently recorded his first album with the London Symphony Orchestra, where he honored the immigrant farm laborers who worked along side him during his career on the farm.

After the tragic events of September 11, Ted's mother, Ann S. Miller composed "A Tribute to America—A 21st Century Anthem" to honor the men and women in the Armed Forces. The song inspired Ted to organize the "Tribute to America Tour," which features his performance of his mother's song and performances by various children's groups around the country. Hoping to show children the patriotism and pride that lies in our country, America's Life Line Association is planning a special recording of 50,000 children singing the Anthem together.

On behalf of the people of Tampa Bay, I would like to extend my gratitude to Ted for his dedication to our country and this important cause.

INTRODUCTION OF NATIONAL VISITING NURSE ASSOCIATIONS WEEK

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 2002

Mr. MARKEY. Mr. Speaker, today Representative JOHN PETERSON and I are introducing a bill to establish an annual National Visiting Nurse Associations Week in honor of the army of health care heroes who, every day, comfort, care for, and assist our loved ones. Modern society takes for granted the need for nursing as an indispensable component of our public health system, but this was not always the case. The very concept of a visiting nurse can be traced to the pioneering work of Florence Nightingale. She reformed British military hospitals in the Crimean War through an expose in the British press. She professionalized nursing and made it an acceptable profession for educated women, devoted the rest of her life to building on her experiences, setting standards and writing books, until the mission of nursing had gained the respect of the world.

When Henry Wadsworth Longfellow read of the work of Florence Nightingale, he penned a poem, Santa Filomena, that spoke of the deep appreciation owed by all of us to those dedicated to service in the ultimate caring profession. He wrote:

Whene'er a noble deed is wrought,
Whene'er is spoken a noble thought,
Our hearts, in clad surprise,
To higher levels rise.
The tidal wave of deeper souls
Into our inmost being rolls,
And lifts us unawares
Out of all meaner cares.

The Visiting Nurse Associations of today are founded on the principle that the sick, the disabled, and the elderly benefit most from healthcare when it is offered in their own homes. They are non-profit home health agencies that provide cost-effective and compassionate home and community-based health care to individuals, regardless of their condition or ability to pay for services. Through these exceptional organizations, 90,000 clinicians dedicate their lives to bringing healthcare into the homes of over 4 million Americans every year. In the face of rising costs and drastic changes in our health care system, Visiting Nurse Associations have continued to deliver high quality health services for over 120 years.

It is time for Congress to recognize the vital services that visiting nurses provide their patients. Moreover, visiting nurses also are an indispensable lifeline for families. The comfort and quality care that visiting nurses provide can help family members cope with the difficulties of a loved one's illness.

I am proud to be introducing this important legislation with my colleague Representative PETERSON and urge my colleagues to join us in supporting National Visiting Nurse Associations Week.

DANIEL PEARL MUSIC DAY

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 2002

Mr. BERMAN. Mr. Speaker, I rise today to join musicians, artists and performers across America and around the world in saluting the life of Daniel Pearl and recognizing October 10, 2002—the day he would have celebrated his 39th birthday—as Daniel Pearl Music Day.

Musicians worldwide, including Itzhak Perlman; the Jerusalem Symphony Orchestra; Junoon, the number one rock band from Pakistan, and numerous others have joined this tribute, which will use the universal language of music to spread a message of tolerance, humanity, friendship and global cooperation. Communities from Los Angeles, Hong Kong, Washington, Paris, and Tel Aviv to Mumbai, Goa, Bangkok and Beijing will all celebrate Daniel Pearl's message of world harmony.

Daniel, a talented violinist, fiddler and mandolin player, joined a band, orchestra or chamber group in every community in which he lived. Through music, he made friends out of strangers of all cultures.

A Princeton, New Jersey native, Daniel Pearl graduated from Stanford University with a BA in Communications. He began his career in journalism in the late 1980's and won an American Planning Association Award for a five-part series on land use. He joined the Wall Street Journal as a reporter in 1990 in Atlanta and moved to Washington, DC. He then moved to London, then to Paris and finally to Bombay where he was named South Asia bureau chief. He was an accomplished journalist with an uncanny ability to uncover wrongdoing while never losing sight of the humanity behind the news.

The extraordinary life of Daniel Pearl, a devoted son, a loving husband, a caring father and a loyal friend was tragically interrupted when he was kidnapped and brutally murdered by Islamic extremists in Pakistan while investigating a story for the Wall Street Journal.

In the spirit of Daniel Pearl's love of music and commitment to dialogue, I ask my colleagues to join me in recognizing October 10, 2002 as Daniel Pearl Music Day.

INTRODUCTION OF NATIONAL VISITING NURSE ASSOCIATIONS WEEK

HON. JOHN E. PETERSON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 2002

Mr. PETERSON of Pennsylvania. Mr. Speaker, it is my honor to introduce to my colleagues a resolution establishing a National Visiting Nurse Associations Week. Serving communities around the country for over 120 years, congressional recognition and gratitude for these nonprofit home health agencies is long over due. Currently, they are composed of 500 different associations and care for over 4,000,000 patients each year, many of whom are chronically ill and unable to pay medical expenses.

In a country crippled with staggering health care and medical costs, the Visiting Nurse Association continually and successfully works to achieve its mission of cost-effective and compassionate home and community-based health care to individuals, regardless of the individuals' condition or ability to pay for services. They are a leading provider of mass immunizations in the Medicare program and constitute over 50 percent of all Medicaid home health admissions. The association relies heavily upon volunteer nurses and reinvests any budget surplus into charity care, adult day care centers, wellness clinics,. Meals-on-Wheels, and immunization programs.

This resolution would establish an annual National Visiting Nurse Associations Week in order to increase public awareness of the charity-based organization. They unquestionably deserve recognition for their noble services and by establishing this resolution Congress would support the continuation of their mission.

I am proud to recognize these invaluable contributions of our VNAs by cosponsoring this legislation.

IN HONOR OF RICHARD MUSELLA

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 2002

Ms. HARMAN. Mr. Speaker, I rise today to congratulate Richard Musella on the occasion of his retirement as the Executive Director of the Westchester/LAX-Marina del Rey Chamber of Commerce.

Rich has been an active member of the greater Westchester community, for more than three decades. As Executive Director, a position he held for seven years, Rich oversaw the daily operations of the more than 650-member chamber, one of the largest in Los Angeles county. Among his many accomplishments is the implementation of the consolidation of the Westchester/LAX Chamber and the Marina del Rey Area Chamber to create the Westchester/LAX-Marina del Rey Chamber of Commerce in 1998. Rich has served on the board of the Westside Council of Chambers of Commerce and the South Bay Association of Chambers of Commerce.

In addition to his Chamber work, Rich has also made other important contributions to his community, serving on the boards of the Westchester Vitalization Corporation and the Flight Path Learning Center of Southern California, and as treasurer of the Rotary Club of Westchester. He has also served as the chair of the LAX Area Advisory Committee, president of the Marina del Rey Area Chamber of Commerce, and president of the Westchester Association.

On a personal note, Rich was instrumental in working with me and my staff to arrange important community meetings, including several forums related to homeland security in the wake of the September 11 attacks. He also helped host a highly successful small business forum which attracted more than 100 business owners from the area. Most notably, Rich was instrumental in bringing the community together for a 1997 event with then-U.S. Secretary of Defense William Cohen.

I want to thank Rich for his years of dedicated service to the greater Westchester community and his personal commitment to improving the quality of life in his hometown of Westchester and throughout the South Bay.

CONGRATULATING THE FRESNO AREA TAIWANESE ASSOCIATION

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 2002

Mr. RADANOVICH. Mr. Speaker, I rise today to congratulate the Fresno Area Taiwanese Association on the occasion of celebrating the 91st Anniversary of the National Day of the Republic of China on Taiwan. The Fresno Area Taiwanese Association will be holding a flag raising ceremony in the Peace Garden at California State University, Fresno at 11:00 a.m. on Sunday, October 13th to commemorate this day.

In 1911, the Wuchang Uprising brought an end to dynastic rule in China and led to the reestablishment of the first republic in Asia. Dr. Sun Yat-Sen was the leader of this uprising and helped to found this new nation. Today, the people of Taiwan and throughout the nation celebrate this historic event with as much fervor as they had on the day of the uprising. Since its establishment, the Republic of China has made countless contributions to the world especially in the areas of economic and social development, science, and technology. Today, Taiwan continues to be one of the cornerstone democracies in Southwest Asia and I will certainly continue to support this thriving country.

Mr. Speaker, it is my pleasure to congratulate the Fresno Area Taiwanese Association on the occasion of the 91st National Day of the Republic of China on Taiwan. The cultural richness of Fresno is a direct result of an active and involved Chinese community and this has helped to strengthen and enhance the relationships in our Valley. I urge my colleagues to join me in wishing the Fresno Area of Taiwanese Association many more years of continued success.

RECOGNITION OF STAFF SGT. DAVID LYNCH

HON. MAC COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 2002

Mr. COLLINS. Mr. Speaker, last Saturday, 19-year-old Adam Gresham was swimming in the hotel pool at the Lafayette Garden Inn, in LaGrange, Georgia. Young Adam drowned in that pool, his breathing and pulse both stopped.

Not far from the hotel is the LaGrange-Callaway Airport, where spectators were enjoying an air show as part of the Delta Airlines Flyin and Airfest. Staff Sergeant Jason Lynch, is a U.S. Air Force A–10 mechanic with the 23rd Fighter Group at Pope Air Force Base, North Carolina, which was part of a demonstration team for the air show. SSgt. Lynch was staying at the hotel when he heard screams coming from the pool area. He immediately dropped what he was doing and responded. When he arrived, guests Barry Stetson and Neil Gray of Wanchese, N.C. and Roger Melville, of Stanley, N.C. were lifting the lifeless body of Adam from the pool. Calmly, Staff Sergeant Lynch asked onlookers to call 911 and began Cardiopulmonary Resuscitation on Adam, which he continued until emergency medical services arrived.

According to the Institute of Critical Medicine, the average survival rate for those receiving CPR is about three percent. That means that only 3 out of every 100 people needing CPR survive.

I am pleased to say that Adam Gresham is one of those lucky few.

Because of Staff Sergeant Lynch's quick thinking and level head, Adam Gresham, although still listed in critical condition at Western Georgia Medical Center, is alive today.

I would like to commend Staff Sergeant Lynch and the others for their heroic act and to encourage those hearing these comments to make the effort to learn this vital life-saving skill which saves thousands of lives each year.

TRIBUTE TO ANNETTE LEAHY

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 2002

Mr. McGOVERN. Mr. Speaker, I rise to pay tribute to Annette Leahy for her four years of outstanding service to Marlborough Hospital and the Marlborough Community.

Mrs. Leahy has been an active member of the community going above and beyond what her job required her to do. She served as a member of the Regional Chamber of Commerce, the Tri-Country United Way, the Marlborough Rotary Club, and the Boys and Girls Club. Additionally, Mrs. Leahy has volunteered at the local food pantry.

Mrs. Leahy holds degrees from Central Connecticut State University, University of Hartford and the Hartford Graduate Center. Her professional career brought her to Rockville General Hospital, where she served as Vice President for Planning and Administration, Chief Operating Officer, and Senior Vice President of Integrated Health Services.

Since 1998, Mrs. Leahy has been President of the Marlborough Hospital where she oversaw major renovations and expansions, allowing for expanded community outreach programs. In her honor, Marlborough Hospital has named a former lobby the "Annette Leahy Conference Room" to commemorate her achievements.

Mr. Speaker, I am certain that the entire U.S. House of Representatives joins me in congratulating Mrs. Annette Leahy for her stellar work at Marlborough Hospital, and wishes her best of luck as her career continues beyond Marlborough Hospital.

LIGHTS ON AFTERSCHOOL DAY 2002

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 2002

Mr. KILDEE. Mr. Speaker, on Thursday, October 10, in communities throughout the nation, Lights On Afterschool Events will be taking place. At schools, 4–H Clubs, Police Athletic clubs, YWCAs, in Mayor's offices and in state capitols, activities are planned that highlight the importance of providing safe, enriching environments for young people before and after school hours. These programs are important for working families, help improve academic outcomes for kids and help strengthen the fabric of community life. In my own state of Michigan over 200 events are planned on October 10 to educate families about available programs. America's children are our most precious resource. Their health, their safety, the quality of their education—these are responsibilities we all share. We have an obligation to ensure that every child has a genuine opportunity to succeed. The availability of Afterschool programs moves us toward that goal.

The 21st Century Community Learning Centers Program—by no means the only source of support for Afterschool programs—is a critical resource for all states. The No Child Left Behind Act—signed into law last January by President Bush—promises communities that need this help most, the funds necessary to sustain and develop high-quality Afterschool programs. Unfortunately, in many locations across America millions of children are left home alone, unsupervised, during the hours immediately after the school day ends. For too many of our children these hours are full of squandered opportunities for tutoring, mentoring, academic challenges, and physical, social and cultural development. Not surprisingly, this is a time of day when most juvenile crimes are committed and when more youth are vulnerable to drugs and teenage pregnancy. Lights On Afterschool is an opportunity to showcase the programs that do exist and build support for their expansion. Through the generous support of J.C. Penney, the Afterschool Alliance has nurtured the growth of the Lights on Afterschool campaign—this year events are taking place in 422 congressional districts. By next year that number will grow to 100%.

We all have a responsibility where the nation's young people are concerned—parents, educators, business leaders, community and faith-based organizations and legislators. Providing for the health and welfare of America's children is too big and too important a job to tackle alone. Afterschool programs offer the chance to improve academic achievement. They provide children with the opportunity to benefit from the mentoring of a role model. They help young students tackle the challenges and learn the value of reading at an early age. They ensure that youth have access to safe and anti-substance abuse activities. And for America's working parents they provide the confidence that their children are well cared for once the school day ends.

Beyond funding for the 21st Century Learning Centers Program, the No Child Left Behind Act, makes available federal Title I funds that can be used to provide supplemental educational services through afterschool programs. The Child Care Development Block Grant is another important resource to assist parents in obtaining high quality afterschool childcare.

I urge my colleagues to visit afterschool programs in your district, encourage local businesses to help sustain and expand these programs and fight for increased federal investment in the 21st Century Learning Center Program, Title I, and the CCDBG. Congratulations to the Afterschool Alliance, the Charles Stewart Mott Foundation, and J.C. Penney, the National Sponsor, and their partners: 4–H, Boys and Girls Clubs of America, Junior Achievement and the YMCA of the USA on their third successful Lights on Afterschool national awareness campaign.

TRIBUTE TO FRANCESC DE PAULA SOLER

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 2002

Mr. SERRANO. Mr. Speaker, it is with great pride that I welcome, once again, Mr. Francesc de Paula Soler, the gifted and prolific guitarist who played for us last fall at the Library of Congress. He is a world-renowned instrumentalist who will grace the Library of Congress for the second time on October 29, 2002.

Last year's concert soothed and lifted the spirits of those who attended, and this one will no doubt have the same effects. We learned first-hand why de Paula Soler is known throughout the world as the "Poet of the Guitar."

Born in Spain, to a family of artists, Francesc de Paula Soler grew up with the guitar. He received a rigorous and intense training with the classical instrument. As the student of two legendary guitarists, Andes Segovia and Narciso Yepes, de Paula Soler has become a legend in his own right.

He has played music halls and auditoriums throughout the United States and Europe, mesmerizing audiences of all ages and from all walks of life. Francesc de Paula Soler has been hard at work on his second album and CD called "El Polifemo de Oro," which is dedicated entirely to Spanish music for guitar. The musician has also been working on his next book "Guitar Technique Manual," because he takes his role as a mentor and teacher as seriously as his role as a guitarist. Amazingly, Mr. Soler has managed to work on his album and book while filling a busy tour schedule. He also instructs students in Master Classes and Seminaries that he offers in the "Ctedra Ferran Sors" and in the "Escola Catalana de Guitarra."

I am grateful that Francese de Paula Soler has returned to Washington, DC to play for us again and urge all of my colleagues to come and enjoy an afternoon of his enchanted melodies.

IN REMEMBRANCE OF CARL THOMPSON

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 2002

Ms. BALDWIN. Mr. Speaker, I rise today in remembrance of Carl Thompson, who served as an advocate for Progressive values in the Wisconsin State Legislature for 32 years.

Mr. Thompson was the youngest delegate to the 1934 founding convention of the Progressive Party, and eventually led the Wisconsin Progressive Party into the newly reformed modern Democratic Party. After the Progressives took over the Democratic Party, they chose Carl as their first candidate for governor in 1948, and again in 1950. As a proponent of public financing of campaigns and keeping money out of politics, he ran for governor with only $10,000. His opponent spent 16 times as much, but Carl still received 45 percent of the vote.

As a State Legislator from Stoughton, he was a crusader for Progressive ideals. I admire his tireless efforts fighting for civil rights, women's rights, and for speaking for those who so often are not heard. Many of Wisconsin's laws we take for granted today, Carl brought to the attention of the State Legislature, even though they may have been unpopular at the time. His colleagues will tell you that they have considerable respect for him because he was not afraid to challenge the establishment.

Carl's leadership in the State Assembly and State Senate from 1952–1984 has left Wisconsin with a strong Progressive tradition. While his contemporaries left Wisconsin to go to Washington as Senators and Congressmen, he felt it was important to stay at home to fight for his causes in the conservative State Senate. He should be remembered for the positive impact he had as a founder of the modern Democratic Party of Wisconsin and the legacy that he has left for the people of Wisconsin.

TAIWAN CELEBRATES 91ST NATIONAL DAY

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 2002

Mr. ROTHMAN. Mr. Speaker, as leaders and people on Taiwan celebrate their 91st National Day on October 10, 2002, I offer them my congratulations and wish them many more happy National Days in the future.

Much has been said about Taiwan's political achievements. It has a former political dissident as its tenth president, and people of Taiwan enjoy numerous political freedoms and protection of human rights. As political reforms are continuing, Taiwan will soon complete its total democratization.

In terms of economic achievements, Taiwan is one of the world's major economies. Our trade with Taiwan totaled $51.5 billion in 2001. We exported electrical machinery, optical instruments and parts, aircrafts, aircraft parts, organic chemicals, corn, and soybeans to Taiwan. Taiwan represents the 7th largest market for U.S. exports worldwide.

In other non-economic areas, I believe we must continue to supply Taiwan with defensive arms—to help Taiwan maintain peace in the Taiwan Strait. Also, the U.S. must take an active role in helping Taiwan join many important international organizations such as the United Nations and the World Health Organization.

The U.S. is also grateful for Taiwan's assistance in the fight against global terrorism. Immediately after September 11, Taiwan President Chen Shui-bian lost no time in condemning the brutal act against American civilians and offered resolute support of America's anti-terrorism campaign. Taiwan has also taken concrete actions. For instance, Taiwan has shared intelligence information with the United States, security at Taiwan airports has been heightened, legislative bills have been passed to stop money laundering which could aid terrorists, and humanitarian assistance has been provided to Afghan refugees. We appreciate Taiwan's help in combating global terrorism.

Again, congratulations to our good friends on Taiwan on their National Day.

RECOGNIZING THE REPUBLIC OF CHINA (TAIWAN)

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 2002

Mr. SESSIONS. Mr. Speaker, this October 10th marks the 91st National Day of the Republic of China (Taiwan). On this important occasion, I wish to congratulate the leaders and the people of Taiwan.

Taiwan and the United States have a very productive relationship despite the lack of official relations. Taiwan has always been supportive of U.S. policies and actions. Last year, Taiwan was one of the first countries to come to our aid in our campaign against worldwide terrorism.

Taiwan's leaders have pledged whatever assistance we need, such as intelligence gathering, in our continuing war against terrorists. Apart from Taiwan's support of us in combating terrorism, Taiwan maintains close cooperation with us in many areas such as economics, politics, immigration, culture and education, science and technology, human rights, and environmental protection.

On the occasion of ROC's National Day, I urge all Americans to continue to lend their support to Taiwan.

America must continue to help Taiwan and the PRC resume dialogue, continue to supply Taiwan with the means to defend themselves, and ease unnecessary restrictions we have imposed upon Taiwan's representative offices in the United States and our "unofficial" official offices in Taiwan.

I am certain that relations between America and Taiwan will continue to grow. Taiwan is a free, democratic, and open society and shares the same ideals as we do.

On a foundation of mutual confidence and mutual benefit, bilateral relations between the United States and Taiwan will continue to grow.

INTRODUCTION OF LEGISLATION ON SECTION 1032

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 2002

Mr. NEAL of Massachusetts. Mr. Speaker, today I am re-introducing a modest bill to remove incentives for corporations to bet on their own stock. In recent weeks, the Wall Street Journal has reported on the downside risk of this behavior, with several well-known and otherwise successful U.S. corporations forced to recognize hundreds of millions of dollars in losses when a stock price dramatically decreased. What was a successful game during the bull market, has turned into a risky venture in the bear market with corporations forced to buy back stock at prices greatly in excess of market value. A more pernicious aspect of this transaction is that some corporations take the 'best of both worlds.' If they bet right and the price rises, they will pay no tax on the gain; if they bet wrong and it declines, they will simply deduct the loss.

This legislation would apply Internal Revenue Code section 1032 to all derivative contracts. The impact of this change is to prohibit corporations from recognizing gain or loss in derivative transactions to the extent the derivative purchased by the corporation involves its own stock.

Section 1032 states that a corporation generally does not recognize gain or loss on the receipt of money or other property in exchange for its own stock. In addition, a corporation does not recognize gain or loss when it redeems its own stock for cash. Section 1032, as originally enacted in 1954, simply recognized that there was no true economic gain or loss in these transactions.

However, the 1984 Deficit Reduction Act extended this policy to option contracts, recognizing the potential for tax avoidance inherent in these contracts. Since that time, the financial industry has developed a number of new types of derivative products. My legislation merely updates current law to include in section 1032 current and future forms of these new types of financial instruments.

On June 16, 1999, the Tax Section of the New York State Bar Association issued a report on section 1032 which recommended the changes discussed above. In addition, building on the work of the Treasury Department's budget recommendation, the Bar Association also recommended that Congress require a corporation that retires its stock and "substantially contemporaneously" enters into a contract to sell its stock forward at a fixed price, to recognize as income a time-value element. In effect, these two transactions provide a corporation with income that is economically similar to interest income but is tax-free. This legislation includes a provision that recognizes a time-value element, i.e., the version recommended by the Bar Association. The effective date of this legislation is for transactions entered into after date of enactment.

The problem identified in 1984 and in 1999 by the Department of the Treasury is best described in the New York State Bar Association Report. The report states, "We are concerned that all the inconsistencies described above (both in the general scope of section 1032 and in its treatment of retirements combined with forward sales) present whipsaw and abuse potential; the government faces the risk that income from some transactions will not be recognized even though those transactions are economically equivalent to taxable transactions. In addition, the government faces the risk that deductions are allowed for losses from transactions that are equivalent in substance to transactions that would produce nontaxable income, or—because taxpayers may take different positions under current law—even in the same form as such transactions. To avoid these inconsistencies, we believe it is necessary to amend section 1032."

Mr. Speaker, I consider the legislation I am introducing today to be a normal housekeeping chore, something the Committee on Ways and Means has done many times in the past and hopefully will do so in the near future in order to preserve the original intent of the law. As such, I hope it will be seen both in Congress and in the industry as relatively noncontroversial, and that it can be added to an appropriate tax bill early in the next Congress. Despite the disappointing record this Congress has compiled to address the fallout from Enron, WorldCom, Tyco and other recent corporate failures, I am hopeful that the next Congress will quickly respond to eliminate provisions in our tax law encouraging such risky behavior by corporations.

TRIBUTE TO REGINA FISHER ORIOL

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 2002

Mr. UDALL of New Mexico. Mr. Speaker, I rise today to pay tribute to Regina Fisher Oriol, who died in May of this year. She was a loving and caring wife and mother and a tireless champion in the fight to eliminate drunk-driving.

Born into a military family, Regina's primary home was Kentucky, where her Army career father was stationed at Fort Knox. Upon graduating from high school, she became a welder, a rare profession for a woman, and rose to the top of her field. Sadly, she was exposed to poor working conditions and developed "metal fume fever," which left her lungs permanently damaged. Deciding to end her career, which now included college welding instruction in western New Mexico, Regina become a full-time wife to husband, John, and a stay-at-home mom to son, Raymond, and daughter, Margaret.

In 1996, Regina's retired father, Franklin, was tragically killed by a drunk driver and, soon after, five others, from one family, were killed in the same manner in the Four Corners area of northwestern New Mexico. Determined to make a difference in the state's DWI fatality rate, Regina created the DWI "Victims' Remembrance Wall," which displayed photographs and stories of victims of drunk drivers, and she was instrumental in the Wall becoming a traveling exhibit that raised public awareness. The display was placed on view several times in the state Capitol Rotunda in Santa Fe, drawing the attention of the governor, other state officials, and state legislators.

Regina's DWI eradication efforts continued. Because of assistance from her and many others, drive-up liquor windows were closed during my tenure as New Mexico's Attorney General. Regina also worked with state officials in implementing a state highway sign program to remind motorists not to drive while drinking. Over 130 signs now stand in various areas of New Mexico that both warn drivers of DWI and offer tribute to specific victims. The same program has been adopted in other states. Regina was subsequently named the first "Traffic Safety Ambassador of New Mexico" by the New Mexico Department of Transportation.

Regina's dedication was not limited to DWI-related events. She became a public servant volunteer with the local Child Support Division of state government, where she offered remedies to problems related to child support collection and distribution. Regina's efforts helped to increase funding for staff increases, procedure updates, and security enhancements.

Tragedy again struck Regina and her husband, John, in 1999 when both their son, Raymond, two days short of 17, and daughter Margaret, 11, were killed by an inattentive driver while passengers in a friend's car. Even though devastation and a broken heart were now constant companions, Regina continued to work faithfully on the causes in which she so passionately believed.

Regina Fisher Oriol was a generous, compassionate and remarkable individual, whose humanitarian efforts will never be forgotten. I ask my colleagues to join me today in recognizing the life of this extraordinary woman.

IN RECOGNITION OF REVEREND C.C. CAMPBELL GILLON

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 2002

Mr. BENTSEN. Mr. Speaker, I rise to honor Reverend C.C. Campbell Gillon, on the occasion of his retirement from his pastoral duties at the Presbyterian Congregation in Georgetown located in Washington, D.C., where he has faithfully served his congregation for more than 23 years. His retirement comes at the end of fifty years in the ministry.

The Presbyterian Congregation in Georgetown has over two hundred years of distinguished history, beginning in 1780, under the eminent Stephen Bloomer Balch, pupil of religious leader John Witherspoon and soldier of the Revolution. The church serves as the first Presbyterian Church in what was to become modern-day Washington, D.C., and the oldest church of any denomination with an unbroken ministry. A rare charter, still in effect, was granted in 1806 to "the Presbyterian Congregation in George Town" by an act of Congress signed by President Thomas Jefferson. The Presbyterian Congregation in Georgetown, pioneered in both the religious and cultural life of the community, has served as a cornerstone of faith in our nation's capital, attracting a wide variety of worshipers from political leaders to those seeking spiritual direction.

Rev. Campbell Gillon was born in Edinburgh, Scotland, into a family immersed in the Christian spirit. Both his father and uncles preceded him as ministers of the Church of Scotland. After three years of Army service at the end of World War II, he graduated with a Master of Arts degree from the University of Glasgow before studying theology at Trinity College, Glasgow, under the tutelage of Professor William Barclay, the noted Scottish New Testament scholar. In 1952, Rev. Gillon began an exceptional career that has spanned 50 years, with his first appointment to the historic Buittle Parish in southwest Scotland. The rest of his 27-year ministry in the Church of Scotland was spent in Glasgow, where he presided over the Milton Saint Stephen's Church. Under his extraordinary leadership, Rev. Gillon's beloved church was united with the noted Renfield Church Center, and was expanded to include a public restaurant, concert hall, and other community oriented facilities. In 1978, Rev. Gillon and his wife Audrey visited the Presbyterian Congregation in Georgetown on a six-week work exchange, not knowing how their lives would forever be changed. Soon after his short stay, he returned to his 800-year old parish, the prestigious Cathcart Old Parish, only to receive a call from the Presbyterian Congregation in Georgetown with an offer to join their church family as the senior minister.

Rev. Gillon has earned a reputation of being one of the most thoughtful and provocative interpreters of Christian experience, and has shared his insight and experiences with those who seek knowledge and guidance. He has published, Words of Trust, a book of sermons produced in both the United States and the United Kingdom. As a testament to his leadership and wisdom, excerpts from Rev. Gillon's sermons have been featured in newspapers, magazines, and Christian publications around the world.

While Rev. Gillon's religious and spiritual obligations to his growing congregation have always been paramount, as a community leader, he has shared his faith and free time as Chaplain of the Saint Andrew's Society of Washington, D.C., a charitable and social organization of men of Scottish birth or ancestry.

Mr. Speaker, at a time when our nation and many across the world were seeking explanations and direction following the horrific attacks of September 11th, terrorism, and war, Rev. Gillon provided comfort after the storm with his prayer before the House of Representatives and a moving sermon before his congregation. He reminded us that suffering is only temporary, and God's love is forever. Deeply rooted in the traditions of Scotland and the Scottish preachers that preceded him, Rev. Gillon has dedicated himself to the principles of the Presbyterian faith, his congregation and his family.

In his own words, Rev. Gillon captured the sentiments of the entire congregation, "never does the heart wish a good relationship to end." I want to thank Campbell for his leadership, spiritual guidance and devotion to the Presbyterian Congregation in Georgetown, the

Washington, D.C. community, and the many lives he and his wife Audrey have touched throughout his career. He leaves a legacy of good work and grace that will be missed.

RECOGNIZING NATIONAL BREAST CANCER AWARENESS MONTH

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 2002

Mr. CAPUANO. Mr. Speaker, I rise today to recognize the month of October as National Breast Cancer Awareness Month. As we acknowledge the progress that has been made toward finding a cure for this deadly disease, let us also place a special emphasis on the importance of continued research, mammography coverage and treatment options.

All women are at risk for breast cancer. The causes of this disease are not fully understood and researchers are still unsure how to prevent it. This year alone, an estimated 203,000 American women will be diagnosed with breast cancer, and almost 40,000 will die as a result of their illness. The good news however, is there are steps every woman can take that will make developing breast cancer less likely. These include a healthy diet, exercising regularly, limiting alcohol intake and an annual mammogram. Regular screenings remain the most effective way to identify breast cancer in its earliest and most treatable stages. For women 40 and over, having mammograms every I to 2 years can significantly reduce the risk of dying from breast cancer.

To prevent breast cancer, we must increase awareness of its risk factors and causes. Age and genetic factors have been shown to increase risk, and researchers are now exploring how diet and hormonal factors are linked to possible causes. This information will help women and their doctors make more informed health care choices. Although mammography use has risen, many women are still not making mammography screening part of their routine health care.

Women age 65 and older are less likely to get mammograms than younger women, even though breast cancer risk increases dramatically with age. In addition, Hispanic women have fewer mammograms than Caucasian women and African American women. While mammography rates are increasing for women with health insurance, they have remained low for women without coverage, according to the Commonwealth Fund Surveys of Women's Health. Women below poverty level are less likely to have had a mammogram within the past two years. New efforts are needed to reach older women, racial and ethnic minorities, and women of low income.

Chances of survival are greater if the disease is detected early. In fact, when breast cancer is confined to the breast, the 5-year survival rate is over 95 percent. Researchers and physicians have made tremendous progress in understanding this disease and working toward a cure, but much remains to be done. We must still focus on risk factors, prevention, early detection, diagnosing and staging, treatment, and support care. As we recognize National Breast Cancer Awareness Month let us remember all of those who have lost loved ones to this disease and let us also dedicate this month to all the victims, survivors, volunteers and professionals who combat breast cancer each day.

RECOGNIZING RICHARD LIPPE

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 2002

Mr. ISRAEL. Mr. Speaker, I rise today to recognize Richard Lippe, one of New York's most outstanding attorneys. Mr. Lippe has received the Distinguished Leadership Award 2002 from the Coalition on Child Abuse and Neglect. This organization honors individuals who have made lasting contributions in communities.

Mr. Lippe is the leader of the Corporate and Technology Law Group at Meltzer, Lippe, Goldstein & Schlissel, LLP. In 2001, the Long Island Business News named him one of the top 30 attorneys on Long Island. In June of 2002, Governor Pataki appointed Mr. Lippe to the New York State Science, Technology and Academic Research Advisory Council for a second term.

Along with his many professional contributions, he is also very involved in the community. Richard Lippe is a founder, general counsel and member of the Board of Directors of the Long Island Software and Technology Network. He also serves as general counsel and member of the Board of Directors of the Long Island Life Services Initiative. Mr. Lippe is a member of the Board of Trustees of Huntington Hospital, the Nassau County Museum of Fine Art, and the Stony Brook Foundation.

In addition to Mr. Lippe's professional accomplishments and community involvement, he and his wife Camila are the proud parents of three children (two grown), Wendy, David and Michael. It is with great enthusiasm that I congratulate the Lippe family on this wonderful honor.

NATIONAL CRANBERRY MONTH

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 2002

Mr. FRANK. Mr. Speaker, I am very pleased that Secretary of Agriculture Veneman has proclaimed October of this year National Cranberry Month. The district I have the privilege of representing is one of the most productive in our country in the growing of cranberries, and of course, given that cranberries are native to the U.S., this means Southeastern Massachusetts is one of the most important cranberry growing areas in the world. Cranberry growers have been strong contributors to the economy of Massachusetts, to the protection of open space and other environmental values, and to the addition of nutritious fruit to the American diet. I appreciate Secretary Veneman's proclamation underlining the importance of the growth and processing of cranberries in so many ways and I ask that this proclamation be printed here.

NATIONAL CRANBERRY MONTH, OCTOBER 2002

A PROCLAMATION

Whereas the cranberry has had a long tradition in North America, first used by Native Americans to make pemmican, a convenience food that kept for long periods of time, as an ingredient in medicine, as a natural dye of clothing, as a symbol of peace, and later as a source of sustenance for the Pilgrims;

Whereas during the early days of this country's history, when wooden ships sailed the seven seas, American vessels carried cranberries across the globe in wooden barrels knowing that eating this fruit help prevent scurvy, long before medical science discovered cranberries are a valuable source of vitamin C;

Whereas cranberries are now one of three native fruits still commercially produced today;

Whereas cranberry growers have shown their commitment to environmental stewardship by using integrated pest management to reduce pesticide use, practicing water conservation and preserving, protecting, and creating wetlands and open space which provide habitat for a diversity of wildlife, including many threatened or endangered species;

Whereas the annual production of cranberries has increased from 300,000 pounds a century ago to over 600,000,000 pounds today as consumers worldwide discover the many uses of this healthy fruit;

Whereas multiple clinical trials and related scientific studies have conclusively documented the unique ability of the cranberry to help maintain urinary tract health, due to the variety and level of its natural components;

Whereas the cranberry has long played an important role in American food, culture, and tradition, including the celebration of our Thanksgiving;

Therefore in proclaiming October "National Cranberry Month" I urge all citizens of the United States of America to join with our cranberry farmers to recognize and celebrate the cranberry, a healthy, colorful, and truly American fruit.

INTRODUCTION OF STOP ENABLERS OF FRAUD ACT

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 2002

Mr. MARKEY. Mr. Speaker, I am pleased to introduce the Stop Enablers of Fraud Act, which eliminates the exemption that shields accounting firms, investment banks, and other professional services firms from liability in private suits when they assist their clients to commit securities fraud. This exemption was created as a result of the Supreme Court's 1994 decision in Central Bank of Denver v. First Interstate Bank of Denver, which precluded private parties from recovering damages from those who assist in the perpetration of fraudulent activities. Congressional action reaffirmed the authority of the Securities and Exchange Commission (SEC) to bring cases against aiders and abettors of securities fraud, but the SEC's limited resources and heavy workload have prevented it from pursuing every meritorious case against firms that help their clients engage in fraud.

Recent results of the Commission's pursuit of aiders and abettors have been disappointing for investors defrauded with the assistance of professional services firms that possess the specialized expertise required to construct elaborate securities schemes. According to the SEC, between August 2001 and May 2002, the Commission filed or instituted 40 initial actions for aiding and abetting violations of the federal securities laws. For the 22 matters that had been concluded as of May 2002, 4 included orders of disgorgement of ill-gotten gains. The total amount ordered disgorged by the SEC in the four actions was a mere $321,368.87. With an estimated $3 billion in losses suffered by state pension systems as a result of the Enron debacle alone and investors nationwide facing unlikely prospects of recovery due to the insolvency of the alleged primary violator, the bar against private parties seeking damages from the aiders and abettors of fraud should be lifted. Disgorgement of individual profits can never amount to more than a trifle compared to investors' losses on the open market. Disgorgement applies only to forfeiture of the ill-gotten profits reaped from the fraud, which typically represents only a fraction of what investors actually lost from the securities scheme. The ability to recover damages from aiders and abettors in private securities suits would compensate investors for their actual losses, not merely force defendants to surrender profits from their securities violations. As a result of Central Bank, defrauded investors are short-changed, forced to settle for a fraction of their actual losses, if they are able to recover any funds at all.

The Stop Enablers of Fraud Act responds to the series of corporate scandals that have illuminated the integral, albeit supporting, role that professional services firms sometimes play in the design, implementation and validation of fraudulent activities conducted by their clients. In their responses to the consolidated complaint in the pending Enron litigation, professional services firms frequently have cited the Central Bank precedent as they seek to have the charges against them dismissed, arguing that aiders and abettors are immune from liability for fraud alleged in private suits. For example, Merrill Lynch's motion to dismiss states, in relevant part:

> [I]n recent years two developments have effected tectonic shifts in the law governing federal securities fraud actions, especially those pled not against the issuer of the securities in question but rather against the peripheral professional organizations who provided services to the issuer. Those two developments were (a) the enactment of the Private Litigation Securities Reform Act (sic) . . . and (b) the Supreme Court's decision in Central Bank of Denver N.A. v. First Interstate Bank of Denver . . . The Section 10(b) claims alleged against Merrill Lynch must be dismissed . . . [because] plaintiffs' principal theory of liability against Merrill Lynch . . . is precluded by the Supreme Court's holding in Central Bank.

While it remains to be seen whether such arguments will prove decisive in the Enron case, Central Bank nevertheless poses a significant risk to investors who, defrauded by a firm that subsequently became insolvent, may be deprived of recovering losses from the remaining entities that helped to enable the fraud to occur in the first place. It is clear from last week's Justice Department criminal complaint against Enron's former Chief Financial Officer Andrew Fastow that Mr. Fastow did not act alone. The Justice Department's complaint states "Enron at least once enlisted a major financial institution to assist in its financial statement manipulation." During Senate hearings held in July, the financial institution was identified as Merrill Lynch.

The Stop Enablers of Fraud Act overturns the Supreme Court's decision in Central Bank and restores the ability of individuals to bring private suits against those who aid and abet a securities fraud. For decades prior to the Court's decision, firms that assisted their clients to perpetrate fraud had been held accountable for their role in fraudulent activities. Individuals who have been defrauded as a result of the machinations of Mr. Fastow and those who aided and abetting Enron's frauds should not be blocked from pursuing private suits to recover their losses. Empowering individuals to hold accountable the enablers of securities fraud will compel accountants, securities firms, and attorneys to consider the potential litigation risks before they help their clients commit fraud. The exposure of aiders and abettors to liability in private suits is in the best interest of investors and the marketplace. The Stop Enablers of Fraud Act also serves as an important deterrent effect for those who, tempted by the pursuit of profit, may reconsider becoming an accomplice to the type of securities frauds that have so damaged the financial health of Americans across the country.

CELEBRATING TAIWAN'S NATIONAL DAY: OCTOBER 10, 2002

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 2002

Mr. LANGEVIN. Mr. Speaker, I rise today to extend my best wishes and congratulations to the leaders and citizens of Taiwan as they celebrate their 91st National Day.

Despite our lack of formal relations with the Republic of China on Taiwan, we enjoy a flourishing relationship. Speaking in New York, Secretary of State Colin Powell recently called Taiwan a "success story" and noted that Taiwan has become a resilient economy, a vibrant democracy and a generous contributor to the international community.

Indeed, Taiwan's economy has grown tremendously in recent decades. Taiwan is the United States' eighth-largest trading partner and seventh-largest export market. Our exports to Taiwan in 2001 totaled $18.2 billion. Taiwan's importance as a world economy was evidenced by its accession to the World Trade Organization earlier this year, the culmination of twelve years of collaborative efforts with the U.S.

Over the past several decades, Taiwan has also become a successful model of rapid political reform. Taiwan today is home to more than ninety political parties, and virtually every political office is hotly contested through free and fair elections. Just two years ago, Mr. Chen Shui-bian, a former political dissident, was elected the tenth president of the Republic of China.

Taiwan is making significant contributions to the international community, and I know that our bilateral relations will only grow stronger in the coming years. Mr. Speaker, I know you and all our colleagues join me in sending congratulations to the people of Taiwan on this special day.

OAKLAND CITY COUNCILMAN DICK SPEES

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 2002

Ms. LEE. Mr. Speaker, I rise today to honor Oakland City Councilman, Dick Spees, for a remarkable 24-year career in public service.

Dick Spees has represented Oakland's District 4 since 1979. He was elected to fill an unexpired term and was reelected in 1981, 1985, 1990, 1994 and 1998. He served as Vice Mayor of Oakland in 1983 and 1984 and again in 1994 and presently serves on four of the Oakland City Council's committees.

When Councilman Spees is not meeting with residents, participating in City Council meetings, attending community events or working diligently as founder of the Chabot Space and Science Center, you will probably find him at a meeting with one of the many boards and committees dedicated to developing Oakland. These boards and committees include: Governing Board, Oakland Base Reuse Authority; Co-Chair, BART-Airport Connector Stakeholders Committee; Executive Board, Association of Bay Area Governments; Member, Regional Airport Planning Committee; Executive Committee Chair, Chabot Observatory & Science Center; Vice Chair, Bay Area World Trade Center; Founder and Vice Chair, Oakland-Sharing the Vision, the Strategic Plan for Oakland; Member, Oakland Education Cabinet.

Dick Spees is not only an exemplary member of the Oakland City Council, but he goes far beyond the call of duty which is demonstrated through his work and dedication to many projects. For example, he spends many hours developing the District's neighborhood groups, developing and marketing the Chabot Space and Science Center, completing funding for a BART-Oakland Airport Connector, and advocating in Washington and Sacramento for various Oakland programs. He loves and cares for the people and the City of Oakland, California.

The City of Oakland has benefitted tremendously from the leadership and commitment of this remarkable public servant. I am proud to call Dick my friend and colleague. I ask Congress to join me and the constituents of California's Ninth Congressional District as we bid farewell and wish Councilman Dick Spees a long and happy retirement.

IN RECOGNITION OF EDWIN "MAX" KURLAND

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 2002

Mr. LIPINSKI. Mr. Speaker, I rise today to congratulate my friend and very first coach, Edwin "Max" Kurland, on being awarded the Saint Patrick Academy Crystal Shamrock Award for his dedication as a coach and teacher, his loyalty to his many friends, and his devotion to the Christian Brothers ministry. Max is truly the heart of the St. Patrick Academy Community.

Edwin "Max" Kurland was born and raised the youngest of three children on the west side of Chicago. He attended Blessed Sacrament Elementary School and the Quigley Seminary before receiving a sociology degree from Loyola University in 1954. After a tour in the United States Army, he began his career at Blessed Sacrament.

I first met Max in 1951 when I was in seventh grade at Blessed Sacrament School. That was the year I was selected by Max to play on the "Blessed Sacrament 16" Softball team. He was a great coach and teacher, not only for sports, but also for everyday living.

Affectionately nicknamed "Max," he joined the St. Patrick faculty in 1954 as an assistant to Coach Dick Triptow. When Triptow left in 1959, Max began his career as head basketball coach that would span over thirty-five years.

With 653 wins, he ranks as one of the top ten coaches in Illinois history. Max was named East Suburban Catholic Conference Coach of the Year three times while winning ten conference championships, eleven State Regional titles, and one Sectional championship. His teams also won fourteen Thanksgiving Tourneys, two Chicagoland Prep Tourneys and six Christmas Tournament titles. Max was inducted into the Illinois Basketball Hall of Fame in 1980 as well as the Chicago Catholic League Coaches Hall of Fame in 1994. To top off his prestigious career, Coach Kurland became a charter member of the Shamrock Hall of Fame in 1995.

Outside of basketball, Max has been recognized by the Christian Brothers, receiving the LaSallian Award in 1982 and the Signum Fiedei Award in 1994.

Mr. Speaker, Max Kurland has been a devoted coach and teacher and he continues to serve the community through his leadership. I would ask that my colleagues join me in honoring this truly dedicated and courageous man.

A TRIBUTE TO THE ST. LOUIS GATEWAY CLASSIC SPORTS FOUNDATION

HON. WM. LACY CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 2002

Mr. CLAY. Mr. Speaker, it is with great pride that I rise today in tribute to the St. Louis Gateway Classic Sports Foundation and its president, Earl Wilson, Jr. On Sunday, September 29, 2002, the Sports Foundation hosted the grand opening of its new 15,000-square-foot, $2.7 million headquarters. The building, located at 202 Dr. Martin Luther King Drive in St. Louis, Missouri, will house office space, a computer lab, gymnasium, auditorium, state-of-the-art boxing area, banquet facilities and classrooms. In addition a "Walk of Fame," which lined the sidewalk outside the new building was unveiled. The "Walk" honors African-Americans from Missouri who have made a positive impact on the St. Louis community and the nation.

As the Representative of the 1st Congressional District in Missouri, I was proud to participate in the opening of the new facility. Since its founding in 1994, the Gateway Classic Foundation has sent a strong message to our young people that someone cares about them, that someone will invest in their skills and talents and provide positive alternatives to negative influences. The Foundation's community outreach has increasingly emphasized the importance of building a better future for the youth in St. Louis, through programs that target their educational, health, intellectual, physical, social, and spiritual development.

Every year, the Foundation stages the Gateway Classic college football game and hosts other sporting events such as high school basketball tournaments, track and field competitions and boxing matches. In nine years, the Foundation has donated more than $2.9 million to local charitable organizations and has awarded 35 full, 4-year scholarships to students to attend Historically Black Colleges and Universities.

The 17 "Walk of Fame" inductees are true heroes, not just to the black community, but to our nation as a whole. In sports and entertainment, the inductees were: Jackie Joyner Kersee, Elston Howard, Dick Gregory, and members of the 5th Dimension.

In government, the inductees were: Congresswoman MAXINE WATERS, former St. Louis Mayor Freeman Bosley, Jr., U.S. Army General Roscoe Robinson, Jr., U.S. Army Air Corps officer Wendell Pruitt, former St. Louis Alderman Wayman Smith, Jr., and former Congressman William L. Clay, Sr.

Other inductees were: Reverend James E. Cook, Dr, Julia Davis, Civil Rights activist Percy Green, Nanny Turner Mitchell, Homer G. Phillips, Margaret Bush Wilson, and Nathan B. Young.

All of these inductees are priceless assets to the St. Louis Community and the nation. I salute them for their achievements and commend the Foundation for seeking to honor these individuals.

The Foundation also recognized and presented special awards to its minority contractors for their part in the construction of the new headquarters. The minority owned component included; Interface Construction Company, contractor; Fleming Corporation, architect, and Kwame Building Group, construction manager.

In closing, I would like to extend "Birthday Greetings" to Earl Wilson, Jr., who celebrated his 70th Birthday yesterday. On behalf of his family and many friends in the 1st Congressional District, I wish him good health, continued success and many more birthday celebrations!

ACTIONS OF THE PRESIDENT OF KAZAKHSTAN

HON. NORMAN D. DICKS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 2002

Mr. DICKS. Mr. Speaker, once again I would like to call the attention of my colleagues to a news report concerning the ongoing undemocratic actions of the President of Kazakhstan. In the Wall Street Journal report that I would ask to insert into the RECORD today, the correspondent Steve LeVine detailed a series of bizarre actions by President Nazarbayev to silence his critics from within the government, to silence any opposition from the news media and to further consolidate his power. I believe it is important for members of this body to pay closer attention to developments in the former Soviet Republics in central Asia, particularly as some drift quickly away from democratic rule.

[From the Wall Street Journal, Sept. 12, 2002]

CASPIAN INTRIGUE: ODD FAMILY DRAMA IN KAZAKHSTAN DIMS DEMOCRATIC HOPES—PETROLEUM-RICH LAND'S RULER SMACKS DOWN SON-IN-LAW AND SUNDRY CHALLENGERS—OIL COMPANIES FEEL HEAT, TOO

(By Steve LeVine)

ALMATY, Kazakhstan.—In three frenzied days last November, government troops raided a television station, offices and homes and took up positions at the airport. Their target: anything connected to a powerful son-in-law of Kazakhstan's long-ruling president, Nursultan Nazarbayev.

"Karavan newspaper has been closed, KTK-TV has been closed and censorship has been imposed in the country," read a message greeting viewers tuned to the TV station, which, like the newspaper, belonged to the family of the son-in-law, Rakhat Alliyev. He, meanwhile, played a cat-and-mouse game with his father-in-law, stealing in and out of Western embassies and hinting that he might like political protection abroad.

So began a bizarre drama in this oil-rich Central Asian land while the world's eyes were riveted on a war just to its south, in Afghanistan. It is a drama that does nothing to encourage those hoping for a softening of authoritarian rule in the region.

The events include the sidelining not only of Mr. Aliyev but of nearly all other potential challengers to the Kazakh president. One politician who proposed limits on presidential power has just drawn a seven-year prison term. Eight journalists or news organizations that criticized members of the Kazakhstan first family have faced harassment, one paper finding a headless dog on the doorstep.

The crackdown reflects a broad trend in a region about which the U.S. had high hopes. Since the early 1990s, former Soviet republics in Central Asia and the Caucasus have drawn intense interest from the U.S. America has been eager to tap into these countries' energy reserves—of which Kazakhstan's are by far the richest—and to see them establish open economies and democratic rule.

And in the past year, the U.S. has developed another vital interest in this region:

military alliances for the war on terrorism. As U.S. forces moved into Afghanistan last fall, the U.S. established military arrangements with six former Soviet republics. Mr. Nazarbayev has wholeheartedly supported the war on terrorism and permitted the U.S. to use Kazakhstan airfields for emergency landings.

Though the Central Asian countries initially encouraged hopes for democratic rule, they have veered further and further from the democratic path. Uzbekistan, for instance, tolerates no political dissent, despite the destruction in Afghanistan last year of its exiled Islamic opposition. Turkmenistan's president, Saparmurat Niyazov, has just renamed the days of the week and the months of the year in honor of himself and matters dear to his heart.

Mr. Nazarbayev's crackdown has been especially dispiriting, because the 62-year-old Kazakh president has been considered one of the region's more tolerant leaders. Day-to-day life in Kazakhstan, with busy Internet cafes and vibrant shopping, is open and relaxed. But this doesn't include venturing into politics without the president's blessing. His reassertion of power leaves another of the world's major oil-producing nations under authoritarian rule.

A U.S. State Department spokesman, Phil Recker, said last month: "The U.S. believes that recent developments in Kazakhstan, such as the new restrictive legislation regarding political parties and the ongoing harassment of opposition figures and the independent media, pose a serious threat to the country's democratic process." Mr. Nazarbayev and others in his government declined repeated requests for comment.

Politics isn't the only arena feeling the Kazakh government's new assertiveness. The government is pressuring some Western companies operating here to renegotiate long-signed contracts. For instance, the government has fined Chevron Texaco Corp. $73 million for storing sulfur. Chevron says its contract permits this and is fighting the fine. Washington has protested the recent business interference.

These are the latest trials for a land that has seen many, including great tragedies. In the 1930s, Stalin forced the nomadic Kazakhs, accustomed to wandering the steppes with sheep and camels, to settle down and learn to raise crops. An estimated 1.5 million people died of starvation during this period. Stalin also used Kazakhstan, a sprawling land of temperature extremes, as a kind of western Siberia. He exiled hundreds of thousands here—including the whole population of Chechnya, relocated en masse in 1944. The Soviets also did their nuclear testing in one corner of Kazakhstan.

Mr. Nazarbayev, a former steelworker who rose through Communist Party ranks, has ruled Kazakhstan since 1989 through a simple lever: the power to name and shuffle virtually every minister, governor and judge. Early on, he appointed enough young, reform-minded officials to fuel the optimism of those who hoped for a democratic future. But in the mid-1990s, he began moving relatives into powerful positions. Then three years ago, he grew more self-protective after coming under suspicion of stowing funds in Swiss bank accounts.

Mr. Nazarbayev named his eldest son-in-law, Mr. Aliyev, now 39, to senior positions first in the Tax Police and then the security agency KNB, local successor to the KGB. Another son-in-law, Timur Kulibayev, 35, was put in charge of oil-and-gas transportation and now is deputy chief of an agency that oversees most oil industry.

Both became powerful in business as well. Mr. Aliyev grew rich through sugar trading and other enterprises. Members of his family bought control of three TV stations, a bank called Nurbank, a regional carrier called Atyrau Airlines and the largest-circulation newspaper, Karavan.

The other son-in-law, Mr. Kulibayev, gained control of another bank, oil-field interests and a caviar-trading monopoly, say people familiar with the deals. In one instance, a government company Mr. Kulibayev headed did a $150 million Eurobond financing to help build an export pipeline to an oil field called Alibekmola—a field in which, say people familiar with the matter, Mr. Kulibayev himself owns a 17.5% stake.

Mr. Kulibayev declined to be interviewed. Mr. Aliyev, in interviews before his clash with the president, said his own business dealings were appropriate. President Nazarbayev has said it is fine for his relatives to be in business and government simultaneously so long as they don't break the law.

In recent years, new laws have tightened Mr. Nazarbayev's grip on power. One passed in 1998 barred anyone convicted of a legal infraction from running for election—a potent tool, since among illegal acts here is any criticism that "insults the honor and dignity of the president."

In 1999, a Swiss judge, suspecting money laundering, froze about 11 Swiss bank accounts that he said appeared to belong to Mr. Nazarbayev or other leading Kazakhs. The U.S. Justice Department joined the probe in 2000. It empaneled a grand jury to hear allegations that $35 million of oil-company money had been funneled to Swiss accounts appearing to belong to Kazakhstan political figures. The U.S. probe advanced a bit this week as a federal judge in New York endorsed the grand jury's right to see certain documents.

In Kazakhstan, however, it was Mr. Aliyev, the oldest son-in-law of the president, who was becoming the lightning rod. As head of the Tax Police, he raised hackles by moving about Almaty with hulking policemen trained in martial arts, staging televised raids on suspected tax-dodgers, terrorists and narcotics traders. Business rivals and political opponents saw his tactics as intimidation.

Mr. Aliyev dismissed his critics as people who thought they were above the law. "To force someone to abide by the law is difficult, and nobody likes it when discipline and order are demanded of them," he said in an interview a year ago.

But last fall, two prominent Kazakhs—a provincial governor and a tycoon—launched a campaign against Mr. Aliyev. Their allies stood up in parliament to accuse him of demanding "tribute" from businessmen. The critics also suggested Mr. Aliyev was disloyal to the president.

One critic, Galimzhan Zhakianov, the provincial governor, linked Mr. Aliyev to a Web site that had carried allegations of bribetaking by the president. (Mr. Aliyev denied the link.)

A newspaper owned by the other critic, media and banking tycoon Mukhtar Ablyazov, stated that Mr. Aliyev was "pushing to become the top leader of the country. The President is in danger. . . . It's his time to act!"

As rumors grew that Mr. Aliyev was plotting a coup, the campaign against him found allies among top aides to his father-in-law, the president. One presidential aide demanded Mr. Aliyev's resignation. Mr. Aliyev said he would quit only at the president's personal request. And in a veiled threat to reveal corruption, he warned the aide there would be "big, big problems" if anything happened to him.

Mr. Aliyev then vanished. The next day, Nov. 16, armed troops staged their sweep through Almaty in search of him. Mr. Aliyev slipped into the U.S. and French embassies, hinting that he might exchange sensational revelations in return for protection, according to one diplomat.

The strange standoff ended on the third day, as President Nazarbayev and Mr. Aliyev made a joint television appearance. The president said his son-in-law would now serve on his personal guard, which was a big demotion from his previous role. Mr. Aliyev said he was the victim of "slanderous" talk, and was just fighting the "scum that [blocks] healthy forces in society."

But Mr. Aliyev's demotion had emboldened his critics—and they now overplayed their hand. The two main critics made plans to release documents concerning Kazakh-owned Swiss bank accounts, according to their political associates. They also announced a new political party, in league with certain reform-minded businessmen and members of the government.

The president asked them one by one what they wanted. They pressed him to loosen his grip on power, strengthen Parliament and allow the election of local leaders. Mr. Zhakianov, in particular, may have gone too far. He warned the president that he risked a fate like that of Indonesia's Suharto, who was forced ignominiously from office.

Mr. Nazarbayev seemed taken aback, Mr. Zhakianov said in an interview last December. "He was shocked over what happened with Rakhat [Aliyev]. . . . He was in shock over what happened with us because young people working under him were talking about political reform and the need to change the system." Still, the reformers were convinced Mr. Nazarbayev would meet at least a few of their demands.

Instead, three days later, he fired all the political appointees in the group—Mr. Zhakianov, a minister and three deputy ministers. Later, he branded the critics "Bolsheviks," likening their call for greater parliamentary authority to an early Communist refrain.

Then followed a series of unexplained assaults on the Kazakh news media. The body of a headless dog was found in front of a weekly paper called the Republic, and the dog's head outside the editor's apartment. Four journalists were seriously beaten.

Shortly after a journalist named Lira Baisetova wrote a story critical of Mr. Nazarbayev, her 25-year-old daughter, Leyla, vanished, then died. The authorities said she hanged herself while in police custody. Human Rights Watch in New York and the Paris-based Journalists Without Borders raised questions about how she died, after opposition figures claimed she had been beaten. The government said it had nothing to do with her death or with any of the attacks on the news media.

In March, the government arrested one of the leading governmental critics, Mr. Ablyazov, the publishing and banking tycoon.

Now it was the turn of Mr. Zhakianov, the reform-minded provincial governor, to find himself on the run and in hiding. Police raided a hotel, searching room to room for him. He was there, but eluded the troops, and then slipped away to a scheduled meeting at the French embassy.

Police learned of the meeting and encircled the embassy. They pried off manhole covers to make sure their quarry didn't escape through the sewers. Supported by British, German and French diplomats who all had offices in the building, Mr. Zhakianov holed up for six days, until Kazakh authorities and the diplomats reached an agreement: Mr. Zhakianov would be held in his own Almaty home and the diplomats would have access to him. But a few weeks later, Kazakh officials flew Mr. Zhakianov 620 miles north to confinement in the city of Pavlodar.

On the day he was arrested, the government acknowledged the existence of one Swiss bank account—containing $1.2 billion. It said this was government cash from oil deals and was used by Mr. Nazarbayev as a rainy-day fund to help the country weather crises.

The two leading critics went on trial. Mr. Ablyazov, the tycoon, was convicted of embezzling $3.6 million from the state and sentenced in July to six years in prison. Mr. Zhakianov, the former provincial governor, was convicted last month of selling state enterprises at illegitimately low prices. He got seven years in prison.

And Mr. Aliyev, the ambitious son-in-law? In a time-honored form of banishment for out-of-favor officials here, he was sent off to be an ambassador, in this case to Austria. "In the end," says one local participant in the political maneuvering, "the president simply took power back into his own hands."

HONORING THE LIFE OF ROBERT ANTHONY FAUST

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 2002

Mr. GREEN of Texas. Mr. Speaker, it is with great honor and profound sadness that I rise to honor the life of Robert Anthony Faust. After living a remarkably accomplished life, Mr. Faust, president of Faust Distributing Company, lost a courageous battle with pancreatic cancer on Friday, October 4, 2002. He was an active and integral part of our community, and he will be missed.

Mr. Faust first joined Faust Distributing in the late 1950s when he worked during the summers while attending La Marque High School. In 1980, he began working for the company full time as a warehouse worker. He was later promoted to a driver/salesman position and then as market manager.

He had a vast knowledge of the operations of Faust Distributing and his versatile and multifaceted experience led him to become vice president and director of sales. In 1992, he became president of the company.

Robert Faust was committed to the company and to the industry. He was an active member of the National Beer Wholesaler Association, the Greater Houston Partnership, the Forum Club of Houston and the Lions Club.

It has been said that the ultimate measure of a person's life is the extent to which they made the world a better place. If this is the measure of worth in life, Robert Faust's friends and family can attest to the success of the life he led.

Robert Anthony Faust is survived by his wife, Debbie Faust, two daughters, Marney Jones and Lori Longbotham, his mother, Beth Faust, a sister, Polly Horany, two brothers, Dr. Harry Faust and Dan Faust, and four grandchildren.

I ask my colleagues in the House of Representatives to join me in celebrating the life of Robert Faust. He touched many lives, and he will be greatly missed.

HONORING MILDRED JEFFREY

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 2002

Mr. DINGELL. Mr. Speaker, on Tuesday, October 15, the Michigan's Women's Foundation is honoring a phenomenal woman and I would like to take a moment to also pay tribute to her. Mildred Jeffrey is a dear friend and a wonderful example to us all. I thank her for all her hard work and her drive to make the world a better place over the years.

Millie, now 90, was born before women could even vote. Throughout her life she has fought successfully for a number of causes which workers in our community, and around the world, have benefited from.

Millie began her career with the UAW, another engine of social change. She became Walter P. Reuther's assistant and protege, eventually assuming the role of Director of the UAW's Women's Department. It was through the UAW that Millie traveled the globe organizing exchange programs among international labor women.

It goes without saying that Millie's fight led her into the realm of politics. In 1960 she cochaired the Michigan Campaign Committee for John F. Kennedy, she is founder and President of the National Women's Political Caucus and has been involved in numerous local and state campaigns. President Kennedy appointed Millie to the Youth Employment Commission, and President Carter appointed her to the International Year of the Woman Commission. Just two years ago, Millie was awarded the Presidential Medal of Freedom, the nation's highest civilian honor, by President Bill Clinton.

Mr. Speaker, the things I have mentioned barely scrape the surface of Millie's extraordinary life. She is a role model for all Americans and I would ask my colleagues to take a moment to salute Mildred Jeffrey.

CONGRATULATIONS TO THE SOUTHLAKE CENTER FOR MENTAL HEALTH

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 2002

Mr. VISCLOSKY. Mr. Speaker, it is my distinct pleasure to congratulate the Southlake Center for Mental Health located in Lake County, Indiana as it celebrates its 25 anniversary this month. The Southlake Center for Mental Health will commemorate its 25 years of dedicated service to the communities of Northwest Indiana at a gala celebration to be held at Villa Cesare in Schererville, Indiana. The celebration will serve as an opportunity for the Southlake Center for Mental Health to reaffirm its commitment to excellence in mental health services to every individual in Merrillville, Hobart, Crown Point and the surrounding, communities.

The Southlake Center for Mental Health was conceived early in 1975. In July, 1977, the Southlake Center began operations, initially offering outpatient, consultation and education services in leased facilities. By working together with community leaders and educating the public about community mental health care, the main center at 8555 Taft Street opened in Merrillville in 1979 on a 10-acre tract of land.

During the past two decades, the Southlake Center for Mental Health has continued to grow and change, reflecting the needs of the communities while remaining committed to the highest caliber of mental health care. To those in need of mental health care, there is nothing more precious. During the past 25 years, the Southlake Center for Mental Health has been a beacon of hope in Northwest Indiana, providing community based mental health and addiction treatment services to more than 40,000 individuals.

In its 25 years of existence, the Southlake Center for Mental Health has had the support of several residents and leaders in the community. One such tireless leader and advocate for mental health care is Lee Strawhun. Lee is a dreamer, a visionary and a hard working realist. His involvement in the lives of the people of Northwest Indiana is genuine, compassionate and committed. As the President and CEO of the Southlake Center for Mental Health, Lee has steered the center through obstacles, growth and so much more. In addition to Lee's devotion, the members of the Southlake Center for Mental Health Board of Directors have played a vital role in assuring that the organization is one of the best community based behavioral healthcare organization in the state. Members of the Board of Directors include: Ronald Borto, Chairman; Mary Beth Bonaventura; Harold Foster; Drew Furuness; Edmund Gunn; Charles Kleinschmidt; Donald Levinson; James McShane, III; C. Robert Onda; Patricia Schaadt; and Larry Shaver. Additionally, this 25th anniversary celebration would not be possible without the continued dedication of the entire staff at the center, specifically, Dr. Cheryl Morgavan, Dr. Les Schiller and Valerie Madvek, who are also celebrating 25 years with the Southlake Center.

Mr. Speaker, I ask you and my other distinguished colleagues to join me in commending the administrators, health care professionals, and other individuals who, over the years, have contributed to the Southlake Center for Mental Health's success in achieving its standard of excellence. Their hard work has improved the quality of life for everyone in Indiana's First Congressional District.

PERSONAL EXPLANATION

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 2002

Mr. PENCE. Mr. Speaker, I was unavoidably detained on Monday, October 7, 2002 and was unable to cast my vote on H.R. 5531, the Sudan Peace Act. Had I been here, I would have voted aye, in support of final passage of this bill. I believe this bill provides a solid framework for addressing the conflict in Sudan and the negotiations between warring parties.

In whatever manner we are able with our own modest efforts in this institution, we must steer the policies of the United States of America with a bright and moral compass, a compass that affirms human dignity and affirms human freedom; principles that are in the very heart of the American people.

TRIBUTE TO CORPORAL TOBY BETHEL

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 2002

Mr. MCINNIS. Mr. Speaker, it is with earnest respect that I recognize Police Corporal Toby Bethel of Florence, Colorado for his outstanding courage and resolve during a period of unimaginable hardship. On September 28, 2001, Corporal Bethel was wounded in the line of duty and over the past year has overcome incredible challenges and obstacles on his road to recovery. In recognition of his courageous actions on September 28 and his astounding determination throughout his recovery process, I would like to pay tribute to Corporal Bethel before this body of Congress.

On September 28, 2001, Corporal Bethel was searching for two armed fugitives who had recently shot and killed a Fremont County Sheriff's Deputy. In pursuit of the fugitives, Bethel was shot four times in his police car, lost control of his vehicle and suffered a serious automobile accident. As a result of the wounds inflicted by the encounter, Toby suffered extensive injuries that have proven to be very demanding. Corporal Bethel's recovery has been slowed by his frequent hospitalizations over the past year, postponing his ability to regain his normal weight and vitality.

Even in the face of such disheartening circumstances, Corporal Bethel remains optimistic and is committed to a full recovery from his injuries. He has been constantly working out to regain the weight, strength, and energy that was lost during his recovery and surgeries. He submits himself to a rigorous physical therapy program four days a week and lifts weights between sessions. Corporal Bethel is fully determined not to let his present situation deter his resolve; this test proves his strength and composure in a trying period and serves as a testimony to his character. Throughout this trying ordeal, his wife Misty has been a devoted and caring partner, inspiring Toby to give his all to his recovery efforts.

Mr. Speaker, it is with great admiration that I recognize Corporal Toby Bethel before this body of Congress and this nation for his courage and character in the face of adversity. His brave conduct on the night of September 28, 2001, and his unwavering spirit throughout his recovery process, is truly a story of heroic proportions. The overwhelming burdens Corporal Bethel has had to bear over the past year, his undying hope and ceaseless optimism serve as an inspiration to us all. I believe we could all take a page from his book on determination. On behalf of the citizens of Colorado and citizens across the nation, I commend Corporal Toby Bethel for the sacrifice he has made to his country in the pursuit of justice and the security for his fellow citizens and wish him the best in his ongoing recovery.

TRIBUTE TO CHARLES ROONEY MILLER

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 2002

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to a fellow South Carolinian and college classmate, Charles Rooney Miller, a good friend, a master teacher, and a survivor of the September 11, 2001 terrorist attacks.

Mr. Miller was born on August 11, 1939 in Clover, South Carolina in York County. He was the first of two children born to Andrew Charles Miller and Emily Lee (Allison) Miller. After his parents separated, he lived with his grandmother, aunts, uncles and other relatives—he was truly a community-raised child in a Christian environment. From a young age, he attended Clover Chapel Methodist Church Sunday Bible School and later joined Flat Rock Baptist Church where he was baptized. At the age of 11, he became the Sunday School Teacher for his age group.

Mr. Miller was an excellent student throughout grammar school and high school. He graduated from Roosevelt High School in May of 1956 as Valedictorian of his class. From there he went to South Carolina State College (now University), where I had the pleasure of meeting him and beginning a life-long friendship. We were both active in the civil rights activities on campus and participated in a number of marches and other activities. Rooney graduated from SC State in 1962 and moved to Stamford, Connecticut where he was later joined by his wife and children.

In Connecticut, Mr. Miller worked two jobs to support his family; at Chemtross, a film developing business, and at Stamford Chemicals, a dry cleaning production business, where his work is associated with the invention of a number of products that are still used in today's dry cleaning industry. Mr. Miller later became a teacher and worked for a short time in South Carolina, Stamford, and in the Norwalk, Connecticut Public School Systems.

In 1968, Mr. Miller began a career with the New York City Department of Social Services and worked there until 1994 when he retired as a Supervisor with the Bureau of Social Services For Children. His retirement was not long and he returned to work in 1997 as a consultant with PSI International in Fairfax, Virginia and was assigned as a Conversion Specialist for his old office, the New York City Department of Social Services. He worked there until September 11, 2001.

On the morning of September 11th, Mr. Miller arrived at work early and spoke to several colleagues on his floor. He thought about how much he enjoyed his post-retirement work as a consultant and his ability to set his own schedule. In the midst of his musings, he heard a loud noise but first thought the sound came from normal truck traffic outside. But this window-rattling occurrence was different. He was astonished when he went to the window and saw the World Trade Center tower on fire and a trail of fluid pouring down the side of the building with fire leaping behind it. He heard other loud explosions and co-workers on his floor began to scream, cry and pray. The radios began broadcasting reports of the fire but no one was sure what was happening. As Mr. Miller and his co-workers continued to watch the building burn he saw people jumping from the windows, some holding hands. They watched as the second plane crashed into the other tower. They knew then they were in the midst of a planned attack, and pandemonium broke out. Finally, they received instructions to leave their building and head down to the South Street Seaport where they thought it would be safer by the water. They were given surgical masks to cover their noses and mouths and instructed to put a moist towel under the mask to help prevent inhalation of smoke, chemicals and other foreign particles. They left the darkened building with smoke and objects flying through the air.

As people were screaming and running out of the building, Miller was knocked to the ground and run over by several people before he could get back to his feet. He thought he would be okay once he caught his breath. He was eventually assisted by a worker from a nearby polling place and taken to a triage location. The medics realized that Miller was suffering from a heart attack and he was then rushed by ambulance to New York Hospital's downtown emergency room. He was hospitalized for five days and unable to contact his family. After subsequent angioplasty surgery and treatments for the back injury he received, he is now mending well.

He's still active in his church, Cathedral Baptist, where he serves as Chairman of the Deacon's Board, Chairman of the Men's Department, Vice President of the Board of Directors, a teacher in the Bible Institute and the Adult Sunday School Class. He is also a member of South Carolina State University Alumni Chapter of New York.

Mr. Speaker, I ask you and my colleagues to join me in honoring Charles Rooney Miller, a man who's contributions to his community, his friends, and his family will leave lasting impressions on the numerous lives he has touched. As the Homecoming celebrations begin at our alma mater, South Carolina State University, I wish him continued success and Godspeed.

TRIBUTE TO HUNGARIAN WRITER IMRE KERTÉSZ, RECIPIENT OF THE NOBEL PRIZE IN LITERATURE

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 2002

Mr. LANTOS. Mr. Speaker, it is with great pride that I rise today to recognize and commend Mr. Imre Kertész, on being the first Hungarian to win a Nobel Prize for Literature. Although he is the first Hungarian to receive the Prize for Literature, Mr. Kertész joins twelve other distinguished Hungarians who have been awarded the Nobel Prize in other fields.

Mr. Kertész is a celebrated author whose stories have brought to life the atrocities of the Holocaust, and have shared with the world the difficult choices people were forced to make when their lives were torn apart by Nazi occupation.

Imre Kertész was born in Budapest, Hungary in 1929. At the age of 14 the Nazis invaded his country, and he, along with hundreds of thousands of other Hungarian Jews were deported to suffer the unspeakable horrors of Auschwitz and other camps. After a short time Mr. Kertész was transported to Buchenwald, another camp, from which he was liberated in 1945.

Upon his return to Hungary he worked for a Budapest newspaper, but was dismissed in 1951, when it was taken over by the Communist Party. After two years of military service he supported himself as an independent writer and translator of German authors including Nietzsche, Hofmannsthal, Schnitzler, Freud, Roth, Wittgenstein and Canetti, all of whom have had significance for his own writing.

Mr. Kertész's first novel, "Fateless," was completed in 1965, but was not published for another ten years. It was this novel that the Swedish Academy singled out in awarding Mr. Kertész the 2002 Nobel Prize for Literature. This extraordinary novel is the semi-autobiographical tale utilizing Kertész's alter ego György Köves, a 15 year-old Jewish boy who has been arrested and sent to a concentration camp. Once there he becomes intimately aware of the horrors of the death camp, but he learns to survive.

"Fateless," was the first part of the trilogy that included the outstanding novels "Fiasco," published in 1988, and "Kaddish for a Child Not Born," published in 1990. Both books continue to use György Köves as the voice for Imre Kertész. In addition, Mr. Kertész's published works include "Galley Diary," "Chronicle of a Metamorphosis," "The Holocaust as Culture," "Moments of Silence While the Execution Squad Reloads," and "The Exiled Language," as well as a collections of lectures and essays.

Mr. Speaker, despite having been a published author for more than 30 years, Imre Kertész was not widely recognized internationally until the early 1990's, and his is not even a household name in Hungary today. Mr. Kertész believes that this lack of recognition is a result of a lack of awareness about the Holocaust in Hungary. As he told reporters after the announcement on October 10, 2002, "People [in Hungary] have not faced up to the Holocaust. I hope that in light of this recognition, they will face up to it more than they have until now."

Mr. Speaker, I ask all of my colleagues to join me in congratulating Imre Kertész for receiving the Nobel Prize in Literature. His writing shares the fragile experience of the individual against the barbaric arbitrariness of history with stirring stories that have drawn in and captivated readers around the world.

SUDAN PEACE ACT

SPEECH OF

HON. LEE TERRY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 7, 2002

Mr. TERRY. Mr. Speaker, I rise in strong support of H.R. 5531, the Sudan Peace Act.

Sudan is a nation ravaged by 19 years of vicious civil war. Over 2 million Sudanese have been killed, and thousands more are starving from war-induced famine. According to the U.S. Commission on International Religious Freedom, the Khartoum government of Sudan continues to murder, rape, and torture citizens who refuse to convert to the state-sponsored version of Islam. Villages have been burned and looted, women and children enslaved, hospitals and relief camps bombed, and civilians arrested or killed for refusing to betray their personal religious convictions. Most recently, the Khartoum government walked away from promising peace negotiations and banned international relief flights for the delivery of humanitarian aid.

I have personally listened to the heart-rending stories of Sudanese refugees who escaped the brutality by settling in the United States. Many of them were tortured, and saw their loved ones beaten, executed, or sold into slavery. The United States Congress must not stand idly by while these human rights abuses continue; we must take action to help end the bloodshed.

H.R. 5531 would begin an important policy shift in how our government deals with the horrors in Sudan. It sets a six-month deadline for the Khartoum government to take effective and measurable steps towards peace and an end to the violence. If this deadline is not met, our President would broaden sanctions against the Khartoum government, and take measures such as petitioning the United Nations Security Council for an embargo on oil and arms in Sudan. The President will also have the authority to redirect humanitarian aid to ensure it reaches the people it is intended to help, irregardless of the Khartoum government's conscienceless dictate.

Mr. Speaker, I strongly urge my colleagues to join me in supporting H.R. 5531 to help bring peace, hope and relief to the war-torn Sudanese people.

TRIBUTE TO BOB PAGANO

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 2002

Mr. McINNIS. Mr. Speaker, it is with great sadness that I take this opportunity to recognize the life of Mr. Bob Pagano of Pueblo, Colorado. Mr. Pagano recently passed away this September from complications during surgery and, as his family mourns their loss, I would like to pay tribute to his life and the exceptional way in which he lived.

Mr. Pagano grew up in Pueblo, Colorado and graduated from South High School in 1975. He is perhaps best known for his ability as a cook and, as a consequence, he owned several restaurants throughout Pueblo and Colorado Springs. Following a rich family tradition, the Pagano family began cooking sausage grinders about 53 years ago, with Bob assisting the family by peeling vegetables. Over the years, Mr. Pagano began to develop what would become a lifelong passion for cooking and qualified himself as a master of many types of popular cuisines. As an adult, he began to use his culinary expertise and his natural talent for business to expand the family's Pass Key restaurant to five locations in Pueblo, Pueblo West, and Colorado Springs.

Mr. Pagano was famous throughout Southern Colorado for his cooking ability, but even more so for his friendly and outgoing personality. Bob was always kind and generous to his staff and co-workers felt as if they were a part of the Pagano family. Customers who frequented the restaurants would often mention the warm and cordial service they received along with their meals as one of the distinctive qualities separating Mr. Pagano's restaurants from all the others.

Mr. Speaker, it is with deep sadness that I recognize Bob Pagano before this body of Congress and this nation for the countless contributions he has made toward the betterment of Pueblo and the surrounding communities. I extend my sincere condolences to his wife Karen, his parents Mary Jo and John, and his children Justin, Andrew, Brian and Candice. Mr. Pagano was a truly kind and generous individual and his presence will be deeply missed throughout the entire community, although, the spirit with which he lived life will continue in his family and friends and all the lives he touched.

ANTHONY BIANCO HONORED AS 2002 PERSON OF THE YEAR

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 2002

Mr. KANJORSKI. Mr. Speaker, I rise today to call the attention of the House of Representatives to the long record of service to the community of Anthony A. Bianco, who will be honored as "2002 Person of the Year" at the October 13, 2002, banquet of the Luzerne County Italian American Association. He has served as Sergeant-at-Arms for the last three years and on the board of directors of the Association.

Anthony is the son of the late August and Lucille Serignese Bianco. He is a graduate of the Pittston High School Class of 1954.

Over the years, he has participated in numerous civic and religious organizations. He is a lifelong member of the Holy Name Society of Mount Carmel Church, Pittston, where he is a volunteer assistant at all functions. He is also a member and volunteer of the American Red Cross, where he has participated for more than 21 years in community blood drives, which resulted in the Red Cross presenting him with the "21 Year Pin" recently.

He has also represented the Italian American Association at the Pittston Tomato Festival Parade and serves as a volunteer for the groundskeeping work at the Columbus statue in Pittston throughout the year. He has represented the 7th Ward, 3rd District in the City of Pittston as the Democratic Committeeman for more than 25 years and also serves as Judge of Elections for that ward.

Anthony has worked for the Pennsylvania Department of Transportation and for the past 32 years, he has been employed at the Luzerne County Veterans Affairs Bureau, where he has been responsible for delivering veterans' stone markers and flags to all cemeteries in Luzerne and adjacent counties of his jurisdiction.

He is a lifelong resident of Pittston. His family includes a brother, the late Philip Bianco, and a sister, Grace Bianco Nolan. He has three nieces and a nephew, along with several great-nieces and great-nephews.

Mr. Speaker, for all these reasons, I am pleased to call to the attention of the House of Representatives the well-deserved honor being accorded to Anthony Bianco, and I wish him all the best.

TRIBUTE TO MARY ANN SOLBERG

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 2002

Mr. LEVIN. Mr. Speaker, I rise to pay tribute to my friend Mary Ann Solberg of Troy, Michigan for her outstanding commitment to public service. On October 23, 2002, Leadership Troy will name her this year's Distinguished Citizen.

Mary Ann Solberg has become the leader in community anti-drug coalitions, not only in Michigan, but throughout the country. She served as Executive Director of the Troy Community Coalition for twelve years and also created and served as Executive Director of the Coalition of Healthy Communities—a consortium of community anti-drug coalitions in Michigan. Earlier this year, she was sworn in as Deputy Director for the Office of National Drug Control Policy.

During Mary Ann's tenure as Executive Director, the Troy Coalition grew from a group of concerned community members meeting around a kitchen table into one of the most respected anti-drug coalitions in the country—earning the "Best Coalition" designation from the Community Anti-Drug Coalitions of America in 1997.

Troy has become a model to other communities hoping to duplicate their success. Mary Ann traveled extensively as a lecturer and consultant helping communities from prevention coalitions and providing technical assistance to community's partnerships and coalitions. She also served as an advisor to the Department of Health and Human Services' Center for Substance Abuse Prevention and as a member of the Board of Directors of the Community Anti-Drug Coalitions of America. President Clinton named her to serve on the Advisory Commission on Drug Free Communities, where she was elected by her peers as President of that Commission.

Mary Ann Solberg is an example of what makes the Troy community so strong. She has a tireless commitment to changing attitudes about drug and alcohol use and fighting abuse, especially by our youth. She has a passion for grassroots activism and a warmth of character that draws people to her and her causes. I am privileged to call her a friend.

Mr. Speaker, I ask my colleagues to join me in honoring Mary Ann Solberg as she deservingly receives this year's Distinguished Citizen Award from Leadership Troy for all she has done for prevention and to strengthen the fabric of our community.

ON INTRODUCING A RESOLUTION CONCERNING NATIONAL RUNAWAY PREVENTION MONTH

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 2002

Mr. ISRAEL. Mr. Speaker, I rise today to introduce a resolution that recognizes the goals and ideals of National Runaway Prevention Month, which is sponsored by two organizations that work with runaway youth: the National Network for Youth and the National Runaway Switchboard.

These two organizations have chosen the month of November to bring attention to the important issue of runaway youth. The prevalence of young people who leave their home is confounding, with one out of every seven youth in the United States running away at least once before the age of 18. Studies suggest that between 1.3 million and 2.8 million young people live on the streets of the United States each year.

Preventing young people from running away is a national priority, as today's young people are tomorrow's teachers, doctors, workers and leaders. The hardships that runaway youth face on the streets would be too much for an adult to face. The impact on the young person, as well as society, is staggering.

National Runaway Prevention Month will bring national attention to this important issue and remind parents of the importance of effectively communicating with their kids. All of the conditions that lead young people to leave their homes are preventable when families are strong and when young people can find the support they need.

I am hopeful that the recognition of this issue will prevent other young people from running away by stressing the importance of families and communities.

TRIBUTE TO ADRIAN AKER BRADFIELD

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 2002

Mr. McINNIS. Mr. Speaker, it is with great sadness that I recognize the life of Adrian Aker Bradfield of Dolores, Colorado. Mr. Bradfield passed away this July and, as his family mourns their loss, I would like to pay tribute to his life and the irreplaceable contributions he has made to his family, his friends, and the entire community of Dolores, Colorado.

Mr. Bradfield was born April 29, 1917, and grew up in a ranching family, acquiring a deep love for the land and the cowboy lifestyle at an early age. He worked for many years on the Bradfield Ranch in Cahone, Colorado until the ranch was sold in 1969. In 1938, he began working in partnership with his father Harold, where they spent many enjoyable days working side by side with one another. Perhaps one of Mr. Bradfield's fondest memories was the annual brandings up on Glade Lake when family and friends would all come together for the big event.

Mr. Bradfield always made people his number one priority and liked to spend his free time in the company of family and friends who loved listening to his countless stories. Although Mr. Bradfield was very busy with his ranching operation and growing family, he always found time to be actively involved in his community. Mr. Bradfield served a number of years on the Dolores County School District Board and as a Dolores County Commissioner. He was also a member of the Southwest Colorado Cattlemen's Association and Farmers Union of America. Mr. Bradfield loved working on the many issues that confronted his community and served the people of Dolores with distinction and honor.

Mr. Speaker, it is with deep respect that I recognize Mr. Adrian Aker Bradfield before this body of Congress and this nation for all he has done for Dolores and the entire State of Colorado. My sincere condolences go out to his wife Nellie, his sister Janice, and his children Charles, Wilson, Kenneth and Nancy. Mr. Bradfield was one of Colorado's true American cowboys, his strength, character, and way of life have helped shape our state's culture and heritage throughout his life and has made a lasting impression upon our nation's history.

TRIBUTE TO GILBERT "GIGI" ZIMMERMAN

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 2002

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to my good friend and former schoolmate, Gilbert "Gigi" Zimmerman. Despite significant challenges, this extraordinary man is an award-winning community activist, scholar, educator and an advocate for the disadvantaged.

I met Gigi when we were students at South Carolina State College (University) in Orangeburg. We were both active in the civil rights activities, often getting arrested together during sit-ins. He also found time to preserve the collective memory of those turbulent but heady days as the editor of our yearbook during his junior and senior years.

He was one of the scholars among our group, earning a Bachelor's degree in Business Administration. But he was not content to stop there. In 1970, Gigi received a prestigious Ford Foundation Fellowship in Leadership Development, and studied at the University of California at Santa Cruz under the mentorship of noted Sociologist, Dr. Herman Blake. That experience led him to earn a Master's Degree in Education Guidance and Counseling from South Carolina State. He then went on to round out his education with a Master's in Human Resources Management at Pepperdine University in California.

Gigi is a former high school teacher, who now serves as an Adjunct Professor of Business Management at Limestone College. He is truly committed to helping shape the minds of future generations. He also serves as a consultant to the U.S. Department of Education. But his role as scholar and educator, are just a small part of this larger than life character.

Gilbert Zimmerman is best known for his compassion for others and his dedication to improving the quality of life for the disadvantaged. He has worked primarily in the areas of community organization and development for very low-income citizens. Most of this community work experiences were gained from working with Mexican-Americans in depressed communities in California, Alabama, Mississippi, and South Carolina. Today he serves as the Director of Operations and Planning for the Beaufort-Jasper Economic Opportunity Commission.

Gigi's contributions have been recognized locally and nationally. In 1982, Ronald Reagan appointed him to the United States Commission on Civil Rights. He was reappointed by Governor Dick Riley in 1991, and served as Chairman from 1992–1996. He is a member and past President of the South Carolina Association of Human Service Agencies. As a young adult, Gigi was recognized as one of the "Outstanding Young Men of America." He is a past recipient of the "South Carolina Volunteer of the Year" award by the Joint Action in Community Service. His community service activities include membership on the S.C. Low-Income Housing Coalition, the Port Royal Community Residence for the Developmentally Disabled Board, the Partners for Healthy Community Steering Committee, the Prudential Youth Leadership Institute Advisory Board, and the Executive Committee of the Burton-Dale-Beaufort NAACP Branch.

All of this from a man whose stature among his peers is unequaled—physically and emotionally. "Gigi" stands less than four feet tall, but I am proud to say I look up to him for the enormous courage he continuously demonstrates, and the tremendous accomplishments he has achieved.

Mr. Speaker, I ask you and my colleagues to join me honoring Gilbert "Gigi" Zimmerman for the inspiring example he sets for all of us. I wish him continued success and Godspeed.

CHILD ABDUCTION PREVENTION ACT

SPEECH OF

HON. LEE TERRY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 7, 2002

Mr. TERRY. Mr. Speaker, I rise in strong support of H.R. 5422, the Child Abduction Prevention Act.

Parents across the nation have been alarmed by recent high-profile child abductions, such as 14-year-old Elizabeth Smart, who was taken from her own bedroom at gunpoint in front of her younger sister, and 5-year-old Samantha Runnion, who was abducted while playing with her friend in her own front yard, then found molested and murdered the next day. Congress has a responsibility to take tough and effective steps to combat the increasing boldness of sexual predators, kidnappers, and murderers who prey on children.

According to law enforcement officials, the best chance of saving a child's life lies within the first few hours after an abduction. H.R. 5422 would expand the AMBER emergency alert broadcast system to give children the best chance for rescue during these critical hours. This system has already helped rescue 27 children across the nation from criminals intent on harming them. My home state of Nebraska recently implemented this system to aid police in quickly recovering missing children; establishing a special coordinator at the Department of Justice and providing $25 million will encourage the remaining 18 states to do likewise.

Other vital provisions in H.R. 5422 include mandating lifetime sentences for second-time child molesters, allowing judges to order lifetime supervision of child sex offenders, increasing electronic surveillance authority for child exploitation cases, and criminalizing international "sex tours" involving children. The House of Representatives has already approved these important measures by overwhelming majorities; I hope the Senate will follow suit to protect the lives and innocence of children, and urge my colleagues to join me today in supporting H.R. 5422.

TRIBUTE TO PREBEN MUNCH-NIELSEN

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 2002

Mr. LANTOS. Mr. Speaker, I invite my colleagues to join me in paying tribute to my dear friend, Preben Munch-Nielsen, who passed away a few days ago in Denmark.

Preben Munch-Nielsen was born in 1926 to a Protestant family in a small Danish fishing village, Snekkersten. He was only 14 when German troops occupied Denmark in 1940. Munch-Nielsen soon became a courier in the Danish Resistance movement, and began helping Danish Jews flee persecution and certain death at the hands of the Nazi's.

He continually risked his life by hiding Jewish refugees in churches and houses near the shore of the North Sea. At night, he would lead them to fishing boats, which took them across the sea to safety in neutral Sweden. Twelve at a time, the Jews would sail in 21-foot boats to freedom. The four-mile boat ride to Sweden could take hours, as Munch-Nielsen and other Resistance members evaded German ships at sea.

Munch-Nielsen personally helped to transport 1,400 refugees, and of the country's 7,200 Jews, the Resistance movement saved all but 60 people. The Resistance also saved 700 people of non-Jewish decent, who could not bear to part with Jewish relatives. Munch-Nielsen himself had to take refuge in Sweden when the Germans replaced the Danish government in 1943. He returned home in May 1945.

Munch-Nielsen did not speak publicly about the rescues until 1985, when a friend asked him to share his story with a group of Jewish travelers in Denmark. He did not understand why people would make such a fuss over simple acts of decency, yet he knew his deeds should no longer be kept in secrecy. At age 59, his speaking career began, educating masses of people in Denmark, Israel and the United States about the hardships of perseverance and the atrocities of war.

He emphasized that Danish Jews were considered as neighbors, friends, and schoolmates, and not as a separate group or as criminals. "This is our history. We have no scapegoats. No pogroms. No Holocaust. It's so simple; we didn't recognize Jews as Jews, but as Danes," Preben Munch-Nielsen said. "They were victims of an insane movement created by lunatics."

Preben Munch-Nielsen was also a successful Danish businessman who was honored for his wartime heroic actions by President Bill Clinton in 1997.

TRIBUTE TO RAYMOND EARL "RED" LEMASTER

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 2002

Mr. McINNIS. Mr. Speaker, it is with great sadness that I recognize the life and passing of Mr. Raymond Earl "Red" LeMaster of Pueblo, Colorado for the many contributions he has made for the City of Pueblo. Mr. LeMaster has recently passed away and, as his family mourns their loss, I would like to pay tribute to his life and memory before this body of Congress.

Mr. LeMaster was born on July 2, 1910 in Springfield, Illinois. He was an exceptional athlete throughout his life and played both football and baseball for Centennial High School. After graduating in 1931, Red attended Colorado College, where he was an All-American football player. Upon graduating from college, he pitched for several semi-pro baseball teams in the old Cotton States League. In 1973, Mr. LeMaster was inducted into the Greater Pueblo Sports Hall of Fame.

After his baseball career, Red returned to Pueblo and managed the local Steel City YMCA while working in sales for Walter Brewery and playing for its baseball team. It was at the YMCA that Mr. LeMaster first got the idea to open Pueblo's original Janitor Supply Company. Today, LeMasters Janitor Supply Company provides service to customers throughout Southern Colorado and is one of Pueblo's largest and most successful businesses.

In his spare time, Red spent innumerable hours as a Pueblo sports booster, helping to raise money for numerous youth sports programs. He was also responsible for co-founding the Old Timers Baseball Association. Through Mr. LeMaster's generosity of time and money, countless numbers of Pueblo boys and girls have been given the opportunity to play organized sports.

Mr. Speaker, it is with deep respect that I recognize the life and passing of Mr. Raymond Earl "Red" LeMaster before this body of Congress and this nation. I extend my sincere condolences to his son Clarence, his daughter-in-law Kay, and his four grandchildren. The contributions Red LeMaster made to the community of Pueblo through his good works, generosity, and friendly demeanor have touched the lives of countless individuals throughout the region and have contributed greatly to the betterment of the Pueblo, Colorado community.

JIM PAISLEY HONORED AS 2002 OUTSTANDING ITALIAN-AMERICAN OF THE YEAR

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 2002

Mr. KANJORSKI. Mr. Speaker, I rise today to call the attention of the House of Representatives to the long record of service to his fellow citizens of James Paisley, former mayor of Hazleton, Pennsylvania, who will be honored as "Outstanding, Italian-American of the Year" at the October 13, 2002, banquet of the Sons of Italy Lodge 1043, members of the Columbus Club and UNICO.

Jim was born July 1, 1928, to John and Frances LaRocco Paisley. He is a lifelong resident of Hazleton, was educated in the public school systems and graduated with the class of 1946. Following his graduation, he worked as an apprentice mechanic for the Hazleton Ford dealership.

He entered the Army in November 1950 as a private with the 43rd Infantry Division and was discharged with the rank of sergeant first class on November 1, 1952. The 43rd Infantry served in Germany, with its primary function to patrol the border with the Communist nations in Europe during the Cold War.

After returning to the United States, he met and married the former Irene Bonomo in 1953. They are the parents of a daughter, Francine, owner and operator of Francine's Beauty Shop, Hazleton; a son, the Very Rev. James J. Paisley, pastor of St. Maria Goretti Church, Laflin; and a daughter, Carmela, a clinical instructor at the School of Radiology, Greater Hazleton Health Alliance, Church Street Campus.

In 1954, Jim was appointed patrolman with the Hazleton Police Department. He was promoted to lieutenant in 1964, and then promoted to captain of detectives in 1969. He retained the position as captain until retirement in 1974. After retirement from the Police Department, he worked as a drapery installer for Bonomo Decorators from 1974 to 1978.

In 1978, he was elected mayor of Hazleton and served two four-year terms. He was appointed to the position of field investigator with the Pennsylvania Treasury Department, where he was responsible for the investigation of fraud cases in 12 counties through August 1989.

After passing the required state civil service examination in 1989, he was employed by the Hazleton Housing Authority as a project manager, and was promoted to administrative officer and grant coordinator in 1995 after successfully managing the Vine West Family Community. He was also named contacting officer for the authority. After 11 years of outstanding, exemplary and faithful execution of his duties, he was appointed in 1999 as executive director of the authority, in which capacity he continues to serve.

Jim is a member of the Most Precious Blood Roman Catholic Church, where he serves as an extraordinary minister of the Eucharist and as a lector. He has also served two terms as president of the Hazleton UNICO club.

Mr. Speaker, for all these reasons, I am pleased to call to the attention of the House of Representatives the well-deserved honor being accorded to James Paisley, and I wish him all the best.

RECOGNITION OF THE DISABILITIES AWARENESS FAIR HELD IN WARREN, MICHIGAN

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 2002

Mr. LEVIN. Mr. Speaker, I rise to recognize the City of Warren's Commission on Disabilities as they host the Disabilities Awareness Fair, held in conjunction with National Disabilities Awareness Month this October.

This community-wide event will bring together a variety of service and support agencies in one location to provide information on services and programs available to the citizens of Warren.

The Commission on Disabilities for the City of Warren was established by the Mayor and City Council in February 2002. The Commission's purpose is to advise the city on compliance with federal and state regulations, and legal developments affecting persons with disabilities. The Commission will also review and recommend to the Mayor and the City Council development practices that will improve access to city services and facilities to persons with disabilities.

The impact of the work of the Commission has already been felt in Warren as they have addressed many accessibility concerns including curb cuts in sidewalks, handicapped parking and accessibility at the new Community Center.

Mr. Speaker, I ask my colleagues to join me in commending the Warren Disabilities Commission. Their work is promoting better communication and greater understanding of persons with disabilities among the community and city employees, officers, boards and commissions. Their efforts will improve the quality of life for those with disabilities and, in the process, strengthen the fabric of our community.

ON INTRODUCING A RESOLUTION CONCERNING A U.S. POSTAGE STAMP COMMEMORATING THE VICTIMS OF THE HOLOCAUST

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 2002

Mr. ISRAEL. Mr. Speaker, I rise today to introduce a resolution that expresses the sense of Congress that the United States Postmaster General should issue a postage stamp commemorating the victims of the Holocaust.

Many of the victims who survived the Holocaust have built their lives and raised their families in the United States. They have contributed significantly to American culture and society. They are examples of strength and steadfastness, and serve as an example for other Americans.

U.S. postage stamps have honored other well-respected and influential people, and I believe that the survivors of the Holocaust deserve recognition. I believe it is time that we honor them in this very unique way.

The stamp will also recognize those who perished in the Holocaust. I am hopeful that this stamp will encourage all Americans to remember this unspeakable action unparalleled in world history. I agree with the philosopher George Santayana, who wrote, "Those who do not remember the past are doomed to repeat it." The stamp will serve as another reminder to people why there is a need for tolerance, sensitivity, pluralism and democracy.

It is time we commemorate all of the millions of victims, those who survived and those who died. I encourage all my colleagues to cosponsor this important resolution.

TRIBUTE TO THE POMONA ELEMENTARY SCHOOL'S FOURTH GRADE CLASS

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 2002

Mr. McINNIS. Mr. Speaker, it is with great enthusiasm that I recognize the children of Heidi Nadiak's fourth grade class at Pomona Elementary School in Grand Junction, Colorado for the outstanding contributions they are making toward the advancement of environmental science. The Pomona fourth grade was one of ten classes around the country to be selected as part of a nationwide study that is using razorback suckerfish to monitor the health of the Colorado River.

The fish are raised by the Colorado Division of Wildlife and are part of a public outreach program providing Ms. Nadiak's fourth grade class with the opportunity to use scientific methods to conduct real life experiments. The fish will be living in an aquarium in the fourth grade classroom, and the students will make daily observations by measuring pH levels and monitoring the water temperature.

The Pomona students are studying the fish as part of a larger project to assess the current health of the Colorado River. The razorbacks once thrived in the Colorado River but became nearly extinct. By studying the fish and assisting in the effort to reintroduce them into their natural habitat, the Pomona fourth graders are providing a huge service to the advancement of environmental science. For several years, I have worked in Congress in the Upper Colorado River Endangered Fish Recovery Program, which seeks to ensure the recovery of the razorback, the pike minnow, and several other species of fish. It is a pleasure to see how this effort is being complimented by the efforts of Ms. Nadiak's fourth grade class.

Mr. Speaker, I am delighted to recognize Pomona Elementary's fourth grade class before this body of Congress and this nation for the contributions they are making toward the preservation of our natural habitat. Coloradoans are fully aware that our lands and waters are some of our state's most precious resources, and I am grateful that our tradition of scientifically supported environmental awareness is being passed down to such an intelligent and capable group of kids at Pomona Elementary.

TRIBUTE TO CANDACE HUNTER-WIEST, INLAND EMPIRE COUNCIL OF BOY SCOUTS OF AMERICA DISTINGUISHED CITIZEN

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 2002

Mr. CALVERT. Mr. Speaker, I rise today to honor and pay tribute to an individual whose dedication to her country and community is exceptional. The Inland Empire has been fortunate to have dynamic and dedicated business and community leaders who willingly and unselfishly give time and talent to make their communities a better place to live and work. Mrs. Candace Hunter-Wiest is one of these individuals and her exemplary leadership is being recognized at a dinner on Thursday, November 7, 2002 as she is honored as the 2002 Inland Empire Boy Scouts of America Distinguished Citizen.

Candace's career path is as unique as it is exceptional. She was married at age 18 and was a proud mother of three by age 22. As the sole provider for her family, she began working in the restaurant business and later took a clerical support position with an independent insurance agency. She was quickly promoted to bookkeeper, then to office manager and soon became a licensed agent. Her career in banking began when she associated with an agency owned by a bank holding company that had been perpetually unprofitable. Under her excellent management, Candace turned a profit in ten months. She moved to Riverside in 1988 and her career with the Inland Empire National Bank (IENB) began. Under her superb leadership, IENB has become one of the best banks in the country and has been named a Super Premier Performing Bank.

Candace has been involved in numerous community organizations and she currently serves on the board of directors for the United Way of the Inland Valleys, the Community Foundation, the Mission Inn Foundation, and the Greater Riverside Chambers of Commerce—to name a few. She is also on the University of California, Riverside's Chancellor's Executive Roundtable and the A. Gary Anderson Graduate School of Management Executive Forum.

In 1998 Candace was recognized as one of "Twelve Women Who Make a Difference in the Inland Empire" by the Inland Empire Magazine and the Business Press name Wiest "A Woman of Distinction." She has also been listed in the International Who's Who of Professionals in the Year 2000 edition of Who's Who and has been named an Athena recipient as a YWCA Woman of Achievement in 1995.

Candace's tireless work as a community leader has contributed immeasurably to the betterment of the Inland Empire. Her involvement in community organizations, especially the Inland Empire Council of Boy Scouts of America, make me proud to call her a fellow community member, American and friend. I am grateful for her efforts and service and salute her as she is deservedly honored as the 2002 Inland Empire Boy Scouts of America Distinguished Citizen. I look forward to continuing to work with her for the good of our community in the future.

TRIBUTE TO VIETNAM VETERANS

HON. KAREN L. THURMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 2002

Mrs. THURMAN. Mr. Speaker, in these troubled times when we in Washington are debating war, it brings us back to another time when the nation was debating its responsibility to preserve freedom throughout the world. It's hard to believe it has been more than a quarter century since the Vietnam War. Time has not healed all of the wounds. But time has allowed us to come together on one unmistakable conclusion—the soldiers who answered America's call in the Vietnam War are heroes by any measure.

I have had a lot of respect for the military all my life. My father served in the Air Force, and I grew up benefitting from the examples of men and women willing to make any sacrifice for this country and the ideals for which it stands. That experience may be the reason I cannot help but be devoted to our veterans and our men and women who serve now, particularly those from Florida and those who have moved to Florida.

Florida has a growing population of veterans including Vietnam veterans and I have been concerned that the rapid influx of these vets has strained the resources allocated in our state and has hindered our ability to keep the many promises that we have made to them. Due to that concern, I sponsored a measure that resulted in a funding allocation change for veterans' health care that has brought an additional $385 million to Florida and southern Georgia since 1997 and enabled the opening of additional community-based outpatient VA medical clinics in the 5th District and the state.

These veterans' benefits, however, are nothing more than the least our nation can and must do to thank those people who answered the nation's call to defend our freedom. The respect I and all of my colleagues—Democrats, Republicans, and Independents—feel for those who have served this nation is particularly strong for those who served in Vietnam. The Vietnam conflict was America's longest war and the burden it placed on those who answered the call to duty was immeasurable. Those who were there showed incredible physical courage. But they also showed incredible courage just to be part of America's armed forces at a time when people too often held our bravest men and women responsible for Washington's decisions which—whether right or wrong—they were sworn to execute to the best of their ability.

These men and women dealt with challenges that most of us cannot possibly contemplate. They could not sleep through a night because that's when the Viet Cong attacked. They could not get supplies because ambushes blew up convoys. There were no front lines to fortify. The enemy frequently was unseen. A booby trap could kill a soldier's buddies without him having any capacity to shoot back. The frustration, fear, physical and psychological wounds that these men and women endured must never be forgotten by the people and the nation that benefitted from their sacrifices. As Americans who are here today, we must acknowledge that we enjoy our lives and our freedom in part because 58,000 of our fellow countrymen laid down their lives for us.

Mr. Speaker, on October 18 through October 20, a 240-foot replica of the national Vietnam Veterans Memorial will be exhibited at North/Meadowlawn Funeral Home and Cemetery in my Congressional District in New Port Richey, Florida. The replica is part of a traveling memorial called the Vietnam Wall Experience that is allowing millions who cannot come to Washington to experience some of the serene power of the memorial and reflect on the sacrifices that thousands of Americans made for us. Like the Washington memorial, the Vietnam Wall Experience is an interactive and living memorial. It contains the names of the 58,175 Americans who never came home from Vietnam. However, the wall becomes the best memorial to them when it reflects the image of a living person who is remembering, mourning, and thanking these American heroes.

I want to thank all of the people involved in bringing this tribute to our community, especially Joseph A. Magaddino, MacDill Air Force Base, the Florida National Guard, the Florida Department of Veterans Affairs, Vietnam Veterans Inc., U.S. Postal Service Military Veterans, Pasco County Veterans Services, Suncoast Vietnam Veterans, Marine Corps League #567, Navy Seabees Island X–17, and all of the churches, schools, and scout groups that have contributed so much.

Of course, the greatest thanks goes to those who served our nation in Vietnam. We Members of Congress have a special obligation to remember the service of Vietnam veterans and provide decent health care, prescription drug benefits, educational assistance, and survivor benefits for their families. We must make every effort to fight for them just as they fought for us.

U.S.-INDIA RELATIONS

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 2002

Mr. ACKERMAN. Mr. Speaker, as we move toward the conclusion of the 107th Congress, I think it is fair to say that we will look back on this period as a time when South Asia became a major focus of U.S. foreign policy. Obviously, Afghanistan has occupied much of our attention, as our forces have routed the Taliban and Al Qaeda forces, which had turned that country into a base for international terrorism.

But a South Asian relationship that has perhaps received fewer headlines, but which I believe will prove to have a long-lasting and deep value for both countries, is our growing relationship with India.

After September 11, when so much changed for America and the world, India immediately stepped forward in full support and solidarity with the United States in the war on terrorism. But this level of cooperation and partnership between the U.S. and India in the struggle against terrorism was nothing new. The two countries had actually been cooperating on counter-terrorism efforts since the establishment of the U.S.-India Joint Working Group on Counter-terrorism in January 2000. Further, this cooperative system for addressing the problem of terrorism was part of a much larger realignment in relations between the world's two largest democracies.

When President Clinton traveled to India in March 2000—the first visit by an American President to India in more than 20 years—bilateral relations had already been showing signs of slow but steady improvement. President Clinton's trip to India, and the visit a few months later in September 2000 by Indian Prime Minister Atal Bihari Vajpayee—marking the first time that two Indo-U.S. summits had taken place in the same year—resulted in the development of a new framework for bilateral relations that was spelled out in "A Vision for the 21st Century." This Vision Statement called for a greater institutional dialogue, including a U.S.-India Financial and Economic Forum, a U.S.-India Commercial Dialogue, a U.S.-India Working Group on Trade, and joint groups dealing with such wide-ranging issues as energy and environment, science and technology exchange, and cooperation on the promotion of democracy internationally. I am pleased to report that these cooperative bodies have been active and have produced substantive results.

Since assuming office in early 2001, the Bush Administration has continued the progress begun by its predecessor. After 9/11, there was an upsurge in U.S.-India relations, given the urgent need to address the source of terrorism in Afghanistan. While India and the United States are united as democracies that have been the victims of horrendous terrorist violence, much of it coming from the same extremist sources based in Afghanistan and Pakistan, our relationship is by no means limited to our alliance in the war on terrorism. At their November 2001 meeting, President Bush and Prime Minister Vajpayee issued a joint statement affirming their commitment to continue transforming our relationship, including increased exchanges and technical cooperation in the defense and security areas. They also called for policies to enhance the economic and commercial ties between our nations and agreed to dialogue and cooperation in the areas of energy, the environment, health, space, export controls, science, biotechnology and information technology. The cordial relationship between President Bush and Prime Minister Vajpayee, like the warm ties that President Clinton continues to enjoy with the Prime Minister, serves as a visible symbol of the friendship and partnership between our countries on so many levels. In his visit to the United States this September for the UN General Assembly meeting, Prime Minister Vajpayee attended commemoration ceremonies for 9/11, demonstrating again that the Indian and American peoples stand together as supporters of democracy committed to standing steadfastly against the scourge of international terrorism.

Mr. Speaker, India's commitment to democracy is not just some abstract principle. For 50 years, India's political system has been based on free and fair elections. We have just witnessed the latest example of this commitment in India's state of Jammu and Kashmir. Despite the ongoing threat of terrorism, much of it emanating from neighboring Pakistan, four rounds of elections have just been completed in Jammu and Kashmir for the state assembly. Despite efforts by the terrorists to intimidate voters and candidates, the elections have been successfully concluded. Voter turnout has been estimated at a respectable 44 percent, and the early indications are that the current ruling party will lose its majority in the assembly. The fact that the state government will peacefully change hands as the result of an elections is but further evidence that India's democracy is not only alive and well, but thriving.

Mr. Speaker the progress in U.S.-India relations that has been made over the last several years has allowed us to broaden and deepen a relationship with a sister democracy in a part of the world where the United States has significant interests. It is a relationship that can only continue to bring both countries great benefits.

THE FEDERAL CREDIT UNION SERVICES EXPANSION ACT OF 2002

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 2002

Mr. LAFALCE. Mr. Speaker, I am today introducing legislation to enhance the membership, services and investment options available for credit unions under the Federal Credit Union Act. The bill also seeks to enhance Federal oversight and member protections in connection with certain credit union charter conversions.

I am offering the "Federal Credit Union Services Expansion Act of 2002" as a discussion document to highlight those areas of federal policy that I believe merit consideration by Congress. It is my hope that the proposals in this legislation will provide a template for new legislation in the next Congress.

Congress enacted landmark legislation in 1998 with the adoption of the Credit Union Membership Access Act. The credit union industry was confronted with a series of adverse Federal court rulings, culminating in a Supreme Court ruling early in 1998, that threatened to stall all future credit union growth and deny credit union services to millions of American families. We were able to forge consensus legislation, overcome the strong opposition of the banking industry, win near unanimous votes in both Houses and put a bill on the President's desk within a matter of months. This was a significant accomplishment, as well as a testament to the strong and growing support credit unions enjoy among American consumers.

I consider passage of the credit union legislation one of the important achievements of my years in Congress. This is in part because I consider credit unions as playing so important a role in the lives of so many American families and in so many of the communities that I represent. I believe even more strongly today that credit unions serve a unique and special role in our economy and society. The distinctive quality of credit unions is clearly a philosophy and attitude that reflects not only their structure as member organizations, but a mission that stresses service to members as their primary motivation.

As the author of many of the provisions of the 1998 legislation, I did not consider it a final answer to the issues raised by the bank litigation nor to the broader question of credit union growth. On the contrary, it was a critical first step in what I anticipated would be a gradual process of expanding credit union services to greater numbers of consumers. A number of compromises had to be made to achieve agreement on the legislation, some of which now appear unnecessary and should be revisited. And new advances in technology that continue to change the way we receive financial services also need to be accommodated in the law.

But other developments also require a review of the role credit unions play in our financial marketplace. We have witnessed the gradual withdrawal of traditional financial institutions from many of our nation's inner cities and rural communities. Entire communities have been devastated by a lack of financial investment, and large segments of our population have been left to the mercy of check cashiers, payday lenders, pawn shops and other fringe lenders to obtain basic financial services. Many traditional institutions are charging punitive fees and many other are engaging in predatory lending and other abusive practices. Even our college students have been bombarded with irresponsible offers of high-cost credit and buried by unpayable credit card debt.

Clearly, credit unions have not been part of this problem. But I am convinced they can be an important part of the solution. The key question for Congress is how to fashion our laws so that credit unions can remain faithful to their mission and their values and still become a solution to the financial needs of greater numbers of consumers? We want credit unions to become a financial services option for more Americans, but we do not want to render the core concept of credit union membership—a common bond—less meaningful.

I have struggled for several years to find an appropriate response to these questions. This effort has been complicated by a growing trend among larger credit unions to consider conversion to State credit union charters in response to State enticements of new powers, expanded membership options and reduced regulation. Equally serious has been the growing debate over conversion to private deposit insurance to avoid stronger safety and soundness regulation in federal law. While I remain a supporter of dual chartering for all financial institutions, I believe credit unions present unique issues and problems. As democratic, member-owned entities, credit unions need to involve members in any debate over changes in charters and insurance, and members need to be fulling informed of the purpose and potential risks in such conversions.

The "Federal Credit Union Services Expansion Act" provides a blueprint of the initial steps needed to address these questions. First, the bill amends several sections of the 1998 Act to remove impediments to voluntary mergers among credit unions and conversions to community charters. In the later case, the bill would require the National Credit Union Administration to establish standards under which a credit union, such as a company-based credit union with members in a distant production facility, would be able to retain those members as part of a conversion to a community charter.

The bill would create new opportunities for expanding credit union membership and services to students to counter the growing abuse of college and high school students by credit card companies and other providers of high cost banking services. It would exempt student groups from the statutory 3,000-member limitation on new group additions to permit expansion of existing credit union services to college campuses, high schools and entire school districts, with the requirement that the credit union must also provide needed financial education and counseling services.

The bill would enable credit unions to respond to the growing need for basic services among individuals who lack traditional banking relationships and are being targeted by high cost check cashing and bill payment services. It would permit a credit union to provide needed check cashing and wire transfer services to non-members. This can provide an important marketing tool to potential members who may have distrusted traditional banking relationships in the past and are unaware of the services credit unions offer.

The bill also responds to the growing interest among credit unions in expanding small business lending services to members. Growing numbers of credit unions with active business lending programs are being restrained by the loan volume cap, equal to 12.25 percent of credit union net worth, that the Senate imposed as part of the 1998 legislation. My bill would permit additional business lending up to approximately 17 percent of credit union net worth. In addition, it would remove a long-time impediment in Small Business Administration regulations that has prevented credit union participation in the SBA's guaranteed small business loan program. SBA and other guaranteed loans are currently exempted from the statutory business loan limitation. In combination, these changes would provide ample room for most credit unions to substantially expand business lending services to their members.

The 1998 Act included an important provision originally authored by our colleague from Texas, Mr. Frost, that permitted an exception from the geographic limitations in the Act on new member group recruitment for potential members and groups who reside within areas determined to be financially underserved by the Treasury Department under criteria established for the Community Development Financial Institutions program. Unfortunately, an error in the statute limited this exception only to multiple group credit unions, excluding eligibility by single group, community and community development credit unions. The bill would correct this oversight and expand this important exception to greater numbers of credit unions. It would also expand the statute's definition of underserved areas to include areas with a significant need for affordable credit and banking services as evidenced by a documented concentration of payday lenders, money transfer and other high-cost fringe lenders. The change would permit credit unions to compete directly with fringe lenders who attempt to take advantage of vulnerable consumers.

The bill includes a number of important provisions to address potential problems in credit union conversions. It would raise substantially the minimum level of member participation in votes to convert a credit union to a mutual thrift institution or to transfer a credit union's deposits from federal share insurance. These are significant changes with serious consequences for members that require that members be fully informed and encouraged to participate in any conversion process. The bill also includes changes to provide earlier notice to NCUA regarding a credit union's intent to convert to a mutual thrift or to private insurance. And it proposes new conflict of interest protections to assure that a credit union officers and directors not attempt to persuade members to approve a conversion in which they receive any form of financial benefit.

Finally, the bill attempts to preserve the integrity and attractiveness of the federal credit union charter in response to State efforts to encourage conversions with escalating promises of new powers and reduced regulation. It would prohibit a state chartered insured credit union from including any person or organization within its membership that is not a permissible member for a federal credit union, or to engage in any activity, or exercise any asset power, that is not authorized for a federal credit union. It would authorize NCUA to provide exceptions on a case-by-case basis, provided that the exempted activity meets federal standards for safe and sound operation and is fully consistent with the mission and purpose of Federal credit unions.

Mr. Speaker, I offer this legislation in the hope that my House and Senate colleagues would consider it as a starting point for a broader credit union bill next session. Just as the legislation I introduced in 1997 became the framework for the 1998 Credit Union Membership Access Act, I would hope that introducing this bill will encourage action on new credit union legislation next year.

TRIBUTE TO SARAH AND HANNAH WALSH

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 2002

Mr. McINNIS. Mr. Speaker, it is with great enthusiasm that I recognize Sarah and Hannah Walsh of Grand Junction, Colorado for their outstanding performance this year with the Grand Junction High School Softball Team. Sarah and Hannah are the great-great-great nieces of the legendary White Sox pitcher "Big Ed" Walsh. Today, the legacy of "Big Ed" Walsh's abilities have been passed to a new generation within the Walsh family, and I would like to pay tribute to Sarah and Hannah for their accomplishments as part of a rich and historic tradition.

"Big Ed" Walsh was born in Plains, Pennsylvania in 1881 and began his professional baseball career in 1904. He is considered one of the game's greatest pitchers and was inducted into the Baseball Hall of Fame in Cooperstown, New York in 1946. In fact, Mr. Walsh still holds the Major League record for the most games won by a pitcher in a single season—40 games in 1908. He also had two seasons where he pitched more than 400 innings, and won two World Series games. His career record was 195–126 and he is credited with having the lowest all-time career major league ERA (1.82).

Today, Sarah and Hannah are experiencing the same success on the baseball diamond as their uncle did almost one century ago. Currently, they are both starting players for the Grand Junction Tigers High School Softball Team. Sarah is a senior this year and plays first base, while her sister Hannah, a freshman, is currently playing right field and is the leadoff hitter for the Tigers. Together, they have helped the Tigers to a 9–1 season in the Southwestern League as well as a co-Southwestern League Championship.

Mr. Speaker, it is with great satisfaction that I recognize Sarah and Hannah Walsh before this body of Congress and this nation for their outstanding participation in the enduring legacy of our nation's pastime. I commend them for their outstanding performance and wish the Tigers the best of luck as they set their sights on the state championship.

IN MEMORIAM—DOUGLASS LORY WARREN—FEBRUARY 18, 1950–JULY 21, 2002

HON. CHRISTOPHER COX

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 2002

Mr. COX. Mr. Speaker, I rise to commemorate the life of my classmate and friend, Douglass Lory Warren, whose passions in life earned him the moniker "Renaissance Man" among his many admirers. He died Sunday, July 21, 2002, at Beth Israel Deaconess Hospital, of non-Hodgkins lymphoma, at the age of 52.

This Saturday, October 12, 2002, his friends and family will gather for a memorial service at the Memorial Chapel on the campus of Doug's beloved Harvard University. His classmates, business associates, neighbors, and many others whose lives he touched will share remembrances, anecdotes, and even photos for inclusion in a "Book of Doug" that will serve as a lasting reminder of this extraordinary individual.

Doug was born in Memphis, TN. He graduated from St. Paul's School, Concord, NH, and received his BS and MBA from Harvard University. He was a member of The Hasty Pudding Theatricals and the Harvard Krokodiloes, and was president of The Harvard Independent. A resident of Hopkinton, he was a founder of the Hopkinton Education Foundation. At the time of his death, he was a partner with Tatum CFO Partners, LLP.

According to his brother Gregory, Douglass viewed the world with his heart rather than his head. Both the humble and the mighty deserved and received his equal care and consideration. As one friend put it, "Douglass was the man I knew I could call on in the middle of the night when I had to make an important decision—one that might even hurt me. I knew I could count on him to help me do the right thing. We might discuss it then, or he would say, 'Let me think about it and I'll call you back.' And he always called me back."

To his wife Nancy, his daughters Julia and Madeleine, his brother Gregory, and all who loved him, the prayers of this Congress are with you and your families.

HONORING MS. JANE PRICE TOBIN

HON. WILLIAM D. DELAHUNT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 2002

Mr. DELAHUNT. Mr. Speaker, I do not want to let this session of the 107th Congress end without commemorating the passing of a dearly loved member of my constituency, Mrs. Jane Tobin of Monument Beach. Mrs. Tobin died, on June 16, 2002. She was a resident of Monument Beach since 1973, when she and her husband, Lt. Col. Edward Tobin moved there after his retirement. She is survived by her son, Peter and his wife Sharon, of Redmond, Washington, her grandchildren, Jason, Jodi, and Adam Bannerman, the children of her late daughter, Kathy Bannerman and her husband Moss, one brother, James Price, and countless nieces, nephews and friends.

Known as Jen to her siblings, Jane was born on January 8, 1914 in Brooklyn, New York, the daughter of Jenny and Edward Price. She was the second oldest in a close knit family that included her three brothers, Edward, John and James, and one sister, Joan. Jane attended Our Lady of Guadelupe grammar school and graduated from Madison High School in Brooklyn in 1932. She married Edward Tobin, also of Brooklyn on October 5, 1940. Ed worked for Con Edison until the war broke out and he joined the Army Air Corps in hopes of becoming a pilot. An injury prevented this and in the early years of the war he served as a pilot instructor before being transferred to the Quartermaster Corps. During these years, Jane foreswore the comforts of her parents' home to travel with her husband. She often reminisced about their early experiences, joking that off-base housing was so sparse they she and Ed once shared a "cottage" in Arkansas that had been a chicken coop.

The young couple started a family in 1945 with the birth of their son Peter. Almost two years later they were blessed with a daughter, Kathy. Ed decided to make the military his career, and when he went to the Phillippines in 1947, Jane followed later on a troop ship with their two small children, Peter, then age 3 and Kathy, then thirteen months old. This "adventure" as Jane characterized it, began a series of journeys that would take her to military bases overseas and throughout the US, including the Phillippines, Cape Cod, Alaska and Newfoundland.

When Jane and Ed returned to the United States from the Phillippines in 1948, they were quartered in the Nahant, Massachusetts, Mifflin Estate, which was the family home of John Cabot Lodge. This posting brought Jane's parents and siblings geographically closer to her and occasioned many happy family get togethers. It also began Ed and Jane's relationship with the great state of Massachusetts. In 1950 they were transferred to Camp Edwards on Cape Cod, where they bought their first home.

Jane's innate curiosity and graciousness made her a perfect partner in her husband's career which, after Camp Edwards, took them to Chicago, Alaska, Texas, and Washington, DC, where Lt. Colonel Tobin retired. Ed then became a civilian employee, running base exchanges in Newfoundland, Amarillo Texas, and Albuquerque, New Mexico. Throughout this period Jane made sure to go home at least once a year to see her parents in Brooklyn and to help care for them and other elderly relatives.

In 1973 Ed retired completely and the couple headed East, where their fond memories of the Cape brought them back to Monument Beach. There, Ed could enjoy his fishing and golf and the two of them were often seen on late summer afternoons taking a quick dip at "Mo Beach." They also bought a camper so that they could continue traveling and visit family members and the many friends they had made over the years. They were able to share the joys of retirement until Ed's death in August 1982.

Deeply saddened by the loss of her lifetime partner, Jane's deep faith and courage helped her through this difficult period. Her desire to stay active and contribute found expression in her membership in the Ladies Guild at St. John the Evangelist in Pocasset, and her part-time volunteer job at the St. Peter's Thrift Shop in Buzzards Bay. Jane also continued to spend time with her family, traveling to Louisiana and Texas to be with her daughter Kathy and Moss and their young family, and to Australia where her son Peter and his wife were living (and where at age 80, she went scuba diving). Shaken by the sudden death of her daughter Kathy in 1993, Jane's remarkable faith and courage helped her through that most unexpected and dreadful of parental experiences. Although deeply saddened, Jane carried on with grace, never giving in to anger, bitterness or complaint. She continued her travels and volunteer work, and graciously opened her home and heart to family and friends every summer.

Her thoughtfulness, genuine interest in people, and her warmth, openness, and grace drew people of all ages and backgrounds to Jane. Jane's reserve led her often to wonder why so many people wanted to spend time with her. When told that one of her doctors had referred to her in a medical report as "a truly delightful patient," she was both skeptical and surprised. But such assessments came as no surprise to Jane's extended family and friends. Her innate modesty kept her from seeing what everyone around her saw—a woman who had led an extraordinarily interesting life, who was always interested in others, who did not judge people but accepted them as they were, and whose serenity and grace were an inspiration to everyone.

At age 89, Jane's faith in God, which had characterized her life and inspired so many around her, took her to the home she had so faithfully sought. She was, in her words, "ready to go," and her passing was as gracious as was her life. I, along with many in my constituency and elsewhere are saddened by the loss of such a remarkable woman. Her presence enriched all who knew her, and I extend my heartfelt condolences all of Jane Tobin's family and friends.

TRIBUTE TO JOE CHRISTIAN, JR.

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 2002

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to Joe Christian, Jr., a classmate, good friend, great teacher and successful businessman who worked for twenty years as a leading Sales Representative with the Procter and Gamble sales organization. He is a highly skilled motivator and communicator with special strengths in public speaking, training and marketing.

Mr. Christian is a native of Fairfield, Alabama near Birmingham and received his high school diploma from Fairfield Industrial High School in 1952. He served in the United

States Air Force from 1953 until 1957 and received an Honorable Discharge from the Reserves in 1961. After his active military service, Mr. Christian received an Associate Business Degree from Lewis College of Business in Detroit, Michigan in 1959 and subsequently matriculated at South Carolina State College (University) where I had the pleasure of meeting him. We became fast friends and remain so today.

After graduating from South Carolina State University in 1961 with a Bachelor of Science Degree in Business Administration, Mr. Christian began his professional career in 1962 as an Assistant Purchasing Agent at Tuskegee University in Alabama. After a year, he returned to South Carolina State University to serve as a Junior Accountant and Chief of Inventories and he stayed in that position until 1965. For the next four years, he worked at Savannah State College in Georgia where he served as the Director of Auxiliary Services and managed the College's physical plant (including dormitory equipment and renovation). He returned to Orangeburg in 1969 and served for a year as Business Manager of Claflin College where he managed a budget of $1 million and a physical plant of $3 million. He also supervised office managers in the College bookstore, dining hall and accounting offices.

Mr. Christian decided to go back to school and earned a Master of Business Administration Degree from Clark-Atlanta University's School of Business in 1972. Armed with his MBA, Mr. Christian began a new phase of his career in the corporate sector that lasted twenty years. As a Sales Representative for Grocery Retail Operations at Proctor and Gamble, Mr. Christian was responsible for expanding the paper, bar soap, food and beverage divisions and for expanding markets for new products.

He retired from Proctor and Gamble in 1991 and in 1992 returned to his teaching roots. For eight years, he served as an Adjunct Professor at Fayetteville State University's School of Business and Economics in North Carolina, and taught courses on American Capitalism, Retailing, Sales Management, and Principles of Marketing. Mr. Christian presently serves as a substitute teacher for the Wake County Public Schools in Raleigh, North Carolina.

Mr. Christian is a member, deacon and Sunday school teacher at the Trinity Baptist Church. He has received numerous awards, including the Ford Foundation Fellowship Award, and the Distinguished Service Award from the Durham Sertoma Club. He is also a recipient of the Silver Citation from Omega Psi Phi Fraternity.

Mr. Speaker, I ask you and my colleagues to join me today in honoring Joe Christian, Jr., a man who has touched innumerable lives in his community in countless ways. As we celebrate Homecoming at our alma mater, South Carolina State University, I wish him continued success and Godspeed!

MEDICAL DEVICE USER FEE AND MODERNIZATION ACT OF 2002

SPEECH OF

HON. MARK E. SOUDER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 7, 2002

Mr. SOUDER. Mr. Speaker, yesterday, the House passed H.R. 3580, the Medical Device User Fee and Modernization Act of 2002.

Kosciusko County in Northern Indiana is one of the nation's largest centers of the medical device industry. I have visited many of the medical device manufacturers in my home state, and continue to be amazed with the marvels that these companies produce every day. Injuries and illnesses that only a decade ago would have been debilitating are now curable, thanks in no small part to the ingenuity and innovation of companies that produce medical devices.

H.R. 3580 is a win for both medical device producers and for consumers. It streamlines the process by which medical devices will be approved by the Food and Drug Administration by establishing a new user fee program similar to the one that exists for pharmaceuticals and biologics. By doing so, it helps medical device producers get their products to the marketplace more quickly, making them available to those who need them. The legislation also establishes a new Office of Combination Products at the FDA so that producers of combination drugs and medical devices do not have to be approved by two separate agencies.

Even more impressive is that medical device consumers are not being forced to pay for the creation of a new, faster approval system for medical devices. Under this legislation, the companies themselves will fund the expedited process.

It is important to note that this expedited procedure will not sacrifice thoroughness for speed. This legislation carefully spells out strict standards to ensure the absolute highest level of safety..

On behalf of medical device manufacturers in Warsaw, Indiana as well as those across the nation who benefit from their products, I am pleased to support this bill, and urge its passage.

A SPECIAL TRIBUTE TO MELVIN MURRAY FOR HIS DEDICATED SERVICE TO THE COMMUNITY OF FOSTORIA

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 2002

Mr. GILLMOR. Mr. Speaker, it is with great pride that I rise today to pay special tribute to an outstanding gentleman, and good friend, from Ohio's Fifth Congressional District. Melvin Murray, of Fostoria, Ohio, is being honored for his dedicated service and loyalty to the citizens of Fostoria.

Mr. Speaker, Melvin's efforts are being recognized by the Kaubisch Memorial Public Library, of which he has served on the Board of Directors for over fifty years. Serving the community was not only Melvin's duty but also his honor. These chances to give back to the community have brought him a lifetime of both personal and professional achievement. Melvin truly is a valued asset to the City of Fostoria.

Melvin has served Fostoria well throughout his years, both professionally and philanthropically. He began as a radio station manager in Fostoria immediately following his graduation from The Ohio State University, and has since utilized his talents and skills to become the station's president, and largest shareholder of the same radio corporation which would soon own several radio stations throughout greater Northwest Ohio.

Melvin, now enjoying his retirement years, has dedicated his charitable services to the Fostoria Glass Heritage Gallery & Museum, serving as its curator. He has also spent his time authoring several books on the subject of antique glassware, and is regarded as the foremost authority in the country on identification of Fostoria, Ohio glassware.

Mr. Speaker, I ask my colleagues to join me in paying special tribute to Melvin Murray. Our communities are served well by having such honorable and giving citizens, like Melvin, who care about the well being and stability of their communities. We wish him the very best on this special occasion.

HONORING DEPUTY ASSISTANT DIRECTOR KATHERINE CROWLEY OF UNITED STATES SECRET SERVICE

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 2002

Mr. KING. Mr. Speaker, I rise today in honor of Deputy Assistant Director Katherine Crowley of the United States Secret Service. After serving in a liaison capacity between Congress and the Secret Service for the last seven years, Katherine, who is known as K.C. to her friends, will be leaving Washington, D.C. to become the Special Agent in Charge of the Secret Service's Little Rock Field Office.

It has been a privilege to work with K.C. these last several years. She is well known throughout the congressional community, including by her colleagues in the U.S. Capitol Police, and is widely respected and valued for her professionalism, integrity, work ethic and of course, her kind heart. She has not only ably represented the Secret Service these last seven years, but has become a friend of the United States Congress.

Next year, K.C. will be celebrating her 20th year as a member of our Nation's most elite law enforcement agency. K.C. graduated from Westfield State College in her home state of Massachusetts in 1978 with a Bachelor of Science degree in criminal justice. She took a position as an officer with the Arkansas State Police, and worked in the Little Rock area for nearly four years. She then applied for a special agent position with the Secret Service through their Little Rock office, and became an agent in 1983. She worked as a field agent in Little Rock for three years before transferring to the Vice Presidential Protection Division for another three years. K.C. returned to her home state in 1989 for a four-year stint in the Boston Field Office. In 1993, K.C. was assigned to the prestigious Presidential Protection Division, with responsibility for protecting President Clinton and the First Lady.

K.C. continued her rise in the Secret Service in 1996, when she was promoted to the position of Assistant to the Special Agent in Charge of the Capitol Hill and Interagency Liaison Division. It was during this time when many of us in Congress were first introduced to this exceptional individual. K.C. was again promoted to Assistant Special Agent in Charge of the Office of Congressional Affairs in 1999, and later became the Special Agent in Charge of the same division. In 2001, K.C. was named Deputy Assistant Director of the Office of Government and Public Affairs, one of the highest ranking women in the entire Secret Service.

This year, in addition to being named as the Special Agent in Charge of the Little Rock Field Office, K.C. was also selected as a candidate for the Senior Executive Service.

During her tenure as a liaison representative to Congress, K.C. helped steer legislation that will have a lasting impact on the future mission and role of the Secret Service. This included legislation to provide the Secret Service with jurisdiction to investigate cyber crimes, to coordinate security at National Special Security Events, to provide a nationwide expansion of the Secret Service electronic crime task force initiative, and to launch their world-renowned National Threat Assessment Center.

On behalf of the House of Representatives, I want to express our gratitude and appreciation to K.C. Crowley for her many years of public service as a member of the Secret Service. She will be dearly missed, but we all join in wishing her well in her new role as the head of the Little Rock Field Office.

CHARLES E. COBB, JR. AWARD

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 2002

Mr. HYDE. Mr. Speaker, I had the distinct pleasure of participating and helping to select this year's recipients of the annual Charles E. Cobb, Jr. Award for Initiative and Success in Trade Development. The award recognizes both an Ambassador and non-Ambassador who are the most innovative and successful in developing trade and promoting exports for the United States. The recipients of the award each receive a certificate signed by the Secretary of State and $5,000. Along with Alan Larson, Under Secretary of State for Economic, Business and Agricultural Affairs, I would like to bring your attention to the exemplary work of these career Department of State employees:

AMERICAN DIPLOMATS: BUSINESS IS THEIR "BUSINESS"

Shortly after arriving in Cotonou, U.S. Ambassador Pamela Bridgewater began exploring with the President of Benin ways in which an American company could resolve the challenges faced by a major U.S. telecommunication investment in this small West African country. In Poland, Ambassador Chris Hill used strong personal relationships with senior Polish government decisionmakers, including the Prime Minister, to assist a U.S. company win a multi-million dollar contract to privatize a Polish defense industry. Ian Campbell, an economic officer in Jordan is helping in the formation of a business-government steering committee that will implement the U.S.-Jordan Free Trade Agreement. And Laura Byergo has turned the American Mongolia Business Group in Ulaan Baatar into an effective vehicle for improving the business climate there and increasing American exports.

What these diplomats—and hundreds like them—have in common is their understanding that advancing opportunities overseas for American business is central to maintaining our nation's economic prosperity and national security. Exports accounted for more than one quarter of our economic growth during the past decade; they currently support an estimated 12 million highpaying jobs.

American diplomats have made business their "business." Support for U.S. business is now a central feature of the work of our 150-plus posts worldwide. Business executives, who only a decade ago shied away from contacting American missions about their business problems, know that if help is needed—with a contract, a tender, access to local government officials—U.S. diplomatic missions abroad are prepared to assist. Ambassadors today often spend 30 to 60 percent of their time on commercial issues; their doors and those of their staff are open to companies that provide jobs for American workers and they are working hard to assist them in promoting the export of our country's goods and services.

To add momentum to this sea-change in the work of American diplomats, Charles Cobb Jr., former Ambassador to Iceland, established an annual award in 1991 to recognize two individuals at posts abroad—an Ambassador and a non-Ambassador—for their success in developing trade and promoting exports. Along with several other government officials and U.S. business executives, we were privileged to participate in reviewing an impressive list of nominees and deciding on the recipients of this year's award.

Ambassador Bridgewater in Benin and Ms. Byergo in Mongolia were this year's recipients in recognition of their energy, imagination, initiative and leadership on the business front. Ambassador Bridgewater was cited for championing American investments in Benin and for working tirelessly to promote the benefits of the Africa Growth and Opportunity Act (AGOA), a U.S. law passed in 2000 that promotes trade and development in sub-Saharan Africa. On that score, she identified sectors of Benin's economy best positioned to benefit from AGOA provisions. With AGOA, we have an opportunity to go beyond traditional development assistance and give all of the countries of sub-Saharan Africa, no matter how small or how poor, an opportunity to avail themselves of trade incentives if they pursue economic reform and move toward democracy and good governance.

Ms. Byergo improved the business environment for American products in Mongolia by persuading the government of Mongolia to act upon the recommendations for change made by U.S. business executives. Her "Open Government Initiative" brought U.S. business and Mongolian govenment officials together to address specific problems such as taxation policy.

Others nominated for the award this year were praised for working with business to cut through bureaucratic red tape, improve the regulatory environment, reduce high tariffs, encourage privatization, and combat corruption. These efforts to push the envelope on economic policy often translated into greater transparency and business opportunities.

Past winners of the Cobb Award continue to distinguish themselves in government service and with the business community, including Richard Boucher, the Secretary of State's spokesman; Beth Jones, Assistant Secretary for European and Eurasian Affairs; and John Wolf, Assistant Secretary for Nonproliferation.

The commercial advocacy of American diplomats ensures that what we have won for American business and American workers at the negotiating table—in bilateral and free trade agreements, regional trade compacts and the World Trade Organization—is translated into commercial opportunities and ultimately business contracts.

In U.S. missions large and small, wherever American business sees opportunity and needs assistance in winning a fair market share, our diplomats are there to help. Their work is key not just to our own future, but to the welfare of others in the world community as well.

CONGRATULATING THE LA SPARKS

HON. MAXINE WATERS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 2002

Ms. WATERS. Mr. Speaker, I rise today to pay tribute to my hometown WNBA team, the Los Angeles Sparks. Today we passed H. Res. 532 which honors the Los Angeles Sparks players and staff for winning the WNBA championship and completing a remarkable season.

On August 30th, they won the WNBA title for the second year in a row. The Sparks were competing against New York Liberty for this year's title. It was a competitive series and the decisive game went down to the last couple of seconds. With the game tied at 66, rookie Nikki Teasley got the ball and scored the winning basket—a three pointer, putting the team up for good and clinching the championship. Both teams played superbly. It was exciting, a great show of gamesmanship and the fans were treated to an exceptional game. Lisa Leslie was named the series Most Valuable Player. This is an honor she received last year, as well. She finished the game with seventeen points.

With this championship, the LA Sparks join the Houston Comets as the only multiple titleholders in the league's six-year history. In addition, by winning every playoff game they played, they tied the Comets record of sweeping all six playoff games. The team's winning streak is nine if you count the last three games of the regular season.

It was not an easy season, but the women worked hard, played hard and were rewarded for their efforts. That is something from which we can all learn. So as I close, I would like to congratulate the Sparks and thank them for being leaders. I hope they continue to set good examples for our city.

INTRODUCTION OF THE ENVIRONMENTAL JUSTICE ACT OF 2002

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 2002

Ms. SOLIS. Mr. Speaker, I rise today to join my colleague, Congressman MARK UDALL, in introducing the Environmental Justice Act of 2002.

This bill will codify a 1994 environmental justice Executive Order by President Bill Clinton.

Executive Order 12898, the "Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations," attempts to address environmental injustice within existing federal laws and regulations by prohibiting discriminatory practices in programs that receive federal funds.

This issue has been one of my priorities as a public servant because I have seen the damage—first hand—that environmental injustice can bring to poor and minority communities.

I grew up in the shadow of one of the largest landfills in the country.

As the landfill grew, so did other regional pollution.

Gravel pits that are miles wide and hundreds of feet deep were dug to build roads and buildings in California.

Heavy industry moved in—especially during World War II when my area manufactured jet fuel.

And the rivers that were once free-flowing water bodies were reduced to sewer channels.

Areas where my family would picnic or enjoy nature when I was little are now part of the dirtiest watershed in the country.

In the Los Angeles area, it is estimated that over 71 percent of African Americans and 50 percent of Latinos reside in areas with the most polluted air, while only 34 percent of whites live in highly polluted areas.

Even our open space tends to be divided among financial or other demographic lines.

In Los Angeles neighborhoods where 1990 household income averaged less than $20,000 a year, there was less than a half-acre of parkland for every 1,000 residents.

The ratio was more than 40 times higher—21.2 acres for every 1,000 people—in neighborhoods where household incomes were $40,000 or higher.

Park access was similarly lopsided when broken down by race.

Majority white neighborhoods had 95.7 acres of parkland for every 1,000 children, compared with 5 acres in Latino areas, 2.9 acres in African-American neighborhoods and 6.3 acres in Asian-American areas.

In the past we might have accepted our fate but today we chose to fight back.

Hardly a day passes without the media informing us about a neighborhood that is fighting a landfill, incinerator, chemical plant or some other polluting industry.

This was not always the case.

Just three decades ago, the concept of environmental justice had not registered on the radar screens of most environmental, civil rights or social justice groups.

Today, we enjoy a greater ability to connect with the public by media but our laws still offer few protections to disadvantaged communities.

I am committed to changing this and look forward to working with Congressman UDALL and others to make sure that environmental protection starts with environmental equality.

I ask my colleagues to support this bill and yield back the balance of my time.

APPLICATION OF BERRY AMENDMENT TO MULTI-YEAR AIRCRAFT LEASE PILOT PROGRAM

HON. TED STRICKLAND

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 2002

Mr. STRICKLAND. Mr. Speaker, I rise to express my appreciation for the provision in the Defense Appropriations Conference Report that helps to reaffirm the certainty of the specialty metals clause of the Berry Amendment. The provision in the conference report directs the Secretary of the Air Force to provide Congress with estimates of the amount, value, and overall percentage of foreign and domestic-sourced specialty metals to be used in the fleet of leased aircraft under the Multi-Year Aircraft Lease Pilot Program. The Secretary must compare this data to the specialty metal content of military aircraft the Air Force has procured over the last five years. This measure will provide valuable data to Congress to ensure that the objective of the Berry Amendment and particularly the specialty metals clause of this long-standing procurement rule stands firm. Without proper enforcement of the Berry Amendment, the U.S. titanium industry could shrink and lead the Department of Defense to become dependent on foreign supplies from Russia for this strategic material that is of critical importance to the military aircraft industry.

TRIBUTE TO TOM MULLEN, RIVERSIDE COUNTY SUPERVISOR

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 2002

Mr. CALVERT. Mr. Speaker, I rise today to honor and pay tribute to an individual whose dedication to the community and to the overall well-being and prosperity of the County of Riverside, California, is exceptional. The County of Riverside has been fortunate to have dynamic and dedicated community leaders who willingly and unselfishly give time and talent to making their communities a better place to live and work. Tom Mullen is one of these individuals. After two terms as Riverside County Supervisor, Tom is retiring this year. I know all of the citizens in our great County will miss Tom and wish him well as he moves to new endeavors.

Tom Mullen is a native of Hastings, Nebraska and has served his country honorably in the United States Air Force. Tom also served his community as a law enforcement officer and as an aide to State Senator Bob Pressley. Mullen was first elected to the Fifth District Supervisor seat for Riverside, California in 1994. As a county supervisor, he has been responsible for a population greater than 12 states and a multi-billion dollar budget that would rank among Forbes Magazine's Fortune 500 companies. Mullen has also been the leader for an ambitious planning initiative, the Riverside County Integrated Project, a three-pronged plan to simultaneously address transportation, habitat conservation and housing demands brought on by rapid population growth in Riverside County. The plan has been praised as a national model for other states and communities to emulate.

Under Tom Mullen's excellent leadership Riverside County has achieved impressive results. The economy has grown significantly and during his tenure more than 350,000 jobs have been generated. Mullen's aggressive hiring of new Sheriff Deputies and prosecutors has produced a 50-percent decrease in crime since 1994.

In recognition of Tom's exemplary work as a Riverside County Supervisor, Tom has been awarded the Riverside Community College Alumnus of the Year 2000; Management Leader of the Year 1998 by the A. Gary Anderson School of Management at the University of California, Riverside; and the Good Government Award from the Riverside County Chapter of the Building Industry Association.

Tom is a devoted husband to wife, Kathy, and proud father and grandfather.

Tom's tireless work as the Riverside County Supervisor has contributed unmeasurably to the well-being and betterment of Riverside County. His outstanding involvement in the community makes me proud to call him a fellow community member, American and friend.

RECOGNIZING TAIWAN'S 91ST NATIONAL DAY

HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 2002

Mr. HINCHEY. Mr. Speaker, as a longtime supporter and proud member of the Taiwan Caucus, I would like to recognize and congratulate Taiwan today on its 91st National Day. Taiwan has made many significant accomplishments during its brief history. Taiwan has been a true friend to the U.S., and one of our major trading partners.

Taiwan is one of the largest export markets for many states, including New York. With a population of 23 million, the island of Taiwan is the world's 12th largest economy and seventh largest market for U.S. exports worldwide. Trade between Taiwan and the U.S. presently tops $51 billion. Most importantly, these economic ties have strengthened our bilateral relationship.

Taiwan is a thriving democracy, supportive of political freedoms and human rights. Its constitution guarantees citizens freedom of assembly, expression and association, freedom of religion, and freedom of the press. Taiwan conducts free and fair elections, and is home to more than 90 political parties.

I applaud Taiwan's commitment to upholding the Universal Declaration of Human Rights, the International Covenant of Civil and Political Rights, and the Declaration and Action Program of the 1993 Vienna Conference on Human Rights. I thank Taiwan for providing humanitarian assistance to Afghan refugees, and for its generous contributions to the International Community.

The U.S. is firmly committed to the 1979 Taiwan Relations Act, and supports the details of the 2000 Taiwan Security Enhancement Act. We must continue to support Taiwan's defense by offering a robust arms sales package, and recognize Taiwan's need for operational training to effectively use U.S. weapons in case of need.

I fully support Taiwan's efforts to join the World Health Organization. Last year, the House and Senate unanimously passed a bill authorizing the State Department to develop a plan to assist Taiwan in achieving observer status at the annual WHO Assembly. The President signed this important bill into law in May 2001.

Last year, President Chen Shui-ban made a transit stop in the U.S. The dignified treatment Taiwan's democratic leader received was encouraging. I support lifting restrictions on high-level visits by officials from Taiwan to help promote a balanced understanding of issues on both sides of the Taiwan Strait.

Taiwan's President Chen Shui-ban was one of the first world leaders to condemn the events of September 11th and to support U.S. efforts to combat terrorism. I am pleased to express my appreciation for Taiwan's gestures of goodwill on this day of celebration.

TRIBUTE TO MR. CHUCK GRAHAM

HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 2002

Mr. WALDEN of Oregon. Mr. Speaker, I rise today to share with you my tremendous pride in a member of the United States Forest Service who has served his fellow citizens and his nation for almost 40 years, Mr. Chuck Graham. Chuck has not only served in the finest tradition of the Forest Service, he has also made the Forest Service a great neighbor to the communities in which he has served. Chuck's career has been guided by a deep commitment to public service. In every community, from Prospect and Powers to John Day and Lakeview, he has been a friend to all who have known him.

Most recently, serving as Forest Supervisor of the Fremont and Winema National Forests in Oregon, Chuck has always seemed to find a way to bring Forest Service interests and community interests together. Whether he was working out a land exchange to preserve the local ski area or preserving a long-standing sustained yield unit, Chuck has always been guided by common sense and innovation to solve problems and capitalize on opportunities.

Community leaders and those who use our public lands admire Chuck for his sensible approach to the stewardship of our natural resources. Chuck's strong belief in responsible multiple-use has made the forests he's cared for a valuable asset for all of us. In his innovative management of the forests, he never lost sight of the fact that the chief function of a forest is to sustain clean and abundant water. Chuck has demonstrated that when you manage a forest for its water, you bring out the best that God intended in a forest.

Mr. Speaker and colleagues, we can all take pride in the way Chuck oversaw the merging of the local Bureau of Land Management and United States Forest Service into one, cohesive, efficient, and responsive unit. At the headquarters in Lakeview, the BLM and Forest Service not only share a building, they share a philosophy and a mission. Because they work so well together, Chuck and his BLM counterpart, Steve Ellis, have created the model for effectively combining assets of our land management agencies to deliver great service at a significant savings to the taxpayer.

Those who have worked with Chuck admire his management style. Chuck sees every employee not just for what they are but also for what they can become. He is dedicated to helping his people reach their full potential in an organization that has meant a great deal to him during a long and productive career. He has steered his organization with a steady and gentle hand, always mindful of his responsibility to the health of the forest and the vitality of the surrounding communities.

Chuck is known by the managers of Region 6 as the "go-to guy." When there is a big project, a vexing problem, or an exceptionally bright opportunity, the word in the Regional Office is to "run it by Chuck". Chuck has had a distinguished career of getting things done for us, his neighbors, and for the environment we all share.

Mr. Speaker and colleagues, please join me today in saluting a man who has served us well. Chuck Graham represents the best in the Forest Service and serves as an example for all to follow. Chuck's career truly represents the "service" in Forest Service.

RECOGNIZING STUDENTS IN FREE ENTERPRISE AND DR. ALVIN ROHRS' 20 YEARS OF LEADERSHIP

HON. ROY BLUNT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 2002

Mr. BLUNT. Mr. Speaker, I stand before this body to honor an institution and its leader who have championed our free enterprise system for two decades. Students in Free Enterprise is a nonprofit education corporation whose mission is to work in partnership with businesses and institutions of higher education to provide university students the opportunity to understand and achieve success in a business world open to individual enterprise. Students are guided through the development of leadership, teamwork and communication skills by learning, practicing and teaching the principles of free enterprise.

For the last 20 years, Dr. Alvin Rohrs has served as President and CEO of Students in Free Enterprise (SIFE). His tireless work has seen an international expansion of SRFE from 18 to 31 countries. Its classes, which teach of the principles of market economics, entrepreneurship, business ethics and personal financial success, are in 1,200 schools of higher learning worldwide. SIFE proponents and students hold annual international competitions that emphasize the strengths and positive societal contributions of the free enterprise System.

The free enterprise system reaches its zenith when it is coupled with individual liberties. Its principles resonate with many people who believe in the idea that hard work, free markets, and democracy lead to prosperity and social responsibility. More than 170 of America's business executives from some of the world's largest companies are members of the SIFE board.

Alvin Rohrs' commitment to free enterprise has been unwavering. Prior to his work with SIFE, Rohrs served as the Director of the Gene Taylor National Free Enterprise Center at his alma mater, Southwest Baptist University. He came to SIFE in 1983, a year after receiving his Juris Doctorate from the University of Missouri Columbia School of Law, where he graduated with full honors in the top ten percent of his class.

Dr. Rohrs has received the National Charity Award twice, honoring his leadership in SIFE. He has also received the National Entrepreneur of the Year Award for "Supporter of Entrepreneurship." Active in community service and church work, Rohrs is a member of the Missouri Bar Association and serves as a member and Deacon at First Baptist Church in Bolivar, Missouri. He resides in Bolivar with his wife, Bolivar Municipal Court Judge Elizabeth Rohrs and their two children.

We wish him and Students in Free Enterprise continued success in spreading the gospel of free enterprise and entrepreneurism, on which our American way of life is founded.

SPECIAL JOINT SESSION OF THE UNITED STATES CONGRESS

HON. SUE WILKINS MYRICK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 2002

Mrs. MYRICK. Mr. Speaker, on Friday, September 6 of this year, a special Joint Session of the United States Congress gathered in New York City to remember the terrorist attacks of September 11, 2001. This special session reminded us of the lives that were lost and the heroes that were found all across this country on that terrible day. I am honored to have taken part in this unique session.

We convened at Federal Hall, where the first Congress met over two centuries ago, and a few blocks from where the World Trade Center towers once stood proud and tall.

Mr. Speaker, we met to remember the thousands of lives that ended so abruptly that day. We prayed for the families of those that were lost. We prayed for the families who had to say goodbye before they were ready. The wound that America suffered on that day will always be remembered.

We also expressed our most sincere thanks to the firefighters, police officers emergency personnel, and all others who risked and gave their lives on that day. These brave men and women, along with their peers across the country, risk their lives every day to protect those around them. Expressing our thanks to them is a long overdue action.

Finally, Mr. Speaker, we recommit ourselves to eradicating terrorism from the world and to making sure that those responsible for this horrible attack on America are brought to justice. American soldiers are now stationed across the globe, helping to create a world where those who live in freedom can also live free of the fear of terrorism. America and the world owe these soldiers a debt of gratitude.

I am proud to have joined Congress on September 6, to remember the lives that were lost and to show those who would harm America that we will not forget, but we will overcome.

INTRODUCTION OF A RESOLUTION RECOGNIZING THE GOALS AND IDEALS OF RUNAWAY YOUTH PREVENTION MONTH

HON. JUDY BIGGERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 2002

Mrs. BIGGERT. Mr. Speaker, I rise today to join my colleague from New York, Mr. ISRAEL, in introducing a resolution recognizing the goals and ideals of Runaway Youth Prevention Month, which is being sponsored by the National Network for Youth and the National Runaway Switchboard.

Recently, a number of highly publicized child abductions focused the attention of Americans on the plight of exploited and abducted children, and the pain and agony suffered by the families left behind.

Recognizing the serious threat that faces our children every day as they travel to and from school and play with friends in parks and neighborhoods, President Bush last week convened a conference on missing, exploited and runaway children.

Again, the main focus was on abducted and exploited children. And rightly so. One child abduction is one too many.

But let's put the problem of child abductions into perspective. Five times as many children run away as are abducted in this country, and one runaway child is also one too many.

There are approximately 1.3 million young Americans on the street every day as a result of running away and/or homelessness. One in seven children between the ages of 10–18 will run away. Some will return within a few days, while others will remain on the streets and never return. And each year, assault, illness or suicide will take the lives of 5,000 runaway youth. That's 5,000 too many.

There are many reasons why children run away from home. Some are expelled from their homes by their families, or separated from their parents because of death or divorce. As much as violence is involved in the abduction of a child, so too does physical, sexual, and emotional abuse at home often cause a child to run away.

Having run away, these youth are now homeless, too poor to secure their own basic needs, and are often ineligible or unable to access medical or mental health resources.

Many runaway youth also have difficulty obtaining an education because they are homeless. Being a runaway or being without a home should not mean being without an education. Yet that is what homelessness means for far too many of our poor and runaway children and youth today.

Congress recognized the importance of educating homeless and runaway youth when it enacted in 1987 the McKinney Education program. But despite the progress made over the past decade, we know that homeless children continue to miss out on what often is the only source of stability and promise in their lives—school attendance.

That's why I introduced H.R. 623, the McKinney-Vento Homeless Education Act of 2001, which was included in the No Child Left Behind Act that became law at the beginning of this year.

By incorporating the innovative provisions contained in my legislation, H.R. 1 strengthened the McKinney program, ensuring that a homeless or runaway child is immediately enrolled in school. That means no red tape, no waiting for paperwork, and no bureaucratic delays. A school liaison helps runaway or homeless youth make certain decisions about their education, and upon enrollment, ensures they have access to the special assistance and services available to runaway and homeless youth.

This is one small way that more is being done to help children who are runaways or homeless. There are many others—individuals and organizations—who are doing whatever they can to assist America's runaway youth by providing food, shelter, clothing, and counseling. Others are working with families to prevent a child from running away in the first place. And still others are intervening and advocating on behalf of children and giving them options other than running away.

One such organization is the National Runaway Switchboard, which provides crisis intervention and referrals to reconnect runaway youth with their families, and to link young people to local resources that provide positive alternatives to running. I am compelled to call attention to this important resource because it originated in Chicago.

Founded by a group of Chicago agencies, the National Runaway Switchboard was established in 1971 to provide comprehensive crisis intervention services for young people in Chicago. It was conceived as a centralized organization with free, 24-hour services, expertise in all youth-related issues, and as an information clearinghouse. In 1974, it became a national resource, and now is the federally designated national communication system for runaway and homeless youth. The Switchboard is still available 24 hours a day, and fields more than 100,000 calls each year from the nation's runaway and homeless youth.

The National Runaway Switchboard and the National Network for Youth have designated November as National Runaway Prevention Month. The purpose of this month is to call attention to the problem, its causes and impacts, and all those organizations and services that exist to help both runaways and their families.

It is fitting for Congress to support the goals and ideals of National Runaway Prevention Month, and I urge my colleagues to cosponsor this resolution.

TRIBUTE TO MR. LES SCHWAB

HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 2002

Mr. WALDEN of Oregon. Mr. Speaker, it is with great pride that I rise today to pay special tribute to an outstanding business leader and gentleman from Oregon's Second Congressional District, Mr. Les Schwab. I am pleased to announce that this year marks the 50th anniversary of the company he founded, Les Schwab Tires.

In 1952, Les bought a small tire store in the city of Prineville, deep in the heart of Central Oregon, for $3,500. From that simple investment, Les Schwab Tires has grown to become the nation's leading independent tire business with over 330 stores throughout the West. Today, there is hardly a town in Oregon that does not fall under the shadow of a Les Schwab Tires sign.

His innovative business programs inspire a fierce loyalty that few other companies can match. The tenets for achievement are the same for all of his 7,000 employees: start at the bottom, work hard, and never rest on your laurels. The many profit sharing programs he pioneered ensure all employees have a stake in the success or failure of a store. To this end, the company returns over forty-nine percent of each store's profits to its employees. As Les explained in his inspirational book, "Pride In Performance", this return investment is "unselfish for good reasons." It is his sincere wish to instill within his current and future employees a desire to succeed in business to last for many generations to come.

The same honesty and fairness that Les shows his employees is bestowed upon his customers as well. Customers know that Les is a man of his word. Westerners, especially Oregonians, appreciate his commitment to customer service and satisfaction, and have rewarded his efforts with 50 years of loyal business. Now, at 85 years of age, Les continues to lead by example. He comes to work daily at his headquarters in Prineville, right where it all started. Ultimately, it is Les' own straightforward leadership and no nonsense Oregon values that have made Les Schwab Tires an American success story.

Les is also known for his civic leadership. He gives back generously to the communities that made his company thrive. Les Schwab Tires sponsors numerous charitable events to support local food banks, youth shelters, and several different scholarship foundations. The state All-Star high school football game, the Les Schwab Bowl, benefits athletic programs for disadvantaged youth in the greater Portland area and provides free equipment and sportsmanship education for underprivileged youth in all Oregon high schools. Les is also the chief supporter of the Les Schwab Invitational, a four-day basketball tournament that showcases the top Oregon high school basketball teams and matches them against other outstanding teams from around the country. This event, now in its seventh year, expects to raise $30,000 to help curb the dramatic cuts in the state's athletic programs.

Mr. Speaker, I ask that my colleagues join me in congratulating this extraordinary man and great American, Mr. Les Schwab. I wish continued happiness for him and Dorothy, his wife of 66 years. Personally, I would like to thank him for all the opportunities he has provided to the people of Prineville, the Second District, and all of Oregon.

RECOGNIZING THE CONVOY OF HOPE IN SPRINGFIELD, MO

HON. ROY BLUNT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 2002

Mr. BLUNT. Mr. Speaker, I rise today to recognize the Convoy of Hope being organized in Springfield, MO on October 26, National Make-A-Difference Day. Volunteers make a difference in the quality of a nation and how we treat the less fortunate. A great number of community services rely on volunteers. Volunteers come from all walks of life and often have the skills and experiences of a lifetime of work that make them invaluable resources and problem solvers.

On October 26, the Convoy of Hope will bring 1,000 volunteers together to honor 5,000 guests—the working poor and the needy. These guests will receive a hot lunch, medical and dental screenings at a health carnival, a KiddsZone carnival, free haircuts, services from state and local agencies, and job search activities.

This is an effort by dozens of local churches to reach out to the poor and needy and raise awareness of local needs in our communities. The goal is to improve the quality of life for the less fortunate and to share a message of spiritual faith and hope.

These churches in Springfield, Missouri share the same goal as the U.S. Congress. In the last five decades, Congress has created and expanded and re-created dozens of programs to help the less fortunate. In contrast, the churches and faith-based organizations of our nation have an even longer history and a greater number of success stories to tell about these compassionate endeavors. These organizations also seem to accomplish their goals more efficiently and with less cost than many programs created by the Congress.

The Convoy of Hope will touch the lives of thousands of volunteers and guests on October 26, 2002 and unite them in a meaningful expression meant to change lives not only for that day but for days to come. I wish them great success in this undertaking.

IN MEMORY OF "SNOOKY" SALEH

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 2002

Mr. HALL of Texas. Mr. Speaker, I rise today in honor of a great friend and great American, Jameel Joseph "Snooky" Saleh, of Tyler, Texas, who leaves behind a powerful legacy of hard work, generosity, and dedication to his family, community and country. He was a friend to so many—and a special friend of mine.

Snooky passed away in August at the age of 78. The son of Lebanese immigrants, he attended Tyler Junior College and spent two years at Texas A&M before being called to service in World War II. After the war he began a business venture with his brother, George—George Wholesale Company. He married his wife of 51 years, Angel Kotsiones of Dallas, in 1951, and they had three children.

In 1964 Snooky purchased his brother's interest in the company. His son Danny joined the business in 1977 and later became a partner. In 1998 the father and son team sold the business to free themselves to pursue charitable works. Snooky was very generous to the Cathedral of the Immaculate Conception and the diocese of Tyler. He supported the United Way, American Heart Association, Muscular Dystrophy Association, Catholic Charities, B'nai B'rith Anti-Defamation League, and Alexis de Tocqueville Society. He also supported the East Texas Food Bank, Habitat for Humanity, East Texas Crisis Center, Hospice of East Texas, Literacy Council of East Texas and many other agencies.

Snooky won many awards, including the Southwest Candy Merchandiser of the Year in 1984, the National Association of Tobacco Distributors' award in 1991, Southwest Tobacco Man of the Year Award in 1992, America Wholesale Marketers Annual Citizenship award in 1994, National Catholic Charities award in 1995, and the Career Achievement Award of the Southern Association of Wholesale Distributors in 1998. He was also a recipient of a Texas House of Representatives resolution noting the contributions to all the lives he has touched, and he was named an honorary Admiral of the Texas Navy.

He is survived by his wife, Angel; son and daughter-in-law Gerald and Barbara Saleh; daughter and son-in-law Beverly Saleh Mamey and husband Nelson; son and daughter-in-law Danny and Denise Saleh; sisters Evelyn Saleh and Rose Marie Saleh Pilcher; six grandchildren and other family members.

Mr. Speaker, Snooky will be missed by all those who knew him and loved him and by all those he helped and who sought his advice—and his influence will be felt in Tyler for years to come. As we adjourn today, let us do so in tribute to this great American—Jameel Joseph "Snooky" Saleh.

AMBER ALERT: A POWERFUL TOOL TO PROTECT KIDS

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 2002

Mr. HOLT. Mr. Speaker, I rise to call the attention of my colleagues to the successes of the AMBER Alert program. As my colleagues know, this is a program that utilizes media alerts to help locate missing children within hours after they are abducted.

When a child is abducted, every minute is crucial. Statistics show that, when abducted, a child's greatest enemy is time. In those critical first hours, the AMBER Alert works to aid in a child's safe return by enlisting the entire community in their recovery.

The AMBER Plan idea was created in 1996 in response to the tragic murder of 9-year-old Amber Hagerman, a little girl who was kidnapped and killed while riding her bicycle near her home in Arlington, Texas. That tragedy shocked and outraged the entire community. Residents contacted radio stations in the area and suggested they broadcast special "alerts" over the airwaves to help in the future.

Since that time, the AMBER Alert idea has spread across the country. Since the original AMBER Plan was established, 66 modified versions have been adopted at local, regional, and statewide levels; 24 states have a statewide plan. In my home State of New Jersey, Governor James E. McGreevey, together with the Office of the Attorney General and the State Police have been working to implement an AMBER Alert system.

In my own district, we know something about the plague of child abduction. Megan's Law, the law that requires authorities to notify residents when a sexual predator resides in their neighborhood was named after Megan Kanka, a central New Jersey child who was the victim of a ruthless child killer. My predecessor in Congress, Representative Dick Zimmer, worked with Megan Kanka's parents to pass Megan's Law.

I am proud to have recently joined with my colleagues here in Congress, Representative MARTIN FROST and Representative JENNIFER DUNN and other legislators to introduce legislation calling for an expansion of the AMBER Alert concept nationally. Protecting our children against violence is nothing less than a national priority, and we are committed to passing this bill immediately to begin the creation of a nationwide network of AMBER Alert programs.

Unfortunately, passage of an AMBER Alert package into law this year is very much in doubt. Earlier this week, Congress passed legislation that included provisions to promote a national AMBER Alert program. While that would seem to be good news, I'm afraid that passage of this bill may actually delay, not speed up, the implementation of AMBER nationally.

The components that were unnecessarily added to the AMBER Alert Bill had previously been passed as stand-alone bills and I have previously voted in favor of them. On March 14, I voted to pass the "Two Strikes and You're Out Child Protection Act." On May 21

I voted to pass the "Child Sex Crimes Wiretapping Act." On June 25, I voted to pass the "Lifetime Consequences for Sex Offenders Act." And on June 26, I voted to pass the "Sex Tourism Prohibition Act."

A week ago, at the White House Conference on Missing and Exploited and Runaway Children, President Bush called on us in the House to pass the AMBER Alert legislation passed by the Senate. I completely agree with the President. Bipartisan legislation to create a national AMBER Alert System quickly passed the Senate and it should have passed the House and been put into law by now.

Unfortunately, instead of enacting this bipartisan plan to protect kids, House Congressional leaders added all of these other provisions to the AMBER bill, an action that may make it impossible to pass this legislation prior to adjournment because some members of the Senate do not support them. In fact, several of the provisions have been pending in the Senate for over four years without action. The likely result is that we will have no national AMBER Alert system for at least another year. That is unfortunate and unnecessary. I suspect that the leadership of the House presented the legislation more for the sake of appearance than to actually bring about a national AMBER Alert system.

We in Congress have a chance to do something positive to keep our children safe. I call on all of my colleagues to come together and redouble our efforts to pass AMBER Alert legislation before Congress adjourns next week. We owe it to parents and kids in central New Jersey and the nation.

RECOGNIZING DAVID FLEMING FOR HIS OUTSTANDING SERVICE TO THE PEOPLE OF SOLANO COUNTY

HON. MIKE THOMPSON

OF CALIFORNIA

HON. GEORGE MILLER

OF CALIFORNIA

HON. DOUG OSE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 2002

Mr. THOMPSON of California. Mr. Speaker, we rise today to recognize the Mayor of the City of Vacaville, David A. Fleming, who is leaving office after 24 years of service to his community.

Mr. Fleming was elected to the City Council in 1978 and has served as Mayor since 1990. During his tenure, Mr. Fleming has promoted the city's Growth Management Ordinance, the City of Vacaville Planned Growth Ordinance and the Vacaville/Dixon Greenbelt. He also led fundraising efforts for public art projects celebrating the community's historical milestones.

Mr. Fleming has also served as the President of the League of California Cities, President of the League of California Cities North Bay Division Executive Committee, Chairman of the Solano County Mayors Conference and as a member of the Board of Directors of the Solano County Transportation Agency, the Solano County Water Agency, and the Yolo-Solano Air Quality Management District.

Mayor Fleming has also been active in civic organizations, including the Air Force Association, the Retired Officers Association, the Napa-Solano United Way Executive Board, the North Bay YMCA Executive Board, the Vacaville Chamber of Commerce, the Vacaville Elks Club, the Veterans of Foreign Wars, and the Vietnam Veterans Association, among others. He was also a Charter Member of the Board of Directors of the Travis Air Force Base Museum and currently serves as President of the Travis Air Force Base Jimmy Doolittle Air and Space Museum Education Foundation.

Mr. Fleming has been married for 47 years to his wife, Buff, and they have three sons. Mr. Fleming retired from the Air Force with the rank of Lt. Colonel. He is a Vietnam War combat veteran and earned three Distinguished Flying Crosses for his service to his country.

Mr. Speaker, because of Mayor David Fleming's many contributions to the city, his community and his country, it is proper for us to honor him today.

U.S.S. "SAN DIEGO" MEMORIAL

HON. SUSAN DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 2002

Mrs. DAVIS of California. Mr. Speaker, I rise to salute a great warship that was named for a great maritime city: my hometown of San Diego.

The U.S.S. *San Diego* served our nation with honor and distinction during World War II. The *San Diego* was a light cruiser whose principal purpose was to provide antiaircraft protection to the fast carrier task groups that formed the backbone of the fleet during the war in the Pacific. Commissioned in January 1942, the *San Diego* joined the Pacific Fleet just prior to the Battle of Midway and saw her first action in the Guadalcanal campaign in the summer of 1942. The *San Diego* participated altogether in 42 months of nearly continuous operations, was involved in 34 engagements with enemy forces, earned 18 Battle Stars for her World War II campaigns, and was selected by Admiral Halsey to be the first major U.S. warship to enter Tokyo Bay upon the surrender of Japan.

Though the *San Diego* has been decommissioned and scrapped for many years, she has not been forgotten. The U.S.S. *San Diego* Memorial Association is a nonprofit organization formed with the goal of erecting a permanent memorial in San Diego, its namesake city, to honor the valiant and remarkable services of the cruiser U.S.S. *San Diego* and the men who served aboard her during the tumultuous and historical years of 1941–1945. Association membership includes surviving Navy veterans who served on the *San Diego* during the war. The Port of San Diego has donated a prime waterfront site for the U.S.S. *San Diego* Memorial, and the Memorial Association is raising private funds to construct a beautiful monument.

Mr. Speaker, I applaud the U.S.S. *San Diego* Memorial Association and the Port of San Diego for their tremendous efforts to pay tribute to this great ship and her crew. Once again, the people of San Diego are demonstrating their strong support for the United States Navy and its many contributions to our nation's defense.

CELEBRATING THE 150TH ANNIVERSARY OF FIRST BAPTIST CHURCH, BONHAM

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 2002

Mr. HALL of Texas. Mr. Speaker, I am honored today to recognize the 150th anniversary of the First Baptist Church of Bonham, Texas, in the hometown of the late great Speaker of the House Sam Rayburn. On November 10th, the First Baptist Church will celebrate one hundred and fifty years of worship and service in Bonham and the surrounding community—an expanse of time that reflects the dedication and vitality of the church's pastors, leaders and members over several generations.

First Baptist Church, Bonham, organized in early November 1852, sixteen years after the founding of Bonham and seven years after the annexation of Texas into the United States. Rev. J.R. Briscoe, a pioneer Baptist preacher, began the church with six charter members. They first met in the Masonic Hall but were soon able to move into their own building, which was also used as a schoolhouse. On January 24, 1855, for the sum of $50, they purchased the building, and each succeeding building has stood on this same plot of land on the comer of Eighth and Center Streets.

In 1855 a new frame building was constructed. This was used for joint Sunday School services of the Baptist, Episcopal, Methodist, and Presbyterian churches. It was also used for special meetings, weddings, and funerals for a wide area around Bonham. By 1915, the church building was no longer adequate for further growth, and despite the scarcity of supplies and the high prices of the World War I years, the congregation was able to construct a new two-story building, including a basement, in 1919 and dedicate it in 1921, free of debt. The services were led by Rev. George W. Truett, pastor of First Baptist Church, Dallas.

Due to structural problems during the following years, a new building was constructed in 1958 and still stands today. Some of the furnishings that had been in the earlier buildings are part of the new structure—including several magnificent stained glass windows and a scene over the baptistery taken from a photograph of the Jordan River.

First Baptist Church, Bonham, was very much in the news in November 1961 as the place where the funeral service for Speaker Rayburn, beloved citizen of Bonham, was held. Countless numbers of dignitaries were in attendance, including President John F. Kennedy, Vice President Lyndon B. Johnson, former presidents Harry S. Truman and Dwight D. Eisenhower. A plaque inscribed with their names adorns the pew where they sat.

First Baptist Church, Bonham, is rich in history. It is a shining example of the positive influence that churches make in the lives of our citizens and the fabric of our communities—and a powerful testament to the importance of faith and religious expression in the United States of America. We are, indeed, "one Nation under God." In preparation for its Sesquicentennial Celebration on November 10, a history of the church has been compiled that will honor all those who so diligently worked and sacrificed in their service to their church and their community. This celebration also will inspire current and future generations to carry on the wonderful legacy that was begun one hundred and fifty years ago.

Mr. Speaker, First Baptist Church, Bonham, was built upon the solid rock of Christian faith and service—and upon that rock it will continue to grow. I congratulate the members of First Baptist Church, Bonham, on this important milestone in the history of their church—and I wish them "God speed" as they continue to meet the needs of those in Bonham, the surrounding community, and mission fields around the world.

SUPPORT CONCURRENT RECEIPT

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 2002

Mr. HOLT. Mr. Speaker, I rise in support of concurrent receipt.

I am proud to be a cosponsor of legislation that would permit military retirees to concurrently draw their retired pay and disability benefits without an offset to either.

I firmly believe that retired members of the Armed Forces who are eligible for disability compensation should receive both their retirement and disability entitlement.

In fact, military retirees are the only group of federal retirees who must waive retirement pay in order to receive VA disability compensation. That's unfair and it should be corrected.

When asked about concurrent receipt, one combat veteran said it best. He said, "When I was flying combat missions in Korea, I knew there was a possibility of being shot down, captured, and tortured by the enemy. And I was unlucky enough to have that happen. But I never dreamed that Uncle Sam would penalize me by making me pay for my own disability compensation out of the retired pay I was supposed to have earned for my 24 years of military service."

Lt. Col. Norman E. Duquette, the person who said that, is one of nearly 500,000 disabled military retirees penalized by this unfair provisions that stops them from keeping veterans' disability compensation and full military retired pay—even though the two have entirely different purposes.

On February 1, 2002, I joined several of my congressional colleagues in sending a letter to President Bush requesting that he include in his FY 2003 budget request the funds necessary to eliminate the current offset between military retired pay and VA disability compensation. Unfortunately, when President Bush delivered his FY 2003 budget request to Congress on February 4, 2002, funds for implementing concurrent receipt for disabled military retirees were not included in it.

In recent days, President Bush has actually threatened to veto the Defense Authorization bill because he opposes fixing the concurrent receipt problem. That's why this motion is necessary and so important.

New Jersey veterans have heard enough excuses. We owe them this for their service to our Nation, especially now, as our Nation is calling upon the members of the armed forces to defend democracy and freedom.

RECOGNIZING WILLIAM CARROLL FOR HIS OUTSTANDING SERVICE TO THE PEOPLE OF SOLANO COUNTY

HON. MIKE THOMPSON

OF CALIFORNIA

HON. GEORGE MILLER

OF CALIFORNIA

HON. DOUG OSE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 2002

Mr. THOMPSON. Mr. Speaker, we rise today to recognize the Chair of the Solano County Board of Supervisors, William Carroll, who is retiring this year following a long and distinguished career in local government.

Mr. Carroll served on the Vacaville City Council for 21 years, 18 of them as Mayor, prior to his election to the Board of Supervisors in 1991. While on the Board, he served as Chair for three terms and also served as President of the League of California Cities.

He was instrumental in creating the Rural North Vacaville Water District, which enabled a large segment of the community in the unincorporated area of his supervisorial district to receive water services. Air quality was also one of his primary policy issues. He served on the Yolo-Solano Air Quality Management District from January 1991 to May 2002 and on the Bay Area Air Quality Management District from January 3, 1995 to May 28, 2002.

Mr. Carroll has been a tireless supporter of Travis Air Force Base and of the United States military presence in Solano County. He recognizes the vital role agriculture plays in Solano County and has been a strong advocate for agricultural interests while in public office. Supervisor Carroll also devoted much of his spare time to assisting the homeless throughout Solano County.

Mr. Speaker, because of William Carroll's many contributions to local government in Solano County and for his commitment to his community, it is proper for us to honor him today.

80TH ANNIVERSARY OF UNICO WATERBURY

HON. JAMES H. MALONEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 2002

Mr. MALONEY of Connecticut. Mr. Speaker, I rise today to congratulate Unico Waterbury on its 80th anniversary this Sunday, October 20, 2002. The Waterbury chapter of Unico National has truly lived up to its motto of "Service Above Self." Through their charitable efforts the members of Unico have made Waterbury a better community in which to live. For those not familiar with the organization, it was founded in 1922 by a group of fifteen men of Italian heritage, united in their commitment to civic service.

The founding Waterbury Unico chapter became the progenitor of more than 150 chapters of Unico in communities nation-wide.

Let me take a moment to recount a few of its many accomplishments. In its early years Unico organized regular social activities for Italian students pursuing higher education. At these dance receptions, awards and scholarships were awarded to young achievers in the community. Soon this model of civic participation spread to other cities, enabling a national convention to be held in New York in 1930.

During World War II, Unico Waterbury achieved the distinction of selling more war bonds in one day than any other local club during a month's competition ($75,000). In 1977, the club began aiding the Salvation Army to raise funds for its annual Christmas programs. This proud tradition continues to this day.

Today, Unico Waterbury is well served under the leadership of its first woman President, Dr. Joane D'Angelo. Membership stands at 95 strong and growing. Its fundraising prowess was recently demonstrated by raising $3,985 for Unico National's "Campaign Unity" to aid those affected by the September 11 attacks. The chapter continues to excel in public service by providing sizeable scholarships to students in the Waterbury community.

Mr. Speaker, I conclude by expressing my personal appreciation for the spirit of civic service so notably demonstrated by Unico Waterbury. On behalf of the citizens of the United States, I thank the members of Unico Waterbury for their tradition of service and look forward to their many civic accomplishments to come in the years ahead.

THE GROWING U.S.-INDIA RELATIONS: STRONG AND BROAD-BASED BILATERAL RELATIONS

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 2002

Mr. GILMAN. Mr. Speaker, relations between the United States and India continue to grow and prosper in the economic, political, diplomatic, democracy promotion, scientific, and security cooperation areas. During the past year, high-level agreements and substantive exchanges have brought the world's two largest democracies ever closer together; particularly with regard to security cooperation and a partnership in international counter-terrorism efforts.

The September 11 terrorist attacks on America have brought our two countries even closer together—as democracies which have been the victims of terrorism and which stand resolved to combat this scourge on a global basis. Following our President's clear statement that the nations of the world must stand "with us or with the terrorists," India answered the call. India immediately and unhesitatingly expressed full solidarity with our Nation and the American people. The welcome presence of Prime Minister Vajpayee last month at our one-year commemoration ceremony in New York City was but one highly symbolic indication of this sense of solidarity.

"The National Security Strategy of the United States," transmitted by President Bush to Congress last month as a declaration of the Administration's policy, calls India "A growing world power with which we have common strategic interest. The Administration sees India's potential to become one of the great democratic powers of the twenty-first century and accordingly has worked hard to transform our relationship."

Further quoting from the Administration's report:

> The United States has undertaken a transformation in its bilateral relationship with India based on a conviction that U.S. interests require a strong relationship with India. We are the two largest democracies, committed to political freedom protected by representative government. India is moving toward greater economic freedom as well. We have a common interest in the free flow of commerce, including through the vital sealanes of the Indian Ocean. Finally, we share an interest in fighting terrorism and in creating a strategically stable Asia.

The pace of our bilateral engagement since President Bush assumed the Presidency has been unprecedented. At their November 2001 meeting, President Bush and Prime Minister Vajpayee issued a joint statement outlining the broad scope of our bilateral relations. The Prime Minister and the President affirmed their commitment to complete the process of qualitatively transforming bilateral relations in pursuit of their many common goals in Asia and beyond.

The two leaders agreed that the lifting of economic, military and technology restrictions on India provides a further impetus to our bilateral relations. They welcomed the resumption of the bilateral Defense Policy Group as a step toward increasing exchanges and technical cooperation in the defense and security areas. The two leaders also agreed to pursue policies to enhance the mutually beneficial—and growing—economic and commercial ties between our nations. They also agreed to expand the Bilateral Economic Dialogue and to broaden dialogue and cooperation in the areas of energy, the environment, health, space, export controls, science and technology, including biotechnology and information technology. Indeed, the United States is India's largest trading partner and premier export destination. In particular, the President and the Prime Minister agreed that the two sides should discuss ways to stimulate bilateral high technology commerce, and agreed that our two countries should begin a dialogue to evaluate the processes for the transfer of dual-use and military items, with a view towards greater transparency and efficiency.

Moreover, India and the United States have a mutual interest in space exploration, and both countries have active space programs. The two leaders began an ongoing process to initiate discussions on Civil Space cooperation. In addition, private sector contacts, as well as meetings at the academic, cultural, NGO and other levels, continue to expand.

PARTNERS IN BUILDING DEMOCRACY

The U.S. and India, the world's two largest democracies, are partners in the ongoing effort to build a more democratic world. In this regard, India is leading by example, having stuck to the democratic path in the more than 50 years since it gained independence. During September and October, despite the ongoing threat of terrorism originating from outside India's borders, India is holding elections for the state assembly in Jammu and Kashmir. On September 18, after the first of four rounds of voting in the elections, State Department spokesman Richard Boucher said:

> We do welcome the Indian Government's commitment to holding an election that's free and fair and perceived as such internationally and within India. We have diplomats, and others do as well, up in the area observing the elections. Their findings, combined with the coverage by India's media and the international press will form the basis for an assessment of the election overall, after it's over. And I'm sure it'll be widely reported. And against these kind of sporadic violence and the threats that were issued, we actually applaud the courage of the voters who have chosen to participate in the first round of voting.

U.S.-INDIA COOPERATION ON SECURITY, DEFENSE AND COUNTER TERRORISM ISSUES

In particular, the U.S. and India have moved relations to a new level in terms of security and defense matters, and cooperation on counter terrorism, reflecting the recognition on both sides of the need to build stability and security in Asia and beyond.

The U.S.-India Security and Non-Proliferation Dialogue held in New Delhi on September 23–24 was but the latest example of this cooperation, as India continues to make substantial progress in meeting non-proliferation goals. India is also committed to vigorously enforcing stringent export controls on its locally developed know-how and technologies, an issue that the two sides will continue to pursue.

The U.S. and India have held joint military exercises, and others are planned. Following a December 2001, meeting of the U.S.-India Defense Planning Group and the Executive Steering Groups of the Army, Navy and Air Force, the U.S. and India agreed that each of its Navies would jointly patrol the Strait of Malacca to ensure the uninterrupted flow of vital oil supplies. The U.S. and India will hold their first joint air exercise over Indian airspace in almost four decades in October. In Washington, the chief of the U.S. Pacific Air Force Command, General William Begert, described the joint exercise as "a breakthrough." It has also been announced that Indian Army and Air Force personnel will participate with U.S. forces in exercises in Alaska later this year.

India and the United States have forged an ever-closer partnership in the struggle against international terrorism—a partnership that had actually begun before last September 11. The U.S.-India Joint Working Group on Counter terrorism was established in January 2000. The fifth meeting of the Joint Working Group was held in July in Washington. The past year has been a watershed for the two democracies in confronting the challenge of terrorism. During this period, India and the United States have accomplished much in their counter-terrorism cooperation, including:

Broadening their exchange of information and assessments on the international and regional terrorist situation.

Strengthening intelligence and investigative cooperation.

Signing a Mutual Legal Assistance Treaty.

Launching a bilateral Cyber Security Forum, with a wide-ranging program of action to address cyber terrorism and information security.

Introducing military-to-military cooperation on counter terrorism to supplement the initiatives of the India-U.S. Defense Policy Group in this area.

Working together closely on multilateral initiatives on terrorism, including the implementation of UNSC Resolution 1373.

Initiating dialogue and cooperation in homeland/internal security, terrorist financing, forensic science transportation security and border management.

Taking concrete steps to detect and counter the activities of individual terrorists and organizations of concern to both of our countries.

Accordingly, I urge the Administration and my colleagues to continue to strengthen the U.S.-India ties and to turn the blueprint outlined at the joint meeting between President Bush and Indian Prime Minister last year, into a sturdy and enduring structure that will benefit the people of both of our great nations.

IN RECOGNITION OF A TRUE TEXAS WWI HERO—LIEUTENANT MITCHELL H. BROWN

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 2002

Mr. HALL of Texas. Mr. Speaker, I rise today to recognize a true patriot from my hometown, Rockwall, Texas—the late Mitchell H. Brown. My district, the Fourth Congressional District of Texas, is home to the second largest population of veterans in the State of Texas. Today I would like to single out a great veteran and WWI hero, Mitchell Brown, who was a distinguished Second Lieutenant in the 50th Aero Squadron, Air Service, American Expeditionary Force.

Mitchell left Rockwall in January of 1918 and was dispatched overseas to France, where he attended French artillery school and an aviators instruction center. He studied aerial photography and learned to be proficient in the use of light weaponry. Finally, he attended the Aeronautical section of the Ind Corps school located at Chattillon-Sur-Seine.

After finishing his training, Mitchell was assigned to the 50th Aero Squadron. Mitchell used his field training as he penetrated enemy lines, reporting batteries in action, trucks on the roads, trains, massed troops, fires, and other favorable targets that the artillery might fire upon. He survived many near-death encounters with the enemy. During an aerial reconnaissance mission for the 78th Division near Beffu-et-le-Morthomme, he attacked an enemy balloon, forcing it to the ground, but this drew an attack by three enemy planes in return. The incendiary bullets from the enemy's machine guns set the signal rockets in Mitchell's cockpit afire. Disregarding the flames, he continued to fire his machine gun, destroying one enemy plane and forcing the others to disengage. He quickly put out the flames and then successfully completed the mission and secured information of "great military value". This was one of his more well known acts of heroism during the war.

Mitchell has always been passionate about his country. He once wrote his wife Lilybel, saying, "It's all very true that war isn't what it's cracked up to be. Lots of times you have a longing for quiet pastures when the odds loom up against you. Personally, I had rather die a dozen times than to have folks say I didn't do my duty." That statement characterizes so many veterans who put their lives at risk in defense of our country and the principles of freedom upon which America was founded. These veterans, like Mitchell, are true American heroes, and we owe them a debt of gratitude that can never be adequately repaid.

Mitchell was married before he went overseas and, after the war, returned to Rockwall County to farm and raise three boys with Lilybel. His sons were also in the service of their country, with one son, Lt. Tom Brown, paying the supreme sacrifice on the battlefield. I went through high school with Tom. He, like his father and brothers, loved life and loved this country. He gave it all so that his family—and all of us—could live in safety and peace. God Rest His Soul.

For many years Mr. Mitchell Brown lived, as he said, a "rather quiet life with little to enlarge upon" as a farmer. Such a humble statement belies the great man he was. He was dedicated to his country, his family, and his community—and he was a good friend of mine. I admired him greatly—and I have never forgotten the greatness I saw in this great WWI aviator who flew the airplanes that were forerunners to today's fast fleet of jets. Mr. Speaker, as we adjourn today, let us do so in memory of Mitchell H. Brown and all our veterans whose sacrifices enable us to be free today.

CENTRAL NEW JERSEY CELEBRATES THE LIFE AND CAREER OF FORMER SPEAKER JACK COLLINS

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 2002

Mr. HOLT. Mr. Speaker, I rise today to recognize and honor the commitment of former assemblyman and speaker Jack Collins to his constituents in the third district and to his extended responsibility to all New Jerseyians.

I am proud to speak across partisan lines in praise of Jack Collins because, so often, he reached across party lines to fight for things important to all New Jerseyians. He is the embodiment of the citizen legislator: a working teacher and farmer who also represents the people of his district and his state.

As a career educator, he rose above partisan politics to defend our teachers whether it was fighting for pension enhancements and health benefit improvements or blocking ill considered voucher proposals or tenure threats.

Jack Collins also defended open space retention, farmland preservation, and aid to the developmentally disabled. These are all examples of the greatness of the heart of the man, and his dedication to issues concerning New Jersey.

His career as speaker was marked not just by the legislation he championed, but the house he ran. As the longest serving speaker of the Assembly in New Jersey, Jack Collins was respected by politicians of all persuasions, for his directness, for his honesty and for his convictions.

I am proud to rise today to wish Jack Collins well in his retirement. While he is no longer serving in the Assembly, I am sure that New Jersey has not seen the last of Jack Collins. He has built his life around service to others, whether in the classroom or on the floor of the Assembly, and I am sure that this instinct to serve will keep him active in the political life of New Jersey.

THE "COMMERCIAL SPECTRUM ENHANCEMENT ACT"

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 2002

Mr. UPTON. Mr. Speaker, as Chairman of the House Energy and Commerce Subcommittee on Telecommunications and the Internet, I am pleased to join the distinguished Chairman of the House Energy and Commerce Committee, Mr. TAUZIN, in introducing the "Commercial Spectrum Enhancement Act".

Earlier this year, we significantly changed spectrum auction policy by freeing the FCC's hands with respect to when auctions should be conducted. Now, with this bill, we are making another significant down payment on our Committee's spectrum reform efforts, by eliminating grave inefficiencies in spectrum management which have thwarted spectrum relocation efforts to date.

The commercial wireless industry must have additional spectrum to provide innovative new services and other critical benefits to the American public and to foster economic growth. However, spectrum ideal for next generation wireless services currently is encumbered by the federal government.

We all recognize the need to relocate federal government incumbents to comparable spectrum in order to make way for the commercial wireless industry, but the road to relocating federal government incumbents to comparable spectrum (or alternative facilities) is unpaved and filled with potholes. The "Commercial Spectrum Enhancement Act" would pave that road, establishing procedures to ensure a timely, certain, and privately—yet fully—funded relocation of federal incumbents to comparable spectrum (or alternative facilities). Hence, this bill represents a "win-win" for both the government and the commercial wireless industry, not to mention our nation's wireless users.

Under the bill's provisions, when executive branch agencies are required to relocate spectrum operations to a different spectrum band (or to switch to non-spectrum dependent facilities to transmit telecommunications), the agencies will have access to a trust fund from which their relocation costs will be paid. Relocation will be required when spectrum currently occupied by governmental entities is reallocated for commercial use.

If an agency is required to relocate its spectrum operations, the agency must be able to achieve comparable telecommunications capability in the new band (or with the non-spectrum dependent facilities).

Six months before the FCC conducts an auction of spectrum that has been reallocated for commercial use, NTIA (working in conjunction with the affected agency and OME) submits to the FCC a preliminary cost estimate and timeline for relocation.

For an auction of reallocated spectrum to be valid, the net proceeds of the auction must be at least 110 percent of the preliminary costs estimated by NTIA.

The auction proceeds, rather than being placed in the General Fund at Treasury, are deposited in a Spectrum Relocation Fund, from which relocation costs will be paid.

The relocation fund is administered by OMB in consultation with NTIA. OMB determines whether an agency's costs are legitimate and whether the agency's timeline for relocation is appropriate.

The Energy and Commerce Committee, Senate Committee on Commerce, Science, and Transportation, and the House and Senate Appropriations Committees must be notified 30 days before money is transferred from the relocation fund to an agency. Also, the NTIA will be required to file periodic reports to apprise Congress of the progress being made to relocate in a timely and cost-effective manner.

I look forward to working with Mr. TAUZIN, other Members of the Energy and Commerce Committee, other interested committees, and the Bush Administration to advance this legislation in a bipartisan fashion.

NURSE LOAN FORGIVENESS ACT OF 2002

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 2002

Mr. TANCREDO. Mr. Speaker, I rise in support of the Nurse Loan Forgiveness Act of 2002.

Across the United States, and specifically in my District in Colorado, health care facilities are experiencing a loss of full-time registered nurses. As aging nurses retire, there are not enough persons willing to enter the field to replace them. The American Association of Colleges of Nursing estimates that within the next 10 years, the average age of registered nurses is forecasted to be 45.4 years old, with more than 40 percent of the registered nurse work force expected to be older than 50. Currently, there are more than 126,000 hospital nursing positions that need to be filled. I am deeply concerned about this issue and the care of our elderly, especially in a time when the nation's baby boomers are aging and require increasing health care services.

The Nurse Loan Forgiveness Act establishes a student loan program for nurses and in doing so, it encourages young people to enter and continue in the nursing profession. Since enrollment in entry-level nursing schools continues to decline, this legislation provides an incentive to study, work, and more importantly, stay in the nursing profession. Not only will this enhance patient care, but also it will create a new generation of nurses.

For nurses that stay in a medical facility or approved health care setting for at least three years, their loans can be forgiven up to $5,000. Additionally, those that work as nurses for five years, are eligible for loan forgiveness up to $12,000. This is a temporary, five-year program, established during this time of crisis a time when our aging family members, friends and loved ones may not have the care they deserve or require.

I urge my colleagues to support the Nurse Loan Forgiveness Act and aid our nation's health care professionals.

TRIBUTE TO DANIEL A. BENAC OF MONTMORENCY COUNTY, MICHIGAN

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 2002

Mr. STUPAK. Mr. Speaker, I rise today to pay special tribute to a man who is a longtime activist in labor, politics, and community service in northern Michigan. Mr. Speaker, I rise to honor Daniel A. Benac of Montmorency County, Michigan.

Dan Benac was born in Alpena, Michigan on June 8, 1922, as one of twelve children of George and Rose Benac. Nearly sixty years ago he married Geraldine on February 9, 1943 and the couple raised three children: Charlotte, Carolyn, and David. Dan and Geraldine have eight grandchildren and fourteen great-grandchildren.

Dan Benac served in the U.S. Army's 103rd Infantry Division from 1942 until receiving an honorable medical discharge as a private in 1943. After serving his country, he then began his career as a skilled tradesman at Besser Manufacturing in Alpena.

Dan then worked at a small manufacturing plant in Walled Lake, Michigan before taking a position with Pontiac Motors in 1948. He tried his hand as an entrepreneur in 1955, when he started and operated two gas stations. During the time he ran these businesses he began an apprenticeship as an electrician and earned the status of a journeyman electrician in 1962.

In 1969, Dan Benac took his skills to Warren, Michigan, where he worked at General Motor's Chevrolet plant. He began his union career in 1948 when he joined the United Auto Workers. While at the Chevrolet plant, Dan accepted the position as a UAW committeeman.

In 1974 Dan Benac took a medical retirement from GM, but as with so many union brothers and sisters, Dan continued his work with the union. In addition to his membership in the UAW, he also joined the International Brotherhood of Electrical Workers in 1956.

In 1983 Dan was named chairman of the UAW Retirees for the Alpena International Council. Dan organizes presentations on a monthly basis for his fellow retirees that range from elected officials to speeches about prescription drugs and Medicare.

Dan was later named chairman of the UAW Region 1–D retirees, serving members from sixty two counties. He continues to serve as chairman of the UAW Region 1–D retirees to this day. He is also a board member of the UAW statewide coordinating committee for the Democratic Party.

In addition to his union activities Dan Benac was instrumental in forming the Montmorency County Democratic Party. He served for many years as chairman of the Montmorency County Democratic Party before resigning from that post recently. While Dan is no longer chairman, he remains active in the Montmorency County Democratic Party.

Dan Benac is a board member of the National Council for Senior Citizens. He is also a member of other organizations including the Shrine Club, Disabled American Veterans, American Legion, and Masons. He is also chairman of the Michigan Veterans Trust Fund for Montmorency County.

Mr. Speaker, Dan Benac's activities are amazing for a person of any age but as an eighty year old, his many activities are exceptionally admirable. Dan and Geraldine Benac have been great assets to their family, their fellow workers, and their community and good friends of mine.

Mr. Speaker, on October 19, 2002 the Montmorency County Democratic Party will hold a tribute dinner for Dan Benac at the Atlanta, Michigan Senior Center. I ask you and my House colleagues to join me in saluting Dan Benac, a great man who has spent his life in service to others.

TRIBUTE TO THE CHALDEAN FEDERATION OF AMERICA

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 2002

Mr. LEVIN. Mr. Speaker, I rise today to recognize the 21st Anniversary Celebration and 10th Annual Awards Banquet of the Chaldean Federation of America. On Friday, October 18, 2002 the Chaldean Federation will mark more than two decades of service to the Chaldean community in Metro-Detroit and one decade of recognizing outstanding citizens in their midst.

Over these many years, I have been privileged to witness the establishment and blossoming of this exceptional organization. The Federation serves the growing Chaldean community of Metro-Detroit, which now numbers over 160,000. Their service to the community has been extensive, from employment and social services, to language and translation support, to computer training and immigration services.

For new immigrants, the Federation has served to bridge the cultural gap between their native land and that of their adopted home. For first, second, and third generation Americans of Chaldean descent, the Federation has been a place of education and celebration, keeping alive the traditions of the Chaldean homeland.

In addition to serving the Chaldean community, the Federation has been an invaluable resource to our community as a whole. By providing cross-cultural education and sensitivity training to schools and other groups they have helped to promote tolerance and understanding in an increasingly complex world.

Mr. Speaker, I ask my colleagues to salute the Chaldean Federation of America, its key activists and countless volunteers, many of whom I have known personally for years. We have been enriched by the Chaldean culture and are deeply appreciative of the role that the Chaldean Federation of America continues to play in our community.

HONORING AN OUTSTANDING EMPLOYER—DOUGLASS DISTRIBUTING

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 2002

Mr. HALL of Texas. Mr. Speaker, I rise today to recognize Bill and Joan Davis, owners of Douglass Distributing an "Outstanding Employer of Older Workers for 2002". Douglass Distributing has established a long-term commitment to the region of North Texas and Southern Oklahoma, proven by their community partnerships and contributions to local service organizations. For this reason, they have been selected as one of Prime Time's Outstanding Employers of Older Workers award winners.

Since 1981, the Douglass family has shown a strong belief in the value of older workers and has supported that belief by maintaining an age-balanced group of employees. They have been a family owned and operated petroleum products distributor in Sherman, Texas who view older workers as "productive, reliable, and versatile with a strong work ethic." Their winning combination of younger workers and their older counterparts create a work environment where age and experience can assist in training, advice, and counseling.

Owners Bill and Joan Douglass have created an outstanding company that is a role model for a nation and state whose workforce is rapidly aging and whose businesses are facing a shortage of skilled, reliable workers. Douglass Distributing has led the way by putting their faith and trust in older workers who bring valuable experience, skills and work habits to the job. The company has no mandatory retirement age and provides flexibility in scheduling of employees' hours. They also believe that expertise and a positive attitude are the most important qualities in an employee, regardless of his or her age.

Douglass Distributing has shown a new path and winning blueprint for success. Mr. Speaker, as we adjourn today, let us acknowledge the contributions and the achievements of Douglass Distributing and Bill and Joan Douglass, as they have shown the business world a new model of distribution worthy of replication and appreciation.

TRIBUTE TO RETIRING MEMBERS OF THE TRANSPORTATION AND INFRASTRUCTURE COMMITTEE

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 2002

Mr. OBERSTAR. Mr. Speaker, last evening in the main hearing room of the Committee on Transportation and Infrastructure, we held a reception honoring eight Members who are retiring from the House at the end of this Congress. In the spirit of bipartisanship that so truly characterizes our committee, Chairman DON YOUNG and I joined voices in tribute to these eight men—three Republicans and five Democrats—who are moving on to new challenges: BRIAN KERNS of Indiana, JOHN THUNE of South Dakota, STEVE HORN of California, JOHN BALDACCI of Maine, FRANK MASCARA of Pennsylvania, JIM BARCIA of Michigan, BOB CLEMENT of Tennessee, and BOB BORSKI of Pennsylvania.

Before I go any further, Mr. Speaker, I would like to take the opportunity to recognize the leadership of Chairman YOUNG and call attention to some of the accomplishments of the Transportation and Infrastructure Committee during the 107th Congress: The Railroad Retirement Act, the Kennedy Center Act, and the Aviation and Transportation Security Act, represent what our Committee does best—moving bipartisan bills to the President's desk. I look forward to working with my colleagues on both sides of the aisle in the 108th Congress on TEA 21 reauthorization, AIR 21 reauthorization, RIDE 21, and water and other critical infrastructure investment legislation, regardless of whether Republicans or Democrats are in the majority.

Mr. Speaker, on the Republic side, the Committee is losing three of our colleagues, Cong. BRIAN KERNS, Cong. JOHN THUNE, and Cong. STEVE HORN. Cong. KERNS (Indiana) joined the Committee last year with a fresh perspective on our Committee's issues that will be missed. Cong. KERNS and I share a common background: we both served as Administrative Assistant to the Member we replaced. Of course, Cong. KERNS was also a TV reporter, so our work histories diverge there.

Cong. THUNE represents the state of South Dakota and he has been a consistent advocate for rural America and the Great Plains. I have had the opportunity to share an occasional workout with Cong. THUNE in the Members' Gym. Let me tell you, when Cong. THUNE approaches the weight machines, the machine start to shudder.

Cong. STEVE HORN has not only effectively advocated the interests of the Long Beach and Los Angeles ports, but he has also spent the last decade in Congress working to improve the accountability and management of the Federal government and its agencies. His thoughtful, academic approach to these issues will be greatly missed by our Committee and this institution, as will his historical perspective on the legislative process, reading back to his service on the staff of California's highly respected Senator Tom Kuchel.

On the Democratic side, we are losing five colleagues, each of whom has contributed enormously to the work of our Committee.

Cong. JOHN BALDACCI—Cong. BALDACCI was elected in 1994—a real accomplishment for a Democrat in a year when the Republicans were sweeping to control of the House and Senate—and joined our Committee in 1998. He has served as an active Member of our highway and aviation subcommittees. Cong. BALDACCI has been an aggressive advocate on behalf of Maine. Whether it's ensuring that the Federal Aviation Administration Reauthorization Act includes funding for the Essential Air Service program or clarifying that the Committee's airline antitrust immunity bill does not adversely affect small communities, Cong. BALDACCI has actively worked to help Maine keep its air service.

Cong. FRANK MASCARA—Cong. MASCARA is another one of the rare Democrats elected in 1994 and joined our committee at the beginning of his tenure. Prior to being elected to the House of Representatives, Cong. MASCARA served as Chairman of the Pennsylvania Regional Planning Commission. As this Committee developed TEA 21, we called upon FRANK MASCARA's planning expertise and seasonal understanding of highway issues to help ensure that our Federal highway, transit, and highway safety policy would achieve the intended objectives.

Cong. JIM BARCIA—Cong. BARCIA joined our committee in 1993. As a Member from Northern Michigan, whose district runs along the shores of Lake Huron, JIM has played an active role in water resources issues throughout his service. He spent the last several years aggressively working on a program to improve our Nation's wastewater infrastructure and authorize grants to states and cities for combined sewer overflow and sanitary sewer overflow projects. In the 106th Congress, his efforts paid off and we included his bill (H.R. 828) in the omnibus Labor-HHS appropriations act at the end of the Congress. The Wet Weather Quality Act authorizes $1.5 billion to control overflows from combined and sanitary sewers and $45 million in EPA assistance for an urban wet weather watershed pilot program.

Cong. BOB CLEMENT—Cong. CLEMENT, elected in 1988 and currently Ranking Member of the Railroads Subcommittee, has worked on a bipartisan basis with his counterpart, Subcommittee Chairman JACK QUINN, to rebuild our Nation's railroad infrastructure. They have worked together to move the Shortline Railroad Infrastructure bill, the Amtrak Reauthorization bill, and RIDE 21. Although movement on those bills has stalled, BOB CLEMENT hasn't given up and continues to work to improve our Nation's rail infrastructure. In addition, Cong. CLEMENT and Chairman QUINN have had numerous meetings with the Office of Management and Budget and the Department of Transportation regarding the Administration's failure to approve any rail loans or loan guarantees under the Railroad Rehabilitation and Infrastructure Financing (RRIF) program.

Cong. CLEMENT has also aggressively worked on behalf of the Tennessee Valley Authority and commuter rail. His bill (TRAIN 21) would help resolve a growing problem in Nashville and throughout the Nation—the ability of commuter railroads to get access to freight railroad rights-of-way.

He leaves us to seek a seat in the Other Body, and I pass onto him the advice I received many years ago when I myself heard the Sirens' call to that body: There are more bleached bones scattered along the path between the House and Senate Office Buildings than there are on the Old Chisholm Trail.

Cong. BOB BORSKI—BOB BORSKI has spent two decades serving this Committee. From 1995 to 2001, Cong. BORSKI served as Ranking Member of the Subcommittee on Water Resources and Environment. BOB BORSKI was raised in the great bipartisan tradition of this Committee and he brought that willingness to work together to the Clean Water, Brownfields, and Superfund issues of the Subcommittee—the issues that are often the most difficult for our Committee to bridge the partisan divide. He spent countless hours working with then-Subcommittee Chairman BOEHLERT, then-Chairman SHUSTER, EPA Administrator Browner, and me to bridge the divide on the Superfund bill. In the end, this Committee passed a Superfund bill (H.R. 1300) that reauthorized the program; provided for the redevelopment of brownfields; provided exemptions and limitations on Superfund liability for small businesses, innocent landowners, and recyclers; and called for funding the program with a reauthorization of the Superfund Trust Fund taxes. Our committee approved the bill on a vote of 69 to 2—a tribute to Cong. BORSKI's perseverance, patience, and willingness to find common ground.

In this Congress, Cong. BORSKI has served as Ranking Member of the Highways and Transit Subcommittee. He and Subcommittee Chairman PETRI have held more than a dozen hearings on TEA 21 reauthorization and Cong. BORSKI has aggressively worked to ensure that we have a balanced transportation system. Earlier this week, Cong. BORSKI attended the American Public Transportation Association's annual conference where he received its distinguished person of the year award. How often does an association, with a major reauthorization bill just around the corner, honor a retiring Member of Congress? It is a tribute to Cong. BORSKI that APTA rightly recognized the role that he has played in ensuring that our communities have transportation choices, like transit rail systems, pedestrian walkways, Amtrak, and bike paths.

I will miss him, not only for his policy expertise but also for his friendship. I have always considered BOB a close friend and a kindred spirit. I know his heart and home are in Philadelphia but I hope he will often come back to see us here.

And that sentiment is true for each of our departing colleagues. On behalf of all Democrats on the Transportation and Infrastructure Committee, I thank them for their distinguished public service and wish them well in their new careers.

RECENT RAIDS ON SINN FEIN OFFICES IN STORMONT

HON. FRANK PALLONE, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 2002

Mr. PALLONE. Mr. Speaker, I rise today to join in spirit with several of my constituents and hundreds of other Irish Americans in the New York Metropolitan area, as they stage a protest outside the New York City consulate of Great Britain. I wish I could be there in person to join in their fight.

Mr. Speaker, last Friday the Police Service of Northern Ireland, the PSNI, formerly the RUC, raided the government offices of Sinn Fein in the Northern Ireland Assembly at Stormont. This unprofessional and haphazard raid appears to be politically motivated—with those involved hoping to unravel the power-sharing government established under the Good Friday Agreements.

The raid of these offices and several homes of Sinn Fein party workers once again show that the PSNI/RUC remains nothing more than a political tool of unionists hoping to undermine a just and lasting peace in Northern Ireland. These raids were obviously done to publicly embarrass Sinn Fein, with the hope that this will be the final straw that will force the demise of the Good Friday Accords.

Soon after these raids, both Ian Paisley of the DUP and David Trimble of the UUP called for Sinn Fein to be excluded from the power sharing government. Also, Mr. Paisley, withdrew his party's support from the government. These actions show the unionists true feelings—they hope that by excluding Sinn Fein the Accords will collapse and force the Crown to retake complete control of the North.

It is quite obvious to me that the only way a lasting peace can occur in Northern Ireland is by protecting the power sharing institutions and fully implementing the Patten Commission's recommendations. The actions of the PSNI last Friday shows that the police as a whole are still quite loyal to the crown and quite often use their influence and authority for political purposes. Northern Ireland is in dire need of a police service that is more representative of the community and is responsive to the needs of all the citizen of Northern Ireland.

These raids are just another example of how the PSNI has not moved away from the tactics of the RUC in the '60s, '70s and '80s. The PSNI is anti-Catholic, anti-Sinn Fein and anti-Good Friday Agreement. PSNI must be forced to stop its sectarian efforts and truly protect all parties.

I hope that Mr. Trimble, Prime Minister Blair and all the other parties involved continue their commitment to peace in Northern Ireland by standing by the original Good Friday Accords and most importantly fully implementing the Patten Commission's recommendations. Patten and the Accords are our only true hope that peace can survive in Northern Ireland.

ENVIRONMENTAL JUSTICE ACT OF 2002

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 2002

Mr. UDALL of Colorado. Mr. Speaker, today I am introducing the Environmental Justice Act of 2002. I am proud that my colleague Congresswoman HILDA SOLIS is joining me as an original cosponsor of this bill.

Representative SOLIS and I long have been concerned about the fact that past federal actions have had disproportionately adverse effects on the health, environment and quality of life of Americans in minority and lower-income communities. Too often these communities—because of their low income or lack of political visibility—are exposed to greater risks from toxins and dangerous substances. It's a regrettable commentary on our society that too often it has been possible and convenient to locate waste dumps, industrial facilities, and chemical storage warehouses in these communities with less care than would be taken in other locations.

Too often these communities are thought of as expendable—without full appreciation that human beings, who deserve to be treated with respect and dignity are living, working, and raising families there. Instead, by providing clean, healthy and quality environments within and around these communities, we provide hope for the future and enhance the opportunities that these citizens have to improve their condition.

Our bill would help do just that. The bill essentially codifies an Executive Order that was issued by President Clinton in 1994. That order required all federal agencies to incorporate environmental justice considerations in their missions, develop strategies to address disproportionate impacts to minority and low-income people from their activities, and coordinate the development of data and research on these topics.

Although federal agencies have been working to implement this order and have developed strategies, there is clearly much more to do. We simply cannot solve these issues overnight or even over a couple of years. We need to "institutionalize" the consideration of these issues in a more long-term fashion—which this bill would do.

In addition, as this issue was addressed through an administrative order, that federal policy could be swept away with a stroke of a pen by new administrations. Thus, we need to make these considerations more permanent—which is also what this bill would do.

It would do this by requiring all federal agencies to: make addressing environmental justice concerns part of their missions; develop environmental justice strategies; evaluate the effects of proposed actions on the health and environment of minority, low-income, and Native American communities; avoid creating disproportionate adverse impacts on the health or environment of minority, low-income, or Native American communities; and collect data and carry out research on the effects of facilities on health and environment of minority, low-income, and Native American communities.

It would also establish two committees: an Interagency Environmental Justice Working Group to develop strategies, provide guidance, coordinate research, convene public meetings, and conduct inquires regarding environmental justice issues. Makes permanent the group set up by the Executive Order; and a Federal Environmental Justice Advisory Committee, appointed by the President, including members of community-based groups, business, academic, state agencies and environmental organizations. It will provide input and advice to the Interagency Working Group.

In a nutshell what this bill would do is require federal agencies that control the siting and disposing of hazardous materials, store toxins or release pollutants at federal facilities, or issue permits for these kinds of activities to make sure they give fair treatment to low-income and minority populations—including Native Americans. What this bill does is say to federal agencies, "In the past these communities have endured a disproportionate impact to their health and environment. Now we must find ways to make sure that won't be the case in the future."

Both Representative SOLIS and I recognize that it likely will not be possible for the Congress to complete action on this measure in this Session. But we are today taking the first step toward its enactment, and will persist in our efforts to accomplish that goal.

For the information of our colleagues, I am attaching a brief outline of the provisions of the bill.

ENVIRONMENTAL JUSTICE ACT OF 2002

REPRESENTATIVES MARK UDALL AND HILDA SOLIS

Summary: This bill would essentially codify a Clinton Administration Executive Order which directed a number of federal agencies and offices to consider the environmental impact of decisions on minority and low-income populations.

Background: On February 11, 1994, President Clinton issued Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations." The President also issued a corresponding Memorandum to all federal departments and agencies further explaining the order and how the agencies should implement it to address environmental justice issues. The Order and Memorandum called for the creation of an interagency working group to provide guidance on identifying disproportionate impacts on the health and environment of minority and low-income populations, develop strategies to address this disproportionate impacts, and provide a report on that strategy. Since the order was promulgated, the affected agencies have developed reports and strategies.

Need for the Bill: Although federal agencies and offices have been complying with the Executive Order, disproportionate impacts related to human health and the environment still exist for many minority and low-income communities. These impacts must be addressed over the long term. In addition, due to the lack of resources and political clout of many of these impacted communities, vigilance is required to make sure that disproportionate impacts are reduced and do not continue. As the effort to date has been primarily administrative based on the presidential order and memorandum, these strategies need to be incorporated into the routine functioning of federal agencies and offices through federal law.

What the bill does

Requires federal agencies and offices to: include addressing environmental justice concerns into their respective missions; conduct programs so as not to create disproportionate impact on minority and low-income populations; include an examination of the effects of such action on the health and environment of minority and low-income populations for actions that require environmental analyses under the National Environmental Policy Act; create an environmental justice strategy to address disproportionate impacts of its policies and actions, and conduct and collect research on the disproportionate impacts from federal facilities.

Creates an Interagency Environmental Justice Working Group to develop strategies, provide guidance, coordinate research, convene public meetings, and conduct inquires regarding environmental justice issues.

Creates a Federal Environmental Justice Advisory Committee composed of members of community-based groups, business, academic, state agencies and environmental organizations which will provide input and advice to the Interagency Working Group.

HONORING A TRUE PUBLIC SERVANT: SENATOR THOMAS KUCHEL

HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 2002

Mr. HORN. Mr. Speaker, fifty years ago this December, California Governor Earl Warren appointed Thomas Henry Kuchel of Anaheim to the United States Senate seat vacated by Vice President-elect Richard Nixon.

A proudly progressive Republican from Orange County, Senator Kuchel represented the Golden State in the Senate with great distinction from 1953 to 1969 and played key roles in ratification of the 1963 nuclear test ban treaty, passage of the Interstate Highway Act, the Landrum-Griffin Act, Medicare, and the 1965 Voting Rights Act. With Senator Hubert Humphrey, he was co-floor leader for the 1964 Civil Rights Act, arguably the most important piece of domestic legislation in the latter half of the twentieth century. As ranking member of the Senate Interior committee, Senator Kuchel sponsored numerous laws that created and expanded reservoirs, wildlife refuges, wilderness areas, and national parks. He was a fine lawyer, particularly on water law.

Senator Kuchel's Republican colleagues elected him Assistant Minority Leader five times—a record that remains unsurpassed today—and he was literally Minority Leader Everett Dirksen's "right-hand man" during the decade that he served as Whip. Senator Kuchel was also a formidable politician—he was the last U.S. Senate nominee to win all 58 California counties, a feat that he accomplished in 1962 as fellow Republican Richard Nixon decisively lost his gubernatorial bid.

From 1960 to 1966, I served as legislative assistant to Senator Kuchel. I had the sad duty of announcing his death to the House on November 29, 1994.

As a memorial to this distinguished public servant, Congress designated the "Thomas H. Kuchel Visitor Center" at Redwood National Park as part of the Interior Appropriations Act for Fiscal Year 1999. I requested this action at the suggestion of Jason Bezis, a young Californian who has done extensive research on Senator Kuchel's career and accomplishments. Certainly, naming the visitor center is a fitting tribute and I want to provide my colleagues with some of the history behind this action.

In February of 1966, Senator Kuchel introduced S. 2962, a bill to authorize a Redwood National Park in California. He helped to shape this legislation in meetings with Secretary of the Interior Stewart L. Udall, National Park Service Director George B. Hartzog, Jr., and other concerned parties in 1965. He re-introduced the bill in 1967, after aiding in negotiations with timber companies on an agreement that halted "spite cutting" of trees within the proposed park's boundaries. In October of 1967, Senators Tom Kuchel, Henry Jackson, and Alan Bible jointly introduced S. 2515, the bill that established Redwood National Park when President Lyndon Johnson signed it on October 2, 1968 (Public Law 90–545).

Senator Kuchel tirelessly advocated establishments of Redwood National Park through both words and actions. On July 29, 1966, he addressed the U.S. Senate: "I have introduced S. 2962 to establish a Redwood National Park because God's magnificent, awe-inspiring northern California virgin redwood giants ought to be preserved for humanity, rather than be chopped down from mountainsides to be made into 2 by 4's."

When logging companies accelerated their harvest of trees that were to be within the park, he informed their executives that they had a "moral obligation" to refrain from cutting in areas that Congress was attempting to preserve. In his "A Plea for Responsibility" Senate address on August 10, 1966, Senator Kuchel said, "Some of these redwoods have taken 2,000 years to grow into their present grandeur. Those who would sever them from the earth are not answerable to Congress or the courts. They are, however, answerable to the people of this country, and to posterity. These giant trees belong to the ages."

Senator Kuchel repeated his "moral obligation" argument during debate on the Senate floor on October 31, 1967: "The redwoods are a national treasure which must be preserved. We, who are living when the last great primeval redwood forests are diminishing, have an obligation to preserve an area of national park stature where all Americans for now and the future, can experience the wonder of walking among these living remnants of past centuries."

When passage of the Redwood National Park bill was imminent in fall 1968, many credited Senator Kuchel. The San Francisco Examiner dubbed it "Kuchel's Park." The Sacramento Bee lauded Senator Kuchel's advocacy for the park as "an exemplar of political statesmanship."

Senator Kuchel's final legislative accomplishment was the Redwood National Park Act, signed by President Johnson just two weeks before the Senator delivered his Farewell Address. Rarely has a "lame-duck" senator achieved so much.

I believe that Senator Thomas H. Kuchel was among the most eminent legislators that my state of California has ever sent to our national Capital. To his wife Betty and daughter Karen, let me say, "Thank you for sharing this great man with us."

I asked that the following be placed in the RECORD: a eulogy by San Diego Union-Tribune columnist Lionel Van Deerlin, a distinguished member of this body from 1963 to 1981, and editorials from the Sacramento Bee and San Francisco Examiner about Senator Kuchel's role in establishment of Redwood National Park.

[From the Office of U.S. Senator Thomas H. Kuchel, Senate Office Building, Oct. 2, 1968]

STATEMENT BY U.S. SENATOR THOMAS H. KUCHEL (R., CALIF.), ON THE SIGNING INTO LAW BY PRESIDENT JOHNSON OF A BILL TO CREATE A REDWOOD NATIONAL PARK

(Senator Kuchel Was Co-Sponsor of the Senate Bill and Is Senior Republican on the Senate Interior Committee)

This is a most satisfying note on which to close my Senate career. This new law is a capstone of my 16 years in Washington. It involved California local and State government, and the far-flung conservation groups, all with their divergent views, and helping to bring them all together. It meant close cooperation with the California delegation in the House of Representatives, and long, productive and happy hours with Chairman Henry Jackson and other valued friends on the Senate Interior Committee. The result, the Redwood National Park, represents one of conservation's most dramatic victories—a long unyielding and finally successful struggle against civilization's rampant destruction of natural beauty. This is a nostalgic day. It is a proud day, for the Congress, for California, and for the people.

[From the San Diego Union-Tribune, Nov. 29, 1994]

KUCHEL, A COURAGEOUS PUBLIC SERVANT

(By Lionel Van Deerlin)

It's a statistical fact that more than 10 million of California's present population arrived since Tom Kuchel served in the U.S. Senate. But this man, for whom there will be a memorial service in Beverly Hills tomorrow, may have done more than any other, living or dead, to make our state habitable, our lives gentler.

Kuchel (pronounced "Kee-chul"), who died last week at age 84, was one the last of what sometimes seems a vanishing breed: a truly moderate Republican. His Senate service stretched from 1953 to 1968, an era remembered for truly middle-road leadership and ideology in a state party that also gave us Earl Warren, Goodwin Knight, Robert Finch—and their progenitor, the great Hiram Johnson.

Tom Kuchel's was perhaps the strangest, and certainly the saddest story of all. Born and reared in ultra-conservative Orange County, he became a state legislator at 26 and U.S. senator at 43, replacing Richard Nixon. But he was cut down 15 years later while still in the prime of a productive and highly useful career.

Kuchel didn't meet defeat like most public figures, beaten by the other side. He was a victim of skullduggery within his own ranks—made to walk the plank by Republican king-makers whom Kuchel had refused to accompany to the radical right.

Their real parting came in 1964. That's when an all-white and mostly male California delegation to the Republican National Convention helped nominate Barry Goldwater on a historically extremist platform for president. Kuchel stayed out of the campaign, refusing to endorse Goldwater. Two years later, when Ronald Reagan first ran for governor, Kuchel conditioned his endorsement on a demand that Reagan renounce support for the semi-secret John Birch Society. Reagan refused, and so did Kuchel.

Then still in his mid-50s, Kuchel seemed at his political zenith. As assistant Republican leader of the Senate, he helped enact Medicare, voting-rights legislation enfranchising millions of Southern blacks and federal aid to education. He supported the first Atomic Test Ban Treaty.

These landmark accomplishments held scant appeal for party faithfuls—the Henry Salvatoris, the Walter Knotts, the Herbert Kalmbachs or others bent on shedding the GOP's moderate image in California. But Kuchel was guilty of a greater sin: He couldn't accept the almost pathological fear of communism that seized so many in the post-McCarthy era.

Along with other members of Congress, Kuchel was targeted by intensive mail from members in the John Birch Society. After striving to respond calmly to the society's scare talk—which included a complaint that the government was doing nothing to deter "thousands of Chinese Communists who are preparing to invade California from Mexico"—the senator eventually responded in a widely publicized Senate speech.

In it, he blasted "the fright peddlers" and a mind-set that could prompt well-to-do, presumably educated Americans to disseminate or even to countenance such nonsense. Kuchel had checked the facts carefully with military authorities and the FBI.

"We have no evidence of Communists gathering in Mexico, Chinese or otherwise," he said. "I rise today to speak of another danger we confront . . . the danger of hate and venom, of slander and abuse, generated by fear and heaped indiscriminately upon many great Americans by a relative handful of zealots."

Referring to a frequent use of the word treason in his incoming mail, the Senator let loose.

"Treason!" he shouted. "I still cannot believe my eyes when I stare at the ugliest word in the American lexicon tossed about in a letter as casually as the 'Dear Senator' or 'Dear Congressman' salutation and the 'Respectfully yours' with which one letter to me closed."

For the self-styled conservative involved in scare-mongering, Kuchel had this message: "The big lie, the smear and witch hunts are not the hallmarks of conservatism, but are the trademarks of communism and fascism."

That did it. The senator's home-state enemies began circling the wagons for the 1968 election, when he would be seeking a fourth term. A right-wing state superintendent of schools, the late Max Rafferty, was persuaded to enter the Republican primary, heavily bankrolled.

Kuchel through the years had built enough cross-party support to be sure of holding the seat in the general election. But the stealth campaign within his own party worked. He lost Republican renomination by 69,000 of the 2.2 million votes cast.

Rafferty, as it developed, played only the role of spoiler. His nomination enabled Democrat Alan Cranston to win the Senate seat in November of that year, when Nixon was being elected president. It seems inconceivable that Cranston could have beaten Kuchel.

The GOP couldn't forgive him. Through a quarter-century in retirement, Tom Kuchel continued to be treated as a political pariah—never honored as an elder statesman, never invited to party conventions. After his 1968 defeat, Kuchel joined the law firm headed by Eugene Wyman, a former Democratic National Committee member from California. Insofar as is known, he was never consulted on legislative matters.

Yet if we hear little today of John Birchers and their glint-eyed imitators, Kuchel is the person chiefly to be credited. He surely merits the praise on Brutus by an enemy, Marc Antony:

"This was a man."

[From the Sacramento Bee, Sept. 12, 1968]

KUCHEL, PUBLIC WIN

A tremendous double-barreled victory is registered in the Redwood National Park bill which is expected to win easy congressional approval before the end of the month.

The first victor is the public interest. The Senate-House conference measure provides almost every feature sought by conservationists. The 58,000-acre park system in Northern California is ample to preserve this natural heritage for all the generations to come.

The second victory is the personal one of United States Sen. Thomas H. Kuchel who led the three-year fight for the park. In this as in so many other battles the California Republican was an exemplar of political statesmanship.

In the redwoods campaign Kuchel fought not only for the recreation and natural beauty heritage of this generation but for those voiceless citizens who comprise all the generations to come.

In the course of it he tangled with representatives of the lumber industry and other groups with lobbying muscle.

The people, the general public for whom Kuchel fought, could not bring to bear the same well-organized pressures. Only in time will many of them come to appreciate the momentousness of the issue. For had these priceless, irreplaceable monarchs of the California forests been lost, their like would not be seen again by man.

Now they will continue to stand as a monument to Kuchel's concern for tomorrow.

[From the San Francisco Examiner, Sept. 12, 1968]

KUCHEL'S PARK

The long battle for establishment of a Redwoods National Park is over, or nearly so. A Senate-House conference committee has agreed on details; acceptance by both houses seems certain.

Much of the credit goes to California's Sen. Thomas H. Kuchel whose tireless concentration on the project defied all discouragement. Though other dedicated conservationists in the Congress share the laurels, this park can fairly be described as a splendid climax to Kuchel's outstanding senatorial career.

The park constitutes an elaborate compromise between the claims of ardent conservationists and equally ardent timber operators. A compromise can be defined as a settlement that falls short of the ideal, but in this case the shortcomings from both points of view must, in fair appraisal, be considered minimal.

Sen. Kuchel said, "The bill preserves the finest remaining specimens of the coast redwoods and protects the timber-based economy by spreading the impact of land acquisition among four companies and two counties. It makes some additional federal redwood timberland available to the companies as compensation."

An unexpected bonus is the inclusion in the park of a 33-mile strip of wild headlands and beaches.

The park will contain 58,000 acres composed of new purchases and existing state park lands. Management—perhaps a form of partnership—remains to be worked out. We hope state and federal authorities can approach this in the same spirit of amity and concord that marked their relations when the federal government established Yosemite National Park and the state continued in ownership of the valley floor for 20 years.

O.C. POLITICIAN AND EX-SENATOR KUCHEL, 84, DIES

(By Kenneth Reich)

Thomas H. Kuchel, U.S. senator from California for 16 years and the last major officeholder from the progressive Republican line in state politics that stretched back to Earl Warren and Hiram Johnson, has died at age 84.

The Orange County politician died Monday night at his home in Beverly Hills of lung cancer, Dick Arnold, Kuchel's law partner and friend, said Tuesday.

A friend and protege of Warren, Kuchel was appointed by Gov. Warren as state controller and as U.S. senator before he was elected to those posts in his own right.

Kuchel first was elected to public office at 26, winning an Assembly seat from Orange County. By 52, he was the Republican whip in the Senate—the second most powerful Senate leadership post in his party. But for the four years he held that office, he refused to endorse four leading Republican candidates for public office in those years: Richard M. Nixon for governor of California in 1962, Barry Goldwater for President and George Murphy for the U.S. Senate in 1964, and Ronald Reagan for governor in 1966.

In 1968, Kuchel lost his bid for a third full term, beaten in the Republican primary by right-wing educator Max Rafferty, who was then defeated by Democrat Alan Cranston in the general election.

Rafferty's defeat of Kuchel was the Republican right-wing's revenge for Kuchel's recalcitrance toward conservative candidates, and it spelled the end of the proudly outspoken progressive era in California's Republican Party. Later, when the essentially moderate Pete Wilson was elected to the U.S. Senate as a Republican, he was careful to support Reagan and other candidates of the Republican right.

Kuchel never apologized for being out of step with the rightward drift of the GOP, which was particularly marked in California.

In an interview long after his retirement, he extolled the virtues of progressivism, the essence of which he said had been defined in the 19th Century by British statesman Benjamin Disraeli, who remarked that the main purpose of government was to "distribute the amenities of life on an ever-increasing scale to an ever-increasing number."

"Progressive Republicans brought to politics the philosophy of governing for the many," Kuchel said. "What comes particularly to my mind is Medicare. If it weren't for Medicare today, there would be tens of thousands of Americans living in the poorhouse, with no care. It was a baker's dozen progressive Republicans in the Senate who agreed we would vote for Medicare. . . . I was their spokesman, and we provided the necessary margin for passage."

Kuchel also expressed particular pride in the progressives' support of civil rights bills for the enfranchisement of blacks and desegregation of public facilities during the 1960s.

By contrast, he said with characteristic disdain, the main feature of "right-wing Republicans," as he understood them, "was militant anti-communism. . . . They seemed convinced we were about to be invaded by the communists."

Kuchel was born Aug. 15, 1910, in Anaheim, where his father, Henry Kuchel, was a newspaper publisher who had crusaded against the Ku Klux Klan. His father became blind the year the senator-to-be was born, and as a boy Kuchel used to read the Congressional Record to him.

When Kuchel spoke at a graduation ceremony at UC Irvine in 1969, he talked about his ties to Orange County.

"This county has been my family's home since before the Civil War," he said. "My immigrant forebearers came here seeking freedom. And the kind of guidelines they sought to give their descendants would surely not be dissimilar from those on which the University of California was founded."

Graduation from USC in 1932 and from USC Law School in 1935, Kuchel's debut in politics came in 1936 when he was elected to the State Assembly to replace Edward L. Craig of Brea. In that year of the Roosevelt landslide, he was the only Republican candidate to be elected to partisan office in Orange County, a fact he credited largely to the good name of his father, who was publisher of the Anheim Gazette for 48 years.

Kuchel defeated his Democratic opponent, James H. Heffran, a sports writer for the Anaheim Bulletin, by a mere 1,159 votes.

Kuchel's next move up the political ladder came in 1940 when he won a State Senate seat vacated by Democrat Harry Westover.

When he was 30, Kuchel was elected chairman of the Republican State Central Committee, the youngest man ever to hold that position.

When World War II erupted, Kuchel joined the Naval Reserve and was called to active duty.

In 1944, when his Senate term ended, Kuchel was still in the Navy. However his friends nominated him for a second term in the Senate. Although his mother had to do his campaigning, he was easily reelected and became senator in absentia. He was known as Orange County's Phantom Senator until 1945, when he was able to return to office.

It was during his legislative years that he first met Warren, who became state attorney general in 1939 and governor in 1943.

"I saw him quite often," Kuchel later recalled. "I was single and living in the Sutter Club during the legislative sessions, and he'd stay there too when he was in Sacramento. We developed a good friendship."

It was to be the decisive relationship in Kuchel's career. When state Controller Harry B. Riley died in 1946, it was Gov. Warren who called Kuchel, then a state senator fresh from World War II Navy service, and told him, "It's a fine job, and I think you have the qualifications." Six years later, when then-Sen. Nixon was elected vice president, it was Warren who insisted, despite some reluctance from Kuchel, on appointing him to the U.S. Senate.

Warren was shortly to go to Washington himself, as chief justice of the United States, where he became a leading judicial liberal and eventually came under bitter attack from the far right. It was appropriate that his protege, Kuchel, was to emerge as the Senate's most outspoken Republican foe of the far right.

In fiscal matters, the senator was a conservative. He strongly supported American involvement in Vietnam for a long time. Even after the devastating Tet offensive by the North Vietnamese in 1968, he remarked, "I don't want this senator, or any U.S. senator, to indicate by his words that there is dissension among us" on Vietnam policy.

But he worked hard for such moderate causes as the 1964 Civil Rights Act and favored the atomic test ban treaty and other steps toward detente with the Soviet Union.

Kuchel always traced his trouble with the political right to his response to a surge of mail that he got from members of the then-obscure John Birch Society shortly after John F. Kennedy became President.

"I got thousands of letters telling me that Chinese communists were in Mexico preparing to invade California," he recalled. After checking with military authorities, Kuchel penned a short form letter in response. "We have no evidence of communists gathering in Mexico, Chinese or otherwise," it said.

Shortly thereafter, Kuchel learned that he was being labeled a "Comsymp," a term he had not heard of until then.

"I got a little teed off, and prepared a carefully researched speech critical of the John Birch Society and that kind of mentality," Kuchel remembered. "I kicked them around, and they never forgave me."

About the same time, Kuchel's refusal to endorse his fellow Republicans began to nettle not only the party's right wing, but also many of the more orthodox conservatives who made up the majority of the GOP rank and file.

When Nixon announced his plans to run for governor of California, the same year that Kuchel was standing for reelection to the Senate, the former vice president said he would run an independent campaign and endorse no one else on the Republican ticket.

Kuchel, feeling turnabout was fair play, decided to avoid endorsing Nixon. But when Nixon ran into trouble against Democratic incumbent Gov. Edmund G. (Pat) Brown, the senator was pressured to give him a hand.

Former President Dwight D. Eisenhower wrote Kuchel a pointed letter, asking what kind of Republican he was for not giving such support. Eisenhower backed off when Kuchel responded forcefully that in California it was traditional to run one's own campaign and not get involved with others and that Nixon had been first to restate the tradition.

"Dear Tom," Eisenhower responded. "Thanks for straightening me out."

Kuchel was reelected that year, 1962, by more than 700,000 votes. Nixon lost to Brown by 300,000.

Two years later, when Goldwater ran against President Lyndon B. Johnson, Kuchel refused to endorse him, explaining later, "I would have been a hypocrite if I had campaigned for Goldwater, so I kept my mouth shut and campaigned for other Republicans across the country. I consider myself the Republican. I considered what Barry Goldwater was saying was hardly Republican doctrine."

On his refusal to support George Murphy, who ran successfully as the Republican candidate for the other Senate seat from California that same year, Kuchel said, "I never coveted public office enough to become a wholesale hypocrite."

Two years later, when Reagan ran for governor, Kuchel withheld his endorsement. He said he had given a Reagan emissary, Leonard Firestone, an assurance that he would endorse the future President but only on condition that Reagan repudiate the John Birch Society. When Reagan would not do so, Kuchel made no endorsement, even though he said he had been told at one point that if he did, Reagan would guarantee that he would have no primary opposition in 1968.

That certain elements of the far right would stop at nothing to get Kuchel was indicated during his last term of office, when his Los Angeles assistant received an affidavit claiming that the senator, who was married and had a daughter, was homosexual.

Kuchel was shaken. "My God," he said years later, "I almost dropped. I flew out to California within two days, and I asked for a meeting with the district attorney and the Los Angeles chief of police. They said they would undertake an investigation."

Quietly, with little press notice, a Los Angeles police officer who had assisted in preparing the affidavit was fired. He and a New Jersey publisher pleaded no contest to charges of libel filed by the authorities. They claimed that it had been a case of mistaken identity.

But Kuchel later said, "It damaged me. Even though the perpetrators took a plea, it hurt me."

Some political insiders felt that the senator lost much of his zest for political life after that episode. But there appeared to be other reasons as well for his inability to put on a dynamic defense of his seat when he was challenged by Rafferty in the 1968 GOP primary.

As Kuchel admitted, "My Achilles' heel was money raising. I hated to indulge in it, and my campaign expenditures usually were the lowest amount of anyone."

With Rafferty charging hard, declaring up and down the state that Kuchel was not a true Republican, the senator seemed on the defensive, and often inarticulately so. A dispatch by then-Times political writer Richard Bergholz said of the incumbent:

"He talked in generalities, haltingly, with little force or emphasis. . . . (He) later conceded that he was something less than brilliant. . . . 'I was tired,' he explained. . . . It was midafternoon on the campaign day which had only one appearance earlier in the day."

When the votes were in, on a primary day most remembered for the assassination that night in Los Angeles of Democratic presidential contender Sen. Robert F. Kennedy, Rafferty had defeated Kuchel by 69,000 votes of 2.2 million cast.

The senator went to New York to attend Kennedy's funeral. There, he ran into an aging Warren, who only a year later was to retire as chief justice. He told Kuchel, "I just feel so badly about your defeat, I can't talk about it."

As he left the Senate, Kuchel expressed pride in his record, even though it appeared to have contributed to his loss.

"Some of the votes I have cast I know have been very costly to me politically," he told the Senate on Oct. 14, 1968, in his formal farewell. "I think, however, if there is one measure of satisfaction in the life of a legislator, it comes at the time he tallies the votes which he believed in his own mind were right, just and appropriate, even if he knew that the balance of public opinion was against him, and, sometimes, violently against him. . . .

"I think it is not only permissible but, indeed, vital that the Senate of the United States lead public opinion instead of following it. That is the difficult path but the only one to tread if our republic is to remain."

Shortly afterward, Kuchel joined the law firm headed by Eugene Wyman, a former Democratic National Committee member from California. After several years of representing the firm in Washington, he returned home to California and practiced law with the firm in Los Angeles until his retirement as a partner in 1981, although he continued to be active.

TWO SIKH MEN DETAINED AFTER FLIGHT—RACIAL PROFILING MUST BE STOPPED

HON. CYNTHIA A. McKINNEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 11, 2002

Mrs. McKINNEY Mr. Speaker, I was disturbed to read that two Sikh men were detained after a flight simply for using the bathroom. This is ethnic profiling of the worst kind and it must be stopped.

Apparently, what happened was that the two men, Gurdeep Wander and Harinder Pal Singh, were flying to Las Vegas for a convention and they missed their connection. They were a bit late the next morning so they ran onto the plane. Apparently, this made the flight crew suspicious.

Then Mr. Singh, Mr. Wander, and another man, who was Hispanic, used the same bathroom on the plane. When Mr. Singh, the last of the three, went to use it, the flight attendant tried to convince him that it was locked and unavailable. She claimed that she had read that people could make bombs in the bathrooms by bringing the parts on separately. I wonder if three white people using the bathroom in quick succession would have made her think the same thing.

After the plane made an emergency landing, the two Sikh men and an Egyptian man were detained on the plane while police dogs surrounded it and sniffed for weapons. Then the Sikh men were arrested for interfering with a flight crew.

Mr. Speaker, the Secretary of Transportation must take appropriate action against this airline and its discriminatory employees. This kind of racial profiling cannot be allowed. I call on the Secretary of Transportation to take appropriate steps to end this racist practice and to make sure that the victims of this incident are fully compensated. We must make it clear that we will not tolerate racial profiling.

Mr. Speaker, the Council of Khalistan has written a letter to Secretary Mineta asking him to take appropriate action in response to this incident. I would like to place that letter into the RECORD now.

COUNCIL OF KHALISTAN,
Washington, DC, October 8, 2002.

Hon. NORMAN MINETA
Secretary of Transportation,
Washington, DC.

DEAR SECRETARY MINETA: I am writing to you to protest an incident of racial profiling against Sikhs that occurred on a Northwest Airlines flight on September 11. Gurdeep Wander and Haninder Pal Singh, two men of Sikh descent, were headed to a convention in Las Vegas on a Northwest Airlines flight after missing a previous connecting flight in Minneapolis.

Mr. Wander and Mr. Singh chose to fly on September 10 to avoid flying on the anniversary of the September 11 attacks. However, they missed their connecting flight so they had to stay overnight in Minneapolis. They were then placed on a flight on the morning of the September 11. Mr. Wander and Mr. Singh were late for their flight. They rushed on board the plane, which the flight attendant apparently regarded as suspicious. All that the two Sikh men carried was the shaving kits that they had been given by the airline. Their luggage had already been forwarded to Las Vegas. Would the flight attendants regard white men rushing onto the flight as suspicious? I don't think so.

The flight attendants' suspicion was apparently further aroused when right after Mr. Singh and Mr. Wander, a Hispanic man named Carlos Nieves rushed onto the plane.

Shortly before departure, Mr. Wander got out of his seat and got the shaving kit the airline had given him. He took it with him to the bathroom. When Mr. Wander had been in the bathroom a few minutes, a flight attendant asked him to sit down. He asked for a minute to finish up what he was doing. When Mr. Wander came out, Mr. Nieves went to use the bathroom. Mr. Singh was next to use it. The flight attendant tried to prevent Mr. Singh from using the restroom, claiming that it was locked. She later claimed that she had read that explosive devices could be assembled on the flight if separate individuals carried the components.

After the plane made an emergency landing in Fort Smith, Arkansas, Mr. Singh, Mr. Wander, and a Muslim from Egypt named Alaaeldin Abdelsalam were detained. The plane was surrounded by bomb-sniffing dogs and all the luggage was taken out of the plane.

Secretary Mineta, this is clearly racial profiling and it must not be allowed. I urge you to take appropriate corrective action to correct the abuse of Mr. Singh, Mr. Wander, Mr. Abdelsalam, and Mr. Nieves. I also respectfully request that you issue an urgent directive banning racial profiling on any U.S. flight. Since these airlines are regulated by your department and your department controls airport security, you must act to ensure that every passenger is treated equally and fairly. Please take appropriate action to correct this situation today. Thank you in advance for your help.

Sincerely,

GURMIT SINGH AULAKH,
President.

JOE SKEEN FEDERAL BUILDING

SPEECH OF

HON. WES WATKINS

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 7, 2002

Mr. WATKINS. Mr. Speaker, I rise in support of H.R. 5427, the Joe Skeen Federal Building Designation Act, which names the federal building in Roswell, New Mexico after JOE SKEEN.

After over two decades serving in this House, JOE SKEEN is retiring and heading back to his ranch in New Mexico. JOE SKEEN has had a truly impressive career here in the U.S. House. He came to Congress as a write-in candidate, one of the few Members that have been elected in this manner. In 2001, JOE SKEEN became the longest serving New Mexico House Member.

I have had the honor of serving with JOE SKEEN through most of his career, and I have had the pleasure of working with him on the Agriculture Appropriations Subcommittee. He has been stalwart in protecting private property rights for our citizens, and understands the needs for striking a balance between conservation efforts and for supporting local economies. JOE SKEEN is a friend to both farmers and ranchers, and has been a champion to the lamb and wool industry.

In his 22 years in the House, JOE SKEEN has been one of the most ardent supporters of states' rights. He has kept the mind set that those closest to the people make the best decisions on how to use federal dollars. He has worked diligently to improve business development in southern New Mexico by incorporating private industry, various federal agencies and New Mexico's institutions of higher learning into partnerships. Such examples of this can be seen in the establishment of the International Law Enforcement Academy in Roswell, and the landmine detection and disarming program and the New Mexico Institute of Technology.

One can say that JOE SKEEN never backed away from something that was important to him and his home. We saw this when he was instrumental in overturning the newly acquired line-item veto of President Clinton, which threatened 38 defense projects. He showed us his strength again in his work to repeal the 55 mile-per-hour federal speed limit, and the development and implementation of the Waste Isolation Pilot Plant in Carlsbad, New Mexico—the first repository for defense waste in the nation.

He's been the "Top Shepard" for his flock and I am sure that the "Top Shepard on High" will keep a watchful eye over him as he heads back to his home in New Mexico. Good luck JOE and God bless you. You will be missed.

HONORING DR. JOHN FENN FOR HIS BREAKTHROUGH WORK IN MASS SPECTROMETRY THAT LED TO HIS RECEIVING THE NOBEL PRIZE IN CHEMISTRY

HON. ERIC CANTOR

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 11, 2002

Mr. CANTOR. Mr. Speaker, I rise today to honor Dr. John Fenn, an analytical chemistry professor at Virginia Commonwealth University, for his breakthrough work in mass spectrometry that led to his receiving the Nobel Prize.

Dr. Fenn is being recognized for developing a new way to quickly identify and analyze proteins through mass spectrometry, which allows scientists to analyze a substance through its mass. Dr. Fenn's work has aided researchers in their need to learn more about the interactions of the hundreds of thousands of different proteins that show up in the human body. His development has revolutionized the hunt for new medicines and can help in the early diagnosis of cancer.

While Dr. Fenn, who is 85, stopped riding his bicycle to work a few years ago, he still has plenty of energy. He runs his own laboratory at VCU, maintains a full work schedule, and mentors two graduate students. He is known for arriving at work early and generating countless ideas. It is reported that his students have a hard time keeping up with him.

Dr. Fenn's vision and commitment to his work are invaluable, and we are all grateful for the hope that he has generated. I am honored that such a remarkable citizen resides in the seventh district of Virginia.

Mr. Speaker, please join me in honoring Dr. John Fenn.

TAYLOR MOTION TO INSTRUCT CONFEREES ON H.R. 4546—BOB STUMP NATIONAL DEFENSE AUTHORIZATION ACT FOR FY 2003

HON. CHARLIE NORWOOD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 11, 2002

Mr. NORWOOD. Mr. Speaker, the freedom we enjoy here in America is anything but free. Our Nation's disabled military retirees have paid the ultimate price for that freedom. Yet today we show our gratitude to these heroes by denying them the benefits they have earned through their service. I'm speaking of the dollar-for-dollar offset of military retired pay and VA disability compensation that is currently being imposed.

A law passed in 1891 requires a disabled career military veteran to waive the amount of his retired pay equal to the amount of VA disability benefits he is rightfully owed. Mr. Speaker, this is a poor way to show our gratitude to America's disabled veterans. During my time in Congress, I have remained a strong advocate for correcting this law and bringing an end to the prohibition that exists with concurrent receipt.

I think it is particularly appropriate that on this day—the day when this body rightfully granted the President the authority to call on our Armed Forces in dealing with Saddam Hussein's wicked regime—we have a unique opportunity to keep our promise to the service men and women who have served so bravely in defense of freedom and this Nation throughout the years.

We in Congress do have a unique opportunity and more importantly, a responsibility, to do the right thing for America's disabled retired veterans through the Bob Stump National Defense Authorization Act of FY 2003 (H.R. 4546). By addressing the inequity that exists through this legislation, we can take a major step towards ending this injustice and sending a strong message of support for these true American heroes.

HONORING THE 50TH ANNIVERSARY OF THE SIDEWINDER MISSILE PROGRAM

HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 11, 2002

Mr. THOMAS. Mr. Speaker, I rise to recognize the 50th anniversary of the development of the Sidewinder Missile—the world's most accurate, reliable and successful dogfighter missile in use today.

Fifty years ago, the research and development phase for a new fighter missile began at the Naval Ordinance Test Station (now the Naval Air Warfare Center Weapons Division) at China Lake, California. A team of technicians, scientists, and fleet-experienced operators worked endless hours to produce a new type of weapon—one that sought out the heat exhaust from an enemy aircraft's engine.

China Lake's vast test ranges in the Mojave Desert afforded researchers the ability to test new theories almost immediately. They eventually developed the design we have today: a heatseeking, short-range, air-to-air missile carried by fighter aircraft. The missile was named after a desert rattlesnake, the Sidewinder, which detects its prey by sensing an animal's heat emissions.

Early versions of the Sidewinder proved its lethal accuracy and effectiveness in Southeast Asia. During Operation Black Magic in the Formosa Straights, Chinese Nationalist Air Force F–86s shot down eleven of the Chinese communist air force's MiG fighters. In Vietnam, the U.S. Navy and Air Force successfully used the Sidewinder in countless missions. My colleague and a highly-decorated naval aviator, Representative Randy "Duke" Cunningham, used the Sidewinder missile to become Vietnam's first fighter ace.

The Sidewinder's early successes proved the weapon's capabilities, affording many opportunities to increase the effectiveness of the Sidewinder. Newer generations of the missile were developed and have seen action in many theatres, including over the Gulf of Sidra to shoot down a Libyan fighter aircraft during a dogfight in the early 1990s and during the Persian Gulf War, where twelve Iraqi aircraft were shot down using the Sidewinder. The current version of the Sidewinder, the AIM—9M, arms a wide range of American fighters, including the U.S. Navy's F–14 and F/A–18, the U.S. Air Force's F–15 and F–16, and the AH–1 W helicopter.

The Sidewinder's newest version, the AIM–9X, is currently in development phase. To date, over 110,000 missiles have been produced for 28 nations and it is, by far, the most widely used air-to-air missile in the West.

In celebrating its golden anniversary this November, the Sidewinder program is testament to American ingenuity and innovation. I am confident that the Sidewinder program will continue to be a leader in the field of missile technology for the warfighter of today and tomorrow.

HEALTH CARE SAFETY NET IMPROVEMENT ACT

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 11, 2002

Mr. UDALL of New Mexico. Mr. Speaker, I rise today in support of H.R. 3450, The Health Care Safety Net Improvement Act which amends the Public Health Service Act to increase authorization for health centers. Reauthorization of this bill will help to improve, strengthen and expand delivery of health care services for community health centers (CHC). I am particularly in favor of this bill because CHC's have been pivotal towards improving access to health care for my uninsured and disadvantaged constituents of New Mexico. Without these centers, too many New Mexican's would go without essential preventative health care and primary care services.

Recent studies have demonstrated that the disparity in access to health care has contributed to poorer health and shortened life span of the uninsured. Often, the reason for not seeking medical attention is because the cost of treatment is too expensive. Therefore, these patients forgo the preventative and often life saving treatment because they cannot afford it. Instead, only in extreme life or limb cases do they seek treatment. Sadly, only after the disease has advanced and progressed into precarious stages leaving little opportunity for a healthy recovery. Time and again they seek treatment in a hospital setting hoping to temporary ameliorate their condition so they can continue to live their normal lives. Not once thinking about how they will control their condition upon discharge because they know that they are uninsured and cannot afford ongoing treatment of their condition. So they settle for a temporary bandaid to alleviate the pain.

There are too many Americans with inadequate access to health care. Whether they are uninsured or come from disadvantaged backgrounds, these individuals should have the right to access to quality health care. That is why I support community health centers. These safety-net health care centers provide health care for predominately uninsured individuals, Medicaid beneficiaries and other vulnerable patients regardless of their ability to pay. Without CHC's many of my constituents that suffer from chronic disease like diabetes or cardiovascular disease would not have access to health care. They would not have the eye and foot exams to prevent blindness or amputation or the medications to help them control their blood glucose levels, blood pressure or cholesterol levels. Pregnant women would not have access to prenatal care and children would not have the vaccinations they require.

Until we can find a solution to universal health care, we must continue to support other systems of care that treat vulnerable populations. Safety-net health centers provide the essential preventative and clinical healthcare treatment services aimed at controlling and preventing the onset of chronic diseases, cancers and other anomalies that continue to plague New Mexican's in growing numbers.

TRIBUTE TO THE JENKINTOWN UNITED METHODIST CHURCH

HON. JOSEPH M. HOEFFEL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 11, 2002

Mr. HOEFFEL. Mr. Speaker, I rise today to recognize the Jenkintown United Methodist Church which is celebrating its 100th anniversary on November 1, 2002. One hundred thirty five years ago, the Jenkintown United Methodist Church was established to provide the people of Jenkintown with a local Methodist place of worship. The congregation is now celebrating its 100th anniversary in its current location.

Led by Rev. Jay R. Newlin, the church continues to be a vital and thriving community of faith. The Jenkintown United Methodist Church places a strong emphasis on outreach. It operates foreign missions in Africa and Indonesia, national missions in Appalachia, New Mexico, and works with several inner city Philadelphia churches.

Within the local Jenkintown community, the church is home to several ministries and missions. "Loaves and Fishes," a food cupboard established by the church in 1985 assists more than 40 families per week. The church is also host to weekly meetings to help those who struggle with addiction as well as their friends and family. A Community Teen Center was organized in 2000 as a drug-free and alcohol-free safe haven for local teenagers. The church also works with a retirement home on the Adopt-a-Grandparent program providing the opportunity for children and youth to participate in the local ministry.

I congratulate the Jenkintown United Methodist Church on its 100 years of service to the local, national and world community.

AUTHORIZATION FOR USE OF MILITARY FORCE AGAINST IRAQ RESOLUTION OF 2002

SPEECH OF

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 2001

Mr. THOMPSON of Mississippi. Mr. Speaker, the past thirteen months have presented challenges on several international and domestic fronts. The current economic conditions facing our Nation are impacting the very day-to-day activities of all Americans. In addition, America has enlisted in a war to prevent future terrorist attacks on our homeland. The events of 9–11–01, have opened our eyes to the kind of terror from abroad that many have endured from within.

Let me be clear—we must use our able resources to stop Al Qaeda from further terrorizing freedom-loving people.

After listening intently to the case for action that the Bush Administration has presented and talking with many of my constituents, I believe that there is insufficient information to warrant sending our young men and women into harm's way. I oppose the current Congressional resolution for the following reasons:

(1) Lack of international support and cooperation;

(2) Over-extension of military resources;

(3) War against Al Qaeda is continuing;

(4) No exit strategy has been defined; and

(5) Cost is yet undetermined.

The Bush Administration has failed to provide sufficient evidence linking Saddam to Al Qaeda; therefore, a preemptive unilateral strike is not warranted at this time. The Administration has failed to define its goal with regard to the use of force in Iraq. Until that definition is outlined and the aforementioned points are addressed, a preemptive strike against a sovereign state is premature.

AUTHORIZATION FOR USE OF MILITARY FORCE AGAINST IRAQ RESOLUTION OF 2002

SPEECH OF

HON. WILLIAM D. DELAHUNT

OF MASSACHSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 2002

Mr. DELAHUNT. Mr. Speaker, now that the House and Senate have both authorized the President to use military force against Iraq, it is more important than ever to listen to voices of wisdom about the costs of waging war and the challenges of keeping the peace. With that in mind, I commend to my colleagues the admonitions of a dozen older constituents—retired bankers, diplomats, journalists and college presidents—published recently in the Cape Cod Times:

TWELVE OLD MEN (ON CAPE COD) SAY "NO" TO A UNILATERAL STRIKE

"Older men," Herbert Hoover told the 1944 Republican National Convention, "declare war. But it is youth that must fight and die."

Our nation was, when Mr. Hoover made that statement, defending itself against fascists and militarists who had unleashed the dogs of war on us and our allies.

Most of us served in that war, and we have vivid memories of it. Many of our friends—youth at the time—fought and died in defense of their country. But we and our allies prevailed, and freedom survived.

Then, with the Marshall Plan, our nation waged peace, helping rebuild and democratize the countries we had defeated. In time, those countries became staunch allies.

Today we are on edge of a different sort of war. Our President, under pressure from our allies and a few members of his own party, has with apparent reluctance asked the U.N. to pressure Saddam Hussein to live up to a number of Security Council resolutions. But Mr. Bush's vice-president, his national security adviser, his secretary of defense, and others, have made it clear that even though Iraq has agreed to let arms inspectors do their work, the White House objective still is a so-called "pre-emptive strike" intended to bring about the Iraqi regime change we failed to accomplish when we went to the defense of Kuwait, when the first President Bush was in the White House.

Now—before more young men and women are ordered into battle by those older men who see war as a solution to the world's problems—is a time for the other older men, such as ourselves, to raise our hands and say to those who lead our nation: "No!"

"No" to the pre-emptive war Mr. Bush and Mr. Cheney are, for whatever reasons, seeking to justify.

"No" to those in Washington who would rain death and destruction on the Iraqi people in order to rid them of their leader.

"No" to the notion that the immediate rewards such a war might accomplish will outweigh the furies it surely would incite, and the long-term chasm it would create between the West and the Muslim world.

"No" to plunging into a new war and taking on the responsibility of occupying a conquered Iraq, while we still have not rolled up the Al Qaeda terrorist network, while Afghanistan shows signs of slipping into a bloody anarchy, and while there still is no real progress toward calming the violence in Israel/Palestine.

We believe that as a member of the family of nations, the United States of America must, rather than rushing headlong into war, help establish an international consensus on dealing with whatever threat Iraq poses.

We agree with our President that the U.N. resolutions against Iraq need to be respected and enforced. But such resolutions must be enforced by the U.N., or by U.N. approval of action by its member nations.

We have seen too many wars. One Vietnam experience was enough. We believe that now, as always, war should be our nation's last option, not our first. And we believe that waging war on violence must begin at home, by raising our voices against a unilateral "preemptive strike."

CONFERENCE REPORT ON H.R. 3295, HELP AMERICA VOTE ACT OF 2002

SPEECH OF

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 2001

Mr. REYES. Mr. Speaker, today we consider legislation that was intended to fix the problems in our election system. As the Chair of the Congressional Hispanic Caucus, I have been particularly concerned about how such election reform would protect the voting rights of Hispanic American citizens. And I thank Congressman CHARLIE GONZALEZ, who chairs the Hispanic Caucus' Civil Rights Task Force, for his leadership and assistance on this issue. His dedication to advancing the interests of current and future Latino voters deserves great praise.

Today, I join my colleague in urging this House to vote against the conference report of the Help America Vote Act. Last year, I voted against this bill because despite some of the progress it made, it failed to provide key safeguards that would ensure every voter would be able to cast a ballot and have that ballot counted.

Now, almost one year later, we have a bill that has emerged from conference which includes some major improvements but also unfortunately includes some major new obstacles to Latino voters. Some of these obstacles came from the bill passed by the other body, and others were added in conference for the first time and at the last minute.

Together, these obstacles create a bill that on balance will hurt Latino voters more than it will help. It is a sad irony that this is the end result of a process that began as an effort to address the voting difficulties of the 2000 general elections, where many minority voters were denied their right to vote because of faulty voter lists, intimidation, a lack of voter education, or other obstacles. Rather than take bold, unequivocal strides towards expanding civil rights protections and welcoming our nation's fastest growing bloc of minority voters, this bill is full of half-steps and backward steps that will dampen the voice of the Hispanic American electorate.

The major obstacle to Latino voters in this bill is the inclusion of a new voter identification requirement. This will be the first time in contemporary election law history that an identification requirement is federally mandated. The bill requires a voter to show valid photo identification, a copy of a current utility bill, a bank statement, government check or other government document that shows the name and address of the voter.

While it sounds reasonable to require identification at the polls in order to combat fraud—an effort I certainly support when done with genuine intent to make the voting process fair—the requirements in this conference report would particularly disenfranchise low income people, especially women and the elderly, who, for example, live in multi-person households and are less likely to drive, and therefore do not possess a driver's license, do not receive a utility bill in their name and may not have any of the other forms of identification listed in the bill.

In the past, such provisions have been overturned in federal court for violating the Voting Rights Act. Furthermore, the U.S. Department of Justice has prohibited such identification requirements because of the disparate impact they have on minority voters.

In addition to the identification requirement, which was in the other body's bill, new impediments to Latinos were added into the bill at the eleventh hour during conference. The most egregious of which is the creation of the "citizenship check-off box" mandate.

The conference agreement now imposes on states a new mandate that they cannot register voters who inadvertently miss checking off the citizenship box on their voter registration forms. This mandate does not apply to those who fail to mark the age check-off box. This inconsistency makes no sense, as both citizenship and age are equal requirements to being eligible to vote. There is no acceptable reason why one criteria should be treated differently than the other.

Under this provision, it is entirely plausible that a citizen who is otherwise eligible to vote, who mistakenly misses the check-off box on citizenship, will either not be notified of the error or not be notified with sufficient time to rectify the mistake before the state cut-off date for registration.

Therefore, this change in the law could result in a state or local registrar targeting the voter registration forms of those with surnames that some people consider "foreign," to find any that left the citizenship box blank and then invalidate them, without ever telling the applicant. When the voter shows up to vote, he or she will not be on the voter rolls and then if offered a provisional ballot, that ballot will never be counted, because only the provisional ballots of successfully registered voters are counted.

Lastly, Mr. Speaker, this conference report adds barriers to voter registration efforts through adding needless administrative red tape. Under the conference report, someone who registers to vote, who has been issued a current and valid driver's license, must include the license number on the registration form. Therefore, if citizens happen not to have their license with them when they register to vote, their voter registration form will not be processed. This constitutes a weakening of existing voter rights law, and creates barriers to the effectiveness of voter registration drives, as citizens would have to register at a later time if they happen not to have their driver's license with them on their first attempt to register.

For those who have not been issued a driver's license, the bill requires the last four digits of their social security number, which is then cross-checked against the Social Security Administration database—a database riddled with errors, especially in recording the names of Hispanic women.

And for those people with weak memories, who could easily forget their Social Security number, incorrectly record that number, they will have their voter registration form invalidated.

Besides these obstacles, the bill does include some improvements to our election system: more access to provisional ballots; the ability to verify a ballot before casting it; the required posting of voting information; and the creation of statewide voter list databases. However, a great deal of the bill's new benefits will be unavailable to many Latinos and others because of the new barriers the bill erects.

On balance, this bill does not deserve our support. It is not better than no bill at all. I urge all my colleagues to vote against this conference report and revisit election reform in the next Congress, where we can hopefully do the job right.

CONFERENCE REPORT ON H.R. 3295, HELP AMERICA VOTE ACT OF 2002

SPEECH OF

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 2002

Mr. BARCIA. Mr. Speaker, I rise in support of H.R. 3295, the Help America Vote Act of 2002.

Chairman BOEHLERT and Chairman EHLERS of the Science Committee have already spoken about the need for voluntary, technology-neutral standards that address the accuracy, integrity and security of voting products and systems. They have explained and clarified the intent of the standards and research and development provisions in H.R. 3295. I fully agree with and support their statements.

In 1975, long before any other federal agency had looked at our voting equipment, the National Institute of Standards and Technology (NIST) reported on the technical deficiencies of voting systems in use. If we had heeded the recommendations of the 1975 report and NIST's subsequent 1988 report, we wouldn't be debating this bill today. The National Institute of Standards and Technology (NIST) will be an objective and technically qualified voice in the development of performance-based technical standards and guidelines. In addition, NIST will provide needed technical guidance on the research and development projects needed to improve our voting systems.

I would like to thank Chairman BOEHLERT and Chairman EHLERS for working with me in the initial development of the provisions related to technical standards and a research and development program. I especially want to thank my good friend STENY HOYER, the Ranking Member on the House Administration Committee, and Chairman NEY for their strong advocacy in retaining these provision in the final conference report. I also want to congratulate them on successfully concluding a long and difficult conference.

In closing, I would like to remind everyone that the basic cornerstone of trust that Americans place in our government is their belief and faith in the accuracy, integrity, and reliability of our voting systems. H.R. 3295 will strengthen the public's confidence in our voting systems.

I would urge my colleagues to vote "yes" on H.R. 3295.

SPEECH OF

HON. PETER HOEKSTRA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 2002

Mr. HOEKSTRA. Mr. Speaker, I am pleased that we are here today to consider H.R. 5601, the "Keeping Children and Families Safe Act of 2002" which reauthorizes and improves the Child Abuse Prevention and Treatment Act (CAPTA), the Adoption Opportunities program, and the Abandoned Infants Act.

While I recognize and am disappointed that we were not able to come to agreement on all issues of the original bill, H.R. 3839, the bill before us shows our effort and commitment to ensure that programs aimed at the prevention of child abuse and neglect continue. I would like to thank my colleagues on both sides for their hard work and efforts in developing this mutual compromise in the bill before us for consideration today.

I especially want to thank the full committee chairman, Mr. BOEHNER, for his support of this bill, and Mr. GREENWOOD for his diligence in ensuring that infants born addicted to alcohol or drugs receive necessary services.

I want to also thank the ranking member of the subcommittee, Mr. ROEMER, and the ranking member of the full committee, Mr. MILLER, for their cooperation in working towards this alternative bill before us today.

This bill provides for the continued provision of important federal resources for identifying and addressing the issues of child abuse and neglect, and for supporting effective methods of prevention and treatment.

It also continues local projects with demonstrated value in eliminating barriers to permanent adoption and addressing the circumstances that often lead to child abandonment.

Mr. Speaker, this bill emphasizes the prevention of child abuse and neglect before it occurs. It promotes partnerships between child protective services and private and community-based organizations, including education, and health systems to ensure that services and linkages are more effectively provided.

The bill retains language that appropriately addresses a growing concern over parents being falsely accused of child abuse and neglect and the aggressiveness of social workers in their child abuse investigations. It retains language to increase public education opportunities to strengthen the public's understanding of the child protection system and appropriate reporting of suspected incidents of child maltreatment.

The agreement continues to foster cooperation between parents and child protective service workers by requiring caseworkers to inform parents of the allegations made against them, and improves the training opportunities and requirements for child protective services personnel regarding the extent and limits of their legal authority and the legal rights of parents and legal guardians.

It also ensures the safety of foster and adoptive children by requiring states to conduct criminal background checks for prospective foster and adoptive parents and other adult relatives and non-relatives residing in the household.

Lastly, this bill expands adoption opportunities to provide for services for infants and young children who are disabled or born with life-threatening conditions, and requires the Secretary of Health and Human Services to conduct a study on the annual number of infants and young children abandoned each year.

I again want to thank my colleagues for their work on this bill and urge them to join me in support of this effort to improve the prevention and treatment of child abuse by supporting H.R. 5601, the Keeping Children and Families Safe Act of 2002.

KEEPING CHILDREN AND FAMILIES SAFE ACT OF 2002

SPEECH OF

HON. JAMES C. GREENWOOD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 2002

Mr. GREENWOOD. Mr. Speaker, I rise today in strong support of the adoption of H.R. 5601, The Keeping Children and Families Safe Act. I am pleased that after the House passed a similar version of this bill in the Spring with overwhelming support, we have the opportunity to make this critical legislation a reality.

The Keeping Children and Families Safe Act, in combination with other federal child welfare statutes, assists in our national efforts to protect children from abuse and neglect. The Act requires that the Federal-State child welfare system supports and improves the infrastructure of child protective services, develops statewide networks of community-based family support and child abuse prevention programs, and supports demonstration projects to determine how best to improve the well being of abused or neglected children.

The bill continues to provide important Federal resources for identifying child abuse, neglect, and family violence, and for supporting effective methods of prevention and treatment. It also continues local projects with demonstrated value in eliminating barriers to permanent adoption and addressing the circumstances that often lead to child abandonment.

I believe this bill strikes a successful balance between providing appropriate treatment services, such as a plan of safe care for infants affected by illegal substance abuse, and accountability, such as the report that the Secretary of Health and Human Services must submit describing the extent to which States are implementing the policies outlined in the bill.

I want to thank Congressmen PETE HOEKSTRA and TIM ROEMER in this effort, Chairman and Ranking Member of the Subcommittee on Select Education, as well as Chairman BOEHNER and ranking member MILLER of the full Committee.

Mr. Speaker, I urge all my colleagues to join me in supporting H.R. 5601, and I reserve the balance of my time.

NATIONAL FOREST ORGANIZATIONAL CAMP FEE IMPROVEMENT ACT

SPEECH OF

HON. JIM KOLBE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 2002

Mr. KOLBE. Mr. Speaker, H.R. 5316 is the culmination of a year and a half of work by parents and volunteers who wanted to save the camps that serve under-privileged children and disabled adults.

The Forest Service is in the midst of pricing off forest lands, the very camps that serve these children and adults. Government should not be making a profit on disadvantaged children. We should charge these camps a modest fee that pays for the paperwork and maybe a little extra if the camps use a lot of land. But not $71,000 per year, which could happen in at least one instance if this bill is not enacted.

If we, the Congress, cannot change a law that requires the Forest Service to charge exorbitant use fees on youth camps and camps for disabled adults, fees that almost certainly will lead to the camps closing down their operations, then what laws should we pass?

This bill before us today reforms and improves the fee structure used by the Forest Service for non-profit recreational camps—camps operated by organizations such as the Girl Scouts and church groups. Blame should not be attached to "Scrooge-like" Forest Service officials. Let's face it; the re-calculation of fees is required by a law enacted by Congress. But the result is the same. Fees will dramatically increase for camps across the nation. In one case in Tucson, Arizona, the fee would go from $4,500 to $71,000 per year.

The Tucson Citizen put it well in a recent editorial:

> With so many arms of government raising fees on just about every service known to taxpayers, one might start to wonder how their general tax dollars are being spent . . .
>
> Ever vigilant for new revenue-raising opportunities, the Forest Service then proposed raising the rents on national forest land that is used by nonprofit organizations for summer camps. Targeted cash cows include the Boy Scouts, Girl Scouts, religious and men's groups. The Forest Service pulled that one off by borrowing a trick from local governments loathe to commit political suicide by raising tax rates. They accomplish the same thing, however, by reappraising the value of land, making it subject to higher taxes under the old rates once it's deemed more valuable.

We must establish a new, common-sense fee system that is rational and will allow camps to remain on forest lands while providing a fair return to the American taxpayer. Surely, there can be no better use of Federal land than by under-privileged children and disabled adults.

The National Forest Organizational Camp Fee Improvement Act will establish a new fee system based on acreage used by the camps, providing incentives to make the most efficient use of the Federal lands. To prevent large spikes in fees, the camp's fee would be 5%—a reasonable rate of return to the U.S. Government—of the value of the land based on rural land values, not developable land values.

Therein lies the key. We are not going to turn these camp sites inside our beautiful national forests into suburban housing tracts. So, why should the fee be based on a value of the land which will never be realized, rather than the only alternative use to a camp site, which is agricultural uses?

The land value we propose to use is a statistic calculated by USDA's National Agricultural Statistics Service (NASS). NASS is not part of the Forest Service, thus ensuring it is independent and appraises the value fairly. The NASS valuation is based on previous sales of farmlands. This is a departure from the current methodology, where valuation is determined by future probable sale prices of land for development. Further, the land value is a 5-year rolling average of agriculture lands by County, thereby taking into account geographical differences and the need to even out large fluctuations in fees over time.

This legislation also provides two discounts to the base fee to maximize the number of under-privileged children and disabled adults who attend camp. There is a 100% reduction proportionate to the number of participants who are physically disabled or children at risk, and there is a discount of 60% to recognize the benefits to the community of organizational camps serving certain character-building youth programs.

But even worthy organizations operating camp sites should pay the administrative cost of a permit. So, there is a minimum fee required that represents, on a regional forest basis, the average cost to the Forest Service to administer the permit. This fee is expected to be approximately $300 to $500 per year.

Our Federal lands are an important resource for our Nation. It's only right that we should give priority to children to learn, play, and enjoy these areas. We want them to grow up appreciating outdoors and environmental values, and to have a childhood filled with positive wilderness experiences.

This bill benefits camps of all types in every corner of America.

There are 320 camps in 25 States and Puerto Rico affected by this bill—from Arizona and California in the west, to Minnesota in the north, Florida and Tennessee in the south, and New Hampshire in New England.

This bill is supported by the Boy Scouts, Girl Scouts, various church groups, and the Forest Service. Even the Forest Service agrees that the current law is not fair. The administration supports this bill. In a letter dated October 9, 2002, USDA Under Secretary Mark Rey wrote:

> The Administration supports H.R. 5316 and your efforts to revise the existing Forest Service organizational camp permit fee structure. . .
>
> The Forest Service became concerned last year when it learned that some camp permit fees in Arizona would increase substantially as a result of the new appraisals and fee calculations required under the current system. Such increases would create significant financial burdens for many permit holders and could cause a number of sponsoring organizations to terminate and close their camps. These fee increases and possible camp closures are unacceptable to the Forest Service, just as they are to you. . .
>
> Enactment of H.R. 5316 would provide sponsoring organizations and the Forest Service the mechanism to set and adjust the fee in a manner that would continue these important, long-term relationships that provide immeasurable benefits to America's youth.

Finally, I would be remiss if I did not express my thanks and appreciation to the many folks in Tucson, Arizona, who have advised me and my staff on this fee structure change.

Dillard Broderick from the Church of Latter Day Saints has been an especially strong, stable force in the effort to Save the Camps.

Gail Gurney from the Sahuaro Girl Scout Council has worked tirelessly to do whatever was necessary to help.

Lou Salute from the Boy Scouts, David English from Southern Pines Baptist Camp, Bob Lofgren from Amphitheater Men's Club, and Lori Block from St. Mark's Presbyterian Church round out the phenomenal people who volunteer part of their lives to help children and want nothing more than to give back to the community.

I am proud that the House of Representatives is doing its part to help these kids, their parents, and the volunteers.

I urge my colleagues to vote in favor of this bill.

BENIGN BRAIN TUMOR CANCER REGISTRIES AMENDMENT ACT

SPEECH OF

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 2002

Ms. LEE. Mr. Speaker, I am so proud to have witnessed real, grass root's effort and hard work come to fruition in the passage of S. 2558, The Benign Brain Tumor Cancer Registries Amendment Act, by unanimous consent of the House this evening.

In January of 2001, I introduced H.R. 239, The Benign Brain Tumor Cancer Registries Amendment Act. A little over a year later, Senator JACK REED introduced the Senate companion, S. 2558.

The origin of this bill goes back to my constituent, Lloyd Morgan, a brain tumor survivor. Lloyd is from Berkeley, and I first met him at a town hall meeting.

That day, Mr. Morgan brought to my attention the fact the National Program of Cancer Registries does not collect data on benign brain tumors and the critical problems that this public health oversight creates.

I agreed to introduce legislation to correct the problem and soon after introduced The Benign Brain Tumor Cancer Registries Amendment Act.

The bill is very simple. With the passage of S. 2558, "benign" brain tumors will for the first time be included in the data collection of cancer registries. Medical system organizations use cancer data in funding decisions, investigations, research, and care facilities. Because data is not being collected on benign brain tumors, these tumors do not receive critical research funding. Of course, lack of research directly impacts both survivors and patients.

Additional research is vital because of the threat to life that both benign and cancerous brain tumors present. Brain tumors are the second leading cause of cancer death for children and the third leading cause of cancer death in young adults ages 15–34. The greatest increase in brain tumors has been among people 75 years of age or older.

Only 37 percent of males and 52 percent of females survive five years following the diagnosis of a primary benign or malignant brain tumor. Each year, approximately 100,000 people in the United States are diagnosed with a primary or metastatic brain tumors. Nationwide, the incidence of brain tumors has increased by 25 percent since 1975 and the reasons for this increase are unknown.

For many types of tumors, the distinction between benign and malignant is significant. For tumors of the brain, this distinction is not as clear. A tumor, whether malignant or benign, is a collection of cells that grow as rapidly as malignant tumors, however based on location and size, even benign brain tumors can be life threatening.

Benign brain tumors account for almost 40 percent of all brain tumors. Not including these tumors in the cancer registry underestimates the incidence of brain tumors in the general population. All brain tumors, both cancerous and benign, are potentially life threatening.

What would the passage of the Benign Brain Tumor Cancer Registries Act mean for my constituent Lloyd Morgan? In his words it means: "that the doctors pronounced that would surely end my life within days or hours of discovery (they were afraid to move me by gurney to surgery because my brain was about to split in two) will now be counted. It also means that Jan McCormack who has watched her sister Carla deteriorate and is now on a death watch in hospice care from a "benign" brain tumor will be assured that her sister's tumors and ultimate death will also be counted. It means that Jeff Licht' situation where his "benign" brain tumor has come back 4 times after it was "completely" removed the first time will provide data on re-occurrence. And it means that for countless others who suffer devastating brain deficits and shortened lives because of "benign" brain tumors will now have their tumors and their untimely deaths count. And by counting and having information on these "benign" brain tumors we may finally find the information that has been missing to point the way toward causation and therefore prevention of these devastating illnesses."

I sincerely appreciate Mr. Morgan for bringing this significant public health oversight to my attention, and for his tireless efforts in support of the legislation we initiated and ultimately passed here on the floor of the House tonight.

The passage of this bill truly represents democracy in action.

CONGRATULATING THE COUNCIL OF KHALISTAN ON 15 YEARS OF WORKING FOR FREEDOM

HON. CYNTHIA A. McKINNEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 11, 2002

Ms. MCKINNEY. Mr. Speaker, one of the things I have been proud of in my time in Congress is the opportunity I have had to help inform people about human rights and the struggle for freedom in the world. In that light, I would like to take this opportunity to note the fifteenth anniversary of the declaration of independence by the Sikh Nation of Khalistan which occurred on October 7, 1987, and the formation of the Council of Khalistan at that time.

The Council of Khalistan leads the Sikhs in their struggle to free themselves from repression, corruption, and tyranny imposed on them by India. It has always conducted that struggle in a peaceful, democratic, nonviolent way and has explicitly rejected militancy. I am proud to have been able to help the Council inform people about the Sikhs' struggle for freedom.

The President of the Council of Khalistan, Dr. Gurmit Singh Aulakh, has been tireless in fighting for freedom in the subcontinent. I am proud to know him. I wish everyone in Washington were so tireless, and I wish him success in his endeavors.

I would like to congratulate Dr. Aulakh and the Council of Khalistan on this occasion and I would like to wish them a successful convention this coming weekend in Philadelphia. Last year's convention was in my home town, Atlanta.

Mr. Speaker, I hope my colleagues will Join me in congratulating the Council of Khalistan on this important milestone.

HOUSE OF REPRESENTATIVES—*Tuesday, October 15, 2002*

The House met at 12:30 a.m. and was called to order by the Speaker pro tempore (Mr. PENCE).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
October 15, 2002.

I hereby appoint the Honorable MIKE PENCE to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 3389. An act to reauthorize the National Sea Grant College Program Act, and for other purposes.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 23, 2002, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12, rule I, the Chair declares the House in recess until 2 p.m.

Accordingly (at 12 o'clock and 33 minutes p.m.) the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PENCE) at 2 p.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God of land and seas, as well as the heavens and the earth, You sustain us in troublesome times. You guide the destiny of this Nation and companion each of us in the journey of life.

The Columbus holiday reminds us, Lord, of the determination and great courage You gave the great navigator and explorer, Christopher Columbus. His four voyages to the new world continue to inspire hope.

Ward off any hesitation and remove all obstacles, O Lord, that prevent us from realizing our dreams and making great discoveries in our times.

Enable the Members of Congress and all Americans whom they represent in government to look beyond the familiar and the comfortable so to move into the future unafraid.

Grant all the humility to place their trust in You, O God, and ready themselves to embrace the surprises You have prepared for our discovery today, tomorrow and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Texas (Mr. CULBERSON) come forward and lead the House in the Pledge of Allegiance.

Mr. CULBERSON led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

DISPENSING WITH CALL OF PRIVATE CALENDAR ON TODAY

Mr. CULBERSON. Mr. Speaker, I ask unanimous consent to dispense with the call of the Private Calendar.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

WHY NOT PEACE?

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, many of us had an opportunity to be in our districts over the last couple of days and to engage our constituents on what might have been the most momentous debate and decision that this Congress would make, at least in the early part of the 21st century, and that was debate we engaged in last week on the question of going to war with Iraq. All of us acknowledged that we came to this floor and expressed our viewpoints as we thought was best for the American people.

Over the weekend, of course, an enormous tragedy occurred in Indonesia. Americans are missing. Some lost their lives. But one of my constituents asked the question that I think is so very important that we raise again today: What about peace and the ability to be able to have that as a clarion call? Why is that so shameful that we as Americans, the most privileged and the most powerful, cannot raise the question of what about peace? What about discussions of peace and reconciliation?

Helen Thomas, one of the press persons at the White House, pressed that question to Ari Fleischer. Of course, there was not an answer. Yes, there is terrorism of which we have the world supporting our efforts against terrorism. But why can this Nation not, as it has done in the past, in the tradition of Jimmy Carter who won the Nobel Peace Prize, likewise begin a discussion of world peace, speaking to our allies and enemies as well, as my constituent asked the question, why not peace? Why is there shame in bringing that to the forefront of the American public so that even as we fight the issue of terrorism, we can stand aside from this question of war, allowing the U.N. inspectors to go in?

Why not peace? Why not a discussion?

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 11, 2002.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on October 11, 2002 at 10:42 a.m.

That the Senate agreed to conference report H.R. 5011;

That the Senate passed without amendment H.J. Res. 113;

That the Senate passed without amendment H.J. Res. 114;

That the Senate passed without amendment H.J. Res. 122;

That the Senate passed without amendment H. Con. Res. 411.

With best wishes, I am

Sincerely,

JEFF TRANDAHL,
Clerk of the House.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 4 of rule I, the Speaker signed the following enrolled joint resolution on Friday, October 11, 2002:

House Joint Resolution 122, making further continuing appropriations for the fiscal year 2003, and for other purposes.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record votes on postponed questions will be taken tomorrow.

PER-PUPIL EXPENDITURE REQUIREMENTS FOR HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES

Mr. CULBERSON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5599) to apply guidelines for the determination of per-pupil expenditure requirements for heavily impacted local educational agencies, and for other purposes.

The Clerk read as follows:

H.R. 5599

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PER-PUPIL EXPENDITURE REQUIREMENT FOR NEW HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES.

(a) IN GENERAL.—Section 8003(b)(2)(C)(i)(II)(bb) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(B)(2)(c)(i)(II)(bb)) is amended to read as follows:

"(bb) for a local educational agency that has a total student enrollment of less than 350 students, has a per-pupil expenditure that is less than the average per-pupil expenditure of generally comparable local educational agencies (determined according to the procedures described in section 222.74(b) of title 34, Code of Federal Regulations, as such section was in effect on January 1, 2000) in the State in which the local educational agency is located; and".

(b) EFFECTIVE DATE.—The amendment made by this section shall be effective on September 30, 2001, and shall apply with respect to fiscal year 2002, and all subsequent fiscal years.

SEC. 2. ELIGIBILITY OF BONESTEEL-FAIRFAX SCHOOL DISTRICT IN BONESTEEL, SOUTH DAKOTA.

The Secretary of Education shall deem the local educational agency serving the Bonesteel-Fairfax school district, 26-5, in Bonesteel, South Dakota, to be eligible in fiscal year 2003 for a basic support payment for heavily impacted local educational agencies under section 8003(b)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(b)(2)).

SEC. 3. APPLICATION OF CENTRAL SCHOOL DISTRICT, SEQUOYAH COUNTY, OKLAHOMA.

Notwithstanding any other provision of law, the Secretary of Education shall treat as timely filed an application filed by Central School District, Sequoyah County, Oklahoma, for payment for federally connected students for fiscal year 2003, pursuant to section 8003 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703), and shall process such application for payment, if the Secretary has received such application not later than 30 days after the date of enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. CULBERSON) and the gentlewoman from New York (Mrs. MCCARTHY) each will control 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. CULBERSON).

GENERAL LEAVE

Mr. CULBERSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 5599.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. CULBERSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is my privilege today to rise in support of H.R. 5599, which is a noncontroversial and very straightforward piece of legislation to make technical amendments to the Impact Aid program. I want to thank the gentleman from South Dakota (Mr. THUNE) for sponsoring this legislation and for his diligence in bringing this bill before the House today.

This legislation makes three technical and, as I say, very noncontroversial corrections to the Education Code. First, the bill will correct a drafting error that occurred during the reauthorization of the Impact Aid program. This technical correction will allow the Department of Education to continue to use their current methodology in interpreting regulations, the process by which they determine which small school districts qualify for heavily impacted status.

Secondly, the bill will allow the Bonesteel-Fairfax School District in South Dakota to continue to remain eligible to receive Impact Aid funding for 1 year, to allow them to resolve a financing issue at the local level that would otherwise have a significant impact on their budget. Districts such as this one have a great deal of federally or nonprivately owned property. Therefore, this Impact Aid funding is essential for them to continue to operate at funding levels that they have already budgeted for. So this is a very, very important correction that is vitally necessary.

Finally, Mr. Speaker, this legislation requires the Department of Education to accept as timely filed a late application from a school district in Oklahoma that will allow them to continue to receive their Impact Aid funding on time.

This legislation is very simple and straightforward, Mr. Speaker. It is a technical bill that contains technical corrections to the Education Code. We on the Committee on Education and the Workforce wanted to be certain that any errors that occurred during the drafting process were corrected and any school district that might suffer as a result of changes or potential misinterpretation of the Impact Aid formulas would be corrected by this legislation.

I again want to thank the gentleman from South Dakota for offering this legislation, and I want to urge my colleagues in the House to support it.

Mr. Speaker, I reserve the balance of my time.

Mrs. MCCARTHY of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 5599. This legislation makes several technical fixes to the Impact Aid program.

First, the bill clarifies Department of Education policy that small school districts can use other local school districts to determine their eligibility for heavily impacted payments. This corrects a technical error in the 2000 reauthorization of Impact Aid.

Second, the bill maintains the eligibility of a school district in South Dakota for heavily impacted status for 1 year.

Third, H.R. 5599 permits Central School District in Oklahoma to file their fiscal year 2002 Impact Aid application despite having not filed this application before the deadline.

This legislation is similar to other bills this House has passed when technical fixes to the Impact Aid statute were needed in the past. I urge all Members to support this legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. CULBERSON. Mr. Speaker, I yield myself such time as I may consume.

I urge support for this important legislation by the Members of the House. It is noncontroversial and simply technical corrections.

Mr. THUNE. Mr. Speaker, as a member of the Impact Aid Coalition Steering Committee, I want to thank Chairman BOEHNER for supporting this bill to make technical corrections to Impact Aid as it applies to two small local education agencies in South Dakota.

My state places a high emphasis on quality public schools, and South Dakotans know the value of a quality education. The federal Impact Aid Program plays a big role in improving schools on or near Federal lands in my state.

South Dakota is proud to be home of the Mt. Rushmore National Memorial Black Hills National Forest, Buffalo Gap and Fort Pierre National Grasslands, Badlands National Park, and nine Sioux Indian reservations. In fact, nearly 17 percent of South Dakota is Federal land—we rank 13th in the nation.

Thirty-four school districts throughout South Dakota rely heavily on Impact Aid funding to provide education to children on or near the Federal lands in my state. In all, this program in South Dakota impacts over 32,000 students.

While H.R. 5599 makes only small technical corrections, the impact of this bill on the Isabel and Bonesteel-Fairfax School Districts in South Dakota will be significant.

The Isabel School District is located in the Cheyenne River Sioux Reservation in north-central South Dakota. H.R. 5599 will ensure that the Impact Aid Program Office correctly follows the methodology for determining comparable per pupil expenditure levels for heavily impacted school districts as provided in current regulations. This will guarantee placement in the correct "heavily impacted" category where they belong.

The Bonesteel-Fairfax School District in south-central South Dakota will lose one-third of their total budget unless H.R. 5599 provides a waiver that allows them to correct a mistake made when calculating their local funding request.

These provisions within H.R. 5599 will have a real impact on hundreds of students in some of the poorest, most heavily impacted school districts in America.

Mr. Speaker, I want to again thank Chairman **BOEHNER** and his staff for their help to ensure that these students will receive adequate Impact Aid funding.

Mr. CULBERSON. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. CULBERSON) that the House suspend the rules and pass the bill, H.R. 5599.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

☐ 1415

PERSIAN GULF WAR POW/MIA ACCOUNTABILITY ACT OF 2002

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1339) to amend the Bring Them Home Alive Act of 2000 to provide an asylum program with regard to American Persian Gulf War POW/MIAs, and for other purposes.

The Clerk read as follows:

S. 1339

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Persian Gulf War POW/MIA Accountability Act of 2002".

SEC. 2. AMERICAN PERSIAN GULF WAR POW/MIA ASYLUM PROGRAM.

(a) ASYLUM PROGRAM.—The Bring Them Home Alive Act of 2000 (Public Law 106–484; 114 Stat. 2195; 8 U.S.C. 1157 note) is amended by inserting after section 3 the following new section:

"SEC. 3A. AMERICAN PERSIAN GULF WAR POW/MIA ASYLUM PROGRAM.

"(a) ASYLUM FOR ELIGIBLE ALIENS.—Notwithstanding any other provision of law, the Attorney General shall grant refugee status in the United States to any alien described in subsection (b), upon the application of that alien.

"(b) ELIGIBILITY.—

"(1) IN GENERAL.—Except as provided in paragraph (2), an alien described in this subsection is—

"(A) any alien who—

"(i) is a national of Iraq or a nation of the Greater Middle East Region (as determined by the Attorney General in consultation with the Secretary of State); and

"(ii) personally delivers into the custody of the United States Government a living American Persian Gulf War POW/MIA; and

"(B) any parent, spouse, or child of an alien described in subparagraph (A).

"(2) EXCEPTIONS.—An alien described in this subsection does not include a terrorist, a persecutor, a person who has been convicted of a serious criminal offense, or a person who presents a danger to the security of the United States, as set forth in clauses (i) through (v) of section 208(b)(2)(A) of the Immigration and Nationality Act (8 U.S.C. 1158(b)(2)(A)).

"(c) DEFINITIONS.—In this section:

"(1) AMERICAN PERSIAN GULF WAR POW/MIA.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'American Persian Gulf War POW/MIA' means an individual—

"(i) who is a member of a uniformed service (within the meaning of section 101(3) of title 37, United States Code) in a missing status (as defined in section 551(2) of such title and this subsection) as a result of the Persian Gulf War, or any successor conflict, operation, or action; or

"(ii) who is an employee (as defined in section 5561(2) of title 5, United States Code) in a missing status (as defined in section 5561(5) of such title) as a result of the Persian Gulf War, or any successor conflict, operation, or action.

"(B) EXCLUSION.—Such term does not include an individual with respect to whom it is officially determined under section 552(c) of title 37, United States Code, that such individual is officially absent from such individual's post of duty without authority.

"(2) MISSING STATUS.—The term 'missing status', with respect to the Persian Gulf War, or any successor conflict, operation, or action, means the status of an individual as a result of the Persian Gulf War, or such conflict, operation, or action, if immediately before that status began the individual—

"(A) was performing service in Kuwait, Iraq, or another nation of the Greater Middle East Region; or

"(B) was performing service in the Greater Middle East Region in direct support of military operations in Kuwait or Iraq.

"(3) PERSIAN GULF WAR.—The term 'Persian Gulf War' means the period beginning on August 2, 1990, and ending on the date thereafter prescribed by Presidential proclamation or by law.".

(b) BROADCASTING INFORMATION.—Section 4(a)(2) of that Act is amended—

(1) by striking "and" at the end of subparagraph (A);

(2) by striking the period at the end of subparagraph (B) and inserting "; and"; and

(3) by adding at the end the following new subparagraph:

"(C) Iraq, Kuwait, or any other country of the Greater Middle East Region (as determined by the International Broadcasting Bureau in consultation with the Attorney General and the Secretary of State).".

The SPEAKER pro tempore (Mr. PENCE). Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentlewoman from Texas (Ms. JACKSON-LEE) each will control 20 minutes.

The Chair recognizes the distinguished gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. 1339, the Senate bill currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in the 106th Congress, the Bring Them Home Alive Act was enacted as Public Law 106-484. This law, sponsored by Senator BEN NIGHTHORSE CAMPBELL and the gentleman from Colorado (Mr. HEFLEY), offers refugee status to any national of Vietnam, Cambodia, Laos, China, or any of the independent states of the former Soviet Union, who personally delivers into the custody of the United States Government a living American prisoner of war from the Vietnam War. It grants similar status to any national of North Korea, China, or states of the former Soviet Union who differs delivers a living American prisoner of war from the Korean War. Information regarding the act is broadcast by the International Broadcasting Bureau over the Voice of America and other broadcast services.

The Bring Them Home Alive Act signals our continuing dedication to all the Americans who served in the Vietnam and Korean wars. It shall be needed until all of our soldiers are accounted for. This bill amends the Bring Them Home Alive Act to broaden its coverage for the Persian Gulf War and any future hostilities in Iraq. There have been recent reports that Michael Speicher, a Navy pilot shot down over Iraq in 1991, may still be in Iraqi hands. We owe it to him and to all those who may be called to serve in the coming months to pass this bill.

The bill provides refugee status to a national of Iraq or a nation in the greater Middle East who personally delivers into the custody of the United States Government a living American prisoner of war from the Persian Gulf War or any successor conflict. To receive refugee status, the alien cannot be eligible for asylum on account of being a criminal, a terrorist, or a danger to the security of the United States. I urge my colleagues to support this bill.

Mr. Speaker, I reserve the balance of my time.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield myself as much time as I might consume.

Mr. Speaker, in light of the climate that we now face, calling upon our men and women in the United States military once again to defend our freedom and in the backdrop of the motion to instruct last week that recognized the importance of allowing our veterans to receive both their retirement benefits and other benefits simultaneously, there is no doubt that this Congress believes strongly in the fighting men and women of this Nation, and so I rise with enthusiastic support for this bill which will encourage the safe return of Navy pilot Captain Scott Speicher, the only person classified as a POW/MIA from the Gulf War of the early 1990's.

His status was changed from dead to MIA, and as well it was based upon last year's intelligence information that he survived his plane crash and is in prison in Bagdad, Iraq. Recently, he was reclassified as missing and captured. The amendment could also be used to encourage a return of POWs and MIAs if President Bush initiates a war against Iraq, as he currently plans to do.

A few years ago as a member of the Houston City Council, I was very proud to raise the first flag above Houston City Hall to recognize POWs and MIAs. This is an important component to recognizing but also dealing specifically with an individual now still lost. This bill will provide refugee status to the United States to any national of Iraq or certain other Middle Eastern countries if they safely return an American POW/MIA from the Gulf War into the custody of the U.S. Government. The bill amends the Bring Them Home Alive Act of 2000, which provides the same benefits to citizens of Asian and former Soviet countries who safely return POW/MIAs from the Vietnam and Korean wars. The Senate Judiciary Committee already made an important amendment to the original language offered by Senator BEN NIGHTHORSE CAMPBELL to exempt alien terrorists, persecutors, and people who have been convicted of a serious offense and people who present a danger to the security of the United States from these benefits.

I know many Korean War veterans, including the gentleman from Michigan (Mr. CONYERS), the ranking member of this particular committee; and I want to commend Senator CAMPBELL, a fellow veteran of the Korean War, the gentleman from Michigan (Mr. CONYERS), fellow veteran and ranking member, for his initiative to ensure that our POW/MIAs come home.

Let me conclude by saying that we enthusiastically offer our support for this legislation initiative, and I ask my colleagues to support this legislation.

Mr. Speaker, I support this bill which will encourage the safe return of Navy pilot, Captain Scott Speicher, the only person classified as a POW/MIA from the Gulf War in the early 1990s. His status was changed from dead to MIA last year based on intelligence information that he survived his plane crash and is imprisoned in Bagdad, Iraq. Recently, he was reclassified as Missing/ Captured. The amendment could also be used to encourage the return of future POW/MIAs if President Bush initiates a war against Iraq, as he currently plans to do.

This bill will provide refugee status in the United States to any national of Iraq or certain other Middle Eastern countries if they safely return an American POW/MIA from the Gulf War into the custody of the U.S. government. The bill amends the "Bring Them Home Alive Act of 2000" which provided this same benefits to citizens of Asian and former Soviet countries who safely returned American POW/MIAs from the Vietnam and Korean wars.

The Senate Judiciary Committee already made an important amendment to the original language offered by Senator BEN NIGHTHORSE CAMPBELL to exempt alien terrorists, persecutors, people who have been convicted of a serious criminal offense, and people who present a danger to the security of the United States from these benefits.

As a Korean War veteran, I commend my fellow veteran Senator CAMPBELL for this initiative to ensure that our POW/MIAs come home.

Mr. Speaker, I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the Senate bill, S. 1339.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2155

Ms. JACKSON-LEE of Texas. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor of H.R. 2155.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

SOBER BORDERS ACT

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2155) to amend title 18, United States Code, to make it illegal to operate a motor vehicle with a drug or alcohol in the body of the driver at a land border port entry, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2155

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MAKING IT ILLEGAL TO OPERATE A MOTOR VEHICLE WITH A DRUG OR ALCOHOL IN THE BODY OF THE DRIVER AT LAND BORDER PORTS OF ENTRY.

Section 13(a) of title 18, United States Code, is amended—

(1) by inserting "(1)" after "(a)"; and

(2) by adding at the end the following:

"(2) Whoever with a drug or alcohol in his or her body operates a motor vehicle at a land border port of entry in a manner that is punishable, because of the presence of the drug or alcohol, if committed within the jurisdiction of the State in which that land border port of entry is located (under the laws of that State in force at the time of the act) shall be guilty of a like offense and subject to a like punishment.

"(3) Any individual who operates a motor vehicle at a land border port of entry is deemed to have given consent to submit to a chemical or other test of the blood, breath, or urine of the driver by an officer or employee of the Immigration and Naturalization Service authorized under section 287(h) of the Immigration and Nationality Act (8 U.S.C. 1357(h)) for the purpose of determining the presence or concentration of a drug or alcohol in such blood, breath, or urine.

"(4) If an individual refuses to submit to such a test after being advised by the officer or employee that the refusal will result in notification under this paragraph, the Attorney General shall give notice of the refusal to—

"(A) the State or foreign state that issued the license permitting the individual to operate a motor vehicle; or

"(B) if the individual has no such license, the State or foreign state in which the individual is a resident.

"(5) The Attorney General shall give notice of a conviction of an individual under this section for operation of a motor vehicle at a land border port of entry with a drug or alcohol in the body of the individual, to—

"(A) the State or foreign state that issued the license permitting the individual to operate a motor vehicle; or

"(B) if the individual has no such license, the State or foreign state in which the individual is a resident.

"(6) For purposes of this subsection, the term 'land border port of entry' means any land border port of entry (as defined in section 287(h)(3) of the Immigration and Nationality Act (8 U.S.C. 1357(h)(3))) that was not reserved or acquired as provided in section 7 of this title.".

SEC. 2. AUTHORIZING OFFICERS AND EMPLOYEES OF THE IMMIGRATION AND NATURALIZATION SERVICE TO CONDUCT TESTS FOR A DRUG OR ALCOHOL.

Section 287 of the Immigration and Nationality Act (8 U.S.C. 1357) is amended by adding at the end the following:

"(h)(1) If an officer or employee of the Service authorized under regulations prescribed by the

Attorney General is inspecting a driver at a land border port of entry and has reasonable grounds to believe that, because of alcohol in the body of the driver, operation of a motor vehicle by the driver is an offense under section 13 of title 18, United States Code, the officer or employee may require the driver to submit to a test of the breath of the driver to determine the presence or concentration of the alcohol.

"(2) If an officer or employee of the Service authorized under regulations prescribed by the Attorney General arrests a driver under this section for operation of a motor vehicle in violation of section 13 of title 18, United States Code, because of a drug or alcohol in the body of the driver, the officer or employee may require the driver to submit to a chemical or other test to determine the presence or concentration of the drug or alcohol in the blood, breath, or urine of the driver.

"(3) For purposes of this subsection:

"(A) The term 'driver' means an individual who is operating a motor vehicle at a land border port of entry.

"(B) The term 'land border port of entry' means any immigration checkpoint operated by the Immigration and Naturalization Service at a land border between a State (as that term is used in section 13 of title 18, United States Code) and a foreign state.".

SEC. 3. REQUIRING NOTICE AT LAND BORDER PORTS OF ENTRY REGARDING OPERATION OF A MOTOR VEHICLE AND DRUGS AND ALCOHOL.

(a) IN GENERAL.—The Immigration and Nationality Act is amended by inserting after section 294 (8 U.S.C. 1363a) the following:

"NOTICE AT LAND BORDER PORTS OF ENTRY REGARDING OPERATION OF A MOTOR VEHICLE AND DRUGS AND ALCOHOL

"SEC. 295. At each point where motor vehicles regularly enter a land border port of entry (as defined in section 287(h)(3)), the Attorney General shall post a notice that operation of a motor vehicle with a drug or alcohol in the body of the driver at a land border port of entry is an offense under Federal law.".

(b) CLERICAL AMENDMENT.—The first section of the Immigration and Nationality Act is amended in the table of contents by inserting after the item relating to section 294 the following:

"Sec. 295. Notice at land border ports of entry regarding operation of a motor vehicle and drugs and alcohol.".

SEC. 4. IMPOUNDMENT OF VEHICLE FOR REFUSAL TO SUBMIT TO TEST FOR DRUG OR ALCOHOL.

Not more than 180 days after the date of the enactment of this Act, the Attorney General shall issue regulations authorizing an officer or employee of the Immigration and Naturalization Service to impound a vehicle operated at a land border port of entry, if—

(1) the individual who operates the vehicle refuses to submit to a chemical or other test under section 13(a)(3) of title 18, United States Code; and

(2) the impoundment is not inconsistent with the laws of the State in which the port of entry is located.

SEC. 5. EFFECTIVE DATE.

This Act shall take effect 180 days after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentlewoman from Texas (Ms. JACKSON-LEE) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 2155, the bill currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2155 helps prevent drunk driving at and around our borders. The bill authorizes INS inspectors at the border to take drunk or drugged drivers into custody based on their impaired state. Currently, border inspectors do not have the authority to do so other than as private citizens making arrests. Typically, inspectors now have to alert State or local law enforcement that an impaired driver is headed their way, wave impaired drivers through the port of entry, and hope that State or local law enforcement will pick them up before the driver does any harm.

This bill makes it a Federal crime for a person to operate a motor vehicle at a land border patrol entry in an impaired manner because of the presence or drugs or alcohol. The bill deems any such driver to have given consent to submit to a chemical test by the INS to determine the presence or concentration of alcohol or drug in the driver's body. The bill authorizes INS inspectors at land border ports of entry to perform chemical tests upon drivers if the INS has reasonable grounds to believe that a driver is dangerous because of a drug or alcohol in the driver's body.

If the individual refuses to submit to such a test, the bill requires the Attorney General to notify the driver's State or foreign state of the driver's refusal to submit to the test. The Attorney General is also required to notify the driver's government of a conviction of the driver for impaired driving. The bill requires the Attorney General to issue regulations authorizing INS officers and employees to impound a vehicle if the driver refuses to submit to a chemical or other test.

Finally, the Attorney General is required to post a notice that operation of a motor vehicle with drugs or alcohol in the driver's body at a land border port of entry is a Federal offense. This bill will help prevent drunk driving and impaired driving tragedies in border areas, and I urge a "yes" vote on it.

Mr. Speaker, I reserve the balance of my time.

Ms. JACKSON-LEE. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, I believe the intentions of this legislation certainly have merit, but I rise in opposition to the measure on the floor today, H.R. 2155, the Sober Borders Act.

This bill authorizes officers and employees of the INS to conduct tests for drug or alcohol consumption when they have reasonable grounds to believe that a driver is operating a motor vehicle while under the influence. Second, to ensure travelers are fully aware of this policy, the bill further requires the INS to post notices at each land border port of entry, informing motorists that operating a vehicle while under the influence is an offense under Federal law.

The major problem with this proposal is a matter of policy and procedure. At the time when their workload is heavy and the lines and waits for border traffic are already causing huge burdens to border economies, this legislation will impose new duties unrelated to terrorism on immigration inspectors at the border. Essentially, H.R. 2155 is enlisting INS officers to enforce State law. Furthermore, 18 U.S.C. section 13, the Assimilative Crimes Act, currently incorporates State criminal law into Federal law for issues for which there is no applicable Federal criminal law in places in Federal jurisdiction such as military bases and, no doubt, ports of entry. So a criminal offense such as a DUI under State law is already also a Federal criminal offense in a Federal area, areas not in State jurisdiction. This law would extend that by incorporating noncriminal sanctions, examples, suspension of license or failure to agree to a drug test, into Federal law. It also seems a questionable use of the admittedly broad authority the INS has at the border to conduct searches to expand this to blood, breath, or urine testing.

Finally, during the subcommittee markup and the full committee markup of this legislation, after being assured that the majority would work with the minority on concerns with the legislation, an amendment was offered that would require the General Accounting Office to conduct an annual study concerning the exercise of the new authorities by officers and employees of the INS. It is well taken by this Congress, Mr. Speaker, that the GAO is an independent body. Republicans and Democrats alike have been known to ask and use the GAO for studies and to include such studies as language in legislation. This is not, if the Members will, a killer of the bill. The study would assemble and analyze the numbers of times the officers exercise this authority; the race, gender, and national origin of the driver involved; and the results of the exercise of this new authority.

Mr. Speaker, the border is used not only by noncitizens, but it is used by American citizens and we have stood on this floor of the House just last week to talk but our freedoms and our values and the justice and equality that we render. Then why not, why not, make sure that any legislative initiative that we pass has the ability to serve all Americans fairly, and those who may be unfairly stopped should be addressed as well while we also are committed to protecting the lives of our frontline officers at the border. A GAO study, simple, precise, and efficient, could have made this amendment of this legislation more effective.

The amendment further directed the General Accounting Office to submit a report to Congress no later than March 31 of each year. It was important to include this amendment because the legislation raises the potential for abuse of authority to stop and detain individuals at the border. The amendment would have ensured that the new authorities granted the officers and employees of the INS to test for the use of alcohol and drugs by a driver at the border is carried out in an efficient, fair, and equitable manner without targeting any group of people specifically pertaining to prevent racial profiling. It could have been an instructive tool.

Mr. Speaker, I have been to the borders of our country; and I have seen the very fine workers who are there. They want to do the right thing, and they want to do it well and efficiently. This information could have given them guidance on how to be effective and, of course, successful in doing the job.

□ 1430

Racial profiling occurs when the police target someone for investigation on the basis of that person's race, national origin, or ethnicity. Examples of profiling are the use of race to determine which drivers are stopped for minor traffic violations, often referred to "driving while black and brown," and the use of race to determine which motorists or pedestrians are searched for contraband.

Racial profiling is still prevalent in America; and as I indicated, the borders are used by immigrants and citizens alike. Why could we not consider this as reasonable on behalf of the citizens of this country? In large cities across the country, African Americans and Hispanics and other people of color still move about with the fear that at any time they can be stopped and detained simply because they fit a broad profile characterized by little more than the color of a person's skin. Today, skin color makes one a suspect in America. It makes one more likely to be stopped, more likely to be searched, more likely to be arrested and imprisoned.

In a recent General Accounting Office study of March 2000, it found that persons of particular races and genders were generally more likely than others to be subjected to more intrusive searches. For example, black women were nine times more likely to be searched than white women. Based on x-ray searches, however, the black women were less than half as likely to be caught carrying contraband than white women.

During the debate on H.R. 3129, the Customs Border Security Act, authorizing appropriations for fiscal year 2002, detailed the story of Yvette Bradley, a 33-year-old advertising executive and her sister who arrived at Newark Airport from a vacation in Jamaica, and she is an African American woman, and a United States citizen to my knowledge. Upon encountering Customs agent, Ms. Bradley recalled that she, along with most of the other women on the flight, were singled out for searches and interrogation where she experienced one of the most humiliating moments of her life. Ms. Bradley was searched throughout her body, including her private parts. Mr. Speaker, no drugs or contraband were found.

I happen to be a strong supporter of our INS, Customs, and other border security agents and the responsibilities that they have. I happen to be a strong supporter of adhering to the laws of this Nation. But I also believe that civil justice and civil liberties are important for those noncitizens and citizens alike. We have the responsibility of adhering to the values and the laws of this land.

This bill, however, adds substantial provisions so that they already have all they need to ensure the safety of this Nation. To take away, to give a pass or a bye on the Bill of Rights and the Constitution, the understanding of unreasonable search and seizures is unfair.

This bill, without protection against racial profiling, at least a study, is unfair and is not a solution.

Organizations like the ACLU have conducted reports that one of the ACLU's highest priority issues is the fight against the outrageous practice of racial profiling. In its report "Driving While Black, Racial Profiling on Our Nation's Highways," the ACLU documents the practice of substituting skin color for evidence as grounds for suspicion by law enforcement officials. Tens of thousands of innocent motorists on highways across the country are victims of racial profiling. It could be happening at our borders as well.

These discriminatory stops have reached epidemic proportions in some recent years, fueled by the war on drugs and potentially fueled by bills like this.

We want to make sure that our good police officers have the skills and tools to do the job. A study would provide them that instruction.

We put an end to the practice of racial profiling with my amendment. My amendment, most importantly, through the collection of data, would, in fact, assist the agency in being instructive and constructive. Is that not why we are here, Mr. Speaker, to be constructive and instructive? Unfortunately, after vigorous debate, we were not able to include such an amendment. I am disappointed, Mr. Speaker; and for these reasons, among many others, I rise to oppose this legislation.

I rise in opposition to the measure on the floor today H.R. 2155, the Sober Borders Act. This bill authorizes officers and employees of the INS to conduct tests for drug or alcohol consumption when they have reasonable grounds to believe that a driver is operating a motor vehicle while under the influence.

Second, to ensure travelers are fully aware of this new policy, the bill further requires the INS to post notices at each land border port of entry informing motorists that operating a vehicle while under the influence is an offense under federal law.

The major problem with this proposal is a matter of policy. At a time when their workload is heavy and the lines and waits for border traffic are already causing huge burdens to border economies, this legislation will impose new duties, unrelated to terrorism, on immigration inspectors at the border. Essentially, H.R. 2155 is enlisting INS officers to enforce state law.

Furthermore, 18 U.S.C. section 13 (the Assimilative Crimes Act) currently incorporates state criminal law into federal law, for issues for which there is no applicable federal criminal law, in places in federal jurisdiction such as military bases and, no doubt, ports of entry. So, a criminal offense such as DUI under state law is already also a federal criminal offense in a federal area (area not in state jurisdictions). This law would extend that by incorporating non-criminal sanctions (e.g., suspension of licenses for failure to agree to a drug test) intro federal law. It also seems a questionable use of the admittedly broad authority the INS has at the border to conduct searches, to expand this to blood, breath or urine testing.

Finally, during both the Subcommittee markup and the Full Committee markup of this legislation, after being assured that the majority would work with the minority on concerns with the legislation, an amendment was offered that would require the General Accounting Office to conduct an annual study concerning the exercise of the new authorities by officers and employees of the INS. The study would assemble and analyze the number of times the officers exercised this authority, the race, gender, and national origin of the driver involved, and the results of the exercise of this new authority. The Amendment further directed the General Accounting Office to submit a report to Congress no later than March 31 of each year.

It was important to include this amendment because the legislation raises the potential for abuse of authority to stop and detain individuals at the border. The amendment would have ensured that the new authorities granted the officers and employees of the INS to test for the use of alcohol and drugs by a driver at the border is carried out in a efficient, fair, and equitable manner without targeting any group of people—specifically to prevent racial profiling.

"Racial profiling" occurs when the police target someone for investigation on the basis of that person's race, national origin, or ethnicity. Examples of profiling are the use of race to determine which drivers to stop for minor traffic violations ("often referred to driving while black") and the use of race to determine which motorists or pedestrians to search for contraband.

Racial profiling is still prevalent in America. In large cities across the country, African Americans and other people of color still move about with the fear that at any time, they can be stopped and detained simply because they fit a broad profile characterized by little more than the color of a person's skin. Today skin color makes you a suspect in America. It makes you more likely to be stopped, more likely to be searched, and more likely to searched, and more likely to be arrested and imprisoned.

In a recent General Accounting Office study of March, 2000 "found that persons of a particular races and genders were generally more likely than others to be subjected to more intrusive searches. For example, black women were 9 times more likely to be searched than white women. Based on x-ray searches, however, the black women were less than half as likely to be caught carrying contraband than white women.

During the Debate on H.R. 3129, the Customs Border Security Act authorizing appropriations for fiscal year 2002, I detailed the story of Yvette Bradley a 33-year-old advertising executive and her sister who arrived at Newark Airport from a vacation in Jamaica, and African American woman. Upon encountering Customs agents, Ms. Bradley recalled that she, along with most of the other black women on the flight, were singled out for searches and interrogation, where she experienced one of the most humiliating moments of her life. Ms. Bradley was searched throughout her body including her private parts. Mr. Speaker no drugs or contraband was found.

I happen to be a strong supporter of our INS, Customs and other border security agents and the responsibilities that they have. This bill, however, adds to substantial provisions they already have all that they need to ensure the safety of this Nation. To take away—to give them a bye, a pass, on the Bill of Rights and the Constitution, the understanding of unreasonable search and seizures, is unfair. This bill without protection against racial profiling is unfair and it is not a solution.

Organizations like the ACLU have conducted reports that one of the ACLU's highest priority issues is the fight against the outrageous practice of racial profiling. In its report Driving While Black: Racial Profiling On Our Nation's Highways, the ACLU documents the practice of substituting skin color for evidence as a grounds for suspicion by law enforcement officials.

Tens of thousands of innocent motorists on highways across the country are victims of racial profiling. And these discriminatory police stops have reached epidemic proportions in recent years—fueled by the "Wars on Drugs" and potentially fueled by bills like this, bad police officers have been given a pretext to target people who they think fit a profile. We must put an end to the practice of racial profiling. My Amendment, most importantly, through the collection of data, the amendment by its very nature would curb any tendency toward this abuse and help prevent this legislation from being used as a tool for racial profiling.

Unfortunately, after a vigorous debate during the markup, however, the majority refused to accept the amendment arguing that the measure would place an extreme burden on the officers carrying out the provisions of the amendment. My attempts to have something in the bill to address this problem have been ignored.

While I firmly believe something must be done to lower the rate of alcohol-related car accidents that take place on our nation's highways and in close proximity to our nation's borders there are concerns raised by the bill. It is unfortunate, because had minimal efforts to make the bill acceptable to the Democrats, as the majority had committed to doing during the Committee process, this bill could have passed without opposition.

Mr, Speaker, in its current form, I must urge my colleagues to oppose H.R. 2155.

Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, unfortunately, the Bradley case that the gentlewoman from Texas (Ms. JACKSON-LEE) cited is not relevant to this bill. She talked about a search of a woman who arrived at the Newark Airport. This bill only applies to land border crossings, not ports of entry that are not land border crossings. So the argument that the gentlewoman from Texas (Ms. JACKSON-LEE) relies on is irrelevant to dealing with the issue of this bill.

The gentlewoman from Texas complains about the fact that people might be unduly targeted for stops. Everybody who crosses the border between the United States and Mexico and Canada has to be stopped. Mr. Speaker, 100 percent of the people do, regardless of what their race is or their national origin. I do not understand what the gentlewoman's complaints are because she should know that one must stop for inspection and the law requires it.

Now, finally, during the markup of the Committee on the Judiciary, as chairman, I gave the gentlewoman from Texas my commitment to ask for a GAO study once this bill is signed into law. The gentlewoman from Texas should know that any Member of the House can ask for a GAO study. It does not have to be an amendment adopted by the committee; it does not have to be legislation on the floor of the House. She can ask for one, I can ask for one, and anyone of the other 433 Members of the House of Representatives can ask for one. So nobody is preventing a GAO study from being done should this bill be passed by both Houses and signed into law by the President.

The issue is very simple, and that is that if somebody comes to a land border crossing at the United States who is drunk or who is under the influence of drugs and is not capable of safely operating a motor vehicle, should the immigration inspector who stops that individual be allowed to detain them and to administer a chemical test. We cannot do that now, but this bill does give the immigration inspectors the authority to do that. And if this bill fails and this hole in the law is not plugged, then the drunk driver or the impaired driver will go on his or her merry way at a border crossing which is, of necessity, crowded by people who are stopping and submitting to inspection as required by Federal law and vulnerable to injury or death simply because the INS inspector had to call up the local police and it is only when the local police arrive on the scene can there be a stop.

This is a good bill. The arguments of the gentlewoman from Texas are complete red herrings. It should be passed.

Mr. Speaker, I yield 5 minutes to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. Mr. Speaker, I thank the gentleman for yielding me this time. I want to thank and pay tribute to the chairman for bringing this bill to the floor and for working it through the committee in such a deliberative fashion. We debated this at the subcommittee level, at the committee level; and we had a great debate on it. Many Members shared their support for the bill.

As mentioned, this is simply closing a glaring loophole in the law that allows someone in a border port of entry, at a land port of entry to drive totally intoxicated, and INS officers are powerless to stop them, unless they want to do it as a citizen for which they risk liability that they are unwilling to assume. We asked INS officers what happens when someone who is visibly drunk crosses a border. They said, we let them go on a wing and a prayer and just hope that somebody, hope that a law enforcement officer at the municipal or State level is able to stop them.

Well, that has not been good enough. In California, in the past 2 years, we have had two law enforcement officers killed, killed when drunk drivers drove up, under-age drivers who drove to Mexico with the express purpose of drinking because they can, because of lax enforcement, drink underage, drive across the border knowing full well that they will not be stopped by the person who sees them right inside the window, who stops them, who cannot stop them when they are drunk, who will just let them go on through. They killed two California highway patrol officers. Several fatal car crashes in my home State of Arizona are blamed on drunk drivers going to Mexico to drink, coming back across the border, knowing that they cannot be stopped. This is wrong.

This is what this law is about. We have to change that. We have to close this glaring loophole. I do not know about my colleagues, but I do not want to stand and tell the widow or the widower of the next highway patrol officer or the next person who is killed on the border that we could have had this bill passed, we could have done it were it not for extraneous language that is purely secondary to the bill.

As the chairman mentioned, we have offered and are more than willing to have a letter to the GAO. This need not be in statute as they are asking. We can do the same by a letter to the GAO. But let us get this bill passed. We need it. There is a glaring loophole now. Lives are being lost on the border in my State and others. I would ask for support of this bill.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I gives me great pleasure to yield such time as he may consume to the gentleman from Michigan (Mr. CONYERS), the ranking member of the Committee on the Judiciary, who knows a lot about racial profiling inasmuch as he has authored legislation on that issue.

Mr. CONYERS. Mr. Speaker, I thank the gentlewoman from Texas for her leadership as ranking member of the subcommittee, and I want to thank the gentleman from Arizona (Mr. FLAKE) for his leadership as chairman of the subcommittee.

The question that the gentleman from Arizona has raised is a very disturbing one: two police officers from his State killed in connection with activity involving people driving under the influence. And that should be disturbing to everybody in Arizona as well as everybody in this Congress. Then why, I say to the gentleman from Arizona, would he jeopardize the passage of this bill over, and I will accept his description of it as an irrelevant addition to it, when the gentleman knows full well that one-third of the Members of the Congress can turn back a bill that is on suspension? This means that the gentleman is rolling the dice big time, I say to my friend. I do not want to take that chance. If the gentleman does, then we will have a vote shortly that will determine which one of us was more correct.

Mr. FLAKE. Mr. Speaker, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Arizona.

Mr. FLAKE. Mr. Speaker, I too fear that this bill will be imperiled, but I fear it if we attach such language. That is why we had a debate in the committee. The chairman is correct. That is where we debate bills like this. We had the debate in committee, we put that amendment up to a vote and it failed. Were we to accept the unanimous consent request or to amend this on the floor, we would be going and stepping over the committee. That is not the process. That is the relevant process we have to follow.

Mr. CONYERS. Mr. Speaker, reclaiming my time, I thank the gentleman. I appreciate that procedural explanation. If the gentleman is going to risk police officers' lives in the gentleman's State based on a vote in the committee, then that, my friend, is a choice that the gentleman has who, as a Member, has as much right to cast that opinion as anybody else. I wish the gentleman good luck, frankly, because police officers' lives are at stake.

Mr. Speaker, I have just approached the distinguished chairman of the Committee on the Judiciary, the gentleman from Wisconsin (Mr. SENSENBRENNER), my good friend, who has informed me that unfortunately we are not able to remove this bill from the suspension calendar to have this amendment repaired because this is the last suspension day for bills under suspension that we will have in this Congress. And if he is right, that puts us in a more difficult situation.

Mr. Speaker, the reason that we are in this position is that the subcommittee ranking chairperson had assumed that there had been an agreement worked out on this amendment, and it was not until we came to the full committee markup that we found that there was a serious difference still outstanding.

All I stand here in the well of the House today to do is to work in every way that I can with the chairman of my committee and the chairman of the subcommittee to see that we can repair this so that we can get a bill out to protect the lives of all of our law enforcement people at the border. This is a bill that we support, a bill we support, a bill that we want to get to the Senate and enacted into law as quickly as possible.

□ 1445

We think that it is a lifesaving measure. But because of this disagreement over the importance of a study on racial profiling, we are not able to do that.

The Members of this House, before they vote on this measure tomorrow, should be fully aware of the fact that the reason we put the GAO in the amendment was that the subcommittee chairman, the gentleman from Arizona (Mr. FLAKE), is the one that asked that it be included. The original provision of the gentlewoman from Texas (Ms. JACKSON-LEE) referred this to the Attorney General's office, and they objected.

Mr. Speaker, I would ask the Members, what are we doing here? Where we are now, I say to the gentleman from Arizona (Mr. FLAKE), is that the American Civil Liberties Union, and this is not a funny matter, I say to the gentleman from Arizona. Please listen to me.

The American Civil Liberties Union announced this morning that they are in opposition to the bill in its present form. That is not a laughing matter. The Leadership Council on Civil Rights has announced their opposition to the bill. This is not a laughing matter. The National Association for the Advancement of Colored People, with a-half-a million members, has announced that until this bill is repaired they are against the bill. It is not a laughing matter.

So if it does not matter to the Members, okay. If it is funny, okay. If they have the votes, okay. But I think they are doing a grave disservice to an excellent piece of legislation that they and the gentlewoman from Texas (Ms. JACKSON-LEE) have crafted.

If they choose to roll the dice on it in the way they apparently have, then I will have to live by that decision, because I am not in the House leadership, and I cannot assure the Members that if the bill is pulled off the floor, there will be another Suspension Calendar.

The reason I will not yield is because the chairman controls all the time on the gentleman's side.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. FLAKE), who is not a chairman.

Mr. FLAKE. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, regarding the gentleman from Michigan's point about this not being a laughing matter, certainly I do not make a laughing matter out of it. The only humor I found is in being elevated to the status of chairman of the subcommittee, which I am not. The chairman just informed me if I am, it has been revoked. That is the only part that I find humorous. This is not a laughing matter at all.

When the ranking minority member mentions that in the subcommittee we had discussions about where the authority ought to rest for a study, we simply pointed out that the amendment, as drafted, mentioned the INS Commissioner when, under our own language out of the committee, that position will no longer exist. So that would not be the proper place for the study.

What we suggested was that that responsibility would lie with the GAO.

As the chairman mentioned, we have offered again and again and again, at the gentleman's suggestion, I say to the ranking minority member, that we draft a letter to the GAO and to ask them to conduct such a study, to do that. I stand ready to do that, and I hope that we can.

This is an important issue. We simply need not have it in statute because that would imperil the bill. We cannot, for every law enforcement action taken in this House or in this body, attach racial profiling language. We simply cannot. That would imperil too much good legislation going forward.

It is not a laughing matter at all; this is serious. People are dying in the border towns every day, and a lot of it is linked to drunken drivers coming across the borders. This is a serious matter, we ought to take it that way, and move this bill forward without secondary amendments.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PENCE). Members are reminded that they should direct their comments to the Chair, and avoid dialogue in the second person.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, this is a very serious matter. It really saddens me that we have come to this.

I notice that there was some discussion that no one seems to understand racial profiling. There is a bill that we wish had moved through this House with some 95 or more cosponsors that if we could have gotten a hearing on it in the Committee on the Judiciary, maybe we could have educated our colleagues about this issue.

The fact is that we have to live the way we live, many of us who come from different walks of life, to understand racial profiling. One has to live in our skin as an American and be able to acknowledge this is the best country we could ever live in, but every day we work to improve that country. So I think it is important for those who do not live as many of us do to recognize that, as legislators, we try to work together.

In this instance, I think it is important to note that the INS border inspectors, by State law that is already codified, in complete disagreement with my colleagues, have the authority to stop those whom they might feel are impaired. This study only allows instruction, giving them the ability to do their job better, and to be able to recognize that all of us have the right to be treated fairly, no matter who we are, and that this Nation is founded on those who escaped persecution so they could be treated fairly.

I am sorry that my colleagues believe this to be frivolous and a laughing matter, and refuse to exercise the comity of this House and work with those of us who are sincere in promoting legislation that works for everyone. It is a great disappointment to me. In fact, Mr. Speaker, it is hurting, because I have constituents who have felt the abuse of this process.

So I would offer to say that a letter does not equate to legislation. Mr. Speaker, I would simply say, we have been fighting to pass racial profiling legislation in this House. Of course, as a minority, we have not been successful.

Mr. Speaker, I would like to pose a question to the ranking member, the gentleman from Michigan (Mr. CONYERS). It really goes to the legislation that he has had filed in this House for a period of time.

I recall traveling with the gentleman throughout the Nation on a series of racial profiling hearings. I think the persons appearing came from all walks of life, if I am correct; and I know that it was a searing issue to the extent that we had sponsors and supporters of legislation in the Senate, the other body, because it was so clear that this Nation needed to address this question.

I would ask the gentleman simply to expand on that point. There seems to be some question of the seriousness and the need for having at least an instructive amendment that allows us to be instructed by a study that will give guidance to having us do our jobs better.

I know the gentleman has spent a lot of time on this issue, so I would ask him to speak on this point, on this legislation that he filed and the need for its hearing; but more importantly, the work that he did in coming to the point of drafting this legislation.

Mr. CONYERS. Mr. Speaker, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Speaker, I thank the ranking member, the gentlewoman from Texas (Ms. JACKSON-LEE), of the Subcommittee on Immigration, Border Security, and Claims of the Committee on the Judiciary, for yielding to me.

Mr. Speaker, racial profiling cannot be considered irrelevant anywhere in the country, but particularly in a circumstance where we are giving additional powers to law enforcement agents on the border. For us not to include a study is sending a very dangerous signal to them, especially after this debate.

I frankly do not see how a measure like this, after this kind of discussion, could possibly clear the House of Representatives in consideration of the times and the problems with law enforcement and the minority community that plague the criminal justice system and law enforcement all over the country. I plead with my colleagues to please withdraw this measure until we can work out some rapprochement.

I can say that the gentlewoman from Texas (Ms. JACKSON-LEE) has been totally willing to cooperate, and I think, up until the day of the hearing, I would have said the same thing about the subcommittee chairman; or if he is not the subcommittee chairman, the gentleman from Arizona (Mr. FLAKE). He has been totally cooperative, as well.

I know that the gentleman from Wisconsin (Chairman SENSENBRENNER) and I have been working together in a very fine spirit to try to resolve this, and maybe the leadership of the House would schedule another session for suspensions, which would give us the time to at least bring this one back to the floor.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman from Michigan for his comments.

I would just simply close by saying that there is a throng of legislation passed on racial profiling. What we tried to do here is work in a bipartisan manner to enhance our Border Patrol agents, and, as well, protect the liberties of all of our people.

I would simply ask that my colleagues vote against this legislation, for it stands for nothing as it relates to being able to protect our Border Patrol agents and enhance their lives in contrast to diminishing the lives of others. I ask for a no vote on this legislation.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I think it is regrettable that my two colleagues, the gentleman from Michigan (Mr. CONYERS) and the gentlewoman from Texas (Ms. JACKSON-LEE) have decided to make this very meritorious bill into a debate on racial profiling.

I have offered, as has the gentleman from Arizona (Mr. FLAKE), to send a letter to the Comptroller General asking for the precise study that the gentleman from Michigan and the gentlewoman from Texas have asked for.

As I said previously, every Member of Congress can get GAO studies on any relevant issue that they desire. We do not need to clutter up the statute books by requiring the Comptroller General to do a study on this subject or on any other subject. It merely requires sending a letter signed by a Member of Congress.

Now, if the gentleman from Michigan (Mr. CONYERS), who represents a border community, and the gentlewoman from Texas (Ms. JACKSON-LEE), who represents a district which is pretty close to the other border, if their idea becomes law, I am afraid that every immigration inspector who has to stop everybody who is legally crossing the border and ask them questions, they are going to have to compile this data for the GAO study, and the lines behind the border are going to get longer and longer, and people are going to be more frustrated, whether they are coming across the border to go to school, which we are going to talk about in a few minutes, or to further commerce, or just to visit the United States of America as a tourist, which is something that I think we encourage, as well, because we like foreigners spending their money here.

I am going to work with the gentleman from Michigan and the gentlewoman from Texas. But that is no reason, just because the issue of racial profiling is brought up, and a process where everybody has to be stopped and detained and questioned as they cross the border, that this very meritorious bill should be voted down.

Anybody in law enforcement will tell us that the quicker a drunk driver or a driver whose ability is impaired by drugs is stopped, the fewer people are placed at risk; so why not stop them on the border, and if they are drunk or impaired, do the appropriate chemical tests?

Mr. Speaker, I think this is a good idea. It might save lives. I commend the gentleman from Arizona (Mr. FLAKE) for keeping this a clean bill.

Mr. Speaker, I yield back the balance of my time.

□ 1500

The SPEAKER pro tempore (Mr. PENCE). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 2155, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Ms. JACKSON-LEE of Texas. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

BORDER COMMUTER STUDENT ACT OF 2002

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4967) to establish new nonimmigrant classes for border commuter students.

The Clerk read as follows:

H.R. 4967

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Border Commuter Student Act of 2002".

SEC. 2. ESTABLISHMENT OF BORDER COMMUTER NONIMMIGRANT CLASS.

(a) CLASS FOR ACADEMIC OR LANGUAGE STUDIES.—Section 101(a)(15)(F) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(F)) is amended by striking "and (ii)" and all that follows through the end of subparagraph (F) and inserting the following: "(ii) the alien spouse and minor children of any alien described in clause (i) if accompanying or following to join such an alien, and (iii) an alien who is a national of Canada or Mexico, who maintains actual residence and place of abode in the country of nationality, who is described in clause (i) except that the alien's qualifications for and actual course of study may be full or part-time, and who commutes to the United States institution or place of study from Canada or Mexico;".

(b) CLASS FOR VOCATIONAL OR NONACADEMIC STUDIES.—Section 101(a)(15)(M) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(M)) is amended by striking "and (ii)" and all that follows through the end of subparagraph (M) and inserting the following: "(ii) the alien spouse and minor children of any alien described in clause (i) if accompanying or following to join such an alien, and (iii) an alien who is a national of Canada or Mexico, who maintains actual residence and place of abode in the country of nationality, who is described in clause (i) except that the alien's course of study may be full or part-time, and who commutes to the United States institution or place of study from Canada or Mexico;".

(c) LIMITATION.—Section 214(m) of the Immigration and Nationality Act (8 U.S.C. 1184(m); as redesignated by section 107(e)(2)(A) of P.L. 106-386) is amended by striking "section 101(a)(15)(F)(i)" both places it appears and inserting "clause (i) or (iii) of section 101(a)(15)(F)".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentlewoman from Texas (Ms. JACKSON-LEE) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4967, the bill currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Immigration and Nationality Act permits foreign students to study in the United States on nonimmigrant student visas. Aliens must be full-time students to be eligible for F visas, which is academic or language studies, or M visas, which are vocational or non-academic studies, nonimmigrant student visas. However, some INS districts have paroled commuter students from Canada and Mexico into the United States as visitors to bypass this statutory requirement because no visa category exists for part-time commuter students.

Since September 11, 2001, the INS has issued memoranda regarding its intent to end this practice of accommodating part-time commuter students but permits its continuance through the end of this year for students already enrolled in border schools. On August 27, 2002, the INS issued an interim rule to expand the F and M student visa categories to permit Mexican and Canadian commuter students to obtain student visas.

However, such a rule is open to differing interpretations across administrations. By passing H.R. 4967, this bill would make Congress' intent clearer that the Canadian and Mexican students should be able to obtain student visas and attend U.S. schools along our borders.

The bill amends the F and M student categories of the Immigration and Nationality Act to expand student visa authorization only for nationals of Canada or Mexico who maintain actual residence and place of abode in the country of nationality, whose course of study may either be full- or part-time, and who commute to the U.S. institution or place of study from Canada or Mexico. These part-time students will be tracked in the Student and Exchange Visitor Information System, or SEVIS; and I would point out that if this bill is not passed, and they continue to be paroled in as visitors, they will not be tracked under SEVIS because they do not have student visas.

In practice, the INS has been allowing the students in for years but without proper authority to do so. This bill gives the INS that proper authority, and I urge my colleagues to vote for it.

Mr. Speaker, I reserve the balance of my time.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, I am pleased to join my colleagues in support of making part-time commuter students who are nationals of either Canada or Mexico and attend school in the United States eligible for special student visas. I especially congratulate the gentleman from Arizona (Mr. KOLBE) for his untiring efforts to move this legislation forward.

Thousands of Canadian and Mexican nationals commute to attend schools part-time in the United States. According to the Institute of International Education, 25,769 Canadian students and 10,679 Mexican students are enrolled at U.S. colleges on a full-time basis. There are thousands of additional students that are part-time students.

Texas has a significant portion of students who commute to schools in Texas. For years now, border points like El Paso and Laredo have made exceptions for part-time Mexican students who enter on a daily visitor and travel visa. Schools in Texas, such as Texas A&M International, will benefit from this legislation. Texas A&M International University has approximately 50 to 60 students that benefit from this legislation. At the University of Texas Pan-American in Edinburgh, Texas, 14 of the 425 international students are part-time.

According to university officials at both institutions, many more students would attend if they could be able to cross the border easily. Unfortunately, current law does not establish an appropriate visa for those part-time commuter students who, in fact, are coming to learn and then returning home to contribute to their communities.

Under the Immigration and Naturalization Act, aliens who reside in a foreign country and are pursuing a full course of study from a recognized vocational institution or an established college, university or other academic institution in the United States are eligible for student visas. For the purpose of granting student visas, the INS defines "full course of study" as 12 credits or more. So, therefore, part-time commuter students, those who might only be taking a class or two, are not currently eligible for student visas.

However, some INS district offices have permitted part-time commuter students to enter the United States as visitors to pursue their studies. I am encouraged by the INS' recent reversal of a May 2002 decision to eliminate this practice and enforce the full-time 12-hour credit requirement.

We do know that we live in different times since the horrific acts of 9-11. We do know our responsibilities for border security; and of course, as I have mentioned earlier, my commitment to such in cosponsorship of several bills, recognizing the balance, a balance in the previous bill to add a study on racial profiling, this bill is a balance. It recognizes that these students are coming to learn, to contribute, and to make a difference not only in their lives but in their communities.

It also recognizes the economic aspect of it, and these students will be contributing to the economy of the regions of which they participate in those academic institutions.

Fortunately, the agency recently postponed enforcement of the policy until August 15, 2002, while administrative and legislative remedies are considered. I consider that a balanced perspective on the part of the INS.

The legislation we are introducing today appropriately addresses the problem facing part-time commuter students without hoping for a new avenue for illegal immigration. Of course, this bill is on the floor of the House today and would amend 18 U.S.C. 1101 to make certain part-time commuter students eligible for student visas. The bill would allow nationals of Canada or Mexico who both maintain a residence and a place of abode in their country of nationality and who commute to school to enroll part-time in schools in the United States, and part-time commuter student visas are restricted to nationals of Canada or Mexico. The bill would not make political asylees, residents or others, who are nationals of third countries, who simply live in Canada or Mexico eligible for the visas; and I think that is an important point to make.

Again, I believe that we have an enormous responsibility to ensure the security of our communities, but I think this is a balanced and forthright legislative initiative to help all.

Finally, Mr. Speaker, the Enhanced Border Security and Visa Entry Reform Act, passed by the Senate in April and signed into law by the President on May 14, 2002, leads the way for full implementation of participation in services mandatory by January 30, 2003. However, SEVIS only tracks nonimmigrant students and exchange visitors. Aliens admitted with visitor visas are not tracked through the system. This bill for the first time will ensure that part-time commuter students from Canada and Mexico are also tracked through the student tracking process, again in response to the new concerns we have after September 11.

I ask my colleagues to support this balanced initiative and support this legislation.

Mr. Speaker, I am pleased to join my colleagues in support of making part-time commuter students who are nationals of either Canada or Mexico and attend school in the United States eligible for special student visas. I especially congratulate Mr. KOLBE for moving this legislation forward.

Thousands of Canadian and Mexican nationals commute to attend schools part time in the United States. According to the Institute of International Education, 25,769 Canadian students and 10,679 Mexican students are enrolled at U.S. Colleges on a full-time basis. There are thousands of additional students that are part-time students. Texas has a significant portion of students who commute to schools in Texas. For years now Border points like El Paso and Laredo, Texas have made exceptions for part-time Mexican students who entered on a daily visitor and travel visas. Schools in Texas such as Texas A&M International will benefit from this legislation. Texas A&M International University has approximately 50 to 60 students that would benefit from this legislation. At the University of Texas Pan American in Edinburg, Texas, 14 of the 425 international students are part-time students. According to university officials at both institutions many more students would attend if they could cross the border easily. Unfortunately, current law does not establish an appropriate visa for these part-time commuter students.

Under the Immigration and Naturalization Act, aliens who reside in a foreign country and are pursuing a full course of study from a recognized vocational institution or an established college, university, or other academic institution in the United States are eligible for student visas. For purposes of granting student visas, the INS defines "full course of study" as 12 credits or more. Part-time commuter students, those who might be only taking a class or two, are not currently eligible for student visas.

However, some INS district offices have permitted part-time commuter students to enter the United States as visitors to pursue their studies. I am encouraged by the INS recent reversal of a May 2002 decision to eliminate this practice and enforce the full-time, 12-credit hour requirement.

Fortunately, the agency recently postponed enforcement of the policy until August 15, 2002, while administrative and legislative remedies are considered.

The legislation we are introducing today appropriately addresses the problem facing part-time commuter students without opening new avenues for illegal immigration. This bill would amend 18 U.S.C. 1101 to make certain part-time commuter students eligible for student visas. The bill would allow nationals of Canada or Mexico who both maintain a residence and a place of abode in their country or nationality and who commute to school to enroll part-time in schools in the United States. Part-time commuter student visas are restricted to nationals of Canada or Mexico. The bill would not make political asylees, residents, or others who are nationals of third countries but simply live in Canada or Mexico eligible for the visas.

This legislation is also consistent with the current INS interim rule in that it ensures that part-time commuter students are tracked through the Student Exchange Visitor Information System. As we discussed in our Subcommittee hearing a few weeks ago on SEVIS, this system was set up to ensure that the Federal Government is aware of changes in a foreign student's status that could affect their eligibility to remain in the United States. The Enhanced Border Security and Visa Entry Reform Act, passed by the Senate in April and signed into law by the President on May 14, 2002, leads the way for full implementation of SEVIS. Participation in SEVIS is mandatory by January 30, 2003; however, SEVIS only tracks nonimmigrant students and exchange visitors. Aliens admitted with visitor visas are not tracked through the system. This bill will, for the first time, ensure that part-time commuter students from Canada and Mexico are tracked through SEVIS.

While I acknowledge new security concerns in the aftermath of September 11, I feel that we can meet those concerns without prohibiting all part-time commuter students from attending classes at schools in the United States. This legislation represents a bipartisan compromise that will allow us to meet these needs in a reasonable, thoughtful manner. This legislation represents the best type of legislation that results when members on opposing sides can put aside partisan differences and work for viable solutions. I am pleased to support this measure and I will work to see its passage in the 107th Congress.

Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield such time as he may consume to the gentleman from Arizona (Mr. KOLBE), the principal author of this bill.

Mr. KOLBE. Mr. Speaker, I thank the gentleman for yielding me the time, and I want to thank the chairman of the full committee and the ranking member, the distinguished gentlewoman from Texas, the ranking member of the Subcommittee on Immigration and Claims, for their courtesies shown to me and my staff in the preparation of this bill and the consideration of it in the committee.

Mr. Speaker, H.R. 4967 will end years of frustration for colleges and universities, frustration made worse by the terrorist attacks of September 11.

The Border Commuter Student Act is simple in its purpose. It is to allow U.S. border colleges to teach Mexican and Canadian citizens who live near the border. It creates a new nonimmigrant classification for Mexicans and Canadians who want to commute each day to U.S. college or school. The study can be full-time or part-time.

The people of Mexico and Canada who live and work in their home country but who want to attend a night class, such as business English for Mexicans, in the United States should be allowed to do this. Every day citizens of Mexico and Canada cross back and forth to shop, to do business, to visit relatives. They should also be able to further their education. On that, I think most of us agree.

Current law provides for two student nonimmigration categories. The F1 category is for academic studies and the M1 category is for nonacademic or vocational studies. These categories by law require that a student be enrolled full-time; but here is the loophole, or I should say the gaping hole, for commuting students.

A person can enter the United States only to study full-time; and if they enter for business or for pleasure, the law explicitly states that they cannot be enrolled in a study.

For decades, it has been the policy of the INS that these border commuter students were required to attend class full-time; however, it was loosely enforced prior to September 11, 2001. The INS recently pushed this law to its limit by allowing border commuter students to enter the United States to study on a reduced course load as long as they are a "qualified full-time student."

I commend the INS for expanding the number of students that can enter the U.S. as full-time students to include these quasi-full-time students. Although the INS did what they could under the law that limits students entering the country to full-time status, this simply is not enough.

We need to clarify the law so that there is no misunderstanding, no room for misinterpretation, and no room for further changes by future administrations to this policy. We need to give these colleges and students the confidence that a future INS commissioner is not going to change policy midstream in someone's studies.

The Border Commuter Student Act creates a new classification for Mexicans and Canadians to enter the United States. In other words, it provides additional options for the citizens of our neighboring countries to enter the U.S. It does not allow foreign children to attend public elementary or high schools; and it ensures national security by continuing the requirement that all foreign students be entered into the student tracking system; and that, Mr. Speaker, is very important.

It is in the interest of the United States to allow our neighbors to take courses in English and history and mathematics and philosophy or business or nursing or any other kind of vocation or profession at our Nation's colleges and schools along the border. In addition, it is in the interest of Mexico and Canada to allow their citizens access to an expanded area of educational opportunities.

I am very proud today that the House of Representatives is doing its part to help these schools and these students. I believe our neighbors to the south and the north deserve special treatment and the Border Commuter Student Act adds another option to enter the United States for Canadians and Mexicans who live along the border.

The bipartisan bill was voted out of the Committee on the Judiciary unanimously. It is supported by the administration, by the Mexican Government, the Canadian Government, the U.S.-Mexico Counties Coalition, the Arizona-Mexico Commission, the American Association of State Colleges and Universities, the National Association of State Universities and Land-Grant Colleges, the Career College Association, the Hispanic Association of Colleges and Universities, the University of Phoenix system, University of Texas system, and Texas Tech.

Mr. Speaker, this is, as the gentlewoman said earlier, good legislation. It is balanced legislation. It corrects a flaw we have had in our immigration law for some time, and I urge my colleagues to support this bill.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield myself such time as I may consume.

Let me just conclude by simply saying what we want in this legislation is to help our commuter students from Canada and Mexico come in, be trained, and contribute to their communities and societies. This is a balanced legislative initiative, and I ask my colleagues to support it.

Mr. REYES. Mr. Speaker, I rise today in strong support of H.R. 4967, the Border Commuter Student Act. I applaud my colleague, Mr. KOLBE, for his hard work at addressing an issue that is critical along the U.S.-Mexico and Canada borders.

As you know, the situation on the U.S.-Mexico and Canada borders is unique in regard to foreign students who reside in their homelands and who cross at our Ports-of-Entries (POEs) to use American colleges and universities. Many of these students attend classes on a part-time basis. In the past, the interpretation of the meaning of part-time student varied from POE to POE resulting in inconsistent policy. Immigration and Naturalization Service (INS) District Directors used their discretion in allowing part-time students to cross at many POEs.

Recently, the INS began to enforce laws by stating that "aliens who seek to enter the United States regularly but primarily to pursue less than a full course of study are neither visitors nor students and are ineligible for student visa or visitor status." INS Commissioner Ziglar further clarified policy by stating that "the POEs are not to admit visitors for business or pleasure whose purpose for entering the United States is to pursue a part-time course of study at a college or university."

As we continue with our efforts to secure our homeland, I will be the first to admit that priority must be placed on improving the ability of the INS to enforce our laws and deploy technology necessary to secure our nation's borders. Having worked for many years in the U.S. Border Patrol, I understand the importance of increasing security at our nation's POEs and I also understand the need to carefully monitor student visas.

However, as you can imagine, Mr. Speaker, this situation would have created a great deal of confusion in my district and in many other districts along the U.S.-Mexico and Canadian borders and would have penalized law-abiding people who were taking steps to educate and improve themselves. In fact, there are over 2,000 students in my district alone who would have been adversely impacted by the implementation of this policy. Some of these students included professionals who work full-time in Mexico border cities and who cross regularly to attend colleges and universities part-time in pursuit of graduate degrees. Such individuals include skilled workers in maquiladoras, educators, and engineers. Many of these individuals contribute to the improvement and quality of life for sister cities along our borders.

The Border Commuter Student Act, of which I am an original cosponsor, creates two new non-immigrant student visa categories for Canadian and Mexican students who study part-time in the United States but who live in their home country. This legislation only applies to schools located within 75 miles of the border. Mr. Speaker, this is good, common-sense legislation that closes a loophole and allows students from the U.S.-Mexico and Canada borders to attend classes in the United States on a part-time basis. I urge my colleagues to support it.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 4967.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

□ 1515

OUR LADY OF PEACE ACT

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4757) to improve the national instant criminal background check system, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4757

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Our Lady of Peace Act".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) Since 1994, more than 689,000 individuals have been denied a gun for failing a background check.

(2) States that fail to computerize their criminal and mental illness records are the primary cause of delays for background checks. Helping States automate their records will reduce delays for law-abiding gun owners.

(3) 25 States have automated less than 60 percent of their felony criminal conviction records.

(4) 33 States do not automate or share disqualifying mental health records.

(5) In 13 States, domestic violence restraining orders are not automated or accessible by the national instant criminal background check system.

(6) In 15 States, no domestic violence misdemeanor records are automated or accessible by the national instant criminal background check system.

TITLE I—TRANSMITAL OF RECORDS

SEC. 101. ENHANCEMENT OF REQUIREMENT THAT FEDERAL DEPARTMENTS AND AGENCIES PROVIDE RELEVANT INFORMATION TO THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM.

(a) In General.—Section 103(e)(1) of the Brady Handgun Violence Prevention Act (18 U.S.C. 922 note) is amended—

(1) by inserting "electronically" before "furnish"; and

(2) by adding at the end the following: "The head of each department or agency shall ascertain whether the department or agency has any records relating to any person described in subsection (g) or (n) of section 922 of title 18, United States Code and on being made aware that the department or agency has such a record, shall make the record available to the Attorney General for inclusion in the system to the extent the Attorney General deems appropriate. The head of each department or agency, on being made aware that the basis under which a record was made available under this section does not apply or no longer applies, shall transmit a certification identifying the record (and any name or other relevant identifying information) to the Attorney General for removal from the system. The Attorney General shall notify the Congress on an annual basis as to whether the Attorney General has obtained from each such department or agency the information requested by the Attorney General under this subsection.".

(b) Immigration Records.—The Commissioner of the Immigration and Naturalization Service shall cooperate in providing information regarding all relevant records of persons disqualified from acquiring a firearm under Federal law, including but not limited to, illegal aliens, visitors to the United States on student visas, and visitors to the United States on tourist visas, to the Attorney General for inclusion in the national instant criminal background check system.

SEC. 102. REQUIREMENTS TO OBTAIN WAIVER.

(a) In General.—Beginning 5 years after the date of the enactment of this Act, a State shall be eligible to receive a waiver of the 10 percent matching requirement for National Criminal History Improvement Grants under the Crime Identification Technology Act of 1988 if the State provides at least 95 percent of the information described in subsection (b). The length of such a waiver shall not exceed 5 years.

(b) Eligibility of State Records for Submission to the National Instant Criminal Background Check System.—

(1) Requirements for eligibility.—The State shall make available the following information established either through its own database or provide information to the Attorney General:

(A) The name of and other relevant identifying information relating to each person disqualified from acquiring a firearm under subsection (g) or (n) of section 922 of title 18, United States Code, and each person disqualified from acquiring a firearm under applicable State law.

(B) The State, on being made aware that the basis under which a record was made available under subparagraph (A) does not apply or no longer applies, shall transmit a certification identifying the record (and any name or other relevant identifying information) to the Attorney General for removal from the system.

(C) Any information provided to the Attorney General under subparagraph (A) may be accessed only for background check purposes under section 922(t) of title 18, United States Code.

(D) The State shall certify to the Attorney General that at least 95 percent of all information descibed in subparagraph (A) has been provided to the Attorney General in accordance with subparagraph (A).

(2) Application to persons convicted of misdemeanor crimes of domestic violence.—(A) For purposes of paragraph (1), a person disqualified from acquiring a firearm as referred to in that paragraph includes a person who has been convicted in any court of any Federal, State, or local offense that—

(i) is a misdemeanor under Federal or State law or, in a State that does not classify offenses as misdemeanors, is an offense punishable by imprisonment for a term of 1 year or less (or punishable by only a fine);

(ii) has, as an element of the offense, the use or attempted use of physical force (for example, assault and battery), or the threatened use of a deadly weapon; and

(iii) was committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, parent, or guardian, (for example, the equivalent of "common-law marriage" even if such relationship is not recognized under the law), or a person similarly situated to a spouse, parent, or guardian of the victim (for example, two persons who are residing at the same location in an intimate relationship with the intent to make that place their home would be similarly situated to a spouse).

(B) A person shall not be considered to have been convicted of such an offense for purposes of subparagraph (A) unless—

(i) the person is considered to have been convicted by the jurisdiction in which the proceeding was held;

(ii) the person was represented by counsel in the case, or knowingly and intelligently waived the right to counsel in the case; and

(iii) in the case of a prosecution for which a person was entitled to a jury trial in the jurisdiction in which the case was tried—

(I) the case was tried by a jury; or

(II) the person knowingly and intelligently waived the right to have the case tried by a jury, by guilty plea, or otherwise.

(C) A person shall not be considered to have been convicted of such an offense for purposes of subparagraph (A) if the conviction has been expunged or set aside, or is an offense for which the person has been pardoned or has had civil rights restored (if the law of the jurisdiction in which the proceedings were held provides for the loss of civil rights upon conviction of such an offense) unless the pardon, expungement, or restoration of civil rights expressly provides that the person may not ship, transport, possess, or receive firearms, and the person is not otherwise prohibited by the law of the jurisdiction in which the proceedings were held from receiving or possessing any firearms.

(3) Application to persons who have been adjudicated as a mental defective or committed to a mental institution.—

(A) For purposes of paragraph (1), an adjudication as a mental defective occurs when a court, board, commission, or other government entity determines that a person, as a result of marked subnormal intelligence, or mental illness, incompetency, condition, or disease—

(i) is a danger to himself or to others; or

(ii) lacks the mental capacity to contract or manage his own affairs.

(B) The term "adjudicated as a mental defective" includes—

(i) a finding of insanity by a court in a criminal case; and

(ii) a finding that a person is incompetent to stand trial or is not guilty by reason of lack of mental responsibility pursuant to articles 50a and 72b of the Uniform Code of Military Justice (10 U.S.C. 850a, 876b).

(C) Exceptions.—This paragraph does not apply to—

(i) a person—

(I) in a mental institution for observation; or

(II) voluntarily committed to a mental institution; or

(ii) information protected by doctor-patient privilege.

(4) Privacy protections.—For any information provided under the national instant criminal background check system, the Attorney General shall work with States and local law enforcement and the mental health community to establish regulations and protocols for protecting the privacy of information provided to the system. In the event of a conflict between a provision of this Act and a provision of State law relating to privacy protection, the provision of State law shall control.

(5) State authority.—Notwithstanding any other provision of this subsection, a State may designate that records transmitted under this subsection shall be used only to determine eligibility to purchase or possess a firearm.

(c) Attorney General Report.—Not later than January 31 of each year, the Attorney General shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report on the progress of States in automating the databases containing the information described in subsection (b) and in providing that information pursuant to the requirements of such subsection.

SEC. 103. IMPLEMENTATION GRANTS TO STATES.

(a) In General.—From amounts made available to carry out this section, the Attorney General shall make grants to each State, in a manner consistent with the national criminal history improvement program, which shall be used by the State, in conjunction with units of local government and State and local courts, to establish or upgrade information and identification technologies for firearms eligibility determinations.

(b) Use of Grant Amounts.—Grants under this section may only be awarded for the following purposes:

(1) Building databases that are directly related to checks under the national instant criminal background check system (NICS), including court disposition and corrections records.

(2) Assisting States in establishing or enhancing their own capacities to perform NICS background checks.

(3) Improving final dispositions of criminal records.

(4) Supplying mental health records to NICS.

(5) Supplying court-ordered domestic restraining orders and records of domestic violence misdemeanors (as defined in section 102 of this Act) for inclusion in NICS.

(c) Condition.—As a condition of receiving a grant under this section, a State shall specify

the projects for which grant amounts will be used, and shall use such amounts only as specified. A State that violates this section shall be liable to the Attorney General for the full amount granted.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $250,000,000 for each of fiscal years 2004, 2005, and 2006.

(e) The Federal Bureau of Investigation shall not charge a user fee for background checks pursuant to section 922(t) of title 18, United States Code.

TITLE II—FOCUSING FEDERAL ASSISTANCE ON THE IMPROVEMENT OF RELEVANT RECORDS

SEC. 201. CONTINUING EVALUATIONS.

(a) EVALUATION REQUIRED.—The Director of the Bureau of Justice Statistics shall study and evaluate the operations of the national instant criminal background check system. Such study and evaluation shall include, but not be limited to, compilations and analyses of the operations and record systems of the agencies and organizations participating in such system.

(b) REPORT ON GRANTS.—Not later than January 31 of each year, the Director shall submit to Congress a report on the implementation of section 102(b).

(c) REPORT ON BEST PRACTICES.—Not later than January 31 of each year, the Director shall submit to Congress, and to each State participating in the National Criminal History Improvement Program, a report of the practices of the States regarding the collection, maintenance, automation, and transmittal of identifying information relating to individuals described in subsection (g) or (n) of section 922 of title 18, United States Code, by the State or any other agency, or any other records relevant to the national instant criminal background check system, that the Director considers to be best practices.

TITLE III—GRANTS TO STATE COURTS FOR THE IMPROVEMENT IN AUTOMATION AND TRANSMITTAL OF DISPOSITION RECORDS

SEC. 301. GRANTS AUTHORIZED.

(a) IN GENERAL.—From amounts made available to carry out this section, the Attorney General shall make grants to each State for use by the chief judicial officer of the State to improve the handling of proceedings related to criminal history dispositions and restraining orders.

(b) USE OF FUNDS.—Amounts granted under this section shall be used by the chief judicial officer only as follows:

(1) For fiscal year 2004, such amounts shall be used to carry out assessments of the capabilities of the courts of the State for the automation and transmission to State and Federal record repositories the arrest and conviction records of such courts.

(2) For fiscal years after 2004, such amounts shall be used to implement policies, systems, and procedures for the automation and transmission to State and Federal record repositories the arrest and conviction records of such courts.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General to carry out this section $125,000,000 for each of fiscal years 2004, 2005, and 2006.

The SPEAKER pro tempore (Mr. PENCE). Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentlewoman from Texas (Ms. JACKSON-LEE) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4757, the bill currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I was the principal Republican author of the Brady Act, which was signed into law in 1994. While much of the debate on the Brady Act was on the 5-day waiting period that was contained in there, the lasting good of the Brady Act was the establishment of the National Instant Criminal Background Check System, wherein people who are statutorily ineligible from possessing any type of firearm, such as a convicted felon or an adjudicated mental incompetent, could be identified instantly and a proposed firearm sale could be denied to that individual.

This part of the Brady Act is intended to keep firearms out of the hands of individuals who are prohibited by Federal or State law from possessing them. The NICS system was established by the Attorney General to enforce the provisions of the Brady Act. The mission of NICS is to ensure the timely sale of firearms to individuals who can legally possess them and to deny their sale to individuals who are prohibited from possessing or receiving a firearm.

But background checks can only be as effective as the records that are available to be checked, and most crimes of violence are prosecuted under State and local law rather than Federal law. So the NICS system cannot keep guns out of the hands of criminals and other dangerous individuals without receiving the most current records from the States.

NICS has not been operating in the most efficient way possible because of the failure of certain State and local governments to provide NICS with the current information regarding individuals who may be disqualified from purchasing or possessing a firearm. Despite the fact that the Federal Government has contributed more than $350 million since 1995 through the National Criminal History Improvement Program, called NCHIP, to help the States update their records and to improve reporting, some States still have not completely computerized their criminal records and do not maintain complete criminal history records.

Some States still do not have computerized records on mental health adjudications. And in some States domestic violence crimes and protective orders are not computerized or properly labeled as domestic violence related. Often, even States that do keep records fail to note the final disposition of arrest charges. This bill is designed to provide more money to the States to make these records as close to 100 percent perfect as possible, and I support it.

Although NICS will attempt to obtain information for any missing record, Federal law provides that if a delayed background check is still pending after 3 business days, the firearms dealer may proceed with the sale. So if the records are not in NICS and cannot be found in 3 days, the sale goes through even though the buyer might be an adjudicated mental incompetent or a convicted felon.

The NCHIP program has helped increase the records available for search by NICS by as much as 60 percent. But some States and local governments have failed to automate their records or otherwise make them available to next, and I am particularly troubled by States that have refused to join the Federal Government as partners to keep guns out of the hands of criminals and others who should not have them.

Mr. Speaker, I am deeply concerned about the State of Maryland's refusal to assist the FBI with these NICS checks, and I will enter four letters into the RECORD to highlight this problem.

In a March 12, 2002, letter to the FBI, the Maryland State Archives informed the FBI, "We can no longer provide the research and assistance your program requires without reimbursement for the work." The letter indicated that the annual cost of providing this research to support NICS would cost about $45,000 annually. It was not until August 27, 2002, that the Maryland Department of Public Safety reaffirmed its commitment to NICS. Then, on October 3, 2002, the Maryland Archives informed the FBI that it will provide NICS research assistance so long as NCHIP funding is available, thereby leaving the door open to once again discontinue cooperation.

Mr. Speaker, it is outrageous that the State of Maryland would let almost 7 months go by without assisting the FBI with these criminal NICS checks. And I do not know if this was the fault of the executive branch or the failure of the Maryland legislature to provide enough money to do the job, but 7 months went by and nothing was being done.

The Federal Government spends about $60 million annually on NICS, and as I have already said, about $350 million in the last 7 years on NCHIP. Maryland has received over $6,700,000 from NCHIP to improve its criminal history records. Are we to believe that Maryland could not find another $45,000 to assist with NICS checks? Maryland's shortsighted policy has made it the weak link in the NICS system.

Maryland's policy has endangered lives and threatened public safety. Maryland's failure affects every State because a Maryland felon might, for example, try to illegally buy a gun in Virginia. If the Maryland State Archives refuses to search its criminal history records, Maryland felons can purchase guns that they are otherwise prohibited from purchasing.

It is my understanding that the State of Maryland was the only State in the country to refuse to assist the FBI with NICS checks. Practically every State in the Union has a financial problem, but they have continued working with the FBI because they felt it was important. Only Maryland said no. Maryland is now, apparently, providing that assistance, but only if Federal funding is available, and this is not tolerable because of the amount of NCHIP and other Federal criminal justice assistance provided Maryland and the importance of keeping guns out of the hands of convicted felons and adjudicated mental incompetents.

The Washington Post, in an October 12, 2002, story, reported that Maryland Lieutenant Governor Kathleen Kennedy Townsend "Is considering a plan to require ballistic fingerprints of high-powered rifles sold in Maryland." I would suggest that the folks in Annapolis start by assisting the FBI with a program that we know will keep guns out of the hands of criminals.

Mr. Speaker, the Lieutenant Governor's biography, which is posted on the official State of Maryland Web site, claims she is "Maryland's point person on criminal justice," and her biography lists a number of anticrime efforts for which she takes credit. As the point person for criminal justice matters, I would expect the Lieutenant Governor of Maryland to fully cooperate with the General Accounting Office investigation that I am requesting today for a complete audit of Maryland's use of NCHIP funding.

Mr. Speaker, more money to upgrade State criminal history records is all well and good, but Federal money and assistance is not always the answer. Sometimes public officials need to exercise a modicum of common sense, and that common sense dictates that we need to keep guns out of the hands of criminals and other dangerous individuals. NICS can only do that if it is provided the records on those individuals. Accordingly, funds provided to the States must be used to improve their recordkeeping and automate system to reduce delays for law-abiding gun purchasers and to prevent guns from falling into the wrong hands.

In 1998, the Brady Act required Federal Firearms Licensees (FFL) to initiate a background check on all persons who attempt to purchase a firearm. The Brady Act is intended to keep firearms out of the hands of individuals who are prohibited by Federal or state law from possessing them. The Attorney General established the National Instant Criminal Background Check System (NICS) operation center to enforce the provisions of the Brady Act.

The NICS mission is to ensure the timely sale of firearms to individuals who are not prohibited under Federal law and deny a sale to those individuals who are prohibited from possessing or receiving a firearm. However, background checks can only be as effective as the records available to be checked. The NICS system cannot keep guns out of the hands of criminals and other dangerous individuals without receiving the most current records from the states.

The current NICS system has not been operating in the most efficient way possible because of the failure of certain states and local governments to provide NICS with current information regarding individuals who may be disqualified from purchasing a firearm. Despite the fact the Federal government has contributed more than $350 million since 1995 through the National Criminal History Improvement Program (NCHIP) to help states update their records and improve reporting, some states still have not completely computerized their criminal records and do not maintain complete criminal-history records. Some states still do not keep computerized records on mental health adjudications. In some states, domestic violence crimes and protective orders are not computerized or properly labeled as domestic violence related. Often, even states that do keep records fail to note the final disposition of arrest charges.

Although NICS will attempt to obtain information for any missing record, Federal law provides that if a delayed background check is still pending after three business days, the firearms dealer may proceed with the sale. The NCHIP program has helped increase the records available for a search by NICS by as much as 60%; however, some states and local governments have failed to automate their records or otherwise make them available to NICS. I am particularly troubled by states that fail to join the federal government as partners to keep guns out of the hands of criminals and others who should not have them.

Mr. Speaker, I am deeply concerned about Maryland's refusal to assist the FBI with these NICS checks, and I will enter four letters in the record which highlight this problem. In a March 12, 2002 letter to the FBI, the Maryland State Archives informed the FBI that "we can no longer provide the research and assistance your program requires without reimbursement for the work."

The letter indicated that the annual cost of providing this research to support NICS would cost about $45,000 annually. It was not until Aug. 27, 2002, that the Maryland Dept. of Public Safety affirmed its commitment to NICS. Then, on October 3, 2002, the Maryland Archives informed the FBI that it will provide NICS research assistance so long as NCHIP funding is available, thereby leaving the door open to again discontinue cooperation. Mr. Speaker, it is outrageous that Maryland would let almost 7 months go by without assisting the FBI with these critical NICS checks.

The Federal government spends about $60 million annually on NICS and as I have already indicated, over $350 million since 1995 on NCHIP. Maryland has received over $6.7 million from NCHIP to improve its criminal history records. Are we to believe Maryland could not find $45,000 to assist with NICS checks? Maryland's short sighted policy made it the weak link in the NICS system. Maryland's policy endangered lives and threatened public safety. Maryland's failure affects every state because a Maryland felon might, for example, try to illegally buy a gun in Virginia. If the Maryland State Archives refuses to search its criminal history records, Maryland felons can purchase guns that they are otherwise prohibited from purchasing. It is my understanding that the state of Maryland was the only state to refuse to assist the FBI with its NICS checks. Maryland is apparently now providing that assistance but only if federal funding is available. This is not tolerable given the amount of NCHIP and other federal criminal justice assistance provided to Maryland. And the importance of keeping guns out of the hands of convicted felons and adjudicated mental incompetents.

The Washington Post, in an October 12, 2002, story reported that Maryland Lt. Governor Kathleen Kennedy Townsend "is considering a plant to require ballistic fingerprints of high-powered riles sold in Maryland . . . ." I would suggest that the politicians in Maryland start by assisting the FBI with a program that we know will keep guns out of the hands of criminals. Mr. Speaker, Maryland Lt. Governor Townsend's biography, which is posted on the official Maryland state website, claims that she is "Maryland's point person on criminal justice . . ." and her biography lists a number of anti-crime efforts for which she takes credit. As the point person for criminal justice matters, I expect the Lt. Governor of Maryland to fully cooperate with the General Accounting Office investigation that I am requesting today in which the GAO will completely audit Maryland's use of NCHIP funding.

Mr. Speaker, more money to upgrade state criminal history records is all well and good, but federal money and assistance is not always the answer. Sometimes pubic officials need to exercise a modicum of common sense. Common sense dictates that we need to keep guns out the hands of criminals and dangerous individuals. NICS can only do that if it is provided the records on these individuals. Accordingly, funds provided to the states must be used to improve their record keeping and automate systems to reduce delays for law-abiding gun purchasers and prevent guns from falling into the wrong hands.

Mr. Speaker, I urge support of this bill, and at this point would include for the RECORD the letters I referred to above:

MARYLAND STATE ARCHIVES,
March 12, 2002.

MS. LINDA L. MILLER,
Federal Bureau of Investigation,
National Instant Criminal Background Check System,
Clarksburg, WV.

DEAR MS. MILLER. We regret that we can no longer provide the research and assistance your program requires without reimbursement for the work. Orders received before March 18 will be the last we are able to process, unless the enclosed memorandum of understanding is signed before then.

Since July 1, 2001, the Maryland State Archives has responded to 1,800 requests for dispositions of criminal cases related to the National Instant Criminal Background Check System. Our staff researched the case numbers through an on-line system, or from docket book indices, or by contacting the courts. We then located, reproduced, and faxed the dockets that reflect the charge and disposition. Archives staff averaged next day response for requests received on weekdays, and always responded within three working days (unless we were dependent on the courts for case numbers which are reported after that time). The annual cost of providing this efficient service will approach $45,000.00 this year alone.

We have previously requested federal funding directly through NICS and through federal grants to this state, but no support has been forthcoming to date. Direct financial support for the staff and facilities to make this information accessible is required. Given the state imposed hiring freeze we are operating under and the loss of reference staff in the last four months, it is not possible for the Archives to continue providing this service to your agency unless funds are found to pay us a per unit cost of $25.00 for each request.

We estimate that the Archives has processed better than half of all the applications that your office receives from Maryland which require further information before the background check can be completed. If you are unable to secure funding to assist us in the research necessary to fulfill your requests, we foresee that you will have to assign an agent to research here on a full-time to continue to perform this work. We know from our own experience that each cased requires approximately one hour of research. We will assist any agent in our public Search Room at the Hall of Records in Annapolis to locate the necessary documents on days that we are open. The Archives provides this level of service to anyone who visits our facility, although I should point out that budget cuts may force us to close the Search Room for one or more days during the week.

Sincerely yours,

Christopher N. Alan,
Deputy State Archivist.

Maryland State Archives,
Federal Bureau of Investigation,
National Instant Criminal Background Check System, Clarksburg, WV

Please note that the Maryland State Archives that as of March 18 the Archives is no longer providing remote criminal research for the National Instant Criminal Background Check System. You are invited to conduct this and any future criminal background research in the Archives' public Search Room. Please note that many criminal files or necessary indices may still be in the custody of the courts.

The public search room is open Tuesday through Friday, 8:00 a.m. to 4:30 p.m. and Saturday, 8:30 a.m. to 12:00 p.m. and 1:00 p.m. to 4:30 p.m. The Archives is Closed on Mondays. On weekdays the search room remains open at lunchtime (12:00 p.m. to 1:00 p.m.) with reduced services. The Archives is closed on state holidays. The state holiday closings for 2002 are: Tuesday, January 1; Thursday, July 4; Tuesday, November 5; Thursday, Friday and Saturday, November 28, 29 & 30; Wednesday, December 25. The Maryland State Archives is located at 350 Rowe Boulevard, Annapolis, MD 21401.

Sincerely,

R.J. Rockefeller, PhD,
Director, Reference Services.

State of Maryland, Department of Public Safety and Correctional Services, Information Technology and Communications Division,
Pikesville, Maryland, August 27, 2002.

Re National Instant Check System (NICS)—FBI Letter (May 9, 2002) to Maryland State Archives and Response (May 31, 2002) from Maryland State Archives.

Kimberly Del Greco,
Acting Section Chief, NICS Program Office, Clarksburg, WV

Dear Ms. Del Greco: I am writing on behalf of the Criminal Justice Information System (CJIS) Central Repository in response to the letter dated May 9, 2002, from Mr. Timothy Munson, NICS Program Office, to Mr. Christopher Allan, Deputy State Archivist of the Maryland State Archives. Mr. Munson's letter detailed some of the frustrations he was experiencing in obtaining Maryland criminal history record information on subjects under the purview of the NICS operations. I am also in receipt of the response from Mr. Allan.

The Secretary of Public Safety and Correctional Services and the Chief Judge of the Maryland Court of Appeals jointly oversee Maryland's Criminal Justice Information System (CJIS). It is established under the authority of the Criminal Procedure Article, §§10-201-10-234, Annotated Code of Maryland. The enabling statute is implemented by executive Code of Maryland Regulations (COMAR 12.15.01) and by judicial rules (Maryland Rules §§16-308 and 16-508). The CJIS Central Repository is housed for administrative purposes in the Information Technology and Communications Division of the Department of Public Safety and Correctional Services.

The policy issues raised in both letters referenced above are of genuine concern to Maryland, and in particular to this Department. I apologize for the long delay in responding to the original letter. I felt it was important to first identify what created the issues identified by Mr. Munson and then, in consultation with NICS staff, to take immediate steps to reach a mutually agreed-upon resolution.

I think resolution has been reached, the result of several conference calls between our respective staffs. Consensus on procedural issues included, among others, the following:

Installation of a dedicated fax machine by the FBI,

Faxing completed response to the FBI within 24 hours of receipt of inquiry,

Use of standardized verbiage re: sources of dispositions,

Development of holiday/weekend work schedules, and

Identification of points-of-contact at the respective agencies.

I should also point out that, because Maryland was a "day-forward" participant when it joined the Interstate Identification Index (III) in March 1998, this State has not been able to electronically supply criminal history record information prior to March 1998. However, this Department is supporting the efforts of CJIS Central Repository to make these the pre-March 1998 records available for NICS investigations as soon as may be possible.

I am committed not merely to maintaining Maryland's criminal history record information in the CJIS Central Repository in a timely, complete, and accurate fashion, but also to utilizing procedures that will provide this information to authorized users in an efficient and effective manner. Please let me know if the attempt to improve our response with respect to NICS operations develops further problems or does not in any way satisfy the needs of NICS.

Sincerely,

Judith A. Wood
Chief Information Officer.

Maryland State Archives,
October 3, 2002.

Gary Wick,
Asst. Operation Manager, U.S. Department of Justice, Clarksburg, WV.

Dear Mr. Wick: Thank you for your letter of September 19 regarding the Maryland State Archives and NICS research. Dr. Papenfuse asked me to respond on his behalf.

Your suggestions are welcome. We will immediately cease mailing copies after the fax transmissions. Some consider fax an unsatisfactory record, so we followed with copies. If you find the fax adequate, we will rely on that alone. Your staff may continue to contact us by telephone when the fax presents a legibility issue. We wish that the NICS staff had access to adequate email so that we might transmit the very fine image files we use to reproduce the documents.

You might occasionally receive contradictory reports when a first search yields nothing, but when further information provided by your agents or our own quality assurance steps locate a record at first not found. This happens rarely, but is not due to multiple staff member seeking the same record and passing by one another. I am pleased when we can follow up and report comprehensively, even if after the initial 72 business hours.

We are pleased to report that federal funds are available to pay for this service through the NCHIP FY 2002 Program and the Maryland Department of Public Safety and Correctional Services. So long as such funds are available, the Archives will endeavor to contribute to national and personal security in support of the NICS operation.

Sincerely,

R.J. Rockefeller, Ph.D.,
Director, Reference Services.

Mr. Speaker, I reserve the balance of my time.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield myself such time as I may consume.

Let me first thank the proponents of this legislation, particularly the distinguished gentlewoman from New York (Mrs. McCarthy) who has been waging a definitive and balanced and open effort to protect Americans all over this Nation as relates to gun safety.

The gentlewoman from New York is joined, of course, by the dean of the House, the gentleman from Michigan (Mr. Dingell), who has shown the kind of diplomacy and openness to sharing in this legislation to get to the final point, and that is to save lives. So I rise with enthusiastic support and in appreciation of their leadership in support of the Our Lady of Peace Act, H.R. 4757.

Mr. Speaker, I might also commend the ranking member, the gentleman from Michigan (Mr. Conyers), who offers his enthusiastic support, and the ranking member of the Subcommittee on Crime, Terrorism and Homeland Security, the gentleman from Virginia

(Mr. SCOTT), who offers his enthusiastic support for this legislation.

The chairman of the committee makes a very vital point, particularly as we look at the enormous tragedy that the people of this particular region, the Washington, DC, area, are facing right now. All of us offer our deepest sympathy as we face a challenge, where lives are being lost, by a perpetrator which no one has been able to determine the basis of the actions or to determine the identity of that perpetrator at this time.

This is an important legislative initiative, and I would expand the request of the distinguished chairman and ask for an investigation or a requirement of a report from all the States, in addition to Maryland, to be able to determine the assessment that is so important. So that that could be a part of this legislation, we should join in asking for reports from all the 50 States.

□ 1530

Let me simply say because Federal law requires that a gun sale proceed after 3 business days, even a background check is inconclusive. A number of felons, fugitives, and stalkers received guns that we later have to retrieve. And while 95 percent of all background checks are completed within 24 hours, because of incomplete records the remaining 5 percent take more time. Those 5 percent are 20 times more like to be a felon, fugitive, or stalker.

In fact, we learned from a recent GAO study requested by the gentleman from Michigan (Mr. CONYERS) to look into the problem of domestic violence, it was determined that nearly 3,000 convicted domestic batterers and child abusers were able to purchase firearms between 1998 and 2001. Despite Federal laws designed to prevent this, nearly 10 percent of the annual homicides involving the killing of a spouse or partner, almost all the victims were women, and most were done by using a firearm. We must do better.

One part of the solution is to allow more time for background checks, and this would allow us to more fully investigate purchasers whose records raise a red flag. It would also allow a cooling-off period which has proven to be effective to deter heat-of-passion crimes.

Another part of the solution is this bill, and I am delighted to rise in support of this bill which will provide incentive for States to provide more complete records to the Federal Government. This will result in faster and smarter background checks.

So in conclusion, Mr. Speaker, I congratulate the proponents of this bill. And as well, I would hope that we would support this bill enthusiastically.

I strongly support this legislation. A major problem with the instant check system has been the incomplete records of state and local governments. Because federal law requires that a gun sale proceed after three business days even if a background check is inconclusive, a number of felons, fugitives and stalkers receive guns that we later have to retrieve.

Ninety-five percent of all background checks are completed within 24 hours. Because of incomplete records, the remaining five percent take more time. Those five percent are twenty times more likely to be a felon, fugitive or stalker. This also will help keep guns out of the hands of those that would harm others such as the mentally disabled.

In fact, in a recent GAO study I requested looked at this problem in the area of domestic violence. I was extremely disturbed to learn that nearly 3,000 convicted batterers and child abusers were able to purchase firearms between 1998–2001, despite federal laws designed to prevent this. Nearly 10 percent of the annual homicides involving the killing of a spouse or partner, almost all the victims were women and most were killed using a firearm. We must do better!

One part of the solution is to allow more time for background checks. This would allow us to more fully investigate purchasers whose records raise a red flag. It would also allow a "cooling off" period, which has been proven effective to deter heat of passion crimes.

Another part of the solution is this bill. It will provide incentives for states to provide more complete records to the federal government. This will result in faster and smarter background checks.

Finally, I want to thank and congratulate my colleagues, Congresswoman MCCARTHY and the Dean of the House, JOHN DINGELL, for their work on this bill and their willingness to take constructive suggestions along the way, to make this an even better bill.

Mr. Speaker, I ask unanimous consent to yield the balance of my time to the gentlewoman from New York (Mrs. MCCARTHY) for the purposes of control.

The SPEAKER pro tempore (Mr. CULBERSON). Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Speaker, I rise today in strong support of H.R. 4757, a bill that would close a loophole in the national instant background check system for gun purchases. As an original cosponsor of this bill, I am pleased to join my good friends, the gentlewoman from New York (Mrs. MCCARTHY) and the gentleman from Michigan (Mr. DINGELL), in supporting this important legislation. I want to take this opportunity also to thank the House leadership, the Speaker and the majority whip, and also the gentleman from Wisconsin (Mr. SENSENBRENNER) for bringing this bill to the floor at this time. I am very appreciative.

Also, I want to point out the fact that Americans for Gun Safety, the Brady Campaign, and many other organizations have worked for its passage and applaud this time on the House floor.

This bill is long overdue. In 1993, Congress passed the Brady Act, which I strongly supported. The Brady Act gives the FBI 4 years to create a national instant background check system for purchasing a firearm. But unfortunately, 8 years after the passage of the Brady Act, the national background check system is still not instant or up to date, as on average, only 58 percent of the felony background check records have been computerized. This means felons, domestic abusers, and mentally infirm have been able to walk into a gun store and buy a firearm because of incomplete government records. In fact, nationwide because of poor record keeping by the government, 10,000 convicted felons and other prohibited buyers have been able to purchase guns.

In my home State of Maryland, 283 illegal buyers were able to buy guns because of incomplete background check records over a 30-month period. Overall, Maryland has the 15th worst record in the Nation of illegal buyers obtaining guns due to faulty records. Moreover, Maryland does not check the records of individuals with a history of severe mental illness when doing a background check.

This is incredible; but it is not unusual, as 33 States do not bother to do a mental illness background check. And it gets even worse. In 15 States, those convicted of a domestic violence misdemeanor can slip through a background check, because those States do not supply any of those records to the FBI. This bill will fix those gaping holes.

In my district, there is a sniper on the loose. He is killing people indiscriminately and shows no regard for human life. Nine innocent victims have died, and two people are critically injured. We do not know how he got the gun, if it was stolen, purchased at a gun show or a gun dealer. We do not know if a background check system with fully automated records would have stopped him, but we do know that 10,000 illegal buyers got a gun because of faulty records. This utterly depraved perpetrator may be number 10,001.

Mr. Speaker, this bill closes a loophole of a bill already on the books, the Brady Act, and increases public safety at a time when it is desperately need. I urge its passage by the House.

Mrs. MCCARTHY of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 4757, Our Lady of Peace Act, and the assistance it offers States for automating their criminal history records. I would like to thank the gentleman from Wisconsin (Mr. SENSENBRENNER) for working with me from the beginning and giving suggestions on how to make this a better bill.

I also thank the gentleman from Michigan (Mr. CONYERS), the distinguished ranking member, for working with me in helping pass this bipartisan bill through the Committee on the Judiciary.

I also thank the gentleman from Michigan (Mr. DINGELL) for all his hard work throughout this process. He and I actually started talking about this kind of legislation quite a long time ago, and I am glad to see that it is on the floor today.

It is not every day that the gentleman from Michigan (Mr. DINGELL) and I are on the same side of a gun debate, but we believe that this legislation helps close a loophole in our law that allows disqualified individuals to obtain a firearm.

In March of this year, a priest and a parishioner in my district at the Lady of Peace Church were fatally shot during mass by a disturbed gunman with a history of mental health problems and a restraining order issued by his mother. However, he was able to purchase a firearm 2 days before the attack because most States do not provide mental health and other disqualifying records to the FBI NICS database. The 1968 Gun Control Act bars nine categories of individuals, including those who are deemed mentally ill, from having a firearm. However, when a Federal background check is performed, only Federal databases are addressed. That means that the Federal background check is only as good as the records in it; and since many of these records are kept by the States and rarely provided to the FBI, the Federal background check may never spot the disqualifying factor, therefore allowing the purchase to proceed.

Right now, 35 million records of people who are prohibited by law from owning a firearm are missing from the various databases that make up the NICS system. That means it is nearly impossible to stop those under a restraining order, the severely mentally ill, and illegal aliens from passing a background check and obtaining a firearm.

The Our Lady of Peace Act seeks to enforce the 1968 Gun Control Act by providing States an incentive to automatic and shared disqualifying records with the FBI. In addition, it authorize grants to help States automate and improve criminal history records, mental health records, restraining orders and records of domestic violence misdemeanors.

It also requires Federal agencies, like the INS, to provide the FBI with records of individuals disqualified from purchasing a firearm. This legislation helps make the instant background check system truly the instant system we are looking for.

Whether a gun owner or not, this legislation will appeal to everyone who believes we should enforce our current gun laws and keep firearms out of the wrong hands. What I will say is what we have been seeing, especially in the last week or so in the vicinity of our area, we should be doing more to enforce the laws on the books. That is something I have been trying to do since elected to Congress. It has been my privilege and my honor to work with all Members bipartisanly to get this done. I think it is important, and I hope that we can all work together in the future to do more because there is more to be done. The bottom line is as long as we keep guns out of the hands of those that should not have them, we will be saving lives; and that is what we are all here about. That is what we all care about. I urge support of this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield 4 minutes to the gentleman from Indiana (Mr. PENCE).

Mr. PENCE. Mr. Speaker, I add my congratulations to the author of this bill for the gentlewoman's efforts here and in the national media to make a case for keeping firearms out of the hands of criminals.

I would also add my congratulations to the gentleman from Wisconsin (Mr. SENSENBRENNER) for his excellent work on this bill and to the gentlewoman from Maryland (Mrs. MORELLA) for seeing to it that we, at such a time as this, deal with this critical legislation. And lastly, I add my congratulations to the gentleman from Michigan (Mr. DINGELL) for his efforts in advancing sensible laws having to do with gunownership while preserving the second amendment rights of every law-abiding American to keep and bear arms.

Mr. Speaker, I have said before on this floor, I believe the House of Representatives is the heart of the American government and in many ways should resonate with the hearts of the American people. The truth is we rise today not in a vacuum, as others have said before. The truth is that the hearts of the American people today are troubled, shots fired as recently as last night here in the vicinity of our Nation's Capitol, felling innocent women, men, and even children, in barbaric acts of terror. Whatever the motivation from wherever comes the source, these are acts of terror here in suburban Washington, D.C.

Mr. Speaker, my own family endured a brush with this violence when we learned last night of the attack on the Home Depot in Falls Church, Virginia. My wife informed me that it was there she had taken our 9-year-old daughter on Sunday night to purchase their fall mums and bring them home, happily reporting to me that she had parked safely in a covered garage at that Home Depot; and I can only stand with an unusual amount of identification and grieve with the family of she who was lost last night, and think there, but for the grace of God, goes my family.

The perpetrators seem to act with impunity. They defy civilized behavior and so far have defied the finest local, State, and Federal law enforcement in the world. They seem to say tauntingly, there is nothing you can do. How wrong they are. How wrong they are.

Today, because of the leadership of the gentlewoman from Maryland (Mrs. MORELLA) and the gentlewoman from New York (Mrs. MCCARTHY), we rise in this institution to do something. We rise today to bring forth in Our Lady of Peace Act legislation which will provide States with the tools to comply with the 1968 Gun Control Act by providing additional funds to automate and share criminal mental health and domestic violence restraining order records with the FBI's NICS database.

This legislation, since its conception, was always designed to provide that instant background check, just like we are used to at the gasoline station pump, to know immediately who has a background that is consistent with the ownership of firearms and who does not. Under this legislation, all Federal agencies would transmit relevant records relating to persons disqualified from acquiring a firearm to the Attorney General for inclusion in the NICS database. To comply with the grants under this legislation, States also would provide more thorough and updated information, and there is a grant program to assist State courts to assess and improve the handling of proceedings related to criminal history.

Mr. Speaker, there is something we can do. As Americans and as family people, we can pray for justice in this case; and we can support our law enforcement as they seek to leave no stone unturned. Lastly, we can pass this critical and important legislation that will speed resources to the NICS database and make sure that those who possess firearms in America are only law-abiding Americans.

□ 1545

Mrs. MCCARTHY of New York. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. DINGELL).

Mr. DINGELL. Mr. Speaker, I rise in strong support of H.R. 4757. I thank the distinguished gentlewoman from New York for yielding me this time, and I commend her for her leadership and effort in this matter. It has been a privilege and a pleasure for me to work with her as a cosponsor of this legislation.

I want to note that this legislation is supported in a bipartisan fashion. On both sides, Members support this. The leadership on both sides of the aisle supports this legislation. And the leadership on both ends of the Capitol supports this legislation. It is supported by the NRA and by gun control groups. I want to commend my good friend, the chairman of the committee, the gentleman from Wisconsin (Mr. SENSENBRENNER) and also the ranking minority member, the gentleman from

Michigan (Mr. CONYERS) for their leadership and their support of this legislation.

I would note that the legislation is really very simple. It first of all protects the second amendment rights of the people of this country, and that was one of the criteria and tests that my good friends at the NRA, of which I am a very happy and proud member, provided our support for the undertaking. It is legislation, then, which protects the basic rights of the American people to own and use firearms for legitimate and responsible hunting, fishing, conservation and defense purposes.

I would note that it is legislation which requires the Federal Government and provides incentives to the States to make the record-keeping system, upon which the instant check is entirely dependent, work and to see so that it does speedily.

The practical result of this legislation will be two things: one, to keep guns out of the hands of criminals; and, two, to see to it that law-abiding citizens are better able to purchase firearms in a legitimate and proper fashion without delays occasioned by the failure of the States and the Federal Government to keep proper records.

As mentioned by my distinguished friend, the chairman of the committee, there is a long and complete list of disabilities by Federal and State statutes which preclude ownership of persons of firearms. Those include mental disabilities, they include also criminal misbehavior, of family abuse and things of that kind, as well as being a fugitive from justice, a convicted felon or an illegal immigrant. Those are matters which our policy of the United States and the Congress says that people may not then own firearms. This is a way that we use to strain so that firearms may not get through the net into the hands of illegal owners and persons who are precluded by law from owning them.

This will be a significant benefit to law enforcement. It also will be a protection to innocent citizens. It will, in like fashion, be a protection of the basic rights of the American people. More needs to be done, but it has to be done in a fashion which is consistent with protection of the basic second amendment rights of the American people.

I am proud that the distinguished gentlewoman from New York and I were able to work together to achieve something which could achieve the kind of broad support that H.R. 4757 has. It provides other protections, also, and I would note that it precludes the possibility of taxes being imposed upon law-abiding gun owners for the purposes of owning firearms and achieving that ownership through the instant check.

It is a good piece of legislation. I urge my colleagues to support it. I note that it has no opposition of which I am aware, and it is legislation which will enable Americans to feel better about their safety and about, at the same time, the protection of their firearms ownership rights.

Mr. SENSENBRENNER. Mr. Speaker, I yield 1 minute to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. Mr. Speaker, I thank the gentleman for yielding me this time. I want to thank the chairman of the Committee on the Judiciary for bringing this forward and also the gentlewoman from Maryland for her hard work on this subject; also the gentlewoman from New York and the gentleman from Michigan for their hard work on fashioning legislation here that protects the second amendment rights of all Americans, but also ensures that criminals cannot more easily get their hands on guns. And also, as the gentleman from Michigan mentioned, that law-abiding citizens are not denied or delayed their right simply because State officials have not the resources or the inclination to move ahead on this.

I am proud to support this legislation. I urge support of it.

Mrs. MCCARTHY of New York. Mr. Speaker, I yield myself such time as I may consume.

As you can hear from the debate and a lot of people that might even be watching this debate, back and forth, even though we all support this legislation, it is strange to hear that the NRA and certainly all of our gun groups have worked together. I think that is the important key that we are talking about. We worked very hard to make sure that the privacy of citizens would also be protected.

Again, people have to understand that we are not picking on one particular group. Anyone that is denied access to getting permission for a gun only comes up as denied, so we do not go pinpointing, especially on mental illness or other things. They are just plainly denied. I think that is an important part because I think people out there are misunderstanding, and they actually thought we were targeting people with mental illness. We are not. We just want to make sure that people that should not own guns do not get their guns and people that should be able to have guns have the right to own guns. We will continue to work together on this.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I too would like to add my thanks to the gentlewoman from New York and the gentlewoman from Maryland for putting together this bill. I have, been in the Congress for 24 years. This is the first bill on the subject of firearms that I can remember that is supported by both the NRA and most of the major gun control groups. That means we ought to seize this moment and pass this bill right away before this coalition unravels. I urge the Members to do that.

Mr. GEKAS. Mr. Speaker, I support the passage of H.R. 4757, considered today by the House of Representatives on the Suspension Calendar.

H.R. 4757, the Our Lady of Peace Act, would amend the Brady Handgun Violence Prevention Act to require the Attorney General to secure directly from any U.S. department or agency information on persons who are prohibited by federal or state law from having a firearm, such as a convicted felon criminal or mental incompetent. In effect, to make the record collection system work more efficiently than it currently does. The measure provides more money to the States to make their information available to the federal government, making the partnership of the two governmental systems a better working arrangement.

Specifically, H.R. 4757 requires the Attorney General to make grants to each State: (1) to establish or upgrade information and identification technologies for firearms eligibility determinations; and (2) for use by the State's chief judicial officer to improve the handling of proceedings related to criminal history dispositions and temporary restraining orders as they relate to disqualification from firearms ownership under State and Federal laws. And the measure requires the Director of the Bureau of Justice Statistics to study and evaluate the operations of the System and to report on grants and on best practices of States.

As a member of the House Judiciary Committee in 1993 (and currently), I was the chief proponent of the National Instant Check System. And so I view passage of this measure as a positive step towards both preventing prohibited persons from acquiring firearms and protecting the rights of law-abiding gun owners.

A key provision added to this legislation is the prohibition of the federal government imposing a "gun tax," by charging fees for gun purchases through NICS. This is an important provision the National Rifle Association worked to secure. The NRA has been working for nearly a decade to improve NICS so that it works the way Congress intended it—instantly, without any delay or waiting period for gun purchases by law-abiding buyers.

The Second Amendment of the U.S. Constitution reads, "the right of the people to keep and bear arms, shall not be infringed." I firmly believe that the plain language of the Amendment guarantees the right of citizens to keep and bear arms and pledges to protect this right from being infringed upon. Instead of more gun control laws we must forcefully execute the laws that are already in place, while leaving law-abiding citizens alone.

As the chief proponent of the National Instant Check System as a substitute for "waiting periods," I know that the mandate of the NICS was to provide an instant screening of criminal history records in concert with the purchase of a firearm form federally licensed dealers. In this day of instant communications and nearly instant everything, it may not seem like such a feat. But ten years ago, even with the massive use of instant credit card transactions, the concept of using an instant check system for a firearm purchase was novel and somewhat groundbreaking. But in the decade since the mandate of the NICS, the system has needed many improvements. I have gladly welcomed each improvement, such as this measure, as another step toward the instant check system that will both protect and defend citizens and legal gun owners alike.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise in strong support of H.R. 4757, bipartisan legislation which promises to greatly improve the Instant Check by encouraging states to automate and share disqualifying records with the FBI's National Instant Criminal Background System, NICS, database.

H.R. 4757 is a model of sensible, commonsense public safety legislation. It represents what we can achieve when we leave the rhetoric behind and concentrate on how to best keep guns out of the hands of criminals.

Mr. Speaker, H.R. 4757 manages to be both pro-gun owner and pro-law enforcement—stopping criminals in their tracks while permitting law-abiding citizens to be approved for purchases in minutes, not days or weeks. And it does so by focusing on enforcement of existing laws, on strengthening them.

Mr. Speaker, instant background checks serve little purpose if they are based on incomplete or inaccurate criminal history records. Today, we strive for accuracy, for completeness. H.R. 4757 goes a long way toward making the NICS system work the way we intended it to work, and I urge my colleagues to join me in supporting it.

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PENCE). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 4757, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

ARMED FORCES DOMESTIC SECURITY ACT

Mr. HAYES. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5590) to amend title 10, United States Code, to provide for the enforcement and effectiveness of civilian orders of protection on military installations.

The Clerk read as follows:

H.R. 5590

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Armed Forces Domestic Security Act".

SEC. 2. FORCE AND EFFECT OF PROTECTIVE ORDERS ON MILITARY INSTALLATIONS.

(a) IN GENERAL.—Chapter 80 of title 10, United States Code, is amended by inserting after section 1561 the following new section:

"§ 1561a. Civilian orders of protection: force and effect on military installations

"(a) FORCE AND EFFECT.—A civilian order of protection shall have the same force and effect on a military installation as such order has within the jurisdiction of the court that issued such order.

"(b) CIVILIAN ORDER OF PROTECTION DEFINED.—In this section, the term 'civilian order of protection' has the meaning given the term 'protection order' in section 2266(5) of title 18.

"(c) REGULATIONS.—The Secretary of Defense shall prescribe regulations to carry out this section. The regulations shall be designed to further good order and discipline by members of the armed forces and civilians present on military installations.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1561 the following new item:

"1561a. Civilian orders of protection: force and effect on military installations.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. HAYES) and the gentlewoman from California (Mrs. TAUSCHER) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. HAYES).

GENERAL LEAVE

Mr. HAYES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. HAYES. Mr. Speaker, I yield myself such time as I may consume.

First let me thank the gentlewoman from California (Mrs. TAUSCHER) for her presence, her leadership, her good humor and tremendous contribution to a very, very serious issue that a group of us from Congress traveled to Fayetteville to try and help provide some solutions.

Mr. Speaker, domestic violence is currently one of the greatest ills in our society. In both the civilian and military sphere, spousal abuse remains one of the most underreported and difficult crimes to detect and prosecute. Often victims are at a loss as to where to seek help, refuge and comfort.

Unfortunately, this past summer at Fort Bragg in my district in North Carolina, there were several homicides that resulted from domestic violence. Four military wives tragically lost their lives, Mr. Speaker. One case of domestic violence is one too many.

In order to address this grave problem and help stop domestic violence in all sectors of our society, four members of the House Committee on Armed Services and I recently spent the day at Fort Bragg and Fayetteville, North Carolina, in order to hear from many different individuals regarding this tragic problem. We met with military leaders, chaplains, civilian law enforcement, health care providers, advocacy organizations and women's groups, to name a few. We also met with victims.

One of the most salient things we heard during this session with survivors of domestic abuse is that safety is hard to come by. Finding resources to help one out of a desperate situation is an arduous challenge, and often victims feel trapped. For those who are able to come forward and take action, enforcement mechanisms within our legal system often remain inadequate.

We heard from local officials, notably Judge Beth Keever of Fayetteville, North Carolina, that presently there is a legal loophole that does not require protective orders issued by civilian courts to be enforced on military facilities. This means the victim could be without necessary, extra physical protection while on Federal property.

Mr. Speaker, today we help make sure that we provide safety and resources to victims of domestic violence. This legislation takes a step forward, moving our society in the direction to help stop domestic violence. Making protective orders enforceable on military installations will protect both civilian and military individuals on Federal property. They will know that no matter where they are, Fort Bragg, Fayetteville, the supermarket or the PX, the individual from whom the victim is protected will not be allowed to come near.

The recent murders at Fort Bragg are truly a tragedy. Domestic violence is wrong, and we must do everything we can to prevent it. This important legislation represents a small, initial step to address this problem. It is important that we close this loophole. This act was inspired by the courageous stories of former domestic violence victims, insight from those who have experience in the area, and others. Passage of this bill will appropriately honor the courage of these individuals and the dedicated work of their advocates.

Mr. Speaker, I urge my colleagues to vote in favor of H.R. 5590, the Armed Forces Domestic Security Act, and take a step forward in protecting the lives of individuals, both on and off military property.

Mr. Speaker, I reserve the balance of my time.

Mrs. TAUSCHER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this summer in the aftermath of news reports of murders in Fort Bragg, I wrote to the chairman of the Committee on Armed Services, the gentleman from Arizona (Mr. STUMP), requesting the opportunity for us to start to understand exactly what impact domestic violence and other issues were having on our military families. The gentleman from New York (Mr. MCHUGH), chairman of the

Subcommittee on Military Personnel, who is a great leader, and others traveled with me to Fort Bragg this past few weeks on a fact-finding mission which I hope will begin what I think will be very important work of our subcommittee of the Committee on Armed Services.

In this time of asymmetrical warfare, this time of great uncertainty for military families and, frankly, for reservists around the country, where we have a war on terrorism where we have extreme PERSTEMPO and extreme OPSTEMPO, where families are double deployed around the world, it is important for us to understand what the trauma of this deployment means to military families, and I think it is very important for us to understand that the American people are not only supporting our military with the best training and the best leadership and the best materiel that we can possibly have, but we are also supporting the most important component of military families, the families themselves, by making sure that we have the kinds of programs that are found in the private sector. They are called employee-assisted programs.

□ 1600

And they do everything from helping families find child care, to helping to find elder care, to find hospices when they have a sick family member, but also in the area that is very troubling, of domestic violence, to find a way to make sure that families are protected with anonymity and respect, to make sure that spouses of families do not have to worry about the chain of command when they are considering what they do about family violence in their own family.

So I thought it was very, very important that we took this trip to Fort Bragg. Fort Bragg was just a part of the problem. It is not about Fort Bragg or the Army. It is about the military. And I am very proud of the leadership that the gentleman from New York (Mr. McHUGH) has shown, and I am very proud of my friendship with the gentleman from North Carolina (Mr. HAYES), the gentleman from North Carolina (Mr. MCINTYRE), and the gentleman from Florida (Mr. JEFF MILLER) who took this trip, because I think that it is important that we focus on what we can do for these military families. And that is why I rise in strong support of the Armed Forces Domestic Security Act H.R. 5590.

While the 1994 Violence Against Women Act requires certain protection orders to be enforced across State and tribal lines, it does not allow such protection orders to be enforced on Federal property or military installations. As a result, there is a gaping hole in our protection system. Military installations have become a place where there are no penalties for violating a protection order issued by a State or tribal court. The Armed Forces Domestic Security Act is intended to address this obvious oversight.

When a civilian order of protection is issued against, or to protect, a service member, there needs to be a system in place to enforce that order when the service member resides on a military installation. That system must be effective whether the order is issued by the State, tribe, or territory where the service member resides. It also must work in instances where the military installation lies in overlapping civilian jurisdictions.

Mr. Speaker, domestic violence is a complex and tragic issue, and this bill is not intended to be a cure-all or any kind of instant-fix measure for domestic violence; however, while there is no single solution to this problem, closing this loophole that has essentially made military installations a free zone for batterers is a necessary and commonsense step. A judge in North Carolina recently wrote that closing this loophole would certainly be beneficial nationwide but would be particularly helpful for judicial districts that are closely associated with a Federal facility like Cumberland County in North Carolina is with Fort Bragg.

Mr. Speaker, it would be irresponsible to allow a loophole like this to continue. I urge my colleagues to support the Armed Forces Domestic Security Act.

Mr. Speaker, I reserve the balance of my time.

Mr. HAYES. Mr. Speaker, let me thank the gentlewoman from California (Mrs. TAUSCHER) for her leadership and her wisdom and her input.

Mr. Speaker, I yield such time as he might consume to the gentleman from New York (Mr. McHUGH), the distinguished chairman of the Subcommittee on Military Personnel. He made the trip possible, and his input and leadership were instrumental in getting us to this point; and he will take us further with the passage of time.

Mr. McHUGH. Mr. Speaker, I thank the gentleman for yielding me this time. I particularly thank him for his leadership and deep sense of concern on this issue.

Mr. Speaker, it seems to me that the key question we should ask ourselves as Members of this House anytime we rise to ponder the proposal of legislation is simply, Is this bill needed? By now, as we have heard in the comments, far too many of us unfortunately have become personally acquainted with the tragic events surrounding the acts of domestic violence that occurred at Fort Bragg over this past summer. In a matter of days four military wives lost their lives and in a matter of days eight children lost a parent. Four of those children actually lost both parents. It is truly a tragic, tragic loss, one that certainly touched not only the Fort Bragg and Fayetteville communities but Army and military communities wherever they may be found.

In response, again as we have heard, Mr. Speaker, on September 30 the Subcommittee on Military Personnel of the Committee on Armed Services traveled with five of its members to try to learn a bit more firsthand about this tragic series of events. I want to pay particular respect and thanks and appreciation to the gentleman from North Carolina (Mr. HAYES) who, along with the gentleman from North Carolina (Mr. MCINTYRE) who also joined us that day, represent the Cumberland County, Fort Bragg, and Fayetteville community; the gentlewoman from California (Mrs. TAUSCHER), who has been a very early and very staunch proponent of addressing the demands of domestic violence in the military, who spoke so eloquently on this measure just moments ago; and also the gentleman from Florida (Mr. JEFF MILLER), who traveled with us that day, giving up their personal time for this extracurricular event that all of them collectively felt was so demanding and so deserving of our attention.

Simply put, today's military is a much different structure than it was even a few years ago. Particularly as a result of the volunteer force, we now have generally a much younger military, in this case of course a much younger Army, many more families than perhaps we have seen in the past. And when coupled with the fact that across military installations of all the services, some 70 percent of those families routinely live off base, we have found ourselves with a very, very difficult situation, that of addressing the concerns and demands of acts of domestic violence across the border of that specific military installation and the adjoining civilian community.

The Members have heard about the loophole. I happen to have been here in 1994 when I think the Congress took a very necessary, very bold, and a very appropriate step in passage of the Violence Against Women Act; but it did, as the speaker heard, create I think an unintentional, certainly a very unnecessary and very unworthy loophole, that of enforcement of civilian protection orders as issued outside the bases and their applicability on those military installations. And in our discussions with the victims, particularly of military violence, a very emotional, nearly 3-hour meeting that we held with previous victims in the Fort Bragg community, one of the primary concerns we heard about was that lack of continuity, that lack of guidance and clear legal authority to enforce domestic protection orders that were secured within the civilian community on the military base. And this legislation is intended to be, I might add, a first step, a first step towards erasing those boundaries and those barriers that exist.

The gentlewoman from California (Mrs. TAUSCHER), I think, very appropriately noted that this is not just a Fort Bragg problem, it is not just an Army problem. She noted it is a military problem. I would respectfully suggest, as she knows, and I am not correcting her by any means, that this is a societal problem; and when we have a circumstance as we do here where the societal approaches, the civilian approaches, to domestic violence are not coordinated adequately enough with the military community, people suffer; and as happened at Fort Bragg this past summer, people lose their lives.

So we are intending to continue forward with this effort to initiate a series of legislative remedies to ensure that these kinds of circumstances are not allowed to go forward into the future, but for now I think this is a very, very appropriate step, a very, very important initial step toward protecting those who sadly are least in a position to protect themselves.

So a final word of thanks to the gentlewoman from California (Mrs. TAUSCHER) for her leadership; to the gentleman from North Carolina (Mr. HAYES) and his deep, deep concern and for his initiative on bringing this measure to the floor at this moment; and to the gentleman from Florida (Mr. JEFF MILLER); and the gentleman from North Carolina (Mr. MCINTYRE) for joining us that day and to I hope all of the Members of this House for their vote in support of this very, very worthy piece of legislation.

Mrs. TAUSCHER. Mr. Speaker, I yield myself as much time as I may consume.

I really appreciate the comments of my colleagues on the other side of the aisle. I want to thank again the gentleman from North Carolina (Mr. HAYES) for his leadership and for opening his community to us. I specifically want to take a moment of personal privilege to thank the gentleman from New York (Mr. MCHUGH) for setting up this first meeting and encouraging us to work together on future meetings.

When we were in Fayetteville, we had a jam-packed day, a day that was meant to be a day at home with our constituents. We had all traveled in late Sunday night, and we were going to be literally hitting the ground running; and what I was most impressed with was we found ourselves with the opportunity to talk to victims of domestic violence, and there were meant to be five or six women that were meant to come, and in fact eight showed up, and each one of them I thought deserved the respect to have themselves heard.

I really appreciate my colleagues, the gentleman from New York (Mr. MCHUGH) and the gentleman from North Carolina (Mr. HAYES), facilitating that. It took 3 hours for us to sit there. Very painful stories, very emotional stories, very, very private stories; and I was I think honored not only to hear those stories and to understand what we could do as legislators on the Federal level to help support these spouses and their families, but I was very proud to sit with the gentleman from New York (Mr. MCHUGH) especially since a lot of those women felt, I think, that they did not want to tell that story to strangers or to perhaps a man that they did not know.

But I think it really speaks a lot for his leadership on the committee and what we can do in the future because I think that they were very thrilled to talk to him and to me to make sure these stories are out so that this does not happen again. I think we all agree this is a societal problem. But the military in this country has led the country in many different ways, specifically in an area of civil rights. It was the military that led the ability for blacks and whites to work together in the military. And I am hoping on this issue of domestic violence, where we have so many families at risk in this country day to day, that our military families can lead, that we can find good programming for them across the military, not just one branch, that we can find the best practices, that we can work together to make sure that it is not only authorized but appropriated and that we can do the best for them because we know that they are trying to do the best for us every day.

And with that I urge my colleagues to support the Armed Forces Domestic Security Act.

Madam Speaker, I yield back the balance of my time.

Mr. HAYES. Madam Speaker, I yield such time as he may consume to the gentleman from New York (Mr. MCHUGH) who also, if I might add, celebrated his birthday in Fayetteville last Sunday night. So we appreciate his sacrifice in that regard too.

Mr. MCHUGH. Madam Speaker, I thank the gentleman for yielding and pointing out to the Nation that I am older. I appreciate that.

I just wanted to very briefly say, first of all, I deeply from the bottom of my heart thank the gentlewoman from California (Mrs. TAUSCHER) for her gracious comments and to state for the record two things: first of all, this Nation should know that she intended to go to Fort Bragg on her own if that was necessary. Fortunately for us who gained from her participation, we were able to put together a subcommittee visit; but her concern is unequaled, certainly unsurpassed with respect to the cherished feeling she has towards the military and, in this instance, towards those who are the victims of violence.

I should also note, as she did, that we had more spouses show up that day than had been scheduled. It was a very tight schedule. It began at 6:30 in the morning with the first event that some of us were scheduled to do and went through until we left that early evening. She was very insistent and very appropriately so that we stay and listen to all of those spouses who again as she had noted had made the very painful decision to come and to share with us their stories that were so emotional. I have rarely, in my much older life including that recent birthday, spent a more moving, more emotional 3 hours. And thanks to her, we were able to hear all of them. So I just wanted to rise again and to underscore my deep admiration for her and to underscore as well the fact that military families have a real hero in the gentlewoman from California (Mrs. TAUSCHER).

Mr. HAYES. Madam Speaker, I yield myself 1 minute for closing remarks.

Let me again thank the gentlewoman from California (Mrs. TAUSCHER) for her very well put, meaningful words; and I identify myself with her remarks. I would too like to take a brief moment to identify with and to thank personally the gentleman from North Carolina (Mr. MCINTYRE), my geographic Congress mate in the seventh, and myself in the eighth, for his participation and his consistent and constant service on behalf of our military in our State of North Carolina.

□ 1615

The moving testimony of these women, I cannot begin to tell my colleagues how heartwarming, but also how moving this testimony was. As I recall, one lady came on her own expense all the way from Kansas City. And in particular, one lady, Laura Sandler, I would like to pay particular tribute and thanks to her, whose written testimony I think burned a real moving, heartfelt impression on all of our hearts as she had the courage, along with her other colleagues, to come forward and bring us into a much clearer understanding of this problem.

Again, thanks to the gentleman from New York (Mr. MCHUGH) and all of those involved, and I would strongly encourage unanimous support of this legislation.

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from North Carolina (Mr. HAYES) that the House suspend the rules and pass the bill, H.R. 5590.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

HOUR OF MEETING ON TOMORROW

Mr. HAYES. Madam Speaker, I ask unanimous consent that when the

House adjourns today, it adjourn to meet at noon tomorrow.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will alert Members to the possible resumption of legislative business later today, but any record votes, if ordered, would be taken tomorrow. The entertaining of Special Order speeches would be without prejudice to the possibility of further legislative business.

SPECIAL ORDERS

The SPEAKER pro tempore (Mrs. BIGGERT). Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 4 o'clock and 20 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1857

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. LINDER) at 6 o'clock and 57 minutes p.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.J. RES. 123, MAKING FURTHER CONTINUING APPROPRIATIONS FOR THE FISCAL YEAR 2003

Mr. HASTINGS of Washington, from the Committee on Rules, submitted a privileged report (Rept. No. 107–755) on the resolution (H. Res. 585) providing for consideration of the joint resolution (H.J. Res. 123) making further continuing appropriations for the fiscal year 2003, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION WAIVING A REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO SAME DAY CONSIDERATION OF CERTAIN RESOLUTIONS REPORTED BY THE COMMITTEE ON RULES

Mr. HASTINGS of Washington, from the Committee on Rules, submitted a privileged report (Rept. No. 107–756) on the resolution (H. Res. 586) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, which was referred to the House Calendar and ordered to be printed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 6 o'clock and 59 minutes p.m.), the House stood in recess subject to the call of the Chair.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for speaker-authorized offical travel during the third quarter of 2002, pursuant to Public Law 95–384 are as follows:

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FINANCIAL SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2002

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Michael Oxley	3/23	3/26	England						4,769.38		4,769.38
Committee total									4,769.38		4,769.38

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

MICHAEL G. OXLEY, Chairman, Oct. 3, 2002.

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON GOVERNMENT REFORM, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2002

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Kevin Long	4/20	4/21	Japan		872.00		7,129.28				
Sharon Pinkerton	4/19	4/21	Japan		1,308.00		6,783.78				
Nicholas Coleman	4/19	4/21	Japan		1,308.00		7,129.28				
Julian Haywood	4/19	4/21	Japan		1,308.00		7,355.78				
Christopher Donesa	4/19	4/21	Japan		1,308.00		7,129.28				
Brian Cohen	5/15	5/17	England		722.00		647.22		1,027.59		
J. Vincent Chase	5/26	5/30	Russia		1,470.00						
	5/30	5/31	Germany		234.00						
Christopher Shays	5/26	5/30	Russia		1,470.00						
	5/30	5/31	Germany		234.00						
Christopher Donesa	5/29	6/1	Canada		715.00		2,243.24				
Roland Foster	5/29	6/1	Canada		715.00		2,243.24				
Nicholas Coleman	5/29	6/1	Canada		715.00		2,243.24				
Mark Souder	5/29	5/30	Canada		258.00						
Stephen Horn	5/25	5/27	Russia		687.00						
	5/27	5/28	Uzbekistan		333.00						
	5/28	6/1	China		1,104.00						
	6/1	6/3	South Korea		536.00						
Christopher Shays	6/16	6/20	England		1,667.03		6,315.92				
Adam Putnam	6/16	6/19	England		763.60		5,136.33				
Bernard Sanders	6/16	6/19	England		747.46		5,136.33				
Kristine McElroy	6/16	6/19	England		759.38		5,136.33				
Larry Halloran	6/16	6/20	England		1,924.88		5,136.33				
Sharon Pinkerton	5/26	5/27	France		760.24		5,958.57				

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON GOVERNMENT REFORM, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2002—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
	5/27	5/29	Italy		486.00						
	5/29	5/30	Greece		240.43						
	5/30	5/31	Slovakia		180.00						
Tom Davis	5/26	5/27	Lebanon		132.00						
Committee total					22,957.99		75,724.15		1,027.59		

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DAN BURTON, Chairman, Oct. 3, 2002.

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO GERMANY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 6 AND JULY 10, 2002

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Christopher Smith	7/5	7/8	Germany		924.00		(3)				924.00
Hon. Steny Hoyer	7/5	7/8	Germany		924.00		(3)				924.00
Hon. Benjamin Cardin	7/5	7/8	Germany		924.00		(3)				924.00
Hon. Alcee Hastings	7/5	7/8	Germany		924.00		(3)				924.00
Hon. Robert B. Aderholt	7/5	7/8	Germany		924.00		(3)				924.00
Hon. Joseph Pitts	7/5	7/8	Germany		924.00		(3)				924.00
Hon. Joseph Hoeffel	7/5	7/8	Germany		924.00		(3)				924.00
Hon. Jan Schakowski	7/5	7/8	Germany		924.00		(3)				924.00
Hon. Thomas Tancredo	7/5	7/8	Germany		924.00		(3)				924.00
Hon. Jo Ann Davis	7/3	7/8	Germany		1,520.50		(4)				
							702.82				2,223.32
Ronald McNamara	7/5	7/8	Germany		889.00		(3)				889.00
Dorothy Taft	7/5	7/8	Germany		795.00		(3)				795.00
Donald Kursch	7/5	7/8	Germany		829.00		(3)				829.00
Charwick Gore	7/5	7/11	Germany		1,635.00		4,692.08				6,327.08
Ben Anderson	7/5	7/8	Germany		924.00		(3)				924.00
Marlene Kaufman	7/5	7/10	Germany		1,525.00		(3)				1,525.00
Michael Ochs	7/5	7/8	Germany		824.00		(3)				824.00
Janice Helwig	7/5	7/10	Germany		1,340.00		(3)				1,340.00
Marilyn Owen	7/5	7/8	Germany		924.00		(3)				924.00
David Killion	7/5	7/8	Germany		924.00		(3)				924.00
Patrick Prisco	7/5	7/8	Germany		924.00		(3)				924.00
Kathleen May	7/5	7/8	Germany		924.00		(3)				924.00
Delegation Expenses									23,612.50		23,612.50
Committee total					22,293.00		5,394.90		23,612.50		51,300.90

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Military air transportation.

[4] Military and commercial airfare.

CHRISTOPHER SMITH, Chairman, Sept. 5, 2002.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, HON. DONNA M. CHRISTENSEN, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 4 AND JULY 9, 2002

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Donna M. Christensen	7/5	7/9	Spain				1,767.70		273.00		
Committee total							1,767.00		273.00		

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DONNA M. CHRISTENSEN, Chairman, July 30, 2002.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MS. PEGGY DEMON, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN AUG. 5 AND AUG. 14, 2002

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Peggy Demon	8/5	8/8	Turkey		804.00						804.00
	8/8	8/12	United Arab Emirates		1,112.00						1,112.00
	8/12	8/14	Morocco		248.00						248.00
Committee total					2,164.00						2,164.00

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

PEGGY DEMON, Sept. 13, 2002.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MR. DEREK MILLER, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN AUG. 5 AND AUG. 12, 2002

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Derek J. Miller	8/6	8/7	South Africa		134.00						134.00
	8/7	8/9	Zambia		151.00						302.00
	8/9	8/10	Blantyre, Malowi		187.00						187.00
	8/10	8/11	Lilongwe, Malowi		220.00						220.00
Committee total					692.00						843.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DEREK J. MILLER, Aug. 21, 2002.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MS. PAULA SCHEIL, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN AUG. 6 AND AUG. 17, 2002

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Paula Scheil	8/6	8/11	Lithuania		602.00						602.00
	8/11	8/13	Latvia		514.00						514.00
	8/13	8/15	Estonia		238.00						238.00
	8/15	8/17	Russia		617.00						617.00
							6,978.47				6,978.47
Committee total					1,971.00		6,978.47				8,949.47

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

PAULA SCHEIL, Sept 4, 2002.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, REV. DANIEL P. COUGHLIN, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN AUG. 13 AND AUG. 23, 2002

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Father Daniel Coughlin	8/13	8/15	Portugal		404.00						404.00
	8/15	8/16	France		236.00						236.00
	8/16	8/18	Austria		494.00						494.00
	8/18	8/20	Slovenia		496.00						496.00
	8/20	8/22	Russia		688.00						688.00
	8/22	8/23	Scotland		356.00		(3)				356.00
Committee total					2,674.00						2,674.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

REV. DANIEL COUGHLIN, Oct. 3, 2002.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MR. ERICH PFUEHLER, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN AUG. 22 AND SEPT. 2, 2002

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Erich Pfuehler	8/23	9/1	South Africa	Rand	588.00		4,018.17				4,606.17
Committee total					588.00		4,018.17				4,606.17

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

ERICH PFUEHLER, Sept. 12, 2002.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO IRELAND AND NORTHERN IRELAND, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JUNE 28 AND JULY 3, 2002

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. James T. Walsh	6/28	6/30	Ireland		658.00						658.00
	6/30	7/1	Northern Ireland		296.00						296.00
	7/1	7/3	Ireland		658.00						658.00
Hon. John J. Duncan	6/28	6/30	Ireland		658.00						658.00
	6/30	7/1	Northern Ireland		296.00						296.00
	7/1	7/3	Ireland		658.00						658.00
Hon. Jerry F. Costello	6/28	6/30	Ireland		658.00						658.00
	6/30	7/1	Northern Ireland		296.00						296.00
	7/1	7/3	Ireland		658.00						658.00
Hon. Michael R. McNulty	6/28	6/30	Ireland		658.00						658.00
	6/30	7/1	Northern Ireland		296.00						296.00
	7/1	7/3	Ireland		658.00						658.00
Hon. Paul E. Kanjorski	6/28	6/30	Ireland		658.00						658.00
	6/30	7/1	Northern Ireland		296.00						296.00
	7/1	7/3	Ireland		658.00						658.00
Hon. Alan B. Mollohan	6/28	6/30	Ireland		658.00						658.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO IRELAND AND NORTHERN IRELAND, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JUNE 28 AND JULY 3, 2002—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
	6/30	7/1	Northern Ireland		296.00						296.00
	7/1	7/3	Ireland		658.00						658.00
Hon. Joseph Crowley	6/28	6/30	Ireland		658.00						658.00
	6/30	7/1	Northern Ireland		296.00						296.00
	7/1	7/3	Ireland		658.00						658.00
Charles Johnson	6/28	6/30	Ireland		658.00						658.00
	6/30	7/1	Northern Ireland		296.00						296.00
	7/1	7/3	Ireland		658.00						658.00
Siobhan Abell	6/28	6/30	Ireland		658.00						658.00
	6/30	7/1	Northern Ireland		296.00						296.00
	7/1	7/3	Ireland		658.00						658.00
John Feehery	6/28	6/30	Ireland		658.00						658.00
	6/30	7/1	Northern Ireland		296.00						296.00
	7/1	7/3	Ireland		658.00						658.00
Daniel Gage	6/28	6/30	Ireland		658.00						658.00
	6/30	7/1	Northern Ireland		296.00						296.00
	7/1	7/3	Ireland		658.00						658.00
Bryan Gubbins	6/28	6/30	Ireland		658.00						658.00
	6/30	7/1	Northern Ireland		296.00						296.00
	7/1	7/3	Ireland		658.00						658.00
John Mackey	6/28	6/30	Ireland		658.00						658.00
	6/30	7/1	Northern Ireland		296.00						296.00
	7/1	7/3	Ireland		658.00						658.00
Shanti Ochs	6/28	6/30	Ireland		658.00						658.00
	6/30	7/1	Northern Ireland		296.00						296.00
	7/1	7/3	Ireland		658.00						658.00
Scott Palmer	6/28	6/30	Ireeland		658.00						658.00
	6/30	7/1	Northern Ireland		296.00						296.00
	7/1	7/3	Ireland		658.00						658.00
William Tranghese	6/28	6/30	Ireland		658.00						658.00
	6/30	7/1	Northern Ireland		296.00						296.00
	7/1	7/3	Ireland		658.00						658.00
Committee total					1,612.00						1,612.00

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JAMES T. WALSH, Chairman, July 11, 2002.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO UZBEKISTAN, OMAN, AND ITALY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JUNE 29 AND JULY 3, 2002

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Travel to Uzbekistan, Oman, and Italy, June 29–July 3, 2002:											
Hon. Duncan Hunter	6/29	7/1	Uzbekistan		666.00						666.00
	7/1	7/2	Oman		255.00						255.00
	7/2	7/3	Italy		243.00						243.00
Hon. Bob Etheridge	6/29	7/1	Uzbekistan		666.00						666.00
	7/1	7/2	Oman		255.00						255.00
	7/2	7/3	Italy		243.00						243.00
Hon. Silvestre Reyes	6/29	7/1	Uzbekistan		666.00						666.00
	7/1	7/2	Oman		255.00						255.00
	7/2	7/3	Italy		243.00						243.00
Hon. Bob Schaffer	6/29	7/1	Uzbekistan		666.00						666.00
	7/1	7/2	Oman		255.00						255.00
	7/2	7/3	Italy		243.00						243.00
Hon. Shelley Moore Capito	6/29	7/1	Uzbekistan		666.00						666.00
	7/1	7/2	Oman		255.00						255.00
	7/2	7/3	Italy		243.00						243.00
Hon. Jo Ann Davis	6/29	7/1	Uzbekistan		666.00						666.00
	7/1	7/2	Oman		255.00						255.00
	7/2	7/3	Italy		243.00						243.00
Hon. Susan Davis	6/29	7/1	Uzbekistan		666.00						666.00
	7/1	7/2	Oman		255.00						255.00
	7/2	7/3	Italy		243.00						243.00
Hon. Darrell E. Issa	6/29	7/1	Uzbekistan		666.00						666.00
	7/1	7/2	Oman		255.00						255.00
	7/2	7/3	Italy		243.00						243.00
Peter M. Steffes	6/29	7/1	Uzbekistan		666.00						666.00
	7/1	7/2	Oman		255.00						255.00
	7/2	7/3	Italy		243.00						243.00
Dudley L. Tademy	6/29	7/1	Uzbekistan		666.00						666.00
	7/1	7/2	Oman		255.00						255.00
	7/2	7/3	Italy		243.00						243.00
Mark T. Esper	6/29	7/1	Uzbekistan		666.00						666.00
	7/1	7/2	Oman		255.00						255.00
	7/2	7/3	Italy		243.00						243.00
Committee total					12,804.00						12,804.00

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DUNCAN L. HUNTER, Chairman, July 9, 2002.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO BELGIUM, GERMANY, RUSSIA, AND THE UNITED KINGDOM, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND JULY 9, 2002

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Richard A. Gephardt	7/1	7/3	Belgium		498.00						498.00
	7/3	7/5	Germany		514.00						514.00
	7/5	7/7	Russia		688.00						688.00
	7/7	7/9	United Kingdom		668.00						668.00
Hon. Charles Rangel	7/1	7/3	Belgium		498.00						498.00
	7/3	7/5	Germany		514.00						514.00
	7/5	7/7	Russia		688.00						688.00
	7/7	7/9	United Kingdom		668.00						668.00
Hon. Edward J. Markey	7/1	7/3	Belgium		498.00						498.00
	7/3	7/5	Germany		514.00						514.00
	7/5	7/7	Russia		688.00						688.00
	7/7	7/9	United Kingdom		668.00						668.00
Hon. Howard Berman	7/1	7/3	Belgium		498.00						498.00
	7/3	7/5	Germany		514.00						514.00
	7/5	7/7	Russia		688.00						688.00
	7/7	7/9	United Kingdom		668.00						668.00
Hon. Jane Harman	7/1	7/3	Belgium		498.00						498.00
	7/3	7/5	Germany		514.00						514.00
	7/5	7/7	Russia		688.00						688.00
	7/7	7/9	United Kingdom		668.00						668.00
Hon. Baron Hill	7/1	7/3	Belgium		498.00						498.00
	7/3	7/5	Germany		514.00						514.00
	7/5	7/7	Russia		688.00						688.00
	7/7	7/9	United Kingdom		668.00						668.00
Hon. Hilda Solis	7/1	7/3	Belgium		498.00						498.00
	7/3	7/5	Germany		514.00						514.00
	7/5	7/7	Russia		688.00						688.00
	7/7	7/9	United Kingdom		668.00						668.00
Hon. JoAnn Emerson	7/1	7/3	Belgium		498.00						498.00
	7/3	7/5	Germany		514.00						514.00
	7/5	7/6	Russia		344.00						344.00
Hon. Barbara Lee	7/1	7/3	Belgium		498.00						498.00
	7/3	7/5	Germany		514.00						514.00
	7/5	7/7	Russia		688.00						688.00
Steve Elmendorf	7/1	7/3	Belgium		498.00						498.00
	7/3	7/5	Germany		514.00						514.00
	7/5	7/7	Russia		688.00						688.00
	7/7	7/9	United Kingdom		668.00						668.00
Lloyd Smith	7/1	7/3	Belgium		498.00						498.00
	7/3	7/5	Germany		514.00						514.00
	7/5	7/7	Russia		658.00						688.00
	7/7	7/9	United Kingdom		668.0C						668.00
Moses Mercado	7/1	7/3	Belgium		498.00						498.00
	7/3	7/5	Germany		514.00						514.00
	7/5	7/7	Russia		688.00						688.00
	7/7	7/9	United Kindgom		668.00						668.00
Brett O'Brien	7/1	7/3	Belgium		498.00						498.00
	7/3	7/5	Germany		514.00						514.00
	7/5	7/7	Russia		688.00						668.00
	7/7	7/9	United Kingdom		668.00						668.00
Erik Smith	7/1	7/3	Belgium		498.00						498.00
	7/3	7/5	Germany		514.00						514.00
	7/5	7/7	Russia		688.00						688.00
	7/7	7/9	United Kingdom		668.00						668.00
Michael Messmer	7/1	7/3	Belgium		498.00						498.00
	7/3	7/5	Germany		514.00						514.00
	7/5	7/7	Russia		688.00						688.00
	7/7	7/9	United Kingdom		668.00						668.00
John F. Eisold	7/1	7/3	Belgium		498.00						498.00
	7/3	7/5	Germany		514.00						514.00
	7/5	7/7	Russia		688.00						688.00
	7/7	7/9	United Kingdom		668.00						668.00
Committee total											

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[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

RICHARD A. GEPHARDT, Minority Leader, May 8, 2002.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO GERMANY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 6 AND JULY 10, 2002

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Christopher Smith	7/5	7/8	Germany		924.00		(3)				924.00
Hon. Steny Hoyer	7/5	7/8	Germany		924.00		(3)				924.00
Hon. Benjamin Cardin	7/5	7/8	Germany		924.00		(3)				924.00
Hon. Alcee Hastings	7/5	7/8	Germany		924.00		(3)				924.00
Hon. Robert B. Aderholt	7/5	7/8	Germany		924.00		(3)				924.00
Hon. Joseph Pitts	7/5	7/8	Germany		924.00		(3)				924.00
Hon. Joseph Hoeffel	7/5	7/8	Germany		924.00		(3)				924.00
Hon. Jan Schakowsky	7/5	7/8	Germany		924.00		(3)				924.00
Hon. Thomas Tancredo	7/5	7/8	Germany		924.00		(3)				924.00
Hon. Jo Ann Davis	7/3	7/8	Germany		1,520.00		(4)				
							702.82				2,223.32
Ronald McNamara	7/5	7/8	Germany		889.00		(3)				889.00
Dorothy Taft	7/5	7/8	Germany		795.00		(3)				795.00
Donald Kursch	7/5	7/8	Germany		829.00		(3)				829.00
Chadwick Gore	7/5	7/11	Germany		1,635.00		4,692.08				6,327.08
Ben Anderson	7/5	7/8	Germany		924.00		(3)				924.00
Marlene Kaufman	7/5	7/10	Germany		1,525.00		(3)				1,525.00
Michael Ochs	7/5	7/8	Germany		824.00		(3)				824.00
Janice Helwig	7/5	7/10	Germany		1,340.00		(3)				924.00
Marilyn Owen	7/5	7/8	Germany		924.00		(3)				924.00
David Killion	7/5	7/8	Germany		924.00		(3)				924.00
Patrick Prisco	7/5	7/8	Germany		924.00		(3)				924.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO GERMANY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 6 AND JULY 10, 2002—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Kathleen May	7/5	7/8	Germany		924.00		(3)				924.00
Delegation Expenses									26,800.00		26,800.00
Committee total					22,293.50		5,394.90		26,800.00		54,488.40

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.
[4] Military and commercial airfare.

CHRISTOPHER SMITH, Chairman, Aug. 10, 2002.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO CANADA, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN SEPT. 8 AND SEPT. 10, 2002

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. J. Dennis Hastert	9/8	9/10	Canada		350.00		(3)				
Hon. Charlie Johnson	9/8	9/10	Canada		350.00		(3)				
Scott Palmer	9/8	9/10	Canada		350.00		(3)				
Hon. Bill Livingood	9/8	9/10	Canada		350.00		(3)				
John Feehery	9/8	9/10	Canada		350.00		(3)				
Chris Walker	9/8	9/10	Canada		350.00		(3)				
Committee total					2,100.00						

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

DENNIS J. HASTERT, Speaker of the House, Sept. 25, 2002.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

9639. A letter from the Administrator, Rural Business-Cooperative Service, Department of Agriculture, transmitting the Department's final rule — Rural Business Enterprise Grants and Television Demonstration Grants (RIN: 0570-AA32) received October 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9640. A letter from the Administrator, Rural Business-Cooperative Service, Department of Agriculture, transmitting the Department's final rule — Rural Business Opportunity Grants; Definition of "rural and rural area" (RIN: 0570-AA37) received October 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9641. A letter from the Under Secretary, Department of Defense, transmitting the Department's report for purchases from foreign entities in Fiscal Year 2001; to the Committee on Armed Services.

9642. A letter from the Under Secretary, Department of Defense, transmitting a report required pursuant to title 10, United States Code, section 12302(d), relating to those units of the Ready Reserve of the Armed Forces that remained on active duty under the provisions of section 12302 as of January 1, 2002, and as of July 1, 2002; to the Committee on Armed Services.

9643. A letter from the Assistant Secretary — Indian Affairs, Department of the Interior, transmitting the Department's final rule — Indian School Equalization Program (RIN: 1076-AE14) received July 19, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

9644. A letter from the Deputy Assistant Administrator, Office of Diversion Control, Department of Justice, transmitting the Department's final rule — Registration and Reregistration Application Fees [DEA-140F] (RIN: 1117-AA34) received October 15, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9645. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's Affirmative Employment Program for Minorities and Women Annual Affirmative Employment Program Accomplishments Report for the period of October 1, 2000 to October 1, 2001, pursuant to 22 U.S.C. 3905(d)(2); to the Committee on Government Reform.

9646. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Air Transportation Excise Tax: Amount Paid for the Right to Award Miles (Notice 2002-63) received October 8, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9647. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Settlement Initiative for Section 302/318 Basis-Shifting Transactions (Announcement 2002-97) received October 8, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9648. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Interest Rates and Appropriate Foreign Loss Payment Patterns For Determining the Qualified Insurance Income of Certain Controlled Corporations under Section 954(i) (Notice 2002-69) received October 8, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9649. A letter from the Chairman, United States International Trade Commission, transmitting the eighth annual report entitled "The Impact of the Andean Trade Preference Act," pursuant to 19 U.S.C. 3204; to the Committee on Ways and Means.

☐ 1016

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. DREIER) at 10 o'clock and 16 minutes a.m.

MAKING IN ORDER ON LEGISLATIVE DAY OF WEDNESDAY, OCTOBER 16, 2002, CONSIDERATION OF MOTION TO SUSPEND THE RULES

Mr. GOSS. Mr. Speaker, I ask unanimous consent that it be in order at any time on the legislative day of Wednesday, October 16, 2002, for the Speaker to entertain a motion that the House suspend the rules relating to S. 1533.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

REPORT ON RESOLUTION WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS

Mr. GOSS, from the Committee on Rules, submitted a privileged report (Rept. No. 107–757) on the resolution (H. Res. 587) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, which was referred to the House Calendar and ordered to be printed.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 3801. An act to provide for improvement of Federal education research, statistics, evaluation, information, and dissemination, and for other purposes.

H.R. 4015. An act to amend title 38, United States Code, to revise and improve employment, training, and placement services furnished to veterans, and for other purposes.

The message also announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 1632. An act to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to extend the deadline for submission of State recommendations of local governments to receive assistance for predisaster hazard mitigation and to authorize the President to provide additional repair assistance to individuals and households.

The message also announce that the Senate agreed to the amendment of the House to Senate amendments with an amendment on a bill of the House of the following title:

H.R. 3253. Senate amendment to House amendment to Senate amendments—An act to amend title 38, United States Code, to provide for the establishment within the Department of Veterans Affairs of improved emergency medical preparedness, research, and education programs to combat terrorism, and for other purposes.

CORRECTION TO THE CONGRESSIONAL RECORD OF THURSDAY OCTOBER 10, 2002

The incorrect versions of the following concurrent resolutions were inadvertently printed. The correct engrossed versions are as follows:

H. CON. RES. 486

Whereas over 30,300 people will be diagnosed with pancreatic cancer this year in the United States.

Whereas the mortality rate for pancreatic cancer is 99 percent, the highest of any cancer;

Whereas pancreatic cancer is the 4th most common cause of cancer death for men and women in the United States;

Whereas there are no early detection methods and minimal treatment options for pancreatic cancer;

Whereas when symptoms of pancreatic cancer generally present themselves, it is too late for an optimistic prognosis, and the average survival rate of those diagnosed with metastasis disease is only 3 to 6 months;

Whereas pancreatic cancer does not discriminate by age, gender, or race, and only 4 percent of patients survive beyond 5 years;

Whereas the Pancreatic Cancer Action Network (PanCAN), the only national advocacy organization for pancreatic cancer patients, facilitates awareness, patient support, professional education, and advocacy for pancreatic cancer research funding, with a view to ultimately developing a cure for pancreatic cancer; and

Whereas the Pancreatic Cancer Action Network has requested that the Congress designate November has requested that the Congress designate November as Pancreatic Cancer Awareness Month in order to educate communities across the Nation about pancreatic cancer and the need for research funding, early detection methods, effective treatments, and prevention programs: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress supports the goals and ideals of Pancreatic Cancer Awareness Month.

Amend the title so as to read: "A concurrent resolution supporting the goals and ideals of Pancreatic Cancer Awareness Month".

H. CON. RES. 487

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. AUTHORIZING PRINTING OF VOLUME OF TRANSCRIPTS OF NEW YORK CITY MEETING AND STATEMENTS OF TERRORIST ATTACKS OF SEPTEMBER 11.

(a) IN GENERAL.—A volume consisting of the transcripts of the ceremonial meeting of the House of Representatives and Senate in New York City on September 6, 2002, and a collection of statements by Members of the House of Representatives and Senators on the terrorist attacks of September 11, 2001, shall be printed as a House document under the direction of the Joint Committee on Printing, with suitable binding.

(b) STATEMENTS TO BE INCLUDED IN VOLUME.—A statement by a Member of the House of Representatives or a Senator on the terrorist attacks of September 11, 2001, shall be included in the volume printed under subsection (a) if the statement—

(1) was printed in the Congressional Record prior to the most recent date on which the House of Representatives adjourned prior to the date of the regularly scheduled general election in November 2002; and

(2) is approved for inclusion in the volume by the Committee on House Administration of the House of Representatives (in the case of a statement by a Member of the House), or the Committee on Rules and Administration of the Senate (in the case of a statement by a Senator).

SEC. 2. NUMBER OF COPIES.

The number of copies of the document printed under section 1 shall be 15,000 casebound copies, of which—

(1) 15 shall be provided to each Member of the House of Representatives;

(2) 25 shall be provided to each Senator; and

(3) the balance shall be distributed by the Joint Committee on Printing to Members of the House of Representatives and Senators, based on requests submitted to the Joint Committee by Members and Senators.

SEC. 3. MEMBER DEFINED.

In this concurrent resolution, the term "Member of the House of Representatives" includes a Delegate or Resident Commissioner to the Congress.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at the request of Mrs. TAUSCHER) to revise and extend her remarks and include extraneous material:)

Ms. NORTON, for 5 minutes, today.

(The following Members (at the request of Mr. HAYES) to revise and extend their remarks and include extraneous material:)

Ms. ROS-LEHTINEN, for 5 minutes, October 16.

Mr. JONES of North Carolina, for 5 minutes, October 16 and 17.

SENATE BILL REFERRED

A bill of the Senate of the following title was take from the Speaker's table and, under the rule, referred as follows:

S. 1632. An act to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to extend the deadline for submission of State recommendations of local governments to receive assistance for predisaster hazard mitigation and to authorize the President to provide additional repair assistance to individuals and households; to the Committee on Transportation and Infrastructure.

ENROLLED BILL SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly an enrolled bill of the House of the following title, which were thereupon signed by the Speaker:

H.J. Res. 122. Joint Resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on October 11, 2002 he presented to the President of the United States, for his approval, the following bills.

H.J. Res 122. Making further continuing appropriations for the fiscal year 2003, and for other purposes.

H.R. 2121. To make available funds under the Foreign Assistance Act of 1961 to expand democracy, good governance, and anti-corruption programs in the Russian Federation in order to promote and strengthen democratic government and civil society, etc.

H.R. 4085. To increase, effective as of December 1, 2002, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans.

H.R. 5531. To facilitate famine relief efforts and a comprehensive solution to the war in Sudan.

ADJOURNMENT

Mr. GOSS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 19 minutes a.m.), under its previous order, the House adjourned until today, October 16, 2002, at noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

9639. A letter from the Administrator, Rural Business-Cooperative Service, Department of Agriculture, transmitting the Department's final rule — Rural Business Enterprise Grants and Television Demonstration Grants (RIN: 0570-AA32) received October 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9640. A letter from the Administrator, Rural Business-Cooperative Service, Department of Agriculture, transmitting the Department's final rule — Rural Business Opportunity Grants; Definition of "rural and rural area" (RIN: 0570-AA37) received October 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9641. A letter from the Under Secretary, Department of Defense, transmitting the Department's report for purchases from foreign entities in Fiscal Year 2001; to the Committee on Armed Services.

9642. A letter from the Under Secretary, Department of Defense, transmitting a report required pursuant to title 10, United States Code, section 12302(d), relating to those units of the Ready Reserve of the Armed Forces that remained on active duty under the provisions of section 12302 as of January 1, 2002, and as of July 1, 2002; to the Committee on Armed Services.

9643. A letter from the Assistant Secretary — Indian Affairs, Department of the Interior, transmitting the Department's final rule — Indian School Equalization Program (RIN: 1076-AE14) received July 19, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

9644. A letter from the Deputy Assistant Administrator, Office of Diversion Control, Department of Justice, transmitting the Department's final rule — Registration and Reregistration Application Fees [DEA-140F] (RIN: 1117-AA34) received October 15, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9645. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's Affirmative Employment Program for Minorities and Women Annual Affirmative Employment Program Accomplishments Report for the period of October 1, 2000 to October 1, 2001, pursuant to 22 U.S.C. 3905(d)(2); to the Committee on Government Reform.

9646. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Air Transportation Excise Tax; Amount Paid for the Right to Award Miles (Notice 2002-63) received October 8, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9647. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Settlement Initiative for Section 302/318 Basis-Shifting Transactions (Announcement 2002-97) received October 8, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9648. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Interest Rates and Appropriate Foreign Loss Payment Patterns For Determining the Qualified Insurance Income of Certain Controlled Corporations under Section 954(i) (Notice 2002-69) received October 8, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9649. A letter from the Chairman, United States International Trade Commission, transmitting the eighth annual report entitled "The Impact of the Andean Trade Preference Act," pursuant to 19 U.S.C. 3204; to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. TAUZIN: Committee on Energy and Commerce. Supplemental report on H.R. 3580. A bill to amend the Federal Food, Drug, and Cosmetic Act to make improvements in the regulation of medical devices, and for other purposes (Rept. 107–728 Pt. 2).

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 4747. A bill to improve the national instant criminal background check system, and for other purposes; with an amendment (Rept. 107–748). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee on the Judiciary. S. 1339. An act to amend the Bring Them Home Alive Act of 2000 to provide an asylum program with regard to American Persian Gulf War POW/MIAs, and for other purposes; (Rept. 107–749 Pt. 1). Ordered to be printed.

Mr. HANSEN: Committee on Resources. H.R. 5200. A bill to establish wilderness areas, promote conservation, improve public land, and provide for high quality development in Clark County, Nevada, and for other purposes; with an amendment (Rept. 107–750). Referred to the Committee of the Whole House on the State of the Union.

Mr. HANSEN. Committee on Resources. H.R. 4840. A bill to amend the Endangered Species Act of 1973 to ensure the use of sound science in the implementation of that Act; with an amendment (Rept. 107–751). Referred to the Committee of the Whole House on the State of the Union.

Mr. HANSEN: Committee on Resources. H.R. 2386. A bill to establish terms and conditions for use of certain Federal lands by outfitters and to facilitate public opportunities for the recreational use and enjoyment of such lands (Rept. 107–752 Pt. 1)

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 4967. A bill to establish new nonimmigrant classes for border commuter students (Rept. 107–753). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 2155. A bill to amend title 18, United States Code, to make it illegal to operate a motor vehicle with a drug or alcohol in the body of the driver at a land border port of entry, and for other purposes; with an amendment. (Rept. 107–754). Referred to the Committee of the Whole House on the State of the Union.

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 585. Resolution providing for consideration of the joint resolution (House Joint Resolution 123) making further continuing appropriations for the fiscal year 2003, and for other purposes (Rept. 107–755). Referred to the House Calendar.

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 586. Resolution waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (Rept. 107–756). Referred to the House Calendar.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII the Committee on Agriculture discharged from further consideration. H.R. 2386 referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

[Filed on October 16 (legislative day of October 15), 2002]

Mr. SESSIONS: Committee on Rules. House Resolution 587. Resolution waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (Rept. 107–757). Referred to the House Calendar.

Mr. HANSEN: Committee on Resources. H.R. 4966. A bill to improve the conservation and management of coastal and ocean resources by reenacting and clarifying provisions of a reorganization plan authorizing the National Oceanic and Atmospheric Administration; with an amendment (Rept. 107–759 Pt. 1). Ordered to be printed.

REPORTED BILL SEQUENTIALLY REFERRED

Under clause 2 of rule XII, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. HANSEN: Committee on Resources. H.R. 701. A bill to use royalties from Outer Continental Shelf oil and gas production to establish a fund to meet the outdoor conservation and recreation needs of the American people, and for other purposes, with an amendment; referred to the Committees on Agriculture and the Budget for a period ending not later than October 18, 2002, for consideration of such provisions of the bill and amendments as fall within the jurisdictions of those committees pursuant to clause 1 (a) and (d), rule X, respectively (Rept. 107–758, Pt. 1).

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 2386. Referral to the Committee on Agriculture extended for a period ending not later than October 15, 2002.

H.R. 4966. Referral to the Committee on Science extended for a period ending not later than October 18, 2002.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. BLUNT:

H.R. 5642. A bill to increase tariffs on certain spring and other mattress support products; to the Committee on Ways and Means.

By Mr. THOMPSON of Mississippi (for himself and Mr. SHOWS):

H.R. 5643. A bill to designate the United States Courthouse to be constructed in Jackson, Mississippi, as the "R. Jess Brown United States Courthouse"; to the Committee on Transportation and Infrastructure.

By Mr. YOUNG of Florida:

H.J. Res. 123. A joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes; to the Committee on Appropriations.

By Mr. SESSIONS:

H. Res. 587. Resolution waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules.

By Mrs. CAPPS (for herself, Mr. Houghton, Mr. Lewis of Georgia, Mr. Isakson, Mr. Lantos, Mr. Bishop, Mr. Skelton, Mr. Pallone, Mr. Kildee, Ms. Harman, Mr. Hastings of Florida, Mr. Israel, Mr. Davis of Illinois, Ms. Carson of Indiana, Mr. Farr of California, Mr. Snyder, Mrs. Maloney of New York, Ms. McCarthy of Missouri, Mr. Honda, Mr. Langevin, Mr. Doggett, Ms. Eddie Bernice Johnson of Texas, Mr. Brady of Pennsylvania, Ms. Kilpatrick, Mr. Rangel, Ms. Millender-McDonald, Mr. Serrano, Ms. Lofgren, Mr. Towns, Mr. Hinchey, Mr. Markey, Mr. Peterson of Minnesota, Mrs. Clayton, Ms. Kaptur, Mr. Payne, Mr. Levin, Mr. George Miller of California, Mr. Dooley of California, Mr. McGovern, Mr. Moran of Virginia, Ms. DeLauro, Mr. McDermott, and Mr. Costello):

H. Res. 588. A resolution to commend former President Jimmy Carter for being awarded the 2002 Nobel Peace Prize and for his lifetime of dedication to peace; to the Committee on International Relations.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

370. The SPEAKER presented a memorial of the General Assembly of the State of North Carolina, relative to House Resolution No. 1804 memorializing the United States Congress to enact legislation protection our children by establishing an exclusive web domain extension of ".XXX" and limiting the posting and dissemination of obscene or pornographic materials to the designated domain; to the Committee on Energy and Commerce.

371. Also, a memorial of the Senate of the State of New Hampshire, relative to Senate Resolution No. 2 memorializing the United States Congress to support the retention of the phrase "under God" in the pledge of allegiance; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 190: Mr. Weldon of Florida.

H.R. 375: Mr. Stearns.

H.R. 376: Mr. Stearns.

H.R. 408: Ms. Norton, Mr. Hoeffel, and Mr. Moran of Virginia.

H.R. 454: Mr. Ramstad, Mr. Ehrlich, Mr. Souder, Mrs. Kelly, and Mr. Dooley of California.

H.R. 638: Mr. Moore.

H.R. 1265: Mr. Platts.

H.R. 1307: Mrs. Davis of California and Mr. Rodriguez.

H.R. 1509: Mr. Peterson of Pennsylvania.

H.R. 1599: Mr. Duncan.

H.R. 2073: Mrs. Wilson of New Mexico.

H.R. 2349: Mr. English and Mr. Cramer.

H.R. 2770: Mr. Jefferson, Mr. Blumenauer, Mr. Cunningham, Mr. Manzullo, and Mrs. Tauscher.

H.R. 3675: Ms. Rivers.

H.R. 3831: Mr. Osborne.

H.R. 3930: Mr. Callahan.

H.R. 3974: Mr. Bass and Ms. McCollum.

H.R. 3992: Mr. Acevedo-Vilá and Mr. Stupak.

H.R. 4089: Mr. Filner, Mr. Rodriguez, and Mr. McNulty.

H.R. 4091: Mr. Filner, Mr. Rodriguez, and Mr. Langevin.

H.R. 4614: Mr. Blumenauer.

H.R. 4728: Mr. Menendez, Mr. Grucci, and Mr. Etheridge.

H.R. 4963: Mr. Holt.

H.R. 5139: Mr. Evans and Mrs. Thurman.

H.R. 5346: Mr. Tierney, Mr. Pallone, Mr. Meehan, Ms. Velázquez, Mr. Reyes, Mr. Visclosky, Mr. Acevedo-Vilá, Mr. Rahall, Mr. Moran of Virginia, Mr. Nadler, Mr. Stark, Mr. Matsui, Mr. Doggett, Mr. Rothman, Mrs. Napolitano, Ms. Berkley, Mr. Honda, Mr. Sherman, and Mr. McNulty.

H.R. 5445: Mr. Tancredo.

H.R. 5447: Ms. Velázquez.

H.R. 5463: Mr. Souder.

H.R. 5476: Mr. Rangel.

H.R. 5482: Mr. Kennedy of Rhode Island, Mr. Doyle, Mr. Carson of Oklahoma, Mr. Hoeffel, Ms. Woolsey, Mr. Davis of Illinois, Mr. Honda, and Mr. Crowley.

H.R. 5491: Mr. Kildee, Mr. Becerra, Mr. Ackerman, Ms. DeLauro, Ms. Schakowsky, Mr. Crowley, Ms. Norton, Mr. Frank, and Mr. Payne.

H.R. 5509: Mr. Kolbe.

H.R. 5511: Mr. Stupak, Mr. Towns, Mr. Owens, and Mr. Hinchey.

H.R. 5528: Mr. McHugh, Mr. Walsh, Mr. Grucci, Mr. Meeks of New York, Mr. Hinchey, Mr. Gutknecht, Ms. Pelosi, Mr. Edwards, Mr. Pitts, Mr. Petri, Mr. Aderholt, Mr. Whitfield, Mr. Gallegly, Mr. Boehlert, Mrs. Johnson of Connecticut, and Mr. Rohrabacher.

H.R. 5587: Mr. Hastings of Washington, Mr. Platts, and Mr. McInnis.

H.R. 5618: Mr. Berman.

H.R. 5624: Mr. Hinchey, Mr. McHugh, and Mr. Meeks of New York.

H.J. Res. 59: Mr. Mica and Mr. Weldon of Florida.

H.J. Res. 93: Mr. Lewis of Kentucky and Mr. Combest.

H. Con. Res. 177: Mr. McGovern and Mr. Markey.

H. Con. Res. 197: Mr. Fletcher.

H. Con. Res. 362: Mrs. Thurman.

H. Con. Res. 437: Mr. Shays.

H. Con. Res. 466: Mr. Simpson, Mr. Blunt, and Mr. Pomeroy.

H. Con. Res. 502: Mr. Hilleary, Mr. Langevin, Mrs. Jones of Ohio, Mr. Frost, Mr. Costello, Mr. Bachus, Mr. Udall of New Mexico, Mr. Bentsen, Mr. Owens, and Mr. DeMint.

H. Res. 505: Mrs. Tauscher.

H. Res. 560: Mr. Upton.

H. Res. 581: Mr. Weldon of Pennsylvania, Mr. Frank, Mr. Frost, Mr. Blagojevich, Mr. Waxman, Mr. Rodriguez, Mr. Filner, and Ms. Lofgren.

SENATE—*Tuesday, October 15, 2002*

The Senate met at 10 a.m. and was called to order by the Honorable HARRY REID, a Senator from the State of Nevada.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, Lord and Sovereign of the United States, we come to you in prayer with two things gripping our minds. We have a new realization of the force of evil in our world. We are stunned by the continued evil acts of the cowardly, but cunning sniper who has taken the lives of nine people in our area. Dear God, intervene and bring this person or persons to justice. Comfort and sustain the victims' families. Reading the news and watching on televison the aftermath of the massive attack of terrorism in Bali, further convinces us of our battle against an evil, world-wide terrorist movement. Lord, help us to deal with this insidious treachery. At the same time, Pakistan boils with anti-American sentiment. And we seem to have made little progress in negotiation with Iraq.

All this brings us to a deeper reliance on You. Quiet our turbulent hearts; renew our dependence on You. Thank You for the great women and men of this Senate. Strengthen them, give them courage, inspire their discernment, guide their decisions. With them we fall on the knees of our hearts and commit our lives to You. Reign supreme in this chamber and in the mind and soul of every Senator. You are our Lord and Saviour and are greater than evil. Amen.

PLEDGE OF ALLEGIANCE

The Honorable HARRY REID led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, October 15, 2002.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HARRY REID, a Senator from the State of Nevada, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. REID thereupon assumed the chair as Acting President pro tempore.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now begin a period of morning business not to extend beyond the hour of 11 a.m., with Senators allowed to speak therein for up to 10 minutes each.

In my capacity as a Senator from Nevada, I suggest the absence of a quorum.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

ORDER OF PROCEDURE

The ACTING PRESIDENT pro tempore. The order for the quorum call is rescinded.

In my capacity as the Senator from Nevada, I ask consent that the order with respect to the consideration of H.R. 3295, the Election Reform legislation, be modified to reflect consideration of the conference report beginning at 3 p.m., Tuesday, October, today, under the same conditions as the previous order, with all other aspects of this order remaining in effect.

There being no objection, that is the order.

I also ask consent, in my capacity as a Senator from Nevada, the Senate stand in recess until 1 p.m. today; and at 1 p.m. the Senate proceed to a period of morning business until 2 p.m., with Senators permitted to speak for up to 10 minutes each, and at 2 p.m. the Senate stand in recess until 3 p.m.

There being no objection, the Senate, at 10:34 a.m., recessed until 1:05 p.m. and reassembled when called to order by the Presiding Officer (Mr. BENNETT).

The PRESIDING OFFICER. In my capacity as a Senator from Utah, I suggest the absence of a quorum. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. STABENOW). Without objection, it is so ordered.

Mr. REID. Madam President, it is my understanding that there is an order for the Senate to stand in recess between 2 o'clock and 3 o'clock today. Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. REID. Madam President, I ask unanimous consent that the order be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, I ask unanimous consent that the Senate be in a period of morning business until 3 o'clock, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. THOMAS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ESTABLISHING PRIORITIES

Mr. THOMAS. Madam President, I come to the floor today to talk a little bit about where we are and, hopefully, about where we are going, and, more particularly, some comments about energy, which I think is one of the real important points that we must talk about.

First, let me say that certainly we find ourselves in a difficult position as we close this session. I think we have brought ourselves into that position by not moving more quickly on some of the issues that have been out there and that now we desire to have passed.

It is very difficult to resolve some of these issues in the ending moments of a session. Certainly, we are not going to be here much longer. Clearly, we are going to go into a recess before the election. Particularly those who are running are very anxious to do that. And, indeed, to be fair to voters, people who are running should be out in the country talking about their positions.

So it seems to me what we have before us is the chore of putting some priorities on the many issues that are out there and making the determination as to which of those are going to be the issues that we emphasize and indeed move to finish. And there are lots of them out there.

We can talk about the issue of bankruptcy which, of course, is something that has been ongoing for a long time. We have not been able to come together on the fairness of that. We can talk about reinsurance for construction, particularly for large buildings.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

That issue is very important to the economy. It is one we have not been able to resolve, mostly because of a liability issue.

Certainly, an unemployment extension is something that needs to be dealt with, as it expires in the fairly near future. On the other hand, the points of view are quite different in terms of the most effective and efficient way to do that.

We have Medicare givebacks, as it is called, which is in relation to taking up the slack in hospital costs in provider payments over a period of time, which, if not corrected, very likely will cause some providers not to deal with Medicare patients. It is very important. I happen to be from a rural State. There are activities related to that which specifically have to do with rural health care. And we would like to do that.

And there are other issues. But there are a great many items, of course, which, when you come to the end of the session, everybody wants to take a look at. These are all items that have not been done during the year, and when putting them together it can become a very haphazard kind of approach. Frankly, I think the leadership responsibility, and the responsibility for all of us, is to cut through that and to establish some priorities and talk about those things that need to be done. It sounds increasingly as if we will be back in a lame duck session after the election is over to finish some of the items. Most apparent among them are appropriations bills.

We do not have a budget. It is the first time in many years we have not had a budget. A budget is very important, not simply because there would be a budget but because it is a process for holding down spending. And if the appropriations bills exceed the budget that has been agreed to, then you can ask for a point of order, and then have to have more votes to pass it than you do without it. So it is not just the idea of a budget for the sake of a budget; it is a mechanism that helps hold down spending.

I think we have passed just 1 out of 13 of those appropriations bills. Hopefully, in the next 2 days, we will pass another. We must pass the Defense appropriations bill, in my judgment, because the need for defense dollars certainly has increased over last year. And the continuing resolution we will pass will simply extend the authority of the other appropriations bills we passed last year at their levels.

So we have some items that have to be done. I think we are going to be dealing, of course, with election reform. It is very important. It is hardly our biggest priority, in my view, because it does not apply to this election. But it will apply in the next election. We have some time in that regard. Nevertheless, it is on the agenda.

As I said, we are going to be dealing with the Defense appropriations bill. It is a must-do piece of legislation, in my opinion. Certainly, then, in order to continue to have the Government operate, we have to pass a CR. I suppose maybe there are other items with which we need to deal. In my view, those seem to be the items that are necessary and that we need to do.

One of the issues out there that has been difficult—but I think we have worked at it for a very long time—is an energy policy. We have not had an energy policy in this country for a very long time. We need an energy policy. We need it particularly now in terms of the turmoil in the Middle East. A good deal of our energy is imported from the Middle East. We need an energy policy now because of our economic condition. Energy is certainly a big part of our economy and our security. Those are two issues that are most important to all of us. And to do that well, we need an energy policy.

The President asked for an energy policy nearly 2 years ago—a year and a half ago. He outlined an energy policy that he sent to us. We have been all this time trying to come up with our own energy policy. Certainly, we have a broad energy policy. We have talked about lots of things that go into it. We talked about production. We talked about the availability of energy sources.

We have gotten ourselves into the position of importing nearly 60 percent of our energy. And that situation is very iffy because of the condition we are now facing. So we do have to do some things.

We talk about production in the energy bill. We talk about production in terms of encouraging the production of oil, production of coal, the production of gas. Some of the proposals have to do with access to public lands where, such as in my State, for example, 50 percent of the State belongs to the Federal Government. And in many of the Western States more than that belongs to the Federal Government.

So we have to devise a plan where we can take advantage of those resources and, at the same time, of course, take care of the environment. We can do that. And we have shown we can do that.

We are particularly interested in coal as being a source of energy that we pursue more. People are in favor of that. We have to do more about clean air. We have to do some research on coal. We have to do what is necessary to provide clean-coal energy. More than 55 percent of electricity is now produced from coal. And 95 percent of our fossil fuel is coal. So coal is very important to our energy use.

In the bill there are a number of items that have to do with encouraging the clean use of coal, whether it be in research or whether it be incentives to build new plants or upgrade existing plants to make them more clean, including existing plant credits.

Oil and gas: Of course oil provides about 40 percent of our Nation's energy. Natural gas is providing more than it did in the past. But, nonetheless, we need to continue to work on that.

Oil has been a controversial issue, of course. The idea that you open up less than 2,000 acres out of millions has seemed not to be acceptable by environmentalists. Another opportunity would be, perhaps, to go from private land to cross some of the ANWR with a right-of-way. I don't know whether that will be acceptable.

Nevertheless, I think we have to move forward. And we have to have more geophysical research. We are working on that. We can do something about rental payments. All of these areas of concern encourage production.

Along with this, we have to continue to look at conservation: conservation in homes, conservation in the kinds of equipment that we have in our homes. We have to also take a look at automobiles to do something with CAFE standards to reduce energy use. But there are many things we can do in terms of conservation, and indeed we should.

One of the areas in which I have been particularly interested and one that is now under debate—and I don't know where we are in terms of the timing—is the electrical provisions. That is very important. All of us, obviously, depend on electricity in our homes and in our businesses. We have had electricity very reliably for a good long time. We found last year in the California experience some difficulties in reliability brought about for various reasons. Nevertheless, it raised the specter of unreliable electric service. So we deal with that in the bill, some reliability provisions.

We are changing the way we do electricity. In the past, you had an electric company that served an area in terms of its customers and also generated its own power and did its own distribution. Now we are moving to a situation where you have generators that are not in the distribution business and sell their energy where it is needed. It is probably a very efficient way to do things, but it is a change. During the process of that change, there have to be some changes in the rules as well—access to transportation and transmission, probably over time a transmission system that is made up of regional distribution organizations off nationwide transmission lines, for example.

As there is more market in the sale of electricity, there has to be transparency so we avoid some of the kinds of issues that allegedly occurred in California, and we can do that. There are things we need to do there, as well as in conservation, in terms of being able to renovate generation plants to make them more efficient without having to go back and redo the whole generator.

We are talking about mergers, doing away with some of the old laws with respect to mergers and dealing with energy as it exists now in the more modern phase and many of the things with which we need to deal. I hope we are able to do that.

One of them is Indian energy. There is a proposition in the bill that allows for easier access to Indian lands, should they want to do that, which is good for them economically as well as providing more energy for the country.

I mentioned clean coal. We have been doing a good deal more research so that coal can be used that way. We have talked about nuclear power. Nuclear power certainly is one of the cleaner powers we have, and indeed nearly 20 percent of the energy in Illinois, for example, is nuclear. So it is an opportunity for us to do many of the things we need to do and can do in a way that is acceptable, particularly to the environment.

Renewables have been one of the real areas of controversy. Renewables now, not including hydro, produce about 1 percent of our energy, our electric energy. So it is very small. But the opportunity to grow, of course, whether it be wind energy, whether it be Sun energy, whether it be other kinds of renewables, is out there. The question is, Do you mandate renewables that cause the consumers to have to pay more at this time or do you give incentives so that we can go forward in that way?

I always remember years ago—of course, Wyoming is an energy-oriented State. We had a meeting there. I believe the speaker was from Europe, but he made the point—and I think it is an excellent point—that through time we have never run out of a fuel; we move from one fuel to another as we find new, more efficient fuel. We used to have wood. Now we don't use wood. Then we had coal. Then we had gas. And we will continue to do that as science looks for new ways to provide energy. We need to do that.

Ethanol has been one of the issues as well: How much requirement is included in the ethanol and what percentage of it is in gas and so on. Those are the kinds of issues we have talked about a great deal.

Part of the bill also has to do with the pipeline from Alaska for natural gas so we can have that kind of resource available to us.

Many of these things are being considered in the tax title where there will be incentives for the kinds of production we need for the kinds of research we need and the things that can happen.

So we are down to, frankly, a stressful point in terms of timing. We have worked on this energy policy now for the better part of 2 years. We have worked on it here in the committee for a long time. Finally, unfortunately, it was pulled from the committee and put on the floor without a committee bill. I think we were 4 weeks here on the floor talking about energy. So we spent a good deal of time on it.

Obviously, different parts of the country have different points of view as to how energy bills ought to be structured and how they impact different parts of the country. Some States are more production oriented; others are more user oriented. And there are some differences there.

There is always a conflict about how much authority goes to FERC, the Federal Energy Regulatory Commission, as opposed to the States. That, of course, is one of the reasons that many of us are in favor of getting the regional transmission organizations going, so that the decisions that have to be made interstate in these areas can be made largely by the States and they come to an agreement as to how you do that.

Also, there are always some difficulties, of course, between the municipals and co-ops as opposed to investor-owned utilities. It is not an easy project, but it is one that is very important to our comfort, very important to our economy, very important to our security, and one that has had a great deal of work on it this year.

I guess we will probably know tomorrow whether that committee that has been dealing with trying to bring together the House and the Senate will be able to put forth a bill. We are hopeful that indeed they will. Of course, it may lap over into a lame duck session, but that is fine. I suppose in the worst instance—at least I think it is the worst instance—if we don't do anything, then we can take this work and put it back into next year's efforts. But we do need to be more aware of doing the things in this body that need to be done. And, of course, we don't all agree, but we need to find ways to move forward.

We have found ourselves in the last several months without much forward movement, without much activity—still haven't done homeland security over relatively small differences of view.

I am hopeful that as we enter into these literally last few hours here before we have some kind of recess, we can set some priorities collectively, do those things that must be done and not try to do everything haphazardly, which will obviously result, if we do too many things to move forward—do what we have to do, go do our elections, come back, and then we will have to take up what is yet undone.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

ECONOMIC NEWS

Mr. BENNETT. Madam President, last Friday the majority leader, Senator DASCHLE, along with the minority leader in the House, Congressman DICK GEPHARDT, presided over an economic summit and discussed the state of the economy. Since that summit was called, the Dow Jones average has gone up close to 800 points. I would like to congratulate them for their wisdom in calling such a summit and producing that result. I hope they will have another one and we will have the Dow go up another 800 points.

I was not planning to talk about this, but when I was on my way to lunch, I checked and discovered that at that time, at least, the Dow was at 8200, whereas it was down in the low 7000s just a week ago.

I know this will come as something of a disappointment to those who are hoping in the election that the economy will be seen as terribly under water and will do their very best to try to stir up a sense of blame for the lousy economy and blame it on one party or the other.

I am encouraged by the wisdom of the American people. According to the latest polls, the majority of the American people, who have a view on the economy and where it is, understand that we are not in a recession anymore. We are, in fact, in a recovery; all of the rhetoric is to the contrary here on the floor of the Senate.

Secondly, the recession that preceded this recovery was caused primarily by the business cycle and was not caused by President Bush's election or any other political event. As I have said here on the floor before, the business cycle has not been repealed. We would like to think we could repeal the business cycle. Indeed, if we knew how, both parties would do it because neither party wants to go into an election situation where the economy appears soft. So both parties—if they understood how to repeal the business cycle—would quickly take the steps to do that.

As a matter of fact, however, as we look at it throughout our history, Congress's record—indeed the administration's record—has not been all that good in terms of dealing with the business cycle. Usually, when we get into the business of trying to outguess it, we make things worse rather than better. I remember reading a book by Paul Johnson where he was talking about the Great Depression and the great efforts being expended by the New Deal. He said the efforts expended by the New Deal administration in the 1930s made the Great Depression last longer and go deeper than would have been the case if they had done absolutely nothing.

I commented on that to some Ph.D. economists and said that I understand that is heresy, and they said: No, quite the contrary, Senator. That is basically what has been understood and is being taught in the schools of economics around the country—that the intervention in an attempt to override the marketplace and the laws of economics, however well-meaning on the part of the Government, actually makes things worse rather than better.

As we look at our last recession, we know now pretty clearly what caused it. It was the bubble of speculation that surrounded the high-tech industry, and people got carried away with their conviction that the bull market was never going to turn to a bear; that we were always going to be going up, up, and up—as Lucy wanted to in the Charlie Brown cartoon. Charlie said, "Life has its ups and downs." She said, "I want nothing but ups." There were plenty of people in the 1990s looking at the market and the economy and saying: We want nothing but ups.

Sometimes that cannot be accomplished. We got out ahead of ourselves—there was too much capacity. The business cycle kicked in, as it always does, and there we were in a recession. The slowdown began—we now know—in the midyear of 2000. I remember, with some interest, because there was an election going on, there were those who criticized then-Governor Bush, who was saying that we were going into a slowdown. They said: No, no, we are not going into a slowdown. You are trying to pretend that it is for political purposes, and isn't it terrible for you to be saying there is a slowdown underway when, indeed, we are still having ups, ups, and ups.

We now know that then-Governor Bush was right; we were going into a slowdown in the last half of 2000. It turned into a recession that lasted for three quarters—the last three quarters of 2001. Then we started coming out of it. Well, those numbers don't add up. The recession started in the beginning of 2001. We have now had five quarters of growth—admittedly, not as strong as we would like to have. Admittedly, there are sectors of the economy that are still mired in recession. Talk to the people in the hospitality industry. Travel has not come back since September 11 to the degree that it was there before—particularly business travel. Airplanes are full, but the airplanes are not making any money because in order to get them full, the airlines are heavily discounting fares. So that portion of the economy is not doing well.

Housing has done extremely well. Consumer spending stays up because household income has held. The sense of wealth has held because people's houses are worth more. They have lost money in the stock market, but they have seen equity increases in housing, primarily because of lower interest rates. I think the lesson is that we can get carried away with our economic analysis. We can look back and say the economy boomed in the nineties because Bill Clinton was elected President or we can say, no, the economy boomed because Newt Gingrich was the elected Speaker.

The fact is, we need more humility as politicians and we need to understand the economy boomed because the American entrepreneurs and business people did a good job. Those of us in Congress and those in the White House contributed to it basically to the extent that we got out of the way and let it happen. Now, we need to have some of that same understanding.

I would like to pass the terrorism insurance bill. I think that would go a long way toward bringing the commercial real estate sector of the economy back. That sector is hurting, and one of the reasons is that people will not engage in major commercial enterprises if they cannot get terrorism insurance. We have been sitting on that bill in this body for close to a year. We passed it. It has gone to conference. The conferees have not been allowed to produce a product yet. I hope the majority leader will work with the conferees in allowing them to bring a conference report to the floor before we adjourn. I think that is one thing we can do that would make the recovery more robust than it is.

Basically, Madam President, I think we need, as I say, a little humility as politicians, and we need to understand the economy is very sound, very strong, and it is coming back—but a little more steady as she goes rather than a sense of panic is what is called for.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. AKAKA). Without objection, it is so ordered.

JOBS FOR AMERICAN FAMILIES

Mr. JEFFORDS. Mr. President, I rise today to discuss the state of our economy. I was heartened to read in this morning's Washington Post that the administration is finally acknowledging our economy is in trouble. Of course, it came as the Republican National Committee was writing a memo to send to its campaign, reporting that internal polling shows the economy is the most important issue to voters. Surprise. It seems the Bush administration is more interested in responding to recent poll numbers than responding to the economic indicators that have been staring them in the face for more than a year.

The economic statistics are most troubling. Business investment is down. The annual growth of business investment is 7.6 percent, the weakest business investment trend under any administration in the past 50 years. Consumer confidence is down. Between January of 2001 and August of 2002, consumer confidence dropped by nearly one-fifth. The stock market is down, as everyone knows. Between January 2001 and September 2002, stocks listed on the New York stock market exchange and the Nasdaq markets lost $5.2 trillion in market value, a loss of more than 35 percent, or more than $9 billion per day.

The 23 percent average annual decline in the S&P average index under the current administration is the sharpest decline since the Hoover administration. Last month was the worst September performance for the Dow Jones industrial average since 1937.

The Congressional Budget Office said last Friday the Federal Government 2002 deficit will hit $157 billion. This onslaught of red ink is truly remarkable. It is being driven by the largest percentage drop in individual tax revenues since 1947. That is over 50 years ago.

Let me give the folks a little Yankee economic wisdom. People pay less in taxes when their earnings go down. We are now spending Social Security revenues to balance our budgets for the first time since 1997. Ninety-four percent of the surpluses projected when President Bush took office have already disappeared. That is a $5.3 trillion drop in just 2 years. If the past is any guide, we can expect higher interest rates in the future as the Government competes with the private sector for capital.

With all of this, I was stunned to receive a letter from the Congressional Budget Office late Friday which indicates even more layoffs of American workers may be around the corner. These layoffs can be attributed to the lack of commitment from the administration to fully fund our Federal highway program. The CBO letter made clear that the continuing resolution, which the other body is working on now, will have the effect of cutting future spending on highway construction jobs by over $4.1 billion and cutting current spending by $1.1 billion.

I quote the letter of October 11, 2002, from the Director of CBO regarding the amendment being proposed by the other body:

> With the amendment, CBO would reduce its estimate of 2003 obligations and outlays under a full-year continuing resolution by $4.1 billion and $1.1 billion, respectively.

I am convinced that we need more leadership from the White House on the issue of jobs for American families. Our attention is constantly being diverted by the White House talk of war. Unemployment in September stood at 8.1

million Americans. This does not count those who have given up hunting for work. That is 1 million more unemployed as compared to a year ago. Families whose unemployment benefits have long since run out are focused on how they will pay their rent or make their mortgage payments or, even worse, where they will get their very next meal.

Construction jobs are good jobs. Each $1 billion spent on highway projects creates 47,500 full-time jobs. These jobs help the entire economy, not just the transportation sector. The cut in funding highlighted by the CBO letter means nearly 200,000 Americans will not find gainful employment, which they could find if it was better handled.

According to the Department of Transportation, our network of highways contributes, on an average, one-quarter of the yearly productive growth rate in the United States.

To quote the Department of Transportation:

> This highlights the highway network's importance to maintaining economic growth.

The White House needs to listen to its own transportation department. The U.S. Department of Transportation says for each $1 billion invested in highways, almost 8,000 direct on-site highway construction jobs are created. For each $1 billion invested, around 20,000 supply industry jobs are created. For each $1 billion invested, around 15,000 jobs are supported within the general economy as highway construction employees spend their wages.

I say to the White House, devote at least some attention away from Iraq and to getting Americans back to work. I urge the White House to support funding in the continuing resolution which allows us spending at the rate of $31.8 billion, equal to last year's level.

As chairman of the Environment and Public Works Committee, I will work with the congressional leadership to assure maximum funding possible for the reauthorization of the transportation bill.

I feel sad today when I look at the economy and think what it could be or should be; yet we are spending all our time on an important issue, no question, about the status of Iraq. But I hope this body will turn its attention now to economics and the problems we are having and those that will lie ahead if we do not take action now.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE ECONOMY

Mr. DASCHLE. Mr. President, last week we completed our debate on Iraq. It was a difficult debate, but at the end we were able to come together to speak with a large degree of consensus on an issue of national security. To Democrats, security means more than national security and homeland security. It also means economic security, retirement security, the security of knowing that if you lose your job, you can find a new one, and if you get sick, you can get health care. And it means the security of knowing that those goals are not being undermined by poor economic leadership and ideologically driven economic leaders.

The news, when it comes to America's economic security today, has not been good. This chart shows one of the many ways with which to determine the state of the economy. Last week, the Wall Street Journal reported that we are experiencing the worst market since the 1930s. This is not just a bear market, it is a grizzly bear market. The broad Standard & Poor's 500 Stock Index has now lost nearly half of its value. Since President Bush took office, Americans have seen the markets lose $5.7 trillion in value. That is $9.5 billion a day that has come out of the market. This red piece of the pie chart is an approximation of what has been lost. About one-third of the entire market capitalization has been lost in less than 2 years—$5.7 trillion.

Here is what that means to a person with $100,000 in a 401(k) invested in the Standard & Poor's 500 Index when President Bush took office. The value of their investment has now decreased by $35,000. Many who were invested more aggressively have lost much more. If you had $100,000 in January of 2001, you now have $65,000 in September of 2002.

A lot of Americans who are lucky enough to have a little bit of money saved and invested are seeing their children's college investments and their own nest eggs disappear. We have recently seen an increase in the number of 60- to 70-year-olds in the workforce. These people are not wondering when they will be able to retire. Now they are wondering if they will be able to retire.

This chart shows what has happened in the job market in the last 2 years. The people wondering if they will be able to retire are the lucky ones. To even think about retiring, you have to have a job. Since President Bush took office, unemployment has jumped by 1.5 percent. More than 2 million people have lost their jobs. These are private sector jobs. We started in January of 2001 at 111 million jobs actually being held. We have now dropped from 111 million to 109 million in about 18 months. Many of those who lost their jobs are having trouble finding new work. Nearly 1.5 million people have been unemployed now for over 6 months. These people have not just lost their jobs, they are starting to lose hope.

This chart shows what we had at the beginning of the year 2001. About 648,000 people were unemployed for more than 26 weeks. That number has now jumped from 648,000 to 1,585,000 people. Now they are also losing their unemployment insurance. Unemployment insurance is supposed to provide temporary help to people who lose their jobs to tide them over until they find new ones. But now many who lost their jobs in the months after September 11 are losing their benefits. Now they are trying to find a job in an economy even worse than the one that had caused them to lose their job in the first place.

This chart shows what has happened. In 1992, 1.4 million workers had exhausted their unemployment benefits. Now, in the year 2002, we expect that number to be exceeded by 800,000—the number of people who will experience the expiration of their unemployment benefits.

The market is in steep decline. People are losing jobs. People are unable to find jobs. There is a daily drumbeat of negative economic news. There is no question—any one of these charts points out very clearly—Americans are hurting.

But this administration does not understand their pain because it does not see a problem. On September 5, president Bush said confidently:

> I am optimistic about our economy. I am optimistic about job growth.

The next day—the very next day—the Bureau of Labor Statistics reported that in the previous month manufacturing lost 68,000 jobs and retail businesses lost another 55,000.

On September 14, we learned that because homeowners were having such a hard time paying bills, home foreclosure rates reached their highest rate in 30 years.

A couple of days later, Lawrence Lindsey, Director of the National Economic Council, said:

> There's a lot of good news out there. We have challenges as well. But given those challenges, I think the economy is doing very, very well.

On September 24, we learned that the poverty rate increased for the first time in 8 years with 1.3 million more Americans falling into poverty. We also learned that median household income fell for the first time in a decade.

The next day, Treasury Secretary Paul O'Neill told us:

> The latest indicators are good.

On September 29, the census reported that the number of Americans without health insurance rose yet again—this time by 1.4 million people to 41.2 million. Not only are low- and middle-income families losing income because of the skyrocketing price of health care premiums and prescription drug costs, they are now losing their health insurance.

Two days later, the President said:

> I think the economy is strong. There are some rough spots, but we will deal with it.

Last Thursday, Secretary O'Neill and Secretary Evans had a joint press conference. Secretary O'Neill said:

> We are on a bumpy road to recovery, but the direction is still up.

Secretary Evans added:

> I am one that is pleased with the recovery that is now underway.

The next day—the very next day—this is what we saw: Consumer confidence and consumer spending depicted in this chart both falling, retail sales taking their worst drop since November of last year, and consumer sentiment dropping to levels last seen in the fall of 1993.

This chart shows the consumer expectations and what has happened over the course of the last 6 months. In May, consumer expectations were relatively high at 92.7. Many thought the economy was going fairly well and thought it was going to continue to do better. That index dropped to 87. It went down to 81 in July, and then down to 80. Now it is all the way down to 72. We have lost almost 25 percent of consumer confidence in just 5 months.

"The direction is up." That is what the Bush administration said. Optimistic about job growth, the latest indicators look good, the economy is doing very well. Some rough spots? I don't know where these guys are living, but it must be somewhere within the neighborhood of oblivious. When it comes to America's economic problems, this administration is woefully out of touch.

A couple of weeks ago, the President said:

> I spend a lot of my time worried about the job security of our fellow citizens.

Last week, it became even more clear that this administration's focus is not the economy. The White House announced that the President will be hitting the campaign trail for 14 straight days before the November 5 election. In fact, I am told he will be coming to South Dakota—my State—at least 2 of those 14 days.

I would ask President Bush to do one thing: Cancel the political trips and spend less time trying to save jobs for Republican politicians and more time trying to save the jobs of average Americans.

Unfortunately, not only are the President and his advisers out of touch with our economic problem, but they are out of step when it comes to solutions. They have seemingly pursued ideological goals at the expense of sound economics, and the American people will pay the price.

Last year, it became clear that our economy was starting to slow. Every objective economist told us tax cuts could help solve the problem. But they had to be the right kind of tax cuts. They had to boost consumption be getting money into the hands of people who would spend it—people with moderate incomes. It had to be done now, affecting the economy now, and affecting people's incomes now. At the same time, we were told that whatever we did, we should make sure it didn't do any long-term fiscal damage.

Here is what the Democrats said: let us pass a bill to provide immediate tax relief for all families. Let us do that now—just as the economists proposed we do it. It included a tax cut check. Unlike the plan that passed, it made sure every taxpayer, including those who pay only payroll taxes, would get one. It would have also reduced the 15-percent tax rate—the rate paid by all income-tax payers—to 10 percent, and it would have done it permanently. It would have been fair, fiscally responsible, and stimulative.

Instead of passing that responsible plan, the President and his advisers insisted on a plan that had far less immediate tax relief but had a cost that explodes to $250 billion in the year 2011 alone. Smart tax relief for everyone was held hostage by the President and his advisers to a massive tax cut for the very few at the very top.

Moderate earners got their $300 immediate rebate check, but not until millionaires got a tax cut equal to that $300 rebate check every other day. Now, after going from record surpluses to real deficits, we are seeing just how bad a decision that was.

After September 11 dealt another blow to our already staggering economy, we all agreed that the American economy needed a stimulus. So Democrats and Republicans of the Senate asked the experts, including Federal Reserve Chairman Alan Greenspan and former Treasury Secretary Robert Rubin, what are the most effective steps we can take to shore up our economy? Here is what they told us: Put money into the hands of low- and middle-income workers. They are the ones who will spend it quickly. Make sure that workers who have lost their jobs receive unemployment benefits, and cut taxes for businesses, but limit the tax cuts to those who actually help create jobs.

Finally, they said our plan must be affordable and temporary. After all, the baby boomers start retiring in less than a decade, and we shouldn't be taking on major long-term spending or revenue obligations that will make it even more difficult to meet our responsibilities to Social Security and Medicaid.

That was the advice we received.

What did this administration propose? They proposed permanently eliminating the corporate alternative minimum tax. House Republicans went a step further and proposed making the alternative minimum tax cut retroactive. Incredibly, that one provision would have given $250 million in one check from the U.S. taxpayers to the Enron Corporation. That is right—$250 million from every taxpayer in America to none other than the Enron Corporation.

That had nothing to do with stimulus. To this day, I am not sure what it had to do with. Instead of a temporary business investment incentive, they insisted on a 3-year bonus depreciation, which was passed. That essentially said to businesses: You don't need to invest now. Wait a couple of years and see how it goes.

The Administration and congressional Republicans have refused to provide any aid to hard-hit States which, as a result, are now being forced to cut health care and education programs. They had to be dragged kicking and screaming to an extension of unemployment insurance despite the fact that former Treasury Secretary Rubin called it "a near perfect stimulus."

When the markets were shaken by a wave of corporate scandals, it was clear we needed real reform in order to boost investor confidence. The administration again said and did the wrong thing. On January 14, 1 month after Enron declared bankruptcy, 4 days after the Justice Department confirmed that a criminal investigation of Enron had begun, Secretary O'Neill said:

> Companies come and go. It's part of the genius of capitalism.

After dragging their feet on corporate accountability, this administration reluctantly came to the conclusion it had to support it. But now it is standing idly by as its appointees try to undermine the tough reforms that we passed last summer.

Last week, it was reported that Harvey Pitt, the former accounting industry lawyer chosen by President Bush to head the SEC, has given the accounting industry a veto over who will head the new Accounting Standards Board, the centerpiece of the corporate accountability law we passed.

According to news reports, Chairman Pitt blocked the appointment of John Biggs, a highly respected reformer, to head that new board at the insistence—at the insistence—of the accounting industry. If this is true, it means Harvey Pitt intends to let the same accounting industry insiders, who ran Enron and other corporations into the ground, run the new board that is supposed to prevent future Enrons.

Now, as our markets plummet and people are losing their savings, their jobs, and their confidence, this administration is again proposing the wrong remedies. Even now, they are calling to make the tax cut permanent. Regardless of how you feel about that as a policy proposal, everyone should be able to agree that new tax cuts in the year 2011 will have no immediate effect on our economy. In fact, by piling on another $4 trillion in debt during the next decade, it could hurt our economy in the short term by pushing up long-term interest rates.

Last week, House Republicans pushed through the Ways and Means Committee a completely ill-timed increase in the capital loss limit. Coming at this moment of intense market volatility, it is likely to cause wealthier investors to sell their stock, thereby forcing the market down and forcing down the value of 401(k) and other investment accounting even more.

When it comes to dealing with our economy, the President, his advisors, and congressional Republicans have put forward two kinds of ideas: old ideas and bad ideas. They have been wrong at every turn. And this dramatic failure of economic leadership is doing real harm to America's businesses and to the economic security of average working families.

America deserves better leadership, better ideas, and a real debate about economic future in this country. Democrats believe there are five areas in which we can take quick action to help our economy in the short term. These are areas where there should be absolutely no disagreement.

First, we should extend unemployment insurance. During the first Bush administration, Democrats and Republicans agreed to extend unemployment insurance three times. We were able to agree that extending unemployment benefits was the right approach to a Bush recession then. We should be able to agree that it is the right approach to a Bush recession now.

Second, we should provide immediate fiscal relief for States. Right now, States are facing severe budget shortfalls, and many are finding themselves forced to cut crucial services, such as education, health care, and transportation.

As Paul Krugman wrote in the New York Times, aid to the States will "do double duty, preventing harsh cuts in public services, with medical care for the poor the most likely target, at the same time that it boosts demand."

Third, we need to increase the minimum wage. The minimum wage has lost significant purchasing power since it was last increased in 1996. Raising the minimum wage is not only a statement of our strongly held belief that people who work full time should not live in poverty, but by putting money in the pockets of people who are most likely to spend it, it is a strong stimulus as well.

Fourth, we need a strong bill to protect pensions. Democrats have a plan that allows workers to hold employers accountable and helps workers get their money back if the people responsible for protecting their investment abuse that trust. It makes it easier for workers to sell their company's stock and diversify their holdings, and it gives workers access to independent, unbiased investment advice.

We should be able to reach quick agreement and pass a bill that includes these elements.

Fifth, we need to make sure that the strong corporate accountability bill we designed, defended, and passed is strongly enforced. The centerpiece of this legislation is an effective, reform-oriented accounting oversight board. It is time for the administration to demand that a strong leader is chosen in order to make this a strong board.

In addition, we should consider some fresh new ideas about how to get our economy moving again.

Last Friday, Senator DORGAN and others hosted a bipartisan economic forum. Unlike the White House economic summit this summer, we heard from people across the political and ideological spectrum. It was a shame the White House decided not only to decline our invitation to participate but to dismiss the forum as a publicity stunt because there were a number of interesting ideas discussed.

For example, one participant raised the possibility of a second rebate, one that would go to everyone who pays payroll or income taxes, and time-disbursed spending around the holiday season. It was also suggested that we look to improve the investment incentives we enacted earlier this year.

The problem with allowing businesses 3 years to take advantage of a tax break on new equipment purchases is that many have chose to do what we said they would do, they have chosen to wait. Because we want businesses to invest now, one of the panelists suggested making the investment incentive more immediate but more generous.

Earlier today, Minority Leader GEPHARDT laid out a series of other ideas, including a rebate aimed at lower and middle-income Americans, investments in school construction, antiterrorism, and help for States as they struggle with the health care crisis.

These are all ideas that deserve a fair hearing. We should have a real discussion about them, and other ideas, to help our economy in the short term. But we also need to focus on the long term.

As a result of what the President has signed into law, or is currently proposing, our projected surplus of $5.6 trillion becomes a $400 billion deficit. The baby boomers are getting ready to retire.

This administration did not invite Democrats to their economic summit, and they did not want to attend our economic forum. This administration needs to realize we are all in this together, and the only way we will spark our economy in the short term and strengthen it in the long term is by doing it together. Whether that conversation is part of a real economic summit or part of some other forum, it is a conversation that needs to happen.

For the last month and more, the country has been completely consumed with the debate about our proper course in Iraq. Because that debate was about issues of war and peace, and America's national security interests, it was altogether appropriate that we should have a completely focused dialogue. The President asked for that dialogue, and he demanded we have it before the election. We have met his demand. But the American people have their demands as well.

People are anxious, not just about their security against an international threat, but about the security of their jobs, the security of their retirement, the security of their health, and the strength of our national economy.

By virtually every measure, the President's economic plan has put America on the wrong track. He cannot escape responsibility by blaming the previous administration. He has had almost 2 years to generate a recovery. His economic team cannot divert attention with out-of-touch happy talk or appeals to one or two positive economic indicators. People see their income falling, their jobs disappearing, their retirement funds declining, and the cost of health care rising.

We have given the American people the debate the President says they need with regard to Iraq. Now the President should give the American people the other debate they are saying they want: a serious debate about their economic future.

I yield the floor.

Ms. STABENOW. Will the majority leader yield for a question?

Mr. DASCHLE. I am happy to yield to the Senator from Michigan.

Ms. STABENOW. Mr. President, I thank the leader for refocusing on the critical issues of economic security at this time. When I am home in Michigan, there is no question that while people are concerned about national security, the issues in front of them every day—economic security—are at the top of their list.

I also appreciated his focus earlier this year on the issue of lowering one of the biggest costs for our seniors and small businesses and farmers, everyone in the economy, which is the cost of prescription drugs.

I am wondering, as you were talking about the President—now going on a 14-day trip in terms of campaigning—if you might agree that even just picking up the phone and asking the House of Representatives to take up the bill that we passed, S. 812, which would create more lower-cost drugs through generics and open the border to Canada and do a variety of things that would lower the prices, wouldn't be something we could call upon the President to do? And wouldn't it be true if we were simply to have the House pass that bill we passed this year, the bill that would create more competition and lower prices, we could help our families and businesses tremendously by lowering the prices of prescription drugs, which are one of the main explosions of cost to our families?

Wouldn't you agree that would be an important focus between now and when we leave?

Mr. DASCHLE. Mr. President, I thank the Senator from Michigan for calling attention to yet another economic issue that could have profound consequences on the ability the average working family has today to pay their bills and to keep their standard of living. As she and I have traveled the country, and certainly traveled our States, the issue of the cost of prescription drugs comes up over and over again.

The Senate passed a prescription drug bill that would reduce the cost to every single person purchasing drugs today. It sits languishing in the House of Representatives. I hope the President will do as the Senator suggests. I hope he will pick up the phone from Air Force One, since he is traveling all over the country, and tell the Speaker: Pass the bill, give us some real opportunity for relief this year. That, to me, would be one of the many things he could do to bring about longer term economic security.

The House also did real damage earlier this year. No one has looked at the bill, but I hope some day somebody will write the real story about the atrocious legislation passed by the House in the name of prescription drugs benefits. Basically, as the Senator from Michigan knows so well, because she has become such a leader on this issue, the House of Representatives has turned over prescription drug coverage for seniors to HMOs. Given the horrific examples of abuse in our health system today, in large measure because of abuse by HMOs, can you believe anybody would say, well, that is enough. We are now going to turn over drug coverage for seniors to HMOs, to the private sector, to people who simply are unable to live up to the expectations of all seniors, of the American people?

Again, the Senator makes a very important point. We have not been able to address prescription drugs this year, in part because of their determination to turn over responsibility for drug coverage under Medicare to HMOs and their unwillingness to deal with the generic legislation passed in the Senate by an overwhelming margin last summer.

I thank the Senator for asking the question.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. NICKLES. Mr. President, I wish to make a couple of comments. Parliamentary inquiry: Are we going to be in morning business until 3?

The PRESIDING OFFICER. The Senator is correct.

BALANCING THE RECORD

Mr. NICKLES. Mr. President, I have heard a couple of speeches by our Democrat colleagues that are basically saying the entire fault of the economy is that of President Bush. I just have a little different view and wish to share the view somewhat to balance the record.

It is kind of interesting; we are an equal branch of Government, the legislative branch. We are an equal branch to that of the executive. For one branch of Government to say, wait a minute, the economy is bad and it is all the President's fault, I find kind of interesting. We have equal powers under the Constitution. Our powers are a little different. Maybe sometimes the President gets all the credit when things are good and all the fault when things are bad, but that is not quite accurate. Congress shares its portion of responsibility, whether it be good or bad.

We have done a couple things that are good and some things that are bad. Maybe I will point out some of those differences.

I find it interesting where one branch of Government is faulting the other and assuming that is really the solution. That is not the case.

When the recession started, I remember the stock market crashing or falling dramatically in March of 2000. I believe President Clinton was President at that time, and the market continued to fall. It rebounded a little bit in August of 2000, and then it fell a lot more and has been falling since. If you look at the precipitous rise in the stock market, it probably had risen too much too fast, and so it had some falling out to do. It has fallen; I hope it has not fallen too much. Maybe now it has bottomed out and started to increase.

Actually, the last few days have been very promising. If somebody just got into the market last Monday or Tuesday, they have made a remarkable rate of return in the last few days alone. I hope maybe the market has bottomed out. To say that is all President Bush's fault is incorrect.

The Washington Post on October 25 said:

> To blame the weak American economy on Mr. Bush is nonsense.

That is a direct quote from the Washington Post, which is not exactly President Bush's biggest cheerleader. But they happen to be right.

Let me say, instead of just trying to throw rocks at the Bush administration, we should be looking at Congress. What can we do. I don't know that we can just pass a few bills and make everything rosy in the economy. Nor does everything we do have a negative impact. But I do believe we can make a difference.

Some of the things we pass can help, and some of the things we don't pass can either help or hurt. I will mention those.

I remember a person all of us respect, Chairman Greenspan. His recommendation, his advice to Congress was to do two things: Show some fiscal discipline and also do things that would stimulate trade. And we did pass a bill, trade promotion authority, this year. Due to President Bush's leadership, we did get it through the House and the Senate. It wasn't easy. It wasn't even pretty in some respects. But it passed both Houses. It passed the House by one vote; it passed the Senate by more than that after extraneous measures were put on that were not in the committee. That was not a good way to legislate. There were three bills combined into one. But we eventually did pass trade promotion authority. That was good. That will help the economy.

On the second recommendation, Chairman Greenspan said show fiscal discipline. I give the White House high marks in many regards. I give Congress a very low grade. If I was going to grade Congress on fiscal discipline, the grade would be an F. I am critical. I am on the Budget Committee. I used to be on the Appropriations Committee. But for the first time since 1974, we didn't pass a budget. And we have shown no discipline whatsoever. As a matter of fact, for the last two or three Congresses, we have shown very little discipline, whether or not we had a budget. Even when we had a budget in the last 2 or 3 years of the Clinton administration, we continually waived it.

If you are going to waive it by declaring things an emergency, or waive it and say it doesn't count, we basically had no budget. So as a result, we had Federal spending climbing and climbing dramatically. Total outlays increased, in the year we just completed, 2002, the fiscal year, by $148 billion. That is the largest percentage growth in spending programs in 20 years.

Defense grew by 13 percent. I agree with that. We underfunded defense for many years. Unemployment comp grew by a staggering 72 percent. Medicaid grew by 13.2 percent, the fastest since 1992. Total outlays grew by 7.9 percent in fiscal year 2002. But if you exclude the decrease for net interest, spending grew by 11 percent last year, about 3 times the rate of inflation. And then I look at some of the other things Congress did that affect spending. Now, we can control that. We control how much money we spend. We had a farm bill that was billions of dollars over what was budgeted. The trade adjustment assistance bill had $11 billion of new entitlement spending. We had an emergency supplemental bill that was $4 billion over the President's request. I could go on and on.

There was $6 billion in drought assistance that—when we passed the farm bill that was so expensive, the proponents said we won't need to do drought assistance every year. Then we came back and, sure enough, Congress passes billions of dollars more. So my complaint is against Congress because, for the first time, we didn't pass a budget. Then because we didn't pass a budget, we didn't pass appropriations bills.

This is embarrassing. Here we are in the new fiscal year and we have not sent the President any appropriations bills. By the end of this week, I think we will have sent the President two appropriations bills—2 out of 13, all of which are supposed to be done by the end of September. And here we are in the middle of October. Congress, on appropriations bills, deserves an "F" this year because we have not done a budget, and Congress deserves an "F" because we have not done one of our constitutional responsibilities, which is to pass appropriations bills on time.

So I look at the Members of Congress who keep throwing rocks at the President, saying the economy is in bad shape. Yet what are we doing? Have we done our job? No. What else could Congress have done? What could the Senate have done? The House passed an energy bill and we spent 7 or 8 weeks on it and it is still stuck in conference. If we would have passed an energy bill that had allowed exploration in ANWR—the Alaska National Wildlife Refuge—as the House did, we could create hundreds of thousands of jobs. That is still stuck, so the Congress has not passed an energy bill.

We have not passed a reinsurance bill. It passed the House and the Senate, but we have not worked out the differences in conference, mainly because the Trial Lawyers Association wants to have the extended ability to sue victims of terrorism. So there are billions of dollars in construction projects being held hostage because Congress hasn't been able to pass antiterrorism insurance.

The House passed pension reform months ago. The Senate Finance Committee—of which I am a member—I believe, passed pension reform unanimously in committee. We have not passed it on the floor of the Senate. I urge the majority leader to call that bill up. If you want to talk about 401(k)s, and we want to protect them, and pension plans, and so on, let's pass the bipartisan bill that passed out of the Finance Committee to lend some protection there.

We have not moved to make permanent the tax cuts passed last year. I keep hearing people being critical of the tax bill that passed. They want to say that tax bill caused all the deficits. That is totally false. The real cause, or culprit, wasn't the tax cut; it is the fact of the failing economy. The economy is staggering. Income receipts are down, and it is not so much because of the tax cuts but because of the economy. So we need to turn the economy around and allow people to keep more of their own money. Let's make the tax cuts permanent.

Some people say, no, let's increase taxes. Let's change the law. I don't think that is the remedy being advocated by many, but I don't think that is a very good solution.

Then I heard our colleagues say we didn't pass a prescription drug bill. That is not our fault. The majority leader and the chairman of the Finance Committee never even had a markup on prescription drugs in the Finance Committee, which has jurisdiction over that issue. They pulled the bill up on the floor and we debated it for weeks, but we didn't pass a comprehensive bill to add prescription drugs as a benefit for Medicare because we didn't let the Senate work its will. We didn't have it marked up in committee. We didn't allow Members to proceed as we should.

I mention those few things. We are getting close to election time, so they want to start throwing rocks at the President and criticizing him for the economy, without saying, what have we done? What has the Senate done? I might say we should be thankful for some things that we didn't do and what some of our friends on the Democratic side of the aisle wanted to do, or have tried to do, which, if they were successful, would have made the economy a lot worse.

I will mention one: ergonomics standards. There was a regulation promulgated by the Clinton administration in the last day or two of his term in office called ergonomics standards, which would have cost the economy billions and billions of dollars. I saw one estimate that was up to $100 billion. It was going to have the Federal Government set up a Federal workers compensation system—I started to say "scheme"—that would have cost billions of dollars to regulate movement in the workplace. It had such ridiculous rules, such as you could not move over 50 pounds 20 times a day and all kinds of little rules on how OSHA is going to regulate business. Congress wisely stopped that regulation. That was good. Some people still want to pass that. It would have cost billions and billions.

Some people say let's pass the Patients' Bill of Rights, which would increase everybody's health care costs. Actually, the Senate passed that a year ago in June. It is interesting to note that the House already passed it a year ago, but we have not even gone to conference on that bill—maybe for a good reason. That bill would greatly expand not only the right to sue the HMOs but also employers for providing health care insurance for their employees. The employers could be sued, and the net result would be that a lot of employers would drop their health care. That would hurt the economy, not help it.

Some people say let's increase the minimum wage. That is one of the proposals many Democrats are pushing now—increase that by $1.50 over the next 14 months. That is almost a 30-percent increase. Oh, that is great. What if the business could not pay $6.65? What if this is somebody trying to help at a convenience store, and all they can afford to pay is $5, maybe $6 an hour? We are just going to say that is too bad; we would rather have you unemployed than to have a job like that. If you cannot pay $6.65, you are out of work.

CAFE standards: On the energy bill, many Democrat colleagues say let's increase the CAFE standards for automobiles. That is great. We are going to make everybody drive a Volkswagen-type automobile. That is not very safe; that is not what consumers want. It would certainly be detrimental, and it would cost thousands of jobs.

I mention these to say that there are two sides to the story. We are a little less than 3 weeks from the election and a lot of colleagues are saying: We want to throw rocks at the President, blame the President for the deficit. So we want to stop making permanent the tax cuts the President already passed; and, incidentally, we want to spend a whole lot more money. So they are against the deficits when it comes to taxes, but in favor of them when it comes to spending money. Whether you are talking about Medicare adjustments, drought assistance, unemployment compensation—which, in a moment, we will probably be debating—we are going to have a major expansion of unemployment compensation, more than double the Federal program that we have today. Some will possibly propose that. It only cost $17 billion. What difference does it make? We don't have a budget anyway. In other words, they don't care about the deficit when it comes to spending—only when it comes to the tax side.

I say these things because I think it is important to move together and improve the economy. I think we can do it if Congress works together. We can take a lot of the measures the House passed and we can help the economy. If we would pass an energy bill, a reinsurance bill, pension reform, and if we would be responsible and pass a budget, pass appropriations bills that meet the budget guidelines, I think we could help the economy. I don't think we help the economy by making a bunch of political speeches and blaming everything on President Bush.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

MEASURES PLACED ON CALENDAR—H.R. 4968, S. 3099, AND S. 3100

Mr. REID. Mr. President, I understand that H.R. 4968, S. 3099, and S. 3100 are at the desk.

The PRESIDING OFFICER. The Senator is correct.

Mr. REID. Mr. President, I ask unanimous consent that these bills receive a second reading, and I object to any further consideration of this legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bills by title.

A bill (H.R. 4968) to provide for the exchange of certain lands in Utah.

A bill (S. 3099) to provide emergency disaster assistance to agricultural producers.

A bill (S. 3100) to amend title 18, United States Code, to limit the misuse of social security numbers, to establish criminal penalties for such misuse, and for other purposes.

The PRESIDING OFFICER (Mr. CARPER). The bills will be placed on the calendar.

EXTENSION OF MORNING BUSINESS

Mr. REID. Mr. President, the hour of 3 o'clock will be here in a minute or so. I ask unanimous consent that morning business be extended for an additional 30 minutes, with Senators permitted to speak therein, with the exception of Senator KENNEDY. I ask that he be granted 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Massachusetts is recognized.

UNANIMOUS CONSENT REQUEST

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 619, S. 3009, a bill to provide for a 13-week extension of unemployment compensation; that the bill be read the third time, passed, and motion to reconsider be laid upon the table, without intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. NICKLES. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, may I ask the sponsor of the bill, doesn't this, in effect, provide for a 26-week extension of Federal unemployment compensation instead of 13 weeks?

Mr. KENNEDY. The Senator is correct, for certain States that qualify. This is similar to what we did in the early 1990s. The Senator is quite correct.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. KENNEDY. Mr. President, I think I have the floor. I propounded a unanimous-consent request for, the immediate consideration of the measure.

Mr. NICKLES. I object.

The PRESIDING OFFICER. There is objection.

Mr. KENNEDY. Mr. President, I regret, for the reasons I will outline just shortly, that we continue to have opposition of the Republican leadership to extending the unemployment compensation program that can make all the difference in the world for families who are running through their current unemployment compensation and have to meet their mortgage payments, have to pay for the food on their tables, have to support their children in schools. People are hurting. I can give a more detailed description of what is happening in the country, but I regret we continuously have an objection by our colleagues on the other side.

We know going back to the early 1990s, former President Bush objected to the extension of unemployment compensation and then, finally, saw the wisdom of it and indicated he would support the extension of unemployment compensation. We had a series of votes with more than 90 Members voting in favor of the extension of unemployment compensation for the very sound reason that these workers have paid in to the fund. The fund is in surplus, it now has some $27 billion. The Senator is quite correct that it would cost approximately $17 billion should this program go into effect now to assist those who have paid in to the program.

The point of unemployment compensation is, unless you have paid in, you do not receive. So these are funds that have already been paid by workers with the purpose in mind that if the economic conditions are such as at present, that if there is a temporary period where they cannot find jobs, this would help those families during those valleys. That was always the thought behind unemployment compensation. The fund is in surplus, and still there is an objection to the extension. It will make an enormous difference to close to 2 million families in this country by the end of the year and 3 million by the early part of February.

There was one comment my friend from Oklahoma stressed, and that is: Where are the appropriations bills? Congress has not done its work; we have only considered 2 out of the 13 appropriations bills. The last time I read the Constitution, the appropriations bills originated in the House of Representatives, and that happens to be under Republican leadership. Do you understand? That is under Republican leadership. So when the good Senator said Congress is at fault, we know where the fault lies in terms of the appropriations bills which he mentioned.

THE UNFINISHED BUSINESS OF AMERICA'S WORKING FAMILIES

Mr. KENNEDY. Mr. President, I congratulate our leader and thank him for an excellent address this afternoon. I also thank my friend and colleague, the Senator from Michigan, Ms. STABENOW, who has been such a leader on the issue of prescription drugs. The leader was much too self-assuming when he failed to take credit for the fact that this was the first time the Senate has ever debated a prescription drug program, and it was done so because we had a Democratic leader, TOM DASCHLE, who insisted we call up this legislation.

I heard earlier today: We did not have a prescription drug bill because the Finance Committee could not do one. For 5 of the last 6 years, the Republicans have been in charge of the Senate, and when they were in charge, we never had a prescription drug bill. The American people ought to understand that. Before one cries crocodile tears at the pleading of my friend from Oklahoma, the fact is the Senate never considered a bill because the Finance Committee could not complete a bill, and the Democratic leader brought a bill to the floor of the Senate.

We passed a good bill, not the bill I would have liked to have seen, a program that would have been built upon the Medicare system. I thought we had guaranteed that in 1965 when we committed to the seniors of this country: Play by the rules and pay into the Medicare system, and your health care needs are going to be attended to. We did not say "with the exception of prescription drugs."

That is what has happened, Mr. President. Every day we fail our seniors, we break that commitment and pledge to them. The Republicans had 5 years to report out a bill, and they failed to do so. Thank you, TOM DASCHLE, and thank you, DEBBIE STABENOW, for standing up, and thank you for the bipartisan effort we had to support a program that would have done something about lowering the cost of prescription drugs and, as the Senator from Michigan has pointed out, as well as our leader, that is being held hostage by the Republican leadership in the House of Representatives.

Make no mistake about it, the Democrats happen to be on the side of seniors. We were on their side in the early 1960s when we fought for Medicare. If our Republican friends are against the Medicare Program, why don't they just come out and say it? They at least used to have the courage to do so. They do not now. They just say they differ with it or there is some other procedure or failure of some committee meeting. They used to at least have the courage to say they oppose it. They do not say that anymore. They try to give some other excuse. We are strongly committed, as the Senator from Michigan and the Senator from South Dakota have pointed out.

Mr. President, in the time I have remaining, I wish to highlight three very important areas, and these are areas which our leader, the Senator from South Dakota, Mr. DASCHLE, has mentioned, but I want to review them one more time.

More than 8 million Americans are competing for just over 3 million jobs. Maybe the Senator from Oklahoma does not believe we have an economic crisis, but he can travel with me through many of the New England States, including my State of Massachusetts, where we have the highest unemployment of any of the New England States. Talk to families there who, if they have not lost a job, they know members of a family who have or they know of a neighbor who has, and they have friends down the street who are seeing foreclosures on homes. This is the highest rate of foreclosures since the Depression, and we sit around in the Senate and say, We do not have an economic crisis?

We have double-digit inflation in health care, and we still say: It is not robbing the pockets of working families. We see the tuition of our great universities increasing by more than three times the rate of inflation. No, no, that is not really our fault.

Why is it all those factors are coming in to place now under a Republican administration? Why? It still has not been answered. We are not just saying why, as the leader, TOM DASCHLE, has pointed out, we are making recommendations and suggestions trying to do something about it.

I heard this comment about how the Republicans are against minimum wage. I know they are. I know they have opposed it. They have opposed it since I have been in the Senate, and they opposed it before I came to the Senate.

This is basically an issue of dignity of men and women who work hard cleaning the buildings of this country, working as teachers' aides, working in nursing homes—men and women of dignity. They take the tough jobs. Perhaps they can be easily dismissed by Members in the Senate, but we take them seriously.

It is an issue involving women because the majority of the minimum wage recipients are women. It is a women's issue. It is the children because most of the women have children. How are those children going to grow up?

Talk about family values. What do we have when there is a family who needs a minimum wage increase and is working two jobs? How much time do they have to spend with their children? We hear a great deal about family values. The minimum wage is a family value issue, and it is a fairness issue.

We have raised our salaries four times in the Senate in the last six years. The last pay increase was by $4,900. We have raised our salaries four times since we voted for an increase in the minimum wage. That is not acceptable. Maybe it is acceptable to some. Maybe there are people who can find excuses and say: What about the mom-and-pop store that is not going to be able to pay it?

We have dealt with those issues and those challenges. There are exclusions for the smaller mom-and-pop stores from the coverage, and there are exclusions for a variety of other entities where we get the same stories.

At least the Democrats are prepared to vote for an increase for the hardworking, neediest people in this society. As a result of the economic slowdown, there is an increase in the working poor. We want to do something about it. We are not giving excuses. We are fighting for those people. We are fighting to make sure they are going to be eligible for the unemployment insurance.

There are 3.2 million jobs and 8 million Americans unemployed. There are more Americans unemployed who are looking for fewer jobs. That is a phenomenon entirely different from our recent economic history.

Going back to the last serious recession we had in this country, look at the number of Americans, 1.4 million, who are out of benefits, and now in 2002 there are 2.2 million out of benefits, which is a continuation of the earlier point.

We have asked for and we have tried to get the extension of unemployment compensation that can make some difference, and we are going to continue to fight to do it. If we can get an increase in the minimum wage, we are prepared to do that as well.

The other issue we want to address is the issue we have in terms of pension reforms. We are not just satisfied with the House bill that is going to permit the various financial institutions to give the workers their information and make the decisions about how they are going to invest their pensions. Imagine that. Talk about putting the fox in the chicken coop. That is what the House bill does.

In the last hour, we heard somebody in this Chamber say: Let's pass that House bill. That will solve our problem in terms of the pensions. We are going to let the financial institutions that have a direct financial interest give the advice to the workers about how to do that.

Well, we hope we have learned something. We certainly have learned something over on this side. But that is basically the Boehner bill. He is a good friend. We worked with him on the education bill, but he is wrong about this.

Why is it important? It is important because we have seen the workers' retirement savings wiped out. There has been over $1 billion lost, but the executives have cashed out at $1 billion in gains. Look at what has happened to these companies. We are asked why we are fighting to get something meaningful done. The heads of these companies and corporations, such as the Enrons—Mr. Lay is going to receive a pension that is worth half a million dollars a year for life, and Bernie Ebbers of WorldCom will receive $1.5 million a year for life, and the list goes on. They have been taken care of, but the workers have not.

We want to do something meaningful. We want to do something on unemployment compensation. We have to do something on minimum wage. We have to do something to protect America's workers in terms of pensions.

So even in the final hours that we have, we are going to be serious about dealing with the issue of the economy because in our part of the country people are hurting. Real families are hurting. Working families are hurting.

There are many, including myself, since September 11, who say we ought to put everything on the table in terms of our economy—put on the table future tax cuts for the wealthiest individuals. There are those on the other side of the aisle who do not want to do it. They would rather cut back on the education programs in terms of the future.

In the President's own program, he asks for additional kinds of tax cuts in his budget this year, even after September 11. Some of us are not sold on that. We believe in a sound economic program. It is not a matter of chance that the last two periods of time when we had the longest periods of economic growth and price stability in this country were under Democratic Presidents.

In terms of our economy, there are important differences that we believe in and that the Republicans believe in. We are asking for assistance by the American people on election day to restore a strong economy for this country.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I love to hear my friend and colleague from Massachusetts. Sometimes we have a slight difference of opinion on a few of these issues, and I will try to clarify a couple of them. One which he has asked unanimous consent to pass is the unemployment compensation extension. Even in the consent request it says for a 13-week extension of unemployment compensation, but the fact is the bill is for 26 weeks. Right now, it is a Federal program.

Let me back up. States have a 26-week program. The Presiding Officer, as a former Governor from Delaware, understands the States have a 26-week program. There is a 13-week temporary Federal unemployment compensation extension we use in times of high unemployment, paid, basically, totally by the Federal Government. The Senator from Massachusetts is saying let's make that 13 weeks 26 weeks, not for a few States but all States, and then for some States an additional 7 weeks. So, basically, all States would get 52 weeks and some States would get 59 weeks.

I want to make sure people understand the facts. I do not mind debating facts, but I think we ought to be factual. The fact is he is trying to double the Federal program, and that is very expensive. A simple extension costs about $6 billion or $7 billion. The bill that people have tried to pass now for the third or fourth time by unanimous consent would cost $17 billion.

If my colleagues want to be responsible, I will work with them, but we are not going to pass something like this. This is more of a political statement so they can say, we are trying to pass unemployment compensation, and they can have Senator NICKLES coming out objecting—those Republicans will not allow this to pass.

I was critical of the fact that the Senate has not passed appropriations bills and critical of the fact that the House has not. The House has not passed enough and neither has the Senate. My colleague from Massachusetts says all of the appropriations bills have to originate from the House. That is not what the Constitution says. The Constitution says all "revenue raising bills."

I have article 1, section 7:

> All Bills for raising Revenue shall originate in the House of Representatives; but the Senate may propose or concur with Amendments as on other Bills.

It is important we be factual. The House has to originate tax bills. The Senate can pass appropriations bills. I have always asserted our right. Because of tradition, the House wants to pass them first, and that is fine; that can be the tradition. But nothing should keep the Senate from passing appropriations bills first if we so desire. There is no point of order against them whatsoever.

A point that was made on the Finance Committee—and I was critical of the Senate for bringing up a prescription drug proposal without it going through the Finance Committee. I did a little homework. Since the creation of Medicare in 1965, 22 of the 23 Medicare expansions passed the Finance Committee—bipartisan, overwhelming. We had a tripartisan bill that had a chance to garner bipartisan support on which many of us were requesting a markup in the Finance Committee, before we got to the floor, so we would have a bipartisan approach when it came to the very important, critical, and expensive extension of prescription drugs to Medicare. We were denied that markup. We are going to have the most expensive expansion of Medicare since its inception, and it will be done on the floor of the Senate without input from committee, without scoring, without the CBO, without expert input.

That is a pretty crummy way to legislate. It makes one think the legislation was done more for political purposes than for substantive and legislative intent to make something happen.

My good friend from Massachusetts discussed minimum wage. Senator NICKLES is opposed. Not all Republicans are. This Republican is opposed to increasing the minimum wage from $5.15 to $6.65 in 14 months. That is a $1.50 increase in 14 months. A lot of people are paying in the neighborhood of $5.15 or $5.50. If they have to pay an extra $1.50 in the next year, many will say, I cannot do that, thank you very much. A small business in Delaware or Oklahoma—maybe it is a McDonald's—cannot always afford to pass the $1.50 on and some employees will lose a job. Maybe it is pumping gas, sacking groceries, or sweeping floors.

My colleague said this is to help increase people's self-esteem and integrity, people who are sweeping the floors. I used to sweep floors. I used to have a janitor service. I used to work for minimum wage, and so did my wife. It was only about 34 years ago we did that, and the minimum wage at that time, if I remember, was a lot less than it is today. It did not hurt my self-esteem. I wanted to make more money, so I started my own business. It was rather successful.

My point is, I don't think we improve people's self-esteem alone by saying we will have the Federal Government setting higher standards, and if you cannot make it, we would rather you be unemployed. I would rather have someone working for $5.50 and climb the economic ladder than put that ladder up so high that they cannot get on and they stay unemployed and continue to draw welfare benefits.

I hear we want to freeze this Bush tax cut for the ultrawealthy, the tax cuts for the millionaires. When President Clinton was elected, the maximum personal income tax rate was 31 percent. He increased that rate to 39.6 percent for personal income tax. President Clinton did that retroactively in 1993. President Bush, over several years, eventually gets that 39.6-percent rate in an incremental phasing down to 35 percent. In other words, it is still several percent more than it was under President Clinton. It is 4 percentage points, but percentage-wise it is about a 13-percent rate higher than when President Clinton was elected.

President Reagan lowered the rate to 28 percent. President Bush, the 41st President, increased it, due to a lot of pressure, from 28 percent to 31 percent. President Clinton took it from 31 percent to 39.6. President Bush, the 43rd President, reduces that rate gradually from 39.6 percent to 35 percent over several years. My colleagues are objecting to that as tax cuts for the wealthy. But that is not nearly as much as the tax increase proposed by the previous administration.

It is very important we be factual. The pension bill has been on the calendar since July. Senator DASCHLE could have brought it up at any point. We have bipartisan support for the Finance Committee bill that was passed in July. The minimum wage has been on the calendar since May. If Senator DASCHLE wants to bring it up, he can. He is the majority leader. He has that right to bring up the issues. Two or three weeks before the election looks as if it is calculated more for political purposes than for trying to change the law of the land.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that morning business be terminated.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. The two managers are here for the conference report. They originally had 2 hours for the conference report, and I ask unanimous consent that if they need 2 hours, the time be from now until 5:30.

The PRESIDING OFFICER. Without objection, it is so ordered.

HELP AMERICA VOTE ACT OF 2002—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of the conference report accompanying H.R. 3295, which the clerk will report.

The legislative clerk read as follows:

> The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 3295) to require States and localities to meet uniform and nondiscriminatory election technology and administration requirements applicable to Federal elections, to establish grant programs to provide assistance to States and localities to meet those requirements and to improve election technology and the administration of Federal elections, to establish the Election Administration Commission, and for other purposes, having met, have agreed that the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, signed by a majority of the conferees on the part of both Houses.

The PRESIDING OFFICER. The Senate will proceed to the consideration of the conference report.

(The report is printed in the House proceedings of the RECORD of October 8, 2002.)

Mr. DODD. Mr. President, I am very pleased this afternoon to bring to the attention of the Senate the conference report agreement on legislation to reform our Nation's election laws. I anticipate we will not need the full time allocated. I would like to think Members are so interested they would like to come over and share their thoughts with us on this subject. But knowing there are no votes today, that is not likely to occur so we will probably use a lot less time than the 2 hours required.

I note the presence of my friend and colleague, Senator MCCONNELL, the ranking member of the Rules Committee.

Before getting to the substance of my remarks, let me begin by thanking him and his staff, and the staff of Senator BOND as well, one of our conferees, and that of my own two conferees on the Democratic side, Senators DURBIN and SCHUMER, and their staffs, not to mention my own staff, Kennie Gill and others, for the tremendous work done on the Senate side of this effort.

It is somewhat ironic. I understand we are going to get this done. It is a quiet afternoon after Columbus Day. Members are still back in their States having spent the weekend with their families before returning tomorrow when we will have some additional votes as we begin to wind up this 107th Congress. It is somewhat ironic in a sense that we are in this sort of quiet stillness of this Chamber with only two of us here to talk, when you consider what gave rise to this legislation—the fact that there was one of the most tumultuous elections in the history of our country that galvanized the attention, not only of the people of this country but those throughout the world. For more than a month, every single news program, day in and day out, 24 hours a day, was of eyes peering through hanging chads and people bellowing at each other in a voting precinct in Florida, with courtrooms packed, around the corner from here, in the United States Supreme Court.

The irony is all of that turmoil provoked us to step up and find out whether our election laws could do with some changing—not that it all occurred in Florida or in just the 2000 election—but today, as we approach the second anniversary of that election, we find ourselves in a quiet Chamber with a couple of Members talking about something that both of us believe is a rather historic piece of legislation.

When you consider that unlike other matters that come before this body, despite the fact that our colleagues may claim expertise in every subject matter that comes before them, this is truly one in which each Member who serves here is an expert because they would not have arrived here had they not been elected. To that extent, we have an appreciation of elections beyond the awareness of the average citizen in this country. So the fact that we—as Democrats and Republicans, in a time when people question whether or not we can come to terms about some of the major issues of the day, can take a subject matter so rife with partisanship as an election, with all of the scars, the wounds, the admonitions, the rhetoric, the demagoguery, use whatever words you want—were able in this Congress to craft legislation that passed the other body by a substantial margin, and passed this body 99 to 1, and then the conference report passed the House by a vote of 357–48, and we hope a substantial vote will occur here as well, is a tribute to the membership of this body, to the leadership of this body, and the other body as well—that we were able to get this done.

If I may say so, I have been here 21 years. I have had proud moments when I have been involved in other legislative efforts. None exceeds the sense of pride I have over this particular accomplishment. Again, no one can ever claim that they were responsible in a legislative process for the final result. A lot of people can take legitimate credit for helping us achieve what we are asking our colleagues to support tomorrow when we vote before noon.

This agreement, as it said, represents many mouths of effort. That effort took place amid a steady stream of news reports that predicted the demise of election reform. While those reports bewailed the lack of progress in conference negotiations, they overlooked the fact that, instead of a lack of progress, conferees were making progress. Working quietly during early mornings, late nights, and long weekends, we crafted the conference agreement that is before the Senate this afternoon.

It is a bipartisan and bicameral agreement. It is one that, I believe, merits the support of our colleges in the Senate.

It is one that has already been approved by the other body by a vote of 357 to 48. And it is one that the Administration has said the President is prepared to sign.

Twenty-three months ago, our Nation was thrown into turmoil because we learned a painful reality: that our democracy does not work as well as we thought it did, or as it should. More than 100 million citizens went to the polls on election day 2000—November 7. Four to six million of them—for a variety of reasons—never had their votes counted. Some were thwarted by faulty machinery. Some were victims of wrongful and illegal purges from voter lists. Others fell victim to poorly designed ballots. But all of them—all—were denied the right to effectively exercise their most fundamental right as American citizens: the right to vote.

Regardless of which candidate one supported, there is no disagreement that election day 2000 was not a proud day for our democracy.

It was a day of deep embarrassment for a nation rightly viewed by the rest of the world as a beacon light of self-government. But that day was also, in a very real sense, a gift. Had there never been a contested election like the election of 2000, the problems plaguing our Nation's elections would likely never have been addressed. So it was in a sense a gift. If you were to find a silver lining in what occurred that day, what we are producing and asking our colleagues to support may be it.

The legislation we present to the Senate today goes a long way toward fixing those problems and righting those wrongs. It does justice to the American voter. It breaks new ground. It is, I believe, the first civil rights legislation of the 21st century. It is not a perfect bill. But it will make our democracy work better and be stronger.

Two hundred and thirteen years ago at the Constitutional Convention in Philadelphia, the Framers decreed that the administration of federal elections is not the job of just the States, or just the Federal Government, but the job of both.

Until now, that vision of cooperation and partnership has largely been honored in the breach. The Federal Government has for the most part been an observer, not a partner, in the conduct of elections for Federal office.

Starting now, with this legislation, that pattern comes to an end. For the first time—if you exclude the Voting Rights Act of 1965 in which the Federal Government told States what not to do—they must not levy poll taxes, must not set literacy tests—the National Government steps up to more fully meet its constitutional duty to uphold the soundness and sancity of the ballot. This is the first time the Federal Government is saying what we must do together to make our elections stronger. With this bill, we move closer to the day when every vote cast will be a vote counted.

Our bill achieves this progress in three ways: with new rights, new responsibilities, and new resources.

First, new rights. The conference agreement establishes new voting rights for our citizens. These include:

The right—starting in 2004—to cast a provisional ballot. With this right, no qualified voter can ever again be turned away from the polling place without being able to cast at least a provisional ballot. There are some States that are doing this already and have been for years. Many do not.

The right to check and correct one's ballot if the voter made a mistake. I know this is a radical idea. In this way, voters need never again leave a polling place haunted by the thought that they voted for the wrong candidate, or nullified their own vote by over-voting.

The right of all voters to cast a private and independent ballot. Today, millions of disabled Americans face two options on election day, both of them bad: they either vote with the assistance of a stranger, or they do not vote at all. In the 2000 elections alone, some 20 million of them took the second option—because the barriers to the ballot box were just too daunting.

With this legislation, henceforth—beginning in the year 2006—those days will come to an end. Starting with this bill, a disabled voter will have the same right to cast a private and independent ballot as any other voter.

That provision dealing with providing for accessibility improvements in voting systems may not be required to go into effect until 2006. Obviously, some States may do that before. There is something in this bill that says you cannot do that. But at the very least, by the year 2006.

The bill also creates the right to have, at each polling place, printed, posted information, including a sample ballot and a listing of voter rights and responsibilities. In this way, our bill will sharply reduce the risk of confusion and error on election day.

In addition, our bill requires states to develop "uniform and nondiscriminatory" standards for counting ballots—because whether or not your ballot will count should never depend on the county or precinct where you happen to live and the economic circumstances there.

Second, our bill establishes new responsibilities—for voters, for States, and for the Federal Government.

To address concerns about fraud, voters seeking to vote for the first time in a state will be responsible for producing some form of identification. Senator BOND was particularly instrumental in crafting these provisions. We thank him.

States will be responsible for producing statewide computerized lists of registered voters. Once these lists are up and running, it is our hope and expectation that the risk that individuals may be voting multiple times in multiple jurisdictions will be minimized if not eliminated altogether.

Let me add, by the way, that when it comes to the computerized statewide lists, a voter may not have to register again. If you live in a State that provides for state-wide registration, or wants to provide for state-wide registration, this requirement will facilitate that so that if you move around in that State from one county to another, or from one community to the next, a statewide voter registration list means you don't have to register again. If you move from one community and one precinct to the other, with the statewide list, you register once. If you stay in that State, you may be registered forever in that State regardless of where you may live or move to under state-wide registration.

That is not an insignificant burden we are lifting for many people in this country who move. If they are renters who can't afford homes and who want to participate in the process, every time they move from one precinct to the next, they have to register to vote. That will be over with, under state law providing for state-wide registration once provisions on the statewide voter registration requirements of this bill become effective.

To ensure that the requirements of the bill are met, States will also be required to establish meaningful enforcement procedures to remedy voters' grievances. And at the federal level, the Department of Justice will be responsible for enforcing the provisions of the act.

Third, this legislation would commit unprecedented new resources to improving and upgrading all aspects of our elections. It authorizes some $3.9 billion over the next three years to help states replace and renovate voting equipment, train poll workers, educate voters, upgrade voter lists, and make polling places more accessible for the disabled.

I thought it worthwhile to note that since the elections of 2000, only three States—maybe a couple more—have made any effort at all to reform and update their election laws and requirements that voters use in the various States. It is always costly to do this. Frankly, as the Presiding Officer, a former Governor, can attest, when there are budget constraints and a lot of demands are being made, there has not been a great constituency out there advocating spending money to buy new voting equipment, or new voting machinery, or to train poll workers. There are many other demands on a State budget that have much larger constituencies than those who might say we ought to improve the voting systems of the country. The fact of matter is, despite a public outcry about all of this, there has been very little action over the years—even in the wake of the 2000 elections.

So it seems clear to us that if we are truly going to command States, in a number of provisions, to do things differently, to suggest that they do so without providing the resources would be yet once again an unfunded mandate. We know how States feel about Federal requirements when there are not resources to support meeting those requirements.

This legislation provides $3.9 billion—some that will flow immediately, and others subject to development of state plans and submission of applications. I will not go into all the details this afternoon. But the idea is that the Federal Government is going to become a real partner financially in the conduct of these elections. It does not mean the conduct of elections is going to be fully supported by the Federal Government. Obviously, States, communities, and municipalities have to allocate resources for every election. But with these changes we are talking about, the costs, by and large, are going to be borne by the Federal Government. This is the first time we will become such an active participate in improving the election systems of our country.

Lastly, this legislation establishes a new commission—the Election Assistance Commission—to assist states and voters. I want to acknowledge Senator McCONNELL's pivotal role in conceiving of this commission. In coming years, it will serve as an important source of new ideas and support for states as they take steps to improve the caliber of their elections.

It allows us to have an ongoing relationship with election officials at the State and local level day in and day out rather than waiting for some crisis to occur or for some disastrous election result where we then go out and form some ad hoc commission to go back and look at what happened.

For the first time, we are going to have a permanent commission that doesn't have rulemaking authority, except to the extent provided under section 9(a) of "Motor-Voter," but sets voluntary standards and guidelines—a source of information for people to access, as we will, I am sure, in the years to come with technology being what it is, and a demand for efficiencies by the American public to update and to simplify the process to make voting as user friendly as it can possibly be while simultaneously protecting against the abuses in which some may wish to engage.

We will now have a permanent venue where those ideas can be heard and recommendations can be made so that we will be involved on a continuing basis in a seamless way with the conduct of something as fundamental and as important as the elections in this country.

New rights, new responsibilities, new resources. And with them, a new day for our Nation's democracy.

Almost 2 years from the 2000 elections, this legislation will help America move beyond the days of hanging chads, butterfly ballots, and illegal purges of voters and accusations of voter fraud. It will make the central premise of our democracy—that the people are sovereign—ring even more truly in the years to come.

This legislation has the support of many individuals and organizations that have been critical to its success.

They include former Presidents Ford and Carter. We thank them for their work on the National Commission on Federal Election Reform. They met early on and crafted some recommendations and ideas. They held hearings around the country. Once again, it is a great tribute to President Ford and President Carter for their ongoing commitment to this country and for the allocation of time from their schedules to dedicate efforts to make recommendations on how we might improve the election process. I thank them.

The Congressional Black Caucus—for whom this legislative effort was the number one priority—I thank EDDIE BERNICE JOHNSON particularly as the Chair of the Black Caucus; JOHN CONYERS, my coauthor of this bill from the very outset; and every other member of the Black Caucus who has been tremendously helpful in working with us on this legislation and lending support to this final product.

The National Association of Secretaries of State has been tremendously helpful. It is a bipartisan group that deals every day with the election laws in our country. They have to grapple with them. It is critically important. Everything we talked about on which they had some input to let us know whether or not these things will work—obviously, many of them have not been tested yet, and time will only tell. But because they were involved here, we think the likelihood of things not working as well as one might normally expect will be minimized.

I particularly thank my secretary of state, Susan Bysewicz of Connecticut, who has done a remarkable job in our State, has been tremendously creative, and was a source of a lot of good solid information.

Secretary of State Kathy Cox of Georgia—I want to commend Georgia, by the way, one of the three States that made significant changes on their own in the election laws of their own States. They did a tremendous job. And Kathy Cox deserves a lot of credit for stepping up and doing things early on.

I thank Secretary of State Chet Culver of Iowa, the youngest secretary of state in the country and the son of a former colleague of ours who is doing a fantastic job, for his input. Ninety-two percent of the people of Iowa are registered to vote. It is one of the highest in the country. They have 300,000 new registered voters in the last 3½ or 4 years in Iowa. Seventy-two percent of the people of that State voted in the last election. It is really a remarkable result, and a lot of it, again, is the result of the creative work of the secretary of state of Iowa.

The NAACP has been tremendously helpful; the AFL–CIO; the United Auto Workers; the National Federation of the Blind; the United Cerebral Palsy Association; the American Foundation of the Blind; and the National Association of Protection and Advocacy Systems, which represents persons with disabilities. I thank them for all of their tremendous help.

I ask unanimous consent that letters from these organizations and individuals in support of this legislation be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE NATIONAL COMMISSION ON
FEDERAL ELECTION REFORM.
October 4, 2002.

Former Presidents Ford and Carter Welcome the Agreement Reached on Election Reform Legislation.

Today, former Presidents Gerald R. Ford and Jimmy Carter, along with Lloyd Cutler and Bob Michel, co-chairs of the National Commission on Federal Election Reform, welcomed the bipartisan agreement struck by the House and Senate Conference Committee on a bill to reform federal elections.

"The bill represents a delicate balance of shared responsibilities between levels of government," Ford and Carter said. "This comprehensive bill can ensure that America's electoral system will again be a source of national pride and a model to all the world." Indeed, all four of the co-chairs share the belief of Congressman John Lewis (D–GA) and others that, if passed by both Houses and signed by President Bush, this legislation can provide the most meaningful improvements in voting safeguards since the civil rights laws of the 1960s.

WASHINGTON BUREAU,
NAACP,
Washington, DC, October 8, 2002.

Re Conference Report to H.R. 3295, the Help America Vote Act (election reform)

Members,
U.S. Senate,
Washington, DC.

DEAR SENATOR: The National Association for the Advancement of Colored People (NAACP), our nation's oldest, largest and most widely-recognized grassroots civil rights organization supports the conference report on H.R. 3295, the Help America Vote Act and we urge you to work quickly towards its enactment.

Since its inception over 90 years ago the NAACP has fought, and many of our members have died, to ensure that every American is allowed to cast a free and unfettered vote and to have that vote counted. Thus, election reform has been one of our top legislative priorities for the 107th Congress and we have worked very closely with members from both houses to ensure that the final product is as comprehensive and as nondiscriminatory as possible.

Thus we are pleased that the final product contains many of the elements that we saw as essential to addressing several of the flaws in our nation's electoral system. Specifically, the NAACP strongly supports the provisions requiring provisional ballots and statewide voter registration lists, as well as those ensuring that each polling place have at least one voting machine that is accessible to the disabled and ensuring that the voting machines allow voters to verify and correct their votes before casting them.

The NAACP recognizes that the actual effectiveness of the final version of H.R. 3295 will depend upon how the states and the federal government implement the provisions contained in the new law. Thus, the NAACP intends to remain vigilant and review the progress of this new law at the local and state levels and make sure that no provision, especially the voter identification requirements, are being abused to disenfranchise eligible voters.

Again, on behalf of the NAACP and our more than 500,000 members nation-wide, I urge you to support the swift enactment of the conference report on H.R. 3295, the Help America Vote Act. Thank you in advance for your attention to this matter; if you have any questions or comments I hope that you will feel free to contact me at (202) 638–2269.

Sincerely,
HILARY O. SHELTON,
Director.

AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS
Washington, DC, October 8, 2002.

DEAR SENATOR: The AFL–CIO supports the conference report on H.R. 3295, the Help America Vote Act.

This conference report will help improve our nation's election system in several important ways. It will allow registered individuals to cast provisional ballots even if their names are mistakenly excluded from voter registration lists at their polling places. It will require states to develop centralized, statewide voter registration lists to ensure the accuracy of their voter registration records. It will also require states to provide at least one voting machine per polling place that is accessible to the disabled and ensure that their voting machines allow voters to verify and correct their votes before casting them.

Since the actual number of individuals enfranchised or disenfranchised by the conference report on H.R. 3295 will depend on how the states and the federal government implement its provisions, the AFL–CIO will closely monitor the progress or this new law—especially its voter identification requirements. We will also increase our voter education efforts to ensure that individuals know and understand their new rights and responsibilities.

Sincerely,
WILLIAM SAMUEL,
Director, Department of Legislation.

PARALYZED VETERANS
OF AMERICA,
Washington, DC, October 15, 2002.

Chairman
CHRISTOPHER J. DODD,
Ranking Member MITCH MCCONNELL,
Senate Rules and Administration Committee, Russell Senate Office Building, Washington, DC.

DEAR SENATORS: On behalf of the members of the Paralyzed Veterans of America (PVA), I want to congratulate you and your staff on the hard work that was done to bring forth a bipartisan Election Reform conference report. The House of Representatives passed the report overwhelmingly, recognizing the fact that our federal government, since the presidential election of 2000, needed to take steps to ensure the public that their votes do indeed count. This bill, the Help America Vote Act of 2002, does that.

The bill provides funds to states and local jurisdictions to recruit and train poll workers. It will allow for replacement of antiquated mechanisms, like punch card and lever voting machines, with machines that will allow voters to verify their vote before the ballot is cast, including voters with disabilities.

This legislation will charge the Architectural Transportation Barriers Compliance Board known as the Access Board to develop minimum standards of access at polling places and to consult with other organizations for research and improvements to voting technology.

This legislation will allow the Secretary of the Health and Human Services to make payments to eligible states and local jurisdictions for the purposes of making polling places accessible: including the paths of travel, entrances, exits, and voting areas of each polling facility. It will ensure sites are accessible to individuals with disabilities including those who are blind or visually impaired, in a manner that provides the same opportunity for access and participation including privacy and independence.

In addition the Secretary of Health and Human Services shall provide the Protection and Advocacy Systems of each State grant monies to ensure full participation in the electoral process for individuals with disabilities, including registering to vote, education in casting a vote and accessing polling places.

Again, PVA congratulates you on this legislation which, when implemented and fully funded, will provide tremendous access for PVA members and all people with disabilities in exercising their constitutional right to vote. PVA stands ready to work with you and your staff on implementation of this legislation which ensures confidence in our citizens and our democracy that indeed every ones vote cast will indeed count.

Sincerely,

DOUGLAS K. VOLLMER,
Associate Executive Director for Government Relations.

NATIONAL FEDERATION OF THE BLIND,
Baltimore, MD, October 9, 2002.

Hon. ROBERT NEY, Chairman,
Hon. STENY H. HOYER, Ranking Minority Member,
Committee on House Administration, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN AND CONGRESSMAN HOYER: I am writing to express the strong support of the National Federation of the Blind (NFB) for the Help America Vote Act of 2002. Thanks to your efforts and strong bipartisan support, this legislation includes provisions designed to guarantee that all blind persons will have equal access to voting procedures and technology. We particularly endorse the standard set for blind people to be able to vote privately and independently at each polling place throughout the United States.

While the 2000 election demonstrated significant problems with our electoral system, consensus regarding the solution proved to be much more difficult to find. Part of that solution will now include installation of up-to-date technology for voting throughout the United States. This means that voting technology will change, and devices purchased now will set the pattern for decades to come.

With more than 50,000 members representing every state, the District of Columbia, and Puerto Rico, the NFB is the largest organization of blind people in the United States. As such we know about blindness from our own experience. The right to vote and cast a truly secret ballot is one of our highest priorities, and modern technology can now support this goal. For that reason, we strongly support the Help America Vote Act of 2002, and appreciate your efforts to enact this legislation.

Sincerely,

JAMES GASHEL,
Director of Governmental Affairs.

UNITED CEREBRAL PALSY ASSOCIATIONS,
Washington, DC, October 9, 2002.

DEAR SENATOR DODD: United Cerebral Palsy Association and affiliates support the conference report on H.R. 3295, the Help America Vote Act. We also take this opportunity to commend you for the work you did to ensure that all people with disabilities have equal access under this act.

This legislation, while not perfect, will go a long way in improving the ability of people with disabilities to exercise their constitutional right and responsibility to vote. The funding allocated for the multiple provisions of H.R. 3295 is critical, and we pledge to work with Congress to ensure that this funding is made available.

UCP stands ready to assist states' and local entities as they work toward compliance of this very important legislation. The changes outlined in the bill must be adopted swiftly, correctly and fairly, and it will be incumbent upon us all to help in this process.

Finally, UCP applauds you and your colleagues on your dogged determination to pass legislation that will make distinct improvements at the polls and in the lives of voters with disabilities.

Sincerely,

PATRICIA SANDUSKY,
Interim Executive Director.

AMERICAN FOUNDATION FOR THE BLIND, GOVERNMENTAL RELATIONS GROUP,
Washington, DC, October 9, 2002.

The Hon. CHRISTOPHER DODD,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR DODD: The American Foundation for the Blind supports the conference report for S. 565 and H.R. 3295. We are pleased that the conference report contains the disability provisions of the Senate bill.

Already this year, in some jurisdictions, blind and visually impaired voters have, for the first time, been able to cast a secret and independent ballot. We look forward to the day when all voters with visual impairment will have full and independent access to the electoral process.

The mission of the American Foundation for the Blind (AFB) is to enable people who are blind or visually impaired to achieve equality of access and opportunity that will ensure freedom of choice in their lives. AFB led the field of blindness in advocating the enactment of the Americans with Disabilities Act of 1990 (ADA). Today, AFB continues its work to protect the rights of blind and visually impaired people to equal access to employment, information, and the programs and services of state and local government.

Sincerely,

PAUL W. SCHROEDER,
Vice President, Governmental Relations.

AARP,
NATIONAL HEADQUARTERS,
Washington, DC, October 10, 2002.

The Hon. CHRISTOPHER J. DODD,
Chairman, Senate Rules and Administration Committee,
Senate Russell Office Building, Washington, DC.

The Hon. MITCH MCCONNELL,
Ranking Member, Senate Rules and Administration Committee,
Senate Russell Office Building, Washington, DC.

DEAR SENATORS: We are writing to express our support for the bipartisan election reform conference report on H.R. 3295. AARP recognizes that significant compromise was required by all parties to produce an agreement that would advance the process of effective and fair election reform. The Senate-House conference report contains a mix of provisions that both strengthen and hinder citizen ability to exercise the legal right to vote and have that vote counted. Despite its shortcomings, however, we believe the overall effect of the compromise agreement will be to reform and enhance the nation's voting system.

AARP is pleased that the compromise:

Requires states to develop and maintain centralized polling lists;

Requires polling sites in each jurisdiction to meet accessibility standards and provide user-friendly voting equipment for persons with disabilities;

Makes provisional ballots available to voters whose names may be erroneously absent from registration lists;

Permits voters to verify and correct their voting preferences before casting them;

Provides Federal funds to encourage state & local reforms; and

Provides for training of elections administration staff and polling site workers.

Unfortunately, the H.R. 3295 compromise report weakens some existing voting rights and contains certain provisions that AARP believes will increase the chances of a recurrence of the problems that plagued the 2000 Presidential Elections. The report:

Imposes voter identification requirements that discourage participation by low income, minority and foreign-born citizens;

Encourages purging of voter registration lists without current law assurances to prevent illegal purging of legal voters;

Permits the denial of registration if the registrant possesses either a driver's license or social security number but fails to write it on the registration form; and

Denies legal recourse for improper election administration, while lacking adequate enforcement provisions to ensure that the ballots of all legal voters are counted.

These provisions undermine existing voting protections, and provide technical loopholes that can discourage or intimidate potential legal voters—especially those who are low income, minority and foreign-born.

Ultimately, the success of this legislation in affording all eligible citizens the opportunity to vote and have that vote accurately counted depends on implementation by the states. AARP—through the advocacy and voter education efforts of our national and state offices—will work with states, election officials and other civil rights organizations to ensure that election reform implementation is fair and does not discourage citizen voter participation. We appreciate your leadership in bringing about these critically important advances. And, we look forward to working with you to further our most basic right as citizens—the vote. If you have any questions, please feel free to call me or have your staff contact Larry White of our Federal Affairs staff at (202) 434-3800.

Sincerely,

CHRISTOPHER HANSEN,
Director of Advocacy.

NATIONAL ASSOCIATION OF PROTECTION & ADVOCACY SYSTEMS,
October 9, 2002.

The Hon. CHRIS DODD,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR DODD: The Protection and Advocacy System (P&A) and the Client Assistance Programs (CAPs) comprise a federally mandated, nationwide network of disability rights agencies. Each year these agencies provide education, information and referral services to hundreds of thousands of people with disabilities and their families. They also provide individual advocacy and/or legal representation to tens of thousands of people in all the states and territories. The National Association for Protection and Advocacy Systems (NAPAS) is the membership organization for the P&A network. In that capacity, NAPAS want to offer its support for the passage of "The Help America Vote Act of 2002" (H.R. 3295).

NAPAS believes that the disability provisions in the bill go far to ensure that people with all types of disabilities—physical, mental, cognitive, or sensory—will have much improved opportunities to exercise their right to vote. Not only does this bill offer individuals with disabilities better access to voting places and voting machines, but it also will help provide election workers and others with the skills to ensure that the voting place is a welcome environment for people with disabilities. NAPAS is very pleased that P&A network will play an active role in helping implement the disability provisions in this bill.

NAPAS is well aware that there are still some concerns with certain provisions of the bill. We hope that these concerns can be worked out, if not immediately, then as the bill is implemented. It would be extremely unfortunate if people continued to face barriers to casting their ballot after this bill is signed into law.

Finally, We want to thank the bill's sponsors, Senators Dodd (D-CT) and McConnel (R-KY) and Representatives Ney (R-OH) and Hoyer (D-MD) for their hard work and perseverance. We look forward to working with each of them to ensure the swift and effective implementation of this important legislation.

Sincerely,

BERNADETTE FRANKS-ONGOY,
President.

[From News Common Cause, Oct. 8, 2002]

COMMON CAUSE PRESIDENT PRAISES ELECTION REFORM AGREEMENT

Statement by Scott Harshbarger, president and chief executive officer of Common Cause, on the conference agreement on the election reform bill:

"The Help America Vote Act of 2002 is, as Senator Christopher Dodd (D-CT) has said, the first major piece of civil rights legislation in the 21st century. Nearly two years after we all learned that our system of voting had serious flaws, Congress will pass these unprecedented reforms.

"For the first time, the federal government has set high standards for state election officials to follow, while authorizing grants to help them comply. Billions of dollars will be spent across the country to improve election systems.

"This bill, while not perfect, will make those systems better. Registration lists will be more accurate. Voting machines will be modernized. Provisional ballots will be given to voters who encounter problems at the polling place. Students will be trained as poll workers.

"As Common Cause knows from a seven-year fight to pass campaign finance reform, compromise often comes slowly. We thank the bill's sponsors, Senators Dodd, Mitch McConnell (R-KY), Christpher Bond (R-MO), and Representatives Robert Ney (R-OH) and Steny Hoyer (D-MD) for their work. Their persistence—even when negotiations bogged down—brought this bill through.

"After the President signs the bill, states will need to act. Implementing this bill will require state legislators to change laws, election officials to adopt new practices, polling places to alter their procedures, and poll workers to be retrained.

"These far-reaching changes will not come easily. The bill's enforcement provisions are not as strong as the 1993 Motor Voter law or the 1965 Voter Rights Act. Some states may lag behind and fail to implement these changes properly; some polling places will experience problems like in Florida this year; others may have problems implementing the new identification provisions.

"Common Cause and our state chapters will work with civil rights groups and other to ensure that states fully and fairly implement the new requirements. We will help serve as the voters' watchdogs: citizen vigilance can protect voters from non-compliant states.

"Voters can now look to marked improvements at the polls in the years ahead, thanks to the bipartisan leadership of the bill's sponsors."

NATIONAL ASSOCIATION
OF SECRETARIES OF STATE,
Washington, DC, October 9, 2002.

COMMITTEE ON HOUSE ADMINISTRATION,
Longworth Building,
Washington, DC.

DEAR CHAIRMAN NEY AND RANKING MEMBER HOYER: The National Association of Secretaries of State (NASS) congratulates you on the completion of H.R. 3295, the "Help America Vote Act." The bill is a landmark piece of bipartisan legislation, and we want to express our sincere thanks for your leadership during the conference negotiations. We also commend your Senate colleagues: Senators Chris Dodd, Mitch McConnell and Kit Bond.

The nation's secretaries of state, particularly those who serve as chief state election officials, consider this bill an opportunity to reinvigorate the election reform process. The "Help America Vote Act" serves as a federal response that stretches across party lines and provides a substantial infusion of federal money to help purchase new voting equipment and improve the legal, administrative and educational aspects of elections. In fact, our association endorsed the original draft of H.R. 3295 in November 2001.

Specifically, the National Association of Secretaries of State (NASS) is confident that passage of the final version of H.R. 3295 will authorize significant funding to help states achieve the following reforms:

Upgrades to, or replacement of, voting equipment and related technology;

Creation of statewide voter registration databases to manage and update voter registration rolls;

Improvement of poll worker training programs and new resources to recruit more poll workers throughout the states;

Increases in the quality and scope of voter education programs in the states and localities;

Improvement of ballot procedures, whereby voters would be allowed to review ballots and correct errors before casting their votes;

Improved access for voters with physical disabilities, who will be allowed to vote privately and independently for the first time in many states and localities;

Creation of provisional ballots for voters who are not listed on registration rolls, but claim to be registered and qualified to vote.

We want to make sure the states will get the funding levels they've been promised, and that Congress will provide adequate time to enact the most substantial reforms. Please be assured that the nation's secretaries of state are ready to move forward once Congress passes H.R. 3295 and the President signs it.

If we can be of further assistance to you, your staff members, or your colleagues in the U.S. House of Representatives, please contact our office.

Best regards,

DAN GWADOSKY,
NASS President,
Maine Secretary of State.

NATIONAL CONFERENCE
OF STATE LEGISLATURES,
Washington, DC, October 7, 2002.

Hon. ROBERT BYRD,
Chairman, Senate Appropriations Committee,
Washington, DC.

Hon. BILL YOUNG,
Chairman, House Appropriations Committee,
Washington, DC.

DEAR CHAIRMEN BYRD AND YOUNG: On behalf of the nation's state legislators, we urge you to make reform of our nation's election processes a reality by providing sufficient funding to implement H.R. 3295. The conference agreement announced today will provide an effective means for states and counties to update their election processes without federalizing election administration. NCSL worked closely with the conferees in the development of this legislation and is satisfied that it keeps election administration at the state and local level, limits the role of the U.S. Justice Department to enforcement, does not create a federal private right of action, and establishes an advisory commission that will include two state legislators to assist with implementation. NCSL commends the conferees for their work on this landmark legislation and is committed to implementing the provisions of H.R. 3295 to ensure every voter's right to a fair and accurate election.

To ensure proper implementation and avoid imposing expensive unfunded mandates on the states, it is critical that the federal government immediately deliver sufficient funding for states to implement the requirements of this bill. Neither of the existing versions of appropriations legislation provides sufficient funding for election reform. We urge you to fully fund H.R. 3295 at the authorized level of $2.16 billion for FY 2003.

The Congressional Budget Office has estimated that it may cost states up to $3.19 billion in one-time costs to begin implementing the provisions of this legislation. In this current fiscal environment, it will be extraordinarily difficult for states to implement the minimum standards in the bill without immediate federal financial support. States are already facing budget shortfalls for FY 2003 of approximately $58 billion. Thirteen states have reported budget gaps in excess of 10 percent of their general fund budgets. To satisfy their balanced budget requirements, states are being forced to draw down their reserves, cut budgets, and even raise taxes.

We look forward to working with you to keep the commitment of the states and the federal government to implementing H.R. 3295. If we can be of assistance in this or any other matter, please contact Susan Parnas Frederick (202-624-3566; susan.frederick@ncsl.org) or Alysoun McLaughlin (202-624-8691; alysoun.mclaughlin@ncsl.org) in NCSL's state-federal relations office in Washington, D.C.

Sincerely,

SENATOR ANGELA Z.
MONSON,

Oklahoma, President, NCSL.
SPEAKER, MARTIN R. STEPHENS,
Utah, President-elect, NCSL.

NATIONAL ASSOCIATION OF STATE ELECTION DIRECTORS,
Washington, DC, October 10, 2002.

Hon. BOB NEY,
Hon. STENY HOYER,
House Administration Committee,
Washington, DC.

DEAR CONGRESSMEN NEY AND HOYER: The National Association State Election Directors (NASED) congratulates you on the successful completion of the final conference report on H.R. 3295. This initiative will significantly affect the manner in which elections are conducted in the United States. On balance, H.R. 3295 represents improvements to the administration of elections. As administrators of elections in each state we express our appreciation to you and your staff for providing us access to the process and reaching out to seek our views and positions on how to efficiently and effectively administer elections.

As with all election legislation, H.R. 3295 is a compromise package, which places new challenges and opportunities before state and local election officials. We stand ready to implement H.R. 3295 once it is passed by Congress and signed into law by the President. Implementation of this bill will be impossible without the full $3.9 billion appropriation that is authorized. The success of this bold congressional initiative rests in large measure upon the appropriation of sufficient funds to bring the bill's objectives to reality.

We found the bipartisan approach to this legislation refreshing and beneficial. Thank you again for including NASED in the congressional consideration the bill.

If we can be of further assistance, please contact our office.

Sincerely,

BROOK THOMPSON,
President, NASED.

NATIONAL ASSOCIATION OF COUNTIES,
Washington, DC, October 9, 2002.

Hon. CHRISTOPHER DODD,
Chairman, Committee on Rules and Administration, U.S. Senate, Russell Senate Office Building, Washington, DC.
Hon. MITCH MCCONNELL,
Ranking Minority Member, Committee on Rules and Administration, U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR CHAIRMAN DODD AND SENATOR MCCONNELL: We would like to congratulate you and thank you for your leadership, perseverance and hard work in reaching agreement in the House-Senate conference on the "Help American Vote Act of 2002." We believe the final bill is a balanced approach to reforming election laws and practices and to providing resources to help counties and states in improving and upgrading voting equipment. The National Association of Counties supports H.R. 3295 as it was approved by the House-Senate conference Committee.

We are very concerned about Congress providing the funds to implement the new law. While there is much confusion at this time about the appropriation process for FY2003, we strongly urge the leadership of the House and Senate and President Bush to support inclusion of $2.16 billion in a continuing resolution. This is the amount authorized for FY2003 by the "Help American Vote Act." We believe that funding and improving voting practices in the United States is an important as our efforts to strengthen homeland security.

Thank you again for your continuing efforts to fund and implement this new law.

Sincerely,

LARRY E. NAAKE,
Executive Director.

Mr. DODD. Mr. President, I also would like to mention the tremendous assistance provided by the Leadership Conference on Civil Rights, the League of Women Voters, and People for the American Way.

Before I turn to my colleagues who wish to be heard, I would be remiss if I did not publicly express my gratitude to my fellow conferees. I already mentioned Senator MCCONNELL, Senator BOND, Senator DURBIN, and Senator SCHUMER. I thank their staffs as well.

I want to take a moment as well to thank an individual I had never really met before—I may have met him before, but I did not certainly know him—and that is the chairman of the House Administration Committee, BOB NEY, from the State of Ohio, who serves in a tough job as chairman of that committee. He has been in the Congress, I think, about 8 or 10 years.

He worked very hard on this legislation. And I developed a great deal of respect and affection for BOB NEY. We are of different parties and, obviously, different States, not serving together in the House of Representatives.

But BOB NEY and his staff were tenacious, hard working, and determined to get a bill. I commend them for that. We were not sure we were going to be able to get it done in the end, as it appeared at several points this may not work. And because BOB NEY felt strongly that we had an obligation to try, we are here today with this product on which they had a successful vote in the other body. So I commend BOB NEY for his tremendous efforts and that of his staff.

STENY HOYER is the ranking Democrat on the House Administration Committee. I have known STENY for years. Unlike BOB NEY, STENY and I have been good friends for a long time. STENY HOYER has been as committed to election reform issues as anyone, as well as his commitment to the disabled.

He was one of the prime architects of legislation affecting the disabled. So while we talked about that a lot in this body during the consideration of our bill, we certainly need to extend credit to STENY HOYER for his commitment to those issues as well.

So the team of BOB NEY and STENY HOYER, putting together the product they did, deserves a great deal of credit and recognition for what we hope will be the adoption of this conference report tomorrow and the signing by the President of this, we think, historic piece of legislation.

On more occasions than I can recall, the three of us—STENY HOYER, BOB NEY, and myself—along with staffs, spent a lot of late nights. I am looking around the Chamber at faces who were with me in those rooms in the wee hours of the morning, and long weekends, going back and forth. And I appreciate all of their efforts. We had some tough moments, but in any good piece of legislation there will be tension. And if people are committed to try to work things out, you can produce results such as we have in this legislation. So without their persistence and the patience of all involved, we would not be here. And I thank them.

Last but far from least, I thank JOHN CONYERS, the dean of the Congressional Back Caucus, for his stalwart support. The day we introduced a bill, that is not unlike what we are asking our colleagues to support here, I stood in a room with two people, in front of a bank of cameras, as we laid out this particular idea. And the two individuals with me in that room were JOHN CONYERS and John Sweeney of the AFL–CIO. And I thank both of them.

But JOHN CONYERS has been tireless. He has never given up on this. He knew that compromises would have to be struck, and he insisted we reach those compromises even though he would prefer, in some instances, that provisions of the bill not be included. But a great legislator, a good legislator, understands that when people gather for a conference, unfortunately, they arrive with their opinions, and you are not going to be able to get your own way all the time. So JOHN CONYERS was tremendously helpful. I began this journey with him a long time ago. And I could not end these remarks without extending my deep sense of appreciation to him and to his staff for their tremendous help.

In closing, I would like to add only this: Of all the many important issues considered by this Senate in this Congress, I do not think any—others may argue this—but I do not think any are going to exceed this one in significance. I know we have had important debates on Iraq and other such questions, but I think what MITCH MCCONNELL, KIT BOND, and my other conferees, Senator DURBIN, Senator SCHUMER, and others who were involved in this—what we have achieved certainly ranks in the top echelons of accomplishments, I would say the best thing we have done in this Congress. We have not achieved a lot in this Congress, but I think this is one of the most significant things.

I think this is the kind of legislation you can talk to your grandchildren about or they will read about and say that even if we did not do anything else in this Congress, this is a significant accomplishment for the American people.

Thomas Paine, as I have quoted him over and over again over the last year and a half or so of this discussion, said 207 years ago:

> The right to vote . . . is the primary right by which other rights are protected. To take away this right is to reduce a man to slavery, for slavery consists in being subject to the will of another, and he that has not a vote . . . is in this case.

So, Mr. President, I thank again my colleagues; for the bedrock principle in our Republic is simply this: the consent of the governed. We are a nation where the people rule, and they rule not with a bullet but with a ballot. That sacred, central premise of our Republic is given new power by this conference agreement. It can make America a more free and democratic Nation. That kind of opportunity comes our way only rarely, at most maybe once in a generation, on average. It is an opportunity that has emerged out of adverse circumstances—a close and controversial election for the Presidency of the United States.

By seizing that opportunity and passing this conference agreement, we in this body can transform a national moment of adversity into the promise of a future with the right to vote that will have new resonance for every citizen of America. I urge adoption of this conference report.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. DAYTON). The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, first, let me say to my good friend from Connecticut, this is, indeed, something to celebrate on a bipartisan basis in a Congress that could use a celebration. This may have been the most unproductive and unsuccessful session of the Senate in my 18 years here: no energy bill; no terrorism insurance bill and—until tomorrow, at least—no appropriations bills; no budget; no homeland security bill; only 44 percent of President Bush's U.S. circuit court nominees confirmed.

A couple of items we did pass were—at least in this Senator's judgment—not very good: a flawed campaign finance reform bill and a bloated farm bill.

We could use a celebration. And the Senator from Connecticut and I would like to encourage all of our Senators to feel good about the piece of legislation that will be adopted tomorrow.

This is, indeed, a significant accomplishment, an important piece of legislation. Even if we had a very productive Congress, and a Senate that was passing landmark legislation on virtually a weekly basis—even if that had been the case this year—this legislation would have stood out as something important for the Nation and something well worth doing.

So, Mr. President, I rise today with a tremendous amount of pride and enthusiasm about this landmark legislation. Although the Senate, as I just suggested, has been mired in partisanship and virtually calcified over various pieces of legislation, and the confirmation of judges, the House-Senate conference committee on election reform has achieved an historic bipartisan, bicameral consensus.

Nearly 2 years ago, this Nation had a painful lesson on the complexities and complications State and local election officials face in conducting elections. In response, legislators on both sides of the Hill introduced legislation to address the problems exposed in the 2000 election. The various pieces of legislation ran the gamut in approach and emphasis, but all were unified in their goal of improving our Nation's election systems.

In December of 2000, Senator TORRICELLI and I introduced the first of what was to become four bipartisan compromise bills that I have sponsored or cosponsored. From the beginning, I have been committed to providing not only financial assistance but also informational assistance to States and localities.

The best way to achieve both of these goals is by establishing an independent, bipartisan election commission. The commission will be a permanent repository for the best, unbiased, and objective election administration information for States and communities across America.

And that is really important because what happens—I used to be a local official early in my political career—is that you are confronted with vendors selling various kinds of election equipment, and there is really no way to make an objective analysis of what your needs are. On the other hand, this new commission will be a repository for expertise and unbiased advice to States and localities across America about what kind of equipment might best suit their situation.

This concept has been one of the cornerstones of each of the bills that I have sponsored. It was recommended by the Ford-Carter Commission, supported by the President, and has been perfected in this conference agreement. The commission will not micromanage the election process, but will instead serve as a tremendous resource for those across America who conduct elections.

This conference report will help make all elections more accurate, more accessible, and more honest, while respecting the primacy of States and localities in the administration of elections. For the first time ever, the Federal Government will invest significant resources to improve the process, roughly $3.9 billion. Every State will receive funds under this legislation, and the smaller States are guaranteed a share of the pot. The funds will be used by the States in a manner they determine best suits their needs, rather than the Federal Government prescribing a one-size-fits-all system. Whether it is by replacing a punchcard or a lever voting system or educating and training poll workers, States are provided the flexibility to address their specific needs.

The mantra of this legislation, coined by the distinguished senior Senator from Missouri, KIT BOND, has been to "make it easier to vote and harder to cheat." We have achieved that balance in this conference agreement by setting standards for States to meet, standards which the Federal Government will pay 95 percent of the cost to implement. Voting systems will allow voters to verify their ballots and allow voters a second chance, if they make a mistake, while maintaining the sanctity of a private ballot.

Voting will become more accessible to people with disabilities, an issue admirably and vigorously championed by Senator DODD. Provisional ballots will be provided to all Americans who show up at polling sites only to learn their names are not on the poll books. Such a voter's eligibility will be verified, however, prior to the counting of the ballot to ensure that those who are legally entitled to vote are able to do so and do so only once; again, making it easier to vote and harder to cheat.

To protect the integrity of every election, this conference report makes significant advancements in rooting out vote fraud. Congress has acted properly to curtail fraudulent voting and reduce duplicate registrations, both interstate—found to be more than 720,000 nationwide—and intrastate. The provisions of this bill are carefully drafted to address this impediment to fair and honest elections, and we provided the States with the means and the resources to address this problem.

First, States will establish secure, computerized Statewide voter registration databases that contain the name and information of each registered voter. The accuracy of the voter registration list is paramount to a fair and accurate election. The motor voter bill of 1993 has done grievous harm to the integrity of the system by junking up the voter rolls and making it extremely difficult to systematically ensure that only eligible voters are registered.

Second, every new registrant will be required to provide their driver's license number, if they have been issued one, or the last four digits of their Social Security number. If they have neither, the State will assign them a unique identifier. This information will be matched with the department of motor vehicles which will in turn match their data with the Social Security Administration. States which use the full nine-digit Social Security number for voter registration are given the option to avail themselves of this important new provision. Contrary to the assertions of some, the only thing this provision impedes is vote fraud.

Third, first-time voters who register by mail will have to confirm their identity at some point in the process by photo identification or other permissible identification. This provision was championed by Senator BOND, and its importance was once again highlighted just this past week in South Dakota where there is an ongoing joint Federal and State investigation of fraudulent voter registrations.

According to press reports in South Dakota, people are registering weeks after they have died, and one eager voter even completed 150 voter registration cards. Is that an enthusiastic voter or what?

The South Dakota Attorney General succinctly summed up the problem:

> It's pretty easy to register under a false name, have the registration confirmation sent back to your home, then send in by mail an absentee ballot request, get it and vote under the false name, send it back and get it counted.

Under this legislation, that is not going to be possible any longer. That is a step in the right direction for our democracy.

These three provisions will ensure that dogs such as Ritzy Mekler, Holly Briscoe, and other stars of "Animal Planet" will no longer be able to register and vote. These provisions will ensure that our dearly departed will finally achieve everlasting peace and will not be troubled with exercising their franchise every 2 years. And importantly, the provisions will ensure that voter rolls will be cleansed and protected against fraudulent and duplicate registrations.

This conference report also provides remedial safeguards for every American's franchise. The Department of Justice will continue its traditional role of enforcing Federal law. In addition, each State will design and establish a grievance procedure available to any voter who believes a violation of law has occurred. States are best equipped to promptly address the concerns of its voters, and I compliment Senator DODD for his foresight on this issue.

This legislation also makes significant improvements to protect the votes of those who have committed themselves to protecting all Americans, and that is our men and women in uniform.

I have touched upon just a few of the highlights of this historic piece of legislation. After nearly 2 years of discussions, negotiations, introductions and reintroductions of election reform bills, we now stand ready to vote on the most important piece of legislation before Congress in many years.

I thank, again, Senator DODD for his steadfast leadership. He committed 110 percent of himself to this issue and worked tirelessly to bring us to this day. I also thank Senator BOND for all of his work to protect the integrity of the election process. I also congratulate my colleagues on the other side of the Hill for their significant achievement: Congressman BOB NEY of Ohio, chairman of the conference, did a superb job; and our good friend STENY HOYER, ranking member, who was outstanding as well.

And to the staff people involved in this, my own staff on the Rules Committee: Tam Somerville; I particularly commend Brian Lewis, who was there from beginning to end in this process—as far as I am concerned, this will be known as the Brian Lewis bill around my office—and his able right hand, Leon Sequeira, and Chris Moore and Hugh Farrish, all of the Rules Committee staff.

For Senator BOND, Julie Dammann and Jack Bartling of Senator BOND's staff were superb. And for Senator DODD, Kennie Gill, Shawn Maher, Ronnie Gillespie, we enjoyed working with them, and they, too, should feel about good about this. From Congressman NEY's staff, Paul Vinovich, Chet Kalis, Roman Buhler, Pat Leahy—they have a staffer named Pat Leahy, how about that—and Matt Petersen. And from Congressman HOYER's staff, Bob Cable, Keith Abouchar and Len Shambon.

This is indeed a happy day, not just for Senator BOND and myself, but for all Members of the Congress. This is a remarkable achievement we can all feel good about. We look forward to seeing it pass tomorrow by an overwhelming margin. I am sure the President at some point will want to sign this with appropriate flourish down at the White House.

Again, I thank my colleague from Connecticut and yield the floor.

WEEKEND VOTING

● Mr. KOHL. I thank the distinguished chairman of the Rules Committee for clarifying a provision in the bill. As the Senator knows, I am the sponsor of legislation moving Federal elections from the first Tuesday in November to the first weekend in November. It is my hope that moving Federal elections to the weekend will increase voter turnout by giving all voters ample opportunity to get to the polls without creating a national holiday. My proposal would also have the polls open the same hours across the continental United States, addressing the challenge of keeping results on one side of the country, or even a state, from influencing voting in places where polls are still open.

The Senate version of the election reform legislation before us included a provision sponsored by Senator HOLLINGS and myself which directed the Election Administration Commission to study the viability of changing the day for congressional and presidential elections from the first Tuesday in November to a holiday or the weekend, with the possibility of looking at the first weekend in November. Unfortunately, during the conference on this bill, the studies section was refined to direct the Election Administration Commission to study the "feasibility and advisability of conducting elections for Federal office on different days, at different places, and during different hours, including the advisability of establishing a uniform poll closing time" with a legal public holiday mentioned as one option but no mention of weekend voting. Is it correct that there was no specific intent to leave out weekend voting as an option?

Mr. DODD. The Senator from Wisconsin is correct. The conferees intended that the new Election Administration Commission consider all options for election day, including the Senator's interesting proposal to move elections to the weekend. There was also no intent to limit the Election Administration Commission to considering just one day as an election day. It is my hope that the commission will examine all options, including the possibility of holding elections over two days as suggested in Senator KOHL's proposal.

Mr. KOHL. I thank the Senator from Connecticut for this clarification. I hope that the Election Administration Commission will seriously consider moving federal elections to the weekend. I will continue to advocate for weekend voting as a means of increasing voter turnout and addressing the need for uniform poll closing times in federal elections.●

Mr. DODD. Mr. President, I yield 15 minutes to my colleague from Oregon, Senator WYDEN.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, let me join in the extraordinarily important comments that have been made by Senator DODD and Senator McCONNELL. This has been a huge and arduous task that had to be bipartisan. The fact is, you can't get anything done that really is important without it being bipartisan.

I take a moment to thank Senator DODD. He has been extraordinarily patient with me and with all of the Members of this body who come from States that have pioneered innovative approaches.

It is fair to say right now with millions of Americans essentially being early voters, there have been estimates that something along the lines of 15 percent of the American people are going to vote early.

The legislation that Senator DODD and Senator McCONNELL brings to us today protects the wave of the future—this early voting—whether it be by absentee ballot or the pioneering vote-by-mail system.

What this legislation does is protect the early voters—the person we are seeing more and more of in the American political process—by, in effect, taking steps to discourage fraud at the front end when people register, and then making sure that people don't face unnecessary barriers and hassles when they actually participate in the fall of even-numbered years. So I commend Senators DODD and McCONNELL for their work in this area.

Suffice it to say, at various stages in the discussion, I wasn't sure that we were going to make it. Look at how the debate began when this bill first came to the floor of the Senate. It seemed to me and others that millions of Americans would have been turned away from the polls because they didn't have with them a valid photo identification or a copy of a utility bill. It would have disenfranchised millions of Americans. I and others made that point to Chairman DODD and Senator McCONNELL, and we began a very lengthy set of negotiations that involved Senators DODD, McCONNELL, BOND, CANTWELL, SCHUMER, and I. Together we were able to work out an agreement with respect to the photo identification provision. It protects fully the vote-by-mail system. In fact, it protects all Americans who want to vote early, as I have mentioned. It is outlined in section 303 of the conference report.

I thought I would take a minute to describe how this provision would work. Beginning in January 2004, anyone who registers to vote for the first time, let's say in Oregon, has the choice of registering by providing a driver's license number, the last four digits of their Social Security number, a copy of a current utility bill, bank statement, government document, or a valid photo identification. When they cast their ballot by mail, Oregon's State elections officials will verify the voter's eligibility consistent with State law by signature verification. Under our Oregon election law, an elections official determines voter eligibility by matching the signature on the registration with the signature on the mail-in ballot. Oregon's signature match system would not change.

My primary concern throughout this discussion has, of course, been to support our pioneering vote-by-mail system, which I think is the wave of the future. But as we have seen in recent days it is not just Oregon but a variety of other States are going to see millions of people saying they want to take the time, essentially through the fall when people are considering the candidates, to look at the statements put out and reflect on them in a way that is convenient for them.

We said at the beginning of this discussion that we wanted to discourage fraud and encourage voters. I think that is what the Dodd-McConnell legislation does. I am particularly pleased that it does so in a way that protects Oregon's pioneering system and all of those around this country who are going to be voting by mail.

Senator McCONNELL just mentioned that this is, in his view, just about as important as it gets for the Senate. I will reaffirm that statement. After all of the problems that we have seen in Florida, after you look at all of the challenges in terms of getting young people excited about politics and excited about the democratic process, what this legislation does is it reaches out and says: We understand those concerns. We understand that the American people feel more strongly about this subject than just about anything else because it is what we are about. It is about our values, our principles; it is what the Senate is all about. So I am very pleased that Senators DODD and McCONNELL had the patience to work with some of us who, I am sure, were fairly prickly and difficult along the way. I don't know how many hours we had in negotiations just looking at the arcane details of some of the vote-by-mail States. But Senator DODD said we are just not going to give up. We understand that you are doing something very exciting in the Pacific Northwest, and we encourage it.

In effect, what Senator DODD has done is not just protect the Oregon system but allowed this country to build on something that I think is the wave of the future; that is, people voting essentially throughout the fall. We have seen—as reported recently in various States as they innovate with different kinds of systems—a variety of approaches that are being tried. My own sense is that it won't be very long before people start voting online in this country.

So what Senator DODD has done is made it clear that he is going to stand with all of us in the Senate who want to discourage fraud, and we are going to do it at the right time and in the right way, which is essentially at the front end when people come to sign up for the electoral process. But then, after we can ascertain they are who they say they are, they are not going to face innumerable hassles and barriers when they actually show up to vote.

So my thanks to Senator DODD and his staff, Carole Grunberg, who is here. She has championed for us the Oregon vote-by-mail system. But with Senator DODD in the Chamber, I want him to know how much I appreciate what he is doing. It means a tremendous amount to my constituents and also to this country and to the future of American voting.

I yield the floor.

Mr. DODD. Mr. President, before my colleague leaves the floor, I thank him and his staff as well for their tremendous contribution. One of the things we did in this bill—I say to my friend from Oregon that he is in large part responsible for this, I probably should give him more credit for this—we set Federal standards and rights that never have existed before in all Federal elections across the country, and we have enumerated the rights in this bill.

One of the things I fought very hard to preserve is that what constitutes a valid registration of a voter and what constitutes a valid vote is left up to the States. We don't federalize registration and we don't federalize how votes get counted. We have left that to the States. It would be overreaching to go that far.

I must say some of the most creative ideas on how to make this basic franchise accessible to the maximum number of people, the most creative ideas are occurring in our States across the country. There are differences in places, and States ought to have the flexibility of deciding what system works best for them.

I will tell my colleague, I have learned of some fascinating historical stories. Going back, people have said: Where in the Constitution does it say you have to be a citizen to vote? Well, it is the 14th and 15th amendments. The 14th amendment describes what a citizen is, and the 15th amendment says all citizens have the right to vote.

There was a time—and the Presiding Officer may find this interesting—when we discovered as part of our research that in the latter part of the 19th century, in certain areas of the upper Midwest, in efforts to attract immigrant populations to settle in some of the vast farmlands there, they actually said: We will allow you to vote in Federal elections—which they did. I cannot find the lawsuit that stopped it. I think it may have been by tradition, but it provided that the person who signed up made a promise that they would someday become a citizen. That was the condition that you had to fill out.

There are actually some jurisdictions in this country, by the way, not in Federal elections but local elections, where noncitizens, by municipal law, are allowed to vote.

The State of Oregon is, I think, on the cutting edge. I agree with my colleague on this. Maybe because I have a head of gray hair, but I like the idea of a community gathering at a polling place. There is a sense of community spirit about showing up.

In my town of East Haddam, CT—it is a small place with only a few thousand people and where I have lived for the last two decades—we all gather in the old townhall, literally around the potbellied stove. The folks I have known for the last two decades run the polling operations there. We like it that way. I am not suggesting there is a younger generation coming along who do not like the way they do it in Oregon—I suspect they might, and I suspect there will be States allowing people, in the not-too-distant future, to vote by Internet.

I thank him for bringing forward the Oregon and, we should add, the Washington experience, because they are similar experiences, to this debate. The fact we managed to accommodate the unique voting circumstances in their States gave rise to the idea there actually may be other States that may want to move in this direction. In fact, the provisions authored by my colleague and included in the conference report can be used by every state, and not just by Oregon and Washington. We thank Senator WYDEN for his contribution and for making this a stronger and a better bill, and one that does maintain its sensitivity to the unique requirements and needs of people across this vast country of ours. I thank the distinguished Senator from Oregon for his contribution.

I note as well—it is somewhat an irony—I recall vividly the day Senator MCCONNELL and I had announced we had reached an agreement, at least on the Senate version of this bill, our colleague who is now presiding over the Senate was presiding over the Senate that very day. He would not have known on that day a year and a half ago he would be presiding today as well. I thank him.

Mr. President, I wish to note because there are so many wonderful staff people and they do not get the credit they deserve—we get to stand here and give the speeches and our names go on the bills. There are literally dozens of people who work incredible hours to produce the kind of legislation we are endorsing today.

I mentioned already the Members on the House side, my colleagues, BOB NEY and STENY HOYER, the principal House advocates. There was a long list of conferees, by the way, in the House. A number of committees of jurisdiction touched on matters in this bill, from the Ways and Means Committee to the Armed Services Committee—I will forget some—a lot of committees. So there were a lot more conferees from the other body on the conference committee. I thank them.

I extend my special appreciation for the invaluable expertise and contributions in negotiating this bill to final passage to Paul Vinovich, one of the principal staff people for BOB NEY, and Chet Kalis, who is a wonderful individual. Both of these men are remarkable people and did a fantastic job, not just for BOB NEY and the Republican side, but they always had the sense they wanted to get a bill done, and that is a big difference when you are in a conference. If you are looking across the table at people and if the negotiating is to stop something or to make something happen, what a difference it is when you talk to people who give you the sense they want something to happen. I thank them.

I thank Roman Buhler, a tough negotiator; Matthew Petersen; and Pat Leahy.

From the office of STENY HOYER: Bill Cable—I have known Bill for all my years in Congress. When I served in the other body, Bill Cable was a terrific staff person then. He has a wonderful institutional memory about the Congress of the United States. STENY HOYER is truly fortunate to have Bill Cable with him. I thank him for the long hours he put in on this legislation.

Keith Abouchar and Lenny Shambon were wonderful. They are knowledgeable people and have been very helpful on this. They understand the laws, and have a wonderful expertise in motor voter registration and how these proposals work.

I further thank JOHN CONYERS. I mentioned already my coauthor of this legislation initially, but I want to also thank his staff. I thank Perry Apelbaum, Ted Kalo, and Michone Johnson, who were just wonderful and tireless in their efforts. I thank them for their tremendous work. Along with JOHN, they were a great source of information and guidance during some very delicate moments on how we ought to proceed.

TOM DASCHLE, our leader in the Senate, has been tremendously helpful through all of this. He asked me how long the original bill would take on the floor of the Senate when it came up. We had gotten through this, worked out the agreement, and there were a lot of demands for time on the floor. He looked at me and said: How long do you think it will take to debate the election reform bill?

I said: Mr. Leader, I think we can do it in 2 days.

Mr. President, if you look around, you can see the smiles on the faces of some of the floor staff. I think we were on the floor 9 days, had 46 amendments, and there were a hundred more, at least, proposed. I took some very healthy ribbing from the majority leader and others on the staff when they would look at me day after day and say: How long did you say this bill would take? It took a lot longer than we anticipated.

I thank Andrea LaRue, Jennifer Duck, Michelle Ballantyne, Mark Childress, and Mark Patterson from the majority leader's staff for their patience and assistance.

With regard to Senator MCCONNELL's staff, we spent a lot of time with Senator MCCONNELL's staff. We spent more time with Senator MCCONNELL's staff than with Senator MCCONNELL, and he would be the first to say that. Tam Somerville, Brian Lewis, and Leon Sequeira are also very fine and hard-working staff members. Brian Lewis—poor Brian got saddled with more responsibilities. With all of this coming together, committee staff had to deal with campaign finance reform and election reform all at once. There were demands on their time, pulling them in two different directions, as we were trying to get this bill completed in the Senate so we could get to conference because we knew we had a long conference ahead of us. I express my gratitude to Brian. He is knowledgeable, worked hard, and made a significant contribution. I appreciate it very much.

Senator SCHUMER's staff: Polly Trottenberg, Christine Parker, Cindy Bauerly, and Sharon Levin were very helpful. I thank them.

Senator BOND: Julie Dammann and Jack Bartling. We had some real go-rounds with Senator BOND's staff on some of the provisions in this bill. I thank both of them for a lot of effort. Jack Bartling spent a lot of time during the Senate consideration, going back months and months ago, sitting up late nights in my conference room and going through what we wanted to do and how it might work. I occasionally would run into Jack off the Hill. Even in off hours in restaurants, we would end up being seated next to each other unintentionally by the maitre d'. We spent all day working on this legislation, and when I went out for an evening with my wife and child, who ended up sitting next to me but Jack Bartling, and here we go again carrying on conversations. I thank Jack.

I thank Jennifer Leach and Sara Wills on Senator TORRICELLI's staff. Senator BOB TORRICELLI offered some of the earliest versions of election reform. Early on he thought we ought to do something about election reform and worked with Senator MCCONNELL and others to craft legislation. He agreed to work with us on our bill when we developed it. I thank Senator TORRICELLI for working very hard on campaign election reform.

Senator MCCAIN's staff: Ken LaSala. I offer a special appreciation for his invaluable expertise and contributions in negotiating and bringing this bill to final passage.

Senator DURBIN's staff: Bill Weber was tremendously helpful to us. I thank him.

I thank Beth Stein and Caroline Fredrickson from Senator CANTWELL's staff. I mentioned Oregon, Senator WYDEN and his State, and the Senator from the State of Washington, Ms. CANTWELL, had similar circumstances and were concerned about how the provisions of this bill would work in a State where a significant number of the people vote by mail. They wanted to be sure we were not doing anything here that was going to prohibit them from conducting their elections in the way they have done successfully for some time.

I mentioned Senator WYDEN. I thank Carol Grunberg for her work as well.

The floor staff, again, were tremendously patient with this Member. I tied up the cloakroom for hours one Friday trying to get holds lifted on this bill.

The floor staff was tremendously helpful. Marty Paone, Lula Davis, Gary

Myrick, members of the cloakroom staff, were tremendously supportive.

I apologize for going through all of this and mentioning these names. I could just submit them for the RECORD, but I want to say their names because just putting their names in the RECORD does not do justice to the amount of time and effort people have put in. So I beg the indulgence of the Chair and others as I go through this.

This may sound mundane or boring to those who are watching it, but I am someone who believes very strongly we ought to give more recognition to the people whose names never appear much around this place and yet who make incredible contributions to a product like this.

I want to thank the Office of Legislative Counsel. Let me explain what legislative counsel does. These are the people who actually write these bills. We tell them what we are thinking, these grand ideas of ours. A Senator has a grand idea. The staff tries to put language around the grand idea and then they go to legislative counsel, who then has to write it in a legalistic way so it can actually mean something because words have specific meaning.

So the legislative counsel's office was instrumental—we asked them to work around the clock on a few instances. Literally, they were up all night producing language because we were running up against the clock to get this bill done. So to Jim Scott and Jim Fransen of the Office of Senate Legislative Counsel, and Noah Wofsy, from the House legislative counsel, I want to express my deep sense of gratitude to them for their work. They sat down very objectively. Noah Wolfsy is on the House side under the Republican leadership in the House. Jim Scott and Jim Fransen are in the Senate under the Democratic leadership of the Senate, but neither side was partisan in any way. I can honestly say if I sat them in a room and asked them for their views on how this ought to be written, I would never know from which party they had been chosen to do the job. They are that objective and that professional in how they do it.

Sometimes I wish America could watch this when they talk about laws. They could then see people such as these who are so dedicated and see to it that we can get it right. They did not bring political baggage to that discussion and debate.

I mentioned some history earlier about the upper Midwest and these other places. The Congressional Research Service, CRS, was the organization that provided me with some historical framework and background in the conduct of elections and also provided side-by-side versions of bills along the way. And we thank them: Kevin Coleman, who is an analyst in the American National Government; Eric Fischer, senior specialist in Science and Technology; L. Paige Whitaker, legislative attorney at the Congressional Research Service; David Huckabee, who is a specialist in American National Government; and Judith Fraizer, who is an information research specialist. They did a great job, and we are very grateful to them as well.

I wish to thank my own staff. Obviously, in my own heart and mind they come first, as one might expect, but my mother raised me to be polite so I mentioned other people first. I am particularly grateful to my own staff who worked very hard on this. Through my bellowing and barking, and doing all the things we do and wondering why we could not reach agreements earlier—I hope I was not too impatient with them—I want to thank Shawn Maher, who is my legislative director. He was tremendously patient and did a great job. Kennie Gill, who is the staff director and chief counsel of the Rules Committee, is just one of the most knowledgeable people about this institution I have ever met in my 27 years in Congress. I have met Members who have great respect for the institution, its history, its traditions, what these buildings mean, and what membership means in the other body or this body. I have never met anybody, Member or non-Member, who has as much reverence for this institution as Kennie Gill, and I thank her.

Ronnie Gillespie, who is a terrific individual as well, is our counsel on the Rules Committee. She did a terrific job and I am very grateful to her, as well as my own staff, Sheryl Cohen, Marvin Fast, Alex Swartsel and Tom Lenard. Sheryl Cohen is my staff director, chief of staff of my office, and has to manage all of these things going around. She does a wonderful job, and I am very grateful to her. From the Rules Committee, Carole Blessington, Beth Meagher, Hasan Mansori, and Sue Wright also deserve some very special recognition. Chris Shunk, Jennifer Cusick, and Sam Young are non-designated staff on the Rules Committee staff, who kept the vouchers going during this time and they do wonderful work. There are some former members who were part of this effort who had to leave for various reasons before the completion of this bill, but the fact they are not here does not mean they should not be recognized. Stacy Beck, Candace Chin, and Laura Roubicek are three people I want to thank.

That is 60 individuals I have mentioned. There may be others I have missed. If I have missed them, I apologize, but I want them to know that all of us, regardless of political persuasion or ideology, thank them, and millions of Americans ought to as well because we never would have achieved this conference report, been able to write this bill, had it not been for these 60 individuals and many more like them.

I have not mentioned the individuals on the outside that worked on this, the NAACP, the National Association of Secretaries of State, the AFL–CIO, the various disability groups. There are literally hundreds of people who are involved in this journey over the last year and a half to produce this conference report. I know normally we do not take as much time to talk about all of this, but I think Senator MCCONNELL and I—and not because it is a pride of authorship, but we think we have done something very historically significant. We are changing America. We are changing the way America is going to be choosing its leadership. We want everyone to participate in this country. It is a source of significant embarrassment to me that there are individuals who cannot participate.

I served in the Peace Corps in Latin America back in the 1960s. So I am asked periodically to go and observe elections, particularly in Latin America, because I know the language and have knowledge of the area. I cannot say how moving it is to watch some of these desperately poor countries where the people who lack any formal education, or have very little of it, will literally stand in line all day, walk miles through blistering and difficult weather, intimidation, fear of literally being killed if they show up, and they vote. They look to us as a beacon of what it means as a free people to be able to choose who represents us, from the most insignificant office on the municipal or town level to the Presidency of the United States. The idea that each and every one of us can be a part of making those choices, and the fact that only 50 percent of our eligible population does so, ought to be a source of collective shame. While this bill is not going to eradicate all of that, when we consider how hard some people fight to be free, how blessed we are as a people and how little is asked of us to participate in the process which has historically distinguished us as a people, our sincere hope today, as we vote tomorrow on this bill, is we have made it easier for people to meet that obligation and made it more difficult for those who would like to scam it in some way. But the most important thing this legislation does is to make it easier for people to make that choice.

So all of those who have been involved in this have my profound sense of gratitude, and I am very confident that sense of gratitude is going to be expressed by millions of people for years to come because of what we have done in the wake of a tragedy in the year 2000, on November 7. We have responded to it with this legislation. Not in every sense, but on some of the core questions, this Congress has stepped up to the plate and responded to those issues. The leadership and Members of the other body, as well as the leadership here, can rightfully claim a proud moment when this bill passes the Senate tomorrow and President Bush signs this legislation as the permanent law of our land.

BUSINESS OF THE CONGRESS

Mr. DODD. Mr. President, my friend from Kentucky, in the opening of his remarks, talked about this Congress not being terribly successful. I would take some issue with that. This Senate has been successful, as I look down the list I have of more than three pages of legislation going back to the use of force resolution after September 11, responses to terrorist attacks, the Patriot Act, the airport security, Defense authorizations, homeland defense, antiterrorism bills, terrorism insurance—we are still working on the conference—access to affordable pharmaceuticals, prescription drugs, reimportation, patients' bill of rights. Again, conference reports have not been reached, but this Senate has had extensive debates where all sides have been heard on these matters.

I mentioned in the election reform bill more than 40 amendments were considered on the floor. With all due respect to the other body these days, it is not uncommon for legislation to be considered where only one or two amendments may be offered. It is regrettable we have not been able to reach agreement between the other body and this body on some of these matters, but the Senate over this last Congress has responded to incredible and unprecedented difficulties in this generation. In the wake of September 11, the anthrax attack, and the tremendous pressures that put on this institution, I am as disappointed as anyone that we do not have a prescription drug benefit, that we don't have a Patients' Bill of Rights, that we don't have a minimum wage, that we are not responding to the unemployment requests.

That is not because this Senate has not wanted to step up, time after time. I am proud to be a Daschle Democrat. I hear people suggesting that as a moniker of derision. Many think TOM DASCHLE has done a remarkable job in being the majority leader. It is disappointing we have not been able to do on the other matters what we were able to get done on the election reform, but that is not the fault of the majority leader.

I am proud of the election reform bill. I am proud of a lot of other things done in this Senate over the last number of months before we adjourn. I am disappointed we were not able to reach agreement on some of the other matters. The fault of that lies elsewhere.

I wanted to not let the afternoon close without this Senator expressing his strong feelings about some of the other matters that the American public desperately need. I did not engage in the debate earlier today about the economic conditions of our country, but it is what people are asking about as I go throughout my State, and other parts of the country. People are very worried about where we are headed economically. They are worried about the quality of education. They are worried about whether jobs will be there. They want to hear us engaging in ideas that will advance how we can improve the quality of education, extend health care benefits to people. They want to get a sense we are on their side. They know we cannot do it all ourselves. It takes cooperation between private and other governmental sectors, but they want to know we care as much about what they struggle with to make ends meet, to provide for families and provide for their future.

I think it is regrettable we will spend the last remaining days with people flying around the country attending fundraising events when we could be working on some of the economic problems afflicting people in this country. We see the deficits mounting again after the great hope the surpluses were going to provide, surpluses from the previous administration. It is sad we have come to this in our country. We ought to get our priorities straight and get back on the economic issues. The American people expect nothing less.

If we wonder why people do not participate as often as we would like in the election process, some has to do with people being too lazy. An awful lot has to do with people wondering whether the things they worry most about are even being considered by the people they elect to public office. People do not think of themselves as Democrats or Republicans every day. They think of themselves as being citizens of the country: Parents, children, neighbors, coworkers. That is how they define themselves. They want to know their elected representatives, regardless of party, are keeping their interests in mind.

This is a republic. They do not get the chance to vote. If 280 million Americans could be packed in the Chambers, the agenda would change. It would be about health care, it would be about prescription drugs, about a minimum wage, and improving the quality of elementary and secondary education. If they could stand here collectively, that is what they would ask us to do—to be leaders on those questions, to become forces in visions for improving the quality of life for people in the country.

That is what Senator DASCHLE has tried to do over the past 2 years in the wake and midst of all the other problems we face. I commend him for it, HARRY REID, BYRON DORGAN, and other Members of the leadership here. I understand as well it is not easy for TRENT LOTT and DON NICKLES, the leadership on the other side.

My hope is when we come back here in January we get about the business of grappling with the underlying questions. We spent a lot of time on Iraq and the other questions. The American people want to know why we cannot spend a few days talking about the issues they worry most about. When they get up in the morning and they go to bed at night, they worry and they sit around talking about how they will lick these issues. They would like to know we would spend at least as much time on those questions as some of the other issues.

Mr. BURNS. Mr. President, I rise today to support the hard work of the conferees on the election reform conference report. I did not hesitate to vote against S. 565 because it unfairly disadvantaged rural States and did not fix the most grievous flaws with the current system. I am pleased to report that significant improvements have been made from the original bill, and I support this attempt to give greater integrity to the electoral process.

We can now ensure that the ballots from our servicemen and women overseas are properly handled. Their ballots cannot be refused based on early submission, and each will bear a postmark in order to avoid recent election debacles from occurring again.

All States will receive a minimum grant award, with the potential to apply for additional funds, an improvement over the Senate-passed version, which would have disadvantaged rural States with a solely competitive grant program. Most importantly, this report identifies remedies for election fraud. States may purge any individuals who do not vote in two consecutive Federal elections and are unresponsive to follow-up by State officials. We must clean up our voter rolls, and this provision gives States the vehicle to do so, should they choose to use it. This is by no means a perfect report, but I am sufficiently convinced that we have taken great strides to better our voting process.

ORDER OF PROCEDURE

Mr. DODD. I ask unanimous consent tomorrow's cloture vote be vitiated and that the Senate proceed to the consideration of S. Res. 304 immediately upon the disposition of H.R. 5010, the Defense appropriations bill. I further ask unanimous consent that tomorrow's order with respect to the election reform conference report, H.R. 3295, commence at 11:40 a.m. and tomorrow's order with respect to the Defense appropriations conference report commence at 2:15 p.m., with all other provisions of the above-mentioned orders remaining in effect.

I am told this is cleared by the minority as well.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. I yield back all the remaining time on the conference report.

The PRESIDING OFFICER. Without objection, the time is yielded back.

Mr. DODD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ONE-YEAR ANNIVERSARY OF SENATE ANTHRAX ATTACK

Mr. DASCHLE. Mr. President, one year ago today, a letter containing about two grams of anthrax was opened in my office. My staff, Senator FEINGOLD's staff, and the law enforcement and medical personnel who responded to the incident were suddenly thrown into a world of frightening uncertainty.

Twenty-eight people tested positive for exposure to multiple lethal doses of anthrax, and about 45 others were presumed to be significantly exposed.

They endured 100 to 120 days of antibiotics and the fear and anxiety that accompany the largest bioterrorist attack on U.S. soil. All the while, they continued to come to work and do their jobs—jobs that included trying to protect the rest of America from a similar fate.

Of course, the effects of this attacks were felt well beyond my office. Hundreds of others from the immediate area were placed on preventive antibiotics. House and Senate office buildings were closed for several days, and the Hart building was closed for three months. Every member and employee of the Senate was affected, and it was an inspiration to see how well our community pulled together to ensure that the Senate continued to address the business of the country.

In retrospect, we were very lucky. We knew exactly when and where people had been exposed, which gave us an advantage that others did not have—the opportunity to provide those who were exposed with immediate preventive care. And while there were some terrifying times, no one in the Senate community died as a result of their exposure to anthrax.

Sadly, others were not so lucky. Robert Stevens and Ernesto Blanco had no idea they had been exposed to anthrax when they fell ill. October 5 is the anniversary that Ernesto Blanco remembers; October 5 is the day his co-worker, Robert Stevens, died.

Next week America's postal workers will mark two more tragic anniversaries: October 21 is the day Thomas L. Morris, Jr. died of inhalation anthrax, and his colleague Joseph P. Curseen, Jr. succumbed the following day.

Because it was not yet understood that the deadly bacteria could escape through envelopes, Mary Morris, Celeste Curseen, and their families and friends have endured a terribly painful year.

Thomas Morris, Joseph Curseen, and all of America's postal workers continued to work even when they knew they could be at risk for exposure to anthrax or other biological or chemical agents. Postal workers accept those and other risks every day, and for their courage and dedication, they deserve a nation's gratitude.

Those who knew and loved Kathy Nguyen and Ottillie Lundgren have their own anniversaries approaching: October 31 and November 21. Exactly how these women were exposed remains a sad mystery.

Still others, including Ernesto Blanco, LeRoy Richmond, and Naomi Wallace, survived the disease. But many of them are suffering from debilitating often painful long-term health effects. They have no anniversary to mark the end of their ordeal, for it is ongoing.

All of these people, like the first responders and Senate employees exposed to anthrax, were innocent victims.

My staff and I feel a special kinship with the families of those who died and with those who continue to struggle with their health. On their behalf, and on behalf of the entire Senate, I extend our deepest sympathy to those to who lost friends and loved ones and our very best wishes for a full recovery to those who survived the disease.

What else shall we offer these families? They need more than our sympathy. They—and all Americans—need our absolute resolve to ensure that our country does everything it reasonably can to prevent and address the bioterrorist threat, so that others do not suffer what they have suffered. As tragic as the anthrax attacks of last fall were, they could have been much worse, and we must prepare ourselves for and defend against the possibility of far greater threats.

We must be vigilant in our effort to identify and neutralize terrorist cells. We must develop better ways to detect chemical and biological agents in the air, water, and food supplies. We must develop better vaccines. We must develop better treatments for those who are exposed to deadly viruses, bacteria, and agents. And we must develop better coordination between the various public health, intelligence and other government entities responsible for addressing the bioterrorist threat.

The victims and their families also need and deserve to know that the perpetrator or perpetrators of these terrible crimes will be brought to justice. We are all frustrated by the fact that the person or persons responsible are still out there, capable of striking again. This is a complex case, and I know the FBI has focused many resources on it. I am hopeful they will soon be in a position to bring the case to a successful close.

One year ago today, an anthrax-laden letter was opened in my office.

Let us mark this anniversary—and all the sad anniversaries since September 11—with a renewed sense of community, a renewed determination to protect each other, and a renewed resolve to preserve America's strength and spirit.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KYL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. JEFFORDS). Without objection, it is so ordered.

AMENDING THE FISA LAW

Mr. KYL. Mr. President, I would like to speak in morning business for as long as I might consume to discuss some legislation Senator SCHUMER and I have introduced and to discuss my intention to seek to have that legislation added to the conference of the intelligence authorization bill which, hopefully, will come before this body for our deliberation and acceptance by the end of this week—again, hopefully.

This legislation not only will reauthorize the intelligence community activities that are funded by the Congress, but also, perhaps, will include an agreement on an outside commission that will later be established to look into the events prior to September 11.

So there are some important elements to this bill. One of the items I would like to add to it also deals with the subject of terrorism, the Schumer-Kyl bill—that I will describe in just a moment—which is a very small provision in the so-called FISA law that would be appropriately added in this conference as an additional way we can help win the war on terror.

Let me begin by discussing just a little bit what this legislation is and why it is necessary, and then I will discuss a little bit further how we would like to have it considered.

The bill number is S. 2568, called the Schumer-Kyl bill. It would add three words to the FISA legislation under which we are now able to gather information that is useful in conducting our war on terror.

The Foreign Intelligence Surveillance Act, or FISA, is a law which provides a special way of gathering this evidence against terrorists, and its origins are back in the 1970s. But it deals with a different situation today in terrorism than it did back then.

Let me just go back in time. The idea was if you were working for a foreign government, we ought to have a little better ability to investigate you than through the probable cause requirements of the 4th amendment that we would ordinarily apply in a title III court situation. So the FISA law was established to say if you have evidence someone is working for a foreign government or an international terrorist organization, then you can involve the FISA Court, the special court, to ask that court for a warrant to do a wiretap or to search a home or to search a computer, or whatever the case might be.

Back in the 1970s, when this was first started, it was a fairly straightforward proposition. If you thought, for example, you might be dealing with a foreign spy, somebody working for the then-Soviet Union, you could go to the FISA Court and get a warrant for the information you were seeking, and it was a little easier to obtain than through a regular court.

Secondly, the information was all classified, secret; it did not have to be shared with anyone else, and these judges were cleared to receive that information. So we were able to keep these kinds of investigations classified, and obviously that was a key element to be able to prosecute these counterterrorism types of cases. But back then the classical FISA target would be either a Soviet agent or perhaps one of the sort of hierarchical terrorist organizations such as the Bader-Meinhof gang in West Germany or the Red Army faction or a group of that sort. Today, as you know, the situation is very different.

We have in the world today amorphous terrorist groups that have spread throughout the entire world that are very loosely affiliated, sometimes not affiliated at all. It is not even clear frequently whether individual people are directly connected to the terrorist group or actually members of the terrorist group. And when we speak of "members of," I am not even sure anybody can define a member of a terrorist organization. You do not pay dues and have a card that identifies you as a member of al-Qaida or Hamas or Hezbollah or the Islamic Jihad or any of these other organizations.

Now, it is true within the group there, you would have to be accepted as someone they could trust, but I do not necessarily think they look at the people with whom they work as members of the organization.

So we wrote a statute back in the 1970s for a different type of enemy than the enemy we face today. What we are finding is sometimes it is very difficult to connect up a particular terrorist either with a foreign country or with a particular terrorist organization. We know there are state sponsors of terrorism, and I suppose if we had evidence somebody here in the United States was planning to commit an act of terror, and they were employed by the Government of, let's say, Iran, we could probably get a FISA warrant because we could connect them pretty easily to a foreign country that has been known to conduct state terrorism. But it is a lot more difficult when you have somebody such as Zacarias Moussaoui, for example, the alleged 20th hijacker. His is an actual case in point used by many to demonstrate the fact that our law enforcement agencies did not act quickly enough in order to obtain a FISA warrant against him. The reason they did not is precisely because of the difficulty of connecting him to a foreign country or a particular international terrorist organization, which is what the FISA statute requires.

Now, bear in mind one of the rationales for being able to accelerate and short circuit the procedures here with a FISA warrant, as opposed to a regular title III type warrant, is you are dealing with a foreign country. You are not dealing with an American citizen. You are dealing with a threat from without or an international terrorist organization. So that is the theory.

But in the case of someone such as Zacarias Moussaoui, even though he was a foreign person—not a United States citizen—we could not connect him with Algeria or France or any of the other countries of the world. We thought his activities looked very suspicious and that they could be terrorist-type planning, but not connected to a particular country. Nor was it possible to connect him to al-Qaida. We did not have information connecting him to al-Qaida. We had some information that in an around-about way connected him to terrorists in a particular place but not an international terrorist organization.

So here you had a situation where he was talking to some terrorists, he looked to be interested in engaging in activity that could result in terrorism here in the United States, but the two requirements to get a warrant—either that he was involved in state-sponsored terror with a particular country or a particular international terror organization—could not be proved. And as a result, either legitimately or not legitimately, the FBI did not authorize a warrant to search his computer, notwithstanding the fact there were some in our law enforcement community who wished to do that. And, of course, his computer was not searched until after September 11.

What the Schumer-Kyl bill does is to correct this one little deficiency in the statute to bring it up to date, literally from the time it was created back in the cold war days, to today's environment in which you have amorphous terrorist groups floating around with individuals freely associating amongst them, or perhaps even not at all with them but engaged in terror.

What it does is to correct this problem with the statute by adding just three words—"or foreign person"—to the targets of the warrant. So an individual would be the subject of a warrant if you could show you had probable cause to believe the individual was engaged in or planning to engage in an act of terrorism and either was doing so on behalf of another country, an international terrorist organization, or the person himself is a foreign person.

So you have the connection of two things. You have a potential act of terror and a foreign person. And that is basically the same rationale that exists with respect to the rationale for the original FISA law and warrants authorized thereunder.

By adding to the definition of "foreign power," a "foreign person," "a foreign person," you include the kind of case Moussaoui presented to us where we knew we wanted to look into his affairs. We could not do so under FISA because we couldn't connect him to a foreign power or terrorist organization, and yet as the facts definitely indicated, it was somebody we should have been able to, whose computer we should have been able to search prior to September 11.

Let me be a little more specific about this case because there are those who will wonder whether or not maybe we are opening the FISA statute up to potential abuse of American citizens—the answer to that is no—by our definition, or that guests of the United States, foreign persons who were here on, let's say, a nonimmigrant visa, such as Moussaoui—that maybe their rights would be violated. I want to make it clear that that would not be the case.

We are familiar with the FBI special agent from Minneapolis, Coleen Rowley, who wrote the famous memo relating to Zacarias Moussaoui. She testified before the Intelligence and Judiciary Committees that she believed this kind of additional authority not only was warranted but was necessary for people like her in the field offices to do their work and she did not believe that would raise any additional questions; that it was an essential part of the tools the individuals in her position would need.

Director Mueller of the FBI, as well, indicated in testimony that he believed the current limited foreign power definition would have made it difficult for the FBI to secure a FISA warrant against any of the September 11 hijackers. And in fact he noted to the committee:

> Prior to September 11, of the 19 or 20 hijackers, we had very little information as to any one of the individuals being associated with a particular terrorist group.

So what this amendment does is deal with two situations. The first is where you literally have the lone wolf, a terrorist acting on his or her own behalf unconnected to an international terrorist organization or foreign power but who is a foreign person in this country planning to commit an act of terrorism against Americans. That is exactly what the FISA warrants are supposed to be getting at or are supposed to enable us to collect information on. Yet under the current statute that would not be possible. This solves the lone wolf problem.

It also solves the Moussaoui problem, which is the case of an individual who you think is associated with terrorists but you cannot prove that, but you definitely have the probable cause to think there is an act of terror being planned and, therefore, you seek the warrant. It would be authorized under the foreign persons provision we are adding, and you then could connect the individual to an international terrorist organization or foreign power. That is what eventually occurred with respect to Moussaoui.

The point is, we are no longer just looking at the FISA warrant to prosecute someone for a crime that has been committed. The entire effort of the Congress, the intelligence community, and the administration after September 11 was to add a mission as a superior mission to the law enforcement after-the-fact-prosecution-of-crime mission of the FBI, and that new mission was to try to prevent or preempt crimes from occurring in the first instance. So the FBI has been reorganized to go out and seek information on potential terrorists and be able to prevent the terrorist attack before it occurs.

If it occurs, they can still do the second function, which is to prosecute after the fact. But the first object of the game is to prevent it from happening in the first place. That is the way they have been reorganized.

What they are now going to try to do is, using statutes such as the FISA statute, to uncover information with respect to people about to commit acts of terror and stop it from occurring. But without the change in the Schumer-Kyl bill, we are leaving one great big loophole available to the terrorists. That is the terrorist who is either acting on his own or the terrorist who, while acting on behalf of an international terrorist organization or state, has not yet clearly signalled that to our law enforcement officials to the point that we can succeed in getting a FISA warrant.

Our change will enable us to get the warrant and then tie the individual to the international terrorist organization or foreign state, if that, in fact, is the state of information.

Let me go on with respect to the Moussaoui case to illustrate how this would work. The agent from the Minneapolis FBI office described to the Judiciary and Intelligence Committees how that office opened the investigation of Moussaoui on August 15, 2001. The dates are very important. This was a month before the attack on the World Trade Center and the Pentagon. The Minneapolis agents arrested Moussaoui on immigration charges at that time and applied for a FISA warrant to search his belongings.

But as the FBI's deputy general counsel stated before the two committees, although Moussaoui was found to have some association with Chechen terrorists, the evidence was inadequate to show that he served as an agent of that group or that he had any links whatsoever to al-Qaida.

So as the FBI deputy general counsel confirmed, it was the strength of Moussaoui's connection to the Chechens, not a misunderstanding of whether they constituted a recognized foreign power for FISA purposes, as the Washington Post originally suggested, that ultimately prevented the issuance of a warrant. As a result, for 3 weeks prior to the September 11 attack, the FBI was unable to search Moussaoui's computer or his papers.

After the trade center and Pentagon attacks, and largely because of them, the FBI received a criminal warrant to search Moussaoui. Among other things, the information in his effects linked him to two of the actual hijackers and to a high-level organizer of the attacks recently arrested in Pakistan.

Nobody can say whether this information necessarily would have allowed us to stop the September 11 conspiracy. But everyone would agree that access to this information would have been very helpful and could have enabled us to do more than we did. Once they had evidence that he was involved in international terrorism, the full FISA tools would have been available to them, regardless of whether they could be linked to a particular group. But instead, the outdated and unnecessary requirement in the statute to link him to a specific international group prevented the FBI agents from pursuing what turned out to be the very best lead they had prior to the September 11 attacks.

We have looked into this. We have had several people testify before our committee on behalf of the administration in support of this three-word change to the FISA statute. Yet it has been very difficult for us to get action.

It is true that the legislation has not been marked up in the Judiciary Committee, but, frankly, the chairman has not afforded us that opportunity. Notwithstanding the fact that we have had testimony in several different hearings of two different committees, we have not been able to get the bill as a freestanding bill to the floor for consideration by the Senate.

There is an opportunity for us to attach it as an amendment. As I said, the best opportunity is the authorization bill of the intelligence community. This is the perfect opportunity for us to do so.

There will be those who will say the bill has not gone through the regular order of the committees and, therefore, it should not be included on the authorization bill of the intelligence community.

The response to that is twofold: First of all, at this stage in the session, in these last few days, we will see hundreds of bills come through here, hotlined—the phrase we use—bills that will be put at the desk. Members will be asked whether they have any objection to these bills. If there are no objections, they will pass by unanimous consent bills that never saw a markup in committee. Some legislation will be brought over from the House of Representatives that was not even considered in a hearing in a Senate committee. That is the way at the end of the session a lot of legislation is dealt with. There would be no reason for something such as this not to be dealt with in the same way.

The second reason I submit is, we are in a war. Certainly we should not put form above substance in these circumstances. If we all agree that it makes sense to do what the FBI and the Justice Department and the intelligence community are asking for—to add three words to the FISA statute so that we don't have another case like the Moussaoui case, so that we are able to look at the effects of someone who we believe is engaged in terrorism against Americans or is planning to be engaged in it, even though we can't connect them yet to a specific terrorist organization—if we believe that that is a good thing, then we should find the very first legislative vehicle we can to attach this amendment in order to effect that change.

Time is very short. We will have to get it over to the House of Representatives, which will have to act in the same truncated fashion in order to send the bill to the President. We can do that if it is part of the intelligence authorization conference report because both bodies can approve the legislation at the same time and have it sent to the President and signed in a matter of days. So this is the best opportunity for us to do that—unless we are going to put form over substance.

Let me make this sober point. A lot of our colleagues have pointed fingers at different people in the intelligence community. They have criticized procedures and policies of the intelligence community, and by that I mean our law enforcement community has been criticized, even by name.

It has been said there was a massive intelligence failure prior to September 11. I am part of a joint investigative committee looking into the events from an Senate Intelligence Committee standpoint—events prior to September 11—as a member of the Senate Intelligence Committee.

Almost every one of us has spoken at one time or another about what we believe were defects in the way our law enforcement and intelligence community approached events prior to September 11. There has been enough information uncovered by now to know that things could have been done better. A lot of different people could have done better than they did.

Could we have prevented September 11? Nobody has gone that far. We could have come a lot closer. The Zacarias Moussaoui case is a good example of it. Today, we are in a situation where the Moussaoui kind of case could easily be replicated tomorrow. It could be the situation that is underway right now. It could be that someone such as this plans an attack and, God forbid, even carries out an attack, and later people are going to ask the question: What could we have done about that?

If we don't find a way to make this change now, in the last very few days of this legislative session, we are going to be passing up an opportunity to save American lives. We would not be able to look at ourselves in the mirror if something similar to this happened again and we had failed to make this change. It is certainly not a preposterous thought that it could happen. It has already happened.

Our law enforcement community and intelligence community have told us this is a problem in today's environment. It is no longer the cold war, where you were just dealing with the Soviet Union or the Red Brigade. You are dealing now with people who have very loose affiliations—if any at all—but they are still terrorists. Our law didn't contemplate that when it was written. So now we have to fix the law.

There is no reason not to make this change. Violate American civil rights? No. By its definition, it only applies to foreign persons. It cannot possibly violate the constitutional rights of any American—by its definition, it cannot.

Are we concerned about the constitutional rights of a non-American?

Now, non-Americans do have certain rights in this country, but they do not have the right of the fourth amendment search and seizure prohibitions in the context of a statute such as the FISA statute, which has been upheld as constitutional.

So as long as there is the foreign nexus there, and you are not talking about a U.S. citizen, again, it is impossible to be violating somebody's rights. The warrant request still has to be made to a judge. The judge still has to sign off on it. You still have to have the evidence backing up your belief that the individual is planning to or is in the act of engaging in an act of terror. So this isn't just some two-bit street criminal you are talking about. It has to be somebody on whom you have some evidence with respect to terrorism. It has to be a foreign person. If that person is in the United States, and if the terrorist act is focused on Americans, then you should have the right under the FISA statute to look further.

That is all this statute does. It enables you to go to a judge and say: Judge, will you please issue a warrant so that we can open up this guy's computer and see whether he really is engaged in an act of terrorism against American citizens?

That is what we are talking about, and it is all we are talking about. I just ask any Member of this body who disagrees with me to please come down here, if not tonight, then tomorrow or the next day or approach me in the hallway or call my office and tell me why they would not support us.

What I don't want to happen is that there is some anonymous objection—a so-called hold—put on the bill, so that I have to try to track down who it is who anonymously objects to what we are trying to do. This is too important for the sake of America's security.

By the way, I have no idea that any one of my colleagues necessarily objects to what I am trying to accomplish. But what I am saying is that we don't have time now to fool around with this and go through the delays that sometimes accompany the consideration of legislation toward the end of a session. I need to know who, if anyone, really does have an objection so I can meet with that individual and try to assure her or him that there is no problem with this piece of legislation.

It has been vetted by the administration. The administration supports it. It has the support of those who have testified before our committees. The Office of Legal Counsel has confirmed that the amendment is well within the Constitution. I will quote that in a moment.

So if there is any objection, we need to know what it is. We intend to include it in the Intelligence Committee authorization bill, and, obviously, that is a bill that must pass the Senate and the House. We don't want it to be held up because of somebody's concern about our particular amendment.

With regard to this question of constitutionality, I direct your attention to a July 31, 2002, letter presenting the views of the U.S. Department of Justice on S. 2586. It announces the Department's support for the bill and provides "a detailed analysis of the relevant fourth amendment case law in support of the Department's conclusion that the bill would satisfy constitutional requirements."

So there is no reason for anyone to object to the bill on constitutional grounds, and, obviously, I can see no other grounds on which anyone would raise any questions. The Department of Justice, in particular, emphasized that "anybody monitored pursuant to the bill would be someone who, at the very least, is involved in terrorist acts that transcend national boundaries in terms of the means by which they are accomplished, the persons they appear intended to coerce or intimidate, or the locale in which the perpetrators operate or seek asylum"—50 U.S.C., section 1801(c)(3).

As a result, the Department says:

> A FISA warrant would still be limited to collecting forward intelligence for the international responsibilities of the United States and the duties of the Federal Government to the States in matters involving foreign terrorists.

That is the test supplied by U.S. v. Duggan, a Second Circuit case, 1984, which presents the relevant test. Therefore:

> The same interests and considerations that support the constitutionality of FISA as it now stands would provide the constitutional justification for S. 2568.

Mr. President, I think there is no question of constitutionality, there is no question of need, and there is no question about the timing requirement that we act now. Therefore, I urge my colleagues to support the Schumer-Kyl legislation to enable us to include it as part of the authorization bill for our Intelligence Committee. If there is any question about whether or not their support would be there, bring that to my attention at the earliest moment so that we won't have an issue.

I have assured Senator GRAHAM of Florida, chairman of the Select Committee on Intelligence, of my commitment to ensure that the authorization bill is passed and not to allow anything to interfere with that. At the same time, it seems to me our proposal here is so required, so commonsense, so timely, that it is appropriate to include it in the legislation and that the burden should be on someone who objects to demonstrate to us why they object, if in fact they do.

Mr. President, I ask unanimous consent to print in the RECORD at the conclusion of my remarks two documents: One is a Dear Colleague letter dated September 26, 2002, that was sent by Senator SCHUMER and I to our colleagues that describes in some detail S. 2586; and the other document is a statement for the RECORD of Marion E. "Spike" Bowman, Deputy General Counsel, the Federal Bureau of Investigation, in testimony before the Senate Select Committee on Intelligence, July 31, 2002.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. KYL. Mr. President, let me note a little bit what the second document is, and then I will conclude. What the Deputy General Counsel of the FBI testified before our committee was how terrorism has changed from the time the FISA statute was first enacted to what we see today. Let me quote a little bit from his statement:

> When FISA was enacted, terrorism was very different from what we see today. In the 1970s, terrorism more often targeted individuals, often carefully selected. This was the usual pattern of the Japanese Red Army, the Red Brigades and similar organizations listed by name in the legislative history of

> FISA. Today we see terrorism far more lethal and far more indiscriminate than could have been imagined in 1978. It takes only the events of September 11, 2001, to fully comprehend the difference of a couple of decades. But there is another difference as well. Where we once saw terrorism formed solely around organized groups, today we often see individuals willing to commit indiscriminate acts of terror. It may be that these individuals are affiliated with groups we do not see, but it may be that they are simply radicals who desire to bring about destruction.

Mr. President, he goes on then to relate that to the legislation that Senator SCHUMER and I introduced. Let me quote a little more. What he says is:

> . . . we are increasingly seeing terrorist suspects who appear to operate at a distance from these organizations. In perhaps an oversimplification, but illustrative nevertheless, what we see today are (1) agents of foreign powers in the traditional sense who are associated with some organization or discernible group (2) individuals who appear to have connections with multiple terrorist organizations but who do not appear to owe allegiance to any one of them, but rather owe allegiance to the International Jihad movement——

Parenthetically, Mr. President, which is not a terrorist organization——

> and (3) individuals who appear to be personally oriented toward terrorism but with whom there is no known connection to a foreign power.

Let me skip in the interest of time. Agent Bowman goes on to say:

> During the decade-long Soviet/Afghan conflict, anywhere from 10,000 to 25,000 Muslim fighters representing some forty-three countries put aside substantial cultural differences to fight alongside each other in Afghanistan. The force drawing them together was the Islamic concept of "umma" or Muslim community. In this concept, nationalism is secondary to the Muslim community as a whole. As a result, Muslims from disparate cultures trained together, formed relationships, sometimes assembled in groups that otherwise would have been at odds with one another and acquired common ideologies. . . .
>
> Following the withdrawal of the Soviet forces in Afghanistan, many of these fighters returned to their homelands, but they returned with new skills and dangerous ideas. They now had newly-acquired terrorist training as guerrilla warfare was the only way they could combat the more advanced Soviet forces.

These are the forces that after the Soviets were defeated in Afghanistan became a force that coalesced around, among others, Osama bin Laden, but not all of them associated specifically with Bin Laden. I quote further:

> Information from a variety of sources repeatedly carries the theme from Islamic radicals that expresses the opinion that we just don't get it. Terrorists world-wide speak of jihad and wonder why the western world is focused on groups rather than on concepts that make them a community.

This is the way we have organized our statutes. What he is telling us is we are not seeing it the way our enemies see it. They do not organize in groups. They do not have membership cards that say they are a member of al-Qaida. They have coalesced around an idea, not a group.

The agent concludes this way:

> The lesson to be taken from this is that al-Qaida is far less a large organization than a facilitator, sometimes orchestrator of Islamic militants around the globe. These militants are linked by ideas and goals, not by organizational structure.

He concludes by saying:

> The United States and its allies, to include law enforcement and intelligence components world-wide have had an impact on the terrorists, but they are adapting to changing circumstances. Speaking solely from an operational perspective, investigation of these individuals who have no clear connection to organized terrorism, or tenuous ties to multiple organizations, is becoming increasingly difficult.
>
> The current FISA statute has served the nation well, but the International Jihad Movement demonstrates the need to consider whether a different formulation is needed to address the contemporary terrorist problem.

That is the end of that quotation, Mr. President. Of course, he and others representing the Department of Justice went on to specifically endorse the Schumer-Kyl legislation to bring our current FISA statute up to date to conform to this new challenge about which Agent Bowan testified. That is the change we are trying to make.

To wrap this up, there are three words we would add to the FISA statute: "or foreign person," so that if you can prove the terrorist is either a terrorist for an international terrorist organization or is a terrorist for another state, a country, or is acting for himself "or foreign person" are the words we use—in other words, he is a terrorist and a foreign person—any one of those three circumstances enable you to go to the judge and say: Here is our evidence that this individual is planning to engage in terrorism against people in the United States. Will you give us a warrant to search his computer, to search his personal effects, his home, or to put a wiretap on his telephone, whatever the case might be? The judge will then make a decision under the law, whether it is authorized or not.

If the court authorizes the issuance of the warrant, we can then look further to determine what this individual is seeking to do. We may find out it is an innocent situation or we may find out that the individual is just acting on his own but is a radical terrorist meaning to do harm to Americans or we may find, as in the case of Zacarias Moussaoui, that it turns out he is engaged as part of an international conspiracy with a specific organization, in this case al-Qaida, but we do not know that and cannot prove it going in. That is why the change we seek is so critical.

I ask my colleagues to support the inclusion of this amendment as part of the authorization bill for the intelligence community, and if there is any problem that anybody sees, to bring it to our attention so we can deal with that prior to that bill coming to the floor because we do not want to slow that bill down or stop it from being considered favorably on the Senate floor.

Mr. President, I urge my colleagues to support our amendment. It is for the good of the country, for our national security, and I say this in conclusion: If we fail to do this and it was our fault that someone utilized our legal system to plan an act of terror against Americans, and Americans are killed or injured as a result of our failure, then we would have nobody but ourselves to blame.

I am going to try as hard as I can to get this done, but anyone who stands in the way is going to have to stand accountable if, God forbid, something should happen and we are unable to get this accomplished before we close our session.

I urge my colleagues to please support Senator SCHUMER and me in ensuring we can get this important amendment accomplished before we adjourn for the year.

EXHIBIT 1

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC, September 26, 2002.

DEAR COLLEAGUE: We have introduced S. 2586—the Schumer/Kyl "Moussaoui exception" bill—as an amendment to the Homeland Security bill. S. 2586 would amend the Foreign Intelligence Surveillance Act (FISA) to reach any foreign visitor to the United States who is believed to be involved in international terrorism, regardless of whether that person is known to be an agent of a foreign government or terror group. The bill is designed to make it easier for the FBI to monitor suspected lone-wolf terrorists such as alleged 20th hijacker Zaccarias Moussaoui.

The Senate Select Committee on Intelligence held a hearing on S. 2586 on July 31, 2002. The Department of Justice has endorsed the bill in a Statement of Administration Policy, which we have attached for your review. Below is our explanation of the workings of the bill and an examination of those facts that we believe show that this change is necessary. We hope that you will join us in supporting this important legislation.

The Foreign Intelligence Surveillance Act requires that in order for a warrant to issue under that law, a court must find probable cause to believe that the target of the warrant is either an agent of, or is himself, a "foreign power"—a term that is currently defined to only include foreign governments or international terrorist organizations. Requiring a link to governments or established organizations may have made sense when FISA was enacted in 1978; in that year, the prototypical FISA target was a Soviet spy or a member of one of the hierarchical, military-style terror groups of that era, such as West Germany's Baader-Meinhof gang or the Red Army Faction. Today, however, the United States faces a much different threat. We are principally confronted not by a specific group or government, but by a movement. This movement—of Islamist extremists—does not maintain a fixed structure or membership list, and its adherents do not always advertise their affiliation with this cause.

S. 2586 will help the United States to meet this threat by expanding FISA's definition of "foreign power." In addition to governments and organized groups, that term, under the bill, would also include "any person, other than a United States person, or group that is engaged in international terrorism or activities in preparation therefor." With this change, U.S. intelligence agents would be able to secure a FISA warrant to monitor a foreign visitor to the United States who is involved in international terrorism—even if his links to foreign government or known terror groups remain obscure.

The role of the foreign-power requirement in obstructing pre-September 11 investigations of Zaccarias Moussaoui was confirmed in dramatic testimony before the House and Senate Intelligence Committees on Tuesday of this week. An agent from the Minneapolis FBI office described to the Committees how that office opened an investigation of Moussaoui on August 15, 2001. Minneapolis agents arrested Moussaoui on immigration charges and applied for a FISA warrant to search his belongings. But as the FBI's Deputy General Counsel stated on Tuesday before the Committees, although Moussaoui was found to have some associations with Chechen terrorists, the evidence was inadequate to show that he served as an agent of that group—or that he had any links to Al Qaeda. (Thus, as the FBI's Deputy General Counsel has confirmed, it was the strength of Moussaoui's connection to the Chechens—not a "misunderstanding" of whether the Chechens constitute a "recognized" foreign power for FISA purposes, as yesterday's Washington Post story suggested—that ultimately prevented the issuance of a warrant.) As a result, for three weeks prior to the September 11 attacks, the FBI was unable to search Moussaoui's computer or his papers.

After the Trade Center and Pentagon attacks—and largely because of them—the FBI received a criminal warrant to search Moussaoui. Among other things, the information in his effects linked Moussaoui to two of the actual hijackers, and to a high-level organizer of the attacks who was recently arrested in Pakistan.

No one can say whether this information would have allowed the FBI to stop the September 11 conspiracy. But all must agree that the FBI should have access to this information. Once U.S. agents had evidence that Moussaoui was involved in international terrorism, the full tools of FISA should have been available to them—*regardless* of whether Moussaoui could be linked to a particular group. Instead, this outdated and unnecessary requirement blocked U.S. intelligence agents from pursuing their best lead on the eve of the September 11 attacks. Indeed, according to FBI Director Mueller, the current standard probably would have prevented the FBI from using FISA against *any* of the September 11 hijackers. As the Director noted in his testimony before the Judiciary Committee earlier this year, "prior to September 11, [of] the 19 or 20 hijackers, * * * we had very little information as to any one of the individuals being associated with * * * * a particular terrorist group."

Several congressional Committees have now conducted investigations and held hearings examining why our intelligence services failed to prevent the September attacks. Those hearings and investigations uncovered a substantial defect in the current law—a defect that may have prevented the United States from stopping that conspiracy, and is likely to hinder future investigations. Simply put, our laws are no longer suited to the type of threat that we face. It is now incumbent on Congress to act on what it has learned.

We hope that you will join us in supporting our "Moussaoui fix" amendment to the Homeland Security bill, should a roll call vote on that amendment be required.

If you have any questions, please contact Jim Flood in Senator Schumer's office at 4-7425 or Joe Matal in Senator Kyl's office at 4-6791.

Sincerely,

CHARLES SCHUMER.
JON KYL.

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, DC, July 31, 2002.

Hon. BOB GRAHAM,
Chairman, Select Committee on Intelligence, U.S. Senate, Washington, DC.
Hon. RICHARD C. SHELBY,
Vice-Chairman, Select Committee on Intelligence, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN AND MR. VICE CHAIRMAN: The letter presents the views of the Justice Department on S. 2586, a bill "[t]o exclude United States persons from the definition of 'foreign power' under the Foreign Intelligence Surveillance Act of 1978 relating to international terrorism." The bill would extend the coverage of the Foreign Intelligence Surveillance Act ("FISA") to individuals who engage in international terrorism or activities in preparation therefor without a showing of membership in or affiliation with an international terrorist group. The bill would limit this type of coverage to non-United States persons. The Department of Justice supports S. 2586.

We note that the proposed title of the bill is potentially misleading. The current title is "To exclude United States persons from the definition of 'foreign power' under the Foreign Intelligence Surveillance Act of 1978 relating to international terrorism." A better title, in keeping with the function of the bill, would be something along the following lines: "To expand the Foreign Intelligence Surveillance Act of 1978 ('FISA') to reach individuals other than United States persons who engage in international terrorism without affiliation with an international terrorist group."

Additionally, we understand that a question has arisen as to whether S. 2586 would satisfy constitutional requirements. We believe that it would.

FISA allows a specially designated court to issue an order approving an electronic surveillance or physical search, where a significant purpose of the surveillance or search is "to obtain foreign intelligence information." Id §§1804(a)(7)(B), 1805(a). Given this purpose, the court makes a determination about probable cause that differs in some respects from the determination ordinarily underlying a search warrant. The court need not find that there is probable cause to believe that the surveillance or search, in fact, will lead to foreign intelligence information, let alone evidence of a crime, and in many instances need not find probable cause to believe that the target has committed a criminal act. The court instead determines, in the case of electronic surveillance, whether there is probable cause to believe that "the target of the electronic surveillance is a foreign power or an agent of a foreign power," id. §1805(a)(3)(A), and that each of the places at which the surveillance is directed "is being used, or about to be used, by a foreign power or an agent of a foreign power," id. §1805(a)(3)(B). The court makes parallel determinations in the case of a physical search. Id. §1824(a)(3) (A), (B).

The terms "foreign power" and "agent of a foreign power" are defined at some length, id. §1801(a), (b), and specific parts of the definitions are especially applicable to surveillances or searches aimed at collecting intelligence about terrorism. As currently defined, "foreign power" includes "a *group* engaged in international terrorism or activities in preparation therefor," id. §1801(a)(4) (emphasis added), and an "agent of a foreign power" includes any person who "knowingly engages in sabotage or international terrorism or activities that are in preparation therefor, for or on behalf of a foreign power," id. §1801(b)(2)(C). "International terrorism" is defined to mean activities that

(1) involve violent acts or acts dangerous to human life that are a violation of the criminal laws of the United States or of any State, or that would be a criminal violation if committed within the justification of the United States or any State;

(2) appear to be intended—

(A) to intimidate or coerce a civilian population;

(B) to influence the policy of a government by intimidation or coercion; or

(C) to affect the conduct of a government by assassination or kidnapping; and

(3) occur totally outside the United States, or transcend national boundaries in terms of the means by which they are accomplished, the persons they appear intended to coerce or intimidate, or the locale in which their perpetrators operate or seek asylum.

Id. §1801(c).

S. 2586 would expand the definition of "foreign power" to reach persons who are involved in activities defined as "international terrorism," even if these persons cannot be shown to be agents of a "group" engaged in international terrorism. To achieve this expansion, the bill would add the following italicized words to the current definition of "foreign power": "*any person other than a United States person who is, or a group that is,* engaged in international terrorism or activities in preparation therefor."

The courts repeatedly have upheld the constitutionality, under the Fourth Amendment, of the FISA provisions that permit issuance of an order based on probable cause to believe that the target of a surveillance or search is a foreign power or agent of a foreign power. The question posed by S. 2586 would be whether the reasoning of those cases precludes expansion of the term "foreign power" to include individual international terrorists who are unconnected to a terrorist group.

The Second Circuit's decision in *United States* v. *Duggan*, 743 F. 2d 59 (2d Cir. 1984), sets out the fullest explanation of the "governmental concerns" that had led to the enactment of the procedures in FISA. To identify these concerns, the court first quoted from the Supreme Court's decision in *United States* v. *United States District Court*, 407 U.S. 297, 308 (1972) ("Keith"), which addressed "domestic national security surveillance" rather than surveillance of foreign powers and their agents, but which specified the particular difficulties in gathering "security intelligence" that might justify departures from the usual standards for warrants: "[Such intelligence gathering] is often long range and involves the interrelation of various sources and types of information. The exact targets of such surveillance may be more difficult to identify than in surveillance operations against many types of crime specified in Title III [dealing with electronic surveillance in ordinary criminal cases]. Often, too, the emphasis of domestic intelligence gathering is on the prevention of unlawful activity or the enhancement of the government's preparedness for some possible future crisis or emergency. Thus the focus of domestic surveillance may be less precise than that directed against more conventional types of crime." *Duggan*, 743 F.2d at 72 (quoting *Keith*, 407 U.S. at 322). The Second Circuit then quoted a portion of the Senate Committee Report on FISA. "[The] reasonableness [of FISA procedures] depends, in part, upon an assessment of the difficulties of investigating activities planned, directed, and supported from abroad by foreign intelligence services and foreign-based terrorist groups. . .. Other factors include the international responsibilities of the United States, the duties of the Federal Government to the States in matters involving foreign terrorism, and the need to maintain the secrecy of lawful counterintelligence sources and methods." Id. at 73 (quoting S. Rep. No. 95–701, at 14–15, reprinted in 1978 (U.S.C.C.A.N. 3973, 3983) ("Senate Report"). The court concluded:

"Against this background, [FISA] requires that the FISA Judge find probable cause to believe that the target is a foreign power or an agent of a foreign power, and that the place at which the surveillance is to be directed is being used or is about to be used by a foreign power or an agent of a foreign power; and it requires him to find that the application meets the requirements of [FISA]. These requirements make it reasonable to dispense with a requirement that the FISA Judge find probable cause to believe that surveillance will in fact lead to the gathering of foreign intelligence information."

Id. at 73. The court added that, *a fortiori*, it "reject[ed] defendants' argument that a FISA order may not be issued consisted with the requirements of the Fourth Amendment unless there is a showing of probable cause to believe the target has committed a crime." *Id.* at n.5. See also, e.g., *United States* v. *Pelton*, 835 F.2d 1067, 1075 (4th Cir. 1987); *United States* v. *Cavanagh*, 807 F.2d 787, 790-91 (9th Cir. 1987) (per then-Circuit Judge Kennedy); *United States* v. *Nicholson*, 955 F. Supp. 588, 590-91 (E.D. Va. 1997).

We can conceive of a possible argument for distinguishing, under the Fourth Amendment, the proposed definition of "foreign power" from the definition approved by the courts as the basis for a determination of probable cause under FISA as now written. According to this argument, because the proposed definition would require no tie to a terrorist group, it would improperly allow the use of FISA where an ordinary probable cause determination would be feasible and appropriate—where a court could look at the activities of a single individual without having to assess "the interrelation of various sources and types of information," see *Keith*, 407 U.S. at 322, or relationships with foreign-based groups, see *Duggan*, 743 F.2d at 73; where there need to be no inexactitude in the target or focus of the surveillance, see *Keith*, 407 U.S. at 322; and where the international activities of the United States are less likely to be implicated, see *Duggan*, 743 F.2d at 73. However, we believe that this argument would not be well-founded.

The expanded definition shall would be limited to collecting foreign intelligence for the "international responsibilities of the United States, [and] the duties of the Federal Government to the States in matters involving foreign terrorism." *Id.* at 73 (quoting Senate Report at 14). The individuals covered by S. 2586 would not be United States persons, and the "international terrorism" in which they would be involved would continue to "occur totally outside the United States, to transcend national boundaries in terms of the means by which they are accomplished, the persons they appear intended to coerce or intimidate, or the locale in which their perpetrators operate or seek asylum." 50 U.S.C. §1801(c)(3). These circumstances would implicate the "difficulties of investigating activities planned, directed, and supported from abroad," just as current law implicates such difficulties in the case of foreign intelligence services and foreign-based terrorist groups. *Duggan*, 743 F.2d at 73 (quoting Senate Report at 14). To overcome those difficulties, a foreign intelligence investigation "often [will be] long range and involved[] the interrelation of various sources and types of information." *Id.* at 72 (quoting *Keith*, 407 U.S. at 322). This information frequently will require special handling, as under the procedures of the FISA court, because of "the need to maintain the secrecy of lawful counterintelligence sources and methods." *Id.* at 73 (quoting *Keith*, 407 U.S. at 322). Furthermore, because in foreign intelligence investigations under the expanded definition "[o]ften . . . the emphasis . . . [will be] on the prevention of unlawful activity or the enhancement of the government's preparedness for some possible future crisis or emergency," the "focus of . . . surveillance may be less precise than that directed against more conventional types of crime." *Id.* at 73 (quoting *Keith*, 407 U.S. at 322). Therefore, the same interests and considerations that support the constitutionality of FISA as it now stands would provide the constitutional justification for the S. 2586.

Indeed, S. 2586 would add only a modest increment to the existing coverage of the statute. As the House Committee Report on FISA suggested, a "group' of terrorist covered by current law might be as small as two or three persons. H.R. Rep. No. 95–1283, at pt. 1, 74 and n. 38 (1978). The interest that the courts have found to justify the procedures of FISA are not likely to differ appreciably as between a case involving such a group of two or three persons and a case involving a single terrorist.

The events of the past few months point to one other consideration on which courts have not relied previously in upholding FISA procedures—the extraordinary level of harm that an international terrorist can do to our Nation. The touchstone for the constitutionality of searches under the Fourth Amendment is whether they are "reasonable." As the Supreme Court has discussed in the context of "special needs cases," whether a search is reasonable depends on whether the government's interests outweigh any intrusion into individual privacy interests. In light of the efforts of international terrorists to obtain weapons of mass destruction, it does not seem debatable that we could suffer terrible injury at the hands of a terrorist whose ties to an identified "group" remained obscure. Even in the criminal context, the Court has recognized the need for flexibility is cases of terrorism. See *Indianapolis* v. *Edmond*, 531 U.S. 32, 44 (2000) ("the Fourth Amendment would almost certainly permit an appropriately tailored roadblock set up to thwart an imminent terrorist attack"). Congress could legitimately judge that even a single international terrorist, who intends "to intimidate or coerce a civilian population" or "to influence the policy of a government by intimidation or coercion" or "to affect the conduct of a government by assassination or kidnapping," 50 U.S.C. §1801(c)(2), acts with the power of a full terrorist group or foreign nation and should be treated as a "foreign power" subject to the procedures of FISA rather than those applicable to warrants in criminal cases.

Thank you for the opportunity to present our views. Please do not hesitate to call upon us if we may be additional assistance. The Office of Management and Budget has advised us that from the perspective of the Administration's program, there is no objection to submission of this letter.

Sincerely,

DANIEL J. BRYANT,
Assistant Attorney General.

STATEMENT FOR THE RECORD OF MARION E. (SPIKE) BOWMAN, DEPUTY GENERAL COUNSEL, FEDERAL BUREAU OF INVESTIGATION, BEFORE THE SENATE SELECT COMMITTEE ON INTELLIGENCE, JULY 31, 2002

Mr. Chairman and members of the Committee, thank you for inviting me here today to testify on the legislative proposals concerning the Foreign Intelligence Surveillance Act (FISA). Holding this hearing demonstrates your collective and individual commitment to improving the security of our Nation. The Federal Bureau of Investigation greatly appreciates your leadership, and that of your colleagues in other committees on this very important topic.

The Foreign Intelligence Surveillance Act was written more than two decades ago. When adopted, the Act brought a degree of closure to fifty years of discussion concerning constitutional limits on the President's power to order electronic surveillance for national security purposes. A subsequent amendment brought physical search under the Act. In keeping with our standards of public governance, the proposals for the Act were publicly debated over a substantial period of time, compromises were reached and a statute eventually adopted. In the final analysis the standards governing when and how foreign intelligence surveillance or search would be conducted was a political one because it involved weighting of important public policy concerns surrounding both personal liberty and national security. That is how it should be.

In the intervening years FISA has proved its worth on countless occasions in preventing the occurrence or the continuation of harm to the national security. It has been a very effective tool and time has proved that this cooperative effort of the three branches of government can serve to protect the public without eroding civil liberties. Indeed, the legislative history shows that Congress intended that the Executive Branch keep a focus on civil liberties by giving great care and scrutiny every application before it is presented to a judge. We believe that intent has been fulfilled. The fact that an Article III judge is the final arbiter of compliance serves to give additional confidence to the public that the intent of the statute is fulfilled.

When FISA was enacted, terrorism was very different from what we see today. In the 1970s, terrorism more often targeted individuals, often carefully selected. This was the usual pattern of the Japanese Red Army, the Red Brigades and similar organizations listed by name in the legislative history of FISA. Today we see terrorism as far more lethal and far more indiscriminate than could have been imagined in 1978. It takes only the events of September 11, 2001 to fully comprehend the difference of a couple of decades.

But there is another difference as well. Where we once saw terrorism formed solely around organized groups, today we often see individuals willing to commit indiscriminate acts of terror. It may be that these individuals are affiliated with groups we do not see, but it may be that they are simply radicals who desire to bring about destruction. That brings us to the legislation being considered today.

The FBI uses investigative tools to try to prevent acts of terrorism wherever we can, but particularly to prevent terrorism directed at Americans or American interests. Most of our investigations occur within the United States and, for the most part, focus on individuals. Historically, terrorism subjects of FBI investigation have been associated with terrorist organizations. As a result, FBI has usually been able to associate an individual with a terrorist organization pled, for FISA purposes, as a foreign power. To a substantial extent, that remains true today. However, we are increasingly seeing terrorist suspects who appear to operate at a distance from these organizations. In perhaps an oversimplification, but illustrative nevertheless, what we see today are (1) agents of foreign powers in the traditional sense who are associated with some organization or discernible group, (2) individuals who appear to have connections with multiple terrorist organizations but who do not appear to owe allegiance to any one of them, but rather owe allegiance to the international Jihad movement and (3) individuals who appear to be personally oriented toward terrorism but with whom there is no known connection to a foreign power.

This phenomenon, which we have seen to be growing for the past two or three years, appears to stem from a social movement that began at some imprecise time, but certainly more than a decade ago. It is a global phenomenon which the FBI refers to as the International Jihad Movement. By way of background we believe we can see the contemporary development of this movement, and its focus on terrorism, rooted in the Soviet invasion of Afghanistan.

BACKGROUND

During the decade-long Soviet/Afghan conflict, anywhere from 10,000 to 25,000 Muslim fighters representing some forty-three countries put aside substantial cultural differences to fight alongside each other in Afghanistan. The force drawing them together was the Islamic concept of "umma" or Muslim community. In this concept, nationalism is secondary to the Muslim community as a whole. As a result, Muslims from disparate cultures trained together, formed relationships, sometimes assembled in groups that otherwise would have been at odds with one another and acquired common ideologies. They were also influenced by radical spiritual and temporal leaders, one of whcm has gained prominence on a global scale—Usama Bin Liden.

Following the withdrawal of the Soviet forces from Afghanistan, many of these fighters returned to their homelands, but they returned with new skills and dangerous ideas. They now had newly-acquired terrorist training as guerrilla warfare was the only way they could combat the more advanced Soviet forces. They also returned with new concepts of community that had little to do with nationalism. Those concepts of community fed naturally into opposition to the adoption, and toleration, of western culture. As a result, many of the Arab-Afghan returnees united, or reunited, with indigenous radical Islamic groups they had left behind when they went to Afghanistan. These Arab-Afghan mujahedin, equipped with extensive weapons and explosives training, infused radicals and already established terrorist groups, resulting in the creation of significantly better trained and more highly motivated cells dedicated to jihad.

Feeding the radical element was the social fact that this occurred in nations where there was widespread poverty and unemployment. The success of the Arab intervention in Afghanistan was readily apparent, so when the Arab-Afghan returnees came home they discovered populations of young Muslims who increasingly were ready and even eager to view radical Islam as the only viable means of improving conditions in their countries. Seizing on widespread dissatisfaction with regimes that were brimming with un-Islamic ways, regimes that hosted foreign business and foreign military, many young Muslim males became eager to adopt the successful terrorist-related activities that had been successfully used in Afghanistan in the name of Islam. It was only a matter of time before these young Muslin males began to seek out the military and explosives training that the Arab-Afghan returnees possessed.

USAMA BIN LADEN

Usama bin Laden gained prominence during the Afghan war in large measure for his logistical support to the resistance. He financed recruitment, transportation and training of Arab nations who volunteered to fight alongside the Afghan mujahedin. The Afghan war was clearly a defining experience in his life. In a May, 1996 interview with Time Magazine, UBL stated: "in our religion there is a special place in the hereafter for those who participate in jihad. One day in Afghanistan was like 1,000 days in an ordinary mosque."

Although bin Laden was merely one leader among many during the Soviet-Afghan conflict, he was a wealthy Saudi who fought alongside the mujahedin. In consequence, his statute with the fighters was high during the war and he continued to rise in prominence such that, by 1998, he was able to announce a "fatwa" (religious ruling) that would be respected by far-flung Islamic radicals. In short, he stated that it is the duty of all Muslims to kill Americans: "in compliance with God's order, we issue the following fatwa to all Muslims: the ruling to kill the Americans and their allies, including civilians and military, is the individual duty for every Muslim who can do it in any country in which it is possible to do it."

Bin Laden was not alone in issuing this fatwa. It was signed as well by a coalition of leading Islamic militants to include Ayman Al-Zawahiri (at the time the leader of the Egyptian Islamic Jihad), Abu Yasr Rifa'i Ahmad Taha (Islamic Group leader) and Sheikh Fazl Ur Rahman (Harakat Ul Ansar leader). The fawa was issued under the name of the International Islamic Front for Jihad on the Jews and Christians. This fawa was significant as it was the first public call for attacks on Americans, both civilian and military, and because it reflected a unified position among recognized leaders in the radical Sunni Islamic community. In essence, the fatwa reflected the globalization of radical Islam.

There is a terrorist network of extremists that has been evolving in the murky terrain of Southwest Asia that uses its extremist views of Islam to justify terrorism. His organization, al Qaeda is but one example of this network.

AL QAEDA

Although Al-Qaeda functions independent of other terrorist organizations, it also functions through some of the terrorist organizations that operate under its umbrella or with its support, including: the Al-Jihad, the Al-Gamma Al-Islamiyya (Islamic Group—led by Sheik Omar Abdel Rahman and later by Ahmed Refai Taha, a/k/a "Abu Yasser al Masri,"), Egyptian Islamic Jihad, and a number of jihad groups in other countries, including the Sudan, Egypt, Saudi Arabia, Yemen, Somalia, Eritrea, Djibouti, Afghanistan, Pakistan, Bosnia, Croatia, Albania, Algeria, Tunisia, Lebanon, the Philippines, Tajikistan, Azerbaijan, the Kashmiri region of India, and the Chechen region of Russia. Al-Qaeda also maintained cells and personnel in a number of countries to facilitate its activities, including in Kenya, Tanzania, the United Kingdom, Canada, and the United States. By banding together, Al-Qaeda proposed to work together against the perceived common enemies in the West—particularly the United States which Al-Qaeda regards as an "infidel" state which provides essential support for other "infidel" governments. Al-Qaeda responded to the presence of United States armed forces in the Gulf and the arrest, conviction and imprisonment in the United States of persons belonging to Al-Qaeda by issuing fatwas indicating that attacks against U.S. interests, domestic and foreign, civilian and military, were both proper and necessary. Those fatwas resulted in attacks against U.S. nationals in locations around the world including Somalia, Kenya, Tanzania, Yemen, and now in the United States. Since 1993, thousands of people have died in those attacks.

THE TRAINING CAMPS

With the globalization of radical Islam now well begun, the next task was gain adherents and promote international jihad. A major tool selected for this purpose was the promotion of terrorism training camps that had long been established in Afghanistan. It is important to note, that while terrorist adherents to what we have come to know as al Qaeda trained in the camps, many others did as well. For example, according to the convicted terrorist Ahmed Ressam, representatives of the Algerian Armed Islamic Group (GIA) and its off-shoot the Salafi Groups for Call and Combat (GSPC), HAMAS, Hizballah, the Egyptian Islamic Jihad (EIJ) and various other terrorists trained at the camps.

Ressam also reports that cells were formed, dependent, in part, on the timing of the arrival of the trainees, rather than on any cohesive or pre-existing organizational structure. As part of the training, cleric and other authority figures advised the cells of the targets that are deemed valid and proper. The training they received included placing bombs in airports, attacks against U.S. military installations, U.S. warships, embassies and business interests of the United States and Israel. Specifically included were hotels holding conferences of VIPs, military barracks, petroleum targets and information/technology centers. As part of the training, scenarios were developed that included all of these targets.

Ressam, who a not a member of al Qaeda, has stated that the cells were independent, but were given lists of the types of targets that were approved and were initiated into the doctrine of the international Jihad. Ressam explicitly noted that his own terrorism attack did not have bin Laden's blessing or his money, but he believed it would have been given had he asked for it. He did state that bin Laden urged more operations within the United States.

THE INTERNATIONAL JIHAD

We believe the suicide hijackers of September 11, 2001 acted in support of the 1998 fatwa which, in turn describes what we believe is the international jihad. During 1997 UBL described the "international jihad" as follows:

"The influence of the Afghan jihad on the Islamic world was so great and it necessitates that people should rise above many of their differences and unite their efforts against their enemy. Today, the nation is interacting well by uniting their efforts through jihad against the U.S. which has in collaboration with the Israeli government led the ferocious campaign against the Islamic world in occupying the holy sites of the Muslims. . . . [A]ny act of aggression against any of this land of a span of the hand measure makes it a duty for Muslims to send a sufficient number of their sons to fight off that aggression."

In May of 1988, UBL gave an interview in which he stated "God willing, you will see our work on the news. . . ." The following August the East African embassy bombings occurred. That was bin Laden speaking, but it should be remembered that the call to harm America is not limited to al Qaeda. Shortly after September 11 Mullah Omar said "the plan [to destroy America] is going ahead and God willing it is being implemented. . . ." Sheikh Ikrama Sabri, a Palestinian Mufti, said in a radio sermon in 1997, "Oh Allah, destroy America, her agents, and her allies! Cast them into their own traps, and cover the White House with black!" Ali Khameine'i, in 1998, said "The American regime is the enemy of [Iran's] Islamic government and our revolution." There are many other examples, but the lesson to be drawn is that al Qaeda is but one faction of a larger and very amorphous radical anti-western network that uses al Qaeda members as well as others sympathetic to al Qaeda's ideas or that share common hatreds.

Information from a variety of sources repeatedly carries the theme from Islamic radicals that expresses the opinion that we just don't get it. Terrorists world-wide speak of jihad and wonder why the western world is focused on groups rather than on the concepts that make them a community. One place to look at the phenomenon of the "international jihad" is the web. Like many other groups, Muslim extremists have found the Internet to be a convenient tool for spreading propaganda and helpful hints for their followers around the world. Web sites calling for jihad, or holy war, against the West are not uncommon.

One of the larger jihad-related Internet offers primers including "How Can I Train Myself for Jihad." Traffic on this site, which is available in more than a dozen languages, increased 10-fold following the attacks, according to a spokesman for the site.

The lesson to be taken from this is that al Qaeda is far less a large organization than a facilitator, sometimes orchestrator, of Islamic militants around the globe. These militants are linked by ideas and goals, not be organizational structure. The intent is establishment of a state, or states ruled by Islamic law and free of western influence. Bin Laden's contribution to the Islamic jihad is a creature of the modern world. He has spawned a global network of individuals with common, radical ideas, kept alive through modern communications and sustained through forged documents and money laundering activities on a global scale. While some may consider extremist Islam to be in retreat at the moment, its roots run deep and exceedingly wide. Those roots take many forms, one of which is the focus of this hearing.

In the final analysis, the International Jihad movement is comprised of dedicated individuals committed to establishing the umma through terrorist means. Many of these are persons who attended university together, trained in the camps together, traveled together. Al Qaeda and the international terrorists remain focused on the United States as their primary target. The United States and its allies, to include law enforcement and intelligence components worldwide have had an impact on the terrorists, but they are adapting to changing circumstances. Speaking solely from an operational perspective, investigation of these individuals who have no clear connection to organized terrorism, or tenuous ties to multiple organizations, is becoming increasingly difficult.

The current FISA statute has served the nation well, but the International Jihad Movement demonstrates the need to consider whether a different formulation is needed to address the contemporary terrorism problem. While I cannot discuss specific cases in a public hearing, the FBI has encountered individuals who cannot be sufficiently linked to a terrorist group or organization as required by FISA. The FBI greatly appreciates the Committee's consideration of this issue and looks forward to working with the Committee to find the best approach for appropriate investigation of such individuals.

Mr. KYL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Senate proceed to a period for morning business, with Senators permitted to speak for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO SHEILA C. JOY

Mr. THURMOND. Mr. President, I rise today to pay tribute to my good friend Sheila C. Joy for her devoted service to the United States Department of Justice.

Sheila C. Joy was born in Springfield, MA, and graduated from the University of Massachusetts. After two years of civilian service in the United States Air Force, Mrs. Joy began her career with the United States Department of Justice. Beginning as a Staff Assistant, she successfully worked through the ranks and is presently a program manager responsible for reviewing judicial appointments in the Office of Policy Development. she has made great strides to ensure United States judges are fairly appointed to the bench, and I am honored to have had the opportunity to work so closely with here.

The Department of Justice is a better organization because of Mrs. Joy's hard work, and she can take great pride in all she has accomplished during her tenure. She is to be commended for her integrity, dedication, and fairness in reviewing judicial appointments. Mrs. Joy has been an outstanding model of excellence to the numerous men and women she has worked with during her thirty five years with the Department of Justice, and I am certain she will continue to set a fine example for others to follow as she continues her career. She is an excellent asset to the American justice system, and I applaud her for the positive impact she had made.

It has been a privilege to have worked with such an outstanding lady. Again, I want to thank Mrs. Joy for all of her tireless efforts and for the friendship she has provided me during our many years of working together. I wish Mrs. Joy and her three lovely children the best of luck in all future endeavors, and may the years to come bring good health and happiness.

MASSACHUSETTS MEMORIAL SERVICE

Mr. KENNEDY. Mr. President, I am honored to join all of you, the families of loved ones from across our Commonwealth who lost their lives last September 11.

We come to this birthplace of liberty to remember, to give honor, and to express our resolve.

All around us in this historic place are the images of famous leaders who brought life and nationhood to the ideals that were attacked a year ago, on a day whose dawn had seemed almost uniquely American in its sunny optimism.

Etched on the wall around this stage are the names of heroes who gave their lives for our country on September 11, 2001. The list is heartbreaking, and it goes on and on. These heroes were famous in a different way, famous to their friends for their fabled jumpshot in a neighborhood park, or prized in their firms for a brilliance tempered by laughter, or celebrated by their young children as super-heroes, able to launch them into the air with an easy toss, and always there to catch them. They expected to pass the ball again, to make another trade or tell another joke, to come home that night and read a bedtime story.

Then they were gone, in the darkness at mid-morning which succeeded that sunny dawn. We mourn them for the years that were too few and the hopes that were unfulfilled. We praise them for the way they lived, and in so many cases for the bravery in the way they died. And we as a country, as a community, as friends and neighbors and family, hold them in our hearts.

I spoke with a member of almost every family in Massachusetts who lost a loved one on the planes, or at Ground Zero in New York, or at the Pentagon. To those left behind, I say on this sad day: I know something of what you feel. To lose someone you love, and to lose them so suddenly, so unexpectedly, so terribly, to see them torn out of the fabric of life, is almost more than one can bear.

And then, although we know the passage of a year cannot heal that memory, we move on, because we have to, because they would want us to, and because there is still light left in the world, including the love they left us.

In a different time of grief, my brother Robert Kennedy quoted the ancient poet Aeschylus: "In our sleep, pain, which cannot forget, falls drop by drop upon the heart until, in our own despair, against our will, comes wisdom through the awful grace of God."

May God, this year and every year and every day, grant that grace to you the families.

And for all of us, there is something else that comes from last September 11. From the pain that day have come both wisdom and will.

We have learned anew the wisdom that as Americans, we are many, but we are also one.

On Flight 93, there was a unity of purpose and a fierce pride. Passengers who had never met before became a band of brothers and sisters, sacrificing their lives so that others might live. Many other individual acts of courage saved more lives than we can know or count at Ground Zero and the Pentagon.

People all across the country and of all ages asked what they could do, from giving their blood, to clearing rubble at the World Trade Center, to giving their dollars, to lending a shoulder to their neighbor to cry on. In countless ways, we came together, and founded a new American spirit of service to others.

The terrorists taught us a lesson different from the one they expected. They acted with hate, but we reached out to comfort and support one another with love. No one asked whether the rescuer leading them down the packed stairwell of the World Trade Center was rich or poor, Anglo or African-American or Hispanic, gay or straight. We gained a new determination as Americans to reject discrimination in all its hateful forms.

Out of the pain that day, Americans understood more powerfully than perhaps ever before the pledge of "liberty and justice for all."

To help those in need;
To give hope;
To share what we have;
To see suffering and try to heal it—

That is our lesson from this tragedy, and it is wisdom that must guide us over time. The new American spirit of service can and must become a new era of commitment to the ideals of compassion, equality, opportunity, and concern for one another. We as a society seek to save a life when a terrorist strikes, and we as a society must do as much when the terror or a dread disease strikes, or the terror of poverty steals opportunity.

May that legacy of 9/11, that legacy of love and compassion and caring, become our enduring tribute to all those who were lost.

Out of that day also came a new sense of national resolve and will. We are at war today, with a terrorism that has plagued too many places for too many years, and that has finally struck at the heart of America.

This is a conflict we did not seek, but must win, not alone for ourselves, but for the cause of freedom, tolerance and human rights around the world.

The ideas and ideals created long ago in this great hall have shaped the dreams of countless millions yearning to be free.

Now, as the greatest power on earth, we have a responsibility. Our gifts of strength and wealth and values can decide that the future will belong to the forces of hope and onto of hate.

This brighter future depends on victory against terrorism. It demands that we then continue in a long, tireless endeavor to make the world not only safer for us, but better for all. In our determination to defeat those who have attacked our people and our principles, we truly are "one nation under God, indivisible."

How true that was, how deeply we felt it, a year ago today. Together that day, we hurt and feared and hoped and prayed. And together now, we will prevail.

God bless all who were lost and all who lost them. God give us strength, and the wisdom to use it well. God bless America.

TRIBUTE TO SENATOR FRED THOMPSON

Mr. SHELBY. Mr. President, I rise today to pay tribute to Tennessee Senator FRED THOMPSON, a stalwart conservative with a long and colorful career in both the private and public sectors. Senator THOMPSON has always been a vocal and active proponent of reducing the role of the federal government, lowering the tax burden on Americans and allowing individuals the freedom to make their own choices. His remarkable rise to a position of influence among his fellow lawmakers is a testament to the passion of his beliefs. Senator THOMPSON has been a valuable member of the Senate, and his presence will be missed when he retires at the end of the 107th Congress. I would like to take this opportunity to commend my fellow Southern colleague for his dedicated work on behalf of the people of Tennessee and wish him the best of luck as he leaves the Senate.

Born in my home state of Alabama, Senator THOMPSON grew up in Lawrenceburg, TN. He worked his way through undergraduate school at Memphis State University and then law school at Vanderbilt. Two years later, he was named an Assistant United States Attorney in Nashville, where his outstanding record brought him to the attention of then Senator Howard Baker, who tapped him to be the minority counsel to the Senate Watergate Committee. Following two years on the Committee, Senator THOMPSON continued his high profile law career when he was appointed by incoming Governor Lamar Alexander to investigate outgoing Governor Ray Blanton. Senator THOMPSON added to his growing reputation by uncovering a cash for clemency scheme that ultimately sent Governor Blanton to jail. Over the next several years, Senator THOMPSON continued to practice law in Nashville and in Washington. He also continued his work with Congress, working as Special Counsel to the Senate Committee on Intelligence and the Senate Committee on Foreign Relations.

With an open election looming to fill the last two years of former Sen. Al Gore's term in 1994, Senator THOMPSON decided to enter the race. He championed his Tennessee roots, conservative values and desire to reform the Federal Government. His message resonated with the voters, who overwhelmingly supported him in the general election in 1994. In 1996, Senator THOMPSON was elected to a full term in the Senate, receiving more votes than any previous candidate for any office in Tennessee history.

Since joining the Senate, Senator THOMPSON has tirelessly worked to promote his conservative values. A fierce critic of federal bureaucracy, he has introduced legislation and held hearings aimed at producing a smaller, more efficient, and more accountable government. Through his work on the Finance Committee, he has focused his energy on reducing taxes, reforming the tax code and restoring Social Security and Medicare programs to long-term solvency. Admirably, he has always remained thoroughly independent and committed to his beliefs.

I have truly enjoyed working with Senator THOMPSON here in the Senate. He is a tremendous asset to the people of Tennessee and valuable member of the Republican party. I thank him for his many years of service and wish him the best in all future endeavors.

SOMALIA

Mr. FEINGOLD. Mr. President, today I wish to express my strong support for the efforts underway to establish clear systems for effective regulation and monitoring of Somali remittance companies. Right now, the United Nations Development Program is working to build the capacity of the Somali financial sector and to bring Somalis together with key stakeholders in the international banking community so that clear expectations, shared high standards, and meaningful enforcement mechanisms can be established. Somali remittance companies can survive, and can contribute the development of the Somali people, only if this effort is successful. I applaud this undertaking, and believe that the United States should provide assistance where appropriate.

As the chairman of the Senate Foreign Relations Committee's Subcommittee on African Affairs, I held a hearing on U.S. policy options in Somalia earlier this year. In the wake of the attacks on September 11, I wanted to explore the issue of weak states, where manifestations of lawlessness such as piracy, illicit air transport networks, and traffic in arms and gemstones and people, can make the region attractive to terrorists and international criminals. The United States can no longer pretend that we have no stake in the fate of countries in distress—the Afghanistans and Somalias of our world, and the United States can no longer pretend that we can insulate ourselves from the difficult problems confronting those countries. We cannot ignore them, we cannot simply condemn them. We must work to strengthen state capacity and curtail opportunities for terrorists and other international criminals.

It is my intention to introduce legislation at the beginning of the 108th Congress aimed at focusing more coordinated and consistent attention on Somalia. The U.S. must work harder at providing an alternative to the extremist influences in Somalia by vigorously pursuing small-scale health and education initiatives. And we must help Somalia's surprisingly vigorous private sector, to begin building regulated, legitimate financial institutions in Somalia, which will be essential to any economic recovery in the country in the future. Otherwise, we leave it to illegitimate, shadowy forces to step into the breach.

One has only to meet a few of the many dynamic and committed Somalis who are working every day to build a better future for their countrymen to conclude that Somalia is not hopeless. But helping to rebuild capacity in Somalia will certainly not be easy. These efforts are important, and they deserve our attention and our support.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of last year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred in February 2000 in Tucson, AZ. A gay man was beaten outside a bar. The assailant, Franchot Opela, 27, called the victim, Fabian Padilla, 23, a "faggot" and then beat Padilla to the ground with both fists. Padilla was treated for severe eye and head injuries resulting from the attack.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

SUPPORT OF S. 1739

Ms. SNOWE. Mr. President, I rise today in support of legislation introduced by Senator CLELAND, S. 1739, which seeks to improve security on motorcoaches and over-the-road buses nationwide. I became a cosponsor of S. 1739 in the wake of a September 30 attack in which two people were killed and more than two dozen others injured after a Greyhound bus skidded off a California highway. The bus driver had been stabbed in the throat by a passenger.

While it quickly became known that the incident had no links to terrorism, it served as a stark reminder that a significant part of America's transportation network remains vulnerable to attack. Every year, motorcoaches and over-the-road buses carried an estimated 800 million passengers to 4,000 communities nationwide, far in excess of the passenger load carried by the airlines or Amtrak.

I believe that it is vitally important that we address bus security concerns highlighted by the recent attack. A critical component in our fight against terrorism is protecting the security of our transportation system, including buses. We have to assume that any facet of our transportation system remains a target for violence. Terrorists in Israel have targeted buses with deadly effectiveness. So we have to take steps, like S. 1739, which will move us toward a more secure system across every mode of transportation and across our transportation infrastructure.

S. 1739 provides funding to the motorcoach industry to enhance security at a time when improved security is increasingly necessary but when the industry is least able to make new investments. Other forms of commercial passenger transportation including Amtrak, the airline and transit agencies have all received sizeable funding commitments from Congress for security upgrades, and the motorcoach industry should not be ignored when it comes to safety.

Specifically, this bipartisan legislation provides $400 million in grants to be made by the Secretary of the Treasury for over-the-road bus transportation security. The grants must be used for specified system-wide security upgrades, including the reimbursement of security-related costs incurred since September 11, 2001. The grants will allow bus operators to protect drivers, implement passenger screening programs, and construct or modify facilities. Grants could also be used to train employees in terrorist threat assessments, hire and train security officers, and install video surveillance and emergency communication equipment.

Many of these upgrades have already been undertaken by the industry since September 11. This bill will supplement and reimburse the industry for these efforts.

Since 9/11, Members of Congress have shown broad bipartisan support for addressing the issue of bus security. In April, S. 1739 was unanimously approved by the Senate Committee on Commerce, Science and Transportation, of which Senator CLELAND and I are members. In May, a companion measure passed the House Transportation and Infrastructure Committee, also unanimously, and is pending on the House floor. Also, this summer Congress provided $15 million for that purpose in the Fiscal Year 2002 Supplemental Appropriation bill.

Given the fact that the intercity bus system is a crucial link in America's transportation system, I believe that Congress must act to secure that system against further attacks, and I strongly urge my colleagues to join me in a show of support for this legislation.

CIVIL LIBERTIES IN HONG KONG

Mr. FEINGOLD. Mr. President, I'd like to take a few minutes this morning to call attention to recent disturbing trends with regard to democracy and civil liberties in Hong Kong.

As you know, Hong Kong recently marked 5 years under the sovereignty of the People's Republic of China. When the territory reverted from British to Chinese control in 1997, China's communist rulers in Beijing promised to respect its autonomy for a period of 50 years under the so-called "One Country, Two Systems" formula. They also agreed Hong Kong would move toward direct elections by 2007.

At the same time, however, Article 23 of the so-called Basic Law that became Hong Kong's new constitution required that the territory adopt legislation prohibitting "treason, secession, sedition or subversion" against the Chinese

Government in Beijing, as well as "theft of state secrets."

The Hong Kong Bar Association, among others, did not believe new legislation was necessary, since existing Hong Kong laws were sufficient to deal with legitimate national security concerns. But Beijing felt otherwise.

When Chinese President Jiang Zemin and Vice Premier Qian Qichen traveled to Hong Kong in July to commemorate the fifth anniversary of the handover, they reportedly made clear to Tung Chee-Hwa, their hand-picked chief executive, that they wanted an anti-subversion statute adopted without further delay.

Three weeks ago, Tung's administration obliged, unveiling a plan for new legislation to implement Article 23. Tung called the plan "both liberal and reasonable." But it contains a number of provisions that could potentially seriously undermine civil liberties in Hong Kong.

For example, Tung's plan makes it an offense to organize or support the activities of organizations deemed by Beijing to threaten national security. It allows the police to enter and search private residences without a warrant to investigate suspected treason, sedition and subversion. It creates a new offense of "secession," presumably for advocating independence for Tibet or Taiwan. Citizens would be legally obliged to report on alleged "subversive" activities of friends, neighbors and colleagues. Meanwhile, Journalists could face criminal penalites simply for reporting information about relations between Hong Kong and Beijing.

Perhaps the most disturbing element of this legislative proposal is that it represents a further intrusion of Beijing's anti-democratic legal concepts and practices into Hong Kong. Definitions of offenses are vague, giving the government broad discretion to decide whom it wants to prosecute, or silence through the threat of prosecution. Although Tung says he will uphold human rights and civil liberties as the "pillars of Hong Kong's success," his Secretary of Security, Regina Ip, admits that, under the proposed legislation, she would essentially defer to Beijing to determine which organizations to prohibit. Falun Gong leaps to mind. The Dalai Lama's followers might also take heed.

Journalists and scholars have good reason to be concerned if the new legislation similarly incorporates Beijing's extremely broad definition of what constitutes a "state secret." Rabiya Kadir, a Muslim businesswoman once feted by Beijing as a "model minority," is currently serving an eight-year sentence under Beijing's state secrets law for mailing newspaper clippings to her husband in the United States. More recently, a prominent AIDS activist, Wan Yanhai, was detained for a month by the Beijing Bureau of State Security for leaking "state secrets." His alleged offense was revealing that hundreds of thousands of Chinese people might have been infected with HIV through unsafe blood transfusions, information the authorities didn't think people needed to have.

Regina Ip, who has been acting as Tung's point person for the new anti-subversion law, has attempted to reassure the plan's critics by saying Hong Kong's highly regarded independent courts will be responsible for interpreting and applying the new law. However, it was her government that undermined the integrity of those courts three years ago when it appealed a high-court decision on immigration that it didn't like to the National People's Congress Standing Committee in Beijing, as is its prerogative under the Basic Law. Beijing overturned Hong Kong's Final Court of Appeal in that case, setting a dangerous precedent in the eyes of Hong Kong's pro-democracy community.

Ultimately then, as a columnist recently pointed out in the Financial Times, the bulwark against erosion of civil liberties in Hong Kong may not be the territory's excellent judiciary but its executive, and that is not a comforting thought given the track record of Hong Kong's executive over the past five years. Tung Chee-Hwa has tightened controls on public demonstrations. His government turned away more than 100 people who sought to travel to Hong Kong to demonstrate at July's fifth anniversary ceremonies, so as not to embarrass his VIP guests from Beijing. After winning a second five-year term in March in a process in which exactly 800 people participated, he introduced a new system allowing him to fill his cabinet with hand-picked political appointees without the advice or consent of Hong Kong's legislature. There is no indication yet of any plans to make the process more democratic in 2007.

More recently, when democracy advocates suggested that the Government make a detailed version of its proposed anti-subversion legislation available for public comment before the bill is formally introduced in the Legislative Council, Regina Ip replied as follows:

> Will taxi drivers, Chinese restaurant waiters, service staff at McDonald's hold a copy of the bill to debate with me article by article?

Ms. Ip's remarks reveal contempt for the right of the general public to be consulted about matters that concern it. Unfortunately, this attitude is not uncommon among the economic elite that runs Hong Kong. The Chamber of Commerce representative on the Legislative Council has openly remarked that popularly elected representatives would spend money irresponsibly if given power. Another well-known tycoon is fond of saying "no representation without taxation," turning the motto of the founders of our American democracy on its head. In other words, Hong Kong's is a government of the wealthy, by the wealthy and for the wealthy.

Of course, Hong Kong did not enjoy democracy under British rule, either. The business of Hong Kong has always been business. The difference now is that the territory's capitalist elite has decided that currying favor with the communist dictators in Beijing is good for business. If some civil liberties need to be sacrificed in the process, they appear willing to accept the bargain.

Many observers perceive this attitude being reflected in a growing tendency toward self-censorship within Hong Kong's major media. For example, two years ago the South China Morning Post, which aspires to enter the Mainland Chinese market, replaced its veteran, hard-hitting China editor, Willy Lam, with the former editor of the Beijing-controled China Daily. Then, in April of this year, the paper's veteran Beijing bureau chief, Jasper Becker, was fired for insubordination after complaining that the paper's China coverage was being "watered down." I should add, however, that to its credit, the Post has been strongly critical of the government's recent legislative proposal.

Hong Kong today remains a vibrant and cosmopolitan city whose citizens enjoy a degree of civil and economic liberties far surpassing that of most other countries. But whereas the trend in much of the world is toward greater democracy, in Hong Kong things appear to be headed in the other direction.

China's President Jiang Zemin will visit the United States later this month. President Bush may want to raise the issue of autonomy and civil liberties in Hong Kong with him. That would be entirely appropriate. But, I think that we as a society can send a far more powerful message to the people who rule Hong Kong in a language they will understand. Those individuals fully appreciate that their future depends on their ability to perpetuate Hong Kong's status as a global financial center. Geography is no longer sufficient to maintain that status. Rather, what makes Hong Kong Hong Kong, what makes thousands of talented people from throughout the world eager to live and work there, is its spirit, its vitality, its spontanaeity, its brashness, its "anything goes" attitude and its creativity. In the eyes of many, those qualities make Hong Kong one of the most exciting places on Earth.

Hong Kong's current rulers are set on a path that risks killing the goose that laid that golden egg. That's a message they need to hear not only from foreign politicians but from the international business community, the techno cognoscenti, the investors and the economic and cultural globe-trotters, voting with their feet and their pocketbooks. I encourage all such people who care about Hong Kong and about freedom to tell the Hong Kong authorities that, if Hong Kong sacrifices those things that make it unique and worth living in, we may as well set up shop in Shanghai.

NOTICE OF STUDY ON LOCAL ALL-DAY KINDERGARTEN PROGRAM

Mr. KENNEDY. Mr. President, I would like to alert my colleagues to a recently released study that shows great promise for all kindergartners, based on achievement gains in Montgomery County, MD. On October 1st, the Washington Post published key findings from a 2-year study of Montgomery County's intensive all-day kindergarten program. For the past 2 years, Montgomery County has lengthened the school day, decreased class sizes, and implemented a revised curriculum in its 17 highest-poverty schools.

The article highlights the rise in reading achievement for all students involved in the program, with low-income students making the most progress. In these 17 schools, 51 percent of the most disadvantaged children met reading benchmarks at the end of first grade while only 45 percent of poor children in the rest of the county did. Students made gains of over 50 percentage points in all ethnic groups, also narrowing the achievement gap by as much as 11 percent on some measures. Superintendent Weast attributes the program's success to additional training for teachers and principals.

We must address the needs of our youngest students before our lack of attention compounds the disadvantages that many of them already bring to school. If children do not read fluently by the end of third grade, we know that many of them never will. We should do all we can to support further success. The results in Montgomery County show that we can make a difference to children's lives.

I ask unanimous consent that an article entitled "All-Day Kindergarten Posts Big Gains in Montgomery" be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

[From the Washington Post, Oct. 1, 2002]

ALL-DAY KINDERGARTEN POSTS BIG GAINS IN MONTGOMERY

(By a Washington Post Staff Writer)

An intensive and expensive all-day kindergarten program in Montgomery County has produced significant gains for poor children and helped them begin to catch up with higher-performing peers, a new study to be released today shows.

In tracking the reading progress made by 16,000 youngsters over two years in kindergarten and first grade, the report found that not only did achievement rise for all students involved in the program in high-poverty schools, but low-income students showed bigger gains.

Further, the report found that both poor and middle-class students in high-poverty schools—contrary to expectation—either matched or outperformed their peers in schools elsewhere in the county, many of whom were in half-day kindergarten programs.

The most significant exception was for children who do not speak English, a finding that has prompted Superintendent Jerry D. Weast to pledge intensive phonics instruction at schools with the most children living in poverty. "We are getting some emerging success," said a cautious Weast. "We're learning that you can attack poverty, that you don't have to have low expectations just because a child is poor."

The findings come at a time when the General Assembly has mandated full-day kindergarten for all Maryland schools as part of a new state aid formula. Montgomery's "kindergarten initiative" combines the longer day with smaller class sizes, a revised curriculum and additional teacher training.

Weast, who has won both praise and criticism for implementing the program first in the county's high-poverty schools, said the report vindicated his strategy and could prove a model for schools across the nation dealing with a vexing achievement gap that divides students along racial and poverty lines.

Indeed, the report found that the gap between higher-scoring white and Asian students and their African American and Latino peers had narrowed by as much as 11 points on some measures.

Other county and national studies have found that the achievement gap that largely divides middle-class and poor or non-English-speaking students is apparent on the first day of kindergarten and generally widens through the years, with one group of students on track for rigorous, college-prep courses and others for lower-level or remedial course work.

The Montgomery study found that the kindergarten initiative appears to be working well for children who live in poverty. In the 17 highest-poverty schools, 51 percent of the children considered poor enough to qualify for a federal lunch subsidy met reading benchmarks by the end of first grade, and only 45 percent of poor children elsewhere in the county did.

Despite the progress, officials said the gap still exists. Nearly 70 percent of the middle-class students in those schools met the same benchmark—about the same levels as their peers in other county schools.

The most troubling finding, Weast said, was for the limited English speakers, whose reading scores actually dipped slightly over the two years. And some of their scores on a test last spring of oral language, hearing and associating sounds with letters were lower by half than their English-speaking classmates.

Weast today will announce plans to introduce intensive phonics instruction in 18 schools that receive federal Title I funding for low-income students, the first such instruction ever in Montgomery County.

"It won't be drill and kill," Weast said, referring to often-maligned, repetitive basic skills programs. "But it makes a lot of sense for kids who are hearing a different language at home and hear the intonations and sounds of words differently. They need to be able to unlock words so they can pronounce them and then read them."

The kindergarten initiative began in 17 of the poorest schools in the fall of 2000. Seventeen more schools with large numbers of poor students were added in the fall of 2001. The report found impressive gains in both groups. This year, 22 schools have been added.

Research has found that if a kindergartner meets foundational benchmarks—such as recognizing letters and the sounds they represent and identifying simple words—they will be on track to read text by the end of first grade and able to read fluently by the end of third. Scientists have found that if children do not read fluently by then, many never will.

"We believe that is the key to academic rigor as they go up the grades," Weast said. "Reading."

Beyond touting results for poor children—a national dilemma that provided much of the impetus behind the federal No Child Left Behind law that took effect July 1—Weast said his report addresses middle-class parents' worries that their children will suffer academically at higher-poverty schools. The report found that such children scored on par with middle- and upper-middle-class students throughout the county.

"The nice thing about the changes we made is, you don't have to leave those schools now," Weast said, referring to middle-class flight that has affected some schools in the county's more diverse eastern side. "This ought to give comfort to those parents to stay with us."

School officials said some of the progress made over the two years may have a lot to do with the "practice effect," the fact that teachers and principals are becoming used to the new curriculum and training. Still, the results over time are key, and officials plan to follow these 16,000 students for several years.

Studies have found that gains made by children in Head Start, the federal program designed to help impoverished 4-year-olds, evaporate by the time the students are in third or fourth grade: They perform similarly to children who never had the benefit of such a program.

School officials in Montgomery say they want to change that with the kindergarten initiative and have followed up with smaller class sizes and a new, more focused curriculum this year for grades 1 and 2.

The report has already garnered interest from the national education community.

Michael Cohen, a former assistant secretary of education in the Clinton administration who has worked with large school districts throughout the country, said he was impressed not only that the studies were detailed and sophisticated, but that Weast was willing to make changes because of them.

"That has not been a common practice in education around the country," he said. "So it's important to note, and note when it's being done well."

Michael Ben-Avie, a researcher with the Yale Child Development Center, evaluated early drafts of the report and praised Montgomery leaders for their "willingness to undergo major change and for their willingness to really address the needs for our most vulnerable students." He found that the fact that the kindergarten initiative was a systematic overhaul and not a series of ad hoc pieces was what made it a powerful reform.

"They have been willing to take a sober-eyed view of the data and not try to cover it up, which happens a great deal," he said. "This is remarkable. And the results show they're well on their way."

GAO REPORT: FEMA'S HAZARD MITIGATION PROGRAMS

Mr. AKAKA. Mr. President, I rise to discuss the Federal Government's commitment to disaster mitigation and helping communities minimize the impact of natural and man-made hazards. Currently, the Senate is locked in a debate on how to help State and local officials prevent, prepare for, and respond to acts of terrorism. Homeland security will benefit from the Federal Emergency Management Agency's, FEMA, years of experience because disaster mitigation and terrorism preparedness have the same goal, helping people prepare for the worst.

FEMA's two multi-hazard mitigation programs, the post-disaster Hazard Mitigation Grant Program, HMGP, and the pre-disaster Project Impact program, are aimed at helping States and communities identify and address natural hazard risks they deem most significant.

In March 2001 the administration proposed the elimination of all pre-disaster mitigation funding because Project Impact was "ineffective." After learning that there had been no formal review of the effectiveness of this or any multi-hazard mitigation program, I requested that GAO review FEMA's disaster mitigation efforts. I am happy to announce the release of this comprehensive and timely report.

The parameters of this study have changed in the past year. In the aftermath of the September 11 terrorist attacks, and the subsequent and prudent focus on homeland security, the Nation began noticing the relationship of pre-disaster mitigation programs to proposed new preparedness efforts for homeland security. I asked GAO to expand its study to include an assessment of how the increased emphasis on preventing and preparing for terrorism events is affecting natural hazard mitigation.

In March 2002 the administration proposed to change fundamentally FEMA's disaster mitigation strategy again by eliminating the HMGP. Currently, HMGP funding is issued to States after a presidentially declared disaster as a percentage of total Federal assistance, a process deemed ineffective and not cost-efficient by the administration. The administration instead is seeking to fund all mitigation through an expanded Project Impact-like program on a nationally competitive grant basis. The administration believes that such a program will ensure that mitigation funding remains stable from year to year and that the most cost-beneficial projects receive funding. At that time, I asked GAO to include this latest proposal.

GAO interviewed hazard mitigation officials from 24 states to get their perspectives on current FEMA programs and the administration's proposals. The States range from large population States, such as Florida and Illinois, to smaller States, such as Nebraska and Utah. GAO purposely selected both small and large States, containing urban and rural communities, that have received both small and large amounts of mitigation funding. Despite geographic differences, emergency management officials view FEMA's mitigation programs as successful and effective.

Emergency management officials described how, in addition to traditional "brick and mortar" programs, such as retrofitting buildings and relocating properties, mitigation effects can be intangible. Mitigation includes outreach activities, such as increasing public awareness and support for mitigation, building public-private partnerships to pool mitigation resources, and ever-important planning and risk assessment.

We must listen to these officials, the end-users of mitigation programs, when determining program success or failure. These dedicated men and women have many concerns over the administration's proposal. They worry that FEMA will lose the window of opportunity that exists after a disaster strikes if HMGP funds are not included in Federal assistance. This is when public and community interest in mitigating against future disasters is highest. They worry that a competitive grant system might exclude some States entirely from mitigation funding.

GAO also interviewed FEMA officials. FEMA headquarters and regional office personnel identified several challenges in implementing a national competitive grant program. Chief among them is establishing a process for comparing the costs and benefits of projects. Emergency managers around the country share FEMA's concerns that the outreach and planning activities they feel are so important will be curtailed because of the difficulty associated with assigning cost-benefit to such programs. This issue will have ramifications in homeland security when the new Department of Homeland Security is told to determine the cost-benefit of terrorism preparedness efforts.

I was heartened to learn that FEMA is working to ensure and strengthen natural hazard mitigation, response, and recovery efforts while attending to homeland security needs. FEMA officials are identifying and correcting redundancies in reporting, planning, training, and other activities across mitigation and preparedness programs. FEMA mitigation experts are working to identify terrorism mitigation activities that are also "all hazard" and address natural hazard mitigation priorities.

The Disaster Mitigation Act of 2000, passed by Congress 2 years ago, emphasized involvement by all States, funding for planning activities, and increased post-disaster mitigation funding for States willing to undertake enhanced mitigation efforts. FEMA has taken our directive to heart and is implementing multi-hazard mitigation programs in coordination and cooperation with State and local officials. While a focus on obtaining the most cost-effective program is well intended, I share the concerns of the emergency management community and FEMA personnel that assigning a dollar amount to the benefit of doing mitigation, or the cost of not doing it, is a difficult and ill-defined task. I share their doubts that consolidating the HMGP and Project Impact programs will make disaster mitigation more effective or successful.

After reviewing the GAO report, FEMA Director Joseph Allbaugh wrote to GAO, " I appreciate your support of my strongly held belief that funding and support of both pre- and post-disaster mitigation programs are critical to FEMA's success in leading the nation to reduce disaster losses." I agree with Director Allbaugh. We must continue to to support pre-disaster mitigation as an investment for the future. I commend GAO on their insightful report, and I thank JayEtta Hecker and her team at GAO for their work.

HISPANIC HERITAGE MONTH

Mr. LEVIN. Mr. President, each year between September 15 and October 15, we celebrate Hispanic Heritage Month. This tradition began in 1968 when Congress set aside a week to celebrate Hispanic culture, achievements, and contributions to American culture and society. In 1988, Congress expanded the week to a month-long commemoration.

Gil Coronado, founder and chairman of Heroes and Heritage; Saluting a Legacy of Hispanic Patriotism and Pride, was one of the driving forces behind the creation of Hispanic Heritage Month. Mr. Coronado enlisted with the Air Force when he was just 16. He served for 30 years in Vietnam, Panama, Germany, and Spain before he retired as a colonel. During his stellar career, he received over 35 awards, including the Legion of Merit and the Bronze Star. Like Colonel Coronado, countless numbers of Hispanic Americans have answered the call, defending our liberty and freedoms as members of our Armed Forces and in other capacities. Twelve Hispanic Americans were among the firefighters killed on September 11 as they tried to rescue their fellow Americans trapped in the World Trade Center's two towers.

Hispanic contributions to America date back nearly 500 years to Easter, March 27, 1513 when Juan Ponce de Leon sighted land, which he claimed for Spain and named "La Florida," meaning "Land of Flowers." De Leon and his fellow explorers such as Alvarez de Pinela and Cabeza de Vaca traversed most of what we now call America's sunbelt. Hernando de Soto was the first European to discover the Mississippi River, an event depicted in one of the great historical canvases which hang in the Rotunda of the Capitol Building. St. Augustine, FL, was founded in 1565, 42 years before the English colony at Jamestown, VA, and 55 years before the Pilgrims landed on Plymouth Rock in Massachusetts. St. Augustine is the oldest permanent European settlement on the North American continent. In 1787, St. Augustine had the first free, integrated public school.

America's diverse and vibrant Hispanic population has made enormous contributions to our Nation, its culture, and its economy. Former Senator Dennis Chavez, union organizers Antonia Pantoja and Caesar Chavez, entertainers Gloria Estefan and Jennifer Lopez, actor Martin Sheen, and baseball players Alex Rodriguez and Sammy Sosa are just a few of the Hispanic Americans who have done so much to enrich all Americans' lives.

My hometown, Detroit, has benefited greatly from Hispanic immigrants pursuing the American Dream. Southwest Detroit, known affectionately as Mexicantown by its residents, is the fastest growing part of the city. Hispanics from Mexico, El Salvador, Guatemala, Cuba, and other Caribbean nations have opened businesses, bought homes, and turned a once neglected urban neighborhood into a thriving community and one of the city's centers. Maria Elena Rodriguez, president of the Mexicantown Community Development Corporation, has been one of the primary catalysts of the turnaround.

Hispanic contributions to Michigan's businesses abound. The Kellogg Company, founded and headquartered in Battle Creek, is the world's leading cereal producer. It has millions of customers in over 160 countries. At present, the chief executive officer is Carlos Gutierrez, who started at Kellogg's as a sales representative in Mexico City over 25 years ago.

Other prominent Hispanics with ties to Michigan include Antonia Novello, who started her medical career at the University of Michigan. In 1990, she became the first woman U.S. Surgeon General, and the first Hispanic American to hold the post.

Grammy-winning musician Jose Feliciano, a native of Puerto Rico, made his professional debut at the Retort Coffee House in Detroit in 1963. He is, perhaps, most famous for his Latin-soul version of the Doors' hit, "Light My Fire," a blues-rock rendition of the "Star-Spangled Banner" performed at a 1968 World Series game between Detroit and St. Louis, and the Christmas classic, "Feliz Navidad."

Rebecca Arenas received the "Caesar Chavez Civil Rights Achievement Award" in 2000 for her work to improve the lives of Hispanics generally, and migrant workers in particular. Rebecca's parents brought her to Michigan from Crystal City, TX, when she was 5. They were migrant workers who chose Michigan because they believed Rebecca would get a better education. Rebecca has passed this commitment to education on to her children, all seven of whom have received a postsecondary education. Rebecca has worked tirelessly to increase Hispanics' access to education and health care and to boost their voter registration.

Hispanic Americans constitute the fastest growing segment of our population. Right now, one in eight Americans is Hispanic—about 32 million Americans. By 2050, one in four Americans will be Hispanic. Hispanic Americans are the fastest growing small business owners nationwide. Hispanic Americans will purchase $580 billion in goods and services this year. By 2007, that purchasing power will increase by 315 percent to $926 billion.

Cities such as Los Angeles, San Antonio, New York, and Miami traditionally have been centers of Hispanic influence. Increasingly, however, Hispanics and Hispanic Americans are moving to other parts of the country, such as Arkansas, Georgia, and North Carolina. This shift in migration will spread Hispanic culture and influence throughout the country.

As we celebrate and commemorate Hispanic Heritage Month, we must also acknowledge the challenges facing the community—and the country—that lie ahead. Too many Hispanic American youth are incarcerated. Hispanic Americans have a lower rate of educational achievement than the national average. A higher than average number of Hispanic Americans live in poverty.

Congress can and must help Hispanic Americans by pursuing fair and meaningful immigration reforms; supporting Hispanic education programs, increasing access to higher education, helping the economy to create good jobs at decent wages, and restoring benefits to legal immigrants under the Medicaid and State Children's Health Insurance Program—SCHIP.

So, Hispanic Heritage Month is a time to celebrate what has been accomplished and recognize what still needs to be done. I congratulate Hispanic Americans in Michigan and across America for their wonderful contributions to our country. And I pledge my efforts to ensuring that more Hispanic Americans have access to the great opportunities our country has to offer.

FEMA FIRE ACT GRANT PROGRAM

Mr. FEINGOLD. Mr. President, I wish to offer a few remarks in support of the Assistance to Firefighters Grant Program, commonly known as FIRE Act grants. The FIRE Act grant program was established in fiscal year 2001, due in large part to the efforts of my distinguished colleague from Connecticut, Senator DODD.

Since its inception, the program has assisted firefighters across the Nation. I am especially pleased that this program has been a shining example of an effective partnership between local and Federal Governments. It provides Federal assistance to meet local objectives without imposing mandates or interfering with local prerogatives, and it provides Federal dollars directly to the fire departments. It also addresses critical needs, awarding grants for training, wellness and fitness programs, vehicles, firefighting equipment, personal protective equipment, and fire prevention.

FIRE Act grants have had a positive and very tangible impact on communities throughout the country, including in my home State of Wisconsin. In fiscal year 2002, as of October 1, 2002 my State received $2.445 million in grants awarded to 41 departments.

These grants help firefighters to do their job better, make our neighborhoods safer, and, very importantly, give residents peace of mind. Increasing the training and equipment available to firefighters fosters an environment of enhanced safety between firefighters and the communities they serve. Keeping our communities safe has been and should continue to be a top priority for all of us. As the tragic events of September 11 have shown our Nation, local firefighters play a vital role to protect and secure our communities. We should give them the support they need.

As I travel through Wisconsin and talk to local firefighters and emergency response personnel, I hear the same refrain, time after time: the FIRE Act grant program is vital to their work and has enabled them to get needed equipment and training that they would otherwise be unable to afford.

We have taken up funding for the FIRE Act grant program in this body numerous times since its inception. In the wake of the terrorist attacks in New York and Washington, D.C. on September 11, 2001, the Congress amended the fiscal year 2002 Department of Defense Authorization Act to provide increased authorization levels to allow up to $900 million per year to be allocated for the FIRE Act grant program. The program was also expanded to allow grant applicants to apply for equipment and training funds to help firefighters respond to terrorist attacks or attacks using weapons of mass destruction. Additionally, Congress, through both the fiscal year 2002

VA-HUD-Independent Agencies Appropriations bill and the Homeland Security package in the fiscal year 2002 Department of Defense Appropriations Act, appropriated $360 million to the FIRE Act grant program.

As we finalize our appropriations bills this year we should continue to allocate resources to this important program. Keeping our communities safe has been and should continue to be a top priority for all of us. As the tragic events of September 11 have shown our Nation, local firefighters play a vital role to protect and secure our communities. We should give them the support they need.

THE NATIONAL INTEGRATED BALLISTICS INFORMATION NETWORK

Mr. LEVIN. Mr. President, I wish to bring the National Integrated Ballistics Information Network or NIBIN to the attention of my colleagues. NIBIN is an interconnected, computer-assisted ballistics imaging system that allows forensic firearms examiners to obtain computerized images of the unique marking made on bullets and casings when a gun is fired. Through NIBIN, investigators can rapidly compare these markings with images in the database of Federal, State, and local law enforcement laboratories. Law enforcement officials can then link evidence from multiple crime scenes, identify patterns of criminal activity, and possibly lead investigators to the arrest of suspects.

As an investigative instrument, ballistics imaging complements crime gun tracing. Crime gun tracing consists of tracking the history of a gun used to commit a crime. By tracing crime guns, the Bureau of Alcohol, Tobacco, and Firearms helps State and local law enforcement agencies solve firearms-related crime by identifying suppliers of multiple-crime guns, and gun trafficking patterns. According to an ATF report, since March 2000, the NIBIN in coordination with crime gun tracing efforts has produced more than 8,800 ballistics matches, linking over 17,600 crime scenes. Some of these matches would not have been made without the use of a computer-assisted ballistics imaging system.

I believe that the NIBIN should be expanded, and that is why I have cosponsored the Ballistics, Law Assistance, and Safety Technology Act or BLAST which would require licensed firearms manufacturers to test fire firearms, prepare ballistics images of fired bullets and casings of new firearms. Expanding NIBIN to include these ballistics images would increase ATF's crime gun tracing capabilities. ATF agents could quickly identify firearms even when criminals had obliterated the serial number by using the ballistics images of cartridge cases and bullets recovered at crime scenes. In fact, they could identify the firearm used in the crime without actually recovering that firearm. This bill contains strict provisions stating that ballistics information of individual guns may not be used for prosecutorial purposes unless law enforcement officials have a reasonable belief that a crime has been committed and that ballistics information would assist in the investigation of that crime.

I believe this is sensible legislation that will strengthen law enforcement's ability to effectively track down criminals and I urge my colleagues to support it.

THE PROSECUTORIAL REMEDIES AND TOOLS AGAINST EXPLOITATION OF CHILDREN TODAY (PROTECT) ACT

Mr. LEAHY. Mr. President, I rise today to urge the Senate to pass S. 2520, the Prosecutorial Remedies and Tools Against the Exploitation of Children Today, PROTECT, Act of 2002. This bill and the substitute I offer will protect our Nation's children from exploitation by those who produce and distribute child pornography, within the parameters of the First Amendment. I was an original cosponsor of S. 2520 and joined Senator HATCH, the ranking Republican member of the Judiciary Committee, on the Senate floor when the bill was introduced.

Since that time, I have been working with Senator HATCH both to improve the bill that we introduced together and to build consensus for it. Unlike the Administration's bill, which has been widely criticized by constitutional and criminal law scholars and practitioners, we have been largely successful in that effort. The substitute I offer today is virtually identical to the version circulated by Senator HATCH before the October 8, 2002 meeting of the Judiciary Committee. I am glad to report that this substitute has been approved by every single Democratic Senator. Moreover, every Democratic Senator has agreed to discharge S. 2520 from the Judiciary Committee for consideration and passage by the Senate, with a refining amendment.

I am now asking my colleagues on the Republican side of the aisle to lift any holds and to allow this important legislation to pass the Senate. That way, the House may take up the bill and the PROTECT Act may become law before we adjourn. I know that there are some who would rather play politics with this issue, but I hope that they reconsider. It is more important that we unite to pass a bill that will both protect our Nation's children and produce convictions rather than tying up prosecutorial resources litigating the constitutionality of the tools we give the Justice Department to use. This legislation will accomplish those goals.

Two weeks ago I convened a hearing on this issue to hear from the Justice Department, the National Center for Missing and Exploited Children, CMEC, and constitutional scholars. The constitutional scholars testified that the provisions of S. 2520 were likely to withstand the inevitable court challenges ahead. Unfortunately, they could not say the same of the Administration's proposal and H.R. 4623. Professor Frederick Schauer from Harvard, who served on the Meese Commission on pornography and authored its findings, as well as Professor Anne Coughlin from the University of Virginia both agreed that the Administration's bill and H.R. 4623 crossed over the First Amendment line after the Supreme Court's decision in Ashcroft v. Free Speech Coalition, 122 S. Ct. 1389. Even the ACLU has passed along views from its First Amendment expert that S. 2520 is "well crafted and should survive constitutional scrutiny."

That point is crucially important, because it does no one any good to pass a "quick fix" law that will land us right back where we started in five years, with no valid law on the books to protect our Nation's children from exploitation. We owe our children more than a press conference on this issue, we owe them a law that lasts.

I am not alone in that view. Testimony at the Judiciary Committee hearing made this point clearly. Professor Schauer testified in support of the basic provisions of the PROTECT Act, but warned us about the Administration's proposal. Incidently, this same constitutional law scholar testified in favor of the Child Pornography Prevention Act, CPPA, in 1996, but he also correctly warned us then about the precise parts of that law that would be struck down. Here is what he said this time around:

> [W]hether it is open to academic or congressional criticism, Justice Kennedy's opinion for a 7–2 Court still represents the definitive and authoritative interpretation of the First Amendment in the child pornography context, and thus represents the law. Legislation inconsistent with Free Speech Coalition would not only be inconsistent with current constitutional law, therefore, but would also represent a tactical mistake in an attempt to combat the horror of child pornography. As the six year course of litigation under the previous Act so well demonstrates, constitutionally suspect legislation under existing Supreme Court interpretations of the First Amendment, whatever we may think of the wisdom and accuracy of those interpretations, puts the process of prosecuting the creators of child pornography on hold while the appellate courts proceed at their own slow pace. There is room in our legislative world for legislation that is largely symbolic, but for Congress to enact symbolic but likely unconstitutional legislation would have the principal effect of postponing for conceivably six more years the ability to prosecute those creators of child pornography whose prosecution is consistent with the Supreme Court's view of the First Amendment.

After our Judiciary Committee hearing, Senator HATCH and I continued to work to improve our bill to address concerns that had been raised. We worked to come up with a Hatch-Leahy substitute amendment for consideration by the Judiciary Committee that included technical corrections and improvements to the original text of S. 2520 that we could both agree upon. These included addressing some issues raised by the National Center for Missing and Exploited Children, CMEC, concerning the scope of the victim shield provision to limit that provision to "non-physical" information.

The changes in the proposed Hatch-Leahy substitute also included adopting the House bill's measures allowing the CMEC to share information from its tip line directly with State and local law enforcement officers, instead of always passing the information through the FBI. Although the Administration did not originally ask for this change, the CMEC has reported that the FBI is either unwilling or unable to share information from the child exploitation tip line in a timely manner with state and local law enforcement. As the Chairman of the Committee charged with overseeing the FBI, I was disappointed to hear this appraisal of the FBI. To remedy this situation, and in the spirit of compromise and reconciling this legislation with the House passed bill, the substitute to S. 2520 incorporates this change.

I note that Senator HATCH would not agree to accept my proposal that we also include a provision that would ensure that tips to the child exploitation tip lines come from "non governmental sources" so that government agents could not "tickle" the tip line to try to avoid the legal requirements of the Electronic Communications Privacy Act. I did not insist on this important provision because, with time running out in this Congress, we must all compromise if we want to pass a bill, and I want to pass this bill.

In any event, I placed S. 2520 on the Judiciary Committee agenda for its meeting on October 8, 2002. Unfortunately, due to procedural issues, including the two hour rule that was invoked because of the debate on Iraq, and procedural maneuvering that centered around judicial nominations, members from the other side of the aisle objected to the consideration of this and all other legislative proposals before the Judiciary Committee. The Judiciary Committee was, consequently, unable to consider the bipartisan substitute circulated by Senator HATCH, and to which I agreed.

The substitute for which I now seek unanimous consent is identical to the proposed Committee substitute that Senator HATCH circulated with two exceptions. First, the substitute removes three lines that were not in the original language of S. 2520 as introduced by Senator HATCH and that were inadvertently included in the version of the substitute circulated by Senator HATCH. Indeed, I am advised that Senator HATCH was prepared to strike these 3 lines had the Judiciary Committee considered the substitute. The Leahy amendment simply corrects this inadvertent error, which was totally understandable in the rush of business.

The second change the substitute makes in order to assure swift passage of this measure is to render the new affirmative defense created in S. 2520 available to defendants who can prove that actual adults, and no children, were used to create the visual images involved. This change would provide no help to defendants seeking to assert a "virtual porn" defense, which would still be blocked both for the new category of material created by the statute and any obscene child pornography. But in the case of a defendant who can, for instance, actually produce in court the 25-year old that is shown in the allegedly obscene material and prove that it is not, in fact, child pornography, or even virtual child pornography, the defense would be available. Indeed, Justice O'Connor in her concurring opinion in the Free Speech case specifically concluded that the prior law's prohibition on such "youthful adult" pornography was overbroad. As the testimony at our Committee hearing made clear, we should be careful not to repeat this mistake.

Other than that, this substitute is exactly the same as the substitute circulated by Senator HATCH before the Judiciary Committee's meeting on October 8, 2002. The definitions of child pornography are the same; the new tools for prosecutors to catch and punish those who exploit children are the same; the new tools given to the Center for Missing and Exploited Children are the same. This is, for all intent and purposes, the same as the Hatch-Leahy substitute.

This is a bipartisan compromise that will protect our children and honor the Constitution. I urge members from the other side of the aisle to join us. Do not hold this bill hostage as part of some effort at political payback or a "tit for tat" strategy. Let this bill pass the Senate and give law enforcement the tools they need to protect our children in the internet age.

ADDITIONAL STATEMENTS

TRIBUTE TO STEVE JORDAN

• Mr. SARBANES. Mr. President, I rise today to pay tribute to an outstanding public servant and marine scientist, Steve Jordan. Steve is retiring after a distinguished 28-year career with the Maryland Department of Natural Resources, in higher educational institutions in Maryland and with the U.S. Army Corps of Engineers. I want to extend my personal congratulations and thanks for his many years of service and contributions to improving our research and management capabilities in the Chesapeake Bay and one of the Bay's premier research laboratories, the Oxford Cooperative Lab.

Steve has dedicated nearly three decades of his life to solving some of the key living marine resource problems of the Chesapeake Bay, the diseases that have devastated the Bay's oyster populations, the loss of critical habitat, and the impacts of pollutants and low dissolved oxygen on the Bay's finfish and shellfish populations. A graduate of The American University, Steve worked his way through a master's degree in Biology at Morehead State College in Kentucky and a Ph.D. in marine, estuarine and environmental science from the University of Maryland. He was selected as a Sea Grant Fellow with the University of Maryland and Horn Point Environmental Laboratory and served as a faculty research associate with the University of Maryland Eastern Shore before being named to head up the Maryland Department of Natural Resources' Habitat Impacts Program which managed several aspects of Maryland's participation in the Chesapeake Bay Program.

I came to know Steve 10 years ago when he was appointed director of the Oxford Cooperative Laboratory in Oxford, MD. For those who are not familiar with the Oxford Lab, it is a unique partnership between the National Oceanic and Atmospheric Administration and the Maryland Department of Natural Resources. Located on a tidal tributary of the Chesapeake Bay, the lab has long been considered one of the preeminent centers in the Nation for its work in diagnosing all aspects of diseases, infectious and non-infectious, which affect living marine resources. At the time that Steve joined the facility, the laboratory was 33 years old and in great need of capital improvements. The poor physical condition of the facility was contributing significantly to low employee morale and a high staff attrition rate. Thanks to Steve's creative leadership, a major renovation and expansion of the laboratory was completed, leveraging a $750,000 Federal appropriation into a $2 million project through the use of DNR construction crews. The project not only served as a model for interagency cooperation, but provided substantial savings to the taxpayers as well. Steve also added new research programs, modern equipment, and helped bring about a renewed workplace atmosphere.

In addition to his management responsibilities and achievements, Steve has continued to conduct research that is vital to improving our understanding of the Bay's living marine resources.

He has published or contributed to numerous studies and symposia on oyster diseases, lesions in fish, and other critical problems. He has chaired or participated in many work groups examining key living resource research needs and management strategies and is a member or leader of half a dozen professional associations including the American Fisheries Society, National Shellfisheries Association, Atlantic Estuarine Research Society, and National Association of Marine Laboratories. In recognition of his outstanding service, Steve has received numerous awards and commendations, including certificates of appreciation from both the Chesapeake Bay Program and the Maryland Department of Natural Resources and an excellence award from Maryland Governor Schaefer for the Chesapeake Executive Council.

The efforts of Steve Jordan throughout the past 28 years have earned him the respect and admiration of everyone with whom he has worked. The Chesapeake Bay restoration effort has been enhanced due to his labors and the Cooperative Oxford Laboratory has been renewed. I want to extend my personal congratulations and thanks for his many years of hard work and dedication and wish him the best in his future endeavors.•

FIFTIETH ANNIVERSARY OF THE PADUCAH GASEOUS DIFFUSION PLANT

• Mr. McCONNELL. Mr. President, I rise today to pay tribute to the Paducah Gaseous Diffusion Plant and all its workers, past and present, on the occasion of the facility's upcoming 50th anniversary, which will be celebrated by the Paducah community on October 24th.

The Paducah Gaseous Diffusion Plant is currently the only operating uranium enrichment facility in the United States. Production of enriched uranium began in Paducah in 1952, and the plant has operated continuously since that time. Until 1964, the plant's output was almost entirely for the purposes of national defense as it produced fissionable material for our country's nuclear arsenal. The Paducah workers during that period played a vital role in securing our freedom and helped America prevail in the cold war. Unfortunately, the Federal Government didn't always do right by the workers, who were often exposed to hazardous conditions and materials which would later sicken and even kill some. Even today, we are still working to correct this shameful injustice.

After 1964, Paducah production began shifting to enriched uranium for commercial nuclear reactors; helping to provide the benefits of cleanly generated electric power to millions of people. After 1973, Paducah no longer enriched uranium for military purposes. However, the plant continues to help create a more secure world as the U.S. recipient for nuclear materials from the former Soviet arsenal. Under the Megatons to Megawatts program, nuclear weapons are dismantled in Russia and the nuclear material is shipped to Paducah where it is repackaged and shipped worldwide for civilian electric power production.

Over the last half century, a number of companies have operated the Paducah Gaseous Diffusion Plant. Carbide and Carbon Chemicals Company, (later Union Carbide) was the original operator of the plant. Successor operators included Martin Marietta Energy Systems, Lockheed Martin Energy Systems, and finally United States Enrichment Corporation, which took over direct operation of the plant in 1999, and continues as the operator today. Today 1,500 workers are employed at the Paducah Gaseous Diffusion Plant. What is remarkable is that despite the past sins of the Federal Government, these employees remain dedicated to their jobs and the important work they perform every day. It is a testament to those individuals in particular and this region in general.

In addition to the Paducah Gaseous Diffusion Plant itself, an entire complex of supporting plants were built to support enrichment activities at Paducah. Two electric generating plants were constructed to supply the large power demands of the Paducah Gaseous Diffusion Plant. These were the TVA Shawnee Steam Plant in western McCracken County, Kentucky, and the EEI plant in Joppa, Illinois. Additionally, a uranium hexaflouride plant was constructed in Metropolis, IL. Together, these four facilities comprise the economic and industrial heart of the region.

In recent years, we have learned that there were often risks associated with work at Paducah, particularly during the earlier years of its operation. Some workers were exposed to cancer-causing chemicals and radiological hazards. Many of these workers have now benefited from the Energy Employees Occupational Illness Compensation Program, which I am proud to have helped bring into existence. Working alongside the union representing the workers, I have also fought to make sure that medical screening is available to all workers so that they may be tested and treated for any problems they incur as a result of working at the plant. We have also embarked upon the task of cleaning up some of the legacy waste materials left on the site. The Department of Energy's recently announced DUF6 conversion plant will be a huge step in this direction, as it will clean up thousands of cylinders of depleted uranium hexaflouride which have been stored on the site for decades. The conversion plant additionally will add new jobs to the Paducah Gaseous Diffusion Plant complex.

While significant challenges lie ahead for America's domestic uranium enrichment industry, it is appropriate to pause on this occasion to commemorate the Golden Anniversary of the Paducah Gaseous Diffusion Plant, and the dedicated service of all the employees over the last half century. The workers at Paducah today continue the fine tradition of service, commitment, and productivity. I am sure they are up to any future challenge to be met in keeping a viable domestic uranium enrichment capability.•

TRIBUTE TO SCARLOTTE DEUPREE

• Mr. SHELBY. Mr. President, I rise today to recognize Scarlotte Deupree, Miss Alabama 2002. Ms. Deupree was recently named First Runner Up in the 2003 Miss America Pageant.

The accomplishments of Ms. Deupree are many. She coordinated Alabama's first Women in Literacy Summit in July, 2001 and was awarded a National Daily Point of Light for her work to promote literacy. She is a Distinguished Partner of the Literacy Council of Central Alabama and has been a certified literacy tutor with the Laubach Literacy Council International.

Ms. Deupree is also a former co-chair of the Sylacauga Adult Literacy Council and an instructor with the Adult Literacy Education Resource, ALERT. She is a graduate of the Sylacauga High School Honors Program and is an English major at Samford University in Birmingham, AL.

Ms. Deupree is the daughter of James and Joy Deupree of Birmingham. Scarlotte Deupree is a remarkable young woman, and we are proud to have her serve as our Miss Alabama.•

IN HONOR OF THE SERVICE OF THE HONORABLE M.D. CROCKER, U.S. DISTRICT COURT JUDGE

• Mrs. BOXER. Mr. President, today I honor and bring to the Senate's attention the exceptional judicial career and service of Myron D. Crocker, U.S. District Court Judge for the Eastern District of California.

A graduate of California State University at Fresno and the University of California's Boalt Hall School of Law, he was appointed to the Federal bench by President Dwight D. Eisenhower in 1959. Judge Crocker continued to carry an active caseload after taking senior status in 1981. He is retiring after 43 years of dedicated service as a federal judge.

Judge Crocker served under 10 presidents, Eisenhower, Kennedy, Johnson, Nixon, Ford, Carter, Reagan, Bush, Clinton and George W. Bush. Our current, President George W. Bush, was just 13 years old when Judge Crocker was named to the bench.

He is believed to have served longer than any other sitting Federal judge in the Nation. He has presided over many high profile cases in the Fresno area and during his travels throughout the United States as a visiting judge.

Judge Crocker is well respected throughout the legal community. He has served California and the United States with great distinction. I am pleased to pay tribute to him today and I encourage my colleagues to join me in wishing Judge Crocker and his family the very best as he celebrates his retirement from the Eastern District.●

MESSAGES FROM THE HOUSE

Under the authority of the order of the Senate of January 3, 2001, the Secretary of the Senate, on October 11, 2002, during the recess of the Senate, received a message from the House of Representatives announcing that the House has passed the following bill, without amendment:

S. 2558. An act to amend the Public Health Service Act to provide for the collection of data on benign brain-related tumors through the national program of cancer registries.

At 1:05 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 669. An act to designate the facility of the United States Postal Service located at 127 Social Street in Woonsocket, Rhode Island, as the "Alphonse F. Auclair Post Office Building".

H.R. 670. An act to designate the facility of the United States Postal Service located at 7 Commercial Street in Newport, Rhode Island, as the "Bruce F. Cotta Post Office Building".

H.R. 5205. An act to amend the District of Columbia Retirement Protection Act of 1997 to permit the Secretary of the Treasury to use estimated amounts in determining the service longevity component of the Federal benefit payment required to be paid under such Act to certain retirees of the Metropolitan Police Department of the District of Columbia.

H.R. 5316. An act to establish a user fee system that provides for an equitable return to the Federal Government for the occupancy and use of National Forest System lands and facilities by organizational camps that serve the youth and disabled adults of America, and for other purposes.

H.R. 5349. An act to facilitate the use of a portion of the former O'Reilly General Hospital in Springfield, Missouri, by the local Boys and Girls Club through the release of the reversionary interest and other interests retained by the United States in 1955 when the land was conveyed to the State of Missouri.

H.R. 5361. An act to designate the facility of the United States Postal Service located at 1830 South Lake Drive in Lexington, South Carolina, as the "Floyd Spence Post Office Building".

H.R. 5400. An act to authorize the President of the United States to agree to certain amendments to the Agreement between the Government of the United States of America and the Government of the United Mexican States concerning the establishment of a Border Environment Cooperation Commission and a North American Development Bank, and for other purposes.

H.R. 5439. An act to designate the facility of the United States Postal Service located at 111 West Washington Street in Bowling Green, Ohio, as the "Delbert L. Latta Post Office Building".

H.R. 5574. An act to designate the facility of the United States Postal Service located at 206 South Main Street in Glenville, Georgia, as the "Michael Lee Woodcock Post Office".

H.R. 5598. An act to provide for improvement of Federal education research, statistics, evaluation, information, and dissemination, and for other purposes.

H.R. 5601. An act to amend the Child Abuse Prevention and Treatment Act to make improvements to and reauthorize programs under that Act, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 406. Concurrent resolution honoring and commending the Lao Veterans of America, Laotian and Hmong veterans of the Vietnam War, and their families, for their historic contributions to the United States.

H. Con. Res. 467. Concurrent resolution expressing the sense of Congress that Lionel Hampton should be honored for his contributions to American music.

H. Con. Res. 486. Concurrent resolution supporting the goals and ideals of Pancreatic Cancer Awareness Month.

H. Con. Res. 487. Concurrent resolution authorizing the printing as a House document of a volume consisting of the transcripts of the ceremonial meeting of the House of Representatives and Senate in New York City on September 6, 2002, and a collection of statements by Members of the House of Representatives and Senate from the Congressional Record on the terrorist attacks of September 11, 2001.

H. Con. Res. 504. Concurrent resolution congratulating the PONY League baseball team of Norwalk, California, for winning the 2002 PONY League World Championship.

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

H.R. 4968. An act to provide for the exchange of certain lands in Utah.

S. 3099. A bill to provide emergency disaster assistance to agricultural producers.

S. 3100. A bill to amend title 18, United States Code, to limit the misuse of social security numbers, to establish criminal penalties for such misuse, and for the other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-9360. A communication from the Acting Assistant Secretary of State for Legislative Affairs, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed issuance of export licenses to Canada, Denmark, Italy, Norway, The Netherlands, Turkey and the United Kingdom; to the Committee on Foreign Relations.

EC-9361. A communication from Assistant Attorney General Office of Legislative Affairs, Department of Justice, transmitting, a draft of proposed legislation entitled "Child Abduction and Sexual Abuse Prevention Act of 2002"; to the Committee on the Judiciary.

EC-9362. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, a report entitled "Guidance for Submitting Requests for Threshold of Regulation (TOR) Decisions to the Office of Pesticide Programs"; to the Committee on Agriculture, Nutrition, and Forestry.

EC-9363. A communication from the Secretary of Agriculture, transmitting, a draft of proposed legislation "Omnibus Marketing Enforcement Act of 2002"; to the Committee on Agriculture, Nutrition, and Forestry.

EC-9364. A communication from the Chief of the Regulation Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Substantially Equal Periodic Payments" (Rev. Rul. 2002-62) received on October 7, 2002; to the Committee on Finance.

EC-9365. A communication from the Senior Regulations Analyst, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Procedures for Compensation of Air Carriers" ((RIN2105-AD06)(2002-0004)) received on October 4, 2002; to the Committee on Commerce, Science, and Transportation.

EC-9366. a communication from Regulations Officer, Federal Motor Carrier Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision to Periodic Tire Check Requirement for Carriers Transporting Hazardous Materials" (RIN 2126-AA74) received on October 10, 2002; to the Committee on Commerce, Science, and Transportation.

EC-9367. A communication from the Chairman of Surface Transportation Board, transmitting, pursuant to law, the report of a rule entitled "Removal of Joint Rate Cancellation Regulations" (Parte No.639) received on October 2, 2002; to the Committee on Commerce, Science, and Transportation.

EC-9368. A communication from the Chairman of the Surface Transportation Board, transmitting, pursuant to law, the report of a rule entitled "Revision of Delegation of Authority Regulations" (Parte No. 588) received on October 2, 2002; to the Committee on Commerce, Science, and Transportation.

EC-9369. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Passenger Vessels, Portland Maine, Captain of the Port Zone" ((RIN2115-AA97)(2002-0190)) received on October 4, 2002; to the Committee on Commerce, Science, and Transportation.

EC-9370. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Gasparilla Island Causeway Swingbridge, Gulf Intracoastal Waterway Boca Grande Charlotte County, FL" ((RIN2115-AE47)(2002-0084)) received on October 4, 2002; to the Committee on Commerce, Science, and Transportation.

EC-9371. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Calvert Cliffs Nuclear Power Plant, Chesapeake Bay, Calvert County, Maryland" ((RIN2115–AA97)(2002–0191)) received on October 4, 2002; to the Committee on Commerce, Science, and Transportation.

EC–9372. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Handling of Class 1 (Explosive) materials or Other Dangerous Cargoes Within or Contiguous to Waterfront Facilities" (RIN 2115–AE22) received on October 4, 2002; to the Committee on Commerce, Science, and Transportation.

EC–9373. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations, Lower Mississippi River, Southwest Pass Sea Buoy to Mile Marker 96.0, New Orleans, LA" ((RIN2115–AA97)(2002–0188)) received on October 4, 2002; to the Committee on Commerce, Science, and Transportation.

EC–9374. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations (Including 2 Regulations)" ((RIN2115–AA97)(2002–0193)) received on October 4, 2002; to the Committee on Commerce, Science, and Transportation.

EC–9375. A communication from the Senior Legal Advisor, Media Bureau, Federal Communication Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments FM Broadcast Stations Paragould, Arkansas" (Doc. No. 01–297) received on October 3, 2002; to the Committee on Commerce, Science, and Transportation.

EC–9376. A communication from the Senior Legal Advisor, Media Bureau, Federal Communication Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.622(b), Table of Allotments, DTV Broadcast Stations, Florence, SD" (Doc. No. 02–102) received on October 3, 2002; to the Committee on Commerce, Science, and Transportation.

EC–9377. A communication from the Senior Legal Advisor, Media Bureau, Federal Communication Commission, transmitting, pursuant to law, the report of a rule entitled "Implementation of the Cable Television Consumer Protection and Completion Act of 1992 and the Development of Competition and Diversity in Video Programming Distribution: Section 628(c)(5) of the Communication Act-Sunset of Exclusive Contract Prohibition" (Doc. No. 01–290) received on October 3, 2002; to the Committee on Commerce, Science, and Transportation.

EC–9378. A communication from the Senior Legal Advisor, Media Bureau, Federal Communication Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations Benjamin, Texas" (Doc. No. 01–280) received on October 3, 2002; to the Committee on Commerce, Science, and Transportation.

EC–9379. A communication from the Senior Legal Advisor, Media Bureau, Federal Communication Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations Rocksprings, Texas" (Doc. No. 01–279) received on October 3, 2002; to the Committee on Commerce, Science, and Transportation.

EC–9380. A communication from the Senior Legal Advisor, Media Bureau, Federal Communication Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. Bethel Springs, Martin, Tiptonville, Trenton, and South Fulton, Tennessee" (Doc. No. 99–196) received on October 3, 2002; to the Committee on Commerce, Science, and Transportation.

EC–9381. A communication from the Senior Legal Advisor, Media Bureau, Federal Communication Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.2002(b), Table of Allotments, FM Broadcast Stations Camp Wood, Texas" (Doc. No. 01–307) received on October 3, 2002; to the Committee on Commerce, Science, and Transportation.

EC–9382. A communication from the Senior Legal Advisor, Media Bureau, Federal Communication Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Winslow, Camp Verde, Mayer and Sun City West, Arizona" (Doc. No. 99–246) received on October 3, 2002; to the Committee on Commerce, Science, and Transportation.

EC–9383. A communication from the Senior Legal Advisor, Media Bureau, Federal Communication Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.622(b), Digital Television Table of Allotments, Ontario, CA" (Doc. No. 01–23) received on October 3, 2002; to the Committee on Commerce, Science, and Transportation.

EC–9384. A communication from the Senior Legal Advisor, Media Bureau, Federal Communication Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Beverly Hills and Spring Hill, Florida)" (Doc. No. 02–25) received on October 3, 2002; to the Committee on Commerce, Science, and Transportation.

EC–9385. A communication from the Senior Legal Advisor, Media Bureau, Federal Communication Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Alva, Moorland, Tishomingo,Tuttle and Woodward, Oklahoma)" (Doc. No. 98–115) received on October 3, 2002; to the Committee on Commerce, Science, and Transportation.

EC–9386. A communication from the Senior Legal Advisor, Media Bureau, Federal Communication Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.622(b), Table of Allotments, DTV Broadcast Stations Dawson, Savannah, Pelham, Waycross, and Wrens, GA" (Doc. No. 02–104) received on October 3, 2002; to the Committee on Commerce, Science, and Transportation.

EC–9387. A communication from the Senior Legal Advisor, Media Bureau, Federal Communication Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.622(b), Table of Allotments, DTV Broadcast Stations, Victoria, TX" (Doc. No. 01–161) received on October 3, 2002; to the Committee on Commerce, Science, and Transportation.

EC–9388. A communication from the Senior Legal Advisor, Media Bureau, Federal Communication Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.622(b), Table of Allotments, DTV Broadcast Stations, Lynchburg, VA" (Doc. No. 02–75) received on October 3, 2002; to the Committee on Commerce, Science, and Transportation.

EC–9389. A communication from the Senior Legal Advisor, Media Bureau, Federal Communication Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.622(b), Table of Allotments, DTV Broadcast Stations, Sacramento, CA" (Doc. No. 02–93) received on October 3, 2002; to the Committee on Commerce, Science, and Transportation.

EC–9390. A communication from the Senior Legal Advisor, Media Bureau, Federal Communication Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.622(b), Table of Allotments, DTV Broadcasts Stations, Amarillo, TX" (Doc. No. 02–96) received on October 3, 2002; to the Committee on Commerce, Science, and Transportation.

EC–9391. A communication from the Assistant Secretary for Fish and Wildlife and Parks, The Department of the Interior, transmitting, a draft of a joint resolution to approve the location of the Dwight D. Eisenhower Memorial in the Nation's Capital; to the Committee on Environment and Public Works.

EC–9392. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting, a draft joint resolution to approve the location of a Memorial to former President John Adams and his legacy in the Nation's Capital; to the Committee on Environment and Public Works.

EC–9393. A communication from Comptroller General, transmitting, pursuant to law, a report relative to the withdrawal of two deferrals of budget authority; to the Committees on Appropriations; the Budget; and Foreign Relations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JEFFORDS, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute and an amendment to the title:

H.R. 1070: A bill to amend the Federal Water Pollution Control Act to authorize the Administrator of the Environmental Protection Agency to carry out projects and conduct research for remediation of sediment contamination in areas of concern in the Great Lakes, and for other purposes. (Rept. No. 107–312).

By Mr. INOUYE, from the Committee on Indian Affairs, without amendment:

S. 3059: A bill to provide for the distribution of judgment funds to the Assiniboine and Sioux Tribes of the Fort Peck Reservation. (Rept. No. 107–313).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources:

Report to accompany S. 2556, a bill to authorize the Secretary of the Interior to convey certain facilities to the Fremont-Madison Irrigation District in the State of Idaho. (Rept. No. 107–314).

By Mr. LIEBERMAN, from the Committee on Governmental Affairs, without amendment:

H.R. 3034: A bill to redesignate the facility of the United States Postal Service located at 89 River Street in Hoboken, New Jersey, as the "Frank Sinatra Post Office Building".

H.R. 3738: A bill to designate the facility of the United States Postal Service located at 1299 North 7th Street in Philadelphia, Pennsylvania, as the "Herbert Arlene Post Office Building".

H.R. 3739: A bill to designate the facility of the United States Postal Service located at 6150 North Broad Street in Philadelphia, Pennsylvania, as the "Rev. Leon Sullivan Post Office Building".

H.R. 3740: To designate the facility of the United States Postal Service located at 925 Dickinson Street in Philadelphia, Pennsylvania, as the "William A. Cibotti Post Office Building".

H.R. 4102: A bill to designate the facility of the United States Postal Service located at 120 North Maine Street in Fallon, Nevada, as the "Rollan D. Melton Post Office Building".

H.R. 4717: A bill to designate the facility of the United States Postal Service located at 1199 Pasadena Boulevard in Pasadena, Texas, as the "Jim Fonteno Post Office Building".

H.R. 4755: A bill to designate the facility of the United States Postal Service located at 204 South Broad Street in Lancaster, Ohio, as the "Clarence Miller Post Office Building".

H.R. 4794: A bill to designate the facility of the United States Postal Service located at 1895 Avenida Del Oro in Oceanside, California, as the "Ronald C. Packard Post Office Building".

H.R. 4797: A bill to redesignate the facility of the United States Postal Service located at 265 South Western Avenue, Los Angeles, California, as the "Nat King Cole Post Office".

H.R. 4878: To provide for estimates and reports of improper payments by Federal agencies.

H.R. 5308: A bill to designate the facility of the United States Postal Service located at 301 South Howes Street in Fort Collins, Colorado, as the "Barney Apodaca Post Office".

H.R. 5333: A bill to designate the facility of the United States Postal Service located at 4 East Central Street in Worcester, Massachusetts, as the "Joseph D. Early Post Office Building".

H.R. 5336: A bill to designate the facility of the United States Postal Service located at 380 Main Street in Farmingdale, New York, as the "Peter J. Ganci, Jr. Post Office Building".

By Mr. LIEBERMAN, from the Committee on Governmental Affairs, with an amendment in the nature of a substitute:

S. 1651: A bill to establish the United States Consensus Council to provide for a consensus building process in addressing national public policy issues, and for other purposes.

By Mr. SARBANES, from the Committee on Banking, Housing, and Urban Affairs, with amendments:

S. 2239: A bill to amend the National Housing Act to simplify the downpayment requirements for FHA mortgage insurance for single family homebuyers.

By Mr. LIEBERMAN, from the Committee on Governmental Affairs, without amendment:

S. 2527: A bill to provide for health benefits coverage under chapter 89 of title 5, United States Code, for individuals enrolled in a plan administered by the Overseas Private Investment Corporation, and for other purposes.

S. 2828: A bill to redesignate the facility of the United States Postal Service located at 6910 South Yorktown Avenue in Tulsa, Oklahoma, as the "Robert Wayne Jenkins Station".

S. 2840: A bill to designate the facility of the United States Postal Service located at 120 North Main Street in Fallon, Nevada, as the "Rollan D. Melton Post Office Building".

S. 2918: A bill to designate the facility of the United States Postal Service located at 380 Main Street in Farmingdale, New York, as the "Peter J. Ganci, Jr. Post Office Building".

S. 2929: A bill to designate the facility of the United States Postal Service located at 265 South Western Avenue, Los Angeles, California, as the "Nat King Cole Post Office".

S. 2931: A bill to designate the facility of the United States Postal Service located at 5805 White Oak Avenue in Encino, California, as the "Francis Dayle 'Chick' Hearn Post Office".

By Mr. LIEBERMAN, from the Committee on Governmental Affairs, with an amendment in the nature of a substitute and an amendment to the title:

S. 2936: A bill to amend chapter 84 of title 5, United States Code, to provide that certain Federal annuity computations are adjusted by 1 percent relating to periods of receiving disability payments, and for other purposes.

By Mr. LIEBERMAN, from the Committee on Governmental Affairs, without amendment:

S. 3044: A bill to authorize the Court Services and Offender Supervision Agency of the District of Columbia to provide for the interstate supervision of offenders on parole, probation, and supervised release.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BINGAMAN:

S. 3111. A bill to compensate agricultural producers in the State of New Mexico that suffered crop losses as a result of use of a herbicide by the Bureau of Land Management; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. McCAIN:

S. 3112. A bill to amend the Internal Revenue Code of 1986 to provide for a deferral of tax on gain from the sale of telecommunications businesses in specific circumstances or a tax credit and other incentives to promote diversity of ownership in telecommunications businesses; to the Committee on Finance.

By Mr. ENSIGN:

S. 3113. A bill to amend the Internal Revenue Code of 1986 to provide additional choice regarding unused health benefits in cafeteria plans and flexible spending arrangements; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SANTORUM (for himself and Mr. BROWNBACK):

S. Res. 340. A resolution affirming the importance of a national day of prayer and fasting, and designating November 27, 2002, as a national day of prayer and fasting; to the Committee on the Judiciary.

By Mr. HATCH (for himself, Mr. REID, Mr. EDWARDS, Mr. INOUYE, Mr. KENNEDY, Ms. LANDRIEU, Mr. NELSON of Nebraska, Mr. SMITH of Oregon, Mr. WYDEN, Mr. WARNER, Mr. NICKLES, Ms. STABENOW, and Mrs. LINCOLN):

S. Res. 341. A resolution designating Thursday, November 21, 2002, as "Feed America Thursday"; considered and agreed to.

By Ms. COLLINS (for herself and Mr. FEINGOLD):

S. Con. Res. 153. A concurrent resolution expressing the sense of the Congress that there should be established an annual National Visiting Nurse Associations Week; to the Committee on Health, Education, Labor, and Pensions.

ADDITIONAL COSPONSORS

S. 627

At the request of Mr. GRASSLEY, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 627, a bill to amend the Internal Revenue Code of 1986 to allow individuals a deduction for qualified long-term care insurance premiums, use of such insurance under cafeteria plans and flexible spending arrangements, and a credit for individuals with long-term care needs.

S. 1020

At the request of Mr. HARKIN, the names of the Senator from Colorado (Mr. CAMPBELL), the Senator from Hawaii (Mr. INOUYE), the Senator from Maine (Ms. COLLINS) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 1020, a bill to amend title XVIII of the Social Security Act to improve the provision of items and services provided to medicare beneficiaries residing in rural areas.

S. 2386

At the request of Mrs. LINCOLN, the names of the Senator from Nevada (Mr. ENSIGN) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 2386, a bill to amend title XVIII of the Social Security Act to authorize physical therapists to diagnose, evaluate, and treat medicare beneficiaries without a requirement for a physician referral, and for other purposes.

S. 2480

At the request of Mr. LEAHY, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 2480, a bill to amend title 18, United States Code, to exempt qualified current and former law enforcement officers from state laws prohibiting the carrying of concealed handguns.

S. 2577

At the request of Mr. FITZGERALD, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2577, a bill to repeal the sunset of the Economic Growth and Tax Relief Reconciliation Act of 2001 with respect to the exclusion from Federal income tax for restitution received by victims of the Nazi Regime.

S. 2582

At the request of Mr. LIEBERMAN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2582, a bill to require a report to Congress on a national strategy for the deployment of high speed broadband Internet telecommunications services, and for other purposes.

S. 2655

At the request of Mr. ROCKEFELLER, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 2655, a bill to amend titles XVIII and XIX of the Social Security Act to improve access to long-term care services under the medicare and medicaid programs.

S. 2712

At the request of Mr. HAGEL, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 2712, a bill to authorize economic and democratic development assistance for Afghanistan and to authorize military assistance for Afghanistan and certain other foreign countries.

S. 2790

At the request of Ms. CANTWELL, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 2790, a bill to provide lasting protection for inventoried roadless areas within the National Forest System.

S. 2869

At the request of Mr. KERRY, the names of the Senator from Iowa (Mr. HARKIN) and the Senator from Colorado (Mr. ALLARD) were added as cosponsors of S. 2869, a bill to facilitate the ability of certain spectrum auction winners to pursue alternative measures required in the public interest to meet the needs of wireless telecommunications consumers.

S. 2884

At the request of Mr. BAUCUS, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 2884, a bill to improve transit service to rural areas, including for elderly and disabled.

S. 2935

At the request of Mr. GREGG, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 2935, a bill to amend the Public Health Service Act to provide grants for the operation of mosquito control programs to prevent and control mosquito-borne diseases.

S. 2935

At the request of Ms. LANDRIEU, the names of the Senator from Indiana (Mr. BAYH), the Senator from Arkansas (Mrs. LINCOLN) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 2935, supra.

S. 3054

At the request of Mr. LIEBERMAN, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 3054, a bill to provide for full voting representation in Congress for the citizens of the District of Columbia, and for other purposes.

S.J. RES. 49

At the request of Mr. AKAKA, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S.J. Res. 49, a joint resolution recognizing the contributions of Patsy Takemoto Mink.

S. RES. 307

At the request of Mr. TORRICELLI, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. Res. 307, a resolution reaffirming support of the Convention on the Prevention and Punishment of the Crime of Genocide and anticipating the commemoration of the 15th anniversary of the enactment of the Genocide Convention Implementation Act of 1987 (the Proxmire Act) on November 4, 2003.

S. RES. 322

At the request of Mrs. LINCOLN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. Res. 322, a resolution designating November 2002, as "National Epilepsy Awareness Month".

S. CON. RES. 94

At the request of Mr. WYDEN, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. Con. Res. 94, A concurrent resolution expressing the sense of Congress that public awareness and education about the importance of health care coverage is of the utmost priority and that a National Importance of Health Care Coverage Month should be established to promote that awareness and education.

S. CON. RES. 138

At the request of Mr. REID, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. Con. Res. 138 , a concurrent resolution expressing the sense of Congress that the Secretary of Health And Human Services should conduct or support research on certain tests to screen for ovarian cancer, and Federal health care programs and group and individual health plans should cover the tests if demonstrated to be effective, and for other purposes.

S. CON. RES. 142

At the request of Mr. SMITH of Oregon, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. Con. Res. 142, a concurrent resolution expressing support for the goals and ideas of a day of tribute to all firefighters who have died in the line of duty and recognizing the important mission of the Fallen Firefighters Foundation in assisting family members to overcome the loss of their fallen heroes.

S. CON. RES. 148

At the request of Mr. BROWNBACK, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from North Carolina (Mr. HELMS) were added as cosponsors of S. Con. Res. 148, a concurrent resolution recognizing the significance of bread in American history, culture, and daily diet.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BINGAMAN:

S. 3111. A bill to compensate agricultural producers in the State of New Mexico that suffered crop losses as a result of use of a herbicide by the Bureau of Land Management; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. BINGAMAN. Mr. President, I rise today to introduce a bill that I do believe should not be necessary, and I hope ultimately will not be needed. Unfortunately, the failure of the Federal Government to own up to its responsibility has left a small group of farmers in Southern New Mexico with no other option.

As I understand it, last July the Bureau of Land Management and the Natural Resources Conservation Service applied herbicide, Tebuthiuron, on a ranch in Southern Eddy County to help control woody brush. The brush control was part of an EQIP project under NRCS.

I have no reason to doubt the application was consistent with label requirements and normal practice. Unfortunately, as frequently happens in New Mexico in July, a heavy rainstorm struck the area and the pellets of herbicide were apparently washed into the Black River. The river is the source of irrigation water for a number of farmers in the vicinity of the town of Malaga.

Unaware of the contamination in the water, farmers irrigated their fields in the normal way. Almost immediately, damage to cotton, hay and other crops was observed. The Eddy County Extension Office of the Cooperative Extension Service at New Mexico State University was asked to investigate the damage to the crops.

Mr. Woods E. Houghton of the Eddy County Office conducted a thorough review of the evidence and in a report dated August 20, 2002, concluded that Tebuthiuron was the likely cause of the crop damage. The report noted levels of Tebuthiuron of over 2 parts per million in some samples. Later tests by the State Chemistry Laboratory found levels over 5 pm. I ask unanimous consent that the August 20th Cooperative Extension Service report be printed in the RECORD at the conclusion of my remarks, exhibit 1.

All the evidence seems to point to the government's application of Tebuthiuron as the most likely source of the poisoning of the crops in Malaga. Last month, I asked the heads of BLM and NRCS to look into the situation and to advise me what recourse is available to the farmers who have lost their crops. Unfortunately, the agencies have not assumed any responsibility for the contamination. Moreover, normal crop insurance doesn't cover damage caused by chemicals.

What are the farmers of Malaga, NM, to do? Through no fault of their own, they have lost their crops, and the Federal Government is not willing to take responsibility. For example, Mr. Oscar Vasquez and his family have lost 130 acres of cotton, 20 acres of hay and 1 acre of full-grown pecan trees. As Mr. Vasquez points out, his losses may persist for several years. He has asked for my assistance in securing compensation for his losses. I ask unanimous consent that a letter to me by Mr. Vasquez be printed in the RECORD at the conclusion of my remarks, exhibit 2. It appears that as many as nine farmers have suffered direct losses from the contamination of their crops and an additional thirteen farmers suffered losses when they couldn't irrigate because of the contamination in the water.

I have urged the heads of BLM and NRCS in the strongest terms possible to do what they can to assist the farmers of Malaga. Unfortunately, nobody wants to take responsibility. The Federal Government's response so far is to suggest the farmers sue the government, but that's a long, drawn-out process. It is also an unacceptable response if the Federal Government is found to be responsible.

The farmers of Malaga need help paying their bills now. These are not rich people, but hard working family farmers. Many have farmed the same land for many, many years. I ask unanimous consent that a recent article from the Carlsbad Current Argus describing the impact this event is having on a number of the farmers of Malaga be printed in the RECORD at the end of my remarks, exhibit 3.

At this point I don't see any other option than to ask that Congress provide some relief to the farmers of Malaga that have suffered losses because of this unfortunate situation. I note that last year Congress provided financial compensation to farmers in Idaho that suffered crop losses in a very similar situation and where BLM and NRCS refused to provide compensation. When a federal program was clearly the source of the contamination in the water, I do believe the government has a responsibility to come to the assistance of the people who have suffered losses.

It is my hope that the agencies involved will step forward, acknowledge their responsibility, and do what is right and necessary to compensate the farmers. Unfortunately, it now appears the agencies are not inclined to do the right thing. Instead, they tell us the affected farmers are free to file a tort claim; we all know what a costly and time-consuming process any legal action can be. However, the farmers need help right now. While it is not the best way, I do believe Congressional action may be the only way of getting these farmers the financial help they need in a timely manner.

The bill I am introducing today simply authorizes the Secretary of Agriculture, in consultation with the Secretary of the Interior, to use funds of the Commodity Credit Corporation to compensate the farmers for their losses. We are still working with the Cooperative Extension Service at New Mexico State University to determine the total amount of the losses, but in light of the small area affected, I fully expect the sums needed to be very modest, indeed.

Mr. President, I ask unanimous consent that a letter supporting this legislation from Frank DuBois, New Mexico's Secretary of Agriculture, exhibit 4, and a copy of the bill be printed in the RECORD.

There being no objection, the bill and additional material was ordered to be printed in the RECORD, as follows:

S. 3111

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. COMPENSATION OF NEW MEXICO PRODUCERS FOR CROP DAMAGE FROM BLM USE OF HERBICIDE.

(a) IN GENERAL.—The Secretary of Agriculture, in consultation with the Secretary of the Interior, may use such funds of the Commodity Credit Corporation as are necessary to compensate agricultural producers in the State of New Mexico that suffered crop losses as a result of the use of the herbicide tebuthiuron by the Bureau of Land Management during the 2002 calendar year.

(b) LIABILITY.—Nothing in this section constitutes an admission of liability by the United States arising from the use of the herbicide tebuthiuron by the Bureau of Land Management.

(c) REGULATIONS.—

(1) IN GENERAL.—The Secretary of Agriculture may promulgate such regulations as are necessary to implement this section.

(2) PROCEDURE.—The promulgation of the regulations and administration of this section shall be made without regard to—

(A) the notice and comment provisions of section 553 of title 5, United States Code;

(B) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(C) chapter 35 of title 44, United States Code (commonly known as the "Paperwork Reduction Act").

(3) CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.—In carrying out this subsection, the Secretary shall use the authority provided under section 808 of title 5, United States Code.

COOPERATIVE EXTENSION SERVICE,
NEW MEXICO STATE UNIVERSITY,
Las Cruces, NM, August 20, 2002.

Saturation report of cotton damage in the Malaga NM area approximately, 350 acres.

Background: Oscar Vasquez farm, and his landlords.

2001 crop year, cotton except 10 acres (Duarte); 23 acres on home place, which was in alfalfa.

Pre 15 January 2002 field were moldboard, disked to comply with pink bollworm regulations. They were also treated with 1 pint Trifluralin, 1 pint Caporal per acre. This was incorporated with a spring tooth harrow and disked one time. Watered on 15–30 January 2002 and first part of February 2002, with black river water.

15 March 2002 stale bed worked up.

21 April 2002 Planted with DG–206 NK seed.

25 June 2002 irrigated with CID water.

2 July 2002 Cultivated.

10–11 July 2002 sprayed for boll-worms (Heliothis zia) with 1.5 pint Lorsban and 1-pint Amigo surfactant per acre.

26 July 2002 Boll weevil control committee sprayed fields Malthion ULV.

20–23 July 2002 Irrigated with black river water.

18–19 July 2002 Rain floodwater on black river.

27 July 2002 Oscar noticed problems with cotton.

30 July 2002 Oscar called Woods E. Houghton county agent.

31 July 2002 Woods E. Houghton visited Oscar Vasquez farm, and concluded something in the water caused problems. Woods took soil and plant samples. Samples sent to Dr. Bob Flynn for Ecreading. Dr. Goldberg and Dr. McWilliams for diagnosis of disease or nutrition disorders if they occurred. Surface water bureau notified NM ED department Dr. Jim Davis. Suspected possible illegal disposal of produced water which is high in saline. High salt consternation could cause similar damage.

7 Aug 2002 Woods Houghton and Jim Ballard of Eddy County Sheriff Office, flew over and photographed. Talked with Oscar again. Recalled BLM treated a number of acres above on the black river with Spike (Tebuthiuron) 8 July 2002. Confirmed this with Mr. Mike Ramirez BLM. Reported possible off target effects to Ms. Margery Lewis NMDA and Mr. Russell Knight NMDA. Conferred with Mr. Tom Davis CID.

8 Aug 2002 Dr. Flynn reported that the unhealthy plants had a lower Ec value then the healthy plant soil samples. The problem most likely not salt or produced water.

16 Aug 2002 Received from Dr. Goldberg diagnosis record, which indicated that no plant pathogenic microorganisms were isolated from the sample submitted.

Symptoms: Plant Yellowing at top and then turned clororotic followed by necrosis between veins and on leaf edges with DG–206. On ACLA 1517–99 started from bottom to top but same symptoms. Fruit drop starts first. Plants die from top down. Some plants appear to recover set new flowers and attempting new growth. Most 90% or more die back almost completely. Symptoms atypical of Spike but consistent with chlorophyll inhibitors. Also the root hairs are dead and brittle do not stay attached to plant when pulled up.

Other Information: On contact with BLM and NRCS equip project on three mile draw area was treated with Tebuthiuron (Spike 20p) on 8 July 02. Approximately 2,300 acres were treated some at 0.5AI and some at 0.75 AI per acre. This draw drains in to the black river above the diversion. The diversion diverts water to the farms, which are reporting damage. M&M Air Service was the applicator. Laboratory results from Analytical Pesticide Technology Laboratories Wyamissing Pa. Reported results of soil 0.187 ppm, cotton 1 1.66ppm, cotton 2 2.03ppm, Elm collected at diversion 0.196ppm, Cottonwood collected at diversion 0.329ppm. These samples were collected by Mr. Tom Davis and submitted by Carlsbad Irrigation District for analysis. Samples were also taken by Mr. Russell Knight and Mr. Woods Houghton on 09 Aug. 02. The hydrograph of blackriver at USGS gauging station above the diversion but below three-mile draw show the water flow on the 17 July at less then 4 CFS, on 18-19 July it peaked at greater the 100 CFS. This area experienced high intensity short duration storm in this time frame. There are older treatment areas in the vicinity as well.

Conclusion: Tebuthiuron Herbicide contamination of black river prior to irrigation has resulted in cotton crop losses. That flash flooding may have contributed to off target movement of products containing Tebuthiuron.

WOODS E. HOUGHTON,
Eddy County Agriculture Agent/
Acting Program Director.

SEPTEMBER 17, 2002.

Senator JEFF BINGAMAN,
Albuquerque, NM.

DEAR SENATOR BINGAMAN: I am writing this letter to ask for your help with a serious problem that has occurred on my own Farm, and my rented Farms.

My name is Oscar Vasquez, I farm approximately 320 acres of cotton, and alfalfa for 27 years. I own 145 acres, and share crop 175 acres from my neighbors, Mr. Damon Bond, Mrs. Catalina Carrasco, and Mr. Pedro Duarte.

On July 20, 2002, I began watering my cotton with Black River water as I would normally, and continued for 8 days. On July 27, 2002, I began to see wilting effects on the cotton fields I started watering first. I contacted Mr. Woods Houghton, our Eddy County Extension agent. He came and saw the damage on my cotton, it took us till August 7, 2002, to conclude that my cotton had received the damage thru the contaminated irrigation water. We also concluded that the BLM had applied herbicide called Tebuthiuron (Spike) to approximately 2400 acres on Three Mile Draw which is on the Gene & Kathy Hood Ranch, above the Black River Irrigation Diversion Dam.

The BLM and the NRCS (National Resource Conservation Services), applied this chemical to control brush on the Hood Ranch. The chemical was applied by airplane in pellet form on July 8, 9, & 12. The Hood Ranch received a 2½″ rain in 45 minutes on the 18th & 19th of July washing the chemical in the Black River. I began to irrigate my cotton on July 20, 2002. My cotton crop has since sustained severe damage, with the chemical terminating the crop before maturity, therefore my crop is totally ruined.

I have contacted my cotton buyer and he does not want to buy my cotton crop this year. I have sold him 23 consecutive cotton crops in the past. What am I to do with this damaged crop? Do I harvest it? If I do, who will buy it? Or do I destroy it, or graze it? I need answers to all these questions.

New Mexico Agriculture Department has not assumed the responsibility to let me know what to do. The BLM has not assumed the responsibility either. What are my Landlords going to do for income this year. Mr. & Mrs. Damon Bond are 86 years old, Mrs. Catalina Carrasco is 68 years old, and a widow, Mr. Pedro Duarte is a little better off, he is 47 years old and has a job. I am 53 years old with the last of 5 children attending NMSU. My wife and I do not hire any help on the Farm, we do all the tractor and manual labor work ourselves

We would appreciate an answer to all our problems, preferably our income problem. The long term damage of these chemical effect is 5 years, or longer. Thank you for your cooperation.

Sincerely yours,
OSCAR VASQUEZ

P.S. Please see attached evidence gathered by Woods Houghton NM Eddy County Extension Agent, and the test results on soil and foliage samples by N.M.A.D. Laboratories. The total acreage is 130 acres of Cotton, 20 acres of Hay, and 1 acre of full grown Pecan Trees, on the Oscar Vasquez Farm.

[From the Current Argus, Oct. 5, 2002]

FIGHTING FOR THE FARM: MALAGA FARMERS FACE UNCERTAIN FUTURE AFTER CROPS DAMAGED

(By Stella Davis)

MALAGA.—Oscar and Gloria Vasquez sit at the table in their dining room with a morning cup of coffee. But these days, the couple gets little pleasure in gazing out through the large dining room window facing their farm fields.

Where normally they would see healthy stands of cotton, all they see now are rows of small, leafless cotton stalks with stringy cotton bolls.

The couple farms about 320 acres—145 acres are owned by them and the 175 remaining acres they sharecrop for three other families who depend on the income from their shares.

Disaster struck Malaga farmers in late July when they watered their fields from the Black River diversion dam, unaware the water had been contaminated with the herbicide, tebuthiuron.

Later they discovered the Bureau of Land Management applied the herbicide on the ground just above the diversion dam to control woody vegetation on range and ranchland.

The chemical was applied in conjunction with a federal cost share program through the Natural Resource Conservation Service, an agency of the U.S. Department of Agriculture. The rancher and the federal agency share the cost of applying the chemical on private ranch land.

"This crop is our income. It's our living. We are losing money, and the bills are coming in,"' Oscar Vasquez said. "I can survive this year, but there are other farmers who won't. They will be wiped out financially. I have two cousins, Tony and Mike Vasquez, who also have crop damage. They are in their sixties and the income loss will be devastating for them."

Oscar Vasquez, 53, said he has always tried to meet his commitments and financial obligations and is proud that he and his wife have put five children and a daughter-in-law through college.

"My wife and I put them through college, and our youngest is ready to graduate. They all went into engineering and graduated from New Mexico State University. We worked hard on the farm to make the income to put them through college. It's expensive to put kids through college, but we managed. I feel it is a privilege to send my kids to school. The next few months are going to be tight in meeting our son's college expenses. This couldn't have come at a worse time. He's close to finishing.

"We will make it through this year financially, but I don't know what is going to happen next year," he said. "We don't know how long the soil will stay contaminated. I have a payment coming due on a mechanical baler, and there are costs associated with planting cotton that I will have to cover without the income from the crops. I usually grow hay and cotton. But because water was scarce this year, I chose to grow cotton and put all the water on it. Now I don't have anything."

In another farmhouse about a mile down the road, Dick Calderon worries how he is going to take care of his wife, twin 4-year-old daughters, a 6-year-old son and his elderly parents living next door, as well as meeting all his financial obligations.

Over half of his cotton crop is dying from water contamination, and his alfalfa died due to lack of water.

His Federal farm loans are coming due, as are his tractor and equipment loans.

Damon and Marie Bond, both 86, rely on income from the farm that the Vasquezes sharecrop for them. This year they will have to live on less. Their cotton crop is also damaged.

The Vasquezes, Calderon and the Bondses are among 11 families that have fallen victim to the agriculture disaster.

They say they are frustrated they feel the state Department of Agriculture—the lead agency in the investigation of the crop kill—has not given them answers or direction on what they should do with their contaminated crops. Even worse, they said, no one has stepped up to the plate to take responsibility.

"I began watering my cotton with Black River water as I would normally and continued for eight days," Vasquez said. "On July 27, I began to see wilting effects on the cottom fields that I started watering first."

Alarmed, Vasquez contacted the county extension agent to identify the cause.

"I contacted Woods Houghton, and he worked with me to determine what caused the damage," Vasquez said. "He's been the only one who has tried to help us and do right by us."

Houghton's detective work, poring over books and data for many hours, revealed the cotton crop showed classic signs of chemical damage. More sleuthing on his part showed tebuthiuron was the cause.

After further investigation, farmers learned the chemical had been applied in the early part of July. On July 18 and 19, more than 2 inches of rain fell on the Black River area in a 45-minute period, and the chemical washed into the river.

Within days of Vasquez's report of crop losses, other farmers who irrigated shortly after the rain began reporting crop losses that ranged from cotton—the most susceptible to tebuthiuron-to alfalfa and pecan and cottonwood trees.

Calderon said the fear is ever present that the family farm could be lost.

"We are going into the third month, and we have not got any answers yet," Calderon said. "The financial stress for me is pretty high right now. I planted 45 acres of cotton, and I've lost over half. I also lost my hay too. I had to stop watering because the water was contaminated. It's dried up, and farming has come to a dead stop for a lot of us. We need some answers. We don't know what to do with what we have in the ground."

Vasquez said no one wants to buy the contaminated cotton. Harvesting it would be financial suicide, he said.

"The cotton market is down, which is bad enough, and then this," he said. "We get about $50 per bale, but when you add up the cost to harvest one bale, it adds up to $135. No one wants to buy damaged cotton, so why would we go to the cost of harvesting it at $135 per bale."

He said the state Department of Agriculture has agreed to one thing: Seed from the contaminated cotton cannot be fed to livestock.

"We sell the seed to the dairies in Roswell," Vasquez said. "They use it to feed the cows. So there is another amrket loss for us."

Vasquez's cousin, Mike Vasquez, said he has lost 25 acres of cotton, and the loss of income will be devastating.

"I have disaster insurance, but I've been told it does not cover manmade disasters," he said. 'I didn't cause this disaster. The federal government did. I may be poor, but I'm not stupid. Why would I damage my crop that is my livelihood? I'm not that dumb to put down a herbicide in our monsoon season. The BLM, which is the federal government, did that and look what it has brought us (farmers) financial ruin.

"We don't know what this stuff has done to the soil and we don't know for how long the soil will be contaminated. It could be several years. But no one is stepping up to take blame for what has happened. The cotton is still in the gound, and we don't know what to do with it.

Mike Vasquez, who retired after 30 years with the city of Carlsbad's water department, said farming supplements his modest retirement income from the city, and he has had many recent sleepless nights worrying how he is going to pay his farm loans.

"The worry is making me physically sick," he said. "We need some answers, and nobody is giving them to us. We also need some financial relief. There has to be someone out there that can give us the answers we need."

Marie Bond, 86, who lives near Oscar and Gloria Vasquez, said the loss of income this year is a blow, but she and her husband will just have to tighten their belts and make do with less.

"Anything that happens to Oscar happens to us," she said. "My husband and I have weathered some rough times in our lives and, although the income from the farm is important, we will make, it. It's a lot harder on Oscar because he has the expenses that have to be paid and there is no money coming in right now," she said.

"This is something that should not have happened. It could have been avoided. It's just terrible."

DEPARTMENT OF AGRICULTURE,
STATE OF NEW MEXICO,
Las Cruces, NM, October 3, 2002.

Hon. JEFF BINGAMAN,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR BINGAMAN: We have received complaints from 22 farmers in the Carlsbad region indicating they have crop damage which appears to be from alleged movement of a herbicide from an area treated by the Bureau of Land Management (BLM) and the Natural Resource Conservation Service (NRCS). We are currently investigating the complaints to determine if there were violations of state or federal law. I seek your assistance in providing financial support for the individuals whose crops were damaged.

On August 7, 2002, the New Mexico Department of Agriculture (NMDA) received its first complaint regarding crop damage due to alleged movement from an area treated with Tebuthriuron (Spike) in the Three-Mile Draw area. Preliminary investigation indicates the BLM and the NRCS treated approximately 2,400 acres of rangeland. We also found evidence of significant precipitation which occurred after application in the approximate treated area.

NMDA has taken samples from the complainants' fields as part of the investigation. Some of the samples analyzed thus far have tested positive for Tebuthiuron. We will continue to analyze the remaining samples and will provide you with the results when they are complete.

It is my understanding that some of the complainants have crop insurance; however, chemical related damages are not covered. The affected individuals will suffer a severe financial hardship if assistance is not provided. It is also clear these individuals have suffered losses through no fault of their own. Many are small farmers and may not survive without direct financial assistance.

In 2001 Congress authorized the expenditure of not more than $5 million from the Commodity Credit Corporation to pay claims of crop damage that resulted from the BLM's use of herbicides during the 2001 calendar year in the state of Idaho Enclosed is a copy of Section 757 of Public Law 107-76, which provides the funding. Similar consideration should be given to the affected New Mexico farmers. Our investigation is not complete at this time, but I believe it is very important to bring this matter to your attention since the relevant appropriation bills have not been passed by Congress.

If you have any questions, please contact me.

Sincerely,
FRANK A. DUBOIS.

By Mr. McCAIN:

S. 3112. A bill to amend the Internal Revenue Code of 1986 to provide for a deferral of tax on gain from the sale of telecommunications businesses in specific circumstances or a tax credit and other incentives to promote diversity of ownership in telecommunications businesses; to the Committee on Finance.

Mr. McCAIN. Mr. President, today I am introducing The Telecommunications Ownership Diversity Act of 2002. This legislation is designed to ensure that new entrants and small businesses will have the chance to participate in today's telecommunications marketplace.

At a time when the telecommunications industry is economically depressed, this bill promotes the entry of new competitors and small businesses into the field by providing carefully limited changes to the tax law. Too often today, new entrants and small businesses lose out on opportunities to purchase telecom assets because they don't offer sellers the same tax treatment as their larger competitors. Specifically, a small purchaser's cash offer triggers tax liability, while a larger purchaser's cash offer triggers tax liability, while a larger purchaser's stock offer may be accepted effectively tax-free. When an entity chooses to sell a telecom business, our tax laws should not make one bidder more attractive than another.

This legislation would give sellers of telecommunications businesses a tax deferral when their assets are bought for cash by small business telecom companies. It would also encourage the entry of new players and the growth of existing small businesses by enabling the seller of a telecom business to claim a tax deferral on capital gains if it invests the proceeds of any sale of its business in purchasing an interest in an eligible small telecom business.

While large companies continue to merge into even larger companies, small businesses have faced substantial barriers in trying to become long-term players in the telecommunications market. These barriers can be even more formidable for members of minority groups and for women, for whom it has historically been more difficult to obtain necessary capital. Since new entry and the ability to grow existing businesses are key components of competition, and since competition is usually the most successful way to achieve the goals of better service and lower prices, restricting small business' ownership opportunities does not serve consumers' interests.

It's easy to forget that telecommunications industry transactions are routinely valued in the billions. Even radio, which has traditionally been a comparatively easier telecom segment to enter, has been priced out of range of most would-be entrants. In addition to these monetary barriers, the tax code makes cash sales less attractive to sellers than stock-swaps. So new entrants and smaller incumbents, which typically must finance telecom acquisitions with cash rather than stock, are less-preferred purchasers than large incumbents. As a result, telecom business sellers have little incentive to sell their businesses to new entrants and small incumbents.

But what should Congress do? Clamp down on merger activity? Insist that hopelessly-outdated ownership restrictions set by the Federal Communications Commission be retained? Rush to concoct new telecom ownership "opportunities" from government programs or regulations that, in the real world, present small business with only one real opportunity, the opportunity to fail? None of these proposals would succeed because all of them, like the Telecommunications Act of 1996, ignore marketplace realities instead of working with them.

One answer is to level the playing field and give established telecom industry players the same economic incentives to deal with new entrants and small businesses as they currently have with respect to larger companies. And that's what this legislation would do.

Specifically, the bill would amend the Internal Revenue Code by adding a new Section 1071 entitled "Nonrecognition of gain on certain sales of telecommunications business." This new section of the tax code would allow a telecom business seller to elect to have capital gains deferred under the existing Section 1033 rules for any "qualified telecommunications sale." The aggregate amount of any gain deferred under the qualified sale would be limited to $250 million per transaction, and less than $84 million per taxable year.

A qualified telecommunications sale would be defined in two ways. The first type of qualified sale would be sales to an "eligible purchaser" of either the assets of a telecom business or the stock that makes up a controlling interest in a corporation with substantially all of its assets in one or more telecom businesses. Eligible purchasers would include economically and socially disadvantaged businesses that qualify under a carefully drawn three-part test. The second type of qualified sale would be the sale of any telecom business to any purchaser, as long as the seller reinvests the proceeds in equity interests in eligible small telecom businesses.

To account for the variety of telecommunications services available today, the legislation would broadly define telecommunications businesses eligible for capital gains tax deferral to include not only radio, broadcast TV, DBS, and cable TV, but also wireline and wireless telephone service providers and resellers.

Some may be concerned that this legislation could potentially allow entities seeking to "game the system" to set up eligible purchasers to take advantage of the bill's provisions. In order to eliminate the potential for abuse, the bill would require the eligible purchaser to hold any property acquired for three years, during which time it could only so sold to an unrelated eligible purchaser. Moreover, the bill would require the General Accounting Office to thoroughly audit and report on the administration and effect of the law every two years.

By sharing with smaller companies a portion of the investment benefits our tax laws give to the major telecom companies we have a chance to make sure that, at the end of the day, we won't regret what "might have been" for small business. By enabling individuals and small businesses to use industry restructurings as opportunities for expansion, we will keep faith with those who have been, and remain, enduringly valuable contributors to our free-market system.

Over the next several months, I look forward to working with interested organizations to further improve this legislation. In particular, I welcome comments on how to further refine the concepts of "qualified telecommunications business" and "eligible purchaser" to ensure that this legislation can meet its goals in the most fair and effective manner.

Revolutionary developments in the telecommunications industry have been made by gifted individuals with small companies and unlimited vision. In this sense, the telecommunciaitons industry is a true microcosm of the American free-market system. New entrants and small businesses should have a fair chance to participate across the broad spectrum of industries that will make up the telecommunications industry in the Information Age. This legislation will help them do that.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3112

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Telecommunications Ownership Diversification Act of 2002".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress makes the following findings:

(1) Current trends in the telecommunications industry show that there is increasing convergence among various media, including broadcasting, cable television, and Internet-based businesses, that provide news, information, and entertainment.

(2) This convergence will continue, and therefore, diversifying the ownership of telecommunications facilities remains a preeminent public interest concern that should be reflected in both telecommunications and tax policy.

(3) A market-based, voluntary system of investment incentives is a very effective, lawful, and economically sound means of facilitating entry and diversification of ownership in the telecommunications industry.

(4) Opportunities for new entrants to participate and grow in the telecommunications industry have substantially decreased since the end of the Federal Communications Commission's tax certificate policy in 1995, particularly in light of the increase in tax-free like-kind exchanges, despite the most robust period of transfers of radio and television stations in history. During this time, businesses owned or controlled by socially disadvantaged individuals, including, but not limited to, members of minority groups and women, have continued to be underrepresented as owners of telecommunications facilities.

(5) Businesses owned or controlled by socially disadvantaged individuals are and historically have been economically disadvantaged in the telecommunications industry. For these businesses, access to and cost of capital are and have been substantial obstacles to new entry and growth. Consequently, diversification of ownership in the telecommunications industry has been limited.

(6) Telecommunications facilities owned by new entrants may not be attractive to investors because their start-up costs are often high, their revenue streams are uncertain, and their profit margins are unknown.

(7) It is consistent with the public interest and with the pro-competition policies of the Telecommunications Act of 1996 to provide incentives that will facilitate investments in, and acquisition of telecommunications facilities by, socially and economically disadvantaged businesses, thereby diversifying the ownership of telecommunications facilities.

(8) Increased participation by socially and economically disadvantaged businesses in the ownership of telecommunications facilities will enhance competition in the telecommunications industry. Permitting sellers of telecommunications facilities to defer taxation of gains from transactions involving socially and economically disadvantaged businesses, and resulting from investments in designated capital funds that provide capital for such entities, will further the development of a competitive and diverse United States telecommunications industry without governmental intrusion in private investment decisions.

(9) The public interest would not be served by attempts to diversify the ownership of telecommunications; businesses through any approach that would involve the use of mandated set-asides or quotas.

(10) Today, the telecommunications industry is struggling to survive one of its most troubling times. Therefore, facilitating voluntary, pro-competitive transactions that will promote ownership of telecommunications facilities by economically and socially disadvantaged businesses will aid in providing the investment and capital that is crucial to this sector.

(b) PURPOSE.—The purpose of this Act is to facilitate voluntary, pro-competitive transactions that will promote ownership of telecommunications facilities by economically and socially disadvantaged businesses.

SEC. 3. NONRECOGNITION OF GAIN ON QUALIFIED SALES OF TELECOMMUNICATIONS BUSINESSES.

(a) IN GENERAL.—Subchapter O of chapter 1 of the Internal Revenue Code of 1986 (relating to gain or loss on disposition of property) is amended by inserting after part IV the following new part:

"PART V—CERTAIN SALES OF TELECOMMUNICATIONS BUSINESSES

"Sec.

"1071. Nonrecognition of gain on certain sales of telecommunication businesses.

"SEC. 1071. NONRECOGNITION OF GAIN ON CERTAIN SALES OF TELECOMMUNICATION BUSINESSES.

"(a) IN GENERAL.—In case of any qualified telecommunications sale, at the election of the taxpayer, such sale shall be treated as an involuntary conversion of property within the meaning of section 1033.

"(b) LIMITATION ON AMOUNT OF GAIN ON WHICH TAX MAY BE DEFERRED.—The amount of gain on any qualified telecommunications sales which is not recognized by reason of this section shall not exceed $250,000,000 per transaction and shall not exceed $83,333,333 per taxable year. Excess amounts can be carried forward in future years subject to the annual limit.

"(c) QUALIFIED TELECOMMUNICATIONS SALE.—For purposes of this section, the term 'qualified telecommunications sale' means—

"(1) any sale to an eligible purchaser of—

"(A) the assets of a telecommunications business, or

"(B) stock in a corporation if, immediately after such sale—

"(i) the eligible purchaser controls (within the meaning of Section 368 (c)) such corporation, and

"(ii) substantially all of the assets of such corporation are assets of 1 or more telecommunications businesses; and

"(2) any sale of a telecommunications business, if the taxpayer purchases, within the replacement period specified in section 1033(a)(2)(b), 1 or more equity interests in an entity that is an eligible purchaser as defined in subsection (f)(1)(A) (the Telecommunications Development Fund.).

"(d) SPECIAL RULES.—

"(1) IN GENERAL.—In applying section 1033 for purposes of subsection (a) of this section, stock of a corporation operating a telecommunications business, whether or not representing control of such corporation, shall be treated as property similar or related in service or use to the property sold in the qualified telecommunications sale.

“(2) ELECTION TO REDUCE BASIS RATHER THAN RECOGNIZE REMAINDER OF GAIN.—If—

“(A) a taxpayer elects the treatment under subsection (a) with respect to any qualified telecommunications sale, and

“(B) an amount of gain would (but for this paragraph) be recognized on such sale other than by reason of subsection (b),

then the amount of gain described in subparagraph (B) shall not be recognized to the extent that the taxpayer elects to reduce the basis of depreciable property (as defined in section 1017(b)(3)) held by the taxpayer immediately after the sale or acquired in the same taxable year. The manner and amount of such reduction shall be determined under regulations prescribed by the Secretary.

“(3) BASIS.—For basis of property acquired on a sale or exchange treated as an involuntary conversion under subsection (a), see section 1033(b).

“(e) RECAPTURE OF TAX BENEFIT IF TELECOMMUNICATIONS BUSINESS RESOLD WITHIN 3 YEARS, ETC.—

“(1) IN GENERAL.—If, within 3 years after the date of any qualified telecommunications sale, there is a recapture event with respect to the property involved in such sale, then the purchaser's tax imposed by this chapter for taxable year in which such event occurs shall be increased by 20 percent of the lesser of the consideration furnished by the purchaser in such sale or the dollar amount specified in subsection (b).

“(2) EXCEPTION FOR REINVESTED AMOUNTS.—Paragraph (1) shall not apply to any recapture event which is a sale if—

“(A) the sale is a qualified telecommunications sale, or

“(B) during the 60-day period beginning on the date of such sale, the taxpayer is the purchaser in another qualified telecommunications sale in which the consideration furnished by the taxpayer is not less that the amount realized on the recapture event sale.

“(1) RECAPTURE EVENT.—For purpose of this subsection, the term ‘recapture event’ means with respect to any qualified telecommunications sale—

“(A) any sale or other disposition of the assets or stock referred to in subsection (c) which were acquired by the taxpayer in such sale, and

“(B) in the case of a qualified telecommunications sale described in subsection (c)(1)(B)—

“(i) any sale or other disposition of a telecommunications business by the corporation referred to in such subsection, or

“(ii) any other transaction which results in the eligible purchaser business not having control (as defined in subsection (c)(1)(B)(i)) of such corporation.

“(f) DEFINITIONS.—In this section:

“(1) ELIGIBLE PURCHASER.—The term ‘eligible purchaser’ means—

“(A) the Telecommunications Development Fund established under section 714 of the Communications Act of 1934 (47 U.S.C. 614), or any wholly-owned affiliate of that Fund;

“(B) an economically and socially disadvantaged business, as defined in paragraph (2) of this subsection; and

“(C) an entity qualified under section 851, if more than 50 percent of its gross income is derived from equity investment in an economically and socially disadvantaged business or businesses, as defined in paragraph (2) of this subsection, as determined by the Secretary.

“(2) ECONOMICALLY AND SOCIALLY DISADVANTAGED BUSINESS.—The term ‘economically and socially disadvantaged business’ means a person that is designated by the Secretary as an ‘economically and socially disadvantaged business’ based on a determination that the subject person—

“(A) meets the control requirements of paragraph (6);

“(B) will be a telecommunications business after the purchase for which the eligibility determination is sought; and

“(C) before the purchase for which the eligibility determination is sought does not have:

“(i) attributable ownership interests in television broadcast stations having an aggregate national audience reach of more than 5 percent as defined by the Federal Communications Commission under section 73.3555(e)(2)(i) of title 47 of the Code of Federal Regulations as in effect on January 1, 2001;

“(ii) attributable ownership interest in: (a) more than 50 radio stations nationally; and (b) radio stations with a combined market share exceeding 10 percent of radio advertising revenues in the relevant market as defined by the Federal Communications Commission; or

“(iii) attributable ownership interests in any other telecommunications business having more than 5 percent of national subscribers.

“(3) RELEVANT MARKET.—The term ‘relevant market’ means the local market served by the radio station or stations being purchased.

“(4) TELECOMMUNICATIONS BUSINESS.—The term ‘telecommunications business’ means a business which, as its primary purpose, engaged in electronic communications and is regulated by the Federal Communications Commission pursuant to the Communications Act, including a cable system (as defined in section 602(7) of the Communications Act of 1934 (47 U.S.C. 532(7)), a radio station (as defined in section 3(35) of that Act (47 U.S.C. 153(35)), a broadcasting station providing television service (as defined in section 3(49) of that Act (47 U.S.C. 153(49)), a provider of direct broadcast satellite service (as defined in section 335(b)(5) of that Act (47 U.S.C. 335(b)(5)), a provider of video programming (as defined in section 602(20) of that Act (47 U.S.C. 602(20)); a provider of commercial mobile services (as defined in section 332(d)(1) of that Act (47 U.S.C. 332(d)(1)), a telecommunications carrier (as defined in section 3(44), of that Act (47 U.S.C. 153(44)); a provider of fixed satellite service; a reseller of telecommunications service or commercial mobile service; or a provider of multichannel multipoint distribution service.

“(5) PURCHASE.—The taxpayer shall be considered to have purchased a property if, but for subsection (d)(2), the unadjusted basis of the property would be its cost within the meaning of section 1012.

“(6) CONTROL.—

“(A) INDIVIDUALS.—For purposes of paragraph (2)(A), an individual who meets the requirements of paragraph (7) also meets the requirements of this paragraph.

“(B) ENTITIES.—For purposes of paragraph (1)(B), an entity meets the requirement of this paragraph if the requirements of subparagraph (C), (D), or (E) are satisfied.

“(C) 30-PERCENT TEST.—The requirements of this subparagraph are satisfied if—

“(i) with respect to any entity which is a corporation, individuals who meet the requirements of paragraph (7) own 30 percent or more in value of the outstanding stock of the corporation, and more than 50 percent of the total combined voting power of all classes of stock entitled to vote of the corporation; and

“(ii) with respect to any entity which is a partnership, individuals who meet the requirements of paragraph (7) own 30 percent or more of the capital interest and the profits interest in the partnership, and more than 50 percent of the total combined voting power of all classes of partnership interests entitled to vote.

“(D) 15-PERCENT TEST.—The requirements of this subparagraph are satisfied if—

“(i) with respect to any entity which is a corporation—

“(I) individuals who meet the requirements of paragraph (7) own 15 percent or more in value of the outstanding stock of the corporation, and more than 50 percent of the total combined voting power of all classes of stock entitled to vote of the corporation; and

“(II) no other person owns more than 25 percent in value of the outstanding stock of the corporation; and

“(ii) with respect to any entity which is a partnership—

“(I) individuals who meet the requirements of paragraph (7) own 15 percent or more of the capital interest and profits interest of the partnership, and more than 50 percent of the total combined voting power of all classes of partnership interests entitled to vote; and

“(II) no other person owns more than 25 percent of the capital interest and profits interest of the partnership.

“(E) PUBLICLY-TRADED CORPORATION TEST.—The requirements of this subparagraph are satisfied if, with respect to a corporation the securities of which are traded on an established securities market—

“(i) individuals who meet the requirements of paragraph (7) own 50 percent or more of the total combined voting power of all classes of stock entitled to vote of the corporation; and

“(ii) the stock owned by those individuals is not subject to any agreement, arrangement, or understanding which provides for, or relates to, the voting of the stock in any manner by, or at the direction of, any person other than an eligible individual who meets the requirements of paragraph (7), or the right of any person other than one of those individuals to acquire the voting power through purchase of shares or otherwise.

“(F) CONSTRUCTIVE OWNERSHIP.—In applying subparagraphs (C), (D), and (E), the following rules apply:

“(i) Stock or partnership interests owned, directly or indirectly, by or for a corporation, partnership, estate, or trust shall be considered as being owned proportionately by or for its shareholders, partners, or beneficiaries.

“(ii) An individual shall be considered as owning stock and partnership interests owned, directly or indirectly, by or for his family.

“(iii) An individual owning (otherwise than by the application of clause (ii)) any stock in corporation shall be considered as owning the stock or partnership interests owned, directly or indirectly, by or for his partner.

“(iv) An individual owning (otherwise than by the application of clause (ii)) any partnership interest in a partnership shall be considered as owning the stock or partnership interests owned, directly or indirectly, by or for his partner.

“(v) The family of an individual shall include only his brothers and sisters (whether by the whole or half blood), spouse, ancestors, and lineal descendants.

"(vi) Stock or partnership interests constructively owned by a person by reason of the application of clause (i) shall, for the purposes of applying clause (i), (ii), (iii), or (iv), he treated as actually owned by that person, but stock constructively owned by an individual by reason of the application of clause (ii), (iii), or (iv) shall not be treated as owned by that individual for the purpose of again applying any of those clauses in order to make another the constructive owner of the stock or partnership interests.

"(7) INDIVIDUALS.—An individual is described in this paragraph if that individual is

"(A) a United States citizen, and

"(B) a member of a socially or economically disadvantaged class determined by the Secretary of Treasury to be underrepresented in the ownership of the relevant telecommunications business.".

SEC. 4. TELECOMMUNICATIONS BUSINESS CREDIT.

(a) IN GENERAL.—Subpart E of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to rules for computing investment credit) is amended by inserting after section 48 the following:

"SEC. 48A. TELECOMMUNICATIONS BUSINESS CREDIT.

"For purposes of section 46, there is allowed as a credit against the tax imposed by this chapter for any taxable year an amount equal to 10 percent of the taxable income of any taxpayer that at all times during that taxable year—

"(1) is a local exchange carrier (as defined in section 3(44) of the Communications Act of 1934 (47 U.S.C. 153(44)));

"(2) is not a Bell operating company (as defined in section 3(4) of that Act (47 U.S.C. 153(4))); and

"(3) is headquartered in an area designed as an empowerment zone by the Secretary of Housing and Urban Development.".

(b) CONFORMING AMENDMENTS.—

(1) AMENDMENT OF SECTION 46.—Section 46 of such Code (relating to amount of credit) is amended by—

(A) striking "and" in paragraph (2);

(B) striking "credit." in paragraph (3) and inserting "credit; and"; and

(C) adding at the end the following; "(4) the telecommunications business credit.".

(2) CLERICAL AMENDMENTS.—

(A) The analysis for part III of subchapter 0 of chapter 1 of such Code is amended by adding at the end thereof the following:

"1071. Sale of telecommunications business.".

(B) The table of sections for Subpart E of part IV of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 48 the following:

"48A. Telecommunications business credit."

SEC. 5. EXCLUSION OF 50 PERCENT OF GAIN.

Section 1202 of the Internal Revenue Code of 1986 (relating to 50 percent exclusion for gain from certain small business stock) is amended—

(1) by adding at the end of subsection (a) the following:

"(3) CERTAIN TELECOMMUNICATIONS INVESTMENTS BY CORPORATIONS AND INVESTMENT COMPANIES.—Gross income does not include 50 percent of any gain from the sale or exchange of stock in an eligible purchaser (as defined in section 1071(f)(1)) engaged in a telecommunications business (as defined in section 1071(f)(3)) held for more than 5 years.";

(2) by striking subparagraphs (A) and (B) of subsection (b)(1) and inserting the following:

"(A) in the case of gain from the sale or exchange of qualified small business stock held for more than 5 years—

"(i) $10,000,000 reduced by the aggregate amount of eligible gain taken into account by the taxpayer under subsection (a) for prior taxable years and attributable to dispositions of stock issued by such corporations; or

"(ii) 10 times the aggregate adjusted bases of qualified small business stock issued by such corporations and disposed of by the taxpayer during the taxable year; and

"(B) in the case of gain from the sale or exchange of stock in an eligible purchaser engaged in a telecommunications business for more than 5 years—

"(i) $20,000,000 reduced by the aggregate amount of eligible gain taken into account by their taxpayer under subsection (a) for prior taxable years and attributable to dispositions of stock issued by the eligible purchaser engaged in a telecommunications business; or

"(ii) 15 times the aggregate adjusted bases of stock of an eligible purchaser engaged in a telecommunications business issued by such eligible purchaser and disposed of by the taxpayer during the taxable year.";

(3) by striking "years" in subsection (b)(2) and inserting "years or any gain from the sale or exchange of stock in an eligible purchaser engaged in a telecommunications business held for more than 5 years."; and

(4) by striking " '$10,000,000'." in subsection (b)(3)(!) and inserting " '$10,000,000', and paragraph (1)(B) shall be applied by substituting '$10,000,000' for '$20,000,000'.".

SEC. 6. EFFECTIVE DATE—TECHNICAL AND CONFORMING CHANGES.

(a) TAXABLE YEARS.—The amendments made by section 4 shall apply to taxable years ending after the date of enactment of this Act.

(b) SALES.—The amendments made by section 3 shall apply with respect to a sale described in section 1071(a) of the Internal Revenue Code of 1986 (as added by this section) of a telecommunications business or any equity interest on or after the date of enactment of this Act. The amendments made by section 5 shall apply to sales on or after the date of enactment of this Act.

(c) TECHNICAL AND CONFORMING CHANGES.—The Secretary of the Treasury shall, within 150 days after the date of enactment of this Act, submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate, a draft of any technical and conforming changes in the Internal Revenue Code of 1986 which are necessary to reflect throughout the Code the changes in the substantive provisions of the Code made by section 3(a).

SEC. 7. REGULATIONS.

The Secretary of the Treasury, in consultation with the Federal Communications Commission, shall promulgate regulations to implement this Act no later than 90 days after the effective date of this Act. The regulations shall provide for determination by the Secretary as to whether an applicant is an "eligible purchaser" as defined in new section 1071(f) of the IRC of 1986 (as added by section 3 of this Act). The regulations shall further provide that such determinations of eligibility shall be made not later than 45 calendar days after an application is filed with the Secretary. The regulations implementing section 1071(f)(7) of such Code (as added by section 3 of this Act) shall be updated on an ongoing basis no less frequently than every 5 years.

SEC. 8. BIENNIAL PROGRAM AUDITS BY GAO.

No later than January 1, 2004, and no less frequently than every 2 years thereafter, the Comptroller General shall audit the administration of sections of the Internal Revenue Code of 1986 added or amended by this Act, and issue a report on the results of that audit. The Comptroller General shall include in the report, notwithstanding any provision of section 6103 of the Internal Revenue Code of 1986 to the contrary—

(1) a list of eligible purchasers (as defined in section 1071(f)(1) of such Code) and any other taxpayer receiving a benefit from the operation of section 48A or 1202 of such Code as that section was added or amended by this Act; and

(2) an assessment of the effect the amendments made by this Act have on increasing new entry and growth in the telecommunications industry by socially and economically disadvantaged businesses, and the effect of this Act on enhancing the competitiveness of the telecommunications industry.

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE RESOLUTION 340—AFFIRMING THE IMPORTANCE OF A NATIONAL DAY OF PRAYER AND FASTING, AND DESIGNATING NOVEMBER 27, 2002, AS A NATIONAL DAY OF PRAYER AND FASTING

Mr. SANTORUM (for himself and Mr. BROWNBACK) submitted the following resolution; which was referred to the Committee on the Judiciary.

S. RES. 340

Whereas the President has sought the support of the international community in responding to the threat of terrorism, violent extremist organizations, and states that permit or host organizations that are opposed to democratic ideals;

Whereas a united stance against terrorism and terrorist regimes will likely lead to an increased threat to the armed forces and law enforcement personnel of those states that oppose these regimes of terror and that take an active role in rooting out these enemy forces;

Whereas Congress has aided and supported a united response to acts of terrorism and violence inflicted upon the United States, our allies, and peaceful individuals all over the world;

Whereas President Abraham Lincoln, at the outbreak of the Civil War, proclaimed that the last Thursday in September 1861 should be designated as a day of humility, prayer, and fasting for all people of the Nation;

Whereas it is appropriate and fitting to seek guidance, direction, and focus from God in times of conflict and in periods of turmoil;

Whereas it is through prayer, self-reflection, and fasting that we can better examine those elements of our lives that can benefit from God's wisdom and love;

Whereas prayer to God and the admission of human limitations and frailties begins the process of becoming both stronger and closer to God;

Whereas becoming closer to God helps provide direction, purpose, and conviction in those daily actions and decisions we must take;

Whereas our Nation, tested by civil war, military conflicts, and world wars, has always benefited from the grace and benevolence bestowed by God; and

Whereas dangers and threats to our Nation persist and in this time of peril, it is appropriate that the people of the United States, leaders and citizens alike, seek guidance, strength, and resolve through prayer and fasting: Now, therefore, be it

Resolved, That the Senate—

(1) designates November 27, 2002, as a day for humility, prayer, and fasting for all people of the United States; and

(2) recommends that all people of the United States—

(A) observe this day as a day of prayer and fasting;

(B) seek guidance from God to achieve greater understanding of our own failings;

(C) learn how we can do better in our everyday activities; and

(D) gain resolve in how to confront those challenges which we must confront.

SENATE RESOLUTION 341—DESIGNATING THURSDAY, NOVEMBER 21, 2002, AS “FEED AMERICA THURSDAY”

Mr. HATCH (for himself, Mr. REID, Mr. EDWARDS, Mr. INOUYE, Mr. KENNEDY, Ms. LANDRIEU, Mr. NELSON of Nebraska, Mr. SMITH of Oregon, Mr. WYDEN, Mr. WARNER, Mr. NICKLES, Ms. STABENOW, and Mrs. LINCOLN) submitted the following resolution; which was considered and agreed to:

S. RES. 341

Whereas Thanksgiving Day celebrates the spirit of selfless giving and an appreciation for family and friends;

Whereas the spirit of Thanksgiving Day is a virtue upon which our Nation was founded;

Whereas 33,000,000 Americans, including 13,000,000 children, continue to live in households that do not have an adequate supply of food;

Whereas almost 3,000,000 of those children experience hunger; and

Whereas selfless sacrifice breeds a genuine spirit of Thanksgiving, both affirming and restoring fundamental principles in our society: Now, therefore, be it

Resolved, That the Senate

(1) designates Thursday, November 21, 2002, as “Feed America Thursday”; and

(2) requests that the President issue a proclamation calling upon the people of the United States to sacrifice 2 meals on Thursday, November 21, 2002, and to donate the money that they would have spent on food to a religious or charitable organization of their choice for the purpose of feeding the hungry.

SENATE CONCURRENT RESOLUTION 153—EXPRESSING THE SENSE OF THE CONGRESS THAT THERE SHOULD BE ESTABLISHED AN ANNUAL NATIONAL VISITING NURSE ASSOCIATIONS WEEK

Ms. COLLINS (for herself and Mr. FEINGOLD) submitted the following concurrent resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. CON. RES. 153

Whereas visiting nurse associations are nonprofit home health agencies that, for over 120 years, have been united in their mission to provide cost-effective and compassionate home and community-based health care to individuals, regardless of the individuals' condition or ability to pay for services;

Whereas there are approximately 500 visiting nurse associations, which employ more than 90,000 clinicians, provide health care to more than 4,000,000 people each year, and provide a critical safety net in communities by developing a network of community support services that enable individuals to live independently at home;

Whereas visiting nurse associations have historically served as primary public health care providers in their communities, and are today one of the largest providers of mass immunizations in the medicare program (delivering over 2,500,000 influenza immunizations annually);

Whereas visiting nurse associations are often the home health providers of last resort, serving the most chronic of conditions (such as congestive heart failure, chronic obstructive pulmonary disease, AIDS, and quadriplegia) and individuals with the least ability to pay for services (more than 50 percent of all medicaid home health admissions are by visiting nurse associations);

Whereas any visiting nurse association budget surplus is reinvested in supporting the association's mission through services, including charity care, adult day care centers, wellness clinics, Meals-on-Wheels, and immunization programs;

Whereas visiting nurse associations and other nonprofit home health agencies care for the highest percentage of terminally ill and bedridden patients;

Whereas thousands of visiting nurse association volunteers across the Nation devote time serving as individual agency board members, raising funds, visiting patients in their homes, assisting in wellness clinics, and delivering meals to patients; and

Whereas the establishment of an annual National Visiting Nurse Associations Week for the second full week of every February would increase public awareness of the charity-based missions of visiting nurse associations and of their ability to meet the needs of chronically ill and disabled individuals who prefer to live at home rather than in a nursing home, and would spotlight preventive health clinics, adult day care programs, and other customized wellness programs that meet local community need: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that there should be established an annual National Visiting Nurse Associations Week.

Mr. COLLINS. Mr. President, I am pleased to join my colleague from Wisconsin, Senator RUSS FEINGOLD, in introducing a bill to establish an annual National Visiting Nurse Associations Week in honor of this army of health care heroes who are dedicated to service in the ultimate caring profession.

The Visiting Nurse Associations, VNAs, of today are founded on the principle that the sick, the disabled and the elderly benefit most from health care when it is offered in their own homes. Home care is an increasingly important part of our health care system today. The kinds of highly skilled, and often technically complex, services that the VNAs provide have enabled millions of our most frail and vulnerable patients to avoid hospitals and nursing homes and stay just where they want to be, in the comfort and security of their own homes.

Visiting Nurse Associations are nonprofit home health agencies that provide cost-effective and compassionate home and community-based health care to individuals, regardless of their condition or ability to pay for services. VNAs literally created the profession and practice of home health care more than one hundred years ago, at a time when there were no hospitals in many communities and patients were cared for at home by families who did the best they could. VNAs made a critical difference to these families, bringing professional skills into the home to care for the patient and support the family. They made a critical difference in the late 19th century, and are making a critical difference now as we embark upon the 21st.

VNAs were pioneers in the public health movement, and, in the late 1800s, VNA responsiveness meant milk banks, combating infectious diseases, and providing care for the poor during massive influenza epidemics. Today, that same responsiveness means caring for the dependent elderly, the chronically disabled, the terminally ill, and providing high-tech services previously provided in hospitals, such as ventilator care, blood transfusions, pain management and home chemotherapy.

Health care has gone full circle. Patients are spending less time in the hospital. More and more procedures are being done on an outpatient basis, and recovery and care for patients with chronic diseases and conditions has increasingly been taking place in the home. Moreover, the number of Americans who are chronically ill or disabled in some way continues to grow each year. Once again, VNAs are making a critical difference, providing comprehensive home health services and caring support to patients and their families across the country.

Through these exceptional organizations, 90,000 clinicians dedicate their lives to bringing health care into the homes of over four million Americans every year. VNAs are truly the heart of home care in this country today, and it is time for Congress to recognize the vital services that visiting nurses provide to their patients and their families. I urge my colleagues to join Senator FEINGOLD and me in cosponsoring this resolution establishing an annual National Visiting Nurse Associations' Week.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4879. Mr. SPECTER submitted an amendment intended to be proposed to amendment SA 4738 proposed by Mr. GRAMM (for himself, Mr. MILLER, Mr. MCCONNELL, Mr. THOMPSON, Mr. STEVENS, Mr. HAGEL, Mr. HUTCHINSON, and Mr. BUNNING) to the amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table.

SA 4880. Mr. SPECTER submitted an amendment intended to be proposed to amendment SA 4738 proposed by Mr. GRAMM (for himself, Mr. MILLER, Mr. MCCONNELL, Mr. THOMPSON, Mr. STEVENS, Mr. HAGEL, Mr. HUTCHINSON, and Mr. BUNNING) to the amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4881. Mr. SPECTER submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4882. Mr. SPECTER submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4883. Mr. DASCHLE (for Mr. ROCKEFELLER) proposed an amendment to the bill H.R. 3253, To amend title 38, United States Code, to provide for the establishment within the Department of Veterans Affairs of improved emergency medical preparedness, research, and education programs to combat terrorism, and for other purposes.

SA 4884. Mr. DASCHLE (for Mr. ROCKEFELLER) proposed an amendment to the bill H.R. 4015, to amend title 38, United States Code, to revise and improve employment, training, and placement services furnished to veterans, and for other purposes.

SA 4885. Mr. DASCHLE (for Mr. KENNEDY (for himself, Mr. GREGG, Mr. EDWARDS, Mr. BINGAMAN, Mrs. MURRAY, Mr. REED, and Mr. ENZI)) proposed an amendment to the bill H.R. 3801, to provide for improvement of Federal education research, statistics, evaluation, information, and dissemination, and for other purposes.

TEXT OF AMENDMENTS

SA 4879. Mr. SPECTER submitted an amendment intended to be proposed to amendment SA 4738 proposed by Mr. GRAMM (for himself, Mr. MILLER, Mr. MCCONNELL, Mr. THOMPSON, Mr. STEVENS, Mr. HAGEL, Mr. HUTCHINSON, and Mr. BUNNING) to the amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

On page 24, strike line 4 and insert the following:

(19) On behalf of the Secretary, subject to disapproval by the President, to direct the agencies described under subsection (f)(1) to provide intelligence information, analyses of intelligence information, and such other intelligence-related information as the Assistant Secretary for Information Analysis determines necessary. The agencies described are: other elements of the Department; the Federal Bureau of Investigation; other elements of the intelligence community, as that term is defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4); such other elements of the Federal Government as the President considers appropriate.

(20) To perform such other duties relating to

SA 4880. Mr. SPECTER submitted an amendment intended to be proposed to amendment SA 4738 proposed by Mr. GRAMM (for himself, Mr. MILLER, Mr. MCCONNELL, Mr. THOMPSON, Mr. STEVENS, Mr. HAGEL, Mr. HUTCHINSON, and Mr. BUNNING) to the amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 24, strike line 6 and all that follows through line 14 on page 27 and insert the following:

SEC. 202. HOMELAND SECURITY ASSESSMENT CENTER.

(a) ESTABLISHMENT.—There is established in the Department the Homeland Security Assessment Center.

(b) HEAD.—The Assistant Secretary of Homeland Security for Information Analysis shall be the head of the Center.

(c) RESPONSIBILITIES.—The responsibilities of the Center shall be as follows:

(1) To assist the Under Secretary of Homeland Security for Information Analysis and Infrastructure Protection in discharging the responsibilities under section 201.

(2) To provide intelligence and information analysis and support to other elements of the Department.

(3) To perform such other duties as the Secretary shall provide.

(d) STAFF.—

(1) IN GENERAL.—The Secretary shall provide the Center with a staff of analysts having appropriate expertise and experience to assist the Center in discharging the responsibilities under this section.

(2) PRIVATE SECTOR ANALYSTS.—Analysts under this subsection may include analysts from the private sector.

(3) SECURITY CLEARANCES.—Analysts under this subsection shall possess security clearances appropriate for their work under this section.

(e) COOPERATION WITHIN DEPARTMENT.—The Secretary shall ensure that the Center cooperates closely with other officials of the Department having responsibility for infrastructure protection in order to provide the Secretary with a complete and comprehensive understanding of threats to homeland security and the actual or potential vulnerabilities of the United States in light of such threats.

(f) SUPPORT:—

(1) IN GENERAL.—The following elements of the Federal Government shall provide personnel and resource support to the Center:

(A) Other elements of the Department designated by the Secretary for that purpose.

(B) The Federal Bureau of Investigation.

(C) Other elements of the intelligence community, as that term is defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

(D) Such other elements of the Federal Government as the President considers appropriate.

(2) MEMORANDA OF UNDERSTANDING.—The Secretary may enter into one or more memoranda of understanding with the head of an element referred to in paragraph (1) regarding the provision of support to the Center under that paragraph.

(g) DETAIL OF PERSONNEL.—

(1) IN GENERAL.—In order to assist the Center in discharging the responsibilities under subsection (c), personnel of the agencies referred to in paragraph (2) may be detailed to the Department for the performance of analytic functions and related duties.

(2) COVERED AGENCIES.—The agencies referred to in this paragraph are as follows:

(A) The Department of State.

(B) The Central Intelligence Agency.

(C) The Federal Bureau of Investigation.

(D) The National Security Agency.

(E) The National Imagery and Mapping Agency.

(F) The Defense Intelligence Agency.

(G) Other elements of the intelligence community, as defined in this section.

(H) Any other agency of the Federal Government that the Secretary considers appropriate.

(3) COOPERATIVE AGREEMENTS.—Personnel shall be detailed under this subsection pursuant to cooperative agreements entered into for that purpose by the Secretary and the head of the agency concerned.

(4) BASIS.—The detail of personnel under this subsection may be on a reimbursable or non-reimbursable basis.

(h) FUNCTIONS TRANSFERRED.—In accordance with title VIII, there shall be transferred to the Secretary, for assignment to the Under Secretary for Information Analysis and Infrastructure Protection under this section, the functions, personnel, assets, and liabilities of the following:

(1) The National Infrastructure Protection Center of the Federal Bureau of Investigation (other than the Computer Investigations and Operations Section), including the functions of the Attorney General relating thereto.

(2) The National Communications System of the Department of Defense, including the functions of the Secretary of Defense relating thereto.

(3) The Critical Infrastructure Assurance Office of the Department of Commerce, including the functions of the Secretary of Commerce relating thereto.

(4) The Computer Security Division of the National Institute of Standards and Technology, including the functions of the Secretary of Commerce relating thereto.

(5) The National Infrastructure Simulation and Analysis Center of the Department of Energy and the energy security and assurance program and activities of the Department, including the functions of the Secretary of Energy relating thereto.

(6) The Federal Computer Incident Response Center of the General Services Administration, including the functions of the Administrator of General Services relating thereto.

(i) STUDY OF PLACEMENT WITHIN INTELLIGENCE COMMUNITY.—Not later than 90 days after the effective date of this Act, the President shall submit to the Committee on Governmental Affairs and the Select Committee on Intelligence of the Senate and the Committee on Government Reform and the Permanent Select Committee on Intelligence of the House of Representatives a report assessing the advisability of the following:

(1) Placing the elements of the Department concerned with the analysis of foreign intelligence information within the intelligence community under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

(2) Placing such elements within the National Foreign Intelligence Program for budgetary purposes.

SEC. 203. ACCESS TO INFORMATION.

SA 4881. Mr. SPECTER submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 59, between lines 20 and 21 insert the following:

(c) Homeland Security Assessment Center.—

(1) Establishment.—There is established in the Department the Homeland Security Assessment Center.

(2) Head.—The Under Secretary of Homeland Security for Intelligence shall be the head of the Center.

(3) Responsibilities.—The responsibilities of the Center shall be as follows:

(A) To assist the Directorate of Intelligence in discharging the responsibilities under subsection (b) of this section.

(B) To provide intelligence and information analysis and support to other elements of the Department.

(C) To perform such other duties as the Secretary shall provide.

(4) Staff.—

(A) In general.—The Secretary shall provide the Center with a staff of analysts having appropriate expertise and experience to assist the Center in discharging the responsibilities under this subsection.

(B) Private sector analysts.—Analysts under this subsection may include analysts from the private sector.

(C) Security clearances.—Analysts under this subsection shall possess security clearances appropriate for their work under this section.

(5) Cooperation within department.—The Secretary shall ensure that the Center cooperates closely with other officials of the Department having responsibility for infrastructure protection in order to provide the Secretary with a complete and comprehensive understanding of threats to homeland security and the actual or potential vulnerabilities of the United States in light of such threats.

(6) Support.—

(A) In general.—The following elements of the Federal Government shall provide personnel and resource support to the Center:

(i) Other elements of the Department designated by the Secretary for that purpose.

(ii) The Federal Bureau of Investigation.

(iii) Other elements of the intelligence community, as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

(iv) Such other elements of the Federal Government as the President considers appropriate.

(B) Memoranda of understanding.—The Secretary may enter into one or more memoranda of understanding with the head of an element referred to in paragraph (1) regarding the provision of support to the Center under that paragraph.

(7) Detail of personnel.—

(A) In general.—In order to assist the Center in discharging the responsibilities under subsection (c), personnel of the agencies referred to in paragraph (2) may be detailed to the Department for the performance of analytic functions and related duties.

(B) Covered agencies.—The agencies referred to in this paragraph are as follows:

(i) The Department of State.

(ii) The Central Intelligence Agency.

(iii) The Federal Bureau of Investigation.

(iv) The National Security Agency.

(v) The National Imagery and Mapping Agency.

(vi) The Defense Intelligence Agency.

(vii) Other elements of the intelligence community, as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 410a(4)).

(viii) Any other agency of the Federal Government that the Secretary considers appropriate.

(C) Cooperative agreements.—Personnel shall be detailed under this subsection pursuant to cooperative agreements entered into for that purpose by the Secretary and the head of the agency concerned.

(D) Basis.—The detail of personnel under this subsection may be on a reimbursable or non-reimbursable basis.

On page 59, line 21, strike "(c)" and insert "(d)".

On page 61, line 1, strike "(d)" and insert "(e)".

On page 61, line 12, strike "(e)" and insert "(f)".

On page 62, line 5, strike "(f)" and insert "(g)".

On page 63, line 15, strike "(g)" and insert "(h)".

SA 4882. Mr. SPECTER submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. Lieberman to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

On page 59, between lines 20 and 21, insert the following:

(14) On behalf of the Secretary, subject to disapproval by the President, directing the agencies described under subsection (a)(1)(B) to provide intelligence information, analyses of intelligence information, and such other intelligence-related information as the Under Secretary for Intelligence determines necessary.

SA 4883. Mr. DASCHLE (for Mr. Rockefeller) proposed an amendment to the bill H.R. 3253, to amend title 38, United States Code, to provide for the establishment within the Department of Veterans Affairs of improved emergency medical preparedness, research, and education programs to combat terrorism, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Department of Veterans Affairs Emergency Preparedness Act of 2002".

SEC. 2. ESTABLISHMENT OF MEDICAL EMERGENCY PREPAREDNESS CENTERS AT DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTERS.

(a) In General.—(1) Subchapter II of chapter 73 of title 38, United States Code, is amended by adding at the end the following new section:

"§ 7325. Medical emergency preparedness centers

"(a) Establishment of Centers.—(1) The Secretary shall establish four medical emergency preparedness centers in accordance with this section. Each such center shall be established at a Department medical center and shall be staffed by Department employees.

"(2) The Under Secretary for Health shall be responsible for supervising the operation of the centers established under this section. The Under Secretary shall provide for ongoing evaluation of the centers and their compliance with the requirements of this section.

"(3) The Under Secretary shall carry out the Under Secretary's functions under paragraph (2) in consultation with the Assistant Secretary of Veterans Affairs with responsibility for operations, preparedness, security, and law enforcement functions.

"(b) Mission.—The mission of the centers shall be as follows:

"(1) To carry out research on, and to develop methods of detection, diagnosis, prevention, and treatment of injuries, diseases, and illnesses arising from the use of chemical, biological, radiological, incendiary or other explosive weapons or devices posing threats to the public health and safety.

"(2) To provide education, training, and advice to health care professionals, including health care professionals outside the Veterans Health Administration, through the National Disaster Medical System established pursuant to section 2811(b) of the Public Health Service Act (42 U.S.C. 300hh-11(b)) or through interagency agreements entered into by the Secretary for that purpose.

"(3) In the event of a disaster or emergency referred to in section 1785(b) of this title, to provide such laboratory, epidemiological, medical, or other assistance as the Secretary considers appropriate to Federal, State, and local health care agencies and personnel involved in or responding to the disaster or emergency.

"(c) Selection of Centers.—(1) The Secretary shall select the sites for the centers on the basis of a competitive selection process. The Secretary may not designate a site as a location for a center under this section unless the Secretary makes a finding under paragraph (2) with respect to the proposal for the designation of such site. To the maximum extent practicable, the Secretary shall ensure the geographic dispersal of the sites throughout the United States. Any such center may be a consortium of efforts of more than one medical center.

"(2) A finding by the Secretary referred to in paragraph (1) with respect to a proposal for designation of a site as a location of a center under this section is a finding by the Secretary, upon the recommendations of the Under Secretary for Health and the Assistant Secretary with responsibility for operations, preparedness, security, and law enforcement functions, that the facility or facilities submitting the proposal have developed (or may reasonably be anticipated to develop) each of the following:

"(A) An arrangement with a qualifying medical school and a qualifying school of public health (or a consortium of such schools) under which physicians and other persons in the health field receive education and training through the participating Department medical facilities so as to provide those persons with training in the detection, diagnosis, prevention, and treatment of injuries, diseases, and illnesses induced by exposures to chemical and biological substances, radiation, and incendiary or other explosive weapons or devices.

"(B) An arrangement with a graduate school specializing in epidemiology under which students receive education and training in epidemiology through the participating Department facilities so as to provide such students with training in the epidemiology of contagious and infectious diseases and chemical and radiation poisoning in an exposed population.

"(C) An arrangement under which nursing, social work, counseling, or allied health personnel and students receive training and education in recognizing and caring for conditions associated with exposures to toxins through the participating Department facilities.

"(D) The ability to attract scientists who have made significant contributions to the development of innovative approaches to the detection, diagnosis, prevention, or treatment of injuries, diseases, and illnesses arising from the use of chemical, biological, radiological, incendiary or other explosive weapons or devices posing threats to the public health and safety.

"(3) For purposes of paragraph (2)(A)—

"(A) a qualifying medical school is an accredited medical school that provides education and training in toxicology and environmental health hazards and with which one or more of the participating Department medical centers is affiliated; and

"(B) a qualifying school of public health is an accredited school of public health that provides education and training in toxicology and environmental health hazards and with which one or more of the participating Department medical centers is affiliated.

"(d) Research Activities.—Each center shall conduct research on improved medical preparedness to protect the Nation from threats in the area of that center's expertise. Each center may seek research funds from public and private sources for such purpose.

"(e) Dissemination of Research Products.—(1) The Under Secretary for Health and the Assistant Secretary with responsibility for operations, preparedness, security, and law enforcement functions shall ensure that information produced by the research, education and training, and clinical activities of centers established under this section is made available, as appropriate, to health-care providers in the United States. Dissemination of such information shall be made through publications, through programs of continuing medical and related education provided through regional medical education centers under subchapter VI of chapter 74 of this title, and through other means. Such programs of continuing medical education shall receive priority in the award of funding.

"(2) The Secretary shall ensure that the work of the centers is conducted in close coordination with other Federal departments and agencies and that research products or other information of the centers shall be coordinated and shared with other Federal departments and agencies.

"(f) Coordination of Activities.—The Secretary shall take appropriate actions to ensure that the work of each center is carried out—

"(1) in close coordination with the Department of Defense, the Department of Health and Human Services, and other departments, agencies, and elements of the Government charged with coordination of plans for United States homeland security; and

"(2) after taking into consideration applicable recommendations of the working group on the prevention, preparedness, and response to bioterrorism and other public health emergencies established under section 319F(a) of the Public Health Service Act (42 U.S.C. 247d–6(a)) or any other joint interagency advisory group or committee designated by the President or the President's designee to coordinate Federal research on weapons of mass destruction.

"(g) Assistance to Other Agencies.—The Secretary may provide assistance requested by appropriate Federal, State, and local civil and criminal authorities in investigations, inquiries, and data analyses as necessary to protect the public safety and prevent or obviate biological, chemical, or radiological threats.

"(h) Detail of Employees From Other Agencies.—Upon approval by the Secretary, the Director of a center may request the temporary assignment or detail to the center, on a nonreimbursable basis, of employees from other departments and agencies of the United States who have expertise that would further the mission of the center. Any such employee may be so assigned or detailed on a nonreimbursable basis pursuant to such a request.

"(i) Funding.—(1) Amounts appropriated for the activities of the centers under this section shall be appropriated separately from amounts appropriated for the Department for medical care.

"(2) In addition to funds appropriated for a fiscal year specifically for the activities of the centers pursuant to paragraph (1), the Under Secretary for Health shall allocate to such centers from other funds appropriated for that fiscal year generally for the Department medical care account and the Department medical and prosthetics research account such amounts as the Under Secretary determines appropriate to carry out the purposes of this section. Any determination by the Under Secretary under the preceding sentence shall be made in consultation with the Assistant Secretary with responsibility for operations, preparedness, security, and law enforcement functions.

"(3) There are authorized to be appropriated for the centers under this section $20,000,000 for each of fiscal years 2003 through 2007.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 7324 the following new item:

"7325. Medical emergency preparedness centers.".

(b) Peer Review for Designation of Centers.—(1) In order to assist the Secretary of Veterans Affairs and the Under Secretary of Veterans Affairs for Health in selecting sites for centers under section 7325 of title 38, United States Code, as added by subsection (a), the Under Secretary shall establish a peer review panel to assess the scientific and clinical merit of proposals that are submitted to the Secretary for the designation of such centers. The peer review panel shall be established in consultation with the Assistant Secretary of Veterans Affairs with responsibility for operations, preparedness, security, and law enforcement functions.

(2) The peer review panel shall include experts in the fields of toxicological research, infectious diseases, radiology, clinical care of patients exposed to such hazards, and other persons as determined appropriate by the Secretary. Members of the panel shall serve as consultants to the Department of Veterans Affairs.

(3) The panel shall review each proposal submitted to the panel by the officials referred to in paragraph (1) and shall submit to the Under Secretary for Health its views on the relative scientific and clinical merit of each such proposal. The panel shall specifically determine with respect to each such proposal whether that proposal is among those proposals which have met the highest competitive standards of scientific and clinical merit.

(4) The panel shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

SEC. 3. EDUCATION AND TRAINING PROGRAMS ON MEDICAL RESPONSES TO CONSEQUENCES OF TERRORIST ACTIVITIES.

(a) In General.—(1) Subchapter II of chapter 73 of title 38, United States Code, is amended by adding after section 7325, as added by section 2(a)(1), the following new section:

"§ 7326. Education and training programs on medical response to consequences of terrorist activities

"(a) Education Program.—The Secretary shall carry out a program to develop and disseminate a series of model education and training programs on the medical responses to the consequences of terrorist activities.

"(b) Implementing Official.—The program shall be carried out through the Under Secretary for Health, in consultation with the Assistant Secretary of Veterans Affairs with responsibility for operations, preparedness, security, and law enforcement functions.

"(c) Content of Programs.—The education and training programs developed under the program shall be modelled after programs established at the F. Edward Hebert School of Medicine of the Uniformed Services University of the Health Sciences and shall include, at a minimum, training for health care professionals in the following:

"(1) Recognition of chemical, biological, radiological, incendiary, or other explosive agents, weapons, or devices that may be used in terrorist activities.

"(2) Identification of the potential symptoms of exposure to those agents.

"(3) Understanding of the potential long-term health consequences, including psychological effects, resulting from exposure to those agents, weapons, or devices.

"(4) Emergency treatment for exposure to those agents, weapons, or devices.

"(5) An appropriate course of followup treatment, supportive care, and referral.

"(6) Actions that can be taken while providing care for exposure to those agents, weapons, or devices to protect against contamination, injury, or other hazards from such exposure.

"(7) Information on how to seek consultative support and to report suspected or actual use of those agents.

"(d) Potential Trainees.—In designing the education and training programs under this section, the Secretary shall ensure that different programs are designed for health-care professionals in Department medical centers. The programs shall be designed to be disseminated to health professions students, graduate health and medical education trainees, and health practitioners in a variety of fields.

"(e) Consultation.—In establishing education and training programs under this section, the Secretary shall consult with appropriate representatives of accrediting, certifying, and coordinating organizations in the field of health professions education.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 7325, as added by section 2(a)(2), the following new item:

"7326. Education and training programs on medical response to consequences of terrorist activities.".

(b) Effective Date.—The Secretary of Veterans Affairs shall implement section 7326 of title 38, United States Code, as added by subsection (a), not later than the end of the 90-day period beginning on the date of the enactment of this Act.

SEC. 4. AUTHORITY TO FURNISH HEALTH CARE DURING MAJOR DISASTERS AND MEDICAL EMERGENCIES.

(a) In General.—(1) Subchapter VIII of chapter 17 of title 38, United States Code, is amended by adding at the end the following new section:

"§ 1785. Care and services during certain disasters and emergencies

"(a) Authority To Provide Hospital Care and Medical Services.—During and immediately following a disaster or emergency referred to in subsection (b), the Secretary may furnish hospital care and medical services to individuals responding to, involved in, or otherwise affected by that disaster or emergency.

"(b) Covered Disasters and Emergencies.—A disaster or emergency referred to in this subsection is any disaster or emergency as follows:

"(1) A major disaster or emergency declared by the President under the Robert B. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

"(2) A disaster or emergency in which the National Disaster Medical System established pursuant to section 2811(b) of the Public Health Service Act (42 U.S.C. 300hh-11(b)) is activated by the Secretary of Health and Human Services under paragraph (3)(A) of that section or as otherwise authorized by law.

"(c) Applicability to Eligible Individuals Who Are Veterans.—The Secretary may furnish care and services under this section to an individual described in subsection (a) who is a veteran without regard to whether that individual is enrolled in the system of patient enrollment under section 1705 of this title.

"(d) Reimbursement From Other Federal Departments and Agencies.—(1) The cost of any care or services furnished under this section to an officer or employee of a department or agency of the United States other than the Department or to a member of the Armed Forces shall be reimbursed at such rates as may be agreed upon by the Secretary and the head of such department or agency or the Secretary concerned, in the case of a member of the Armed Forces, based on the cost of the care or service furnished.

"(2) Amounts received by the Department under this subsection shall be credited to the Medical Care Collections Fund under section 1729A of this title.

"(e) Report to Congressional Committees.—Within 60 days of the commencement of a disaster or emergency referred to in subsection (b) in which the Secretary furnishes care and services under this section (or as soon thereafter as is practicable), the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report on the Secretary's allocation of facilities and personnel in order to furnish such care and services.

"(f) Regulations.—The Secretary shall prescribe regulations governing the exercise of the authority of the Secretary under this section.".

(2) The table of sections at the beginning of that chapter is amended by adding at the end the following new item:

"1785. Care and services during certain disasters and emergencies.".

(b) Members of the Armed Forces on Active Duty.—Section 8111A(a) of such title is amended—

(1) by redesignating paragraph (2) as paragraph (4);

(2) by designating the second sentence of paragraph (1) as paragraph (3); and

(3) by inserting between paragraph (1) and paragraph (3), as designated by paragraph (2) of this subsection, the following new paragraph:

"(2)(A) During and immediately following a disaster or emergency referred to in subparagraph (B), the Secretary may furnish hospital care and medical services to members of the Armed Forces on active duty responding to or involved in that disaster or emergency.

"(B) A disaster or emergency referred to in this subparagraph is any disaster or emergency as follows:

"(i) A major disaster or emergency declared by the President under the Robert B. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

"(ii) A disaster or emergency in which the National Disaster Medical System established pursuant to section 2811(b) of the Public Health Service Act (42 U.S.C. 300hh-11(b)) is activated by the Secretary of Health and Human Services under paragraph (3)(A) of that section or as otherwise authorized by law.".

SEC. 5. INCREASE IN NUMBER OF ASSISTANT SECRETARIES OF VETERANS AFFAIRS.

(a) Increase.—Subsection (a) of section 308 of title 38, United States Code, is amended by striking "six" in the first sentence and inserting "seven".

(b) Functions.—Subsection (b) of such section is amended by adding at the end the following new paragraph:

"(11) Operations, preparedness, security, and law enforcement functions.".

(c) Number of Deputy Assistant Secretaries.—Subsection (d)(1) of such section is amended by striking "18" and inserting "19".

(d) Conforming Amendment.—Section 5315 of title 5, United States Code, is amended by striking "(6)" after "Assistant Secretaries, Department of Veterans Affairs" and inserting "(7)".

SEC. 6. CODIFICATION OF DUTIES OF SECRETARY OF VETERANS AFFAIRS RELATING TO EMERGENCY PREPAREDNESS.

(a) In General.—(1) Subchapter I of chapter 81 of title 38, United States Code, is amended by adding at the end the following new section:

"§ 8117. Emergency preparedness

"(a) Readiness of Department Medical Centers.—(1) The Secretary shall take appropriate actions to provide for the readiness of Department medical centers to protect the patients and staff of such centers from chemical or biological attack or otherwise to respond to such an attack so as to enable such centers to fulfill their obligations as part of the Federal response to public health emergencies.

"(2) Actions under paragraph (1) shall include—

"(A) the provision of decontamination equipment and personal protection equipment at Department medical centers; and

"(B) the provision of training in the use of such equipment to staff of such centers.

"(b) Security at Department Medical and Research Facilities.—(1) The Secretary shall take appropriate actions to provide for the security of Department medical centers and research facilities, including staff and patients at such centers and facilities.

"(2) In taking actions under paragraph (1), the Secretary shall take into account the results of the evaluation of the security needs at Department medical centers and research facilities required by section 154(b)(1) of the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 (Public Law 107-188; 116 Stat. 631), including the results of such evaluation relating to the following needs:

"(A) Needs for the protection of patients and medical staff during emergencies, including a chemical or biological attack or other terrorist attack.

"(B) Needs, if any, for screening personnel engaged in research relating to biological pathogens or agents, including work associated with such research.

"(C) Needs for securing laboratories or other facilities engaged in research relating to biological pathogens or agents.

"(c) Tracking of Pharmaceuticals and Medical Supplies and Equipment.—The Secretary shall develop and maintain a centralized system for tracking the current location and availability of pharmaceuticals, medical supplies, and medical equipment throughout the Department health care system in order to permit the ready identification and utilization of such pharmaceuticals, supplies, and equipment for a variety of purposes, including response to a chemical or biological attack or other terrorist attack.

"(d) Training.—The Secretary shall ensure that the Department medical centers, in consultation with the accredited medical school affiliates of such medical centers, develop and implement curricula to train resident physicians and health care personnel in medical matters relating to biological, chemical, or radiological attacks or attacks from an incendiary or other explosive weapon.

"(e) Participation in National Disaster Medical System.—(1) The Secretary shall establish and maintain a training program to facilitate the participation of the staff of Department medical centers, and of the community partners of such centers, in the National Disaster Medical System established pursuant to section 2811(b) of the Public Health Service Act (42 U.S.C. 300hh-11(b)).

"(2) The Secretary shall establish and maintain the training program under paragraph (1) in accordance with the recommendations of the working group on the prevention, preparedness, and response to bioterrorism and other public health emergencies established under section 319F(a) of the Public Health Service Act (42 U.S.C. 247d-6(a)).

"(3) The Secretary shall establish and maintain the training program under paragraph (1) in consultation with the following:

"(A) The Secretary of Defense.

"(B) The Secretary of Health and Human Services.

"(C) The Director of the Federal Emergency Management Agency.

"(f) Mental Health Counseling.—(1) With respect to activities conducted by personnel serving at Department medical centers, the Secretary shall develop and maintain various strategies for providing mental health counseling and assistance, including counseling and assistance for post-traumatic stress disorder, following a bioterrorist attack or other public health emergency to the following persons:

"(A) Veterans.

"(B) Local and community emergency response providers.

"(C) Active duty military personnel.

"(D) Individuals seeking care at Department medical centers.

"(2) The strategies under paragraph (1) shall include the following:

"(A) Training and certification of providers of mental health counseling and assistance.

"(B) Mechanisms for coordinating the provision of mental health counseling and assistance to emergency response providers referred to in paragraph (1).

"(3) The Secretary shall develop and maintain the strategies under paragraph (1) in consultation with the Secretary of Health and Human Services, the American Red Cross, and the working group referred to in subsection (e)(2).".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 8116 the following new item:

"8117. Emergency preparedness.".

(b) Repeal of Codified Provisions.—Subsections (a), (b)(2), (c), (d), (e), and (f) of section 154 of the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 (Public Law 107-188; 38 U.S.C. note prec. 8101) are repealed.

(c) Conforming Amendments.—Subsection (g) of such section is amended—

(1) in paragraph (1), by inserting "of section 8117 of title 38, United States Code" after "subsection (a)"; and

(2) in paragraph (2), by striking "subsections (b) through (f)" and inserting "subsection (b)(1) of this section and subsections (b) through (f) of section 8117 of title 38, United States Code".

SA 4884. Mr. DASCHLE (for Mr. ROCKEFELLER) proposed an amendment to the bill H.R. 4015, to amend title 38, United States Code, to revise and improve employment, training, and placement services furnished to veterans, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; REFERENCES TO TITLE 38, UNITED STATES CODE.

(a) Short Title.—This Act may be cited as the "Jobs for Veterans Act".

(b) References to Title 38, United States Code.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

SEC. 2. PRIORITY OF SERVICE FOR VETERANS IN DEPARTMENT OF LABOR JOB TRAINING PROGRAMS.

(a) Veterans' Job Training Assistance.—(1) Chapter 42 is amended by adding at the end the following new section:

"§4215. Priority of service for veterans in Department of Labor job training programs

"(a) Definitions.—In this section:

"(1) The term 'covered person' means any of the following individuals:

"(A) A veteran.

"(B) The spouse of any of the following individuals:

"(i) Any veteran who died of a service-connected disability.

"(ii) Any member of the Armed Forces serving on active duty who, at the time of application for assistance under this section, is listed, pursuant to section 556 of title 37 and regulations issued thereunder, by the Secretary concerned in one or more of the following categories and has been so listed for a total of more than 90 days: (I) missing in action, (II) captured in line of duty by a hostile force, or (III) forcibly detained or interned in line of duty by a foreign government or power.

"(iii) Any veteran who has a total disability resulting from a service-connected disability.

"(iv) Any veteran who died while a disability so evaluated was in existence.

"(2) The term 'qualified job training program' means any workforce preparation, development, or delivery program or service that is directly funded, in whole or in part, by the Department of Labor and includes the following:

"(A) Any such program or service that uses technology to assist individuals to access workforce development programs (such as job and training opportunities, labor market information, career assessment tools, and related support services).

"(B) Any such program or service under the public employment service system, one-stop career centers, the Workforce Investment Act of 1998, a demonstration or other temporary program, and those programs implemented by States or local service providers based on Federal block grants administered by the Department of Labor.

"(C) Any such program or service that is a workforce development program targeted to specific groups.

"(3) The term 'priority of service' means, with respect to any qualified job training program, that a covered person shall be given priority over nonveterans for the receipt of employment, training, and placement services provided under that program, notwithstanding any other provision of law.

"(b) Entitlement to Priority of Service.—(1) A covered person is entitled to priority of service under any qualified job training program if the person otherwise meets the eligibility requirements for participation in such program.

"(2) The Secretary of Labor may establish priorities among covered persons for purposes of this section to take into account the needs of disabled veterans and special disabled veterans, and such other factors as the Secretary determines appropriate.

"(c) Administration of Programs at State and Local Levels.—An entity of a State or a political subdivision of the State that administers or delivers services under a qualified job training program shall—

"(1) provide information and priority of service to covered persons regarding benefits and services that may be obtained through other entities or service providers; and

"(2) ensure that each covered person who applies to or who is assisted by such a program is informed of the employment-related rights and benefits to which the person is entitled under this section.

"(d) Addition to Annual Report.—In the annual report required under section 4107(c) of this title for the program year beginning in 2003 and each subsequent program year, the Secretary of Labor shall evaluate whether covered persons are receiving priority of service and are being fully served by qualified job training programs, and whether the representation of veterans in such programs is in proportion to the incidence of representation of veterans in the labor market, including within groups that the Secretary may designate for priority under such programs, if any.".

(2) The table of sections at the beginning of chapter 42 is amended by inserting after the item relating to section 4214 the following new item:

"4215. Priority of service for veterans in Department of Labor job training programs.".

(b) Employment of Veterans With Respect to Federal Contracts.—(1) Section 4212(a) is amended to read as follows:

"(a)(1) Any contract in the amount of $100,000 or more entered into by any department or agency of the United States for the procurement of personal property and nonpersonal services (including construction) for the United States, shall contain a provision requiring that the party contracting with the United States take affirmative action to employ and advance in employment qualified covered veterans. This section applies to any subcontract in the amount of $100,000 or more entered into by a prime contractor in carrying out any such contract.

"(2) In addition to requiring affirmative action to employ such qualified covered veterans under such contracts and subcontracts and in order to promote the implementation of such requirement, the Secretary of Labor shall prescribe regulations requiring that—

"(A) each such contractor for each such contract shall immediately list all of its employment openings with the appropriate employment service delivery system (as defined in section 4101(7) of this title), and may also list such openings with one-stop career centers under the Workforce Investment Act of 1998, other appropriate service delivery points, or America's Job Bank (or any additional or subsequent national electronic job bank established by the Department of Labor), except that the contractor may exclude openings for executive and senior management positions and positions which are to be filled from within the contractor's organization and positions lasting three days or less;

"(B) each such employment service delivery system shall give such qualified covered veterans priority in referral to such employment openings; and

"(C) each such employment service delivery system shall provide a list of such employment openings to States, political subdivisions of States, or any private entities or organizations under contract to carry out employment, training, and placement services under chapter 41 of this title.

"(3) In this section:

"(A) The term 'covered veteran' means any of the following veterans:

"(i) Disabled veterans.

"(ii) Veterans who served on active duty in the Armed Forces during a war or in a campaign or expedition for which a campaign badge has been authorized.

"(iii) Veterans who, while serving on active duty in the Armed Forces, participated in a United States military operation for which an Armed Forces service medal was awarded pursuant to Executive Order 12985 (61 Fed. Reg. 1209).

"(iv) Recently separated veterans.

"(B) The term 'qualified', with respect to an employment position, means having the ability to perform the essential functions of the position with or without reasonable accommodation for an individual with a disability.".

(2)(A) Section 4212(c) is amended—

(i) by striking "suitable"; and

(ii) by striking "subsection (a)(2) of this section" and inserting "subsection (a)(2)(B)".

(B) Section 4212(d)(1) is amended—

(i) in the matter preceding subparagraph (A), by striking "of this section" after "subsection (a)"; and

(ii) by amending subparagraphs (A) and (B) to read as follows:

"(A) the number of employees in the workforce of such contractor, by job category and hiring location, and the number of such employees, by job category and hiring location, who are qualified covered veterans;

"(B) the total number of new employees hired by the contractor during the period covered by the report and the number of such employees who are qualified covered veterans; and".

(C) Section 4212(d)(2) is amended by striking "of this subsection" after "paragraph (1)".

(D) Section 4211(6) is amended by striking "one-year period" and inserting "three-year period".

(3) The amendments made by this subsection shall apply with respect to contracts entered into on or after the first day of the first month that begins 12 months after the date of the enactment of this Act.

(c) EMPLOYMENT WITHIN THE FEDERAL GOVERNMENT.—(1) Section 4214(a)(1) is amended—

(A) in the first sentence, by striking "life" and all that follows and inserting "life."; and

(B) in the second sentence, by striking "major" and inserting "uniquely qualified".

(2) Section 4214(b) is amended—

(A) in paragraph (1), by striking "readjustment" and inserting "recruitment";

(B) in paragraph (2), by striking "to—" and all that follows through the period at the end and inserting "to qualified covered veterans.";

(C) in paragraph (3), to read as follows:

"(3) A qualified covered veteran may receive such an appointment at any time.".

(3)(A) Section 4214(a) is amended—

(i) in the third sentence of paragraph (1), by striking "disabled veterans and certain veterans of the Vietnam era and of the post-Vietnam era" and inserting "qualified covered veterans (as defined in paragraph (2)(B))"; and

(ii) in paragraph (2), to read as follows:

"(2) In this section:

"(A) The term 'agency' has the meaning given the term 'department or agency' in section 4211(5) of this title.

"(B) The term 'qualified covered veteran' means a veteran described in section 4212(a)(3) of this title.".

(B) Clause (i) of section 4214(e)(2)(B) is amended by striking "of the Vietnam era".

(C) Section 4214(g) is amended—

(i) by striking "qualified" the first place it occurs and all that follows through "era" the first place it occurs and inserting "qualified covered veterans"; and

(ii) by striking "under section 1712A of this title" and all that follows and inserting "under section 1712A of this title.".

(4) The amendments made by this subsection shall apply to qualified covered veterans without regard to any limitation relating to the date of the veteran's last discharge or release from active duty that may have otherwise applied under section 4214(b)(3) as in effect on the date before the date of the enactment of this Act.

SEC. 3. FINANCIAL AND NON-FINANCIAL PERFORMANCE INCENTIVE AWARDS FOR QUALITY VETERANS EMPLOYMENT, TRAINING, AND PLACEMENT SERVICES.

(a) PERFORMANCE INCENTIVE AWARDS FOR QUALITY EMPLOYMENT, TRAINING, AND PLACEMENT SERVICES.—Chapter 41 is amended by adding at the end the following new section:

"§ 4112. Performance incentive awards for quality employment, training, and placement services

"(a) CRITERIA FOR PERFORMANCE INCENTIVE AWARDS.—(1) For purposes of carrying out a program of performance incentive awards under section 4102A(c)(2)(A)(i)(III) of this title, the Secretary, acting through the Assistant Secretary of Labor for Veterans' Employment and Training, shall establish criteria for performance incentive awards programs to be administered by States to—

"(A) encourage the improvement and modernization of employment, training, and placement services provided under this chapter; and

"(B) recognize eligible employees for excellence in the provision of such services or for having made demonstrable improvements in the provision of such services.

"(2) The Secretary shall establish such criteria in consultation with representatives of States, political subdivisions of States, and other providers of employment, training, and placement services under the Workforce Investment Act of 1998 consistent with the performance measures established under section 4102A(b)(7) of this title.

"(b) FORM OF AWARDS.—Under the criteria established by the Secretary for performance incentive awards to be administered by States, an award under such criteria may be a cash award or such other nonfinancial awards as the Secretary may specify.

"(c) RELATIONSHIP OF AWARD TO GRANT PROGRAM AND EMPLOYEE COMPENSATION.—Performance incentive cash awards under this section—

"(1) shall be made from amounts allocated from the grant or contract amount for a State for a program year under section 4102A(c)(7) of this title; and

"(2) is in addition to the regular pay of the recipient.

"(d) ELIGIBLE EMPLOYEE DEFINED.—In this section, the term 'eligible employee' means any of the following:

"(1) A disabled veterans' outreach program specialist.

"(2) A local veterans' employment representative.

"(3) An individual providing employment, training, and placement services to veterans under the Workforce Investment Act of 1998 or through an employment service delivery system (as defined in section 4101(7) of this title).".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 41 is amended by adding at the end the following new item:

"4112. Performance incentive awards for quality employment, training, and placement services.".

SEC. 4. REFINEMENT OF JOB TRAINING AND PLACEMENT FUNCTIONS OF THE DEPARTMENT.

(a) REVISION OF DEPARTMENT LEVEL SENIOR OFFICIALS AND FUNCTIONS.—(1) Sections 4102A and 4103 are amended to read as follows:

"§ 4102A. Assistant Secretary of Labor for Veterans' Employment and Training; program functions; Regional Administrators

"(a) ESTABLISHMENT OF POSITION OF ASSISTANT SECRETARY OF LABOR FOR VETERANS' EMPLOYMENT AND TRAINING.—(1) There is established within the Department of Labor an Assistant Secretary of Labor for Veterans' Employment and Training, appointed by the President by and with the advice and consent of the Senate, who shall formulate and implement all departmental policies and procedures to carry out (A) the purposes of this chapter, chapter 42, and chapter 43 of this title, and (B) all other Department of Labor employment, unemployment, and training programs to the extent they affect veterans.

"(2) The employees of the Department of Labor administering chapter 43 of this title shall be administratively and functionally responsible to the Assistant Secretary of Labor for Veterans' Employment and Training.

"(3)(A) There shall be within the Department of Labor a Deputy Assistant Secretary of Labor for Veterans' Employment and Training. The Deputy Assistant Secretary shall perform such functions as the Assistant Secretary of Labor for Veterans' Employment and Training prescribes.

"(B) No individual may be appointed as a Deputy Assistant Secretary of Labor for Veterans' Employment and Training unless the individual has at least five years of service in a management position as an employee of the Federal civil service or comparable service in a management position in the Armed Forces. For purposes of determining such service of an individual, there shall be excluded any service described in subparagraphs (A), (B), and (C) of section 308(d)(2) of this title.

"(b) PROGRAM FUNCTIONS.—The Secretary shall carry out the following functions:

"(1) Except as expressly provided otherwise, carry out all provisions of this chapter and chapter 43 of this title through the Assistant Secretary of Labor for Veterans' Employment and Training and administer through such Assistant Secretary all programs under the jurisdiction of the Secretary for the provision of employment and training services designed to meet the needs of all veterans and persons eligible for services furnished under this chapter.

"(2) In order to make maximum use of available resources in meeting such needs, encourage all such programs, and all grantees and contractors under such programs to enter into cooperative arrangements with private industry and business concerns (including small business concerns owned by veterans or disabled veterans), educational institutions, trade associations, and labor unions.

"(3) Ensure that maximum effectiveness and efficiency are achieved in providing services and assistance to eligible veterans under all such programs by coordinating and consulting with the Secretary of Veterans Affairs with respect to (A) programs conducted under other provisions of this title, with particular emphasis on coordination of such programs with readjustment counseling activities carried out under section 1712A of this title, apprenticeship or other on-the-job training programs carried out under section 3687 of this title, and rehabilitation and training activities carried out under chapter 31 of this title and (B) determinations covering veteran population in a State.

"(4) Ensure that employment, training, and placement activities are carried out in coordination and cooperation with appropriate State public employment service officials.

"(5) Subject to subsection (c), make available for use in each State by grant or contract such funds as may be necessary to support—

"(A) disabled veterans' outreach program specialists appointed under section 4103A(a)(1) of this title,

"(B) local veterans' employment representatives assigned under section 4104(b) of this title, and

"(C) the reasonable expenses of such specialists and representatives described in subparagraphs (A) and (B), respectively, for training, travel, supplies, and other business expenses, including travel expenses and per diem for attendance at the National Veterans' Employment and Training Services Institute established under section 4109 of this title.

"(6) Monitor and supervise on a continuing basis the distribution and use of funds provided for use in the States under paragraph (5).

"(7) Establish, and update as appropriate, a comprehensive performance accountability system (as described in subsection (f)) and carry out annual performance reviews of veterans employment, training, and placement services provided through employment service delivery systems, including through disabled veterans' outreach program specialists and through local veterans' employment representatives in States receiving grants, contracts, or awards under this chapter.

"(c) Conditions for Receipt of Funds.—(1) The distribution and use of funds under subsection (b)(5) in order to carry out sections 4103A(a) and 4104(a) of this title shall be subject to the continuing supervision and monitoring of the Secretary and shall not be governed by the provisions of any other law, or any regulations prescribed thereunder, that are inconsistent with this section or section 4103A or 4104 of this title.

"(2)(A) A State shall submit to the Secretary an application for a grant or contract under subsection (b)(5). The application shall contain the following information:

"(i) A plan that describes the manner in which the State shall furnish employment, training, and placement services required under this chapter for the program year, including a description of—

"(I) duties assigned by the State to disabled veterans' outreach program specialists and local veterans' employment representatives consistent with the requirements of sections 4103A and 4104 of this title;

"(II) the manner in which such specialists and representatives are integrated in the employment service delivery systems in the State; and

"(III) the program of performance incentive awards described in section 4112 of this title in the State for the program year.

"(ii) The veteran population to be served.

"(iii) Such additional information as the Secretary may require to make a determination with respect to awarding a grant or contract to the State.

"(B)(i) Subject to the succeeding provisions of this subparagraph, of the amount available under subsection (b)(5) for a fiscal year, the Secretary shall make available to each State with an application approved by the Secretary an amount of funding in proportion to the number of veterans seeking employment using such criteria as the Secretary may establish in regulation, including civilian labor force and unemployment data, for the State on an annual basis. The proportion of funding shall reflect the ratio of—

"(I) the total number of veterans residing in the State that are seeking employment; to

"(II) the total number of veterans seeking employment in all States.

"(ii) The Secretary shall phase in over the three fiscal-year period that begins on October 1, 2002, the manner in which amounts are made available to States under subsection (b)(5) and this subsection, as amended by the Jobs for Veterans Act.

"(iii) In carrying out this paragraph, the Secretary may establish minimum funding levels and hold-harmless criteria for States.

"(3)(A)(i) As a condition of a grant or contract under this section for a program year, in the case of a State that the Secretary determines has an entered-employment rate for veterans that is deficient for the preceding program year, the State shall develop a corrective action plan to improve that rate for veterans in the State.

"(ii) The State shall submit the corrective action plan to the Secretary for approval, and if approved, shall expeditiously implement the plan.

"(iii) If the Secretary does not approve a corrective action plan submitted by the State under clause (i), the Secretary shall take such steps as may be necessary to implement corrective actions in the State to improve the entered-employment rate for veterans in that State.

"(B) To carry out subparagraph (A), the Secretary shall establish in regulations a uniform national threshold entered-employment rate for veterans for a program year by which determinations of deficiency may be made under subparagraph (A).

"(C) In making a determination with respect to a deficiency under subparagraph (A), the Secretary shall take into account the applicable annual unemployment data for the State and consider other factors, such as prevailing economic conditions, that affect performance of individuals providing employment, training, and placement services in the State.

"(4) In determining the terms and conditions of a grant or contract under which funds are made available to a State in order to carry out section 4103A or 4104 of this title, the Secretary shall take into account—

"(A) the results of reviews, carried out pursuant to subsection (b)(7), of the performance of the employment, training, and placement service delivery system in the State, and

"(B) the monitoring carried out under this section.

"(5) Each grant or contract by which funds are made available to a State shall contain a provision requiring the recipient of the funds—

"(A) to comply with the provisions of this chapter; and

"(B) on an annual basis, to notify the Secretary of, and provide supporting rationale for, each nonveteran who is employed as a disabled veterans' outreach program specialist and local veterans' employment representative for a period in excess of 6 months.

"(6) Each State shall coordinate employment, training, and placement services furnished to veterans and eligible persons under this chapter with such services furnished with respect to such veterans and persons under the Workforce Investment Act of 1998 and the Wagner-Peyser Act.

"(7) With respect to program years beginning during or after fiscal year 2004, one percent of the amount of a grant or contract under which funds are made available to a State in order to carry out section 4103A or 4104 of this title for the program year shall be for the purposes of making cash awards under the program of performance incentive awards described in section 4112 of this title in the State.

"(d) Participation in Other Federally Funded Job Training Programs.—The Assistant Secretary of Labor for Veterans' Employment and Training shall promote and monitor participation of qualified veterans and eligible persons in employment and training opportunities under title I of the Workforce Investment Act of 1998 and other federally funded employment and training programs.

"(e) Regional Administrators.—(1) The Secretary shall assign to each region for which the Secretary operates a regional office a representative of the Veterans' Employment and Training Service to serve as the Regional Administrator for Veterans' Employment and Training in such region.

"(2) Each such Regional Administrator shall carry out such duties as the Secretary may require to promote veterans employment and reemployment within the region that the Administrator serves.

"(f) Establishment of Performance Standards and Outcomes Measures.—(1) By not later than 6 months after the date of the enactment of this section, the Assistant Secretary of Labor for Veterans' Employment and Training shall establish and implement a comprehensive performance accountability system to measure the performance of employment service delivery systems, including disabled veterans' outreach program specialists and local veterans' employment representatives providing employment, training, and placement services under this chapter in a State to provide accountability of that State to the Secretary for purposes of subsection (c).

"(2) Such standards and measures shall—

"(A) be consistent with State performance measures applicable under section 136(b) of the Workforce Investment Act of 1998; and

"(B) be appropriately weighted to provide special consideration for placement of (i) veterans requiring intensive services (as defined in section 4101(9) of this title), such as special disabled veterans and disabled veterans, and (ii) veterans who enroll in readjustment counseling under section 1712A of this title.

"(g) Authority to Provide Technical Assistance to States.—The Secretary may provide such technical assistance as the Secretary determines appropriate to any State that the Secretary determines has, or may have, an entered-employment rate in the State that is deficient, as determined under subsection (c)(3) with respect to a program year, including assistance in the development of a corrective action plan under that subsection.

"§ 4103. Directors and Assistant Directors for Veterans' Employment and Training; additional Federal personnel

"(a) Directors and Assistant Directors.—(1) The Secretary shall assign to each State a representative of the Veterans' Employment and Training Service to serve as the Director for Veterans' Employment and Training, and shall assign full-time Federal clerical or other support personnel to each such Director.

"(2) Each Director for Veterans' Employment and Training for a State shall, at the time of appointment, have been a bona fide resident of the State for at least two years.

"(3) Full-time Federal clerical or other support personnel assigned to Directors for Veterans' Employment and Training shall be appointed in accordance with the provisions of title 5 governing appointments in the competitive service and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of title 5.

"(b) Additional Federal Personnel.—The Secretary may also assign as supervisory personnel such representatives of the Veterans' Employment and Training Service as the Secretary determines appropriate to carry out the employment, training, and placement services required under this chapter, including Assistant Directors for Veterans' Employment and Training.".

(2) The items relating to sections 4102A and 4103, respectively, in the table of sections at the beginning of chapter 41 are amended to read as follows:

"4102A. Assistant Secretary of Labor for Veterans' Employment and Training; program functions; Regional Administrators.

"4103. Directors and Assistant Directors for Veterans' Employment and Training; additional Federal personnel.".

(3)(A)(i) Section 4104A is repealed.

(ii) The table of sections at the beginning of chapter 41 is amended by striking the item relating to section 4104A.

(B) Section 4107(b) is amended by striking "The Secretary shall establish definitive performance standards" and inserting "The Secretary shall apply performance standards established under section 4102A(f) of this title".

(4) The amendments made by this subsection shall take effect on the date of the enactment of this Act, and apply for program and fiscal years under chapter 41 of title 38, United States Code, beginning on or after such date.

(b) Revision of Statutorily Defined Duties of Disabled Veterans' Outreach Program Specialists and Local Veterans' Employment Representatives.—(1) Section 4103A is amended by striking all after the heading and inserting the following:

"(a) Requirement for Employment by States of a Sufficient Number of Specialists.—(1) Subject to approval by the Secretary, a State shall employ such full- or part-time disabled veterans' outreach program specialists as the State determines appropriate and efficient to carry out intensive services under this chapter to meet the employment needs of eligible veterans with the following priority in the provision of services:

"(A) Special disabled veterans.

"(B) Other disabled veterans.

"(C) Other eligible veterans in accordance with priorities determined by the Secretary taking into account applicable rates of unemployment and the employment emphases set forth in chapter 42 of this title.

"(2) In the provision of services in accordance with this subsection, maximum emphasis in meeting the employment needs of veterans shall be placed on assisting economically or educationally disadvantaged veterans.

"(b) Requirement for Qualified Veterans.—A State shall, to the maximum extent practicable, employ qualified veterans to carry out the services referred to in subsection (a). Preference shall be given in the appointment of such specialists to qualified disabled veterans.".

(2) Section 4104 is amended by striking all after the heading and inserting the following:

"(a) Requirement for Employment by States of a Sufficient Number of Representatives.—Subject to approval by the Secretary, a State shall employ such full- and part-time local veterans' employment representatives as the State determines appropriate and efficient to carry out employment, training, and placement services under this chapter.

"(b) Principal Duties.—As principal duties, local veterans' employment representatives shall—

"(1) conduct outreach to employers in the area to assist veterans in gaining employment, including conducting seminars for employers and, in conjunction with employers, conducting job search workshops and establishing job search groups; and

"(2) facilitate employment, training, and placement services furnished to veterans in a State under the applicable State employment service delivery systems.

"(c) Requirement for Qualified Veterans and Eligible Persons.—A State shall, to the maximum extent practicable, employ qualified veterans or eligible persons to carry out the services referred to in subsection (a). Preference shall be accorded in the following order:

"(1) To qualified service-connected disabled veterans.

"(2) If no veteran described in paragraph (1) is available, to qualified eligible veterans.

"(3) If no veteran described in paragraph (1) or (2) is available, then to qualified eligible persons.

"(d) Reporting.—Each local veterans' employment representative shall be administratively responsible to the manager of the employment service delivery system and shall provide reports, not less frequently than quarterly, to the manager of such office and to the Director for Veterans' Employment and Training for the State regarding compliance with Federal law and regulations with respect to special services and priorities for eligible veterans and eligible persons.".

(3) The amendments made by this subsection shall take effect on the date of the enactment of this Act, and apply for program years under chapter 41 of title 38, United States Code, beginning on or after such date.

(c) Requirement To Promptly Establish One-Stop Employment Services.—By not later than 18 months after the date of the enactment of this Act, the Secretary of Labor shall provide one-stop services and assistance to covered persons electronically by means of the Internet, as defined in section 231(e)(3) of the Communications Act of 1934, and such other electronic means to enhance the delivery of such services and assistance.

(d) Requirement for Budget Line Item for Training Services Institute.—(1) The last sentence of section 4106(a) is amended to read as follows: "Each budget submission with respect to such funds shall include a separate listing of the amount for the National Veterans' Employment and Training Services Institute together with information demonstrating the compliance of such budget submission with the funding requirements specified in the preceding sentence.".

(2) The amendment made by paragraph (1) shall take effect on the date of the enactment of this Act, and apply to budget submissions for fiscal year 2004 and each subsequent fiscal year.

(e) Conforming Amendments.—(1) Section 4107(c)(5) is amended by striking "(including the need" and all that follows through "representatives)".

(2) Section 3117(a)(2)(B) is amended to read as follows:

"(B) utilization of employment, training, and placement services under chapter 41 of this title; and".

SEC. 5. ADDITIONAL IMPROVEMENTS IN VETERANS EMPLOYMENT AND TRAINING SERVICES.

(a) Inclusion of Intensive Services.—(1)(A) Section 4101 is amended by adding at the end the following new paragraph:

"(9) The term 'intensive services' means local employment and training services of the type described in section 134(d)(3) of the Workforce Investment Act of 1998.".

(B) Section 4102 is amended by striking "job and job training counseling service program," and inserting "job and job training intensive services program,".

(C) Section 4106(a) is amended by striking "proper counseling" and inserting "proper intensive services".

(D) Section 4107(a) is amended by striking "employment counseling services" and inserting "intensive services".

(E) Section 4107(c)(1) is amended by striking "the number counseled" and inserting "the number who received intensive services".

(F) Section 4109(a) is amended by striking "counseling," each place it appears and inserting "intensive services,".

(2) The amendments made by paragraph (1) shall take effect on the date of the enactment of this Act.

(b) Additional VETS Duty To Implement Transitions to Civilian Careers.—(1)(A) Section 4102 is amended by striking the period and inserting ", including programs carried out by the Veterans' Employment and Training Service to implement all efforts to ease the transition of servicemembers to civilian careers that are consistent with, or an outgrowth of, the military experience of the servicemembers.".

(B) Such section is further amended by striking "and veterans of the Vietnam era" and inserting "and veterans who served on active duty during a war or in a campaign or expedition for which a campaign badge has been authorized".

(2) The amendments made by paragraph (1) shall take effect on the date of the enactment of this Act.

(c) Modernization of Employment Service Delivery Points To Include Technological Innovations.—(1) Section 4101(7) is amended to read as follows:

"(7) The term 'employment service delivery system' means a service delivery system at which or through which labor exchange services, including employment, training, and placement services, are offered in accordance with the Wagner-Peyser Act.".

(2) The amendments made by paragraph (1) shall take effect on the date of the enactment of this Act.

(d) Increase in Accuracy of Reporting Services Furnished to Veterans.—(1)(A) Section 4107(c)(1) is amended—

(i) by striking "veterans of the Vietnam era,"; and

(ii) by striking "and eligible persons who registered for assistance with" and inserting "eligible persons, recently separated veterans (as defined in section 4211(6) of this title), and servicemembers transitioning to civilian careers who registered for assistance with, or who are identified as veterans by,".

(B) Section 4107(c)(2) is amended—

(i) by striking "the job placement rate" the first place it appears and inserting "the rate of entered employment (as determined in a manner consistent with State performance measures applicable under section 136(b) of the Workforce Investment Act of 1998)"; and

(ii) by striking "the job placement rate" the second place it appears and inserting "such rate of entered employment (as so determined)".

(C) Section 4107(c)(4) is amended by striking "sections 4103A and 4104" and inserting "section 4212(d)".

(D) Section 4107(c) is amended—

(i) by striking "and" at the end of paragraph (4);

(ii) by striking the period at the end of paragraph (5) and inserting "; and"; and

(iii) by adding at the end the following new paragraph:

"(6) a report on the operation during the preceding program year of the program of performance incentive awards for quality employment services under section 4112 of this title.".

(E) Section 4107(b), as amended by section 4(a)(3)(B), is further amended by striking the second sentence and inserting the following: "Not later than February 1 of each year, the Secretary shall report to the Committees on Veterans' Affairs of the Senate and the House of Representatives on the performance of States and organizations and entities carrying out employment, training, and placement services under this chapter, as measured under subsection (b)(7) of section 4102A of this title. In the case of a State that the Secretary determines has not met the minimum standard of performance (established by the Secretary under subsection (f) of such section), the Secretary shall include an analysis of the extent and reasons for the State's failure to meet that minimum standard, together with the State's plan for corrective action during the succeeding year.".

(2) The amendments made by paragraph (1) shall apply to reports for program years beginning on or after July 1, 2003.

(e) CLARIFICATION OF AUTHORITY OF NVETSI TO PROVIDE TRAINING FOR PERSONNEL OF OTHER DEPARTMENTS AND AGENCIES.—Section 4109 is amended by adding at the end the following new subsection:

"(c)(1) Nothing in this section shall be construed as preventing the Institute to enter into contracts or agreements with departments or agencies of the United States or of a State, or with other organizations, to carry out training of personnel of such departments, agencies, or organizations in the provision of services referred to in subsection (a).

"(2) All proceeds collected by the Institute under a contract or agreement referred to in paragraph (1) shall be applied to the applicable appropriation.".

SEC. 6. COMMITTEE TO RAISE EMPLOYER AWARENESS OF SKILLS OF VETERANS AND BENEFITS OF HIRING VETERANS.

(a) ESTABLISHMENT OF COMMITTEE.—There is established within the Department of Labor a committee to be known as the President's National Hire Veterans Committee (hereinafter in this section referred to as the "Committee").

(b) DUTIES.—The Committee shall establish and carry out a national program to do the following:

(1) To furnish information to employers with respect to the training and skills of veterans and disabled veterans, and the advantages afforded employers by hiring veterans with such training and skills.

(2) To facilitate employment of veterans and disabled veterans through participation in America's Career Kit national labor exchange, and other means.

(c) MEMBERSHIP.—(1) The Secretary of Labor shall appoint 15 individuals to serve as members of the Committee, of whom one shall be appointed from among representatives nominated by each organization described in subparagraph (A) and of whom eight shall be appointed from among representatives nominated by organizations described in subparagraph (B).

(A) Organizations described in this subparagraph are the following:

(i) The Ad Council.

(ii) The National Committee for Employer Support of the Guard and Reserve.

(iii) Veterans' service organizations that have a national employment program.

(iv) State employment security agencies.

(v) One-stop career centers.

(vi) State departments of veterans affairs.

(vii) Military service organizations.

(B) Organizations described in this subparagraph are such businesses, small businesses, industries, companies in the private sector that furnish placement services, civic groups, workforce investment boards, and labor unions as the Secretary of Labor determines appropriate.

(2) The following shall be ex officio, nonvoting members of the Committee:

(A) The Secretary of Veterans Affairs.

(B) The Secretary of Defense.

(C) The Assistant Secretary of Labor for Veterans' Employment and Training.

(D) The Administrator of the Small Business Administration.

(E) The Postmaster General.

(F) The Director of the Office of Personnel Management.

(3) A vacancy in the Committee shall be filled in the manner in which the original appointment was made.

(d) ADMINISTRATIVE MATTERS.—(1) The Committee shall meet not less frequently than once each calendar quarter.

(2) The Secretary of Labor shall appoint the chairman of the Committee.

(3)(A) Members of the Committee shall serve without compensation.

(B) Members of the Committee shall be allowed reasonable and necessary travel expenses, including per diem in lieu of subsistence, at rates authorized for persons serving intermittently in the Government service in accordance with the provisions of subchapter I of chapter 57 of title 5 while away from their homes or regular places of business in the performance of the responsibilities of the Committee.

(4) The Secretary of Labor shall provide staff and administrative support to the Committee to assist it in carrying out its duties under this section. The Secretary shall assure positions on the staff of the Committee include positions that are filled by individuals that are now, or have ever been, employed as one of the following:

(A) Staff of the Assistant Secretary of Labor for Veterans' Employment and Training under section 4102A of title 38, United States Code as in effect on the date of the enactment of this Act.

(B) Directors for Veterans' Employment and Training under section 4103 of such title as in effect on such date.

(C) Assistant Director for Veterans' Employment and Training under such section as in effect on such date.

(D) Disabled veterans' outreach program specialists under section 4103A of such title as in effect on such date.

(E) Local veterans' employment representatives under section 4104 of such title as in effect on such date.

(5) Upon request of the Committee, the head of any Federal department or agency may detail, on a nonreimbursable basis, any of the personnel of that department or agency to the Committee to assist it in carrying out its duties.

(6) The Committee may contract with and compensate government and private agencies or persons to furnish information to employers under subsection (b)(1) without regard to section 3709 of the Revised Statutes (41 U.S.C. 5).

(e) REPORT.—Not later than December 31, 2003, 2004, and 2005, the Secretary of Labor shall submit to Congress a report on the activities of the Committee under this section during the previous fiscal year, and shall include in such report data with respect to placement and retention of veterans in jobs attributable to the activities of the Committee.

(f) TERMINATION.—The Committee shall terminate 60 days after submitting the report that is due on December 31, 2005.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Labor from the employment security administration account (established in section 901 of the Social Security Act (42 U.S.C. 1101)) in the Unemployment Trust Fund $3,000,000 for each of fiscal years 2003 through 2005 to carry out this section.

SEC. 7. REPORT ON IMPLEMENTATION OF EMPLOYMENT REFORMS.

(a) STUDY.—The Comptroller General of the United States shall conduct a study on the implementation by the Secretary of Labor of the provisions of this Act during the program years that begin during fiscal years 2003 and 2004. The study shall include an assessment of the modifications under sections 2 through 5 of this Act of the provisions of title 38, United States Code, and an evaluation of the impact of those modifications, and of the actions of the President's National Hire Veterans Committee under section 6 of this Act, to the provision of employment, training, and placement services provided to veterans under that title.

(b) REPORT.—Not later than 6 months after the conclusion of the program year that begins during fiscal year 2004, the Comptroller General shall submit to Congress a report on the study conducted under subsection (a). The report shall include such recommendations as the Comptroller General determines appropriate, including recommendations for legislation or administrative action.

SA 4885. Mr. DASCHLE (for Mr. KENNEDY (for himself, Mr. GREGG, Mr. EDWARDS, Mr. BINGAMAN, Mrs. MURRAY, Mr. REED, and Mr. ENZI) proposed an amendment to the bill H.R. 3801, to provide for improvement of Federal education research, statistics, evaluation, information, and dissemination, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

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The table of contents for this Act is as follows:

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TITLE I—EDUCATION SCIENCES REFORM

SEC. 101. SHORT TITLE.

This title may be cited as the "Education Sciences Reform Act of 2002".

SEC. 102. DEFINITIONS.

In this title:

(1) IN GENERAL.—The terms "elementary school", "secondary school", "local educational agency", and "State educational agency" have the meanings given those terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801) and the terms "freely associated states" and "outlying area" have the meanings given those terms in section 1121(c) of such Act (20 U.S.C. 6331(c)).

(2) APPLIED RESEARCH.—The term "applied research" means research—

(A) to gain knowledge or understanding necessary for determining the means by which a recognized and specific need may be met; and

(B) that is specifically directed to the advancement of practice in the field of education.

(3) BASIC RESEARCH.—The term "basic research" means research—

(A) to gain fundamental knowledge or understanding of phenomena and observable facts, without specific application toward processes or products; and

(B) for the advancement of knowledge in the field of education.

(4) BOARD.—The term "Board" means the National Board for Education Sciences established under section 116.

(5) BUREAU.—The term "Bureau" means the Bureau of Indian Affairs.

(6) COMPREHENSIVE CENTER.—The term "comprehensive center" means an entity established under section 203 of the Educational Technical Assistance Act of 2002.

(7) DEPARTMENT.—The term "Department" means the Department of Education.

(8) DEVELOPMENT.—The term "development" means the systematic use of knowledge or understanding gained from the findings of scientifically valid research and the shaping of that knowledge or understanding into products or processes that can be applied and evaluated and may prove useful in areas such as the preparation of materials and new methods of instruction and practices in teaching, that lead to the improvement of the academic skills of students, and that are replicable in different educational settings.

(9) DIRECTOR.—The term "Director" means the Director of the Institute of Education Sciences.

(10) DISSEMINATION.—The term "dissemination" means the communication and transfer of the results of scientifically valid research, statistics, and evaluations, in forms that are understandable, easily accessible, and usable, or adaptable for use in, the improvement of educational practice by teachers, administrators, librarians, other practitioners, researchers, parents, policymakers, and the public, through technical assistance, publications, electronic transfer, and other means.

(11) EARLY CHILDHOOD EDUCATOR.—The term "early childhood educator" means a person providing, or employed by a provider of, nonresidential child care services (including center-based, family-based, and in-home child care services) that is legally operating under State law, and that complies with applicable State and local requirements for the provision of child care services to children at any age from birth through the age at which a child may start kindergarten in that State.

(12) FIELD-INITIATED RESEARCH.—The term "field-initiated research" means basic research or applied research in which specific questions and methods of study are generated by investigators (including teachers and other practitioners) and that conforms to standards of scientifically valid research.

(13) HISTORICALLY BLACK COLLEGE OR UNIVERSITY.—The term "historically Black college or university" means a part B institution as defined in section 322 of the Higher Education Act of 1965 (20 U.S.C. 1061).

(14) INSTITUTE.—The term "Institute" means the Institute of Education Sciences established under section 111.

(15) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" has the meaning given that term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(16) NATIONAL RESEARCH AND DEVELOPMENT CENTER.—The term "national research and development center" means a research and development center supported under section 133(c).

(17) PROVIDER OF EARLY CHILDHOOD SERVICES.—The term "provider of early childhood services" means a public or private entity that serves young children, including—

(A) child care providers;

(B) Head Start agencies operating Head Start programs, and entities carrying out Early Head Start programs, under the Head Start Act (42 U.S.C. 9831 et seq.);

(C) preschools;

(D) kindergartens; and

(E) libraries.

(18) SCIENTIFICALLY BASED RESEARCH STANDARDS.—(A) The term "scientifically based research standards" means research standards that—

(i) apply rigorous, systematic, and objective methodology to obtain reliable and valid knowledge relevant to education activities and programs; and

(ii) present findings and make claims that are appropriate to and supported by the methods that have been employed.

(B) The term includes, appropriate to the research being conducted—

(i) employing systematic, empirical methods that draw on observation or experiment;

(ii) involving data analyses that are adequate to support the general findings;

(iii) relying on measurements or observational methods that provide reliable data;

(iv) making claims of causal relationships only in random assignment experiments or other designs (to the extent such designs substantially eliminate plausible competing explanations for the obtained results);

(v) ensuring that studies and methods are presented in sufficient detail and clarity to allow for replication or, at a minimum, to offer the opportunity to build systematically on the findings of the research;

(vi) obtaining acceptance by a peer-reviewed journal or approval by a panel of independent experts through a comparably rigorous, objective, and scientific review; and

(vii) using research designs and methods appropriate to the research question posed.

(19) SCIENTIFICALLY VALID EDUCATION EVALUATION.—The term "scientifically valid education evaluation" means an evaluation that—

(A) adheres to the highest possible standards of quality with respect to research design and statistical analysis;

(B) provides an adequate description of the programs evaluated and, to the extent possible, examines the relationship between program implementation and program impacts;

(C) provides an analysis of the results achieved by the program with respect to its projected effects;

(D) employs experimental designs using random assignment, when feasible, and other research methodologies that allow for the strongest possible causal inferences when random assignment is not feasible; and

(E) may study program implementation through a combination of scientifically valid and reliable methods.

(20) SCIENTIFICALLY VALID RESEARCH.—The term "scientifically valid research" includes applied research, basic research, and field-initiated research in which the rationale, design, and interpretation are soundly developed in accordance with scientifically based research standards.

(21) SECRETARY.—The term "Secretary" means the Secretary of Education.

(22) STATE.—The term "State" includes (except as provided in section 158) each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the freely associated states, and the outlying areas.

(23) TECHNICAL ASSISTANCE.—The term "technical assistance" means—

(A) assistance in identifying, selecting, or designing solutions based on research, including professional development and high-quality training to implement solutions leading to—

(i) improved educational and other practices and classroom instruction based on scientifically valid research; and

(ii) improved planning, design, and administration of programs;

(B) assistance in interpreting, analyzing, and utilizing statistics and evaluations; and

(C) other assistance necessary to encourage the improvement of teaching and learning through the applications of techniques supported by scientifically valid research.

PART A—THE INSTITUTE OF EDUCATION SCIENCES

SEC. 111. ESTABLISHMENT.

(a) ESTABLISHMENT.—There shall be in the Department the Institute of Education Sciences, to be administered by a Director (as described in section 114) and, to the extent set forth in section 116, a board of directors.

(b) MISSION.—

(1) IN GENERAL.—The mission of the Institute is to provide national leadership in expanding fundamental knowledge and understanding of education from early childhood through postsecondary study, in order to provide parents, educators, students, researchers, policymakers, and the general public with reliable information about—

(A) the condition and progress of education in the United States, including early childhood education;

(B) educational practices that support learning and improve academic achievement and access to educational opportunities for all students; and

(C) the effectiveness of Federal and other education programs.

(2) CARRYING OUT MISSION.—In carrying out the mission described in paragraph (1), the Institute shall compile statistics, develop products, and conduct research, evaluations, and wide dissemination activities in areas of demonstrated national need (including in technology areas) that are supported by Federal funds appropriated to the Institute and ensure that such activities—

(A) conform to high standards of quality, integrity, and accuracy; and

(B) are objective, secular, neutral, and nonideological and are free of partisan political influence and racial, cultural, gender, or regional bias.

(c) ORGANIZATION.—The Institute shall consist of the following:

(1) The Office of the Director (as described in section 114).

(2) The National Board for Education Sciences (as described in section 116).

(3) The National Education Centers, which include—

(A) the National Center for Education Research (as described in part B);

(B) the National Center for Education Statistics (as described in part C); and

(C) the National Center for Education Evaluation and Regional Assistance (as described in part D).

SEC. 112. FUNCTIONS.

From funds appropriated under section 194, the Institute, directly or through grants, contracts, or cooperative agreements, shall—

(1) conduct and support scientifically valid research activities, including basic research and applied research, statistics activities, scientifically valid education evaluation, development, and wide dissemination;

(2) widely disseminate the findings and results of scientifically valid research in education;

(3) promote the use, development, and application of knowledge gained from scientifically valid research activities;

(4) strengthen the national capacity to conduct, develop, and widely disseminate scientifically valid research in education;

(5) promote the coordination, development, and dissemination of scientifically valid research in education within the Department and the Federal Government; and

(6) promote the use and application of research and development to improve practice in the classroom.

SEC. 113. DELEGATION.

(a) DELEGATION OF AUTHORITY.—Notwithstanding section 412 of the Department of Education Organization Act (20 U.S.C. 3472), the Secretary shall delegate to the Director all functions for carrying out this title (other than administrative and support functions), except that—

(1) nothing in this title or in the National Assessment of Educational Progress Authorization Act (except section 302(e)(1)(J) of such Act) shall be construed to alter or diminish the role, responsibilities, or authority of the National Assessment Governing Board with respect to the National Assessment of Educational Progress (including with respect to the methodologies of the National Assessment of Educational Progress described in section 302(e)(1)(E)) from those authorized by the National Education Statistics Act of 1994 (20 U.S.C. 9001 et seq.) on the day before the date of enactment of this Act;

(2) members of the National Assessment Governing Board shall continue to be appointed by the Secretary;

(3) section 302(f)(1) of the National Assessment of Educational Progress Authorization Act shall apply to the National Assessment Governing Board in the exercise of its responsibilities under this Act;

(4) sections 115 and 116 shall not apply to the National Assessment of Educational Progress; and

(5) sections 115 and 116 shall not apply to the National Assessment Governing Board.

(b) OTHER ACTIVITIES.—The Secretary may assign the Institute responsibility for administering other activities, if those activities are consistent with—

(1) the Institute's priorities, as approved by the National Board for Education Sciences under section 116, and the Institute's mission, as described in section 111(b); or

(2) the Institute's mission, but only if those activities do not divert the Institute from its priorities.

SEC. 114. OFFICE OF THE DIRECTOR.

(a) APPOINTMENT.—Except as provided in subsection (b)(2), the President, by and with the advice and consent of the Senate, shall appoint the Director of the Institute.

(b) TERM.—

(1) IN GENERAL.—The Director shall serve for a term of 6 years, beginning on the date of appointment of the Director.

(2) FIRST DIRECTOR.—The President, without the advice and consent of the Senate, may appoint the Assistant Secretary for the Office of Educational Research and Improvement (as such office existed on the day before the date of enactment of this Act) to serve as the first Director of the Institute.

(3) SUBSEQUENT DIRECTORS.—The Board may make recommendations to the President with respect to the appointment of a Director under subsection (a), other than a Director appointed under paragraph (2).

(c) PAY.—The Director shall receive the rate of basic pay for level II of the Executive Schedule.

(d) QUALIFICATIONS.—The Director shall be selected from individuals who are highly qualified authorities in the fields of scientifically valid research, statistics, or evaluation in education, as well as management within such areas, and have a demonstrated capacity for sustained productivity and leadership in these areas.

(e) ADMINISTRATION.—The Director shall—

(1) administer, oversee, and coordinate the activities carried out under the Institute, including the activities of the National Education Centers; and

(2) coordinate and approve budgets and operating plans for each of the National Education Centers for submission to the Secretary.

(f) DUTIES.—The duties of the Director shall include the following:

(1) To propose to the Board priorities for the Institute, in accordance with section 115(a).

(2) To ensure the methodology applied in conducting research, development, evaluation, and statistical analysis is consistent with the standards for such activities under this title.

(3) To coordinate education research and related activities carried out by the Institute with such research and activities carried out by other agencies within the Department and the Federal Government.

(4) To advise the Secretary on research, evaluation, and statistics activities relevant to the activities of the Department.

(5) To establish necessary procedures for technical and scientific peer review of the activities of the Institute, consistent with section 116(b)(3).

(6) To ensure that all participants in research conducted or supported by the Institute are afforded their privacy rights and other relevant protections as research subjects, in accordance with section 183 of this title, section 552a of title 5, United States Code, and sections 444 and 445 of the General Education Provisions Act (20 U.S.C. 1232g, 1232h).

(7) To ensure that activities conducted or supported by the Institute are objective, secular, neutral, and nonideological and are free of partisan political influence and racial, cultural, gender, or regional bias.

(8) To undertake initiatives and programs to increase the participation of researchers and institutions that have been historically underutilized in Federal education research activities of the Institute, including historically Black colleges or universities or other institutions of higher education with large numbers of minority students.

(9) To coordinate with the Secretary to promote and provide for the coordination of research and development activities and technical assistance activities between the Institute and comprehensive centers.

(10) To solicit and consider the recommendations of education stakeholders, in order to ensure that there is broad and regular public and professional input from the educational field in the planning and carrying out of the Institute's activities.

(11) To coordinate the wide dissemination of information on scientifically valid research.

(12) To carry out and support other activities consistent with the priorities and mission of the Institute.

(g) EXPERT GUIDANCE AND ASSISTANCE.—The Director may establish technical and scientific peer-review groups and scientific program advisory committees for research and evaluations that the Director determines are necessary to carry out the requirements of this title. The Director shall appoint such personnel, except that officers and employees of the United States shall comprise no more than ¼ of the members of any such group or committee and shall not receive additional compensation for their service as members of such a group or committee. The Director shall ensure that reviewers are highly qualified and capable to appraise education research and development projects. The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to a peer-review group or an advisory committee established under this subsection.

(h) REVIEW.—The Director may, when requested by other officers of the Department, and shall, when directed by the Secretary, review the products and publications of other offices of the Department to certify that evidence-based claims about those products and publications are scientifically valid.

SEC. 115. PRIORITIES.

(a) PROPOSAL.—The Director shall propose to the Board priorities for the Institute (taking into consideration long-term research and development on core issues conducted through the national research and development centers). The Director shall identify topics that may require long-term research and topics that are focused on understanding and solving particular education problems and issues, including those associated with the goals and requirements established in the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) and the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), such as—

(1) closing the achievement gap between high-performing and low-performing children, especially achievement gaps between minority and nonminority children and between disadvantaged children and such children's more advantaged peers; and

(2) ensuring—

(A) that all children have the ability to obtain a high-quality education (from early childhood through postsecondary education) and reach, at a minimum, proficiency on challenging State academic achievement standards and State academic assessments, particularly in mathematics, science, and reading or language arts;

(B) access to, and opportunities for, postsecondary education; and

(C) the efficacy, impact on academic achievement, and cost-effectiveness of technology use within the Nation's schools.

(b) APPROVAL.—The Board shall approve or disapprove the priorities for the Institute proposed by the Director, including any necessary revision of those priorities. The Board shall transmit any priorities so approved to the appropriate congressional committees.

(c) CONSISTENCY.—The Board shall ensure that priorities of the Institute and the National Education Centers are consistent with the mission of the Institute.

(d) PUBLIC AVAILABILITY AND COMMENT.—

(1) PRIORITIES.—Before submitting to the Board proposed priorities for the Institute, the Director shall make such priorities available to the public for comment for not less than 60 days (including by means of the Internet and through publishing such priorities in the Federal Register). The Director shall provide to the Board a copy of each such comment submitted.

(2) PLAN.—Upon approval of such priorities, the Director shall make the Institute's plan for addressing such priorities available for public comment in the same manner as under paragraph (1).

SEC. 116. NATIONAL BOARD FOR EDUCATION SCIENCES.

(a) ESTABLISHMENT.—The Institute shall have a board of directors, which shall be known as the National Board for Education Sciences.

(b) DUTIES.—The duties of the Board shall be the following:

(1) To advise and consult with the Director on the policies of the Institute.

(2) To consider and approve priorities proposed by the Director under section 115 to guide the work of the Institute.

(3) To review and approve procedures for technical and scientific peer review of the activities of the Institute.

(4) To advise the Director on the establishment of activities to be supported by the Institute, including the general areas of research to be carried out by the National Center for Education Research.

(5) To present to the Director such recommendations as it may find appropriate for—

(A) the strengthening of education research; and

(B) the funding of the Institute.

(6) To advise the Director on the funding of applications for grants, contracts, and cooperative agreements for research, after the completion of peer review.

(7) To review and regularly evaluate the work of the Institute, to ensure that scientifically valid research, development, evaluation, and statistical analysis are consistent with the standards for such activities under this title.

(8) To advise the Director on ensuring that activities conducted or supported by the Institute are objective, secular, neutral, and nonideological and are free of partisan political influence and racial, cultural, gender, or regional bias.

(9) To solicit advice and information from those in the educational field, particularly practitioners and researchers, to recommend to the Director topics that require long-term, sustained, systematic, programmatic, and integrated research efforts, including knowledge utilization and wide dissemination of research, consistent with the priorities and mission of the Institute.

(10) To advise the Director on opportunities for the participation in, and the advancement of, women, minorities, and persons with disabilities in education research, statistics, and evaluation activities of the Institute.

(11) To recommend to the Director ways to enhance strategic partnerships and collaborative efforts among other Federal and State research agencies.

(12) To recommend to the Director individuals to serve as Commissioners of the National Education Centers.

(c) COMPOSITION.—

(1) VOTING MEMBERS.—The Board shall have 15 voting members appointed by the President, by and with the advice and consent of the Senate.

(2) ADVICE.—The President shall solicit advice regarding individuals to serve on the Board from the National Academy of Sciences, the National Science Board, and the National Science Advisor.

(3) NONVOTING EX OFFICIO MEMBERS.—The Board shall have the following nonvoting ex officio members:

(A) The Director of the Institute of Education Sciences.

(B) Each of the Commissioners of the National Education Centers.

(C) The Director of the National Institute of Child Health and Human Development.

(D) The Director of the Census.

(E) The Commissioner of Labor Statistics.

(F) The Director of the National Science Foundation.

(4) APPOINTED MEMBERSHIP.—

(A) QUALIFICATIONS.—Members appointed under paragraph (1) shall be highly qualified to appraise education research, statistics, evaluations, or development, and shall include the following individuals:

(i) Not fewer than 8 researchers in the field of statistics, evaluation, social sciences, or physical and biological sciences, which may include those researchers recommended by the National Academy of Sciences.

(ii) Individuals who are knowledgeable about the educational needs of the United States, who may include school-based professional educators, parents (including parents with experience in promoting parental involvement in education), Chief State School Officers, State postsecondary education executives, presidents of institutions of higher education, local educational agency superintendents, early childhood experts, principals, members of State or local boards of education or Bureau-funded school boards, and individuals from business and industry with experience in promoting private sector involvement in education.

(B) TERMS.—Each member appointed under paragraph (1) shall serve for a term of 4 years, except that—

(i) the terms of the initial members appointed under such paragraph shall (as determined by a random selection process at the time of appointment) be for staggered terms of—

(I) 4 years for each of 5 members;

(II) 3 years for each of 5 members; and

(III) 2 years for each of 5 members; and

(ii) no member appointed under such paragraph shall serve for more than 2 consecutive terms.

(C) UNEXPIRED TERMS.—Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term.

(D) CONFLICT OF INTEREST.—A voting member of the Board shall be considered a special Government employee for the purposes of the Ethics in Government Act of 1978.

(5) CHAIR.—The Board shall elect a chair from among the members of the Board.

(6) COMPENSATION.—Members of the Board shall serve without pay for such service. Members of the Board who are officers or employees of the United States may not receive additional pay, allowances, or benefits by reason of their service on the Board.

(7) TRAVEL EXPENSES.—The members of the Board shall receive travel expenses, including per diem in lieu of subsistence, in accordance with subchapter I of chapter 57 of title 5, United States Code.

(8) POWERS OF THE BOARD.—

(A) EXECUTIVE DIRECTOR.—The Board shall have an Executive Director who shall be appointed by the Board.

(B) ADDITIONAL STAFF.—The Board shall utilize such additional staff as may be appointed or assigned by the Director, in consultation with the Chair and the Executive Director.

(C) DETAIL OF PERSONNEL.—The Board may use the services and facilities of any department or agency of the Federal Government. Upon the request of the Board, the head of any Federal department or agency may detail any of the personnel of that department or agency to the Board to assist the Board in carrying out this Act.

(D) CONTRACTS.—The Board may enter into contracts or make other arrangements as may be necessary to carry out its functions.

(E) INFORMATION.—The Board may, to the extent otherwise permitted by law, obtain directly from any executive department or agency of the Federal Government such information as the Board determines necessary to carry out its functions.

(9) MEETINGS.—The Board shall meet not less than 3 times each year. The Board shall hold additional meetings at the call of the Chair or upon the written request of not less than 6 voting members of the Board. Meetings of the Board shall be open to the public.

(10) QUORUM.—A majority of the voting members of the Board serving at the time of the meeting shall constitute a quorum.

(d) STANDING COMMITTEES.—

(1) ESTABLISHMENT.—The Board may establish standing committees—

(A) that will each serve 1 of the National Education Centers; and

(B) to advise, consult with, and make recommendations to the Director and the Commissioner of the appropriate National Education Center.

(2) MEMBERSHIP.—A majority of the members of each standing committee shall be voting members of the Board whose expertise is needed for the functioning of the committee. In addition, the membership of each standing committee may include, as appropriate—

(A) experts and scientists in research, statistics, evaluation, or development who are recognized in their discipline as highly qualified to represent such discipline and who are not members of the Board, but who may have been recommended by the Commissioner of the appropriate National Education Center and approved by the Board;

(B) ex officio members of the Board; and

(C) policymakers and expert practitioners with knowledge of, and experience using, the results of research, evaluation, and statistics who are not members of the Board, but who may have been recommended by the Commissioner of the appropriate National Education Center and approved by the Board.

(3) DUTIES.—Each standing committee shall—

(A) review and comment, at the discretion of the Board or the standing committee, on any grant, contract, or cooperative agreement entered into (or proposed to be entered into) by the applicable National Education Center;

(B) prepare for, and submit to, the Board an annual evaluation of the operations of the applicable National Education Center;

(C) review and comment on the relevant plan for activities to be undertaken by the applicable National Education Center for each fiscal year; and

(D) report periodically to the Board regarding the activities of the committee and the applicable National Education Center.

(e) ANNUAL REPORT.—The Board shall submit to the Director, the Secretary, and the appropriate congressional committees, not later than July 1 of each year, a report that assesses the effectiveness of the Institute in carrying out its priorities and mission, especially as such priorities and mission relate to carrying out scientifically valid research, conducting unbiased evaluations, collecting and reporting accurate education statistics, and translating research into practice.

(f) RECOMMENDATIONS.—The Board shall submit to the Director, the Secretary, and the appropriate congressional committees a report that includes any recommendations regarding any actions that may be taken to enhance the ability of the Institute to carry out its priorities and mission. The Board shall submit an interim report not later than 3 years after the date of enactment of this Act and a final report not later than 5 years after such date of enactment.

SEC. 117. COMMISSIONERS OF THE NATIONAL EDUCATION CENTERS.

(a) APPOINTMENT OF COMMISSIONERS.—

(1) IN GENERAL.—Except as provided in subsection (b), each of the National Education Centers shall be headed by a Commissioner appointed by the Director. In appointing Commissioners, the Director shall seek to promote continuity in leadership of the National Education Centers and shall consider individuals recommended by the Board. The Director may appoint a Commissioner to carry out the functions of a National Education Center without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(2) PAY AND QUALIFICATIONS.—Except as provided in subsection (b), each Commissioner shall—

(A) receive the rate of basic pay for level IV of the Executive Schedule; and

(B) be highly qualified in the field of education research or evaluation.

(3) SERVICE.—Except as provided in subsection (b), each Commissioner shall report to the Director. A Commissioner shall serve for a period of not more than 6 years, except that a Commissioner—

(A) may be reappointed by the Director; and

(B) may serve after the expiration of that Commissioner's term, until a successor has been appointed, for a period not to exceed 1 additional year.

(b) APPOINTMENT OF COMMISSIONER FOR EDUCATION STATISTICS.—The National Center for Education Statistics shall be headed by a Commissioner for Education Statistics who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall—

(1) have substantial knowledge of programs assisted by the National Center for Education Statistics;

(2) receive the rate of basic pay for level IV of the Executive Schedule; and

(3) serve for a term of 6 years, with the term to expire every sixth June 21, beginning in 2003.

(c) COORDINATION.—Each Commissioner of a National Education Center shall coordinate with each of the other Commissioners of the National Education Centers in carrying out such Commissioner's duties under this title.

(d) SUPERVISION AND APPROVAL.—Each Commissioner, except the Commissioner for Education Statistics, shall carry out such Commissioner's duties under this title under the supervision and subject to the approval of the Director.

SEC. 118. AGREEMENTS.

The Institute may carry out research projects of common interest with entities such as the National Science Foundation and the National Institute of Child Health and Human Development through agreements with such entities that are in accordance with section 430 of the General Education Provisions Act (20 U.S.C. 1231).

SEC. 119. BIENNIAL REPORT.

The Director shall, on a biennial basis, transmit to the President, the Board, and the appropriate congressional committees, and make widely available to the public (including by means of the Internet), a report containing the following:

(1) A description of the activities carried out by and through the National Education Centers during the prior fiscal years.

(2) A summary of each grant, contract, and cooperative agreement in excess of $100,000 funded through the National Education Centers during the prior fiscal years, including, at a minimum, the amount, duration, recipient, purpose of the award, and the relationship, if any, to the priorities and mission of the Institute, which shall be available in a user-friendly electronic database.

(3) A description of how the activities of the National Education Centers are consistent with the principles of scientifically valid research and the priorities and mission of the Institute.

(4) Such additional comments, recommendations, and materials as the Director considers appropriate.

SEC. 120. COMPETITIVE AWARDS.

Activities carried out under this Act through grants, contracts, or cooperative agreements, at a minimum, shall be awarded on a competitive basis and, when practicable, through a process of peer review.

PART B—NATIONAL CENTER FOR EDUCATION RESEARCH

SEC. 131. ESTABLISHMENT.

(a) ESTABLISHMENT.—There is established in the Institute a National Center for Education Research (in this part referred to as the "Research Center").

(b) MISSION.—The mission of the Research Center is—

(1) to sponsor sustained research that will lead to the accumulation of knowledge and understanding of education, to—

(A) ensure that all children have access to a high-quality education;

(B) improve student academic achievement, including through the use of educational technology;

(C) close the achievement gap between high-performing and low-performing students through the improvement of teaching and learning of reading, writing, mathematics, science, and other academic subjects; and

(D) improve access to, and opportunity for, postsecondary education;

(2) to support the synthesis and, as appropriate, the integration of education research;

(3) to promote quality and integrity through the use of accepted practices of scientific inquiry to obtain knowledge and understanding of the validity of education theories, practices, or conditions; and

(4) to promote scientifically valid research findings that can provide the basis for improving academic instruction and lifelong learning.

SEC. 132. COMMISSIONER FOR EDUCATION RESEARCH.

The Research Center shall be headed by a Commissioner for Education Research (in this part referred to as the "Research Commissioner") who shall have substantial knowledge of the activities of the Research Center, including a high level of expertise in the fields of research and research management.

SEC. 133. DUTIES.

(a) GENERAL DUTIES.—The Research Center shall—

(1) maintain published peer-review standards and standards for the conduct and evaluation of all research and development carried out under the auspices of the Research Center in accordance with this part;

(2) propose to the Director a research plan that—

(A) is consistent with the priorities and mission of the Institute and the mission of the Research Center and includes the activities described in paragraph (3); and

(B) shall be carried out pursuant to paragraph (4) and, as appropriate, be updated and modified;

(3) carry out specific, long-term research activities that are consistent with the priorities and mission of the Institute, and are approved by the Director;

(4) implement the plan proposed under paragraph (2) to carry out scientifically valid research that—

(A) uses objective and measurable indicators, including timelines, that are used to assess the progress and results of such research;

(B) meets the procedures for peer review established by the Director under section 114(f)(5) and the standards of research described in section 134; and

(C) includes both basic research and applied research, which shall include research conducted through field-initiated research and ongoing research initiatives;

(5) promote the use of scientifically valid research within the Federal Government, including active participation in interagency research projects described in section 118;

(6) ensure that research conducted under the direction of the Research Center is relevant to education practice and policy;

(7) synthesize and disseminate, through the National Center for Education Evaluation and Regional Assistance, the findings and results of education research conducted or supported by the Research Center;

(8) assist the Director in the preparation of a biennial report, as described in section 119;

(9) carry out research on successful State and local education reform activities, including those that result in increased academic achievement and in closing the achievement gap, as approved by the Director;

(10) carry out research initiatives regarding the impact of technology, including—

(A) research into how technology affects student achievement;

(B) long-term research into cognition and learning issues as they relate to the uses of technology;

(C) rigorous, peer-reviewed, large-scale, long-term, and broadly applicable empirical research that is designed to determine which approaches to the use of technology are most effective and cost-efficient in practice and under what conditions; and

(D) field-based research on how teachers implement technology and Internet-based resources in the classroom, including an understanding how these resources are being accessed, put to use, and the effectiveness of such resources; and

(11) carry out research that is rigorous, peer-reviewed, and large scale to determine which methods of mathematics and science teaching are most effective, cost efficient, and able to be applied, duplicated, and scaled up for use in elementary and secondary classrooms, including in low-performing schools, to improve the teaching of, and student achievement in, mathematics and science as required under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.).

(b) Eligibility.—Research carried out under subsection (a) through contracts, grants, or cooperative agreements shall be carried out only by recipients with the ability and capacity to conduct scientifically valid research.

(c) National Research and Development Centers.—

(1) Support.—In carrying out activities under subsection (a)(3), the Research Commissioner shall support not less than 8 national research and development centers. The Research Commissioner shall assign each of the 8 national research and development centers not less than 1 of the topics described in paragraph (2). In addition, the Research Commissioner may assign each of the 8 national research and development centers additional topics of research consistent with the mission and priorities of the Institute and the mission of the Research Center.

(2) Topics of research.—The Research Commissioner shall support the following topics of research, through national research and development centers or through other means:

(A) Adult literacy.

(B) Assessment, standards, and accountability research.

(C) Early childhood development and education.

(D) English language learners research.

(E) Improving low achieving schools.

(F) Innovation in education reform.

(G) State and local policy.

(H) Postsecondary education and training.

(I) Rural education.

(J) Teacher quality.

(K) Reading and literacy.

(3) Duties of centers.—The national research and development centers shall address areas of national need, including in educational technology areas. The Research Commissioner may support additional national research and development centers to address topics of research not described in paragraph (2) if such topics are consistent with the priorities and mission of the Institute and the mission of the Research Center. The research carried out by the centers shall incorporate the potential or existing role of educational technology, where appropriate, in achieving the goals of each center.

(4) Scope.—Support for a national research and development center shall be for a period of not more than 5 years, shall be of sufficient size and scope to be effective, and notwithstanding section 134(b), may be renewed without competition for not more than 5 additional years if the Director, in consultation with the Research Commissioner and the Board, determines that the research of the national research and development center—

(A) continues to address priorities of the Institute; and

(B) merits renewal (applying the procedures and standards established in section 134).

(5) Limit.—No national research and development center may be supported under this subsection for a period of more than 10 years without submitting to a competitive process for the award of the support.

(6) Continuation of awards.—The Director shall continue awards made to the national research and development centers that are in effect on the day before the date of enactment of this Act in accordance with the terms of those awards and may renew them in accordance with paragraphs (4) and (5).

(7) Disaggregation.—To the extent feasible, research conducted under this subsection shall be disaggregated by age, race, gender, and socioeconomic background.

SEC. 134. STANDARDS FOR CONDUCT AND EVALUATION OF RESEARCH.

(a) In General.—In carrying out this part, the Research Commissioner shall—

(1) ensure that all research conducted under the direction of the Research Center follows scientifically based research standards;

(2) develop such other standards as may be necessary to govern the conduct and evaluation of all research, development, and wide dissemination activities carried out by the Research Center to assure that such activities meet the highest standards of professional excellence;

(3) review the procedures utilized by the National Institutes of Health, the National Science Foundation, and other Federal departments or agencies engaged in research and development, and actively solicit recommendations from research organizations and members of the general public in the development of the standards described in paragraph (2); and

(4) ensure that all research complies with Federal guidelines relating to research misconduct.

(b) Peer Review.—

(1) In general.—The Director shall establish a peer review system, involving highly qualified individuals with an in-depth knowledge of the subject to be investigated, for reviewing and evaluating all applications for grants and cooperative agreements that exceed **$100,000**, and for evaluating and assessing the products of research by all recipients of grants and cooperative agreements under this Act.

(2) Evaluation.—The Research Commissioner shall—

(A) develop the procedures to be used in evaluating applications for research grants, cooperative agreements, and contracts, and specify the criteria and factors (including, as applicable, the use of longitudinal data linking test scores, enrollment, and graduation rates over time) which shall be considered in making such evaluations; and

(B) evaluate the performance of each recipient of an award of a research grant, contract, or cooperative agreement at the conclusion of the award.

(c) Long-Term Research.—The Research Commissioner shall ensure that not less than 50 percent of the funds made available for research for each fiscal year shall be used to fund long-term research programs of not less than 5 years, which support the priorities and mission of the Institute and the mission of the Research Center.

PART C—NATIONAL CENTER FOR EDUCATION STATISTICS

SEC. 151. ESTABLISHMENT.

(a) Establishment.—There is established in the Institute a National Center for Education Statistics (in this part referred to as the "Statistics Center").

(b) Mission.—The mission of the Statistics Center shall be—

(1) to collect and analyze education information and statistics in a manner that meets the highest methodological standards;

(2) to report education information and statistics in a timely manner; and

(3) to collect, analyze, and report education information and statistics in a manner that—

(A) is objective, secular, neutral, and nonideological and is free of partisan political influence and racial, cultural, gender, or regional bias; and

(B) is relevant and useful to practitioners, researchers, policymakers, and the public.

SEC. 152. COMMISSIONER FOR EDUCATION STATISTICS.

The Statistics Center shall be headed by a Commissioner for Education Statistics (in this part referred to as the "Statistics Commissioner") who shall be highly qualified and have substantial knowledge of statistical methodologies and activities undertaken by the Statistics Center.

SEC. 153. DUTIES.

(a) General Duties.—The Statistics Center shall collect, report, analyze, and disseminate statistical data related to education in the United States and in other nations, including—

(1) collecting, acquiring, compiling (where appropriate, on a State-by-State basis), and disseminating full and complete statistics (disaggregated by the population characteristics described in paragraph (3)) on the condition and progress of education, at the preschool, elementary, secondary, postsecondary, and adult levels in the United States, including data on—

(A) State and local education reform activities;

(B) State and local early childhood school readiness activities;

(C) student achievement in, at a minimum, the core academic areas of reading, mathematics, and science at all levels of education;

(D) secondary school completions, dropouts, and adult literacy and reading skills;

(E) access to, and opportunity for, postsecondary education, including data on financial aid to postsecondary students;

(F) teaching, including—

(i) data on in-service professional development, including a comparison of courses taken in the core academic areas of reading, mathematics, and science with courses in noncore academic areas, including technology courses; and

(ii) the percentage of teachers who are highly qualified (as such term is defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)) in each State and, where feasible, in each local educational agency and school;

(G) instruction, the conditions of the education workplace, and the supply of, and demand for, teachers;

(H) the incidence, frequency, seriousness, and nature of violence affecting students, school personnel, and other individuals participating in school activities, as well as other indices of school safety, including information regarding—

(i) the relationship between victims and perpetrators;

(ii) demographic characteristics of the victims and perpetrators; and

(iii) the type of weapons used in incidents, as classified in the Uniform Crime Reports of the Federal Bureau of Investigation;

(I) the financing and management of education, including data on revenues and expenditures;

(J) the social and economic status of children, including their academic achievement;

(K) the existence and use of educational technology and access to the Internet by students and teachers in elementary schools and secondary schools;

(L) access to, and opportunity for, early childhood education;

(M) the availability of, and access to, before-school and after-school programs (including such programs during school recesses);

(N) student participation in and completion of secondary and postsecondary vocational and technical education programs by specific program area; and

(O) the existence and use of school libraries;

(2) conducting and publishing reports on the meaning and significance of the statistics described in paragraph (1);

(3) collecting, analyzing, cross-tabulating, and reporting, to the extent feasible, information by gender, race, ethnicity, socioeconomic status, limited English proficiency, mobility, disability, urban, rural, suburban districts, and other population characteristics, when such disaggregated information will facilitate educational and policy decisionmaking;

(4) assisting public and private educational agencies, organizations, and institutions in improving and automating statistical and data collection activities, which may include assisting State educational agencies and local educational agencies with the disaggregation of data and with the development of longitudinal student data systems;

(5) determining voluntary standards and guidelines to assist State educational agencies in developing statewide longitudinal data systems that link individual student data consistent with the requirements of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), promote linkages across States, and protect student privacy consistent with section 183, to improve student academic achievement and close achievement gaps;

(6) acquiring and disseminating data on educational activities and student achievement (such as the Third International Math and Science Study) in the United States compared with foreign nations;

(7) conducting longitudinal and special data collections necessary to report on the condition and progress of education;

(8) assisting the Director in the preparation of a biennial report, as described in section 119; and

(9) determining, in consultation with the National Research Council of the National Academies, methodology by which States may accurately measure graduation rates (defined as the percentage of students who graduate from secondary school with a regular diploma in the standard number of years), school completion rates, and dropout rates.

(b) TRAINING PROGRAM.—The Statistics Commissioner may establish a program to train employees of public and private educational agencies, organizations, and institutions in the use of standard statistical procedures and concepts, and may establish a fellowship program to appoint such employees as temporary fellows at the Statistics Center, in order to assist the Statistics Center in carrying out its duties.

SEC. 154. PERFORMANCE OF DUTIES.

(a) GRANTS, CONTRACTS, AND COOPERATIVE AGREEMENTS.—In carrying out the duties under this part, the Statistics Commissioner, may award grants, enter into contracts and cooperative agreements, and provide technical assistance.

(b) GATHERING INFORMATION.—

(1) SAMPLING.—The Statistics Commissioner may use the statistical method known as sampling (including random sampling) to carry out this part.

(2) SOURCE OF INFORMATION.—The Statistics Commissioner may, as appropriate, use information collected—

(A) from States, local educational agencies, public and private schools, preschools, institutions of higher education, vocational and adult education programs, libraries, administrators, teachers, students, the general public, and other individuals, organizations, agencies, and institutions (including information collected by States and local educational agencies for their own use); and

(B) by other offices within the Institute and by other Federal departments, agencies, and instrumentalities.

(3) COLLECTION.—The Statistics Commissioner may—

(A) enter into interagency agreements for the collection of statistics;

(B) arrange with any agency, organization, or institution for the collection of statistics; and

(C) assign employees of the Statistics Center to any such agency, organization, or institution to assist in such collection.

(4) TECHNICAL ASSISTANCE AND COORDINATION.—In order to maximize the effectiveness of Department efforts to serve the educational needs of children and youth, the Statistics Commissioner shall—

(A) provide technical assistance to the Department offices that gather data for statistical purposes; and

(B) coordinate with other Department offices in the collection of data.

(c) DURATION.—Notwithstanding any other provision of law, the grants, contracts, and cooperative agreements under this section may be awarded, on a competitive basis, for a period of not more than 5 years, and may be renewed at the discretion of the Statistics Commissioner for an additional period of not more than 5 years.

SEC. 155. REPORTS.

(a) PROCEDURES FOR ISSUANCE OF REPORTS.—The Statistics Commissioner, shall establish procedures, in accordance with section 186, to ensure that the reports issued under this section are relevant, of high quality, useful to customers, subject to rigorous peer review, produced in a timely fashion, and free from any partisan political influence.

(b) REPORT ON CONDITION AND PROGRESS OF EDUCATION.—Not later than June 1, 2003, and each June 1 thereafter, the Statistics Commissioner, shall submit to the President and the appropriate congressional committees a statistical report on the condition and progress of education in the United States.

(c) STATISTICAL REPORTS.—The Statistics Commissioner shall issue regular and, as necessary, special statistical reports on education topics, particularly in the core academic areas of reading, mathematics, and science, consistent with the priorities and the mission of the Statistics Center.

SEC. 156. DISSEMINATION.

(a) GENERAL REQUESTS.—

(1) IN GENERAL.—The Statistics Center may furnish transcripts or copies of tables and other statistical records and make special statistical compilations and surveys for State and local officials, public and private organizations, and individuals.

(2) COMPILATIONS.—The Statistics Center shall provide State educational agencies, local educational agencies, and institutions of higher education with opportunities to suggest the establishment of particular compilations of statistics, surveys, and analyses that will assist those educational agencies.

(b) CONGRESSIONAL REQUESTS.—The Statistics Center shall furnish such special statistical compilations and surveys as the relevant congressional committees may request.

(c) JOINT STATISTICAL PROJECTS.—The Statistics Center may engage in joint statistical projects related to the mission of the Center, or other statistical purposes authorized by law, with nonprofit organizations or agencies, and the cost of such projects shall be shared equitably as determined by the Secretary.

(d) FEES.—

(1) IN GENERAL.—Statistical compilations and surveys under this section, other than those carried out pursuant to subsections (b) and (c), may be made subject to the payment of the actual or estimated cost of such work.

(2) FUNDS RECEIVED.—All funds received in payment for work or services described in this subsection may be used to pay directly the costs of such work or services, to repay appropriations that initially bore all or part of such costs, or to refund excess sums when necessary.

(e) ACCESS.—

(1) OTHER AGENCIES.—The Statistics Center shall, consistent with section 183, cooperate with other Federal agencies having a need for educational data in providing access to educational data received by the Statistics Center.

(2) INTERESTED PARTIES.—The Statistics Center shall, in accordance with such terms

and conditions as the Center may prescribe, provide all interested parties, including public and private agencies, parents, and other individuals, direct access, in the most appropriate form (including, where possible, electronically), to data collected by the Statistics Center for the purposes of research and acquiring statistical information.

SEC. 157. COOPERATIVE EDUCATION STATISTICS SYSTEMS.

The Statistics Center may establish 1 or more national cooperative education statistics systems for the purpose of producing and maintaining, with the cooperation of the States, comparable and uniform information and data on early childhood education, elementary and secondary education, postsecondary education, adult education, and libraries, that are useful for policymaking at the Federal, State, and local levels.

SEC. 158. STATE DEFINED.

In this part, the term "State" means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

PART D—NATIONAL CENTER FOR EDUCATION EVALUATION AND REGIONAL ASSISTANCE

SEC. 171. ESTABLISHMENT.

(a) ESTABLISHMENT.—There is established in the Institute a National Center for Education Evaluation and Regional Assistance.

(b) MISSION.—The mission of the National Center for Education Evaluation and Regional Assistance shall be—

(1) to provide technical assistance;

(2) to conduct evaluations of Federal education programs administered by the Secretary (and as time and resources allow, other education programs) to determine the impact of such programs (especially on student academic achievement in the core academic areas of reading, mathematics, and science);

(3) to support synthesis and wide dissemination of results of evaluation, research, and products developed; and

(4) to encourage the use of scientifically valid education research and evaluation throughout the United States.

(c) GRANTS, CONTRACTS, AND COOPERATIVE AGREEMENTS.—In carrying out the duties under this part, the Director may award grants, enter into contracts and cooperative agreements, and provide technical assistance.

SEC. 172. COMMISSIONER FOR EDUCATION EVALUATION AND REGIONAL ASSISTANCE.

(a) IN GENERAL.—The National Center for Education Evaluation and Regional Assistance shall be headed by a Commissioner for Education Evaluation and Regional Assistance (in this part referred to as the "Evaluation and Regional Assistance Commissioner") who is highly qualified and has demonstrated a capacity to carry out the mission of the Center and shall—

(1) conduct evaluations pursuant to section 173;

(2) widely disseminate information on scientifically valid research, statistics, and evaluation on education, particularly to State educational agencies and local educational agencies, to institutions of higher education, to the public, the media, voluntary organizations, professional associations, and other constituencies, especially with respect to information relating to, at a minimum—

(A) the core academic areas of reading, mathematics, and science;

(B) closing the achievement gap between high-performing students and low-performing students;

(C) educational practices that improve academic achievement and promote learning;

(D) education technology, including software; and

(E) those topics covered by the Educational Resources Information Center Clearinghouses (established under section 941(f) of the Educational Research, Development, Dissemination, and Improvement Act of 1994 (20 U.S.C. 6041(f)) (as such provision was in effect on the day before the date of enactment of this Act);

(3) make such information accessible in a user-friendly, timely, and efficient manner (including through use of a searchable Internet-based online database that shall include all topics covered in paragraph (2)(E)) to schools, institutions of higher education, educators (including early childhood educators), parents, administrators, policymakers, researchers, public and private entities (including providers of early childhood services), entities responsible for carrying out technical assistance through the Department, and the general public;

(4) support the regional educational laboratories in conducting applied research, the development and dissemination of educational research, products and processes, the provision of technical assistance, and other activities to serve the educational needs of such laboratories' regions;

(5) manage the National Library of Education described in subsection (d), and other sources of digital information on education research;

(6) assist the Director in the preparation of a biennial report, described in section 119; and

(7) award a contract for a prekindergarten through grade 12 mathematics and science teacher clearinghouse.

(b) ADDITIONAL DUTIES.—In carrying out subsection (a), the Evaluation and Regional Assistance Commissioner shall—

(1) ensure that information disseminated under this section is provided in a cost-effective, nonduplicative manner that includes the most current research findings, which may include through the continuation of individual clearinghouses authorized under the Educational Research, Development, Dissemination, and Improvement Act of 1994 (title IX of the Goals 2000: Educate America Act; 20 U.S.C. 6001 et seq.) (as such Act existed on the day before the date of enactment of this Act);

(2) describe prominently the type of scientific evidence that is used to support the findings that are disseminated;

(3) explain clearly the scientifically appropriate and inappropriate uses of—

(A) the findings that are disseminated; and

(B) the types of evidence used to support those findings; and

(4) respond, as appropriate, to inquiries from schools, educators, parents, administrators, policymakers, researchers, public and private entities, and entities responsible for carrying out technical assistance.

(c) CONTINUATION.—The Director shall continue awards for the support of the Educational Resources Information Center Clearinghouses and contracts for regional educational laboratories (established under subsections (f) and (h) of section 941 of the Educational Research, Development, Dissemination, and Improvement Act of 1994 (20 U.S.C. 6041(f) and (h)) (as such awards were in effect on the day before the date of enactment of this Act)) for the duration of those awards, in accordance with the terms and agreements of such awards.

(d) NATIONAL LIBRARY OF EDUCATION.—

(1) ESTABLISHMENT.—There is established within the National Center for Education Evaluation and Regional Assistance a National Library of Education that shall—

(A) be headed by an individual who is highly qualified in library science;

(B) collect and archive information;

(C) provide a central location within the Federal Government for information about education;

(D) provide comprehensive reference services on matters related to education to employees of the Department of Education and its contractors and grantees, other Federal employees, and members of the public; and

(E) promote greater cooperation and resource sharing among providers and repositories of education information in the United States.

(2) INFORMATION.—The information collected and archived by the National Library of Education shall include—

(A) products and publications developed through, or supported by, the Institute; and

(B) other relevant and useful education-related research, statistics, and evaluation materials and other information, projects, and publications that are—

(i) consistent with—

(I) scientifically valid research; or

(II) the priorities and mission of the Institute; and

(ii) developed by the Department, other Federal agencies, or entities (including entities supported under the Educational Technical Assistance Act of 2002 and the Educational Resources Information Center Clearinghouses (established under section 941(f) of the Educational Research, Development, Dissemination, and Improvement Act of 1994 (20 U.S.C. 6041(f)) (as such provision was in effect on the day before the date of enactment of this Act))).

SEC. 173. EVALUATIONS.

(a) IN GENERAL.—

(1) REQUIREMENTS.—In carrying out its missions, the National Center for Education Evaluation and Regional Assistance may—

(A) conduct or support evaluations consistent with the Center's mission as described in section 171(b);

(B) evaluate programs under title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.);

(C) to the extent practicable, examine evaluations conducted or supported by others in order to determine the quality and relevance of the evidence of effectiveness generated by those evaluations, with the approval of the Director;

(D) coordinate the activities of the National Center for Education Evaluation and Regional Assistance with other evaluation activities in the Department;

(E) review and, where feasible, supplement Federal education program evaluations, particularly those by the Department, to determine or enhance the quality and relevance of the evidence generated by those evaluations;

(F) establish evaluation methodology; and

(G) assist the Director in the preparation of the biennial report, as described in section 119.

(2) ADDITIONAL REQUIREMENTS.—Each evaluation conducted by the National Center for Education Evaluation and Regional Assistance pursuant to paragraph (1) shall—

(A) adhere to the highest possible standards of quality for conducting scientifically valid education evaluation; and

(B) be subject to rigorous peer-review.

(b) ADMINISTRATION OF EVALUATIONS UNDER TITLE I OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.—The Evaluation and

Regional Assistance Commissioner, consistent with the mission of the National Center for Education Evaluation and Regional Assistance under section 171(b), shall administer all operations and contracts associated with evaluations authorized by part E of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6491 et seq.) and administered by the Department as of the date of enactment of this Act.

SEC. 174. REGIONAL EDUCATIONAL LABORATORIES FOR RESEARCH, DEVELOPMENT, DISSEMINATION, AND TECHNICAL ASSISTANCE.

(a) Regional Educational Laboratories.—The Director shall enter into contracts with entities to establish a networked system of 10 regional educational laboratories that serve the needs of each region of the United States in accordance with the provisions of this section. The amount of assistance allocated to each laboratory by the Evaluation and Regional Assistance Commissioner shall reflect the number of local educational agencies and the number of school-age children within the region served by such laboratory, as well as the cost of providing services within the geographic area encompassed by the region.

(b) Regions.—The regions served by the regional educational laboratories shall be the 10 geographic regions served by the regional educational laboratories established under section 941(h) of the Educational Research, Development, Dissemination, and Improvement Act of 1994 (as such provision existed on the day before the date of enactment of this Act).

(c) Eligible Applicants.—The Director may enter into contracts under this section with research organizations, institutions, agencies, institutions of higher education, or partnerships among such entities, or individuals, with the demonstrated ability or capacity to carry out the activities described in this section, including regional entities that carried out activities under the Educational Research, Development, Dissemination, and Improvement Act of 1994 (as such Act existed on the day before the date of enactment of this Act) and title XIII of the Elementary and Secondary Education Act of 1965 (as such title existed on the day before the date of enactment of the No Child Left Behind Act of 2001 (Public Law 107–110)).

(d) Applications.—

(1) Submission.—Each applicant desiring a contract under this section shall submit an application at such time, in such manner, and containing such information as the Director may reasonably require.

(2) Plan.—Each application submitted under paragraph (1) shall contain a 5-year plan for carrying out the activities described in this section in a manner that addresses the priorities established under section 207 and addresses the needs of all States (and to the extent practicable, of local educational agencies) within the region to be served by the regional educational laboratory, on an ongoing basis.

(e) Entering into Contracts.—

(1) In general.—In entering into contracts under this section, the Director shall—

(A) enter into contracts for a 5-year period; and

(B) ensure that regional educational laboratories established under this section have strong and effective governance, organization, management, and administration, and employ qualified staff.

(2) Coordination.—In order to ensure coordination and prevent unnecessary duplication of activities among the regions, the Evaluation and Regional Assistance Commissioner shall—

(A) share information about the activities of each regional educational laboratory awarded a contract under this section with each other regional educational laboratory awarded a contract under this section and with the Department of Education, including the Director and the Board;

(B) oversee a strategic plan for ensuring that each regional educational laboratory awarded a contract under this section increases collaboration and resource-sharing in such activities;

(C) ensure, where appropriate, that the activities of each regional educational laboratory awarded a contract under this section also serve national interests; and

(D) ensure that each regional educational laboratory awarded a contract under this section coordinates such laboratory's activities with the activities of each other regional technical assistance provider.

(3) Outreach.—In conducting competitions for contracts under this section, the Director shall—

(A) actively encourage eligible entities to compete for such awards by making information and technical assistance relating to the competition widely available; and

(B) seek input from the chief executive officers of States, chief State school officers, educators, and parents regarding the need for applied research, wide dissemination, training, technical assistance, and development activities authorized by this title in the regions to be served by the regional educational laboratories and how those educational needs could be addressed most effectively.

(4) Objectives and indicators.—Before entering into a contract under this section, the Director shall design specific objectives and measurable indicators to be used to assess the particular programs or initiatives, and ongoing progress and performance, of the regional educational laboratories, in order to ensure that the educational needs of the region are being met and that the latest and best research and proven practices are being carried out as part of school improvement efforts.

(5) Standards.—The Evaluation and Regional Assistance Commissioner shall establish a system for technical and peer review to ensure that applied research activities, research-based reports, and products of the regional educational laboratories are consistent with the research standards described in section 134 and the evaluation standards adhered to pursuant to section 173(a)(2)(A).

(f) Central Mission and Primary Function.—Each regional educational laboratory awarded a contract under this section shall support applied research, development, wide dissemination, and technical assistance activities by—

(1) providing training (which may include supporting internships and fellowships and providing stipends) and technical assistance to State educational agencies, local educational agencies, school boards, schools funded by the Bureau as appropriate, and State boards of education regarding, at a minimum—

(A) the administration and implementation of programs under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.);

(B) scientifically valid research in education on teaching methods, assessment tools, and high quality, challenging curriculum frameworks for use by teachers and administrators in, at a minimum—

(i) the core academic subjects of mathematics, science, and reading;

(ii) English language acquisition;

(iii) education technology; and

(iv) the replication and adaption of exemplary and promising practices and new educational methods, including professional development strategies and the use of educational technology to improve teaching and learning; and

(C) the facilitation of communication between educational experts, school officials, and teachers, parents, and librarians, to enable such individuals to assist schools to develop a plan to meet the State education goals;

(2) developing and widely disseminating, including through Internet-based means, scientifically valid research, information, reports, and publications that are usable for improving academic achievement, closing achievement gaps, and encouraging and sustaining school improvement, to—

(A) schools, districts, institutions of higher education, educators (including early childhood educators and librarians), parents, policymakers, and other constituencies, as appropriate, within the region in which the regional educational laboratory is located; and

(B) the National Center for Education Evaluation and Regional Assistance;

(3) developing a plan for identifying and serving the needs of the region by conducting a continuing survey of the educational needs, strengths, and weaknesses within the region, including a process of open hearings to solicit the views of schools, teachers, administrators, parents, local educational agencies, librarians, and State educational agencies within the region;

(4) in the event such quality applied research does not exist as determined by the regional educational laboratory or the Department, carrying out applied research projects that are designed to serve the particular educational needs (in prekindergarten through grade 16) of the region in which the regional educational laboratory is located, that reflect findings from scientifically valid research, and that result in user-friendly, replicable school-based classroom applications geared toward promoting increased student achievement, including using applied research to assist in solving site-specific problems and assisting in development activities (including high-quality and on-going professional development and effective parental involvement strategies);

(5) supporting and serving the educational development activities and needs of the region by providing educational applied research in usable forms to promote school-improvement, academic achievement, and the closing of achievement gaps and contributing to the current base of education knowledge by addressing enduring problems in elementary and secondary education and access to postsecondary education;

(6) collaborating and coordinating services with other technical assistance providers funded by the Department of Education;

(7) assisting in gathering information on school finance systems to promote improved access to educational opportunities and to better serve all public school students;

(8) assisting in gathering information on alternative administrative structures that are more conducive to planning, implementing, and sustaining school reform and improved academic achievement;

(9) bringing teams of experts together to develop and implement school improvement plans and strategies, especially in low-performing or high poverty schools; and

(10) developing innovative approaches to the application of technology in education

that are unlikely to originate from within the private sector, but which could result in the development of new forms of education software, education content, and technology-enabled pedagogy.

(g) ACTIVITIES.—Each regional educational laboratory awarded a contract under this section shall carry out the following activities:

(1) Collaborate with the National Education Centers in order to—

(A) maximize the use of research conducted through the National Education Centers in the work of such laboratory;

(B) keep the National Education Centers apprised of the work of the regional educational laboratory in the field; and

(C) inform the National Education Centers about additional research needs identified in the field.

(2) Consult with the State educational agencies and local educational agencies in the region in developing the plan for serving the region.

(3) Develop strategies to utilize schools as critical components in reforming education and revitalizing rural communities in the United States.

(4) Report and disseminate information on overcoming the obstacles faced by educators and schools in high poverty, urban, and rural areas.

(5) Identify successful educational programs that have either been developed by such laboratory in carrying out such laboratory's functions or that have been developed or used by others within the region served by the laboratory and make such information available to the Secretary and the network of regional educational laboratories so that such programs may be considered for inclusion in the national education dissemination system.

(h) GOVERNING BOARD AND ALLOCATION.—

(1) IN GENERAL.—In carrying out its responsibilities, each regional educational laboratory awarded a contract under this section, in keeping with the terms and conditions of such laboratory's contract, shall—

(A) establish a governing board that—

(i) reflects a balanced representation of—

(I) the States in the region;

(II) the interests and concerns of regional constituencies; and

(III) technical expertise;

(ii) includes the chief State school officer or such officer's designee of each State represented in such board's region;

(iii) includes—

(I) representatives nominated by chief executive officers of States and State organizations of superintendents, principals, institutions of higher education, teachers, parents, businesses, and researchers; or

(II) other representatives of the organizations described in subclause (I), as required by State law in effect on the day before the date of enactment of this Act;

(iv) is the sole entity that—

(I) guides and directs the laboratory in carrying out the provisions of this subsection and satisfying the terms and conditions of the contract award;

(II) determines the regional agenda of the laboratory;

(III) engages in an ongoing dialogue with the Evaluation and Regional Assistance Commissioner concerning the laboratory's goals, activities, and priorities; and

(IV) determines at the start of the contract period, subject to the requirements of this section and in consultation with the Evaluation and Regional Assistance Commissioner, the mission of the regional educational laboratory for the duration of the contract period;

(v) ensures that the regional educational laboratory attains and maintains a high level of quality in the laboratory's work and products;

(vi) establishes standards to ensure that the regional educational laboratory has strong and effective governance, organization, management, and administration, and employs qualified staff;

(vii) directs the regional educational laboratory to carry out the laboratory's duties in a manner that will make progress toward achieving the State education goals and reforming schools and educational systems; and

(viii) conducts a continuing survey of the educational needs, strengths, and weaknesses within the region, including a process of open hearings to solicit the views of schools and teachers; and

(B) allocate the regional educational laboratory's resources to and within each State in a manner which reflects the need for assistance, taking into account such factors as the proportion of economically disadvantaged students, the increased cost burden of service delivery in areas of sparse populations, and any special initiatives being undertaken by State, intermediate, local educational agencies, or Bureau-funded schools, as appropriate, which may require special assistance from the laboratory.

(2) SPECIAL RULE.—If a regional educational laboratory needs flexibility in order to meet the requirements of paragraph (1)(A)(i), the regional educational laboratory may select not more than 10 percent of the governing board from individuals outside those representatives nominated in accordance with paragraph (1)(A)(iii).

(i) DUTIES OF GOVERNING BOARD.—In order to improve the efficiency and effectiveness of the regional educational laboratories, the governing boards of the regional educational laboratories shall establish and maintain a network to—

(1) share information about the activities each laboratory is carrying out;

(2) plan joint activities that would meet the needs of multiple regions;

(3) create a strategic plan for the development of activities undertaken by the laboratories to reduce redundancy and increase collaboration and resource-sharing in such activities; and

(4) otherwise devise means by which the work of the individual laboratories could serve national, as well as regional, needs.

(j) EVALUATIONS.—The Evaluation and Regional Assistance Commissioner shall provide for independent evaluations of each of the regional educational laboratories in carrying out the duties described in this section in the third year that such laboratory receives assistance under this section in accordance with the standards developed by the Evaluation and Regional Assistance Commissioner and approved by the Board and shall transmit the results of such evaluations to the relevant committees of Congress, the Board, and the appropriate regional educational laboratory governing board.

(k) RULE OF CONSTRUCTION.—No regional educational laboratory receiving assistance under this section shall, by reason of the receipt of that assistance, be ineligible to receive any other assistance from the Department of Education as authorized by law or be prohibited from engaging in activities involving international projects or endeavors.

(l) ADVANCE PAYMENT SYSTEM.—Each regional educational laboratory awarded a contract under this section shall participate in the advance payment system at the Department of Education.

(m) ADDITIONAL PROJECTS.—In addition to activities authorized under this section, the Director is authorized to enter into contracts or agreements with a regional educational laboratory for the purpose of carrying out additional projects to enable such regional educational laboratory to assist in efforts to achieve State education goals and for other purposes.

(n) ANNUAL REPORT AND PLAN.—Not later than July 1 of each year, each regional educational laboratory awarded a contract under this section shall submit to the Evaluation and Regional Assistance Commissioner—

(1) a plan covering the succeeding fiscal year, in which such laboratory's mission, activities, and scope of work are described, including a general description of the plans such laboratory expects to submit in the remaining years of such laboratory's contract; and

(2) a report of how well such laboratory is meeting the needs of the region, including a summary of activities during the preceding year, a list of entities served, a list of products, and any other information that the regional educational laboratory may consider relevant or the Evaluation and Regional Assistance Commissioner may require.

(o) CONSTRUCTION.—Nothing in this section shall be construed to require any modifications in a regional educational laboratory contract in effect on the day before the date of enactment of this Act.

PART E—GENERAL PROVISIONS

SEC. 181. INTERAGENCY DATA SOURCES AND FORMATS.

The Secretary, in consultation with the Director, shall ensure that the Department and the Institute use common sources of data in standardized formats.

SEC. 182. PROHIBITIONS.

(a) NATIONAL DATABASE.—Nothing in this title may be construed to authorize the establishment of a nationwide database of individually identifiable information on individuals involved in studies or other collections of data under this title.

(b) FEDERAL GOVERNMENT AND USE OF FEDERAL FUNDS.—Nothing in this title may be construed to authorize an officer or employee of the Federal Government to mandate, direct, or control the curriculum, program of instruction, or allocation of State or local resources of a State, local educational agency, or school, or to mandate a State, or any subdivision thereof, to spend any funds or incur any costs not provided for under this title.

(c) ENDORSEMENT OF CURRICULUM.—Notwithstanding any other provision of Federal law, no funds provided under this title to the Institute, including any office, board, committee, or center of the Institute, may be used by the Institute to endorse, approve, or sanction any curriculum designed to be used in an elementary school or secondary school.

(d) FEDERALLY SPONSORED TESTING.—

(1) IN GENERAL.—Subject to paragraph (2), no funds provided under this title to the Secretary or to the recipient of any award may be used to develop, pilot test, field test, implement, administer, or distribute any federally sponsored national test in reading, mathematics, or any other subject, unless specifically and explicitly authorized by law.

(2) EXCEPTIONS.—Subsection (a) shall not apply to international comparative assessments developed under the authority of section 153(a)(6) of this title or section 404(a)(6)

of the National Education Statistics Act of 1994 (20 U.S.C. 9003(a)(6)) (as such section was in effect on the day before the date of enactment of this Act) and administered to only a representative sample of pupils in the United States and in foreign nations.

SEC. 183. CONFIDENTIALITY.

(a) In General.—All collection, maintenance, use, and wide dissemination of data by the Institute, including each office, board, committee, and center of the Institute, shall conform with the requirements of section 552a of title 5, United States Code, the confidentiality standards of subsection (c) of this section, and sections 444 and 445 of the General Education Provisions Act (20 U.S.C. 1232g, 1232h).

(b) Student Information.—The Director shall ensure that all individually identifiable information about students, their academic achievements, their families, and information with respect to individual schools, shall remain confidential in accordance with section 552a of title 5, United States Code, the confidentiality standards of subsection (c) of this section, and sections 444 and 445 of the General Education Provisions Act (20 U.S.C. 1232g, 1232h).

SEC. 184. AVAILABILITY OF DATA.

Subject to section 183, data collected by the Institute, including any office, board, committee, or center of the Institute, in carrying out the priorities and mission of the Institute, shall be made available to the public, including through use of the Internet.

SEC. 185. PERFORMANCE MANAGEMENT.

The Director shall ensure that all activities conducted or supported by the Institute or a National Education Center make customer service a priority. The Director shall ensure a high level of customer satisfaction through the following methods:

(1) Establishing and improving feedback mechanisms in order to anticipate customer needs.

(2) Disseminating information in a timely fashion and in formats that are easily accessible and usable by researchers, practitioners, and the general public.

(3) Utilizing the most modern technology and other methods available, including arrangements to use data collected electronically by States and local educational agencies, to ensure the efficient collection and timely distribution of information, including data and reports.

(4) Establishing and measuring performance against a set of indicators for the quality of data collected, analyzed, and reported.

(5) Continuously improving management strategies and practices.

(6) Making information available to the public in an expeditious fashion.

SEC. 186. AUTHORITY TO PUBLISH.

(a) Publication.—The Director may prepare and publish (including through oral presentation) such research, statistics (consistent with part C), and evaluation information and reports from any office, board, committee, and center of the Institute, as needed to carry out the priorities and mission of the Institute without the approval of the Secretary or any other office of the Department.

(b) Advance Copies.—The Director shall provide the Secretary and other relevant offices with an advance copy of any information to be published under this section before publication.

(c) Peer Review.—All research, statistics, and evaluation reports conducted by, or supported through, the Institute shall be subjected to rigorous peer review before being published or otherwise made available to the public.

(d) Items Not Covered.—Nothing in subsections (a), (b), or (c) shall be construed to apply to—

(1) information on current or proposed budgets, appropriations, or legislation;

(2) information prohibited from disclosure by law or the Constitution, classified national security information, or information described in section 552(b) of title 5, United States Code; and

(3) review by officers of the United States in order to prevent the unauthorized disclosure of information described in paragraph (1) or (2).

SEC. 187. VACANCIES.

Any member appointed to fill a vacancy on the Board occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term. A vacancy in an office, board, committee, or center of the Institute shall be filled in the manner in which the original appointment was made. This section does not apply to employees appointed under section 188.

SEC. 188. SCIENTIFIC OR TECHNICAL EMPLOYEES.

(a) In General.—The Director may appoint, for terms not to exceed 6 years (without regard to the provisions of title 5, United States Code, governing appointment in the competitive service) and may compensate (without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates) such scientific or technical employees to carry out the functions of the Institute or the office, board, committee, or center, respectively, if—

(1) at least 30 days prior to the appointment of any such employee, public notice is given of the availability of such position and an opportunity is provided for qualified individuals to apply and compete for such position;

(2) the rate of basic pay for such employees does not exceed the maximum rate of basic pay payable for positions at GS–15, as determined in accordance with section 5376 of title 5, United States Code, except that not more than 7 individuals appointed under this section may be paid at a rate that does not exceed the rate of basic pay for level III of the Executive Schedule;

(3) the appointment of such employee is necessary (as determined by the Director on the basis of clear and convincing evidence) to provide the Institute or the office, board, committee, or center with scientific or technical expertise which could not otherwise be obtained by the Institute or the office, board, committee, or center through the competitive service; and

(4) the total number of such employees does not exceed 40 individuals or ⅕ of the number of full-time, regular scientific or professional employees of the Institute, whichever is greater.

(b) Duties of Employees.—All employees described in subsection (a) shall work on activities of the Institute or the office, board, committee, or center, and shall not be reassigned to other duties outside the Institute or the office, board, committee, or center during their term.

SEC. 189. FELLOWSHIPS.

In order to strengthen the national capacity to carry out high-quality research, evaluation, and statistics related to education, the Director shall establish and maintain research, evaluation, and statistics fellowships in institutions of higher education (which may include the establishment of such fellowships in historically Black colleges and universities and other institutions of higher education with large numbers of minority students) that support graduate and postdoctoral study onsite at the Institute or at the institution of higher education. In establishing the fellowships, the Director shall ensure that women and minorities are actively recruited for participation.

SEC. 190. VOLUNTARY SERVICE.

The Director may accept voluntary and uncompensated services to carry out and support activities that are consistent with the priorities and mission of the Institute.

SEC. 191. RULEMAKING.

Notwithstanding section 437(d) of the General Education Provisions Act (20 U.S.C. 1232(d)), the exemption for public property, loans, grants, and benefits in section 553(a)(2) of title 5, United States Code, shall apply to the Institute.

SEC. 192. COPYRIGHT.

Nothing in this Act shall be construed to affect the rights, remedies, limitations, or defense under title 17, United States Code.

SEC. 193. REMOVAL.

(a) Presidential.—The Director, each member of the Board, and the Commissioner for Education Statistics may be removed by the President prior to the expiration of the term of each such appointee.

(b) Director.—Each Commissioner appointed by the Director pursuant to section 117 may be removed by the Director prior to the expiration of the term of each such Commissioner.

SEC. 194. AUTHORIZATION OF APPROPRIATIONS.

(a) In General.—There are authorized to be appropriated to administer and carry out this title (except section 174) $400,000,000 for fiscal year 2003 and such sums as may be necessary for each of the 5 succeeding fiscal years, of which—

(1) not less than the amount provided to the National Center for Education Statistics (as such Center was in existence on the day before the date of enactment of this Act) for fiscal year 2002 shall be provided to the National Center for Education Statistics, as authorized under part C; and

(2) not more than the lesser of 2 percent of such funds or $1,000,000 shall be made available to carry out section 116 (relating to the National Board for Education Sciences).

(b) Regional Educational Laboratories.—There are authorized to be appropriated to carry out section 174 $100,000,000 for fiscal year 2003 and such sums as may be necessary for each of the 5 succeeding fiscal years. Of the amounts appropriated under the preceding sentence for a fiscal year, the Director shall obligate not less than 25 percent to carry out such purpose with respect to rural areas (including schools funded by the Bureau which are located in rural areas).

(c) Availability.—Amounts made available under this section shall remain available until expended.

TITLE II—EDUCATIONAL TECHNICAL ASSISTANCE

SEC. 201. SHORT TITLE.

This title may be cited as the "Educational Technical Assistance Act of 2002".

SEC. 202. DEFINITIONS.

In this title:

(1) In general.—The terms "local educational agency" and "State educational agency" have the meanings given those terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(2) Secretary.—The term "Secretary" means the Secretary of Education.

SEC. 203. COMPREHENSIVE CENTERS.

(a) AUTHORIZATION.—

(1) IN GENERAL.—Subject to paragraph (2), beginning in fiscal year 2004, the Secretary is authorized to award not less than 20 grants to local entities, or consortia of such entities, with demonstrated expertise in providing technical assistance and professional development in reading, mathematics, science, and technology, especially to low-performing schools and districts, to establish comprehensive centers.

(2) REGIONS.—In awarding grants under paragraph (1), the Secretary—

(A) shall ensure that not less than 1 comprehensive center is established in each of the 10 geographic regions served by the regional educational laboratories established under section 941(h) of the Educational Research, Development, Dissemination, and Improvement Act of 1994 (as such provision existed on the day before the date of enactment of this Act); and

(B) after meeting the requirements of subparagraph (A), shall consider, in awarding the remainder of the grants, the school-age population, proportion of economically disadvantaged students, the increased cost burdens of service delivery in areas of sparse population, and the number of schools identified for school improvement (as described in section 1116(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(b)) in the population served by the local entity or consortium of such entities.

(b) ELIGIBLE APPLICANTS.—

(1) IN GENERAL.—Grants under this section may be made with research organizations, institutions, agencies, institutions of higher education, or partnerships among such entities, or individuals, with the demonstrated ability or capacity to carry out the activities described in subsection (f), including regional entities that carried out activities under the Educational Research, Development, Dissemination, and Improvement Act of 1994 (as such Act existed on the day before the date of enactment of this Act) and title XIII of the Elementary and Secondary Education Act of 1965 (as such title existed on the day before the date of enactment of the No Child Left Behind Act of 2001 (Public Law 107–110)).

(2) OUTREACH.—In conducting competitions for grants under this section, the Secretary shall actively encourage potential applicants to compete for such awards by making widely available information and technical assistance relating to the competition.

(3) OBJECTIVES AND INDICATORS.—Before awarding a grant under this section, the Secretary shall design specific objectives and measurable indicators, using the results of the assessment conducted under section 206, to be used to assess the particular programs or initiatives, and ongoing progress and performance, of the regional entities, in order to ensure that the educational needs of the region are being met and that the latest and best research and proven practices are being carried out as part of school improvement efforts.

(c) APPLICATION.—

(1) SUBMISSION.—Each local entity, or consortium of such entities, seeking a grant under this section shall submit an application at such time, in such manner, and containing such additional information as the Secretary may reasonably require.

(2) PLAN.—Each application submitted under paragraph (1) shall contain a 5-year plan for carrying out the activities described in this section in a manner that addresses the priorities established under section 207 and addresses the needs of all States (and to the extent practicable, of local educational agencies) within the region to be served by the comprehensive center, on an ongoing basis.

(d) ALLOCATION.—Each comprehensive center established under this section shall allocate such center's resources to and within each State in a manner which reflects the need for assistance, taking into account such factors as the proportion of economically disadvantaged students, the increased cost burden of service delivery in areas of sparse populations, and any special initiatives being undertaken by State, intermediate, local educational agencies, or Bureau-funded schools, as appropriate, which may require special assistance from the center.

(e) SCOPE OF WORK.—Each comprehensive center established under this section shall work with State educational agencies, local educational agencies, regional educational agencies, and schools in the region where such center is located on school improvement activities that take into account factors such as the proportion of economically disadvantaged students in the region, and give priority to—

(1) schools in the region with high percentages or numbers of students from low-income families, as determined under section 1113(a)(5) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6313(a)(5)), including such schools in rural and urban areas, and schools receiving assistance under title I of that Act (20 U.S.C. 6301 et seq.);

(2) local educational agencies in the region in which high percentages or numbers of school-age children are from low-income families, as determined under section 1124(c)(1)(A) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333(c)(1)(A)), including such local educational agencies in rural and urban areas; and

(3) schools in the region that have been identified for school improvement under section 1116(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(b)).

(f) ACTIVITIES.—

(1) IN GENERAL.—A comprehensive center established under this section shall support dissemination and technical assistance activities by—

(A) providing training, professional development, and technical assistance regarding, at a minimum—

(i) the administration and implementation of programs under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.);

(ii) the use of scientifically valid teaching methods and assessment tools for use by teachers and administrators in, at a minimum—

(I) the core academic subjects of mathematics, science, and reading or language arts;

(II) English language acquisition; and

(III) education technology; and

(iii) the facilitation of communication between education experts, school officials, teachers, parents, and librarians, as appropriate; and

(B) disseminating and providing information, reports, and publications that are usable for improving academic achievement, closing achievement gaps, and encouraging and sustaining school improvement (as described in section 1116(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(b))), to schools, educators, parents, and policymakers within the region in which the center is located; and

(C) developing teacher and school leader inservice and preservice training models that illustrate best practices in the use of technology in different content areas.

(2) COORDINATION AND COLLABORATION.—Each comprehensive center established under this section shall coordinate its activities, collaborate, and regularly exchange information with the regional educational laboratory in the region in which the center is located, the National Center for Education Evaluation and Regional Assistance, the Office of the Secretary, the State service agency, and other technical assistance providers in the region.

(g) COMPREHENSIVE CENTER ADVISORY BOARD.—

(1) ESTABLISHMENT.—Each comprehensive center established under this section shall have an advisory board that shall support the priorities of such center.

(2) DUTIES.—Each advisory board established under paragraph (1) shall advise the comprehensive center—

(A) concerning the activities described in subsection (d);

(B) on strategies for monitoring and addressing the educational needs of the region, on an ongoing basis;

(C) on maintaining a high standard of quality in the performance of the center's activities; and

(D) on carrying out the center's duties in a manner that promotes progress toward improving student academic achievement.

(3) COMPOSITION.—

(A) IN GENERAL.—Each advisory board shall be composed of—

(i) the chief State school officers, or such officers' designees or other State officials, in each State served by the comprehensive center who have primary responsibility under State law for elementary and secondary education in the State; and

(ii) not more than 15 other members who are representative of the educational interests in the region served by the comprehensive center and are selected jointly by the officials specified in clause (i) and the chief executive officer of each State served by the comprehensive center, including the following:

(I) Representatives of local educational agencies and regional educational agencies, including representatives of local educational agencies serving urban and rural areas.

(II) Representatives of institutions of higher education.

(III) Parents.

(IV) Practicing educators, including classroom teachers, principals, and administrators.

(V) Representatives of business.

(VI) Policymakers, expert practitioners, and researchers with knowledge of, and experience using, the results of research, evaluation, and statistics.

(B) SPECIAL RULE.—In the case of a State in which the chief executive officer has the primary responsibility under State law for elementary and secondary education in the State, the chief executive officer shall consult, to the extent permitted by State law, with the State educational agency in selecting additional members of the board under subparagraph (A)(i).

(h) REPORT TO SECRETARY.—Each comprehensive center established under this section shall submit to the Secretary an annual report, at such time, in such manner, and containing such information as the Secretary may require, which shall include the following:

(1) A summary of the comprehensive center's activities during the preceding year

(2) A listing of the States, local educational agencies, and schools the comprehensive center assisted during the preceding year.

SEC. 204. EVALUATIONS.

The Secretary shall provide for ongoing independent evaluations by the National Center for Education Evaluation and Regional Assistance of the comprehensive centers receiving assistance under this title, the results of which shall be transmitted to the appropriate congressional committees and the Director of the Institute of Education Sciences. Such evaluations shall include an analysis of the services provided under this title, the extent to which each of the comprehensive centers meets the objectives of its respective plan, and whether such services meet the educational needs of State educational agencies, local educational agencies, and schools in the region.

SEC. 205. EXISTING TECHNICAL ASSISTANCE PROVIDERS.

The Secretary shall continue awards for the support of the Eisenhower Regional Mathematics and Science Education Consortia established under part M of the Educational Research, Development, Dissemination, and Improvement Act of 1994 (as such part existed on the day before the date of enactment of this Act), the Regional Technology in Education Consortia under section 3141 of the Elementary and Secondary Education Act of 1965 (as such section existed on the day before the date of enactment of the No Child Left Behind Act of 2001 (Public Law 107-110)), and the Comprehensive Regional Assistance Centers established under part K of the Educational Research, Development, Dissemination, and Improvement Act of 1994 (as such part existed on the day before the date of enactment of this Act), in accordance with the terms of such awards, until the comprehensive centers authorized under section 203 are established.

SEC. 206. REGIONAL ADVISORY COMMITTEES.

(a) ESTABLISHMENT.—Beginning in 2004, the Secretary shall establish a regional advisory committee for each region described in section 174(b) of the Education Sciences Reform Act of 2002.

(b) MEMBERSHIP.—

(1) COMPOSITION.—The membership of each regional advisory committee shall—

(A) not exceed 25 members;

(B) contain a balanced representation of States in the region; and

(C) include not more than one representative of each State educational agency geographically located in the region.

(2) ELIGIBILITY.—The membership of each regional advisory committee may include the following:

(A) Representatives of local educational agencies, including rural and urban local educational agencies.

(B) Representatives of institutions of higher education, including individuals representing university-based education research and university-based research on subjects other than education.

(C) Parents.

(D) Practicing educators, including classroom teachers, principals, administrators, school board members, and other local school officials.

(E) Representatives of business.

(F) Researchers.

(3) RECOMMENDATIONS.—In choosing individuals for membership on a regional advisory committee, the Secretary shall consult with, and solicit recommendations from, the chief executive officers of States, chief State school officers, and education stakeholders within the applicable region.

(4) SPECIAL RULE.—

(A) TOTAL NUMBER.—The total number of members on each committee who are selected under subparagraphs (A), (C), and (D) of paragraph (2), collectively, shall exceed the total number of members who are selected under paragraph (1)(C) and subparagraphs (B), (E), and (F) of paragraph (2), collectively.

(B) DISSOLUTION.—Each regional advisory committee shall be dissolved by the Secretary after submission of such committee's report described in subsection (c)(2) to the Secretary, but each such committee may be reconvened at the discretion of the Secretary.

(c) DUTIES.—Each regional advisory committee shall advise the Secretary on the following:

(1) An educational needs assessment of its region (using the results of the assessment conducted under subsection (d)), in order to assist in making decisions regarding the regional educational priorities.

(2) Not later than 6 months after the committee is first convened, a report based on the assessment conducted under subsection (d).

(d) REGIONAL ASSESSMENTS.—Each regional advisory committee shall—

(1) assess the educational needs within the region to be served;

(2) in conducting the assessment under paragraph (1), seek input from chief executive officers of States, chief State school officers, educators, and parents (including through a process of open hearings to solicit the views and needs of schools (including public charter schools), teachers, administrators, members of the regional educational laboratory governing board, parents, local educational agencies, librarians, businesses, State educational agencies, and other customers (such as adult education programs) within the region) regarding the need for the activities described in section 174 of the Education Sciences Reform Act of 2002 and section 203 of this title and how those needs would be most effectively addressed; and

(3) submit the assessment to the Secretary and to the Director of the Academy of Education Sciences, at such time, in such manner, and containing such information as the Secretary may require.

SEC. 207. PRIORITIES.

The Secretary shall establish priorities for the regional educational laboratories (established under section 174 of the Education Sciences Reform Act of 2002) and comprehensive centers (established under section 203 of this title) to address, taking onto account the regional assessments conducted under section 206 and other relevant regional surveys of educational needs, to the extent the Secretary deems appropriate.

SEC. 208. GRANT PROGRAM FOR STATEWIDE, LONGITUDINAL DATA SYSTEMS.

(a) GRANTS AUTHORIZED.—The Secretary is authorized to award grants, on a competitive basis, to State educational agencies to enable such agencies to design, develop, and implement statewide, longitudinal data systems to efficiently and accurately manage, analyze, disaggregate, and use individual student data, consistent with the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.).

(b) APPLICATIONS.—Each State educational agency desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

(c) AWARDING OF GRANTS.—In awarding grants under this section, the Secretary shall use a peer review process that—

(1) ensures technical quality (including validity and reliability), promotes linkages across States, and protects student privacy consistent with section 183;

(2) promotes the generation and accurate and timely use of data that is needed—

(A) for States and local educational agencies to comply with the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) and other reporting requirements and close achievement gaps; and

(B) to facilitate research to improve student academic achievement and close achievement gaps; and

(3) gives priority to applications that meet the voluntary standards and guidelines described in section 153(a)(5).

(d) SUPPLEMENT NOT SUPPLANT.—Funds made available under this section shall be used to supplement, and not supplant, other State or local funds used for developing State data systems.

(e) REPORT.—Not later than 1 year after the date of enactment of the Educational Technical Assistance Act of 2002, and again 3 years after such date of enactment, the Secretary, in consultation with the National Academies Committee on National Statistics, shall make publicly available a report on the implementation and effectiveness of Federal, State, and local efforts related to the goals of this section, including—

(1) identifying and analyzing State practices regarding the development and use of statewide, longitudinal data systems;

(2) evaluating the ability of such systems to manage individual student data consistent with the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), promote linkages across States, and protect student privacy consistent with section 183; and

(3) identifying best practices and areas for improvement.

SEC. 209. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title $80,000,000 for fiscal year 2003 and such sums as may be necessary for each of the 5 succeeding fiscal years.

TITLE III—NATIONAL ASSESSMENT OF EDUCATIONAL PROGRESS

SEC. 301. SHORT TITLE.

This title may be referred to as the "National Assessment of Educational Progress Authorization Act".

SEC. 302. DEFINITIONS.

In this title:

(1) The term "Director" means the Director of the Institute of Education Sciences.

(2) The term "State" means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

SEC. 303. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated—

(1) for fiscal year 2003—

(A) $4,600,000 to carry out section 302, as amended by section 401 of this Act (relating to the National Assessment Governing Board); and

(B) $107,500,000 to carry out section 303, as amended by section 401 of this Act (relating to the National Assessment of Educational Progress); and

(2) such sums as may be necessary for each of the 5 succeeding fiscal years to carry out sections 302 and 303, as amended by section 401 of this Act.

(b) AVAILABILITY.—Amounts made available under this section shall remain available until expended.

TITLE IV—AMENDATORY PROVISIONS

SEC. 401. REDESIGNATIONS.

(a) CONFIDENTIALITY.—Section 408 of the National Education Statistics Act of 1994 (20 U.S.C. 9007) is amended—

(1) by striking “center”, “Center”, and “Commissioner” each place any such term appears and inserting “Director”;

(2) in subsection (a)(2)(A), by striking “statistical purpose” and inserting “research, statistics, or evaluation purpose under this title”;

(3) by striking subsection (b)(1) and inserting the following:

“(1) IN GENERAL.—

“(A) DISCLOSURE.—No Federal department, bureau, agency, officer, or employee and no recipient of a Federal grant, contract, or cooperative agreement may, for any reason, require the Director, any Commissioner of a National Education Center, or any other employee of the Institute to disclose individually identifiable information that has been collected or retained under this title.

“(B) IMMUNITY.—Individually identifiable information collected or retained under this title shall be immune from legal process and shall not, without the consent of the individual concerned, be admitted as evidence or used for any purpose in any action, suit, or other judicial or administrative proceeding.

“(C) APPLICATION.—This paragraph does not apply to requests for individually identifiable information submitted by or on behalf of the individual identified in the information.”;

(4) in paragraphs (2) and (6) of subsection (b), by striking “subsection (a)(2)” each place such term appears and inserting “subsection (c)(2)”;

(5) in paragraphs (3) and (7) of subsection (b), by striking “Center’s” each place such term appears and inserting “Director’s”; and

(6) by striking the section heading and transferring all the subsections (including subsections (a) through (c)) and redesignating such subsections as subsections (c) through (e), respectively, at the end of section 183 of this Act.

(b) CONFORMING AMENDMENT.—Sections 302 and 303 of this Act are redesignated as sections 304 and 305, respectively.

(c) NATIONAL ASSESSMENT GOVERNING BOARD.—Section 412 of the National Education Statistics Act of 1994 (20 U.S.C. 9011) is amended—

(1) in subsection (a)—

(A) by striking “referred to as the ‘Board’ ” and inserting “referred to as the ‘Assessment Board’ ”; and

(B) by inserting “(carried out under section 303)” after “for the National Assessment”;

(2) by striking “Board” each place such term appears (other than in subsection (a)) and inserting “Assessment Board”;

(3) by striking “Commissioner” each place such term appears and inserting “Commissioner for Education Statistics”;

(4) in subsection (b)(2)—

(A) by striking “ASSISTANT SECRETARY FOR EDUCATIONAL RESEARCH” in the heading and inserting “DIRECTOR OF THE INSTITUTE OF EDUCATION SCIENCES”; and

(B) by striking “Assistant Secretary for Educational Research and Improvement” and inserting “Director of the Institute of Education Sciences”;

(5) in subsection (e)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking “section 411(b)” and inserting “section 303(b)”;

(ii) in subparagraph (B), by striking “section 411(e)” and inserting “section 303(e)”;

(iii) in subparagraph (E), by striking “, including the Advisory Council established under section 407”;

(iv) in subparagraphs (F) and (I), by striking “section 411” each place such term appears and inserting “section 303”;

(v) in subparagraph (H), by striking “and” after the semicolon;

(vi) in subparagraph (I), by striking the period at the end and inserting “; and”; and

(vii) by inserting at the end the following:

“(J) plan and execute the initial public release of National Assessment of Educational Progress reports.

The National Assessment of Educational Progress data shall not be released prior to the release of the reports described in subparagraph (J).”;

(B) in paragraph (5), by striking “and the Advisory Council on Education Statistics”; and

(C) in paragraph (6), by striking “section 411(e)” and inserting “section 303(e)”; and

(6) by transferring and redesignating the section as section 302 (following section 301) of title III of this Act.

(d) NATIONAL ASSESSMENT OF EDUCATIONAL PROGRESS.—Section 411 of the National Education Statistics Act of 1994 (20 U.S.C. 9010) is amended—

(1) by striking “Commissioner” each place such term appears and inserting “Commissioner for Education Statistics”;

(2) by striking “National Assessment Governing Board” and “National Board” each place either such term appears and inserting “Assessment Board”;

(3) in subsection (a)—

(A) by striking “section 412” and inserting “section 302”; and

(B) by striking “and with the technical assistance of the Advisory Council established under section 407,”;

(4) in subsection (b)—

(A) in paragraph (1), by inserting “of” after “academic achievement and reporting”;

(B) in paragraph (3)(A)—

(i) in clause (i), by striking “paragraphs (1)(B) and (1)(E)” and inserting “paragraphs (2)(B) and (2)(E)”;

(ii) in clause (ii), by striking “paragraph (1)(C)” and inserting “paragraph (2)(C)”; and

(iii) in clause (iii), by striking “paragraph (1)(D)” and inserting “paragraph (2)(D)”; and

(C) in paragraph (5), by striking “(c)(2)” and inserting “(c)(3)”;

(5) in subsection (c)(2)(D), by striking “subparagraph (B)” and inserting “subparagraph (C)”;

(6) in subsection (e)(4), by striking “subparagraph (2)(C)” and inserting “paragraph (2)(C) of such subsection”;

(7) in subsection (f)(1)(B)(iv), by striking “section 412(e)(4)” and inserting “section 302(e)(4)”; and

(8) by transferring and redesignating the section as section 303 (following section 302) of title III of this Act.

(e) TABLE OF CONTENTS AMENDMENT.—The items relating to title III in the table of contents of this Act, as amended by section 401 of this Act, are amended to read as follows:

“TITLE III—NATIONAL ASSESSMENT OF EDUCATIONAL PROGRESS

“Sec. 301. Short title.
“Sec. 302. National Assessment Governing Board.
“Sec. 303. National Assessment of Educational Progress.
“Sec. 304. Definitions.
“Sec. 305. Authorization of appropriations.”.

SEC. 402. AMENDMENTS TO DEPARTMENT OF EDUCATION ORGANIZATION ACT.

The Department of Education Organization Act (20 U.S.C. 3401 et seq.) is amended—

(1) by striking section 202(b)(4) and inserting the following:

“(4) There shall be in the Department a Director of the Institute of Education Sciences who shall be appointed in accordance with section 114(a) of the Education Sciences Reform Act of 2002 and perform the duties described in that Act.”;

(2) by striking section 208 and inserting the following:

“INSTITUTE OF EDUCATION SCIENCES

“SEC. 208. There shall be in the Department of Education the Institute of Education Sciences, which shall be administered in accordance with the Education Sciences Reform Act of 2002 by the Director appointed under section 114(a) of that Act.”; and

(3) by striking the item relating to section 208 in the table of contents in section 1 and inserting the following:

“Sec. 208. Institute of Education Sciences.”.

SEC. 403. REPEALS.

The following provisions of law are repealed:

(1) The National Education Statistics Act of 1994 (20 U.S.C. 9001 et seq.).

(2) Parts A through E and K through N of the Educational Research, Development, Dissemination, and Improvement Act of 1994 (title IX of the Goals 2000: Educate America Act) (20 U.S.C. 6001 et seq.).

(3) Section 401(b)(2) of the Department of Education Organization Act (20 U.S.C. 3461(b)(2)).

SEC. 404. CONFORMING AND TECHNICAL AMENDMENTS.

(a) GOALS 2000: EDUCATE AMERICA ACT.—The table of contents in section 1(b) of the Goals 2000: Educate America Act (20 U.S.C. 5801 note) is amended by striking the items relating to parts A through E of title IX (including the items relating to sections within those parts).

(b) TITLE 5, UNITED STATES CODE.—Section 5315 of title 5, United States Code, is amended by striking the following:

“Commissioner, National Center for Education Statistics.”.

(c) GENERAL EDUCATION PROVISIONS ACT.—Section 447(b) of the General Education Provisions Act (20 U.S.C. 1232j(b)) is amended by striking “section 404(a)(6) of the National Education Statistics Act of 1994 (20 U.S.C. 9003(a)(6))” and inserting “section 153(a)(6) of the Education Sciences Reform Act of 2002”.

(d) ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.—The Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) is amended as follows:

(1) Section 1111(c)(2) is amended by striking “section 411(b)(2) of the National Education Statistics Act of 1994” and inserting “section 303(b)(2) of the National Assessment of Educational Progress Authorization Act”.

(2) Section 1112(b)(1)(F) is amended by striking “section 411(b)(2) of the National Education Statistics Act of 1994” and inserting “section 303(b)(2) of the National Assessment of Educational Progress Authorization Act”.

(3) Section 1117(a)(3) is amended—

(A) by inserting “(as such section existed on the day before the date of enactment of the Education Sciences Reform Act of 2002)” after “Act of 1994”; and

(B) by inserting “regional educational laboratories established under part E of the Education Sciences Reform Act of 2002 and comprehensive centers established under the Educational Technical Assistance Act of 2002 and" after "assistance from".

(4) Section 1501(a)(3) is amended by striking "section 411 of the National Education Statistics Act of 1994" and inserting "section 303 of the National Assessment of Educational Progress Authorization Act".

(5) The following provisions are each amended by striking "Office of Educational Research and Improvement" and inserting "Institute of Education Sciences":

(A) Section 3222(a) (20 U.S.C. 6932(a)).

(B) Section 3303(1) (20 U.S.C. 7013(1)).

(C) Section 5464(e)(1) (20 U.S.C. 7253c(e)(1)).

(D) Paragraphs (1) and (2) of section 5615(d) (20 U.S.C. 7283d(d)).

(E) Paragraphs (1) and (2) of section 7131(c) (20 U.S.C. 7451(c)).

(6) Paragraphs (1) and (2) of section 5464(e) (20 U.S.C. 7253c(e)) are each amended by striking "such Office" and inserting "such Institute".

(7) Section 5613 (20 U.S.C. 7283b) is amended—

(A) in subsection (a)(5), by striking "Assistant Secretary of the Office of Educational Research and Improvement" and inserting "Director of the Institute of Education Sciences"; and

(B) in subsection (b)(2)(B), by striking "research institutes of the Office of Educational Research and Improvement" and inserting "National Education Centers of the Institute of Education Sciences".

(8) Sections 5615(d)(1) and 7131(c)(1) (20 U.S.C. 7283d(d)(1), 7451(c)(1)) are each amended by striking "by the Office" and inserting "by the Institute".

(9) Section 9529(b) is amended by striking "section 404(a)(6) of the National Education Statistics Act of 1994" and inserting "section 153(a)(5) of the Education Sciences Reform Act of 2002".

(e) SCHOOL-TO-WORK OPPORTUNITIES ACT OF 1994.—Section 404 of the School-to-Work Opportunities Act of 1994 (20 U.S.C. 6194) is amended by inserting "(as such Act existed on the day before the date of enactment of the Education Sciences Reform Act of 2002)" after "Act of 1994".

SEC. 405. ORDERLY TRANSITION.

The Secretary of Education shall take such steps as are necessary to provide for the orderly transition to, and implementation of, the offices, boards, committees, and centers (and their various functions and responsibilities) established or authorized by this Act, and by the amendments made by this Act, from those established or authorized by the Educational Research, Development, Dissemination, and Improvement Act of 1994 (20 U.S.C. 6001 et seq.) and the National Education Statistics Act of 1994 (20 U.S.C. 9001 et seq.).

SEC. 406. IMPACT AID.

(a) PAYMENTS FOR FEDERALLY CONNECTED CHILDREN.—Section 8003(b)(2)(C)(i)(II)(bb) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(B)(2)(c)(i)(II)(bb)) is amended to read as follows:

"(bb) for a local educational agency that has a total student enrollment of less than 350 students, has a per-pupil expenditure that is less than the average per-pupil expenditure of a comparable local education agency or three comparable local educational agencies in the State in which the local educational agency is located; and".

(b) EFFECTIVE DATE.—The amendment made by Section 406(a) shall be effective on September 30, 2000, and shall apply with respect to fiscal year 2001, and all subsequent fiscal years.

(c) BONESTEEL-FAIRFAX SCHOOL DISTRICT.—The Secretary of Education shall deem the local educational agency serving the Bonesteel-Fairfax school district, 26-5, in Bonesteel, South Dakota, as eligible in fiscal year 2003 for a basic support payment for heavily impacted local educational agencies under section 8003(b)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(b)(2)).

(d) CENTRAL SCHOOL DISTRICT.—Notwithstanding any other provision of law, the Secretary of Education shall treat as timely filed an application filed by Central School District, Sequoyah County, Oklahoma, for payment for federally connected students for fiscal year 2003, pursuant to section 8003 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703), and shall process such application for payment, if the Secretary has received such application not later than 30 days after the date of enactment of this Act.

UNANIMOUS CONSENT AGREEMENT—H.R. 3295

Mr. DASCHLE. Mr. President, I ask unanimous consent that with respect to H.R. 3295, the Senate recede from its remaining amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

FEED AMERICA THURSDAY

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 341, which was submitted earlier today by Senators HATCH, REID, and others.

The PRESIDING OFFICER. The clerk will report the title of the resolution.

The legislative clerk read as follows:

A resolution (S. Res. 341) designating Thursday, November 21, 2002, as "Feed America Thursday."

There being no objection, the Senate proceeded to consider the resolution.

Mr. DASCHLE. I ask unanimous consent that the resolution and preamble be agreed to; that the motion to reconsider be laid upon the table; and that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 341) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 341

Whereas Thanksgiving Day celebrates the spirit of selfless giving and an appreciation for family and friends;

Whereas the spirit of Thanksgiving Day is a virtue upon which our Nation was founded;

Whereas 33,000,000 Americans, including 13,000,000 children, continue to live in households that do not have an adequate supply of food;

Whereas almost 3,000,000 of those children experience hunger; and

Whereas selfless sacrifice breeds a genuine spirit of Thanksgiving, both affirming and restoring fundamental principles in our society: Now, therefore, be it

Resolved, That the Senate

(1) designates Thursday, November 21, 2002, as "Feed America Thursday"; and

(2) requests that the President issue a proclamation calling upon the people of the United States to sacrifice 2 meals on Thursday, November 21, 2002, and to donate the money that they would have spent on food to a religious or charitable organization of their choice for the purpose of feeding the hungry.

ROBERT T. STAFFORD DISASTER RELIEF AND EMERGENCY ASSISTANCE ACT

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 284, S. 1632.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1632) to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to extend the deadline for submission of State recommendations of local governments to receive assistance for predisaster hazard mitigation and to authorize the President to provide additional repair assistance to individuals and households.

There being no objection, the Senate proceeded to the consideration of the bill.

Mr. DASCHLE. I ask unanimous consent that the bill be read the third time, passed, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DASCHLE. I congratulate the Chair on the passage of his bill.

The bill (S. 1632) was read the third time and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DEADLINE FOR SUBMISSION OF STATE RECOMMENDATIONS FOR PREDISASTER HAZARD MITIGATION.

Section 203(d)(1)(B) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133(d)(1)(B)) is amended by striking "not later than" and all that follows and inserting the following: "not later than—

"(i) in the case of fiscal year 2002, 60 days after the date on which funds are made available to carry out the program established under this section; and

"(ii) in the case of each fiscal year thereafter, October 1 or such later date as the President may determine.".

SEC. 2. ADDITIONAL REPAIR ASSISTANCE FOR INDIVIDUALS AND HOUSEHOLDS.

Section 408(c)(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174(c)(2)) is amended by striking subparagraphs (B) and (C) and inserting the following:

"(B) INITIAL ASSISTANCE.—

"(i) RELATIONSHIP TO OTHER ASSISTANCE.—A recipient of initial assistance described in subparagraph (A) shall not be required to show that the need for the initial assistance cannot be met through other means, except that a recipient shall be required to show that the need cannot be met through insurance proceeds.

"(ii) MAXIMUM AMOUNT OF INITIAL ASSISTANCE.—The amount of initial assistance provided to a household under this subparagraph shall not exceed $5,000, as adjusted annually to reflect changes in the Consumer Price Index for All Urban Consumers published by the Department of Labor.

"(C) ADDITIONAL ASSISTANCE.—Subject to subsection (h), the President may provide additional repair assistance to an individual or household that is unable to complete the repairs described in subparagraph (A)(i) through use of insurance proceeds, loans, or other means, including assistance from the Small Business Administration.".

DEPARTMENT OF VETERANS AFFAIRS EMERGENCY PREPAREDNESS ACT OF 2002

Mr. DASCHLE. Mr. President, I ask that the Chair lay before the Senate a message from the House on H.R. 3253.

The Presiding Officer laid before the Senate the following message from the House of Representatives:

House amendment to Senate amendments:

In lieu of the matter proposed to be inserted by the amendment of the Senate to the text of the bill, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Department of Veterans Affairs Emergency Preparedness Act of 2002".

SEC. 2. ESTABLISHMENT OF MEDICAL EMERGENCY PREPAREDNESS CENTERS AT DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTERS.

(a) IN GENERAL.—(1) Subchapter II of chapter 73 of title 38, United States Code, is amended by adding at the end the following new section:

"§7325. Medical emergency preparedness centers

"(a) ESTABLISHMENT OF CENTERS.—(1) The Secretary shall establish four medical emergency preparedness centers in accordance with this section. Each such center shall be established at a Department medical center and shall be staffed by Department employees.

"(2) The Under Secretary for Health shall be responsible for supervising the operation of the centers established under this section. The Under Secretary shall provide for ongoing evaluation of the centers and their compliance with the requirements of this section.

"(3) The Under Secretary shall carry out the Under Secretary's functions under paragraph (2) in consultation with the Assistant Secretary of Veterans Affairs with responsibility for operations, preparedness, security, and law enforcement functions.

"(b) MISSION.—The mission of the centers shall be as follows:

"(1) To carry out research on, and to develop methods of detection, diagnosis, prevention, and treatment of injuries, diseases, and illnesses arising from the use of chemical, biological, radiological, incendiary or other explosive weapons or devices posing threats to the public health and safety.

"(2) To provide education, training, and advice to health care professionals, including health care professionals outside the Veterans Health Administration, through the National Disaster Medical System established pursuant to section 2811(b) of the Public Health Service Act (42 U.S.C. 300hh-11(b)) or through interagency agreements entered into by the Secretary for that purpose.

"(3) In the event of a disaster or emergency referred to in section 1785(b) of this title, to provide such laboratory, epidemiological, medical, or other assistance as the Secretary considers appropriate to Federal, State, and local health care agencies and personnel involved in or responding to the disaster or emergency.

"(c) SELECTION OF CENTERS.—(1) The Secretary shall select the sites for the centers on the basis of a competitive selection process. The Secretary may not designate a site as a location for a center under this section unless the Secretary makes a finding under paragraph (2) with respect to the proposal for the designation of such site. To the maximum extent practicable, the Secretary shall ensure the geographic dispersal of the sites throughout the United States. Any such center may be a consortium of efforts of more than one medical center.

"(2) A finding by the Secretary referred to in paragraph (1) with respect to a proposal for designation of a site as a location of a center under this section is a finding by the Secretary, upon the recommendations of the Under Secretary for Health and the Assistant Secretary with responsibility for operations, preparedness, security, and law enforcement functions, that the facility or facilities submitting the proposal have developed (or may reasonably be anticipated to develop) each of the following:

"(A) An arrangement with a qualifying medical school and a qualifying school of public health (or a consortium of such schools) under which physicians and other persons in the health field receive education and training through the participating Department medical facilities so as to provide those persons with training in the detection, diagnosis, prevention, and treatment of injuries, diseases, and illnesses induced by exposures to chemical and biological substances, radiation, and incendiary or other explosive weapons or devices.

"(B) An arrangement with a graduate school specializing in epidemiology under which students receive education and training in epidemiology through the participating Department facilities so as to provide such students with training in the epidemiology of contagious and infectious diseases and chemical and radiation poisoning in an exposed population.

"(C) An arrangement under which nursing, social work, counseling, or allied health personnel and students receive training and education in recognizing and caring for conditions associated with exposures to toxins through the participating Department facilities.

"(D) The ability to attract scientists who have made significant contributions to the development of innovative approaches to the detection, diagnosis, prevention, or treatment of injuries, diseases, and illnesses arising from the use of chemical, biological, radiological, incendiary or other explosive weapons or devices posing threats to the public health and safety.

"(3) For purposes of paragraph (2)(A)—

"(A) a qualifying medical school is an accredited medical school that provides education and training in toxicology and environmental health hazards and with which one or more of the participating Department medical centers is affiliated; and

"(B) a qualifying school of public health is an accredited school of public health that provides education and training in toxicology and environmental health hazards and with which one or more of the participating Department medical centers is affiliated.

"(d) RESEARCH ACTIVITIES.—Each center shall conduct research on improved medical preparedness to protect the Nation from threats in the area of that center's expertise. Each center may seek research funds from public and private sources for such purpose.

"(e) DISSEMINATION OF RESEARCH PRODUCTS.—(1) The Under Secretary for Health and the Assistant Secretary with responsibility for operations, preparedness, security, and law enforcement functions shall ensure that information produced by the research, education and training, and clinical activities of centers established under this section is made available, as appropriate, to health-care providers in the United States. Dissemination of such information shall be made through publications, through programs of continuing medical and related education provided through regional medical education centers under subchapter VI of chapter 74 of this title, and through other means. Such programs of continuing medical education shall receive priority in the award of funding.

"(2) The Secretary shall ensure that the work of the centers is conducted in close coordination with other Federal departments and agencies and that research products or other information of the centers shall be coordinated and shared with other Federal departments and agencies.

"(f) COORDINATION OF ACTIVITIES.—The Secretary shall take appropriate actions to ensure that the work of each center is carried out—

"(1) in close coordination with the Department of Defense, the Department of Health and Human Services, and other departments, agencies, and elements of the Government charged with coordination of plans for United States homeland security; and

"(2) after taking into consideration applicable recommendations of the working group on the prevention, preparedness, and response to bioterrorism and other public health emergencies established under section 319F(a) of the Public Health Service Act (42 U.S.C. 247d-6(a)) or any other joint interagency advisory group or committee designated by the President or the President's designee to coordinate Federal research on weapons of mass destruction.

"(g) ASSISTANCE TO OTHER AGENCIES.—The Secretary may provide assistance requested by appropriate Federal, State, and local civil and criminal authorities in investigations, inquiries, and data analyses as necessary to protect the public safety and prevent or obviate biological, chemical, or radiological threats.

"(h) DETAIL OF EMPLOYEES FROM OTHER AGENCIES.—Upon approval by the Secretary, the Director of a center may request the temporary assignment or detail to the center, on a nonreimbursable basis, of employees from other departments and agencies of the United States who have expertise that would further the mission of the center. Any such employee may be so assigned or detailed on a nonreimbursable basis pursuant to such a request.

"(i) FUNDING.—(1) Amounts appropriated for the activities of the centers under this section shall be appropriated separately from amounts appropriated for the Department for medical care.

"(2) In addition to funds appropriated for a fiscal year specifically for the activities of the centers pursuant to paragraph (1), the Under Secretary for Health shall allocate to such centers from other funds appropriated for that fiscal year generally for the Department medical care account and the Department medical and prosthetics research account such amounts as the Under Secretary determines appropriate to carry out the purposes of this section. Any determination by the Under Secretary under the preceding sentence shall be made in consultation with the Assistant Secretary with responsibility for operations, preparedness, security, and law enforcement functions.

"(3) There are authorized to be appropriated for the centers under this section $20,000,000 for each of fiscal years 2003 through 2007.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 7324 the following new item:

“7325. Medical emergency preparedness centers.”.

(b) PEER REVIEW FOR DESIGNATION OF CENTERS.—(1) In order to assist the Secretary of Veterans Affairs and the Under Secretary of Veterans Affairs for Health in selecting sites for centers under section 7325 of title 38, United States Code, as added by subsection (a), the Under Secretary shall establish a peer review panel to assess the scientific and clinical merit of proposals that are submitted to the Secretary for the designation of such centers. The peer review panel shall be established in consultation with the Assistant Secretary of Veterans Affairs with responsibility for operations, preparedness, security, and law enforcement functions.

(2) The peer review panel shall include experts in the fields of toxicological research, infectious diseases, radiology, clinical care of patients exposed to such hazards, and other persons as determined appropriate by the Secretary. Members of the panel shall serve as consultants to the Department of Veterans Affairs.

(3) The panel shall review each proposal submitted to the panel by the officials referred to in paragraph (1) and shall submit to the Under Secretary for Health its views on the relative scientific and clinical merit of each such proposal. The panel shall specifically determine with respect to each such proposal whether that proposal is among those proposals which have met the highest competitive standards of scientific and clinical merit.

(4) The panel shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

SEC. 3. EDUCATION AND TRAINING PROGRAMS ON MEDICAL RESPONSES TO CONSEQUENCES OF TERRORIST ACTIVITIES.

(a) IN GENERAL.—(1) Subchapter II of chapter 73 of title 38, United States Code, is amended by adding after section 7325, as added by section 2(a)(1), the following new section:

“§ 7326. Education and training programs on medical response to consequences of terrorist activities

“(a) EDUCATION PROGRAM.—The Secretary shall carry out a program to develop and disseminate a series of model education and training programs on the medical responses to the consequences of terrorist activities.

“(b) IMPLEMENTING OFFICIAL.—The program shall be carried out through the Under Secretary for Health, in consultation with the Assistant Secretary of Veterans Affairs with responsibility for operations, preparedness, security, and law enforcement functions.

“(c) CONTENT OF PROGRAMS.—The education and training programs developed under the program shall be modelled after programs established at the F. Edward Hebert School of Medicine of the Uniformed Services University of the Health Sciences and shall include, at a minimum, training for health care professionals in the following:

“(1) Recognition of chemical, biological, radiological, incendiary, or other explosive agents, weapons, or devices that may be used in terrorist activities.

“(2) Identification of the potential symptoms of exposure to those agents.

“(3) Understanding of the potential long-term health consequences, including psychological effects, resulting from exposure to those agents, weapons, or devices.

“(4) Emergency treatment for exposure to those agents, weapons, or devices.

“(5) An appropriate course of followup treatment, supportive care, and referral.

“(6) Actions that can be taken while providing care for exposure to those agents, weapons, or devices to protect against contamination, injury, or other hazards from such exposure.

“(7) Information on how to seek consultative support and to report suspected or actual use of those agents.

“(d) POTENTIAL TRAINEES.—In designing the education and training programs under this section, the Secretary shall ensure that different programs are designed for health-care professionals in Department medical centers. The programs shall be designed to be disseminated to health professions students, graduate health and medical education trainees, and health practitioners in a variety of fields.

“(e) CONSULTATION.—In establishing education and training programs under this section, the Secretary shall consult with appropriate representatives of accrediting, certifying, and coordinating organizations in the field of health professions education.”.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 7325, as added by section 2(a)(2), the following new item:

“7326. Education and training programs on medical response to consequences of terrorist activities.”.

(b) EFFECTIVE DATE.—The Secretary of Veterans Affairs shall implement section 7326 of title 38, United States Code, as added by subsection (a), not later than the end of the 90-day period beginning on the date of the enactment of this Act.

SEC. 4. AUTHORITY TO FURNISH HEALTH CARE DURING MAJOR DISASTERS AND MEDICAL EMERGENCIES.

(a) IN GENERAL.—(1) Subchapter VIII of chapter 17 of title 38, United States Code, is amended by adding at the end the following new section:

“§ 1785. Care and services during certain disasters and emergencies

“(a) AUTHORITY TO PROVIDE HOSPITAL CARE AND MEDICAL SERVICES.—During and immediately following a disaster or emergency referred to in subsection (b), the Secretary may furnish hospital care and medical services to individuals responding to, involved in, or otherwise affected by that disaster or emergency.

“(b) COVERED DISASTERS AND EMERGENCIES.—A disaster or emergency referred to in this subsection is any disaster or emergency as follows:

“(1) A major disaster or emergency declared by the President under the Robert B. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

“(2) A disaster or emergency in which the National Disaster Medical System established pursuant to section 2811(b) of the Public Health Service Act (42 U.S.C. 300hh-11(b)) is activated by the Secretary of Health and Human Services under paragraph (3)(A) of that section or as otherwise authorized by law.

“(c) APPLICABILITY TO ELIGIBLE INDIVIDUALS WHO ARE VETERANS.—The Secretary may furnish care and services under this section to an individual described in subsection (a) who is a veteran without regard to whether that individual is enrolled in the system of patient enrollment under section 1705 of this title.

“(d) REIMBURSEMENT FROM OTHER FEDERAL DEPARTMENTS AND AGENCIES.—(1) The cost of any care or services furnished under this section to an officer or employee of a department or agency of the United States other than the Department or to a member of the Armed Forces shall be reimbursed at such rates as may be agreed upon by the Secretary and the head of such department or agency or the Secretary concerned, in the case of a member of the Armed Forces, based on the cost of the care or service furnished.

“(2) Amounts received by the Department under this subsection shall be credited to the Medical Care Collections Fund under section 1729A of this title.

“(e) REPORT TO CONGRESSIONAL COMMITTEES.—Within 60 days of the commencement of a disaster or emergency referred to in subsection (b) in which the Secretary furnishes care and services under this section (or as soon thereafter as is practicable), the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report on the Secretary's allocation of facilities and personnel in order to furnish such care and services.

“(f) REGULATIONS.—The Secretary shall prescribe regulations governing the exercise of the authority of the Secretary under this section.”.

(2) The table of sections at the beginning of that chapter is amended by adding at the end the following new item:

“1785. Care and services during certain disasters and emergencies.”.

(b) MEMBERS OF THE ARMED FORCES ON ACTIVE DUTY.—Section 8111A(a) of such title is amended—

(1) by redesignating paragraph (2) as paragraph (4);

(2) by designating the second sentence of paragraph (1) as paragraph (3); and

(3) by inserting between paragraph (1) and paragraph (3), as designated by paragraph (2) of this subsection, the following new paragraph:

“(2)(A) During and immediately following a disaster or emergency referred to in subparagraph (B), the Secretary may furnish hospital care and medical services to members of the Armed Forces on active duty responding to or involved in that disaster or emergency.

“(B) A disaster or emergency referred to in this subparagraph is any disaster or emergency as follows:

“(i) A major disaster or emergency declared by the President under the Robert B. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

“(ii) A disaster or emergency in which the National Disaster Medical System established pursuant to section 2811(b) of the Public Health Service Act (42 U.S.C. 300hh-11(b)) is activated by the Secretary of Health and Human Services under paragraph (3)(A) of that section or as otherwise authorized by law.”.

SEC. 5. 10-YEAR EXTENSION OF EXPIRED AUTHORITY.

Effective September 30, 2002, subsection (d) of section 1722A of title 38, United States Code, is amended by striking “September 30, 2002” and inserting “September 30, 2012”.

SEC. 6. INCREASE IN NUMBER OF ASSISTANT SECRETARIES OF VETERANS AFFAIRS.

(a) INCREASE.—Subsection (a) of section 308 of title 38, United States Code, is amended by striking “six” in the first sentence and inserting “seven”.

(b) FUNCTIONS.—Subsection (b) of such section is amended by adding at the end the following new paragraph:

“(11) Operations, preparedness, security, and law enforcement functions.”.

(c) NUMBER OF DEPUTY ASSISTANT SECRETARIES.—Subsection (d)(1) of such section is amended by striking “18” and inserting “19”.

(d) CONFORMING AMENDMENT.—Section 5315 of title 5, United States Code, is amended by striking “(6)” after “Assistant Secretaries, Department of Veterans Affairs” and inserting “(7)”.

SEC. 7. CODIFICATION OF DUTIES OF SECRETARY OF VETERANS AFFAIRS RELATING TO EMERGENCY PREPAREDNESS.

(a) IN GENERAL.—(1) Subchapter I of chapter 81 of title 38, United States Code, is amended by adding at the end the following new section:

“§ 8117. Emergency preparedness

“(a) READINESS OF DEPARTMENT MEDICAL CENTERS.—(1) The Secretary shall take appropriate actions to provide for the readiness of Department medical centers to protect the patients

and staff of such centers from chemical or biological attack or otherwise to respond to such an attack so as to enable such centers to fulfill their obligations as part of the Federal response to public health emergencies.

"(2) Actions under paragraph (1) shall include—

"(A) the provision of decontamination equipment and personal protection equipment at Department medical centers; and

"(B) the provision of training in the use of such equipment to staff of such centers.

"(b) Security at Department Medical and Research Facilities.—(1) The Secretary shall take appropriate actions to provide for the security of Department medical centers and research facilities, including staff and patients at such centers and facilities.

"(2) In taking actions under paragraph (1), the Secretary shall take into account the results of the evaluation of the security needs at Department medical centers and research facilities required by section 154(b)(1) of the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 (Public Law 107–188; 116 Stat. 631), including the results of such evaluation relating to the following needs:

"(A) Needs for the protection of patients and medical staff during emergencies, including a chemical or biological attack or other terrorist attack.

"(B) Needs, if any, for screening personnel engaged in research relating to biological pathogens or agents, including work associated with such research.

"(C) Needs for securing laboratories or other facilities engaged in research relating to biological pathogens or agents.

"(c) Tracking of Pharmaceuticals and Medical Supplies and Equipment.—The Secretary shall develop and maintain a centralized system for tracking the current location and availability of pharmaceuticals, medical supplies, and medical equipment throughout the Department health care system in order to permit the ready identification and utilization of such pharmaceuticals, supplies, and equipment for a variety of purposes, including response to a chemical or biological attack or other terrorist attack.

"(d) Training.—The Secretary shall ensure that the Department medical centers, in consultation with the accredited medical school affiliates of such medical centers, develop and implement curricula to train resident physicians and health care personnel in medical matters relating to biological, chemical, or radiological attacks or attacks from an incendiary or other explosive weapon.

"(e) Participation in National Disaster Medical System.—(1) The Secretary shall establish and maintain a training program to facilitate the participation of the staff of Department medical centers, and of the community partners of such centers, in the National Disaster Medical System established pursuant to section 2811(b) of the Public Health Service Act (42 U.S.C. 300hh–11(b)).

"(2) The Secretary shall establish and maintain the training program under paragraph (1) in accordance with the recommendations of the working group on the prevention, preparedness, and response to bioterrorism and other public health emergencies established under section 319F(a) of the Public Health Service Act (42 U.S.C. 247d–6(a)).

"(3) The Secretary shall establish and maintain the training program under paragraph (1) in consultation with the following:

"(A) The Secretary of Defense.

"(B) The Secretary of Health and Human Services.

"(C) The Director of the Federal Emergency Management Agency.

"(f) Mental Health Counseling.—(1) With respect to activities conducted by personnel serving at Department medical centers, the Secretary shall develop and maintain various strategies for providing mental health counseling and assistance, including counseling and assistance for post-traumatic stress disorder, following a bioterrorist attack or other public health emergency to the following persons:

"(A) Veterans.

"(B) Local and community emergency response providers.

"(C) Active duty military personnel.

"(D) Individuals seeking care at Department medical centers.

"(2) The strategies under paragraph (1) shall include the following:

"(A) Training and certification of providers of mental health counseling and assistance.

"(B) Mechanisms for coordinating the provision of mental health counseling and assistance to emergency response providers referred to in paragraph (1).

"(3) The Secretary shall develop and maintain the strategies under paragraph (1) in consultation with the Secretary of Health and Human Services, the American Red Cross, and the working group referred to in subsection (e)(2).".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 8116 the following new item:

"8117. Emergency preparedness.".

(b) Repeal of Codified Provisions.—Subsections (a), (b)(2), (c), (d), (e), and (f) of section 154 of the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 (Public Law 107–188; 38 U.S.C. note prec. 8101) are repealed.

(c) Conforming Amendments.—Subsection (g) of such section is amended—

(1) in paragraph (1), by inserting "of section 8117 of title 38, United States Code" after "subsection (a)"; and

(2) in paragraph (2), by striking "subsections (b) through (f)" and inserting "subsection (b)(1) of this section and subsections (b) through (f) of section 8117 of title 38, United States Code".

Mr. ROCKEFELLER. Mr. President, as Chairman of the Committee on Veterans Affairs, I urge my colleagues to pass H.R. 3253, the proposed "Department of Veterans Affairs Emergency Preparedness Act," as it will be modified by a manager's amendment.

The pending measure represents a compromise agreement on an omnibus bill that would ensure that VA can capably fulfill its obligations to veterans, the military, and the entire Nation during disasters. H.R. 3253 would not only preserve veterans services during national emergencies, but would take advantage of VA's expertise in the medical consequences of weapons of mass destruction to protect all Americans.

This legislation would establish four medical emergency preparedness research centers within the VA health care system. Although my colleagues may not be surprised to learn about VA's research expertise in the long-term health consequences of biological, chemical, and radiological exposures, fewer may be aware of VA's unparalleled clinical management research program. The centers authorized by H.R. 3253 would allow VA's experts to develop practices for managing or preventing mass casualties resulting from the use of terrorist weapons, and to do so within our evolving National strategy for homeland security research.

H.R. 3253, as amended, would also authorize a new Assistant Secretary, requested by the administration, to coordinate VA's internal and interagency operations, security, preparedness, and law enforcement activities. This measure would also clarify the Secretary's preparedness duties, which would include ensuring that VA's 105,000 healthcare professionals—and the additional 81,000 providers trained in VA facilities each year—receive the education and training that they need to protect themselves and their patients during disasters.

Finally, this measure would recognize the role that VA—the largest integrated healthcare system in the Nation already plays during disasters. In 1982, Public Law 97–174 assigned a new duty to VA: serving as the contingency medical system to the Department of Defense during conflicts and emergencies, which Congress assumed would mean caring for wounded troops as they returned home from war. In 1982, no one anticipated that VA might be called upon to care for active duty military casualties during a domestic disaster.

H.R. 3253 as amended acknowledges that we no longer have the luxury of ignoring that possibility, and authorizes VA to extend care to active duty military casualties injured while fulfilling their duties during a conflict or disaster on American soil as well as abroad.

The legislation would also acknowledge VA's role in protecting public health during emergencies. As part of the Federal Response Plan for disasters and a cornerstone of the National Disaster Medical System, VA caregivers have aided overwhelmed communities during every major domestic disaster of the last two decades. After the Oklahoma City attack, after Hurricanes Andrew and Floyd, during Houston's disastrous floods, and in New York City on September 11 of last year, VA medical professionals stepped up to care for victims—not only veterans, but anyone in need.

VA medical centers are more than just the backbone of the Federal clinical infrastructure, they are integral parts of communities, and those communities turn to them during crises. The compromise agreement highlights this mission, authorizing VA to provide medical care to those affected by or responding to declared disasters, or following activation of the National Disaster Medical System. I wish to stress to my colleagues that this reflects VA's already enormous contribution to public safety, a mission that VA will carry out in the future as part of the Nation's homeland security strategy.

Following last year's attacks, Congress sought new tools and new strategies to protect the American people from the suddenly evident threat posed by terrorists wielding weapons of mass destruction. We learned—at the price of five lives lost and months of fear, confusion, and the disruption of the Senate that our public health resources and our scientific expertise could be overwhelmed by a biological assault aimed at a handful of public figures.

We must do more than bemoan the slow starvation of our public health care system, the chronic underfunding of the laboratories that detect outbreaks, and the managed care principles that have stripped away our hospitals' surge capacity. We must use the resources at hand as efficiently as possible to ready ourselves for whatever disasters may come.

In conclusion, I want to thank Senator SPECTER and his staff Bill Tuerk, Bill Cahill, and David Goetz for diligently working with me and my staff Kim Lipsky and Julie Fischer to craft this legislation. I would also like to thank my colleagues on the House Committee on Veterans Affairs, particularly Chairman Christopher Smith and his staff Pat Ryan, Kingston Smith, Jeannie McNally, Peter Dickinson, Kathleen Greve, and John Bradley and Ranking Member Lane Evans and his staff, Michael Durishin and Susan Edgerton, for their essential contributions to this legislation.

I urge my colleagues to support these preparedness improvements for veterans and VA. This bipartisan measure represents a vital step in ensuring VA's preparedness, with a potentially enormous pay-off in public safety.

Mr. DASCHLE. I ask unanimous consent that the Senate concur in the House amendment with a further amendment, which is at the desk, that the amendment be agreed to and the motion to reconsider be laid upon the table, with no intervening action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4883) was agreed to.

(The amendment is printed in today's RECORD under "Text of Amendments.")

JOBS FOR VETERANS ACT

Mr. DASCHLE. I ask unanimous consent that the Veterans Affairs Committee be discharged from further consideration of H.R. 4015, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4015) to amend title 38, of the United States Code, to revise and improve employment, training and placement services furnished to veterans, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. ROCKEFELLER. Mr. President, as Chairman of the Committee on Veterans' Affairs, I am pleased the Senate supports H.R. 4015, the proposed "Jobs for Veterans Act," as modified by a Manager's Amendment which reflects a final compromise developed by the House and Senate Veterans' Affairs Committees. This legislation would improve the employment, training and placement services furnished to the men and women who have served our Nation.

At the conclusion of World War II, Congress made job placement for veterans a national priority. Legislation passed then created special employment services for returning troops, establishing hiring priorities for veterans in federal employment and giving them early notice of jobs in the private sector.

Later, Congress provided grants to states to hire experts with experience in placing veterans into civilian jobs. These experts, called Local Veterans' Employment Representatives and Disabled Veterans Outreach Program Specialists, serve veterans through state employment service offices and one-stop centers. Currently, the funding to hire these specialists is provided by a rigid formula that affords states little flexibility in allocating personnel for veterans' employment services.

The Jobs for Veterans Act would change this formula, and would remove restrictions on how states can employ these experts in veterans' employment. I expect that these changes will enable the Department of Labor to rise above the criticism the veterans employment programs have recently drawn. These necessary changes would allow states to tailor their employment services to better serve our Nation's veterans.

Mr. President, the "Jobs for Veterans Act" would additionally restore priority of service to veterans, and spouses of certain veterans, for employment, training and placement and extend it to any job training program administered by the Department of Labor. Additionally, the Secretary of Labor would be authorized to set priorities among eligible veterans and spouses by taking into account their special needs.

H.R. 4015 would also modify the threshold that determines when Federal contractors and subcontractors must take affirmative action to employ—and to advance in employment—qualified veterans, including immediately listing employment openings for such contracts. This modified threshhold keeps pace with inflation, and provides the Office of Contract Compliance with a manageable amount of contracts to oversee and assure that contractors are meeting their obligations.

This legislation would also provide special financial and nonfinancial incentives to state employees to encourage them to develop improved and modern employment services for veterans. The awards would be administered through the states, based on criteria established by the Secretary of Labor in consultation with the states.

In some states, certain economic obstacles may create serious challenges to finding appropriate job placements for veterans. The "Jobs for Veterans Act" would allow the Secretary of Labor to give technical assistance to states that might need help in finding solutions, and would mandate that the state develop and implement a corrective plan to be approved by the Secretary.

As we ask the young men and women of this Nation to prepare themselves to take up arms in its defense, we must ensure that we will be able to help them find productive careers upon their return as we did for the previous generations that defended our freedoms. I am pleased colleagues have joined in supporting this bill on behalf of those who have served, and those who will serve in the future.

Mr. President, I ask unanimous consent that the accompanying joint explanatory statement be printed in the RECORD following this statement.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUMMARY OF H.R. 4015, AS AMENDED BY A MANAGER'S AMENDMENT

JOBS FOR VETERANS ACT

Revises and improves employment, training and placement services furnished to veterans.

Provides priority of service (over non-veterans) to veterans and spouses of certain veterans in job training programs funded by the Department of Labor.

Revises the current formula for funding veterans employment service providers in State employment offices, and removes restrictions on how they are used by the State. This is to give States greater flexibility in how they provide employment, training and placement services to veterans.

Modifies the threshold for when Federal contractors and subcontractors must take affirmative action to employ and advance in employment qualified veterans, including immediately listing employment openings for such contracts.

Promotes employment and job advancement opportunities within the Federal government for disabled veterans, veterans who served in a military operation for which a service medal was awarded, and recently separated veterans by removing an eligibility restriction that allowed only Vietnam veterans to participate in these opportunities.

Establishes financial and non-financial incentive awards for state employees who furnish quality employment, training and placement services to veterans.

Requires the Department of Labor to set performance standards for states and when those standards are not met for a corrective action plan be submitted to the Secretary for approval. Authorizes the Secretary to have on-going authority to furnish technical assistance to any State that the Secretary determines to have a deficient entered-employment rate, including assessment in developing a corrective action plan.

Establishes the President's National Hire Veterans Committee that would furnish information to employers regarding the advantages afforded employers by hiring veterans.

JOINT EXPLANATORY STATEMENT ON SENATE AMENDMENTS TO HOUSE AMENDMENTS TO H.R. 4015

H.R. 4015, as amended, the Jobs for Veterans Act, reflects a Compromise Agreement the House and Senate Committees on Veterans' Affairs have reached on H.R. 4015, as amended, ("House Bill"). H.R. 4015, as amended, passed the House of Representatives on May 21, 2002. There is no comparable Senate bill.

The House and Senate Committees on Veterans' Affairs have prepared the following explanation of H.R. 4015, as amended, ("Compromise Agreement"). Clerical corrections, conforming changes, and minor drafting, technical, and clarifying changes are not noted in this document.

PRIORITY OF SERVICE FOR VETERANS IN DEPARTMENT OF LABOR JOB TRAINING PROGRAMS

Current law

Section 4212 of title 38, United States Code, requires that for certain Federal contracts of $25,000 or more, contractors and subcontractors take affirmative action to employ and advance in employment "special disabled veterans" (veterans with serious employment handicaps or disability ratings of 30 percent or higher), Vietnam-era veterans, recently-separated veterans, and other veterans who are "preference eligible." Preference eligible veterans generally are veterans who have served during wartime or in a campaign or expedition for which a campaign badge has been authorized.

Under section 4214 of title 38, United States Code, the Office of Personnel Management administers the Veterans Readjustment Appointment ("VRA") authority program to promote employment and job advancement opportunities within the Federal government for disabled veterans, certain veterans of the Vietnam era, and veterans of the post-Vietnam era who are qualified for such employment and advancement. In general: (1) such appointments may be made up to and including the GS–11 level or its equivalent; (2) a veteran shall be eligible for such an appointment without regard to the veteran's number of years of education; (3) a veteran who receives VA disability compensation shall be given preference for a VRA appointment over other veterans; (4) upon receipt of a VRA appointment, a veteran may receive training or education if the veteran has less than 15 years of education; and (5) upon successful completion of the prescribed probation period, a veteran may acquire competitive status. Except for a veteran who has a service-connected disability rated at 30 percent or more, a veteran of the Vietnam era may receive a VRA appointment only during the period ending 10 years after the date of the veteran's last separation from active duty or December 31, 1995, whichever is later.

House bill

Section 2 of H.R. 4015 would create a new section 4215 within chapter 42 of title 38, United States Code, to provide priority of service (over non-veterans) to veterans and spouses of certain veterans for the receipt of employment, training, and placement services in any qualified job training program directly funded, in whole or in part, by the Department of Labor, notwithstanding any other provision of law. The Secretary of Labor would be authorized to establish priorities among such covered persons to take into account the needs of disabled veterans and such other factors as the Secretary determines appropriate.

With respect to Federal contracts and subcontracts in the amount of $100,000 or more, section 2 would provide that a contractor and any subcontractor take affirmative action to employ and advance in employment qualified veterans. This would include immediate listing of employment openings for such contracts through the appropriate employment delivery system.

Section 2 would also change the Veterans Readjustment Appointment ("VRA") to the "Veterans Recruitment Appointment" authority and change eligibility for these appointments from Vietnam era and post-Vietnam era veterans to qualified covered veterans (see below) within the 10-year period that begins on the date of the veteran's last discharge, the 10-year period would not apply to a veteran with a service-connected disability of 30 percent or more.

Finally, section 2 would make eligible as "covered veterans" for Federal contracts and subcontracts and the Veterans Recruitment Appointment authority: disabled veterans; veterans who served on active duty during a war or in a campaign or expedition for which a campaign badge has been authorized; veterans who, while serving on active duty in the Armed Forces, participated in a United States military operation for which an Armed Forces service medal was awarded; or veterans discharged or released from military service within the past three years.

Compromise agreement

Section 2 of the Compromise Agreement follows the House language, with amendments.

The agreement would delete the 10-year eligibility period for a VRA appointment, in light of the broader Veterans Recruitment (not "Readjustment") Appointment authority embodied in the Compromise Agreement.

The Committees note that the definition of the term "covered person" for priority of service in Department of Labor veterans job training programs includes both veterans and certain spouses and surviving spouses of deceased veterans. Specifically, the provision would include a surviving spouse of a veteran who died as a result of a service-connected disability, including the surviving spouse of a veteran who died in the active military, naval or air service, and the surviving spouse of a veteran who was totally disabled at the time of death. The provision would also apply to spouses of active duty servicemembers who have for a period of at least 90 days been missing in action, captured by a hostile force or forcibly detained or interned in line of duty by a foreign government and the spouses of veterans who are totally disabled due to a service-connected disability.

FINANCIAL AND NON-FINANCIAL PERFORMANCE INCENTIVE AWARDS FOR QUALITY VETERANS EMPLOYMENT, TRAINING, AND PLACEMENT SERVICES

Current law

No provision.

House bill

Section 3 of H.R. 4015 would create a new section 4112 within chapter 41 of title 38, United States Code, to require the Secretary to carry out a program of performance incentive awards to States to encourage improvement and modernization of employment, training and placement services to veterans. The Secretary would provide greater amounts to States that furnish the highest quality of services, but also would provide awards to States that have made significant improvements in services. States could use such awards to States that have made significant improvements in services. States could use such awards to hire additional State veterans' employment and training staff for such other purposes relating to these services that the Secretary may approve. Awards would be obligated by the State during the program year in which the award was received and the subsequent program year.

Section 3 also would authorize additional funds to be appropriated for the Secretary to carry out the program of performance incentive awards in the following amounts: $10 million for the program year beginning in fiscal year 2004; $25 million for the program year beginning in fiscal year 2005; $50 million for the program year beginning in fiscal year 2006; $75 million for the program year beginning in fiscal year 2007; and $100 million for the program year beginning in fiscal year 2008.

Compromise agreement

Section 3 of the Compromise Agreement would establish a system of financial and non-financial incentive awards to be administered by the States, based on criteria established by the Secretary in consultation with the States. Disabled Veterans Outreach Program Specialists ("DVOP"), Local Veterans Employment Representatives ("LVER"), Workforce Investment Act ("WIA"), and Wagner-Peyser staffs would be eligible for each award. Beginning in program years during or after fiscal year 2004, the Secretary would be required to identify and assign one percent of the annual grant to each State for the State to use as a performance incentive financial award (see section 4). Under this section, each State would be required to describe how it would administer this award in its annual grant application to the Secretary (see section 4). States would also administer the non-financial performance incentive award program based on criteria established by the Secretary.

The Committees intend that the Secretary's criteria be broad in order to give States maximum flexibility in the manner chosen to recognize employees for excellence in service delivery to veterans or improvements thereto. The Committees also intend that States use Salary and Expense (S&E) funds to pay for such items as employee recognition plaques and other modest forms of recognition, as part of the non-financial performance incentive awards program.

REFINEMENT OF JOB TRAINING AND PLACEMENT FUNCTIONS OF THE DEPARTMENT

Current law

Chapter 41 of title 38, United States Code, establishes policies governing the administration of veterans' employment and training services by the States, as funded by Department of Labor funds.

Section 4101 of title 38, United States Code, defines terms used in the chapter, such as "disabled veteran," "eligible person," and "local employment service office."

In section 4102, Congress declares as its intent and purpose that there shall be an effective: (1) job and training counseling service program; (2) employment placement service program; and (3) job training placement service program for eligible veterans and eligible persons.

Section 4102A specifies the job duties of the Assistant Secretary of Labor for Veterans' Employment and Training ("ASVET") and Regional Administrators for Veterans' Employment and Training ("RAVET"). The RAVET is required to be a veteran. The Deputy Assistant Secretary for Veterans Employment and Training ("DASVET") is also required to be a veteran. The ASVET need not be a veteran.

Section 4103 prescribes in detail the 15 job duties of Directors ("DVET") and Assistant Directors ("ADVET") of Veterans' Employment and Training. It also requires that the Secretary of Labor assign to each State one ADVET for every 250,000 veterans and eligible persons in the State veteran's population.

Section 4103A prescribes the appointment of one DVOP for every 7,400 veterans who are between the ages of 20 and 64 residing in each State. This section also requires that each DVOP be a veteran and specifies that preference be given to qualified disabled veterans in filling these positions. It prescribes where a DVOP is to be stationed in furnishing services and the specific functions that DVOPs perform.

Section 4104 requires that in any fiscal year funding be available to the States to employ 1,600 full-time LVERs. This section prescribes that funding furnished to the States for LVERs shall be assigned in each States on January 1, 1987, plus one additional LVER per State. This section also specifies in detail the manner in which the 1,600 LVERs shall be allocated to the States, and the manner in which the States shall assign LVERs to local employment service offices based on the number of veterans and eligible persons who register for assistance. This section also requires that in appointing LVERs, preference shall be given to qualified eligible veterans or eligible persons. Preference is accorded first to qualified eligible veterans, and then to qualified eligible persons. Lastly, this section prescribes the specific functions that LVERs shall perform.

Section 4104A requires that each State employment agency develop and apply DVOP and LVER programs. It requires the Secretary to furnish prototype standards to the States. This section also requires DVETs and ADVETs to furnish appropriate assistance to States in developing and implementing such standards.

Section 4106 requires the Secretary to estimate the funds necessary for the proper and efficient administration of chapters 41, 42, and 43 of title 38, United States Code. This section authorizes such sums as may be necessary for administration of chapter 41 services, including the National Veterans' Employment and Training Services Institute ("NVETSI").

In general, section 4107 of title 38, United States Code, requires the Secretary of Labor to establish and carry out various administrative controls to ensure veterans and eligible persons receive job placement, job training, or some other form of assistance such as individual job development or employment counseling services. This section also requires the Secretary to submit to the Committees on Veterans' Affairs of the House and Senate not later than February 1 of each year, a report on the success during the previous program year of the Department of Labor ("DOL") and State employment service agencies in furnishing veterans' employment and training services.

Section 4109 requires that the Secretary make available such funds as may be necessary to operate a NVETSI for training DVOP, LVER, DVET, ADVET, and RAVET personnel.

House bill

Section 4 of H.R. 4015 would amend sections 4102A, 4103, 4103A, 4104, and 4109 of title 38, United States Code.

Section 4 of H.R. 4015 would amend current law section 4102A, of title 38, United States Code. The ASVET would be required to be a veteran. It also would impose new qualifications for the position of DASVET. In doing so, it would make this position a career federal civil service position. The individual appointed to this position would be required to have at least five years of continuous Federal service in the executive branch immediately preceding appointment as Deputy Assistant Secretary, and to be a veteran.

This section would set forth conditions for receipt of funding by States to include a requirement that a State submit an application for a grant or contract describing the manner in which the State would furnish employment, training, and placement services. A service delivery plan would include a description of the DVOP and LVER duties assigned by the State and other matters.

Section 4 would revise the methods by which the Secretary furnishes funds to a State. It would require the Secretary to make funds available for a fiscal year to each State in proportion to the number of veterans seeking employment using such criteria as the Secretary may establish in regulations. Under this section, the proportion of funding would reflect the ratio of the total number of veterans residing in the State who are seeking employment to the total number of veterans seeking employment in all States.

Section 4 also would require:

1. A state to annually submit to the Secretary of Labor an application for a grant or contract that includes a plan describing the manner in which the State would furnish employment, training, and placement services, with a description of DVOP and LVER duties assigned by the State. The plan would also be required to describe the manner in which DVOPs and LVERs would be integrated into the employment service delivery systems in the State, the veteran population to be served, and additional information the Secretary might require;

2. The Secretary to make available to each State based on an application approved by the Secretary, an amount of funding in proportion to the number of veterans seeking employment using such criteria as the Secretary might establish in regulation, including civilian labor force and unemployment data;

3. The Secretary to phase-in such annual funding over the three fiscal year-periods that begin on October 1, 2002;

4. The Secretary to establish minimum funding levels and hold-harmless criteria in administering funding to the States;

5. The State to develop and implement a corrective action plan to be submitted to the Secretary when a State has an entered-employment rate that the Secretary determines is deficient for the proceeding year;

6. The Secretary to establish by regulation a uniform national threshold entered-employment rate for a program year by which determinations of deficiency might be made. The Secretary would be required to take into account applicable annual unemployment data for the State and consider other factors, such as prevailing economic conditions, that affect performance of individuals providing employment, training, and placement services in the State:

7. The State to notify the Secretary on an annual basis of, and provide a supporting rationale for, each non-veteran who is employed as a DVOP and LVER for a period in excess of six months;

8. The Secretary to assign to each region a representative of the Veterans' Employment and Training Service ("VETS") to serve as RAVET. The RAVET would be required to be a veteran; and

9. The ASVET to establish and implement a comprehensive accountability system to measure the performance of delivery systems in a State. The accountability system would be required to be (1) consistent with State performance measures applicable under section 136(b) of the Workforce Investment Act of 1998, and (2) appropriately weighted to provide special consideration for veterans requiring intensive services and for veterans who enroll in readjustment counseling services furnished by the Department of Veterans Affairs.

Supervisory Personnel. Section 4 would also amend current section 4103 of title 38, United States Code, to authorize the Secretary to assign as supervisory personnel such representatives of VETS as the Secretary determines appropriate. It would also replace the specific requirements for appointment of ADVET with a more flexible authority to appoint supervisory personnel.

Disabled Veterans Outreach Program Specialist. This section would amend current section 4103A of title 38, United States Code, to require, subject to approval by the Secretary, that States employ a sufficient number of full or parttime DVOPs to carry out intensive services to meet the employment needs of special disabled veterans, other disabled veterans and other eligible veterans. It would require to the maximum extent practicable, that such employees be qualified veterans. Preference would be given to qualified disabled veterans.

Local Veterans Employment Specialists. Section 4 would amend current law section 4104 of title 38, United States Code, by requiring, subject to approval by the Secretary, that a State employ such full and part-time LVERs as the State determines appropriate and efficient to carry out employment, training, and placement services. It would require, to the maximum extent practicable, that such employees be qualified veterans.

This section would require that each LVER be administratively responsible to the manager of the employment service delivery system. Under this section, the LVER would provide reports, not less frequently than quarterly, to the manager of such office and to the DVET for the State regarding compliance with Federal law and regulations with respect to special services and priorities for eligible veterans and eligible persons.

National Veterans' Employment and Training Services Institute. Additionally, section 4 would amend current section 4109 of title 38, United States Code, to clarify the authority of the NVETSI to enter into contracts or agreements with departments or agencies of the United States or of a State, or with other organizations, to carry out training in providing veterans' employment, training, and placement services. Further, it would require that each annual budget submission include a separate listing of the amount of funding proposed for NVETSI.

Finally, section 4 would require that the Secretary, within 18 months of enactment, enhance the delivery of services by providing "one-stop" services and assistance to covered persons by way of the Internet and by other electronic means.

Compromise agreement

Section 4 of the Compromise Agreement follows the House language with amendments.

Under this section, the individual appointed as DASVET would be required to have at least five years of service in a management position as a Federal civil service employee or comparable service in a management position in the Armed Forces preceding appointment as DASVET.

The annual grant application plan submitted by the States would have an additional requirement to describe the manner in which the respective States would administer the performance incentives established in section 3. The Committees note that other aspects of the State plan and grant application requirements contained in the House-passed bill, such as describing DVOP and LVER duties, are retained.

The Compromise Agreement clarifies that State corrective action plans would be submitted to the Secretary for approval, and if approved, would be expeditiously implemented. If the Secretary disapproves a corrective action plan, the Secretary would be required to take such steps as would be necessary for the State to implement corrective actions.

The Secretary would also be required to identify and assign one percent of the funding grant to each State to establish financial performance incentive awards. Further, the Secretary would have on-going authority to furnish technical assistance to any State that the Secretary determines has, or may have, a deficient entered-employment rate, including assistance in developing a corrective action plan.

The Committees intend that the Secretary should offer technical assistance in an anticipatory way, so as to avoid deficient performance.

The Compromise Agreement would require that the DVET be a bona fide resident of the State for two years to qualify for such a position.

Lastly, the Compromise Agreement does not require that the ASVET, DASVET, RVET, DVET, or ADVET be veterans. The Committees encourage the appointment of veterans to these positions but do not believe a statutory requirement is necessary.

The amendments made by subsection (a) revising department level senior officials and functions, and subsection (b) revising statutorily-defined duties of DVOP and LVERs, would take effect on the date of enactment of this Act, and apply to program and fiscal years under chapter 41 of title 38, United States Code, beginning on or after such date.

ADDITIONAL IMPROVEMENTS IN VETERANS' EMPLOYMENT AND TRAINING SERVICES

Current law

Sections 4102, 4106(a), 4107(a), 4107(c)(1), and section 4109(a) of title 38, United States Code, refer to terms such as "job and job training counseling service program," "proper counseling," "employment counseling services," "the number counseled," and "counseling," respectively, in describing services available to veterans and eligible persons under this chapter.

Section 4101(7) of title 38, United States Code, defines the term "local employment service office" as a service delivery point which has an intrinsic management structure and at which employment services are offered in accordance with the Wagner-Peyser Act.

Section 4107(c)(1) of title 38, United States Code, defines "veterans of the Vietnam era" as a group which the Secretary must address with respect to various employment and training services in the annual report to the Committees on Veterans' Affairs. Section 4107(c)(2) requires submission in the report of data on the "job placement rate" for veterans and eligible persons.

House bill

Section 5 of H.R. 4015 would substitute the words "intensive services" for the word "counseling" throughout chapter 41 of title 38, United States Code, so as to make the chapter consistent with section 134(d)(3) of the Workforce Investment Act of 1998, Public Law 105-220. This section would also add programs carried out by the VETS to ease transition of servicemembers to civilian careers as a new program the Secretary would administer.

This section of the bill would make a definitional change so as to replace "local employment service office" and its current-law definition with "employment service delivery system." The latter term would be redefined as a service delivery system at which or through which labor exchange services, including employment, training and placement services, are offered in accordance with the Wagner-Peyser Act.

This section also would replace "job placement rate" with "the rate of entered employment (as determined in a manner consistent with State performance measures applicable under section 136(b) of the Workforce Investment Act of 1998)." Further, with respect to the Secretary's annual report, it would replace "veterans of the Vietnam era" and "eligible persons registered for assistance" with "eligible persons, recently separated veterans (as defined in section 4211(6) of title 38), and servicemembers transitioning to civilian careers who are registered for assistance."

Lastly, section 5 would add two additional requirements to the Secretary's annual report submitted to the Committees on Veterans' Affairs of the House and Senate. First, the report must include information on the operation during the preceding program year of the program of performance incentive awards for quality employment services under section 4112 of this title, including an analysis of the amount of incentives distributed to each State and the rationale for such distribution. Second, a report would be required on the "performance of States and organizations and entities carrying out employment, training, and placement services under this chapter, as measured by revised performance criteria. In the case of a State that the Secretary determines has not met the minimum standard of performance established by the Secretary, the Secretary would be required to include an analysis of the extent and reasons for the State's failure to meet that minimum standard, together with the State's plan for corrective action during the succeeding year."

Compromise agreement

Section 5 of the Compromise Agreement follows the House language with an amendment. The Secretary's annual report to the Committees on Veterans' Affairs of the House and Senate would be required to include information on the operation during the preceding program year of performance incentive awards for quality employment services administered through the States. The report would not require an analysis of the amount of incentives distributed to each State and the rationale for such distribution because each State's DVOP/LVER grant would identify and assign one percent of the grant for use by State for the financial incentive awards.

COMMITTEE TO RAISE EMPLOYER AWARENESS OF SKILLS OF VETERANS AND BENEFITS OF HIRING VETERANS

Current law

No provision.

House bill

Section 6 of H.R. 4015 would authorize $3 million to be appropriated to the Secretary of Labor from the Employment Security Administration account in the Unemployment Trust Fund for each of fiscal years 2003 through 2005 to establish within the Department of Labor the President's National Hire Veterans Committee. The Committee would furnish information to employers with respect to the training and skills of veterans and disabled veterans, and with respect to the advantages afforded employers by hiring veterans. The Secretary of Labor would provide staff and administrative support to the Committee to assist it in carrying out its duties under this section. Upon request of the Committee, the head of any Federal department or agency would be authorized to detail staff on a non-reimbursable basis. The Committee would also have the authority to contract with government and private agencies to furnish information to employers. The Committee would terminate on December 31, 2005.

Compromise agreement

Section 6 of the Compromise Agreement contains the House language.

SENSE OF CONGRESS COMMENDING VETERANS AND MILITARY SERVICE ORGANIZATIONS

Current law

No provision.

House bill

Section 7 of the H.R. 4015 would express the sense of Congress commending veterans and military service organizations, and encouraging them to provide job placement assistance to veterans who are job-ready by making personal computers available to them with access to electronic job placement services and programs.

Compromise agreement

The Compromise Agreement does not include this section.

REPORT ON IMPLEMENTATION OF EMPLOYMENT REFORMS

Current law

No provision.

House bill

Section 8 of H.R. 4015 would authorize $1 million for the Secretary of Labor to enter into a contract with an appropriate organization or entity to conduct an 18-month study to quantify the economic benefit to the United States attributable to the provision of employment and training services provided under chapter 41 of title 38, United States Code, in helping veterans to attain long-term, sustained employment.

Compromise agreement

Section 7 of the Compromise Agreement would direct the Comptroller General of the United States to conduct a study on the implementation by the Secretary of Labor of the provisions of this title during the program years that begin during fiscal years 2003 and 2004. The study would include an assessment of the effect of this title on employment, training, and placement services furnished to veterans. Not later than six months after the conclusion of the program year that begins during fiscal year 2004, the Comptroller General would submit to Congress a report on the conducted study. Under this section, the report would include recommendations for legislation or administrative action.

Mr. DASCHLE. I ask unanimous consent that the Rockefeller substitute amendment at the desk be agreed to, the bill be read the third time and passed, and the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4884) was agreed to.

(The amendment is printed in today's RECORD under "Text of Amendments.")

The bill (H.R. 4015), as amended, was read the third time and passed.

EDUCATION SCIENCES REFORM ACT OF 2002

Mr. DASCHLE. Mr. President, I ask unanimous consent that the HELP committee be discharged from further consideration of H.R. 3801, the Education Sciences Reform Act of 2002, and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

> A bill (H.R. 3801) to provide for improvement of Federal education research, statistics, evaluation, information, and dissemination, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. KENNEDY. Mr. President, I welcome this bipartisan agreement on the reauthorization of the Office of Education Research. The new Institute of Education Sciences created by this legislation will improve the capacity of the Department to conduct high quality research to improve educational opportunities for all students.

We know that research can make a difference in teaching and learning by providing high quality technical assistance and professional development, reliable data, and wide dissemination of research and best practices.

We all agree that education research has to be high quality. It also needs to be directly related to the needs of the professionals in the field. Schools, teachers, principals and child care providers all must have access to the best practices in education if our schools are to be the best they can be.

States, schools and teachers have to face the challenge of preparing students for assessments and dealing with schools that fail to make adequate progress. Regional technical assistance providers can help them meet this challenge. Our bill reauthorizes the regional education laboratories, and provides a smooth transition from the current system of technical assistance providers to a new, streamlined system of comprehensive centers. We know that our teachers need this support and we intend to provide it.

The Federal Government has a distinguished history of investment in education research. What began many years ago as data collection has evolved into a current approach that collects, analyzes and disseminates important information. It enables researchers to bring their analyses to the people who need this information and can use it best. Our bill also maintains the autonomy of the National Center on Statistics, and makes sure that the National Assessment of Education Progress stays out of the political arena.

Our goals are to raise the quality of research conducted at the new Institute, to link its research with other research, and to make it available to the teachers who use it.

We want to be able to look to this Institute when we have education questions in the same way that we look to the NIH when we have medical questions. This bill provides a sound foundation to do so.

I commend the Committee staff who worked long and hard and effectively on this bill: Alex Nock, Denise Forte, Doug Mesecar, Bob Sweet and Sally Lovejoy of the House Committee; Lloyd Horwich with Senator DODD, Elyse Wasch and Kathleen Fitzgerald with Senator REED, Bethany Little with Senator MURRAY, Carmel Martin with Senator BINGAMAN, Rebecca Litt with Senator MIKULSKI, Eric Fatemi with Senator HARKIN, David Sewell with Senator EDWARDS, Jill Morningstar with Senator WELLSTONE, Katherine Brown with Senator CLINTON and Sherry Kaiman with Senator JEFFORDS, Tracy Locklin with Senator GREGG, Amanda Farris with Senator ENZI, Kristin Bannerman with Senator DEWINE, Jennifer Swenson with Senator ROBERTS, Andrea Becker with Senator FRIST and Jane Oates and Emma Vadehra of my own staff. I thank Amy Gaynor of Legislative Counsel and the floor staff for working with us to complete the process.

Mr. GREGG. Mr. President, first let me say that I believe that this Substitute Amendment to H.R. 3801, The Education Sciences Reform Act of 2002, represents a significant step toward achieving our common goal of improving the quality of education research. I thank Assistant Secretary Whitehurst and his staff for the assistance they provided in crafting this legislation. I am especially gratified to see this bill come together in the same spirit of bipartisanship in which we crafted the No Child Left Behind Act.

Though significant Federal involvement in education research dates back to the 1950's, we are still without a strong body of high quality education research to guide education policymaking. Yet the need for sound, rigorous education research that is free of political bias and useful to educators has never been more important. With passage of the bipartisan No Child Left Behind Act, we have made it our mission as a Nation to make sure every student is well-educated. By renewing our efforts to master the science of how children learn best, this bill will help tremendously in achieving that mission.

Specifically, the bill:

No. 1, reconstitutes the Office of Education Research and Improvement as the "Institute of Education Sciences" to provide a more rational, streamlined infrastructure for the Department of Education's research, development, statistics, evaluation, and dissemination functions;

No. 2, establishes more rigorous research standards, which all Institute-funded education research will have to meet. Education fads that masquerade as science will no longer be acceptable;

No. 3, establishes Research and Development Centers to cover such important topics as standards, assessment and accountability, improving low achieving schools, innovation in education reform, rural education, teacher quality, and postsecondary education;

No. 4, contributes to the creation of a "culture of science" within the new Institute by giving the Director the hiring flexibility necessary to attract and retain the best researchers, evaluators, and statisticians to the Institute;

No. 5, makes technical assistance to schools, school districts, and states more efficient and user-friendly, particularly the assistance needed in order to effectively implement the No Child Left Behind Act. The current patchwork of regional technical assistance entities will be replaced by a single set of technical assistance providers;

No. 6, increases the independence of the research and evaluation functions of the Department, while preserving the independence and quality of the current National Center for Education Statistics;

No. 7, further insulates the National Assessment of Educational Progress from political interference by giving the independent National Assessment Governing Board the authority to release NAEP results to the public; and

No 8, requires that grants and contracts with regional education laboratories, national research and development centers, and technical assistance providers are awarded on the basis of open competition.

It is my hope that the significant reforms made by this legislation will mark the beginning of a new era in the field of education research—an era in which policymaking will be based on sound science, to the benefit of our Nation's students.

Mr. REED. Mr. President, I support the Education Sciences Reform Act of 2002.

This legislation reauthorizes and renames the current Office of Educational Research and Improvement at the Department of Education, now to be called the Institute of Education Sciences. The bill will increase the quality of educational research and statistics, improve dissemination, technical assistance, educational product development, evaluation, and other research efforts, and minimize the effect of politics on education research.

As States begin to implement the No Child Left Behind Act, the need for a responsive, relevant, high quality, and rigorous education knowledge enterprise is greater than ever.

Mr. President, I am particularly pleased about the bill's provisions to retain and strengthen the regional educational laboratories. The regional educational laboratories, like the Northeast and Islands Regional Educational Laboratory at Brown University, conduct applied research, develop educational products and materials, provide technical assistance, and disseminate information in order to improve teaching, increase student achievement, and promote effective school reform. The Education Sciences Reform Act enhances the regional educational laboratories work to put research into practice and focuses their efforts on helping states and districts meet their specific educational needs.

I thank Chairman KENNEDY, Senator GREGG, Senator ENZI, and members of the House Education and the Workforce Committee for working closely with me on many aspects of this legislation. This is important legislation, and I am pleased to support it.

Mr. DASCHLE. I understand Senators KENNEDY, GREGG, and others have a substitute amendment at the desk, and I ask the amendment be considered and agreed to, and the motion to reconsider be laid upon the table; that the bill, as amended, be read three times, passed, and the motion to reconsider be laid upon the table, and that any statements related thereto be printed in the RECORD, without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4885) was agreed to.

(The amendment is printed in today's RECORD under "Text of Amendments.")

The bill (H.R. 3801), as amended, was read the third time and passed.

ORDERS FOR WEDNESDAY, OCTOBER 16, 2002

Mr. DASCHLE. I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10:40 a.m., Wednesday, October 16; that following the prayer and the pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and there be a period of morning business until 11:40 a.m., with the Senators permitted to speak for up to 10 minutes each, with the first half under the control of the Republican leader or his designee, and the second half of the time under the control of the Democratic leader or his designee; that at 11:40 a.m. the Senate resume consideration of the conference report to accompany H.R. 3295, the Election Reform Act, under the previous order; further, that the Senate recess from 12:30 to 2:15 p.m. for the weekly party conferences.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DASCHLE. The next rollcall vote will occur on Wednesday, October 16, at 12 noon, on adoption of the election reform conference report.

ADJOURNMENT UNTIL 10:40 A.M. TOMORROW

Mr. DASCHLE. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 5:57 p.m., adjourned until Wednesday, October 16, 2002, at 10:40 a.m.

EXTENSIONS OF REMARKS

COUNCIL OF KHALISTAN MARKS 15 YEARS OF SERVICE

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 15, 2002

Mr. BURTON of Indiana. Mr. Speaker, this week the Council of Khalistan, which leads the fight to free the Sikhs from the repression of India, marked its fifteenth anniversary. It was founded on October 7, 1987, when the Sikh Nation declared its independence and named their new country Khalistan.

The repression that has been inflicted on the Sikhs and other minorities in India before and after that declaration is well documented. The Indian regime has murdered over 250,000 Sikhs since 1984, according to the book "The Politics of Genocide" by Inderjit Singh Jaijee. A report from the Movement Against State Repression notes that over 52,000 remain in Indian jails as political prisoners without charge or trial. Some of them have been held since 1984. Another 50,000 have simply been made to "disappear."

Sikhs are not the only ones. Christians, Muslims, Bodos, Assamese, Manipuris, and others have felt the brunt of Indian oppression, with tens of thousands of them losing their lives. That is why there are seventeen freedom movements in India. The Council of Khalistan, while it focuses on the Sikh struggle, has spoken out for freedom and an end to the repression for all these peoples and nations.

Mr. Speaker, I would just like to take the occasion to congratulate the Council of Khalistan on its 15 years of service.

AUTHORIZATION FOR USE OF MILITARY FORCE AGAINST IRAQ RESOLUTION OF 2002

SPEECH OF

HON. JOHN CULBERSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 2002

Mr. CULBERSON. Mr. Speaker, I rise today in strong support of our President and this resolution that will authorize him to use the United States Armed Forces to confront the threat posed by Iraqi dictator Saddam Hussein. I believe that this is a vote about trust. As many of my colleagues have stated, the Constitution of the United States grants Congress the power to declare war, and designate the President as the Commander in Chief. I trust President Bush and his Administration to make the right decisions with our armed forces. He has shown that he is a thoughtful and deliberate wartime president, and Congress should give him the authority to continue performing his duty on behalf of all Americans. This vote is our expression of trust in the President, and I hope that all Americans will express their trust in the President when they go to vote in November.

Mr. Speaker, this resolution gives the President the necessary flexibility to confront the threat posed by Saddam Hussein through diplomatic or military means. I will support any diplomatic efforts taken by the Administration, but I am convinced that military action will be necessary in the end. In the past, Saddam Hussein and his regime have only responded to military force, and this resolution will guarantee that option to the United States.

Mr. Speaker, we must not wait until Saddam Hussein or terrorists that he has supported have the capability to attack the United States with weapons of mass destruction. Today, with this vote, Congress will give the President the discretion and the freedom to act whenever he thinks it is necessary to protect all Americans. At this critical point in history, inaction is not an option. We must destroy the capability of this evil dictator to hold his own people and the people of the world hostage. He must be stopped, and he must be stopped now. I would encourage all of my colleagues to join me in voting for his historic resolution. The safety of the United States hands in the balance.

MOTION TO INSTRUCT CONFEREES ON H.R. 4546, BOB STUMP NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2003

SPEECH OF

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 2002

Ms. DELAURO. Mr. Speaker, I rise in strong support of this motion to instruct, and I thank my friend from Mississippi for offering it tonight. This motion would call on the House conferees to support a Senate provision in the defense authorization bill to allow disabled military retirees to receive concurrent payment of retired pay and disability compensation.

This is truly an issue of basic fairness. We owe our veterans a debt that we can never repay. They did not hesitate to answer their country's call, and stand up to defend our freedom. But current law ignores that sacrifice, and requires disabled military retirees to actually fund their own disability compensation by waiving a portion of their retiree benefits. 400,000 veterans sacrifice their retirement pay every month.

Earlier today, this House voted to allow the President to use military force in Iraq. Now is our chance to tell the men and women who may very well serve in Iraq that we appreciate their service, that we will never forget their sacrifice. Now is our chance to show through actions, not just words, that we honor the work they do for our country.

We owe our veterans a debt of gratitude, but more than that we owe them our unwavering support. I urge my colleagues to support this motion to instruct so that veterans can collect their full retirement pay and their disability compensation. They have certainly earned it.

HONORING HOLLIS BIDDLE OF WACO, TX

HON. CHET EDWARDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 15, 2002

Mr. EDWARDS. Mr. Speaker, we live in a time when Americans change jobs as frequently as every five years. The kind of loyalty that used to be commonplace between employers and employees, when people more often than not spent their entire career with one organization, is rare today. That fact makes today's observance of Mr. Hollis Biddle's fifty years with the Waco Tribune-Herald indeed remarkable.

The Waco Tribune-Herald is my hometown daily newspaper in Waco, Texas, a member of Cox newspapers and the largest publication in the 11th Congressional District.

Following a high school class in journalism, Mr. Biddle, a native of Waco, began his career in 1952 as a copy boy with the morning newspaper, the News-Tribune, and the afternoon Times-Herald. He worked hard and won a Fentress Foundation Scholarship to Baylor University, where he majored in Journalism. Biddle worked as a reporter and went to school, earning a Bachelor's Degree in Journalism in 1958.

Hollis Biddle worked his way into the Sports Department, eventually becoming Assistant Sports Editor. Traveling to small towns across Central Texas, he wrote about the teams, the bands, the cheerleaders. In Small Town Texas then and now, youth sports are a major source of pride for any community, and Hollis Biddle became very well known through his coverage. He wrote about high school and college football, baseball, basketball and any other athletic competition.

He became best known, however, as an advocate and promoter for Little League Baseball. As the organization was just beginning to grow, his stories excited interest across Central Texas, from youngsters who wanted to play, from the parents and from community leaders who learned from Biddle's stories about the benefits of such healthy competition.

Biddle worked to establish the state's Little League headquarters in Waco, and the Tribune-Herald was the official "paper of record" for Little League results for two decades.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Grown men stop him on the street today to tell him, "You took pictures of me playing Little League Baseball years ago and I still have that newspaper."

Hollis finally gave up sports reporting, and is now an integral part of the Trib's Marketing Department. He is in charge of special newspaper sections and promotions, including weekly publication of the Baylor Insider in cooperation with the Baylor Foundation.

For half a century today, Hollis Biddle has been involved in making the Waco Tribune-Herald a valuable daily record of area accomplishments. And, for half a century today, Hollis Biddle has been working to make Waco a better community.

Mr. Speaker, I ask my colleagues in the House of Representatives to join me in honoring and celebrating Hollis Biddle's fifty years of service to his employer and to the people of Central Texas.

INABILITY OF CONGRESS TO CONDUCT ITS REGULAR BUSINESS

HON. MAX SANDLIN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 15, 2002

Mr. SANDLIN. Mr. Speaker, yesterday, the House of Representatives passed yet another continuing resolution to keep the federal government running through October 18, 2002. Once again, Congress was forced to pass a continuing resolution funding the federal government because this body has failed to do its most basic work.

Instead, the majority party has decided to abrogate our constitutional responsibilities and go home and leave the people's business unfinished. I voted against this resolution because we need to be here working and solving the vast economic problems facing this country. I supported a continuing resolution that would have funded the federal government for one additional day. This would have forced us to remain here and address the critical issues facing our nation. Our domestic problems are not insurmountable. I will not accept the fact that this Republican-controlled Congress cannot simultaneously address national security needs while also addressing pressing domestic problems. When united in action, we can solve the problems facing everyday citizens.

In the course of the last two weeks, the stock market has plummeted to a five-year low, another 417,000 Americans filed unemployment claims at the end of last month, and consumer confidence fell to a nine year low. In addition to the hundreds of thousands on new unemployment claims, hundreds of thousands of out-of-work Americans have or will soon exhaust their unemployment compensation. The Republican majority has not brought any legislation to the floor to extend unemployment insurance for those who desperately need these benefits. Because the majority has failed to do its job, countless individuals will not be able to feed their families, seek new employment, or pay their upcoming winter heating bills.

In addition to not addressing legislation to assist unemployed workers, the House has failed to fund important initiatives in education, healthcare, and veterans—leaving society's most vulnerable members at risk. The lack of action means schools cannot plan for next year, hospitals wonder if they will have funds to remain open, seniors will go without a comprehensive prescription drug plan, and veterans will continue to see unacceptably long waits for access to care.

By ignoring the situation, the majority pretends that this Administration's failed economic policies have not had devastating consequences for average Americans. This Congress just has addressed the most compelling national security issue facing the nation. It is time that we face the economic crisis facing America—rising unemployment, increasing job insecurity, growing budget deficits, and the lack of affordable health care.

By postponing action on passing the remaining eleven appropriations bills, the majority undermines the ability of the government to carry out its basic missions. By adopting continuing resolution after continuing resolution, we undermine our law enforcement agencies to combat terrorism, prevent the Immigration and Naturalization Service from increasing inspections and patrols, threaten efforts to improve homeland security, prevent new grants to first responders, weaken our ability to respond to bio-terrorism, provide basic services to our veterans, increase enforcement of our securities law to catch corporate misdeeds, and force state and local governments from making critical public infrastructure investment.

Because the majority has failed to its job, average Americans pay the price of our inaction. Republican economic policies have been bad for this country—ignoring those policies will not make them better. Congress' inaction touches every part of our daily lives. Yet, Congress will take another week off—leaving millions of Americans without hope that we will address the problems they face every day. It is for this reason that I in good conscience could not support another weeklong continuing resolution.

A PROCLAMATION HONORING FRANKIE LEE CARNES

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 15, 2002

Mr. NEY. Mr. Speaker, Whereas, Frankie Lee Carnes is celebrating her 60th Birthday today October 8, 2002; and

Whereas, Frankie Lee Carnes is a member of First Christian Church; and

Whereas, Frankie Lee Carnes has six children and nine grandchildren;

Whereas, Frankie Lee Carnes must be commended for her service to the community serving as Chair of the Belmont County Election Board and actively participating in the Miracle of Life Group, and the Girl Scouts; and

Therefore, I join with the residents of St. Clairsville and the entire 18th Congressional District in congratulating Frankie Lee Carnes as she celebrates her 60th Birthday.

HONORING KAREN OSTDIEK

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 15, 2002

Mr. RADANOVICH. Mr. Speaker, I rise today to honor an outstanding teacher who has exemplified the ideal of assuring that "No Child is Left Behind." Karen Ostdiek, a second grade teacher at St. Anthony's school in Fresno, California, went above and beyond the call of duty for Hunter Jameson, a student in her class, when he was diagnosed with cancer in early September 2001.

Hunter's parents, Mike and Catherine Jameson, and St. Anthony's principal, Shawn Carey, credit Ms. Ostdiek with keeping Hunter up to date with his work even though he was out of the classroom for the majority of the school year. Thanks to Karen's extra effort and commitment to her students, Hunter will be able to go on to third grade in the fall.

Karen made sure Hunter was included in all classroom activities, posting his work in the classroom alongside the other students' and delivering him personal pizzas when the class earned a party. Hunter was able to return to school on May 6 and was warmly greeted by his fellow second-graders in Ms. Ostdiek's class. Karen was awarded an Angel on Earth award, for her work with Hunter, at a teacher appreciation luncheon. The praise is well deserved, although she does not see that she has done anything special, just her job. Her humility only serves to underline why Karen is so deserving of the appreciation and honor she has received.

Mr. Speaker, I rise today to recognize Karen Ostdiek for her dedication to the education of our young people and her commitment to excellence. I invite my colleagues to join me in thanking Karen for her outstanding service and compassionate response to Hunter Jameson and his family.

H.R. 5400

SPEECH OF

HON. EDWARD R. ROYCE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 2002

Mr. ROYCE. Mr. Speaker, I rise today in support of the unanimous consent request to pass H.R. 5400, a bill authored by my friend and colleague from Nebraska, the chairman of the Subcommittee on International Monetary Policy, Congressman DOUG BEREUTER. This legislation is a well-crafted, thoughtful and bipartisan bill that is certainly worthy of passage by unanimous consent.

This legislation will help the North American Development (NAD) Bank to accomplish its stated goal of improving the potable water supply, wastewater treatment and municipal solid waste management services within America's Mexico border region more efficiently. Addressing the problem of an inadequate water supply along our nation's southern border is a laudable goal, and one that is certainly worthy of the support of every member of Congress.

I would also like to acknowledge my gratitude to Chairman BEREUTER for allowing me to include in this legislation an amendment that recognizes the particular difficulty that southern California has in meeting its potable water needs, and directs the NAD Bank to support:

(1) The development of qualified water conservation projects in southern California and other eligible areas in the four United States border States, including the conjunctive use and storage of surface and ground water, delivery system conservation, the re-regulation of reservoirs, improved irrigation practices, wastewater reclamation, regional water management modeling, operational and optimization studies to improve water conservation, and cross-border water exchanges consistent with treaties; and,

(2) New water supply research and projects along the Mexico border in southern California and other eligible areas in the four United States border States to desalinate ocean seawater and brackish surface and groundwater, and dispose of or manage the brines resulting from desalination.

In California, over the last two decades the population has grown by more than 30 percent while the water supply has increased by only 2 percent. But as California's need for water increases, the number of available sources for drinking water are shrinking. For example, Lake Mead (on the Colorado River), has dropped 28 feet in the last two years and is on track to soon be at a 30 year low, a situation that has been exacerbated by the recent drought.

Mr. Speaker, I strongly support the North American Development Bank's mission of providing clean and safe water to all of America's southern border areas, especially southern California. By passing this legislation by unanimous consent, Congress has acknowledged southern California's dire need for ensuring an adequate water supply and the important role that the North American Development Bank can play in accomplishing this objective.

PAYING TRIBUTE TO JACK VALLELY

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 15, 2002

Mr. McINNIS. Mr. Speaker, I rise today to pay tribute to Jack Vallely of Newton, Massachusetts—a man who lives his life with a selflessness and unmatched dedication that have made him an inspiration to countless others. As Jack celebrates his eighty-third birthday later this month, I would like to join with his friends, family and former players in congratulating him on this milestone and in wishing him all the best in the many years to come.

Jack was born on Halloween Day back in 1919 in Waltham, Massachusetts—one year after his beloved Red Sox last won the World Series! The oldest of seven children, Jack learned responsibility at a young age, making sacrifices to help his mother Mary take care of his brothers and sisters after the tragic death of their father from an illness brought on by his work in the local watch factory. Holding odd jobs to help replace his father's lost income, Jack found recreation on Waltham's local basketball courts and baseball diamonds. He was an avid participant in many sports back then, a passion that he would eventually turn into his life's work.

In 1948, Jack took a job as the head baseball coach at Curry College in Milton, Massachusetts, a position he would hold for the next fifty-one years. Over that time, Vallely would build an impressive record of accomplishments, with over 700 wins and nearly a .730 winning percentage. However, with Coach Vallely it was never about the game's statistics; the only statistic that mattered to him was that in all of his 51 years at Curry College virtually all of Coach Vallely's players have graduated. As Jack likes to say, "the people are what I remember . . . The yardstick isn't numbers, it's how much the kids have improved, how much have you helped them physically and mentally. How much good have you done." It is for this attitude, and his impressive record of accomplishments, that Collegiate Baseball recognized Vallely as the NCAA Division III "Coach of the Century" in 1998. And it is for this approach to sports, and life, that I wish to bring Jack Vallely to the attention of my colleagues here today.

In February of 1999, on the eve of his record fifty-second season at the helm of the Curry College Colonels, Jack was struck with a major stroke that paralyzed his right side and hindered his speech. The hard work and dedication that Vallely exhibited throughout his coaching career—never missing a game or practice in over 51 years—has carried over into his stirring recovery effort. The progress he has made in regaining the functionality lost due to the stroke has been significant. The determination with which Jack has tackled this challenge so late in life has been inspirational.

Mr. Speaker, I am proud to bring the powerful example of Jack Vallely to the attention of this body of Congress and our nation. Jack Vallely's grandson, Jason Reese, serves as one of my legislative assistants, and it is through their devoted relationship that I have learned of the obvious character, compassion and love with which Jack has led his life. I am proud to join with family, friends and generations of former players in wishing Coach Vallely a very happy 83rd birthday.

TRIBUTE TO ZENAIDA MELGOZA ON BEING AWARDED THE 2002 ST. MADELEINE SOPHIE BARAT AWARD

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 15, 2002

Ms. ESHOO. Mr. Speaker, I rise today to honor Mrs. Zenaida Melgoza, a distinguished citizen and a resident of San Mateo County, who is being honored on October 16, 2002, by the Sacred Heart Schools of Atherton, California, with the 2002 St. Madeleine Sophie Barat Award.

Zenaida came to the United States from Aguililla Michoac[aacute]n, Mexico, when she was just thirteen years old, moving with her family to Redwood City, California. In 1978 when she first began working at what was then known as Convent of the Sacred Heart, Menlo, she was already a young wife and the mother of two. Zenaida worked with and for the Religious, helping in the boarding school, the cafeteria, and with general housekeeping for the growing community of Sisters and students. She loved the children at the school and developed warm relationships with everyone she met. When graduates stop by to visit the campus today, Zenaida recognizes and remembers them, often surprising them when she calls them by name after 15, 20, or almost 25 years. She still visits regularly with the Religious she has known so well who are now in the retirement home on the campus.

Sacred Heart is Zenaida's second home and she embraces everyone at the Schools as her family, as they do her. She has brought many of her relatives to the campus to work, finding someone to help the Sisters with whatever was needed. Her uncle and four of her cousins have worked at Sacred Heart over the years and some still do. Zenaida and her husband Rafael still live in Redwood City where they have raised their family of four children. Their youngest daughter Cristina just graduated from the grade school last year. Their oldest grandchild Rafael is in the first grade, and his sister Jocelyn is in the preschool. Zenaida's relationship with Sacred Heart is a story of love and dedication that is rare indeed.

Mr. Speaker, it is a great privilege to honor Mrs. Zenaida Melgoza as she receives the 2002 St. Madeleine Sophie Barat Award. I ask my colleagues to join me in saluting her and thanking her for her extraordinary service to the Sacred Heart community and for strengthening our country through her countless contributions.

HONORING THE HEROISM OF MR. KENNETH W. MERRERO OF HERSHEY, PENNSYLVANIA

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 15, 2002

Mr. GEKAS. Mr. Speaker, it is my pleasure today to recognize Mr. Kenneth W. Merrero, a constituent of mine from Hershey, Pennsylvania, for his bravery and heroism. Mr. Merrero saved the life of his co-worker, Mr. Michael F. Tomlin, on July 30, 2001.

Mr. Tomlin was seated in a pickup truck parked on the shoulder of a highway when another vehicle struck it from behind. The impact forced Mr. Tomlin's truck into a drill rig parked in front. Fires broke out at the front and rear ends of Mr. Tomlin's truck. The collision caused Mr. Tomlin to strike his head. He sat in the truck dazed and surrounded by fire.

Fearlessly, Mr. Merrero approached the pickup truck to look for Mr. Tomlin, but because of the dense smoke, he could not see Mr. Tomlin. Mr. Merrero opened the passenger door of the truck, climbed inside, and attempted to pull Mr. Tomlin across the seat. However, Mr. Tomlin was caught in the wreckage and Mr. Merrero had to re-enter the truck to free him. Finally, Mr. Tomlin was pulled to safety as the fire engulfed the truck.

Mr. Tomlin was hospitalized but soon recovered.

For his astonishing heroism, Mr. Merrero was recognized recently by the Carnegie Hero Fund Commission. The Commission awards the Carnegie Medal to those individuals who have risked their lives to an extraordinary degree while saving or attempting to save the lives of others.

Mr. Speaker, I wish to recognize Mr. Merrero for his great courage and on behalf of the U.S. House of Representatives, congratulate him for being awarded the Carnegie Medal. Just as Mr. Tomlin is a blessed man for having Mr. Merrero so close that day, so too is the entire Central Pennsylvania community for having their own noble and exemplary hero.

THE NATIONAL SOLEMN ASSEMBLY

HON. ROBIN HAYES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 15, 2002

Mr. HAYES. Mr. Speaker, I would like to bring to your attention an important event that took place earlier this week here in our Nation's Capital. On October 8 & 9th, the Center for Spiritual Renewal hosted the National Solemn Assembly at Constitution Hall. During these two days, church, governmental, military and business leaders from around the nation, including many from the D.C. area, came together for a time of prayer and fasting in support of our nation's leaders. Special sessions of prayer were conducted for the President, White House staff, Members of the U.S. House of Representatives and Senate, the U.S. Supreme Court and our Governors and state and local leaders. The Assembly, based on the scriptural admonition of Joel 2 and 2 Chronicles 7:14, is to return the Nation's spiritual focus on repentance, reconciliation and revival. Most notably, this meeting and its purpose were scheduled and established before the events of September 11, 2001, and well before any House debate of the Iraqi war resolution was scheduled for these same two days.

The Center for Spiritual Renewal, under the leadership of Dr. Robert E. Fisher, has been established to bring before the Church on a continuing basis the primary need for revival and renewal, both personal and corporate. The Center is a non-profit organization that works with all denominations, as well as non-affiliated local churches and ministry agencies to promote an understanding of the need to respond to the move of God through humility, worship and the embodiment of three sequential elements: spiritual integrity, scriptural unity and social responsibility.

Mr. Speaker, I wish to commend Dr. Fisher and the Center for Spiritual Renewal for their leadership in the establishment of the National Solemn Assembly, and for their prayerful support of the Members of this body and the many others in positions of leadership within our government.

TRIBUTE TO S. PHILIP CABIBI

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 15, 2002

Mr. McINNIS. Mr. Speaker, it is with deep respect that I recognize the life and passing of S. Philip Cabibi of Pueblo, Colorado. Mr. Cabibi recently passed away and, as his family mourns his loss, I would like to pay tribute to his life and the contributions he has made throughout the years.

Mr. Cabibi was born in Pueblo on August 12, 1914, and graduated from Central High School. He served in the United States Navy during World War II and then returned to Pueblo after the war. Philip Cabibi served as Pueblo's District Judge from 1955 to 1973 and was well respected throughout the community for honesty and integrity. Mr. Cabibi made many significant decisions as District Judge, including approving the creation of the Southeastern Colorado Conservancy District, which aided in the passage of the Fryingpan-Arkansas water project. After his tenure on the bench, Mr. Cabibi went into private practice until his retirement in the 1980s.

Despite a busy career, Mr. Cabibi always found the time for his friends and family. Along with his wife Margaret, Philip would often travel to California to visit his grandchildren, and loved playing gin rummy with his friends.

Throughout Pueblo, everyone seemed to know Mr. Cabibi and he could seldom enter a store or a restaurant without being recognized by someone in the neighborhood. No one could resist the genuine interest and affection that he bestowed upon everyone throughout the community.

Mr. Speaker, it is with great admiration that I recognize the life and passing of Philip Cabibi and all his contributions to the community of Pueblo, Colorado. I extend my sincere condolences to his wife Margaret, his daughter Marilyn, sister Virginia, and his grandchildren, John and Michelle. Mr. Cabibi lived his life with honor and distinction, and his love for his fellow citizens won him the respect of all who knew him. Philip Cabibi's loss will be deeply felt throughout the Pueblo community and all of Colorado.

TRIBUTE TO MARILYN LUOTTO ON BEING AWARDED THE 2002 ST. MADELEINE SOPHIE BARAT AWARD

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 15, 2002

Ms. ESHOO. Mr. Speaker, I rise today to honor Mrs. Marilyn Luotto, a distinguished citizen and a resident of Santa Clara County, who is being honored on October 16, 2002, by the Sacred Heart Schools of Atherton, California, with the 2002 St. Madeleine Sophie Barat Award.

Marilyn is a native of Chicago, Illinois, where she received her bachelor's degree in Psychology from Mundelein College and her master's degree in Clinical Psychology from Loyola University. In 1967, she came to California with her husband and their five children, and soon after. Marilyn began working at Sacred Heart Preparatory. She taught English, Psychology, and a course in Marriage and the Family through the Religion Department at the school. She also acted as a school counselor, at the high school and the elementary school. After five years of dividing her time between her family and the schools, Marilyn began spending more of her work time as a counselor at St. Joseph's School, continuing to teach at least one psychology course at the high school because she enjoyed her involvement with students of all ages. During this time, Marilyn also began pursuing her second master's degree in Marriage and Family Counseling at the University of Santa Clara. With that degree she received her M.F.T. license as a Marriage and Family Therapist in the State of California.

Throughout her tenure at Sacred Heart Schools, Marilyn shared her time and her talents with the entire community of faculty, staff, and students. Last year she retired after 25 years of extraordinary service to the Sacred Heart Schools. With her characteristic spirit of generosity, she thanked everyone for their support and all that they had contributed to her personal and professional growth. She promised to find a way to share the love that she had received with others as she embarks on a new phase of her life.

Mr. Speaker, it is a great privilege to honor Mrs. Marilyn Luotto as she receives the 2002 St. Madeleine Sophie Barat Award. I ask my colleagues to join me in saluting her and thanking her for her extraordinary service to our community which has made us a better country.

HONORING BENJAMIN BLUSTEIN AND HEBREW UNIVERSITY

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 15, 2002

Mr. GEKAS. Mr. Speaker, on July 31, 2002, a Palestinian terrorist left a 22-pound hate bomb hidden in a bag on a table at Hebrew University's Frank Sinatra International Student Center cafeteria. The bomber and those who assisted him had two objectives.

By placing the bomb in an area popular with young people, students from around the world and renowned scholars in many disciplines of academic study, the terrorist hoped to kill and injure as many people as possible, without regard to their nationalities, religion or political persuasion. In this, those responsible for this heinous attack were successful. Ultimately, the blast killed nine people, including five Americans, and injured approximately 80 others.

But the attackers had more far reaching motives. They wished to send a message that they had no interest in legitimate efforts to resolve Israel's conflicts with Palestinians. In addition, by selecting this particular university as their target, the terrorists also wanted to send the message that they believed that academic discourse, scientific research, and medical care provided to people of all ethnic and religious backgrounds are not legitimate endeavors in Israel.

Let there be no mistake about this. On this second point, the terrorists are wrong. President George W. Bush immediately condemned this attack, and expressed his "fury" at the attack on this particular university that had killed five American students. He stated, "I'm just as angry as Israel is right now. . . . I'm furious about innocent life lost. However, through my fury, even though I am mad, I still believe peace is possible."

I believe the President's words were exactly correct-to condemn this act of terrorism, just as he had condemned the over 70 homicide bombings aimed at Israel since September 2000. But, despite expressing anger and vowing to find and punish those responsible, the President also restated his quest for an eventual lasting peace between Israelis and Palestinians.

While I am equally angry and upset at all such attacks, this one touched me personally in a way than none had before. One of the five American victims, Benjamin Blustein, was my constituent.

Benjamin Blustein was only 25 years old when this bomb took his life. He came from Harrisburg, Pennsylvania, the heart of my Congressional district. At the time of his death, he was in a two-year study program designed so that he could earn a Master's degree from Hebrew University's Rothberg International School's Division of Graduate Studies and was also enrolled in the Educator's Program at the Pardes Institute for Jewish Studies.

He had previously earned his B.A. in Religion and Judaic Studies from Dickinson College in Carlisle, Pennsylvania. I mention this with pride, as Dickinson is also my alma mater.

Benjamin was more than a good student. He enriched all those around him, both those who knew him well and those with whom he had only limited contacts. He had assisted the entire Jewish Community throughout Central Pennsylvania through his work with the United Jewish Communities. In Israel, he enlivened the lives of many as a disc jockey at local dance clubs.

It is impossible to adequately verbalize the tragedy that occurred when Benjamin Blustein was randomly killed. I still find it hard to accept the loss of this vibrant, dedicated, passionate young man with such a wonderful sense of humor and caring for others.

Immediately following this hateful attack I sent a letter to President Bush, supporting his condemnation of the attacks. A copy of that letter follows these remarks.

As a result of Benjamin's death, I was motivated to learn more about the Hebrew University, the institution that drew Benjamin and so many others to study there.

It is important for all Members of Congress, as well as all Americans, to know that Hebrew University is the oldest comprehensive institution of higher learning in Israel and is considered to be among the world's truly great universities. The Hebrew University of Jerusalem has stood for understanding, tolerance, open discourse and academic excellence since it opened its doors in 1925.

Albert Einstein was one of its earliest supporters. From the very beginning, the university has carried on the dream of its founders, namely academic excellence, culture, science, learning and, most important, inclusion rather than exclusion of people from many religions, nations and ethnic backgrounds. Its students come from diverse cultural, religious, and geographic backgrounds with 10 percent of the student body of Arab descent. This diversity is what contributes to the university's strength and purpose.

It is sad, and ironic, to note that the unconscionable acts of inhumanity that took place at Hebrew University marked the second time that this remarkable academic institution has been devastated by a violent attack. In 1948, Arabs massacred a group of doctors and nurses in a bus going to the Hebrew University Medical School Hospital campus, perhaps a half-mile away from where this most recent bombing occurred.

Yet, despite the violence in 1948 and despite the fact that its original campus was cut off from the rest of Jerusalem until the city was united in 1967, the University continued to grow, to prosper and to gain international recognition for the high quality of its researches, teachers and physicians.

One of the most remarkable aspects of this institution is its efforts to reach out to Israel's neighbors, including the Palestinians. It is important to stress Hebrew University's regional cooperative programs with Palestinians and Arab countries in health, agriculture, water, environment, marine sciences, and the search for peace.

Rather than discuss its many programs, it would be symbolic to mention just one as the paradigm of the entire University.

I thought it worthwhile to detail the Sanford Kuvin Center for the Study of Infectious and Tropical Diseases at the Hebrew University's Medical School, because of my direct linkage to medical research through the many medical facilities located in Central Pennsylvania, especially the Penn State University Hershey Medical Center, and the Congressional Biomedical Research Caucus, which I helped found and now co-chair.

The Kuvin Center currently has more health programs with surrounding Arab countries then any other university in Israel. It addresses diseases that affect public health and its physicians and scientists are currently working with Arab scientists from Al-Quds, the Palestinian University in the eastern part of Jerusalem; Ain Shams University, in Cairo, as well as with scientists from universities in Jordan, Tunisia and Morocco.

The Congress fully recognizes and supports these types of cooperative Israeli-Palestinian health initiatives. The Foreign Operations bill for fiscal year 2003, which has passed through the Appropriations Committee includes, language on the Kuvin Center/Al Quds cooperation. I am pleased that the Committee included the following paragraph in the report accompanying this bill:

The Committee acknowledges that one of the primary objectives of the West Bank and Gaza program is to create viable infrastructure in Palestinian Authority-controlled areas to ensure the health and welfare of the Palestinian people. Al Quds University, in cooperation with the Kuvin Center for Infectious Diseases of the Hebrew University of Jerusalem, has proposed the establishment of a regional health and disease program, which would work to build an effective infrastructure to deal with serious health and disease problems among the Palestinian people. The Committee understands that cooperative programs of this nature are rare in the current environment, and urges AID to work, through the West Bank and Gaza program, to help Al Quds and the Kuvin Center begin this initiative.

This project is designed to enable the United States to provide $15 million over five years to this cooperative effort to deal with infectious diseases.

Let me add that this program does not require any additional appropriations. The proposed expenditure of these funds is an indication of Congressional intent on just how American money that has already been allocated can best be used in a productive capacity for Israel, the West Bank and Gaza. Thus, the Kuvin Center-Hebrew University/Al Quds University cooperative effort will serve as a model of how the United States, Israel and the Palestinians can work together on projects that will benefit the entire region.

It is key to mention that such efforts will absolutely continue despite the terrorists' murderous intent, and, in fact, it underscores both Israel's and America's conviction not to let the terrorists succeed.

The murders on the Hebrew University campus shocked all decent people.

This is not a University problem, nor is it a Jewish problem or a territorial problem. This is a threat to all civilization. These events cannot be allowed to go on, and can only be dealt with when good people stand up and speak out against this inhumanity.

We must not only remember those who were killed and injured, but we must all be proactive in favor of the Hebrew University of Jerusalem as a beacon of light unto all nations, peoples and universities around the world.

Hebrew University sets a standard of excellence for the nation of Israel of the Jewish people all over the world. The clouds of hatred and violence against Israel, the Jewish people and the West are clearly spreading. Certainly those who want to prevent discourse and coexistence at the Hebrew University will not and must not succeed.

In the aftermath of the murders at Hebrew University, the school's President, Menachem Magidor, said, "We must not let them kill our dream of peace". This same sentiment was stated by President Bush in his response to this attack when he concluded that "we must keep the vision of peace in mind."

CONGRESS OF THE UNITED STATES.
HOUSE OF REPRESENTATIVES.
Washington, DC, August 2, 2002.

President GEORGE W. BUSH,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: We sadly learned recently that a valued member of a community in my congressional district was taken from us. Benjamin Blustein, of Susquehanna Township, Pennsylvania, a young scholar studying abroad in Israel, was killed in the latest homicide bombing in Israel. Benjamin was in the midst of a two year course in Jewish studies at Hebrew University. Benjamin died along with other Americans and several other people when Hamas brutally targeted another group of innocent victims in Israel.

Benjamin was a dedicated, passionate young man with a sense of humor that all who knew him will greatly miss. He was active at school, my old alma mater, Dickinson College, and at his synagogue. With great commitment he assisted the United Jewish Communities to advance their good work throughout Central Pennsylvania. Benjamin enriched many lives during his life. All those who were touched by him will count themselves fortunate for sharing in his life.

I commend you for your strong condemnation of this latest homicide bombing. I support your decision to list Hamas and Hizbollah as terrorist organizations, and your firm support of Israel. Since September 2000, there have been 70 homicide bombings aimed at Israelis, taking the lives of countless innocent people. These attacks are unjustifiable and clearly unproductive. Israelis, free peoples living in a democracy, have not been cowed by the last two years of extremist acts of terror. Peace can only come to the Holy Land through dialogue and mutual understanding. I join with you in your quest for a lasting peace between Israelis and Palestinians.

Very truly yours,

GEORGE W. GEKAS,
Member of Congress.

TRIBUTE TO PAUL LINN, EARL CANTOR JR., AND JAMES DAUGHERTY

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 15, 2002

Mr. McINNIS. Mr. Speaker, it is with great enthusiasm that I recognize Paul Linn, Earl Cantor Jr. and James Daugherty before this body of Congress and this nation. Paul, Earl, and James are all brothers who, due to unfortunate circumstances early on in their lives, have not seen one another in over sixty years. As the three brothers celebrate their reunion, I would like pay tribute to their dedication and resilience in reuniting to once again become a family.

The three brothers were born into a family along with nine other siblings in Boulder, Colorado during the 1930s. After their mother Georgia was abandoned by her husband, her children were separated and placed in foster care because she no longer had the means to support them. Paul was adopted by Arthur and Dorothy Linn, ranchers from Collbran, Colorado. James was placed with another family who owned a ranch just outside of Craig, Colorado. As the elder of the three, Earl remained in Boulder, determined to reunite with his brothers as quickly as possible.

Unfortunately, due to the confidentiality with which adoption records are held, Earl soon lost track of his brothers and did not have the resources to relocate them. Paul was able to locate Earl after finding his name in a Boulder phone book in 1955, but it took the work of Bobbi McKevitt, a professional who tracks down this type of information, for James to locate his two older brothers. Today, the three brothers are determined to find the rest of their siblings and rejoice in yet another family reunion.

Mr. Speaker, I am delighted to recognize Paul Linn, Earl Cantor Jr., and James Daugherty before the body of Congress and this nation for their profound determination and resilience in their mission to reunite their family. Their story is one of great satisfaction and inspiration, and I wish them all the best in their mission to reunite the rest of their family.

DEPARTMENT OF LABOR'S EFFORTS TO INTEGRATE FAITH-BASED AND COMMUNITY ORGANIZATIONS INTO EMPLOYMENT AND TRAINING SERVICES

HON. ROBIN HAYES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 15, 2002

Mr. HAYES. Mr. Speaker, I want to recognize the Department of Labor's efforts to integrate faith-based and community organizations into employment and training services and encourage the department to continue and expand this initiative.

In order to most effectively deliver services, especially in the hardest to reach communities, it is essential that the federal government partner with groups that have credibility in needy neighborhoods. Small community and faith-based organizations have a long-term, personal investment in the community, and are known and trusted to effectively deliver results.

This approach is a necessity because for many of our most needy neighborhoods, faith-based and community organizations are frequently the strongest and most dynamic institutions available. Often, in the most distressed neighborhoods, they are not just the best partner, they may be the only partner available to us.

I want to recognize the work that has already taken place at the Department of Labor. The Department has created several pilot programs and innovative grant programs designed to better utilize the unique skills of community and faith-based organizations in its employment and training efforts. I urge the Department to continue and expand these efforts and I call on the Senate to pass H.R. 7 to ensure that the Federal government no longer ignores this critical partnership.

DR. MICHAEL W. PARKER

HON. EARL F. HILLIARD

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 15, 2002

Mr. HILLIARD. Mr. Speaker, I rise today to share with my colleagues in the United States House of Representatives a story of Dr. Michael W. Parker, Sr., a citizen of the state of Alabama who has served our country with bravery, commitment, and distinction in the armed services and continues to serve us with his work as a professor and researcher at the University of Alabama at Birmingham.

Members of our military are unique individuals who put their lives on the line to protect the very freedoms that many of us take for granted. Since September 11, 2001, we have been reminded of the perils of war and the dedication of those who fight to protect us. I want to remind the House that many of our veterans return to civilian life and do great deeds for our country in various professions.

Mr. Speaker, Dr. Parker, LTCR, DSW, BCD (Board Certified Diplomate) has been named a John A. Hartford Foundation Faculty Scholar in Geriatric Social Work and serves our community in many ways. He is a National Institute on Aging (NIA) Post Doctoral Fellow from the University of Michigan. He is currently on faculty at the University of Alabama Medical School, Center for Aging, Department of Geriatrics and Gerontology & the University of Alabama, School of Social Work. He is a research scientist with the U.S. Air War College in Montgomery, AL. Dr. Parker is the founding Chair of Aging Veterans and their Families which is part of The Gerontological Society of America, and serves as the Primary Investigator on NIA and Department of Defense funded research related to health promotion, successful aging, and spirituality.

Dr. Parker has also been recognized for his classroom abilities and is a recent recipient of the University of Alabama's Frank R. Egan Award for teaching and exemplary practice. His military honors include the Order of Military Medical Merit and the Legion of Merit. Dr. Parker is dedicating his civilian career to addressing the long-term care needs of our society.

Today, I would like to discuss the Military Parent Care Project on which Dr. Parker and his colleagues are working. I want to describe the family care plans that the United States military uses to assist surviving family members, a modification of that plan that Dr. Parker is researching to include older and disabled loved ones, and how this may lead to better planning for caregiving for all American families.

Mr. Speaker, all military personnel with dependent family members are required to complete, prior to deployment, a family care plan that makes provision for the medical, legal, and spiritual welfare of surviving family members in the event the service member—soldier, sailor, airman, or Marine—does not return. Dr. Parker believes that the composition of the family care plan must be expanded to make it an intergenerational family care plan to assist in the care of the aging parents of military personnel who do not return from service to our country.

We know that the demographic changes in the U.S. population have significant implications for all of us, including military families. Women, the traditional caregivers, have increasingly entered the military. It is my understanding that women—wives, daughters, and daughters-in-law—provide seventy percent of home care. Forty percent of women providing care to aging relatives are also providing care to children at the same time because of delayed childbearing. In addition, nowhere are the effects of parent care more apparent than with senior military members and their families because they typically live long distances from their aging parents.

Mr. Speaker, I think most of our colleagues would agree that it is imperative that we all work with our aging and disabled loved ones to plan for future care needs. This is particularly important for at-risk military personnel. Otherwise, care might not be provided the way we would like.

Under the sponsorship of the John A. Hartford Foundation and The Gerontological Society of America, Dr. Parker and his team have developed tools to help active duty military careerists complete a family care plan that includes aging parents. They have used focus groups of military personnel and experts from the fields of medicine, law, theology, and caregiving to create and test a Parent Care Readiness Assessment Instrument. This tool assists a family in identifying and prioritizing specific tasks associated with providing care to their aging family members.

As you know, Mr. Speaker, this Congress has conducted many hearings exploring the long-term care crisis in this nation. A long-term care crisis at the family level can thrust military and civilian family members into a bureaucratic maze of trying to make successive care arrangements in a badly fragmented long-term-care system. The nation's patchwork of nursing homes, foster homes, adult day centers and home health care agencies offer a dizzying array of often-unsatisfactory options. Practical help is needed so that a formal family care plan can be developed that could be put into place even if an adult son/daughter was not present to help execute the plan. Our Parent Care Readiness Assessment Instrument can serve as the first step toward this end.

They have also developed a two-hour educational workshop covering four key aspects of preparing an intergenerational family care plan. They are medical, legal/financial, social/familial, and spiritual/emotional plans. Families are also given access to an interactive Website with caregiver information, and compact disks with caregiving information and additional resource material.

Mr. Speaker, we do not have the all the results yet, but Dr. Parker's project has tested these products and workshop on military careerists and spouses at midlife. This research includes the use of a control group and a post-assessment of the test and control groups. Many of these tools have the potential for assisting millions of American families prepare for unforeseen events.

It is impossible to fully prepare for the consequences of an act of terrorism like 9/11. However, military families have already taken steps through our family care plans to reduce the long term consequences of any trauma, whether it is a result of military service, auto accidents, or other health crises. The civilian population could adopt this approach. Planning for such contingencies with the addition of the intergenerational component could become one of our individual contributions to homeland security and our family's security.

Mr. Speaker, helping civilian families take the same precautions as military personnel who enter harm's way has great potential for millions of American families. I believe that this good work taking place in the great state of Alabama will lead to better preparation for those unforeseen events in our lives and to protecting the future of our aging parents. I am proud to bring this important development in the field of aging and the distinguished work of Dr Michael Parker to the attention of my colleagues in the House.

TRIBUTE TO KEVIN WAGNER

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 15, 2002

Mr. MCINNIS. Mr. Speaker, it is with great admiration that I recognize Kevin Wagner of Grand Junction, Colorado for his courage, optimism and generosity in the face of some of life's most disheartening circumstances. Kevin has been battling cancer for several years but remains determined to overcome his illness and refuses to let it interfere with his daily life. While Kevin continues his fight toward recovery, I would like to pay tribute to this dynamic individual and to the irreplaceable contributions he has made to the community of Grand Junction.

Kevin moved to Grand Junction in 1967, where he attended St. Joseph's Elementary School and Fruita Monument High School. He graduated from Mesa State College in 1983 and got his masters degree from Colorado State University in 1985. Throughout his childhood, Kevin always remained active in sports and, like a true Coloradan, is one of the Denver Broncos' biggest fans.

Besides being a devoted Broncos fan, Kevin also remains loyal to his fellow citizens and community through active civic participation. Kevin joined the Grand Junction Lions Club in 1997, which is a volunteer organization that raises money for local community programs. In his first year in the organization, he was named the top fundraiser among all of the club's new members. Since then, Kevin has been the leading fundraiser for the entire organization for the last five years, and has served on the club's board of directors and on many committees.

Mr. Speaker, it is with deep respect that I recognize Kevin Wagner before this body of Congress and this nation for the unrelenting commitment he has displayed toward the betterment of his fellow citizens and community. Even amid the most challenging of personal circumstances, Kevin has never been deterred from putting others before himself, and has never demanded or expected any personal rewards or recognition. Courage and generosity are Kevin's hallmark—he lives his life with unusual determination. I wish Kevin the very best of luck in his treatment and recovery.

TRIBUTE TO SISTER JOAN McKENNA, RSCJ ON BEING AWARDED THE 2002 ST. MADELEINE SOPHIE BARAT AWARD

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 15, 2002

Ms. ESHOO. Mr. Speaker, I rise today to honor Sister Joan McKenna, a member of the Religious of the Sacred Heart and a distinguished educator and citizen. Sister McKenna is being honored on October 16, 2002, by the Sacred Heart Schools of Atherton, California, with the prestigious 2002 St. Madeleine Sophie Barat Award.

Sister McKenna is a truly remarkable woman who has given much to education in ways almost too numerous to recount. She was born and raised in San Francisco and educated in a parish school. As a high school student she was given a full scholarship to Sacred Heart Schools Broadway where she continued to excel and where she developed her deep respect for the Religious of the Sacred Heart and their dedication to educating the "whole child."

Sister McKenna received her B.A. and her M.A. in History from the San Francisco College for Women. She later received her M.A. in Theology and her J.D. from the University of San Francisco. From each of these institutions she received training that developed her inborn talents, and to each of them she returned what she received tenfold, or more.

After joining the Religious of the Sacred Heart, Sister McKenna taught history and religious studies at Sacred Heart Schools in El Cajon, San Francisco and Atherton. In addition to her teaching, she was Dean of Students and Assistant to the President at the San Francisco College for Women. After receiving her law degree she spent three years working as a legal assistant for the San Francisco City Attorney's Office in the Juvenile Court. She served as Principal at Sacred Heart Broadway and Director of Schools at Sacred Heart Atherton. Over the years she has served tirelessly on the Boards at each of these institutions, as well as the Oakwood retirement home for the Religious and for Catholic Charities of San Francisco. She is currently a lecturer in theology and religious studies at the University of San Francisco. Hers has been a life of learning and helping others to learn, in a tradition of values-based education that she treasures.

Mr. Speaker, it is a great privilege to honor Sister Joan McKenna as she receives the 2002 St. Madeleine Sophie Barat Award. I ask my colleagues to join me in saluting her and thanking her for her extraordinary service to our community which has made us a stronger and better nation.

TRIBUTE TO ANGELINE LOUISE SAMUELSON

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 15, 2002

Mr. MCINNIS. Mr. Speaker, it is with deep sadness that I recognize the life and passing of Angeline Louise Samuelson of Glenwood Springs, Colorado. Mrs. Samuelson recently passed away in October and, as her family mourns their loss, I would like to pay tribute to her life and the exceptional way in which she lived it.

Angie Samuelson was born in Osage City, Kansas, where she spent her childhood days living on her family's cattle ranch. She attended Osage City High School where she was a cheerleader and a member of the drama club. In 1940, Mrs. Samuelson graduated from nursing school and began working at Children's Hospital in Kansas City and at the University of Kansas Clinic. In 1944, she enlisted into the Naval Nursing Corps, and served in Coronado Island in San Diego, California through the duration of World War II.

In 1947, Mrs. Samuelson, along with her husband John Samuelson, began publishing the Glenwood Post newspaper. Mr. and Mrs. Samuelson were co-owners of the paper until they sold it in 1970, but Angeline stayed on with the paper until her retirement in 1982. Outside of work, Angie Samuelson stayed busy participating in a variety of volunteer activities. She was a member of the American Legion Auxiliary, the Valley View Hospital Auxiliary, and was a volunteer at the Frontier Historical Museum. She also liked to spend her free time in the company of friends and family, skiing, playing golf, and traveling. With a personality befitting a nurse, Mrs. Samuelson was constantly helping people and freely gave her time and energy to those she in need.

Mr. Speaker, it is with great admiration that I recognize the life and passing of Angeline Louise Samuelson before this body of Congress and this nation for the outstanding contributions she made to the Glenwood Springs community throughout her life. I extend my sincere condolences to her husband John and their children Lauraine, Chris, David, Paul, and Glen. Angie Samuelson lived her life with enormous energy and passion, and her goodwill and optimism are an inspiration to all who knew her.

RECOGNIZING COACH BOB BENNETT

HON. CALVIN M. DOOLEY

OF CALIFORNIA

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 15, 2002

Mr. DOOLEY of California. Mr. Speaker, I rise today to ask my fellow colleagues to join me in recognizing Coach Bob Bennett on his retirement as the head coach of the Fresno State baseball team.

Coach Bennett has served as the head coach of the Fresno State Bulldogs since 1970, and he recently joined an exclusive club by becoming only the seventh coach in NCAA Division I history to win more than 1,300 games in his career. Prior to his appointment as head coach in 1970, Coach Bennett spent 11 years coaching high school baseball and was a standout catcher for Fresno State from 1952–1955.

During his coaching career, Bob Bennett enjoyed consistent success. This past season marked his 26th straight winning season as head coach. His teams have won or shared 17 divisional titles, advanced to the NCAA regionals 21 times and have gone to the College World Series twice, in 1988 and 1991. In 1988, the Fresno State Bulldogs were the top ranked team in the nation after a 32-game winning streak. Bennett has earned conference Coach of the Year honors 14 times and was named NCAA Coach of the Year by the Sporting News in 1988.

Beyond coaching success, Coach Bennett has helped build Pete Beiden Field into a well-respected venue for college sports. Under Coach Bennett's leadership Fresno State has become a consistent national leader in attendance and fan support.

Coach Bennett's service to Fresno State and the greater community has been outstanding. He is a role model that all coaches should look up too.

Mr. Speaker, I ask my colleagues to join me in honoring Coach Bob Bennett of the Fresno State Bulldogs, and congratulate him on his 45 years of service as a head coach in my community.

TRIBUTE TO JOHN H. TRIMBLE

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 15, 2002

Mr. McINNIS. Mr. Speaker, it is with deep respect that I recognize the life and passing of John H. Trimble of Fruita, Colorado. Mr. Trimble recently passed away in September and, as his family mourns their loss, I would like to pay tribute to the many contributions he has made to his community and to his country.

Mr. Trimble was born and raised in Pine Ridge, South Dakota where he lived on his family's farm. At age 17, John enlisted into the United States Army and eventually served in both the European and Pacific Theaters. He remained on active duty as part of the Occupational Forces in Germany until November 1946. The patriotism and valor of veterans like John have given our country's military a reputation for honor, distinction, and courage.

After the war, John returned to South Dakota and worked in farming and construction. In 1954, John began working for the National Park Service at Badlands National Park and then, in 1968, moved to Colorado where he would spend the next 21 years assigned to the Colorado National Monument. Outside of his job, John spent his free time working on cars, traveling and spending time with his wife and ten children. He was a lifetime member of the Veterans of Foreign Wars, the Fruita Town Council from 1986 until 1989, and the Public Works Commission from 1986 to 1996.

Mr. Speaker, it is with great admiration that I recognize the life and passing of Mr. John H. Trimble before this body of Congress for the service he has given to his country. My sincere condolences go out to the Trimble family, his wife Eva, their children Jerry, Larry, David, Karen, Steve, Tim, Mitch, Judy, John, and Betty, and all of their grandchildren and great grandchildren. Mr. Trimble served his country in a time of great need and uncertainty, and then continued to serve it as an outstanding steward of our National Parks; his loss will be deeply felt and our grateful nation will be forever in his debt.

HONORING CENTERPOINT ENERGY

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 15, 2002

Mr. BENTSEN. Mr. Speaker, the La Porte-Bayshore Chamber of Commerce will present CenterPoint Energy with the 2002 Industry of the Year Award at their Annual Salute to Industry. CenterPoint Energy and its employees have been faithfully serving the La Porte community for nearly 77 years, providing residents, businesses and industries with safe and reliable energy services.

The Industry of the Year Award, the highest honor presented by the La Porte-Bayshore Chamber of Commerce, is awarded each year to an area business whose mission emphasizes a strong commitment to the community.

CenterPoint Energy was first organized in 1882 as Houston Electric Lighting & Power. It was reorganized and renamed Houston Lighting and Power Company in 1905. In 1999, Reliant Energy HL&P/Entex, a division of Reliant Energy, was formed, and is the electricity and natural gas provider for the Houston metropolitan area. In 2001, Reliant Energy HL&P/Entex was renamed CenterPoint Energy in recognition of the vital role the company plays in the center of the energy chain between producers and the consumers. CenterPoint Energy is one of the largest electric utilities in the U.S. in terms of kilowatt-hour sales. It serves more than 1.6 million electricity customers over a 5,000 square mile area in and around Houston and more than 730,000 natural gas customers in the Houston area.

A true connection exists between CenterPoint and the La Porte-Bayshore community. Demonstrating their generosity and connection to community, the company's employees have logged more than 5,000 volunteer hours on projects in the La Porte-Bayshore area, including the Trash Bash at the San Jacinto Monument, Boy Scout's Osprey Project, and the Bayport Container Port Expansion Project. CenterPoint Energy has been a major sponsor of the Bay Day Festival held at Sylvan Beach in La Porte. Every year employees assemble Reliant Energy Village, a wetland project, in an effort to provide participants with hands on learning about the importance of habitat restoration, and habitat education.

CenterPoint employees' active involvement in the La Porte community can be traced through its participation in a wide variety of civic organizations, including the Citizen Advisory Group, La Porte Chamber of Commerce, and several community-based nonprofit organizations.

Mr. Speaker, I congratulate the employees of CenterPoint Energy on being named the La Porte-Bayshore Chamber of Commerce 2002 Industry of the Year. This honor is well-deserved for their work in expanding business and job opportunities, establishing safer conditions for workers, and initiatives to protect the environment. This award indicates that CenterPoint has demonstrated a commitment to strengthening community relations by supporting employees volunteer activities and making contributions to deserving sectors of the community.

TRIBUTE TO JENNIE MARQUEZ

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 15, 2002

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to honor an outstanding woman who has dedicated her life to caring for the elderly. Jennie Marquez of Alamosa, Colorado has given countless hours of devoted service to the people of her community as a Certified Nurse Aide, and it is my privilege to pay tribute to her before this body of Congress and this nation.

Jennie has worked as a restorative nurse aide in Alamosa for three years and been selected recently as the Certified Nurse Aide of the Year for the Pike's Peak Region of Colorado. Her endless smiles encourage residents of the Evergreen Nursing Home to listen to Jennie as she carefully explains their therapy program and its purpose. Her personable attentiveness to each resident has helped Jennie cultivate a reputation as a sincere and capable nurse aide. The positive demeanor Jennie possesses is visible whether she helps to buy much needed gowns for one resident or simply pauses to give an encouraging word to another.

Jennie, along with her husband of 16 years, Rafael, enjoys spending time with their son Jose and daughter Yesenia. Together they enjoy many Colorado outdoor activities, like fishing, hiking, and camping. Jennie's positive attitude is a credit to her personality as much as it is a testament to the dedication she displays to those around her.

Mr. Speaker, I stand today to honor Jennie Marquez for her outstanding service and excellent performance as a certified nurse aide. Jennie's efforts stand out as she brings comfort to her residents, gives them needed support, and helps them through their therapy. I am always glad to recognize Coloradans who continue to make this country great, and I am happy to count Jennie Marquez among them.

HONORING THE COUNCIL OF WOMEN FARMERS OF UKRAINE ON WORLD RURAL WOMEN'S DAY

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 15, 2002

Mr. SCHAFFER. Mr. Speaker, today, October 15th, is World Rural Women's Day. I rise before the House on this occasion to honor the Council of Women Farmers of Ukraine and its contribution to Ukraine's agricultural and democratic development. During one of my visits to Ukraine, I was fortunate to visit leaders of this extraordinary organization to learn firsthand their remarkable unity and drive for success within Ukraine's expanding free market.

This organization began as a small group of women farmers in Ukraine who were willing to take on a male-dominated culture and industry. The challenges of an unstable economy, and, an agricultural sector in complete disarray only inspired and energized these enterprising farmers. Although this council developed with international aid, its origin represents a spontaneous indigenous grassroots quest for democracy.

As the council provided every level of assistance necessary for women farmers to succeed, it grew into a nationwide assistance network improving the status of rural Ukrainian women, raising their quality of life, and cultivating their managerial and entrepreneurial skills. Responding to the rapid growth of women in the industry, the council has opened several branch offices throughout the country, serving as information centers in 14 of the 24 oblasts throughout Ukraine and the autonomous Republic of Crimea in Ukraine.

The Council of Women Farmers of Ukraine provides assistance on a variety of issues, including legislation, financial management of farms, accounting, marketing, human resources management, business planning and business ethics, as well as scientific and specialized training. The council has also built an information and telecommunications network between its branch office information centers, training its members in the use of computers, email and the Internet. This assistance and training has enabled Ukraine's women farmers to build private enterprises, thereby empowering rural women to effectively influence the governmental processes.

In recognition of the Council's tremendous success thus far, I urge my colleagues to support similar programs with the intention of empowering rural women throughout the world, and in doing so, promote education, democratic development and financial and social stability.

Mr. Speaker, I congratulate the Council of Women Farmers of Ukraine on its success, I commend it for its courage and perseverance on this important commemorative day. Furthermore, I urge our friends in the Ukrainian Verkhovna Rada to recognize October 15th as Women Farmers of Ukraine on World Rural Women's Day.

TRIBUTE TO REY MOTORS

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 15, 2002

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to a family business that has become an integral part of the West Glenwood, Colorado community. Through their commitment to friendly service and exceptional quality, Rey Motors, owned by Jeanne Rey and her son Allyn Rey, has evolved with the community into a successful and proud business. It is my privilege to honor them today before this body of Congress and this nation for the hard work that has gone into building a successful dealership.

Originally established under other owners in the 1950s, Rey Motors now celebrates 25 years within the Rey family. Jeanne's late husband, Ernie, was a part of the business almost from the very start, working his way up under the different owners until finally buying the company in 1977. When Vail was still only a pasture, Ernie was taking cars out for farmers and ranchers to test drive at their homes.

The same commitment to Colorado values that Ernie incorporated into the Rey Motors lives on in the second generation of the Rey family. The tradition of molding the business to fit the community lives on as Jeanne and Allyn offer daily specials, as well as a casual sales floor atmosphere. Allyn has been a local volunteer fireman as well as a ski patrol volunteer at nearby Sunlight Mountain Resort. He and his wife of 20 years, Barbara, are raising a third generation of Reys through their children, Chris and Rachel.

Mr. Speaker, I stand today to pay tribute to Rey Motors and all the men and women who have made it a success. The Rey family, with the help of their knowledgeable employees and traditional friendly service, illustrate the values that keep our communities strong. I wish the entire crew at Rey Motors many more years of success.

HOUSE OF REPRESENTATIVES—*Wednesday, October 16, 2002*

The House met at noon and was called to order by the Speaker pro tempore (Mr. GUTKNECHT).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
October 16, 2002.

I hereby appoint the Honorable GIL GUTKNECHT to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, Healer of body and soul and Weaver of the fabric of this Nation, be our Strength both now and in the future.

As the House of Representatives convenes today, we are mindful that a year ago we were not only at war against terrorists who threatened the health and security of society, but we faced also the onslaught of anthrax within the walls of government here on Capitol Hill.

Thanks be to you, O God, the battle of anthrax was won with the responsible and creative work of all who serve in the Office of the Attending Physician. We bless You and thank You for these men and women who care for the health of Congress and its visitors each day.

With them, and because of them, let America lift its voice in grateful praise for all in the medical profession and all in medical research; that guided by Your hand and pervasive ethical standards this Nation will prove to be the leader of the world in the field of care and medicine now and for ages to come. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. WILSON of South Carolina. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WILSON of South Carolina. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question are postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Ohio (Mr. KUCINICH) come forward and lead the House in the Pledge of Allegiance.

Mr. KUCINICH led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 4 of rule I, the Speaker signed the following enrolled joint resolution on Tuesday, October 15, 2002:

H.J. Res. 114, to authorize the use of United States Armed Forces against Iraq.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain unlimited 1-minutes.

ESTABLISH THE DEPARTMENT OF HOMELAND SECURITY

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, every day we are reminded of the need for the Department of Homeland Security. Recently, the United States Marines were assaulted and several were killed in a terrorist ambush off the coast of Kuwait; deadly terrorist bombs exploded in Bali, Indonesia, killing hundreds; and a sniper is running loose right here in the District of Columbia.

Terrorism, whether international or domestic, is an unfortunate reality. The Department of Homeland Security can help keep Americans safe by ensuring a coordinated and effective response to terrorism.

On July 6, this House passed bipartisan legislation establishing a Department of Homeland Security. The President supports the House bill because it allows him the flexibility to meet any threat.

Now is the time for the Senate to act and pass this vital legislation for the protection of all Americans.

CONGRESS DID NOT AUTHORIZE COLONIZATION OF IRAQ OR SEIZURE OF ITS OIL

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.

Mr. KUCINICH. Mr. Speaker, recent news reports that the administration plans to seize Iraqi oil and use the money to set up a military government in Iraq raise serious questions of the administration's intentions in the region. Congress did not authorize the colonization of Iraq.

Congress did not authorize the seizure of Iraqi oil. These reports released the day after the congressional vote raise serious questions about the administration's intentions for the region, the completeness of their disclosures to Congress, and the role of certain oil companies in U.S. foreign policy.

I believe that had the administration fully disclosed their plans before the congressional vote that they intended not only military occupation but colonization and seizure of oil belonging to the people of Iraq, there may have been a much different outcome in the vote.

The resolution passed by Congress authorizing enforcement of U.N. Security Council resolutions authorized not colonization and not taking things which do not belong to the United States.

HONORING THE LEXINGTON COUNTY MONUMENT FUND

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, I rise today to recognize the Lexington County Monument Fund which, on Veterans Day, will dedicate its monument to the veterans of World War II, Korea, Vietnam, and the homefront.

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

This monument is one of the first in the Nation to recognize jointly the heroic efforts of the veterans of these three crucial war periods. Very importantly, it is the only one to recognize the sacrifices in support of the people back home who worked the farms, built and furnished equipment and supplies to the military, and kept family members safe.

We are especially honored that Brigadier General Paul W. Tibbets, the pilot of the Enola Gay, will serve as the keynote speaker at the dedication ceremony.

This monument is the result of the tireless efforts of Mr. THOMAS Comerford, chairman of the Monument Committee and Clerk of Court for Lexington County.

I would also like to pay special recognition to Mr. James St. Clair of Gaston, who provided invaluable assistance.

THE ECONOMY

(Ms. SOLIS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SOLIS. Mr. Speaker, while the President and his Republican colleagues continue to focus their attention on foreign policy, they regretfully leave behind a very important issue, one that affects millions of families across the country; that is, the economy. In the past 2 years 1.6 million people have lost their jobs, and 1.4 million more people lost their health care insurance last year alone. Americans have lost over $4.5 million in the stock market since this President took office.

The massive Republican tax cut passed last year was supposed to help working families. It actually left us in a major recession.

We need to increase the minimum wage. We need to extend unemployment insurance for the hardest-working people in our country that lost their jobs because of this recession. Unemployment is at 5.5, and among Hispanics in our country it is a staggering 7.4 percent. In my district alone it is 10 percent.

This problem is real, and it is serious. We need to get to work on it. I ask Congress and the President to stop ignoring this issue and to come up with an economic stimulus plan for working families.

THE STATE OF THE U.S. ECONOMY

(Ms. SANCHEZ asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SANCHEZ. Mr. Speaker, I rise today to speak about the declining state of our economy. What has happened to our economy in these past 2 years? It is devastating. Health care costs and prescription drug costs are up. Employees are seeing their hard-earned retirement and 401(k) savings evaporate.

Despite these economic hardships, the Republicans continue to support big corporate interests, ignoring the economic troubles of America's working families. It is time that we call upon this administration and this Republican House to acknowledge, to acknowledge the serious economic difficulties that we now face.

We must stop draining the Social Security Trust Fund, and we must pass a Medicare prescription drug benefit that lowers drug prices and helps all seniors. We must get this economy moving in the right direction, and it is my hope that my colleagues will join me in trying to ease the economic strain facing American families.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on the motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record vote on the postponed question will be taken after debate has concluded on the motion to suspend the rules, but not before 2 p.m. today.

HEALTH CARE SAFETY NET AMENDMENTS OF 2002

Mr. STEARNS. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1533) to amend the Public Health Service Act to reauthorize and strengthen the health centers program and the National Health Service Corps, and to establish the Healthy Communities Access Program, which will help coordinate services for the uninsured and underinsured, and for other purposes, as amended.

The Clerk read as follows:

S. 1533

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Health Care Safety Net Amendments of 2002”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—CONSOLIDATED HEALTH CENTER PROGRAM AMENDMENTS

Sec. 101. Health centers.
Sec. 102. Telemedicine; incentive grants regarding coordination among States.

TITLE II—RURAL HEALTH

Subtitle A—Rural Health Care Services Outreach, Rural Health Network Development, and Small Health Care Provider Quality Improvement Grant Programs

Sec. 201. Grant programs.

Subtitle B—Telehealth Grant Consolidation

Sec. 211. Short title.
Sec. 212. Consolidation and reauthorization of provisions.

Subtitle C—Mental Health Services Telehealth Program and Rural Emergency Medical Service Training and Equipment Assistance Program

Sec. 221. Programs.

TITLE III—NATIONAL HEALTH SERVICE CORPS PROGRAM

Sec. 301. National Health Service Corps.
Sec. 302. Designation of health professional shortage areas.
Sec. 303. Assignment of Corps personnel.
Sec. 304. Priorities in assignment of Corps personnel.
Sec. 305. Cost-sharing.
Sec. 306. Eligibility for Federal funds.
Sec. 307. Facilitation of effective provision of Corps services.
Sec. 308. Authorization of appropriations.
Sec. 309. National Health Service Corps Scholarship Program.
Sec. 310. National Health Service Corps Loan Repayment Program.
Sec. 311. Obligated service.
Sec. 312. Private practice.
Sec. 313. Breach of scholarship contract or loan repayment contract.
Sec. 314. Authorization of appropriations.
Sec. 315. Grants to States for loan repayment programs.
Sec. 316. Demonstration grants to States for community scholarship programs.
Sec. 317. Demonstration project.

TITLE IV—HEALTHY COMMUNITIES ACCESS PROGRAM

Sec. 401. Purpose.
Sec. 402. Creation of Healthy Communities Access Program.
Sec. 403. Expanding availability of dental services.
Sec. 404. Study regarding barriers to participation of farmworkers in health programs.

TITLE V—STUDY AND MISCELLANEOUS PROVISIONS

Sec. 501. Guarantee study.
Sec. 502. Graduate medical education.

TITLE VI—CONFORMING AMENDMENTS

Sec. 601. Conforming amendments.

TITLE I—CONSOLIDATED HEALTH CENTER PROGRAM AMENDMENTS

SEC. 101. HEALTH CENTERS.

Section 330 of the Public Health Service Act (42 U.S.C. 254b) is amended—

(1) in subsection (b)(1)(A)—

(A) in clause (i)(III)(bb), by striking “screening for breast and cervical cancer” and inserting “appropriate cancer screening”;

(B) in clause (ii), by inserting “(including specialty referral when medically indicated)” after “medical services”; and

(C) in clause (iii), by inserting “housing,” after “social,”;

(2) in subsection (b)(2)—

(A) in subparagraph (A)(i), by striking “associated with water supply;” and inserting the following: “associated with—

“(I) water supply;

“(II) chemical and pesticide exposures;

“(III) air quality; or

“(IV) exposure to lead;”;

(B) by redesignating subparagraphs (A) and (B) as subparagraphs (C) and (D), respectively; and

(C) by inserting before subparagraph (C) (as so redesignated by subparagraph (B)) the following:

"(A) behavioral and mental health and substance abuse services;

"(B) recuperative care services;";

(D) in subparagraph (B)—

(3) in subsection (c)(1)—

(A) in subparagraph (B)—

(i) in the heading, by striking "COMPREHENSIVE SERVICE DELIVERY" and inserting "MANAGED CARE";

(ii) in the matter preceding clause (i), by striking "network or plan" and all that follows to the period and inserting "managed care network or plan."; and

(iii) in the matter following clause (ii), by striking "Any such grant may include" and all that follows through the period; and

(B) by adding at the end the following:

"(C) PRACTICE MANAGEMENT NETWORKS.—The Secretary may make grants to health centers that receive assistance under this section to plan and develop practice management networks that will enable the centers to—

"(i) reduce costs associated with the provision of health care services;

"(ii) improve access to, and availability of, health care services provided to individuals served by the centers;

"(iii) enhance the quality and coordination of health care services; or

"(iv) improve the health status of communities.

"(D) USE OF FUNDS.—The activities for which a grant may be made under subparagraph (B) or (C) may include the purchase or lease of equipment, which may include data and information systems (including paying for the costs of amortizing the principal of, and paying the interest on, loans for equipment), the provision of training and technical assistance related to the provision of health care services on a prepaid basis or under another managed care arrangement, and other activities that promote the development of practice management or managed care networks and plans.";

(4) in subsection (d)—

(A) by striking the subsection heading and inserting "LOAN GUARANTEE PROGRAM.—";

(B) in paragraph (1)—

(i) in subparagraph (A), by striking "the principal and interest on loans" and all that follows through the period and inserting "up to 90 percent of the principal and interest on loans made by non-Federal lenders to health centers, funded under this section, for the costs of developing and operating managed care networks or plans described in subsection (c)(1)(B), or practice management networks described in subsection (c)(1)(C).";

(ii) in subparagraph (B)—

(I) in clause (i), by striking "or";

(II) in clause (ii), by striking the period and inserting "; or"; and

(III) by adding at the end the following:

"(iii) to refinance an existing loan (as of the date of refinancing) to the center or centers, if the Secretary determines—

"(I) that such refinancing will be beneficial to the health center and the Federal Government;

"(II) that the center (or centers) can demonstrate an ability to repay the refinanced loan equal to or greater than the ability of the center (or centers) to repay the original loan on the date the original loan was made."; and

(iii) by adding at the end the following:

"(D) PROVISION DIRECTLY TO NETWORKS OR PLANS.—At the request of health centers receiving assistance under this section, loan guarantees provided under this paragraph may be made directly to networks or plans that are at least majority controlled and, as applicable, at least majority owned by those health centers.

"(E) FEDERAL CREDIT REFORM.—The requirements of the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.) shall apply with respect to loans refinanced under subparagraph (B)(iii)."; and

(C)(i) by striking paragraphs (6) and (7); and

(ii) by redesignating paragraph (8) as paragraph (6);

(4) in subsection (e)—

(A) in paragraph (1)—

(i) in subparagraph (B), by striking "subsection (j)(3)" and inserting "subsection (k)(3)"; and

(ii) by adding at the end the following:

"(C) OPERATION OF NETWORKS AND PLANS.—The Secretary may make grants to health centers that receive assistance under this section, or at the request of the health centers, directly to a network or plan (as described in subparagraphs (B) and (C) of subsection (c)(1)) that is at least majority controlled and, as applicable, at least majority owned by such health centers receiving assistance under this section, for the costs associated with the operation of such network or plan, including the purchase or lease of equipment (including the costs of amortizing the principal of, and paying the interest on, loans for equipment).";

(B) in paragraph (5)—

(i) in subparagraph (A), by inserting "subparagraphs (A) and (B) of" after "any fiscal year under";

(ii) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively; and

(iii) by inserting after subparagraph (A) the following:

"(B) NETWORKS AND PLANS.—The total amount of grant funds made available for any fiscal year under paragraph (1)(C) and subparagraphs (B) and (C) of subsection (c)(1) to a health center or to a network or plan shall be determined by the Secretary, but may not exceed 2 percent of the total amount appropriated under this section for such fiscal year."; and

(C) by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively;

(5) in subsection (g)—

(A) in paragraph (2)—

(i) in subparagraph (A), by inserting "and seasonal agricultural worker" after "agricultural worker"; and

(ii) in subparagraph (B), by striking "and members of their families" and inserting "and seasonal agricultural workers, and members of their families,"; and

(B) in paragraph (3)(A), by striking "on a seasonal basis";

(6) in subsection (h)—

(A) in paragraph (1), by striking "homeless children and children at risk of homelessness" and inserting "homeless children and youth and children and youth at risk of homelessness";

(B)(i) by redesignating paragraph (4) as paragraph (5); and

(ii) by inserting after paragraph (3) the following:

"(4) TEMPORARY CONTINUED PROVISION OF SERVICES TO CERTAIN FORMER HOMELESS INDIVIDUALS.—If any grantee under this subsection has provided services described in this section under the grant to a homeless individual, such grantee may, notwithstanding that the individual is no longer homeless as a result of becoming a resident in permanent housing, expend the grant to continue to provide such services to the individual for not more than 12 months."; and

(C) in paragraph (5)(C) (as redesignated by subparagraph (B)), by striking "and residential treatment" and inserting ", risk reduction, outpatient treatment, residential treatment, and rehabilitation";

(7) in subsection (j)(3)—

(A) in subparagraph (E)—

(i) in clause (i)—

(I) by striking "(i)" and inserting "(i)(I)";

(II) by striking "plan; or" and inserting "plan; and"; and

(III) by adding at the end the following:

"(II) has or will have a contractual or other arrangement with the State agency administering the program under title XXI of such Act (42 U.S.C. 1397aa et seq.) with respect to individuals who are State children's health insurance program beneficiaries; or"; and

(ii) by striking clause (ii) and inserting the following:

"(ii) has made or will make every reasonable effort to enter into arrangements described in subclauses (I) and (II) of clause (i);";

(B) in subparagraph (G)—

(i) in clause (ii)(II), by striking "; and" and inserting ";";

(ii) by redesignating clause (iii) as clause (iv); and

(iii) by inserting after clause (ii) the following:

"(iii)(I) will assure that no patient will be denied health care services due to an individual's inability to pay for such services; and

"(II) will assure that any fees or payments required by the center for such services will be reduced or waived to enable the center to fulfill the assurance described in subclause (I); and";

(C) in subparagraph (H), in the matter following clause (iii), by striking "or (p)" and inserting "or (q)";

(D) in subparagraph (K)(ii), by striking "and" at the end;

(E) in subparagraph (L), by striking the period and inserting "; and"; and

(F) by inserting after subparagraph (L), the following:

"(M) the center encourages persons receiving or seeking health services from the center to participate in any public or private (including employer-offered) health programs or plans for which the persons are eligible, so long as the center, in complying with this subparagraph, does not violate the requirements of subparagraph (G)(iii)(I).";

(8)(A) by redesignating subsection (l) as subsection (s) and moving that subsection (s) to the end of the section;

(B) by redesignating subsections (j), (k), and (m) through (q) as subsections (n), (o), and (p) through (s), respectively; and

(C) by inserting after subsection (i) the following:

"(j) ACCESS GRANTS.—

"(1) IN GENERAL.—The Secretary may award grants to eligible health centers with a substantial number of clients with limited English speaking proficiency to provide translation, interpretation, and other such services for such clients with limited English speaking proficiency.

"(2) ELIGIBLE HEALTH CENTER.—In this subsection, the term 'eligible health center' means an entity that—

"(A) is a health center as defined under subsection (a);

"(B) provides health care services for clients for whom English is a second language; and

"(C) has exceptional needs with respect to linguistic access or faces exceptional challenges with respect to linguistic access.

"(3) GRANT AMOUNT.—The amount of a grant awarded to a center under this subsection shall be determined by the Administrator. Such determination of such amount shall be based on the number of clients for whom English is a second language that is served by such center, and larger grant amounts shall be awarded to centers serving larger numbers of such clients.

"(4) USE OF FUNDS.—An eligible health center that receives a grant under this subsection may use funds received through such grant to—

"(A) provide translation, interpretation, and other such services for clients for whom English is a second language, including hiring professional translation and interpretation services; and

"(B) compensate bilingual or multilingual staff for language assistance services provided by the staff for such clients.

"(5) APPLICATION.—An eligible health center desiring a grant under this subsection shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require, including—

"(A) an estimate of the number of clients that the center serves for whom English is a second language;

"(B) the ratio of the number of clients for whom English is a second language to the total number of clients served by the center;

"(C) a description of any language assistance services that the center proposes to provide to aid clients for whom English is a second language; and

"(D) a description of the exceptional needs of such center with respect to linguistic access or a description of the exceptional challenges faced by such center with respect to linguistic access.

"(6) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection, in addition to any funds authorized to be appropriated or appropriated for health centers under any other subsection of this section, such sums as may be necessary for each of fiscal years 2002 through 2006.";

(9) by striking subsection (m) (as redesignated by paragraph (9)(B)) and inserting the following:

"(m) TECHNICAL ASSISTANCE.—The Secretary shall establish a program through which the Secretary shall provide technical and other assistance to eligible entities to assist such entities to meet the requirements of subsection (l)(3). Services provided through the program may include necessary technical and nonfinancial assistance, including fiscal and program management assistance, training in fiscal and program management, operational and administrative support, and the provision of information to the entities of the variety of resources available under this title and how those resources can be best used to meet the health needs of the communities served by the entities.";

(10) in subsection (q) (as redesignated by paragraph (9)(B)), by striking "(j)(3)(G)" and inserting "(l)(3)(G)"; and

(11) in subsection (s) (as redesignated by paragraph (9)(A))—

(A) in paragraph (1), by striking "$802,124,000" and all that follows through the period and inserting "$1,340,000,000 for fiscal year 2002 and such sums as may be necessary for each of the fiscal years 2003 through 2006.";

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) by striking "(j)(3))" and inserting "(l)(3))"; and

(II) by striking "(j)(3)(G)(ii)" and inserting "(l)(3)(H)"; and

(ii) by striking subparagraph (B) and inserting the following:

"(B) DISTRIBUTION OF GRANTS.—For fiscal year 2002 and each of the following fiscal years, the Secretary, in awarding grants under this section, shall ensure that the proportion of the amount made available under each of subsections (g), (h), and (i), relative to the total amount appropriated to carry out this section for that fiscal year, is equal to the proportion of the amount made available under that subsection for fiscal year 2001, relative to the total amount appropriated to carry out this section for fiscal year 2001.".

SEC. 102. TELEMEDICINE; INCENTIVE GRANTS REGARDING COORDINATION AMONG STATES.

(a) IN GENERAL.—The Secretary of Health and Human Services may make grants to State professional licensing boards to carry out programs under which such licensing boards of various States cooperate to develop and implement State policies that will reduce statutory and regulatory barriers to telemedicine.

(b) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out subsection (a), there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2002 through 2006.

TITLE II—RURAL HEALTH

Subtitle A—Rural Health Care Services Outreach, Rural Health Network Development, and Small Health Care Provider Quality Improvement Grant Programs

SEC. 201. GRANT PROGRAMS.

Section 330A of the Public Health Service Act (42 U.S.C. 254c) is amended to read as follows:

"SEC. 330A. RURAL HEALTH CARE SERVICES OUTREACH, RURAL HEALTH NETWORK DEVELOPMENT, AND SMALL HEALTH CARE PROVIDER QUALITY IMPROVEMENT GRANT PROGRAMS.

"(a) PURPOSE.—The purpose of this section is to provide grants for expanded delivery of health care services in rural areas, for the planning and implementation of integrated health care networks in rural areas, and for the planning and implementation of small health care provider quality improvement activities.

"(b) DEFINITIONS.—

"(1) DIRECTOR.—The term 'Director' means the Director specified in subsection (d).

"(2) FEDERALLY QUALIFIED HEALTH CENTER; RURAL HEALTH CLINIC.—The terms 'Federally qualified health center' and 'rural health clinic' have the meanings given the terms in section 1861(aa) of the Social Security Act (42 U.S.C. 1395x(aa)).

"(3) HEALTH PROFESSIONAL SHORTAGE AREA.—The term 'health professional shortage area' means a health professional shortage area designated under section 332.

"(4) MEDICALLY UNDERSERVED COMMUNITY.—The term 'medically underserved community' has the meaning given the term in section 799B.

"(5) MEDICALLY UNDERSERVED POPULATION.—The term 'medically underserved population' has the meaning given the term in section 330(b)(3).

"(c) PROGRAM.—The Secretary shall establish, under section 301, a small health care provider quality improvement grant program.

"(d) ADMINISTRATION.—

"(1) PROGRAMS.—The rural health care services outreach, rural health network development, and small health care provider quality improvement grant programs established under section 301 shall be administered by the Director of the Office of Rural Health Policy of the Health Resources and Services Administration, in consultation with State offices of rural health or other appropriate State government entities.

"(2) GRANTS.—

"(A) IN GENERAL.—In carrying out the programs described in paragraph (1), the Director may award grants under subsections (e), (f), and (g) to expand access to, coordinate, and improve the quality of essential health care services, and enhance the delivery of health care, in rural areas.

"(B) TYPES OF GRANTS.—The Director may award the grants—

"(i) to promote expanded delivery of health care services in rural areas under subsection (e);

"(ii) to provide for the planning and implementation of integrated health care networks in rural areas under subsection (f); and

"(iii) to provide for the planning and implementation of small health care provider quality improvement activities under subsection (g).

"(e) RURAL HEALTH CARE SERVICES OUTREACH GRANTS.—

"(1) GRANTS.—The Director may award grants to eligible entities to promote rural health care services outreach by expanding the delivery of health care services to include new and enhanced services in rural areas. The Director may award the grants for periods of not more than 3 years.

"(2) ELIGIBILITY.—To be eligible to receive a grant under this subsection for a project, an entity—

"(A) shall be a rural public or rural nonprofit private entity;

"(B) shall represent a consortium composed of members—

"(i) that include 3 or more health care providers; and

"(ii) that may be nonprofit or for-profit entities; and

"(C) shall not previously have received a grant under this subsection for the same or a similar project, unless the entity is proposing to expand the scope of the project or the area that will be served through the project.

"(3) APPLICATIONS.—To be eligible to receive a grant under this subsection, an eligible entity, in consultation with the appropriate State office of rural health or another appropriate State entity, shall prepare and submit to the Secretary an application, at such time, in such manner, and containing such information as the Secretary may require, including—

"(A) a description of the project that the eligible entity will carry out using the funds provided under the grant;

"(B) a description of the manner in which the project funded under the grant will meet the health care needs of rural underserved populations in the local community or region to be served;

"(C) a description of how the local community or region to be served will be involved in the development and ongoing operations of the project;

"(D) a plan for sustaining the project after Federal support for the project has ended;

"(E) a description of how the project will be evaluated; and

"(F) other such information as the Secretary determines to be appropriate.

"(f) RURAL HEALTH NETWORK DEVELOPMENT GRANTS.—

"(1) GRANTS.—

"(A) IN GENERAL.—The Director may award rural health network development grants to eligible entities to promote, through planning and implementation, the development of integrated health care networks that have combined the functions of the entities participating in the networks in order to—

"(i) achieve efficiencies;

"(ii) expand access to, coordinate, and improve the quality of essential health care services; and

"(iii) strengthen the rural health care system as a whole.

"(B) GRANT PERIODS.—The Director may award such a rural health network development grant for implementation activities for a period of 3 years. The Director may also award such a rural health network development grant for planning activities for a period of 1 year, to assist in the development of an integrated health care network, if the proposed participants in the network do not have a history of collaborative efforts and a 3-year grant would be inappropriate.

"(2) ELIGIBILITY.—To be eligible to receive a grant under this subsection, an entity—

"(A) shall be a rural public or rural nonprofit private entity;

"(B) shall represent a network composed of participants—

"(i) that include 3 or more health care providers; and

"(ii) that may be nonprofit or for-profit entities; and

"(C) shall not previously have received a grant under this subsection (other than a grant for planning activities) for the same or a similar project.

"(3) APPLICATIONS.—To be eligible to receive a grant under this subsection, an eligible entity, in consultation with the appropriate State office of rural health or another appropriate State entity, shall prepare and submit to the Secretary an application, at such time, in such manner, and containing such information as the Secretary may require, including—

"(A) a description of the project that the eligible entity will carry out using the funds provided under the grant;

"(B) an explanation of the reasons why Federal assistance is required to carry out the project;

"(C) a description of—

"(i) the history of collaborative activities carried out by the participants in the network;

"(ii) the degree to which the participants are ready to integrate their functions; and

"(iii) how the local community or region to be served will benefit from and be involved in the activities carried out by the network;

"(D) a description of how the local community or region to be served will experience increased access to quality health care services across the continuum of care as a result of the integration activities carried out by the network;

"(E) a plan for sustaining the project after Federal support for the project has ended;

"(F) a description of how the project will be evaluated; and

"(G) other such information as the Secretary determines to be appropriate.

"(g) SMALL HEALTH CARE PROVIDER QUALITY IMPROVEMENT GRANTS.—

"(1) GRANTS.—The Director may award grants to provide for the planning and implementation of small health care provider quality improvement activities. The Director may award the grants for periods of 1 to 3 years.

"(2) ELIGIBILITY.—To be eligible for a grant under this subsection, an entity—

"(A)(i) shall be a rural public or rural nonprofit private health care provider or provider of health care services, such as a critical access hospital or a rural health clinic; or

"(ii) shall be another rural provider or network of small rural providers identified by the Secretary as a key source of local care; and

"(B) shall not previously have received a grant under this subsection for the same or a similar project.

"(3) APPLICATIONS.—To be eligible to receive a grant under this subsection, an eligible entity, in consultation with the appropriate State office of rural health or another appropriate State entity shall prepare and submit to the Secretary an application, at such time, in such manner, and containing such information as the Secretary may require, including—

"(A) a description of the project that the eligible entity will carry out using the funds provided under the grant;

"(B) an explanation of the reasons why Federal assistance is required to carry out the project;

"(C) a description of the manner in which the project funded under the grant will assure continuous quality improvement in the provision of services by the entity;

"(D) a description of how the local community or region to be served will experience increased access to quality health care services across the continuum of care as a result of the activities carried out by the entity;

"(E) a plan for sustaining the project after Federal support for the project has ended;

"(F) a description of how the project will be evaluated; and

"(G) other such information as the Secretary determines to be appropriate.

"(4) EXPENDITURES FOR SMALL HEALTH CARE PROVIDER QUALITY IMPROVEMENT GRANTS.—In awarding a grant under this subsection, the Director shall ensure that the funds made available through the grant will be used to provide services to residents of rural areas. The Director shall award not less than 50 percent of the funds made available under this subsection to providers located in and serving rural areas.

"(h) GENERAL REQUIREMENTS.—

"(1) PROHIBITED USES OF FUNDS.—An entity that receives a grant under this section may not use funds provided through the grant—

"(A) to build or acquire real property; or

"(B) for construction.

"(2) COORDINATION WITH OTHER AGENCIES.—The Secretary shall coordinate activities carried out under grant programs described in this section, to the extent practicable, with Federal and State agencies and nonprofit organizations that are operating similar grant programs, to maximize the effect of public dollars in funding meritorious proposals.

"(3) PREFERENCE.—In awarding grants under this section, the Secretary shall give preference to entities that—

"(A) are located in health professional shortage areas or medically underserved communities, or serve medically underserved populations; or

"(B) propose to develop projects with a focus on primary care, and wellness and prevention strategies.

"(i) REPORT.—Not later than September 30, 2005, the Secretary shall prepare and submit to the appropriate committees of Congress a report on the progress and accomplishments of the grant programs described in subsections (e), (f), and (g).

"(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $40,000,000 for fiscal year 2002, and such sums as may be necessary for each of fiscal years 2003 through 2006.".

Subtitle B—Telehealth Grant Consolidation

SEC. 211. SHORT TITLE.

This subtitle may be cited as the "Telehealth Grant Consolidation Act of 2002".

SEC. 212. CONSOLIDATION AND REAUTHORIZATION OF PROVISIONS.

Subpart I of part D of title III of the Public Health Service Act (42 U.S.C. 254b et seq) is amended by adding at the end the following:

"SEC. 330I. TELEHEALTH NETWORK AND TELEHEALTH RESOURCE CENTERS GRANT PROGRAMS.

"(a) DEFINITIONS.—In this section:

"(1) DIRECTOR; OFFICE.—The terms 'Director' and 'Office' mean the Director and Office specified in subsection (c).

"(2) FEDERALLY QUALIFIED HEALTH CENTER AND RURAL HEALTH CLINIC.—The term 'Federally qualified health center' and 'rural health clinic' have the meanings given the terms in section 1861(aa) of the Social Security Act (42 U.S.C. 1395x(aa)).

"(3) FRONTIER COMMUNITY.—The term 'frontier community' shall have the meaning given the term in regulations issued under subsection (r).

"(4) MEDICALLY UNDERSERVED AREA.—The term 'medically underserved area' has the meaning given the term 'medically underserved community' in section 799B.

"(5) MEDICALLY UNDERSERVED POPULATION.—The term 'medically underserved population' has the meaning given the term in section 330(b)(3).

"(6) TELEHEALTH SERVICES.—The term 'telehealth services' means services provided through telehealth technologies.

"(7) TELEHEALTH TECHNOLOGIES.—The term 'telehealth technologies' means technologies relating to the use of electronic information, and telecommunications technologies, to support and promote, at a distance, health care, patient and professional health-related education, health administration, and public health.

"(b) PROGRAMS.—The Secretary shall establish, under section 301, telehealth network and telehealth resource centers grant programs.

"(c) ADMINISTRATION.—

"(1) ESTABLISHMENT.—There is established in the Health and Resources and Services Administration an Office for the Advancement of Telehealth. The Office shall be headed by a Director.

"(2) DUTIES.—The telehealth network and telehealth resource centers grant programs established under section 301 shall be administered by the Director, in consultation with the State offices of rural health, State offices concerning primary care, or other appropriate State government entities.

"(d) GRANTS.—

"(1) TELEHEALTH NETWORK GRANTS.—The Director may, in carrying out the telehealth network grant program referred to in subsection (b), award grants to eligible entities for projects to demonstrate how telehealth technologies can be used through telehealth networks in rural areas, frontier communities, and medically underserved areas, and for medically underserved populations, to—

"(A) expand access to, coordinate, and improve the quality of health care services;

"(B) improve and expand the training of health care providers; and

"(C) expand and improve the quality of health information available to health care providers, and patients and their families, for decisionmaking.

"(2) TELEHEALTH RESOURCE CENTERS GRANTS.—The Director may, in carrying out the telehealth resource centers grant program referred to in subsection (b), award grants to eligible entities for projects to demonstrate how telehealth technologies can be used in the areas and communities, and for the populations, described in paragraph (1), to establish telehealth resource centers.

"(e) Grant Periods.—The Director may award grants under this section for periods of not more than 4 years.

"(f) Eligible Entities.—

"(1) Telehealth network grants.—

"(A) Grant recipient.—To be eligible to receive a grant under subsection (d)(1), an entity shall be a nonprofit entity.

"(B) Telehealth networks.—

"(i) In general.—To be eligible to receive a grant under subsection (d)(1), an entity shall demonstrate that the entity will provide services through a telehealth network.

"(ii) Nature of entities.—Each entity participating in the telehealth network may be a nonprofit or for-profit entity.

"(iii) Composition of network.—The telehealth network shall include at least 2 of the following entities (at least 1 of which shall be a community-based health care provider):

"(I) Community or migrant health centers or other Federally qualified health centers.

"(II) Health care providers, including pharmacists, in private practice.

"(III) Entities operating clinics, including rural health clinics.

"(IV) Local health departments.

"(V) Nonprofit hospitals, including community access hospitals.

"(VI) Other publicly funded health or social service agencies.

"(VII) Long-term care providers.

"(VIII) Providers of health care services in the home.

"(IX) Providers of outpatient mental health services and entities operating outpatient mental health facilities.

"(X) Local or regional emergency health care providers.

"(XI) Institutions of higher education.

"(XII) Entities operating dental clinics.

"(2) Telehealth resource centers grants.—To be eligible to receive a grant under subsection (d)(2), an entity shall be a nonprofit entity.

"(g) Applications.—To be eligible to receive a grant under subsection (d), an eligible entity, in consultation with the appropriate State office of rural health or another appropriate State entity, shall prepare and submit to the Secretary an application, at such time, in such manner, and containing such information as the Secretary may require, including—

"(1) a description of the project that the eligible entity will carry out using the funds provided under the grant;

"(2) a description of the manner in which the project funded under the grant will meet the health care needs of rural or other populations to be served through the project, or improve the access to services of, and the quality of the services received by, those populations;

"(3) evidence of local support for the project, and a description of how the areas, communities, or populations to be served will be involved in the development and ongoing operations of the project;

"(4) a plan for sustaining the project after Federal support for the project has ended;

"(5) information on the source and amount of non-Federal funds that the entity will provide for the project;

"(6) information demonstrating the long-term viability of the project, and other evidence of institutional commitment of the entity to the project;

"(7) in the case of an application for a project involving a telehealth network, information demonstrating how the project will promote the integration of telehealth technologies into the operations of health care providers, to avoid redundancy, and improve access to and the quality of care; and

"(8) other such information as the Secretary determines to be appropriate.

"(h) Terms; Conditions; Maximum Amount of Assistance.—The Secretary shall establish the terms and conditions of each grant program described in subsection (b) and the maximum amount of a grant to be awarded to an individual recipient for each fiscal year under this section. The Secretary shall publish, in a publication of the Health Resources and Services Administration, notice of the application requirements for each grant program described in subsection (b) for each fiscal year.

"(i) Preferences.—

"(1) Telehealth networks.—In awarding grants under subsection (d)(1) for projects involving telehealth networks, the Secretary shall give preference to an eligible entity that meets at least 1 of the following requirements:

"(A) Organization.—The eligible entity is a rural community-based organization or another community-based organization.

"(B) Services.—The eligible entity proposes to use Federal funds made available through such a grant to develop plans for, or to establish, telehealth networks that provide mental health, public health, long-term care, home care, preventive, or case management services.

"(C) Coordination.—The eligible entity demonstrates how the project to be carried out under the grant will be coordinated with other relevant federally funded projects in the areas, communities, and populations to be served through the grant.

"(D) Network.—The eligible entity demonstrates that the project involves a telehealth network that includes an entity that—

"(i) provides clinical health care services, or educational services for health care providers and for patients or their families; and

"(ii) is—

"(I) a public library;

"(II) an institution of higher education; or

"(III) a local government entity.

"(E) Connectivity.—The eligible entity proposes a project that promotes local connectivity within areas, communities, or populations to be served through the project.

"(F) Integration.—The eligible entity demonstrates that health care information has been integrated into the project.

"(2) Telehealth resource centers.—In awarding grants under subsection (d)(2) for projects involving telehealth resource centers, the Secretary shall give preference to an eligible entity that meets at least 1 of the following requirements:

"(A) Provision of services.—The eligible entity has a record of success in the provision of telehealth services to medically underserved areas or medically underserved populations.

"(B) Collaboration and sharing of expertise.—The eligible entity has a demonstrated record of collaborating and sharing expertise with providers of telehealth services at the national, regional, State, and local levels.

"(C) Broad range of telehealth services.—The eligible entity has a record of providing a broad range of telehealth services, which may include—

"(i) a variety of clinical specialty services;

"(ii) patient or family education;

"(iii) health care professional education; and

"(iv) rural residency support programs.

"(j) Distribution of Funds.—

"(1) In general.—In awarding grants under this section, the Director shall ensure, to the greatest extent possible, that such grants are equitably distributed among the geographical regions of the United States.

"(2) Telehealth networks.—In awarding grants under subsection (d)(1) for a fiscal year, the Director shall ensure that—

"(A) not less than 50 percent of the funds awarded shall be awarded for projects in rural areas; and

"(B) the total amount of funds awarded for such projects for that fiscal year shall be not less than the total amount of funds awarded for such projects for fiscal year 2001 under section 330A (as in effect on the day before the date of enactment of the Health Care Safety Net Amendments of 2002).

"(k) Use of Funds.—

"(1) Telehealth network program.—The recipient of a grant under subsection (d)(1) may use funds received through such grant for salaries, equipment, and operating or other costs, including the cost of—

"(A) developing and delivering clinical telehealth services that enhance access to community-based health care services in rural areas, frontier communities, or medically underserved areas, or for medically underserved populations;

"(B) developing and acquiring, through lease or purchase, computer hardware and software, audio and video equipment, computer network equipment, interactive equipment, data terminal equipment, and other equipment that furthers the objectives of the telehealth network grant program;

"(C)(i) developing and providing distance education, in a manner that enhances access to care in rural areas, frontier communities, or medically underserved areas, or for medically underserved populations; or

"(ii) mentoring, precepting, or supervising health care providers and students seeking to become health care providers, in a manner that enhances access to care in the areas and communities, or for the populations, described in clause (i);

"(D) developing and acquiring instructional programming;

"(E)(i) providing for transmission of medical data, and maintenance of equipment; and

"(ii) providing for compensation (including travel expenses) of specialists, and referring health care providers, who are providing telehealth services through the telehealth network, if no third party payment is available for the telehealth services delivered through the telehealth network;

"(F) developing projects to use telehealth technology to facilitate collaboration between health care providers;

"(G) collecting and analyzing usage statistics and data to document the cost-effectiveness of the telehealth services; and

"(H) carrying out such other activities as are consistent with achieving the objectives of this section, as determined by the Secretary.

"(2) Telehealth resource centers.—The recipient of a grant under subsection (d)(2) may use funds received through such grant for salaries, equipment, and operating or other costs for—

"(A) providing technical assistance, training, and support, and providing for travel expenses, for health care providers and a range of health care entities that provide or will provide telehealth services;

"(B) disseminating information and research findings related to telehealth services;

"(C) promoting effective collaboration among telehealth resource centers and the Office;

"(D) conducting evaluations to determine the best utilization of telehealth technologies to meet health care needs;

"(E) promoting the integration of the technologies used in clinical information systems with other telehealth technologies;

"(F) fostering the use of telehealth technologies to provide health care information and education for health care providers and consumers in a more effective manner; and

"(G) implementing special projects or studies under the direction of the Office.

"(l) PROHIBITED USES OF FUNDS.—An entity that receives a grant under this section may not use funds made available through the grant—

"(1) to acquire real property;

"(2) for expenditures to purchase or lease equipment, to the extent that the expenditures would exceed 40 percent of the total grant funds;

"(3) in the case of a project involving a telehealth network, to purchase or install transmission equipment (such as laying cable or telephone lines, or purchasing or installing microwave towers, satellite dishes, amplifiers, or digital switching equipment);

"(4) to pay for any equipment or transmission costs not directly related to the purposes for which the grant is awarded;

"(5) to purchase or install general purpose voice telephone systems;

"(6) for construction; or

"(7) for expenditures for indirect costs (as determined by the Secretary), to the extent that the expenditures would exceed 15 percent of the total grant funds.

"(m) COLLABORATION.—In providing services under this section, an eligible entity shall collaborate, if feasible, with entities that—

"(1)(A) are private or public organizations, that receive Federal or State assistance; or

"(B) are public or private entities that operate centers, or carry out programs, that receive Federal or State assistance; and

"(2) provide telehealth services or related activities.

"(n) COORDINATION WITH OTHER AGENCIES.—The Secretary shall coordinate activities carried out under grant programs described in subsection (b), to the extent practicable, with Federal and State agencies and nonprofit organizations that are operating similar programs, to maximize the effect of public dollars in funding meritorious proposals.

"(o) OUTREACH ACTIVITIES.—The Secretary shall establish and implement procedures to carry out outreach activities to advise potential end users of telehealth services in rural areas, frontier communities, medically underserved areas, and medically underserved populations in each State about the grant programs described in subsection (b).

"(p) TELEHEALTH.—It is the sense of Congress that, for purposes of this section, States should develop reciprocity agreements so that a provider of services under this section who is a licensed or otherwise authorized health care provider under the law of 1 or more States, and who, through telehealth technology, consults with a licensed or otherwise authorized health care provider in another State, is exempt, with respect to such consultation, from any State law of the other State that prohibits such consultation on the basis that the first health care provider is not a licensed or authorized health care provider under the law of that State.

"(q) REPORT.—Not later than September 30, 2005, the Secretary shall prepare and submit to the appropriate committees of Congress a report on the progress and accomplishments of the grant programs described in subsection (b).

"(r) REGULATIONS.—The Secretary shall issue regulations specifying, for purposes of this section, a definition of the term 'frontier area'. The definition shall be based on factors that include population density, travel distance in miles to the nearest medical facility, travel time in minutes to the nearest medical facility, and such other factors as the Secretary determines to be appropriate. The Secretary shall develop the definition in consultation with the Director of the Bureau of the Census and the Administrator of the Economic Research Service of the Department of Agriculture.

"(s) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

"(1) for grants under subsection (d)(1), $40,000,000 for fiscal year 2002, and such sums as may be necessary for each of fiscal years 2003 through 2006; and

"(2) for grants under subsection (d)(2), $20,000,000 for fiscal year 2002, and such sums as may be necessary for each of fiscal years 2003 through 2006.".

Subtitle C—Mental Health Services Telehealth Program and Rural Emergency Medical Service Training and Equipment Assistance Program

SEC. 221. PROGRAMS.

Subpart I of part D of title III of the Public Health Service Act (42 U.S.C. 254b et seq.) (as amended by section 212) is further amended by adding at the end the following:

"SEC. 330J. RURAL EMERGENCY MEDICAL SERVICE TRAINING AND EQUIPMENT ASSISTANCE PROGRAM.

"(a) GRANTS.—The Secretary, acting through the Administrator of the Health Resources and Services Administration (referred to in this section as the 'Secretary') shall award grants to eligible entities to enable such entities to provide for improved emergency medical services in rural areas.

"(b) ELIGIBILITY.—To be eligible to receive a grant under this section, an entity shall—

"(1) be—

"(A) a State emergency medical services office;

"(B) a State emergency medical services association;

"(C) a State office of rural health;

"(D) a local government entity;

"(E) a State or local ambulance provider; or

"(F) any other entity determined appropriate by the Secretary; and

"(2) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, that includes—

"(A) a description of the activities to be carried out under the grant; and

"(B) an assurance that the eligible entity will comply with the matching requirement of subsection (e).

"(c) USE OF FUNDS.—An entity shall use amounts received under a grant made under subsection (a), either directly or through grants to emergency medical service squads that are located in, or that serve residents of, a nonmetropolitan statistical area, an area designated as a rural area by any law or regulation of a State, or a rural census tract of a metropolitan statistical area (as determined under the most recent Goldsmith Modification, originally published in a notice of availability of funds in the Federal Register on February 27, 1992, 57 Fed. Reg. 6725), to—

"(1) recruit emergency medical service personnel;

"(2) recruit volunteer emergency medical service personnel;

"(3) train emergency medical service personnel in emergency response, injury prevention, safety awareness, and other topics relevant to the delivery of emergency medical services;

"(4) fund specific training to meet Federal or State certification requirements;

"(5) develop new ways to educate emergency health care providers through the use of technology-enhanced educational methods (such as distance learning);

"(6) acquire emergency medical services equipment, including cardiac defibrillators;

"(7) acquire personal protective equipment for emergency medical services personnel as required by the Occupational Safety and Health Administration; and

"(8) educate the public concerning cardiopulmonary resuscitation, first aid, injury prevention, safety awareness, illness prevention, and other related emergency preparedness topics.

"(d) PREFERENCE.—In awarding grants under this section the Secretary shall give preference to—

"(1) applications that reflect a collaborative effort by 2 or more of the entities described in subparagraphs (A) through (F) of subsection (b)(1); and

"(2) applications submitted by entities that intend to use amounts provided under the grant to fund activities described in any of paragraphs (1) through (5) of subsection (c).

"(e) MATCHING REQUIREMENT.—The Secretary may not award a grant under this section to an entity unless the entity agrees that the entity will make available (directly or through contributions from other public or private entities) non-Federal contributions toward the activities to be carried out under the grant in an amount equal to 25 percent of the amount received under the grant.

"(f) EMERGENCY MEDICAL SERVICES.—In this section, the term 'emergency medical services'—

"(1) means resources used by a qualified public or private nonprofit entity, or by any other entity recognized as qualified by the State involved, to deliver medical care outside of a medical facility under emergency conditions that occur—

"(A) as a result of the condition of the patient; or

"(B) as a result of a natural disaster or similar situation; and

"(2) includes services delivered by an emergency medical services provider (either compensated or volunteer) or other provider recognized by the State involved that is licensed or certified by the State as an emergency medical technician or its equivalent (as determined by the State), a registered nurse, a physician assistant, or a physician that provides services similar to services provided by such an emergency medical services provider.

"(g) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2002 through 2006.

“(2) Administrative costs.—The Secretary may use not more than 10 percent of the amount appropriated under paragraph (1) for a fiscal year for the administrative expenses of carrying out this section.

“SEC. 330K. MENTAL HEALTH SERVICES DELIVERED VIA TELEHEALTH.

“(a) Definitions.—In this section:

“(1) Eligible entity.—The term ‘eligible entity’ means a public or nonprofit private telehealth provider network that offers services that include mental health services provided by qualified mental health providers.

“(2) Qualified mental health professionals.—The term ‘qualified mental health professionals’ refers to providers of mental health services reimbursed under the medicare program carried out under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) who have additional training in the treatment of mental illness in children and adolescents or who have additional training in the treatment of mental illness in the elderly.

“(3) Special populations.—The term ‘special populations’ refers to the following 2 distinct groups:

“(A) Children and adolescents in mental health underserved rural areas or in mental health underserved urban areas.

“(B) Elderly individuals located in long-term care facilities in mental health underserved rural or urban areas.

“(4) Telehealth.—The term ‘telehealth’ means the use of electronic information and telecommunications technologies to support long distance clinical health care, patient and professional health-related education, public health, and health administration.

“(b) Program Authorized.—

“(1) In general.—The Secretary, acting through the Director of the Office for the Advancement of Telehealth of the Health Resources and Services Administration, shall award grants to eligible entities to establish demonstration projects for the provision of mental health services to special populations as delivered remotely by qualified mental health professionals using telehealth and for the provision of education regarding mental illness as delivered remotely by qualified mental health professionals using telehealth.

“(2) Populations served.—The Secretary shall award the grants under paragraph (1) in a manner that distributes the grants so as to serve equitably the populations described in subparagraphs (A) and (B) of subsection (a)(4).

“(c) Use of Funds.—

“(1) In general.—An eligible entity that receives a grant under this section shall use the grant funds—

“(A) for the populations described in subsection (a)(4)(A)—

“(i) to provide mental health services, including diagnosis and treatment of mental illness, as delivered remotely by qualified mental health professionals using telehealth; and

“(ii) to collaborate with local public health entities to provide the mental health services; and

“(B) for the populations described in subsection (a)(4)(B)—

“(i) to provide mental health services, including diagnosis and treatment of mental illness, in long-term care facilities as delivered remotely by qualified mental health professionals using telehealth; and

“(ii) to collaborate with local public health entities to provide the mental health services.

“(2) Other uses.—An eligible entity that receives a grant under this section may also use the grant funds to—

“(A) pay telecommunications costs; and

“(B) pay qualified mental health professionals on a reasonable cost basis as determined by the Secretary for services rendered.

“(3) Prohibited uses.—An eligible entity that receives a grant under this section shall not use the grant funds to—

“(A) purchase or install transmission equipment (other than such equipment used by qualified mental health professionals to deliver mental health services using telehealth under the project involved); or

“(B) build upon or acquire real property.

“(d) Equitable Distribution.—In awarding grants under this section, the Secretary shall ensure, to the greatest extent possible, that such grants are equitably distributed among geographical regions of the United States.

“(e) Application.—An entity that desires a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary determines to be reasonable.

“(f) Report.—Not later than 4 years after the date of enactment of the Health Care Safety Net Amendments of 2002, the Secretary shall prepare and submit to the appropriate committees of Congress a report that shall evaluate activities funded with grants under this section.

“(g) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section, $20,000,000 for fiscal year 2002 and such sums as may be necessary for fiscal years 2003 through 2006.”.

TITLE III—NATIONAL HEALTH SERVICE CORPS PROGRAM

SEC. 301. NATIONAL HEALTH SERVICE CORPS.

(a) In General.—Section 331 of the Public Health Service Act (42 U.S.C. 254d) is amended—

(1) by adding at the end of subsection (a)(3) the following:

“(E)(i) The term ‘behavioral and mental health professionals’ means health service psychologists, licensed clinical social workers, licensed professional counselors, marriage and family therapists, psychiatric nurse specialists, and psychiatrists.

“(ii) The term ‘graduate program of behavioral and mental health’ means a program that trains behavioral and mental health professionals.”;

(2) in subsection (b)—

(A) in paragraph (1), by striking “health professions” and inserting “health professions, including schools at which graduate programs of behavioral and mental health are offered,”; and

(B) in paragraph (2), by inserting “behavioral and mental health professionals,” after “dentists,”; and

(3) by striking subsection (c) and inserting the following:

“(c)(1) The Secretary may reimburse an applicant for a position in the Corps (including an individual considering entering into a written agreement pursuant to section 338D) for the actual and reasonable expenses incurred in traveling to and from the applicant's place of residence to an eligible site to which the applicant may be assigned under section 333 for the purpose of evaluating such site with regard to being assigned at such site. The Secretary may establish a maximum total amount that may be paid to an individual as reimbursement for such expenses.

“(2) The Secretary may also reimburse the applicant for the actual and reasonable expenses incurred for the travel of 1 family member to accompany the applicant to such site. The Secretary may establish a maximum total amount that may be paid to an individual as reimbursement for such expenses.

“(3) In the case of an individual who has entered into a contract for obligated service under the Scholarship Program or under the Loan Repayment Program, the Secretary may reimburse such individual for all or part of the actual and reasonable expenses incurred in transporting the individual, the individual's family, and the family's possessions to the site of the individual's assignment under section 333. The Secretary may establish a maximum total amount that may be paid to an individual as reimbursement for such expenses.”.

(b) Demonstration Projects.—Section 331 of the Public Health Service Act (42 U.S.C. 254d) is amended—

(1) by redesignating subsection (i) as subsection (j); and

(2) by inserting after subsection (h) the following:

“(i)(1) In carrying out subpart III, the Secretary may, in accordance with this subsection, carry out demonstration projects in which individuals who have entered into a contract for obligated service under the Loan Repayment Program receive waivers under which the individuals are authorized to satisfy the requirement of obligated service through providing clinical service that is not full-time.

“(2) A waiver described in paragraph (1) may be provided by the Secretary only if—

“(A) the entity for which the service is to be performed—

“(i) has been approved under section 333A for assignment of a Corps member; and

“(ii) has requested in writing assignment of a health professional who would serve less than full time;

“(B) the Secretary has determined that assignment of a health professional who would serve less than full time would be appropriate for the area where the entity is located;

“(C) a Corps member who is required to perform obligated service has agreed in writing to be assigned for less than full-time service to an entity described in subparagraph (A);

“(D) the entity and the Corps member agree in writing that the less than full-time service provided by the Corps member will not be less than 16 hours of clinical service per week;

“(E) the Corps member agrees in writing that the period of obligated service pursuant to section 338B will be extended so that the aggregate amount of less than full-time service performed will equal the amount of service that would be performed through full-time service under section 338C; and

“(F) the Corps member agrees in writing that if the Corps member begins providing less than full-time service but fails to begin or complete the period of obligated service, the method stated in 338E(c) for determining the damages for breach of the individual's written contract will be used after converting periods of obligated service or of service performed into their full-time equivalents.

“(3) In evaluating a demonstration project described in paragraph (1), the Secretary shall examine the effect of multidisciplinary teams.”.

SEC. 302. DESIGNATION OF HEALTH PROFESSIONAL SHORTAGE AREAS.

(a) In General.—Section 332 of the Public Health Service Act (42 U.S.C. 254e) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting after the first sentence the following: "All Federally qualified health centers and rural health clinics, as defined in section 1861(aa) of the Social Security Act (42 U.S.C. 1395x(aa)), that meet the requirements of section 334 shall be automatically designated as having such a shortage. Not earlier than 6 years after such date of enactment, and every 6 years thereafter, each such center or clinic shall demonstrate that the center or clinic meets the applicable requirements of the Federal regulations, issued after the date of enactment of this Act, that revise the definition of a health professional shortage area for purposes of this section."; and

(B) in paragraph (3), by striking "340(r)) may be a population group" and inserting "330(h)(4)), seasonal agricultural workers (as defined in section 330(g)(3)) and migratory agricultural workers (as so defined)), and residents of public housing (as defined in section 3(b)(1) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(1))) may be population groups";

(2) in subsection (b)(2), by striking "with special consideration to the indicators of" and all that follows through "services." and inserting a period; and

(3) in subsection (c)(2)(B), by striking "XVIII or XIX" and inserting "XVIII, XIX, or XXI".

(b) Regulations.—

(1) Report.—

(A) In general.—The Secretary shall submit the report described in subparagraph (B) if the Secretary, acting through the Administrator of the Health Resources and Services Administration, issues—

(i) a regulation that revises the definition of a health professional shortage area for purposes of section 332 of the Public Health Service Act (42 U.S.C. 254e); or

(ii) a regulation that revises the standards concerning priority of such an area under section 333A of that Act (42 U.S.C. 254f–1).

(B) Report.—On issuing a regulation described in subparagraph (A), the Secretary shall prepare and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report that describes the regulation.

(2) Effective date.—Each regulation described in paragraph (1)(A) shall take effect 180 days after the committees described in paragraph (1)(B) receive a report referred to in paragraph (1)(B) describing the regulation.

(c) Scholarship and Loan Repayment Programs.—The Secretary of Health and Human Services, in consultation with organizations representing individuals in the dental field and organizations representing publicly funded health care providers, shall develop and implement a plan for increasing the participation of dentists and dental hygienists in the National Health Service Corps Scholarship Program under section 338A of the Public Health Service Act (42 U.S.C. 254l) and the Loan Repayment Program under section 338B of such Act (42 U.S.C. 254l–1).

(d) Site Designation Process.—

(1) Improvement of designation process.—The Administrator of the Health Resources and Services Administration, in consultation with the Association of State and Territorial Dental Directors, dental societies, and other interested parties, shall revise the criteria on which the designations of dental health professional shortage areas are based so that such criteria provide a more accurate reflection of oral health care need, particularly in rural areas.

(2) Public health service act.—Section 332 of the Public Health Service Act (42 U.S.C. 254e) is amended by adding at the end the following:

"(i) Dissemination.—The Administrator of the Health Resources and Services Administration shall disseminate information concerning the designation criteria described in subsection (b) to—

"(1) the Governor of each State;

"(2) the representative of any area, population group, or facility selected by any such Governor to receive such information;

"(3) the representative of any area, population group, or facility that requests such information; and

"(4) the representative of any area, population group, or facility determined by the Administrator to be likely to meet the criteria described in subsection (b).".

(e) GAO Study.—Not later than February 1, 2005, the Comptroller General of the United States shall submit to the Congress a report on the appropriateness of the criteria, including but not limited to infant mortality rates, access to health services taking into account the distance to primary health services, the rate of poverty and ability to pay for health services, and low birth rates, established by the Secretary of Health and Human Services for the designation of health professional shortage areas and whether the deeming of Federally qualified health centers and rural health clinics as such areas is appropriate and necessary.

SEC. 303. ASSIGNMENT OF CORPS PERSONNEL.

Section 333 of the Public Health Service Act (42 U.S.C. 254f) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in the matter before subparagraph (A), by striking "(specified in the agreement described in section 334)";

(ii) in subparagraph (A), by striking "nonprofit"; and

(iii) by striking subparagraph (C) and inserting the following:

"(C) the entity agrees to comply with the requirements of section 334; and"; and

(B) in paragraph (3), by adding at the end "In approving such applications, the Secretary shall give preference to applications in which a nonprofit entity or public entity shall provide a site to which Corps members may be assigned."; and

(2) in subsection (d)—

(A) in paragraphs (1), (2), and (4), by striking "nonprofit" each place it appears; and

(B) in paragraph (1),

(i) in the second sentence—

(I) in subparagraph (C), by striking "and" at the end; and

(II) by striking the period and inserting ", and (E) developing long-term plans for addressing health professional shortages and improving access to health care."; and

(ii) by adding at the end the following: "The Secretary shall encourage entities that receive technical assistance under this paragraph to communicate with other communities, State Offices of Rural Health, State Primary Care Associations and Offices, and other entities concerned with site development and community needs assessment.".

SEC. 304. PRIORITIES IN ASSIGNMENT OF CORPS PERSONNEL.

Section 333A of the Public Health Service Act (42 U.S.C. 254f–1) is amended—

(1) in subsection (a)(1)(A), by striking ", as determined in accordance with subsection (b)";

(2) by striking subsection (b);

(3) in subsection (c), by striking the second sentence;

(4) in subsection (d)—

(A) by redesignating paragraphs (1) through (3) as paragraphs (2) through (4), respectively;

(B) by inserting before paragraph (2) (as redesignated by subparagraph (A)) the following:

"(1) Proposed list.—The Secretary shall prepare and publish a proposed list of health professional shortage areas and entities that would receive priority under subsection (a)(1) in the assignment of Corps members. The list shall contain the information described in paragraph (2), and the relative scores and relative priorities of the entities submitting applications under section 333, in a proposed format. All such entities shall have 30 days after the date of publication of the list to provide additional data and information in support of inclusion on the list or in support of a higher priority determination and the Secretary shall reasonably consider such data and information in preparing the final list under paragraph (2).";

(C) in paragraph (2) (as redesignated by subparagraph (A)), in the matter before subparagraph (A)—

(i) by striking "paragraph (2)" and inserting "paragraph (3)";

(ii) by striking "prepare a list of health professional shortage areas" and inserting "prepare and, as appropriate, update a list of health professional shortage areas and entities"; and

(iii) by striking "for the period applicable under subsection (f)";

(D) by striking paragraph (3) (as redesignated by subparagraph (A)) and inserting the following:

"(3) Notification of affected parties.—

"(A) Entities.—Not later than 30 days after the Secretary has added to a list under paragraph (2) an entity specified as described in subparagraph (A) of such paragraph, the Secretary shall notify such entity that the entity has been provided an authorization to receive assignments of Corps members in the event that Corps members are available for the assignments.

"(B) Individuals.—In the case of an individual obligated to provide service under the Scholarship Program, not later than 3 months before the date described in section 338C(b)(5), the Secretary shall provide to such individual the names of each of the entities specified as described in paragraph (2)(B)(i) that is appropriate for the individual's medical specialty and discipline."; and

(E) by striking paragraph (4) (as redesignated by subparagraph (A)) and inserting the following:

"(4) Revisions.—If the Secretary proposes to make a revision in the list under paragraph (2), and the revision would adversely alter the status of an entity with respect to the list, the Secretary shall notify the entity of the revision. Any entity adversely affected by such a revision shall be notified in writing by the Secretary of the reasons for the revision and shall have 30 days to file a written appeal of the determination involved which shall be reasonably considered by the Secretary before the revision to the list becomes final. The revision to the list shall be effective with respect to assignment of Corps members beginning on the date that the revision becomes final.";

(5) by striking subsection (e) and inserting the following:

"(e) Limitation on Number of Entities Offered as Assignment Choices in Scholarship Program.—

"(1) Determination of available corps members.—By April 1 of each calendar year, the Secretary shall determine the number of participants in the Scholarship Program who will be available for assignments under section 333 during the program year beginning on July 1 of that calendar year.

"(2) Determination of number of entities.—At all times during a program year, the number of entities specified under subsection (c)(2)(B)(i) shall be—

"(A) not less than the number of participants determined with respect to that program year under paragraph (1); and

"(B) not greater than twice the number of participants determined with respect to that program year under paragraph (1).";

(6) by striking subsection (f); and

(7) by redesignating subsections (c), (d), and (e) as subsections (b), (c), and (d) respectively.

SEC. 305. COST-SHARING.

Subpart II of part D of title III of the Public Health Service Act (42 U.S.C. 254d et seq.) is amended by striking section 334 and inserting the following:

"SEC. 334. CHARGES FOR SERVICES BY ENTITIES USING CORPS MEMBERS.

"(a) Availability of Services Regardless of Ability To Pay or Payment Source.—An entity to which a Corps member is assigned shall not deny requested health care services, and shall not discriminate in the provision of services to an individual—

"(1) because the individual is unable to pay for the services; or

"(2) because payment for the services would be made under—

"(A) the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.);

"(B) the medicaid program under title XIX of such Act (42 U.S.C. 1396 et seq.); or

"(C) the State children's health insurance program under title XXI of such Act (42 U.S.C. 1397aa et seq.).

"(b) Charges for Services.—The following rules shall apply to charges for health care services provided by an entity to which a Corps member is assigned:

"(1) In general.—

"(A) Schedule of fees or payments.—Except as provided in paragraph (2), the entity shall prepare a schedule of fees or payments for the entity's services, consistent with locally prevailing rates or charges and designed to cover the entity's reasonable cost of operation.

"(B) Schedule of discounts.—Except as provided in paragraph (2), the entity shall prepare a corresponding schedule of discounts (including, in appropriate cases, waivers) to be applied to such fees or payments. In preparing the schedule, the entity shall adjust the discounts on the basis of a patient's ability to pay.

"(C) Use of schedules.—The entity shall make every reasonable effort to secure from patients fees and payments for services in accordance with such schedules, and fees or payments shall be sufficiently discounted in accordance with the schedule described in subparagraph (B).

"(2) Services to beneficiaries of Federal and federally assisted programs.—In the case of health care services furnished to an individual who is a beneficiary of a program listed in subsection (a)(2), the entity—

"(A) shall accept an assignment pursuant to section 1842(b)(3)(B)(ii) of the Social Security Act (42 U.S.C. 1395u(b)(3)(B)(ii)) with respect to an individual who is a beneficiary under the medicare program; and

"(B) shall enter into an appropriate agreement with—

"(i) the State agency administering the program under title XIX of such Act with respect to an individual who is a beneficiary under the medicaid program; and

"(ii) the State agency administering the program under title XXI of such Act with respect to an individual who is a beneficiary under the State children's health insurance program.

"(3) Collection of payments.—The entity shall take reasonable and appropriate steps to collect all payments due for health care services provided by the entity, including payments from any third party (including a Federal, State, or local government agency and any other third party) that is responsible for part or all of the charge for such services.".

SEC. 306. ELIGIBILITY FOR FEDERAL FUNDS.

Section 335(e)(1)(B) of the Public Health Service Act (42 U.S.C. 254h(e)(1)(B)) is amended by striking "XVIII or XIX" and inserting "XVIII, XIX, or XXI".

SEC. 307. FACILITATION OF EFFECTIVE PROVISION OF CORPS SERVICES.

(a) Health Professional Shortage Areas.—Section 336 of the Public Health Service Act (42 U.S.C. 254h–1) is amended—

(1) in subsection (c), by striking "health manpower" and inserting "health professional"; and

(2) in subsection (f)(1), by striking "health manpower" and inserting "health professional".

(b) Technical Amendment.—Section 336A(8) of the Public Health Service Act (42 U.S.C. 254i(8)) is amended by striking "agreements under".

SEC. 308. AUTHORIZATION OF APPROPRIATIONS.

Section 338(a) of the Public Health Service Act (42 U.S.C. 254k(a)) is amended—

(1) by striking "(1) For" and inserting "For";

(2) by striking "1991 through 2000" and inserting "2002 through 2006"; and

(3) by striking paragraph (2).

SEC. 309. NATIONAL HEALTH SERVICE CORPS SCHOLARSHIP PROGRAM.

Section 338A of the Public Health Service Act (42 U.S.C. 254l) is amended—

(1) in subsection (a)(1), by inserting "behavioral and mental health professionals," after "dentists,";

(2) in subsection (b)(1)(B), by inserting ", or an appropriate degree from a graduate program of behavioral and mental health" after "other health profession";

(3) in subsection (c)(1)—

(A) in subparagraph (A), by striking "338D" and inserting "338E"; and

(B) in subparagraph (B), by striking "338C" and inserting "338D";

(4) in subsection (d)(1)—

(A) in subparagraph (A), by striking "and" at the end;

(B) by redesignating subparagraph (B) as subparagraph (C); and

(C) by inserting after subparagraph (A) the following:

"(B) the Secretary, in considering applications from individuals accepted for enrollment or enrolled in dental school, shall consider applications from all individuals accepted for enrollment or enrolled in any accredited dental school in a State; and";

(5) in subsection (f)—

(A) in paragraph (1)(B)—

(i) in clause (iii), by striking "and" after the semicolon;

(ii) by redesignating clause (iv) as clause (v); and

(iii) by inserting after clause (iii) the following new clause:

"(iv) if pursuing a degree from a school of medicine or osteopathic medicine, to complete a residency in a specialty that the Secretary determines is consistent with the needs of the Corps; and"; and

(B) in paragraph (3), by striking "338D" and inserting "338E"; and

(6) by striking subsection (i).

SEC. 310. NATIONAL HEALTH SERVICE CORPS LOAN REPAYMENT PROGRAM.

Section 338B of the Public Health Service Act (42 U.S.C. 254l–1) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting "behavioral and mental health professionals," after "dentists,"; and

(B) in paragraph (2), by striking "(including mental health professionals)";

(2) in subsection (b)(1), by striking subparagraph (A) and inserting the following:

"(A) have a degree in medicine, osteopathic medicine, dentistry, or another health profession, or an appropriate degree from a graduate program of behavioral and mental health, or be certified as a nurse midwife, nurse practitioner, or physician assistant;";

(3) in subsection (e), by striking "(1) In general.—"; and

(4) by striking subsection (i).

SEC. 311. OBLIGATED SERVICE.

Section 338C of the Public Health Service Act (42 U.S.C. 254m) is amended—

(1) in subsection (b)—

(A) in paragraph (1), in the matter preceding subparagraph (A), by striking "section 338A(f)(1)(B)(iv)" and inserting "section 338A(f)(1)(B)(v)"; and

(B) in paragraph (5)—

(i) by striking all that precedes subparagraph (C) and inserting the following:

"(5)(A) In the case of the Scholarship Program, the date referred to in paragraphs (1) through (4) shall be the date on which the individual completes the training required for the degree for which the individual receives the scholarship, except that—

"(i) for an individual receiving such a degree after September 30, 2000, from a school of medicine or osteopathic medicine, such date shall be the date the individual completes a residency in a specialty that the Secretary determines is consistent with the needs of the Corps; and

"(ii) at the request of an individual, the Secretary may, consistent with the needs of the Corps, defer such date until the end of a period of time required for the individual to complete advanced training (including an internship or residency).";

(ii) by striking subparagraph (D);

(iii) by redesignating subparagraphs (C) and (E) as subparagraphs (B) and (C), respectively; and

(iv) in clause (i) of subparagraph (C) (as redesignated by clause (iii)) by striking "subparagraph (A), (B), or (D)" and inserting "subparagraph (A)"; and

(2) by striking subsection (e).

SEC. 312. PRIVATE PRACTICE.

Section 338D of the Public Health Service Act (42 U.S.C. 254n) is amended by striking subsection (b) and inserting the following:

"(b)(1) The written agreement described in subsection (a) shall—

"(A) provide that, during the period of private practice by an individual pursuant to the agreement, the individual shall comply with the requirements of section 334 that apply to entities; and

"(B) contain such additional provisions as the Secretary may require to carry out the objectives of this section.

"(2) The Secretary shall take such action as may be appropriate to ensure that the conditions of the written agreement prescribed by this subsection are adhered to.".

SEC. 313. BREACH OF SCHOLARSHIP CONTRACT OR LOAN REPAYMENT CONTRACT.

(a) IN GENERAL.—Section 338E of the Public Health Service Act (42 U.S.C. 254o) is amended—

(1) in subsection (a)(1)—

(A) in subparagraph (A), by striking the comma and inserting a semicolon;

(B) in subparagraph (B), by striking the comma and inserting "; or";

(C) in subparagraph (C), by striking "or" at the end; and

(D) by striking subparagraph (D);

(2) in subsection (b)—

(A) in paragraph (1)(A)—

(i) by striking "338F(d)" and inserting "338G(d)";

(ii) by striking "either";

(iii) by striking "338D or" and inserting "338D,"; and

(iv) by inserting "or to complete a required residency as specified in section 338A(f)(1)(B)(iv)," before "the United States"; and

(B) by adding at the end the following new paragraph:

"(3) The Secretary may terminate a contract with an individual under section 338A if, not later than 30 days before the end of the school year to which the contract pertains, the individual—

"(A) submits a written request for such termination; and

"(B) repays all amounts paid to, or on behalf of, the individual under section 338A(g).";

(3) in subsection (c)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking "338F(d)" and inserting "338G(d)"; and

(ii) by striking subparagraphs (A) through (C) and inserting the following:

"(A) the total of the amounts paid by the United States under section 338B(g) on behalf of the individual for any period of obligated service not served;

"(B) an amount equal to the product of the number of months of obligated service that were not completed by the individual, multiplied by $7,500; and

"(C) the interest on the amounts described in subparagraphs (A) and (B), at the maximum legal prevailing rate, as determined by the Treasurer of the United States, from the date of the breach;

"except that the amount the United States is entitled to recover under this paragraph shall not be less than $31,000.";

(B) by striking paragraphs (2) and (3) and inserting the following:

"(2) The Secretary may terminate a contract with an individual under section 338B if, not later than 45 days before the end of the fiscal year in which the contract was entered into, the individual—

"(A) submits a written request for such termination; and

"(B) repays all amounts paid on behalf of the individual under section 338B(g)."; and

(C) by redesignating paragraph (4) as paragraph (3);

(4) in subsection (d)(3)(A), by striking "only if such discharge is granted after the expiration of the five-year period" and inserting "only if such discharge is granted after the expiration of the 7-year period"; and

(5) by adding at the end the following new subsection:

"(e) Notwithstanding any other provision of Federal or State law, there shall be no limitation on the period within which suit may be filed, a judgment may be enforced, or an action relating to an offset or garnishment, or other action, may be initiated or taken by the Secretary, the Attorney General, or the head of another Federal agency, as the case may be, for the repayment of the amount due from an individual under this section.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a)(4) shall apply to any obligation for which a discharge in bankruptcy has not been granted before the date that is 31 days after the date of enactment of this Act.

SEC. 314. AUTHORIZATION OF APPROPRIATIONS.

Section 338H of the Public Health Service Act (42 U.S.C. 254q) is amended to read as follows:

"SEC. 338H. AUTHORIZATION OF APPROPRIATIONS.

"(a) AUTHORIZATION OF APPROPRIATIONS.—For the purposes of carrying out this subpart, there are authorized to be appropriated $146,250,000 for fiscal year 2002, and such sums as may be necessary for each of fiscal years 2003 through 2006.

"(b) SCHOLARSHIPS FOR NEW PARTICIPANTS.—Of the amounts appropriated under subsection (a) for a fiscal year, the Secretary shall obligate not less than 10 percent for the purpose of providing contracts for—

"(1) scholarships under this subpart to individuals who have not previously received such scholarships; or

"(2) scholarships or loan repayments under the Loan Repayment Program under section 338B to individuals from disadvantaged backgrounds.

"(c) SCHOLARSHIPS AND LOAN REPAYMENTS.—With respect to certification as a nurse practitioner, nurse midwife, or physician assistant, the Secretary shall, from amounts appropriated under subsection (a) for a fiscal year, obligate not less than a total of 10 percent for contracts for both scholarships under the Scholarship Program under section 338A and loan repayments under the Loan Repayment Program under section 338B to individuals who are entering the first year of a course of study or program described in section 338A(b)(1)(B) that leads to such a certification or individuals who are eligible for the loan repayment program as specified in section 338B(b) for a loan related to such certification.".

SEC. 315. GRANTS TO STATES FOR LOAN REPAYMENT PROGRAMS.

Section 338I of the Public Health Service Act (42 U.S.C. 254q-1) is amended—

(1) in subsection (a), by striking paragraph (1) and inserting the following:

"(1) AUTHORITY FOR GRANTS.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, may make grants to States for the purpose of assisting the States in operating programs described in paragraph (2) in order to provide for the increased availability of primary health care services in health professional shortage areas. The National Advisory Council established under section 337 shall advise the Administrator regarding the program under this section.";

(2) in subsection (e), by striking paragraph (1) and inserting the following:

"(1) to submit to the Secretary such reports regarding the States loan repayment program, as are determined to be appropriate by the Secretary; and"; and

(3) in subsection (i), by striking paragraph (1) and inserting the following:

"(1) IN GENERAL.—For the purpose of making grants under subsection (a), there are authorized to be appropriated $12,000,000 for fiscal year 2002 and such sums as may be necessary for each of fiscal years 2003 through 2006.".

SEC. 316. DEMONSTRATION GRANTS TO STATES FOR COMMUNITY SCHOLARSHIP PROGRAMS.

Section 338L of the Public Health Service Act (42 U.S.C. 254t) is repealed.

SEC. 317. DEMONSTRATION PROJECT.

Subpart III of part D of title III of the Public Health Service Act (42 U.S.C. 254l et seq.) is amended by adding at the end the following:

"SEC. 338L. DEMONSTRATION PROJECT.

"(a) PROGRAM AUTHORIZED.—The Secretary shall establish a demonstration project to provide for the participation of individuals who are chiropractic doctors or pharmacists in the Loan Repayment Program described in section 338B.

"(b) PROCEDURE.—An individual that receives assistance under this section with regard to the program described in section 338B shall comply with all rules and requirements described in such section (other than subparagraphs (A) and (B) of section 338B(b)(1)) in order to receive assistance under this section.

"(c) LIMITATIONS.—

"(1) IN GENERAL.—The demonstration project described in this section shall provide for the participation of individuals who shall provide services in rural and urban areas.

"(2) AVAILABILITY OF OTHER HEALTH PROFESSIONALS.—The Secretary may not assign an individual receiving assistance under this section to provide obligated service at a site unless—

"(A) the Secretary has assigned a physician (as defined in section 1861(r) of the Social Security Act) or other health professional licensed to prescribe drugs to provide obligated service at such site under section 338C or 338D; and

"(B) such physician or other health professional will provide obligated service at such site concurrently with the individual receiving assistance under this section.

"(3) RULES OF CONSTRUCTION.—

"(A) SUPERVISION OF INDIVIDUALS.—Nothing in this section shall be construed to require or imply that a physician or other health professional licensed to prescribe drugs must supervise an individual receiving assistance under the demonstration project under this section, with respect to such project.

"(B) LICENSURE OF HEALTH PROFESSIONALS.—Nothing in this section shall be construed to supersede State law regarding licensure of health professionals.

"(d) DESIGNATIONS.—The demonstration project described in this section, and any providers who are selected to participate in such project, shall not be considered by the Secretary in the designation of a health professional shortage area under section 332 during fiscal years 2002 through 2004.

"(e) RULE OF CONSTRUCTION.—This section shall not be construed to require any State to participate in the project described in this section.

"(f) REPORT.—

"(1) IN GENERAL.—The Secretary shall evaluate the participation of individuals in the demonstration projects under this section and prepare and submit a report containing the information described in paragraph (2) to—

"(A) the Committee on Health, Education, Labor, and Pensions of the Senate;

"(B) the Subcommittee on Labor, Health and Human Services, and Education of the Committee on Appropriations of the Senate;

"(C) the Committee on Energy and Commerce of the House of Representatives; and

"(D) the Subcommittee on Labor, Health and Human Services, and Education of the

Committee on Appropriations of the House of Representatives.

“(2) Content.—The report described in paragraph (1) shall detail—

“(A) the manner in which the demonstration project described in this section has affected access to primary care services, patient satisfaction, quality of care, and health care services provided for traditionally underserved populations;

“(B) how the participation of chiropractic doctors and pharmacists in the Loan Repayment Program might affect the designation of health professional shortage areas; and

“(C) whether adding chiropractic doctors and pharmacists as permanent members of the National Health Service Corps would be feasible and would enhance the effectiveness of the National Health Service Corps.

“(g) Authorization of Appropriations.—

“(1) In general.—There are authorized to be appropriated to carry out this section, such sums as may be necessary for fiscal years 2002 through 2004.

“(2) Fiscal year 2005.—If the Secretary determines and certifies to Congress by not later than September 30, 2004, that the number of individuals participating in the demonstration project established under this section is insufficient for purposes of performing the evaluation described in subsection (f)(1), the authorization of appropriations under paragraph (1) shall be extended to include fiscal year 2005.”.

TITLE IV—HEALTHY COMMUNITIES ACCESS PROGRAM

SEC. 401. PURPOSE.

The purpose of this title is to provide assistance to communities and consortia of health care providers and others, to develop or strengthen integrated community health care delivery systems that coordinate health care services for individuals who are uninsured or underinsured and to develop or strengthen activities related to providing coordinated care for individuals with chronic conditions who are uninsured or underinsured, through the—

(1) coordination of services to allow individuals to receive efficient and higher quality care and to gain entry into and receive services from a comprehensive system of care;

(2) development of the infrastructure for a health care delivery system characterized by effective collaboration, information sharing, and clinical and financial coordination among all providers of care in the community; and

(3) provision of new Federal resources that do not supplant funding for existing Federal categorical programs that support entities providing services to low-income populations.

SEC. 402. CREATION OF HEALTHY COMMUNITIES ACCESS PROGRAM.

Part D of title III of the Public Health Service Act (42 U.S.C. 254b et seq.) is amended by inserting after subpart IV the following new subpart:

“Subpart V—Healthy Communities Access Program

“SEC. 340. GRANTS TO STRENGTHEN THE EFFECTIVENESS, EFFICIENCY, AND COORDINATION OF SERVICES FOR THE UNINSURED AND UNDERINSURED.

“(a) In General.—The Secretary may award grants to eligible entities to assist in the development of integrated health care delivery systems to serve communities of individuals who are uninsured and individuals who are underinsured—

“(1) to improve the efficiency of, and coordination among, the providers providing services through such systems;

“(2) to assist communities in developing programs targeted toward preventing and managing chronic diseases; and

“(3) to expand and enhance the services provided through such systems.

“(b) Eligible Entities.—To be eligible to receive a grant under this section, an entity shall be an entity that—

“(1) represents a consortium—

“(A) whose principal purpose is to provide a broad range of coordinated health care services for a community defined in the entity's grant application as described in paragraph (2); and

“(B) that includes at least one of each of the following providers that serve the community (unless such provider does not exist within the community, declines or refuses to participate, or places unreasonable conditions on their participation):

“(i) a Federally qualified health center (as defined in section 1861(aa) of the Social Security Act (42 U.S.C. 1395x(aa)));

“(ii) a hospital with a low-income utilization rate (as defined in section 1923(b)(3) of the Social Security Act (42 U.S.C. 1396r-4(b)(3)), that is greater than 25 percent;

“(iii) a public health department; and

“(iv) an interested public or private sector health care provider or an organization that has traditionally served the medically uninsured and underserved; and

“(2) submits to the Secretary an application, in such form and manner as the Secretary shall prescribe, that—

“(A) defines a community or geographic area of uninsured and underinsured individuals;

“(B) identifies the providers who will participate in the consortium's program under the grant, and specifies each provider's contribution to the care of uninsured and underinsured individuals in the community, including the volume of care the provider provides to beneficiaries under the medicare, medicaid, and State child health insurance programs and to patients who pay privately for services;

“(C) describes the activities that the applicant and the consortium propose to perform under the grant to further the objectives of this section;

“(D) demonstrates the consortium's ability to build on the current system (as of the date of submission of the application) for serving a community or geographic area of uninsured and underinsured individuals by involving providers who have traditionally provided a significant volume of care for that community;

“(E) demonstrates the consortium's ability to develop coordinated systems of care that either directly provide or ensure the prompt provision of a broad range of high-quality, accessible services, including, as appropriate, primary, secondary, and tertiary services, as well as substance abuse treatment and mental health services in a manner that assures continuity of care in the community or geographic area;

“(F) provides evidence of community involvement in the development, implementation, and direction of the program that the entity proposes to operate;

“(G) demonstrates the consortium's ability to ensure that individuals participating in the program are enrolled in public insurance programs for which the individuals are eligible or know of private insurance programs where available;

“(H) presents a plan for leveraging other sources of revenue, which may include State and local sources and private grant funds, and integrating current and proposed new funding sources in a way to assure long-term sustainability of the program;

“(I) describes a plan for evaluation of the activities carried out under the grant, including measurement of progress toward the goals and objectives of the program and the use of evaluation findings to improve program performance;

“(J) demonstrates fiscal responsibility through the use of appropriate accounting procedures and appropriate management systems;

“(K) demonstrates the consortium's commitment to serve the community without regard to the ability of an individual or family to pay by arranging for or providing free or reduced charge care for the poor; and

“(L) includes such other information as the Secretary may prescribe.

“(c) Limitations.—

“(1) Number of awards.—

“(A) In general.—For each of fiscal years 2003, 2004, 2005, and 2006, the Secretary may not make more than 35 new awards under subsection (a) (excluding renewals of such awards).

“(B) Rule of construction.—This paragraph shall not be construed to affect awards made before fiscal year 2003.

“(2) In general.—An eligible entity may not receive a grant under this section (including with respect to any such grant made before fiscal year 2003) for more than 3 consecutive fiscal years, except that such entity may receive such a grant award for not more than 1 additional fiscal year if—

“(A) the eligible entity submits to the Secretary a request for a grant for such an additional fiscal year;

“(B) the Secretary determines that extraordinary circumstances (as defined in paragraph (3)) justify the granting of such request; and

“(C) the Secretary determines that granting such request is necessary to further the objectives described in subsection (a).

“(3) Extraordinary circumstances.—

“(A) In general.—In paragraph (2), the term ‘extraordinary circumstances’ means an event (or events) that is outside of the control of the eligible entity that has prevented the eligible entity from fulfilling the objectives described by such entity in the application submitted under subsection (b)(2).

“(B) Examples.—Extraordinary circumstances include—

“(i) natural disasters or other major disruptions to the security or health of the community or geographic area served by the eligible entity; or

“(ii) a significant economic deterioration in the community or geographic area served by such eligible entity, that directly and adversely affects the entity receiving an award under subsection (a).

“(d) Priorities.—In awarding grants under this section, the Secretary—

“(1) shall accord priority to applicants that demonstrate the extent of unmet need in the community involved for a more coordinated system of care; and

“(2) may accord priority to applicants that best promote the objectives of this section, taking into consideration the extent to which the application involved—

“(A) identifies a community whose geographical area has a high or increasing percentage of individuals who are uninsured;

“(B) demonstrates that the applicant has included in its consortium providers, support systems, and programs that have a tradition of serving uninsured individuals and underinsured individuals in the community;

“(C) shows evidence that the program would expand utilization of preventive and primary care services for uninsured and underinsured individuals and families in the community, including behavioral and mental health services, oral health services, or substance abuse services;

"(D) proposes a program that would improve coordination between health care providers and appropriate social service providers;

"(E) demonstrates collaboration with State and local governments;

"(F) demonstrates that the applicant makes use of non-Federal contributions to the greatest extent possible; or

"(G) demonstrates a likelihood that the proposed program will continue after support under this section ceases.

"(e) USE OF FUNDS.—

"(1) USE BY GRANTEES.—

"(A) IN GENERAL.—Except as provided in paragraphs (2) and (3), a grantee may use amounts provided under this section only for—

"(i) direct expenses associated with achieving the greater integration of a health care delivery system so that the system either directly provides or ensures the provision of a broad range of culturally competent services, as appropriate, including primary, secondary, and tertiary services, as well as substance abuse treatment and mental health services; and

"(ii) direct patient care and service expansions to fill identified or documented gaps within an integrated delivery system.

"(B) SPECIFIC USES.—The following are examples of purposes for which a grantee may use grant funds under this section, when such use meets the conditions stated in subparagraph (A):

"(i) Increases in outreach activities and closing gaps in health care service.

"(ii) Improvements to case management.

"(iii) Improvements to coordination of transportation to health care facilities.

"(iv) Development of provider networks and other innovative models to engage physicians in voluntary efforts to serve the medically underserved within a community.

"(v) Recruitment, training, and compensation of necessary personnel.

"(vi) Acquisition of technology for the purpose of coordinating care.

"(vii) Improvements to provider communication, including implementation of shared information systems or shared clinical systems.

"(viii) Development of common processes for determining eligibility for the programs provided through the system, including creating common identification cards and single sliding scale discounts.

"(ix) Development of specific prevention and disease management tools and processes.

"(x) Translation services.

"(xi) Carrying out other activities that may be appropriate to a community and that would increase access by the uninsured to health care, such as access initiatives for which private entities provide non-Federal contributions to supplement the Federal funds provided through the grants for the initiatives.

"(2) DIRECT PATIENT CARE LIMITATION.—Not more than 15 percent of the funds provided under a grant awarded under this section may be used for providing direct patient care and services.

"(3) RESERVATION OF FUNDS FOR NATIONAL PROGRAM PURPOSES.—The Secretary may use not more than 3 percent of funds appropriated to carry out this section for providing technical assistance to grantees, obtaining assistance of experts and consultants, holding meetings, developing of tools, disseminating of information, evaluation, and carrying out activities that will extend the benefits of programs funded under this section to communities other than the community served by the program funded.

"(f) GRANTEE REQUIREMENTS.—

"(1) EVALUATION OF EFFECTIVENESS.—A grantee under this section shall—

"(A) report to the Secretary annually regarding—

"(i) progress in meeting the goals and measurable objectives set forth in the grant application submitted by the grantee under subsection (b); and

"(ii) the extent to which activities conducted by such grantee have—

"(I) improved the effectiveness, efficiency, and coordination of services for uninsured and underinsured individuals in the communities or geographic areas served by such grantee;

"(II) resulted in the provision of better quality health care for such individuals; and

"(III) resulted in the provision of health care to such individuals at lower cost than would have been possible in the absence of the activities conducted by such grantee; and

"(B) provide for an independent annual financial audit of all records that relate to the disposition of funds received through the grant.

"(2) PROGRESS.—The Secretary may not renew an annual grant under this section for an entity for a fiscal year unless the Secretary is satisfied that the consortium represented by the entity has made reasonable and demonstrable progress in meeting the goals and measurable objectives set forth in the entity's grant application for the preceding fiscal year.

"(g) MAINTENANCE OF EFFORT.—With respect to activities for which a grant under this section is authorized, the Secretary may award such a grant only if the applicant for the grant, and each of the participating providers, agree that the grantee and each such provider will maintain its expenditures of non-Federal funds for such activities at a level that is not less than the level of such expenditures during the fiscal year immediately preceding the fiscal year for which the applicant is applying to receive such grant.

"(h) TECHNICAL ASSISTANCE.—The Secretary may, either directly or by grant or contract, provide any entity that receives a grant under this section with technical and other nonfinancial assistance necessary to meet the requirements of this section.

"(i) EVALUATION OF PROGRAM.—Not later than September 30, 2005, the Secretary shall prepare and submit to the appropriate committees of Congress a report that describes the extent to which projects funded under this section have been successful in improving the effectiveness, efficiency, and coordination of services for uninsured and underinsured individuals in the communities or geographic areas served by such projects, including whether the projects resulted in the provision of better quality health care for such individuals, and whether such care was provided at lower costs, than would have been provided in the absence of such projects.

"(j) DEMONSTRATION AUTHORITY.—The Secretary may make demonstration awards under this section to historically black health professions schools for the purposes of—

"(1) developing patient-based research infrastructure at historically black health professions schools, which have an affiliation, or affiliations, with any of the providers identified in section (b)(1)(B);

"(2) establishment of joint and collaborative programs of medical research and data collection between historically black health professions schools and such providers, whose goal is to improve the health status of medically underserved populations; or

"(3) supporting the research-related costs of patient care, data collection, and academic training resulting from such affiliations.

"(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2002 through 2006.

"(l) DATE CERTAIN FOR TERMINATION OF PROGRAM.—Funds may not be appropriated to carry out this section after September 30, 2006.".

SEC. 403. EXPANDING AVAILABILITY OF DENTAL SERVICES.

Part D of title III of the Public Health Service Act (42 U.S.C. 254b et seq.) is amended by adding at the end the following:

"Subpart X—Primary Dental Programs

"SEC. 340F. DESIGNATED DENTAL HEALTH PROFESSIONAL SHORTAGE AREA.

"In this subpart, the term 'designated dental health professional shortage area' means an area, population group, or facility that is designated by the Secretary as a dental health professional shortage area under section 332 or designated by the applicable State as having a dental health professional shortage.

"SEC. 340G. GRANTS FOR INNOVATIVE PROGRAMS.

"(a) GRANT PROGRAM AUTHORIZED.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, is authorized to award grants to States for the purpose of helping States develop and implement innovative programs to address the dental workforce needs of designated dental health professional shortage areas in a manner that is appropriate to the States' individual needs.

"(b) STATE ACTIVITIES.—A State receiving a grant under subsection (a) may use funds received under the grant for—

"(1) loan forgiveness and repayment programs for dentists who—

"(A) agree to practice in designated dental health professional shortage areas;

"(B) are dental school graduates who agree to serve as public health dentists for the Federal, State, or local government; and

"(C) agree to—

"(i) provide services to patients regardless of such patients' ability to pay; and

"(ii) use a sliding payment scale for patients who are unable to pay the total cost of services;

"(2) dental recruitment and retention efforts;

"(3) grants and low-interest or no-interest loans to help dentists who participate in the medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) to establish or expand practices in designated dental health professional shortage areas by equipping dental offices or sharing in the overhead costs of such practices;

"(4) the establishment or expansion of dental residency programs in coordination with accredited dental training institutions in States without dental schools;

"(5) programs developed in consultation with State and local dental societies to expand or establish oral health services and facilities in designated dental health professional shortage areas, including services and facilities for children with special needs, such as—

"(A) the expansion or establishment of a community-based dental facility, free-standing dental clinic, consolidated health center dental facility, school-linked dental facility, or United States dental school-based facility;

"(B) the establishment of a mobile or portable dental clinic; and

"(C) the establishment or expansion of private dental services to enhance capacity through additional equipment or additional hours of operation;

"(6) placement and support of dental students, dental residents, and advanced dentistry trainees;

"(7) continuing dental education, including distance-based education;

"(8) practice support through teledentistry conducted in accordance with State laws;

"(9) community-based prevention services such as water fluoridation and dental sealant programs;

"(10) coordination with local educational agencies within the State to foster programs that promote children going into oral health or science professions;

"(11) the establishment of faculty recruitment programs at accredited dental training institutions whose mission includes community outreach and service and that have a demonstrated record of serving underserved States;

"(12) the development of a State dental officer position or the augmentation of a State dental office to coordinate oral health and access issues in the State; and

"(13) any other activities determined to be appropriate by the Secretary.

"(c) Application.—

"(1) In general.—Each State desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

"(2) Assurances.—The application shall include assurances that the State will meet the requirements of subsection (d) and that the State possesses sufficient infrastructure to manage the activities to be funded through the grant and to evaluate and report on the outcomes resulting from such activities.

"(d) Matching Requirement.—The Secretary may not make a grant to a State under this section unless that State agrees that, with respect to the costs to be incurred by the State in carrying out the activities for which the grant was awarded, the State will provide non-Federal contributions in an amount equal to not less than 40 percent of Federal funds provided under the grant. The State may provide the contributions in cash or in kind, fairly evaluated, including plant, equipment, and services and may provide the contributions from State, local, or private sources.

"(e) Report.—Not later than 5 years after the date of enactment of the Health Care Safety Net Amendments of 2002, the Secretary shall prepare and submit to the appropriate committees of Congress a report containing data relating to whether grants provided under this section have increased access to dental services in designated dental health professional shortage areas.

"(f) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section, $50,000,000 for the 5-fiscal year period beginning with fiscal year 2002.".

SEC. 404. STUDY REGARDING BARRIERS TO PARTICIPATION OF FARMWORKERS IN HEALTH PROGRAMS.

(a) In General.—The Secretary shall conduct a study of the problems experienced by farmworkers (including their families) under Medicaid and SCHIP. Specifically, the Secretary shall examine the following:

(1) Barriers to enrollment.—Barriers to their enrollment, including a lack of outreach and outstationed eligibility workers, complicated applications and eligibility determination procedures, and linguistic and cultural barriers.

(2) Lack of portability.—The lack of portability of Medicaid and SCHIP coverage for farmworkers who are determined eligible in one State but who move to other States on a seasonal or other periodic basis.

(3) Possible solutions.—The development of possible solutions to increase enrollment and access to benefits for farmworkers, because, in part, of the problems identified in paragraphs (1) and (2), and the associated costs of each of the possible solution described in subsection (b).

(b) Possible Solutions.—Possible solutions to be examined shall include each of the following:

(1) Interstate compacts.—The use of interstate compacts among States that establish portability and reciprocity for eligibility for farmworkers under the Medicaid and SCHIP and potential financial incentives for States to enter into such compacts.

(2) Demonstration projects.—The use of multi-state demonstration waiver projects under section 1115 of the Social Security Act (42 U.S.C. 1315) to develop comprehensive migrant coverage demonstration projects.

(3) Use of current law flexibility.—Use of current law Medicaid and SCHIP State plan provisions relating to coverage of residents and out-of-State coverage.

(4) National migrant family coverage.—The development of programs of national migrant family coverage in which States could participate.

(5) Public-private partnerships.—The provision of incentives for development of public-private partnerships to develop private coverage alternatives for farmworkers.

(6) Other possible solutions.—Such other solutions as the Secretary deems appropriate.

(c) Consultations.—In conducting the study, the Secretary shall consult with the following:

(1) Farmworkers affected by the lack of portability of coverage under the Medicaid program or the State children's health insurance program (under titles XIX and XXI of the Social Security Act).

(2) Individuals with expertise in providing health care to farmworkers, including designees of national and local organizations representing migrant health centers and other providers.

(3) Resources with expertise in health care financing.

(4) Representatives of foundations and other nonprofit entities that have conducted or supported research on farmworker health care financial issues.

(5) Representatives of Federal agencies which are involved in the provision or financing of health care to farmworkers, including the Health Care Financing Administration and the Health Research and Services Administration.

(6) Representatives of State governments.

(7) Representatives from the farm and agricultural industries.

(8) Designees of labor organizations representing farmworkers.

(d) Definitions.—For purposes of this section:

(1) Farmworker.—The term "farmworker" means a migratory agricultural worker or seasonal agricultural worker, as such terms are defined in section 330(g)(3) of the Public Health Service Act (42 U.S.C. 254c(g)(3)), and includes a family member of such a worker.

(2) Medicaid.—The term "Medicaid" means the program under title XIX of the Social Security Act.

(3) SCHIP.—The term "SCHIP" means the State children's health insurance program under title XXI of the Social Security Act.

(e) Report.—Not later than one year after the date of the enactment of this Act, the Secretary shall transmit a report to the President and the Congress on the study conducted under this section. The report shall contain a detailed statement of findings and conclusions of the study, together with its recommendations for such legislation and administrative actions as the Secretary considers appropriate.

TITLE V—STUDY AND MISCELLANEOUS PROVISIONS

SEC. 501. GUARANTEE STUDY.

The Secretary of Health and Human Services shall conduct a study regarding the ability of the Department of Health and Human Services to provide for solvency for managed care networks involving health centers receiving funding under section 330 of the Public Health Service Act. The Secretary shall prepare and submit a report to the appropriate Committees of Congress regarding such ability not later than 2 years after the date of enactment of the Health Care Safety Net Amendments of 2002.

SEC. 502. GRADUATE MEDICAL EDUCATION.

Section 762(k) of the Public Health Service Act (42 U.S.C. 294o(k)) is amended by striking "2002" and inserting "2003".

TITLE VI—CONFORMING AMENDMENTS

SEC. 601. CONFORMING AMENDMENTS.

(a) Homeless Programs.—Subsections (g)(1)(G)(ii), (k)(2), and (n)(1)(C) of section 224, and sections 317A(a)(2), 317E(c), 318A(e), 332(a)(2)(C), 340D(c)(5), 799B(6)(B), 1313, and 2652(2) of the Public Health Service Act (42 U.S.C. 233, 247b–1(a)(2), 247b–6(c), 247c–1(e), 254e(a)(2)(C), 256d(c)(5), 295p(6)(B), 300e–12, and 300ff–52(2)) are amended by striking "340" and inserting "330(h)".

(b) Homeless Individual.—Section 534(2) of the Public Health Service Act (42 U.S.C. 290cc–34(2)) is amended by striking "340(r)" and inserting "330(h)(5)".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. Stearns) and the gentlewoman from California (Ms. Solis) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. Stearns).

GENERAL LEAVE

Mr. STEARNS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous matter on this legislation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. STEARNS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of the Senate bill, S. 1533, the Health

Care Safety Net Amendments of 2002. This legislation strengthens the country's key safety net programs through the reauthorization of the community health centers, CHC, and National Health Service Corps, NHSC, programs.

□ 1215

Mr. Speaker, it represents Congress's strong commitment to provide safety net providers' ability to offer health care services to millions of underserved and uninsured people.

One of the most pressing health care issues facing our country today is the problem of the uninsured. By some statistics over 40 million Americans currently do not possess health care insurance, a number that is expected to rise without health insurance reform. Many individuals lack the ability to receive even basic primary health care services. And, of course, during this time of economic uncertainty, our safety net is being stretched to its capacity simply to ensure that all Americans have access to quality health care. Fortunately, there is something we can do about this problem.

This legislation, while not a panacea to the problem of the uninsured, will significantly increase the authorization of resources for community health centers, thereby ensuring that low-income Americans' basic health care needs are being met today.

Each year community, migrant, public housing and homeless health centers serve more than 12 million citizens at over 3,300 delivery sites throughout the urban and rural community in all 50 States. Community health centers are making a difference in providing health care service to those who are in need. That is why it is critical we strengthen the role of community health centers, the role they play in guaranteeing patients have access to high-quality health care.

This bill also accomplishes other important goals that I know are important to several Members of this body. This legislation reauthorizes the National Health Service Corps, a program designed to improve the delivery of health care services by providing scholarships and loan repayments to eligible clinicians. The National Health Service Corps strives to address the growing demand for health care professionals. It does so in underserved areas.

Moreover, the legislation includes revised grant programs for rural health services outreach, rural health network planning, and small health care provider quality improvement, as well as the consolidation of telehealth grants which will increase the efficient and effective use of resources at the Department of Health and Human Services. The Bush administration asked us to place additional resources into this program earlier this year, and we have done that in this bill.

Mr. Speaker, I want to talk just briefly about the Office for the Advancement of Telehealth at the Health Resources and Service Administration, an innovative and very important program. This service will promote telehealth technologies in rural areas and frontier communities in medically underserved areas for medically underserved populations to expand high-quality health care services, using today's technology to provide more efficient delivery of health care services. It also improves the training of health care providers, improves the sharing of health information, most importantly, expresses the sense of Congress that States should develop reciprocity agreements so that licensed telehealth providers can conduct consultations under differing State laws.

So truly, across this country with 50 States having reciprocity agreements whereby telehealth can be implemented will provide access to information.

Mr. Speaker, I would like to thank the gentleman from Louisiana (Mr. TAUZIN), the subcommittee chairman, the gentleman from Florida (Mr. BILIRAKIS), the gentleman from Ohio (Mr. BROWN), and the ranking member, the gentleman from Michigan (Mr. DINGELL), for their efforts in producing this legislation. I am pleased we were ability to work out on a bipartisan basis with our Senate counterparts to provide legislation in this Congress that can strengthen the community health care centers program in America. Mr. Speaker, these program are vital to our efforts to provide care for those who would otherwise not have access to primary health care services.

Mr. Speaker, I urge all of us to join in full support of this legislation. Mr. Speaker, I urge my colleagues to support the bill.

Mr. Speaker, I reserve the balance of my time.

Ms. SOLIS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I also rise in strong support of Senate 1533, the Health Care Safety Net Amendments of 2002. This is an important piece of legislation which will provide the 5-year reauthorization of community health centers as well as the National Health Service Corps and grants for rural health care programs. Community health centers provide health care services to over 12 million people annually, 5 million of whom have no health insurance coverage at all, and currently there are over 41 million uninsured Americans and untold numbers of underinsured.

Due to the slowing economy, this number keeps increasing. And as a result, the demand for health care services has increased dramatically, forcing risky delays for important primary and preventive health care services. Community health care services are effective and efficient providers of care to millions of our country's most vulnerable people who are located in more than 3,400 communities in every single State.

This legislation authorizes $1.34 billion for fiscal year 2002 and such sums as may be necessary through 2006. Senate 1533 also authorizes grants for a new category of networks so that health centers may work to reduce costs, improve access to health care services, and enhance the quality of coordination of health care services and improve the health status of communities.

In addition to reauthorizing the community health centers program, the bill also provides for the inclusion of behavioral and mental health professionals in the NHSC scholarship and loan repayment programs. The NHSC provides loan forgiveness and scholarship dollars to nurses, doctors, and for the first time, dentists, in return for services in underserved communities, both urban and rural, throughout this country. This legislation moves the Community Health Center Rural Program far along the road to telemedicine services and includes numerous other important improvements.

The Health Care Safety Net Improvement Act of 2002 also provides for 5-year reauthorization of the Community Access Program. This program is designed to provide assistance to communities and consortia of health care providers to develop and strengthen health care delivery systems that coordinate health care services for individuals who are uninsured and underinsured.

In this increasingly difficult economy, community health centers are having a hard time expanding their health care services to an increasing number of uninsured who seek health services. I urge all of my colleagues to join me today to support Senate 1533 so that we may continue to aid the organizations and people who work so diligently to provide this aid to the uninsured.

Mr. Speaker, I would also at this time like to recognize and commend the committee's ranking member, the gentleman from Michigan (Mr. DINGELL), and the Subcommittee on Health's ranking member, the gentleman from Ohio (Mr. BROWN), as well as the gentleman from Louisiana (Mr. TAUZIN) and the gentleman from Florida (Mr. BILIRAKIS).

Mr. Speaker, I reserve the balance of my time.

Mr. STEARNS. Mr. Speaker, I yield 5 minutes to the gentleman from Georgia (Mr. NORWOOD).

Mr. NORWOOD. Mr. Speaker, I thank the chairman very much for yielding me time. I congratulate the gentleman from Louisiana (Mr. TAUZIN) from the Committee on Commerce and the ranking member, the gentleman from Michigan (Mr. DINGELL), for bringing this legislation to the floor; but maybe most of all I want to thank and congratulate the gentleman from Florida

(Mr. BILIRAKIS), who has been working on rural health community health centers for years. In fact, as long as I have been in this body, he has been a mover and shaker of improvement of rural health.

Mr. Speaker, I rise today in support of the House amendment, S. 1533, the Health Care Safety Net Improvement Act of 2002. This legislation is critically important and goes a long way to ensuring that Americans living in our Nation's rural areas receive the same access to dependable and quality health care that the rest of us enjoy. It is vital that our national health care safety net programs be as strong as possible.

I represent a rural area of Georgia. I have 26 rural hospitals. I have a part of the State where it is not that there is not health care, there is just not enough. And I am happy to be able to be part of this effort to strengthen that up. This bill accomplishes that. And it also provides the needed flexibility to effectively improve health care services for the underserved, as well as provide a 5-year reauthorization of our Nation's Community Health Centers, the National Health Service Corps, and grants for rural health care programs.

Beyond the funding alone, this legislation takes major steps towards improving the efficiency of the programs that we already have out there. With the community health centers, the Health Care Safety Net Improvement Act of 2002 consolidates and streamlines the program while also empowering the Secretary to make grants available where appropriate and also authorizes a loan guarantee program with safeguards.

With our National Health Service Corps program, again, beyond just the funding, this legislation delivers a host of provisions that improve patient access to high-quality health care in health professional shortage areas. Among these, this provides for the inclusion of behavioral and mental health professionals and the National Health Service Corps scholarship and loan repayment programs.

In the area of Rural Health Care Services Outreach, Rural Health Care Network Development, and Small Health Care Provider Quality Improvement grant programs, this legislation also provides adequate funding. And I will state what is really important in this bill in my opinion, Mr. Speaker. It establishes an Office for the Advancement of Telehealth, which is telemedicine and teledentistry at the Health Resources and Services Administration.

This office will promote telehealth medicine and dentistry technologies in rural area, frontier communities, and medically underserved areas and for medically underserved populations to expand access to high-quality health care service, improve the training of the health care providers and improve the sharing of health care information. It expressly says in this bill that it is only, and this to me is important, it is only the sense of Congress that States should develop reciprocal agreements so that licensed telehealth providers can conduct consultations under differing State laws. I am delighted that we at the Federal level decided to leave that to the health professionals at home in the States to determine how they will work that out.

Finally, the Health Care Safety Net Improvement Act of 2002 provides the necessary funding for the community access program which is designed to provide assistance to communities and groups of health care providers, to develop or strengthen health care delivery systems that coordinate health care services for individuals who are uninsured or underinsured, which is the typical problem in rural areas. It also authorizes the award of grants to States for the development and implementation of innovative programs to address the dental workforce needs of dental health professional shortage areas.

As a dentist, obviously, this is an issue near and dear to my heart; and this legislation goes a long way in addressing this problem.

Mr. Speaker, I would urge my colleagues to vote for this measure today and send a strong and positive message to our Nation's rural health care patients. I urge all of us to be consistently aware that in the rural parts of the Nation, there are health care providers there in private practice and we want to make sure that we do not do anything in legislation like this to put those people out of business who are out there struggling today to deal with the underserved.

Mr. STEARNS. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota (Mr. KENNEDY).

Mr. KENNEDY of Minnesota. Mr. Speaker, when I entered Congress, I was made aware of the need for better emergency medical services in rural areas. And when I sponsored my EMS legislation, I was responding to concerns that we would lose important emergency medical services in rural Minnesota and that providers would not have the resources they needed to make sure that when we dialed 911 we could be assured that help would be on the way.

For this reason, I am happy to support Senate 1533 today, the Health Care Safety Net Amendments of 2002.

Among other things included in this bill, it authorizes grants to provide improved emergency medical services in rural areas. This grant was first introduced to this House as part of my bill, H.R. 1353, Sustaining Access To Vital Emergency Medical Services Act of 2001 And I am happy to say that my legislation today now has over 80 cosponsors from the House from both sides of the aisle. I am excited that a portion of my legislation is becoming law because it fills a need. And along with the original reason for the provision for rural America, it has taken on a new importance after September 11 with the need to make sure that we can respond to emergency crises.

□ 1230

I urge my colleagues to support this bill. I thank those that have done such great work in putting it forward.

Mr. STEARNS. Mr. Speaker, I yield myself such time as I may consume.

I am especially pleased to highlight that the bill authorizes the Secretary to make grants to State professional licensing boards towards developing and implementing State policies that will reduce statutory and regulatory barriers in telehealth or telemedicine.

In the past week, I have kicked off a workshop at the Federal Trade Commission with Chairman Muris on just this topic, statutory and regulatory barriers to e-commerce. Furthermore, my Subcommittee on Commerce, Consumer Trade and Protection has held hearings just on this subject.

It is often the case that well-intentioned laws have unintended consequences to commerce and, in this case, to the practice of medicine. I am pleased also to recognize that the University of Florida in my home State has a CHC telehealth project so they are actually implementing a telemedicine program out to the rural areas, and I want to commend them this afternoon for their efforts.

Mr. Speaker, I reserve the balance of my time.

Mr. BEREUTER. Mr. Speaker, as a cosponsor of H.R. 3450, the Health Care Safety Net Improvement Act, this Member wishes to add his strong support for S. 1533, the Health Care Safety Net Amendments of 2001, as amended. Furthermore, this Member would like to commend the distinguished gentleman from Florida (Mr. BILIRAKIS), the Chairman of the House Energy and Commerce Subcommittee on Health; and the distinguished gentleman from Ohio (Mr. BROWN), the ranking member of the House Energy and Commerce Subcommittee on Health, for bringing this important legislation to the House Floor today.

This Member would also like to commend the distinguished gentleman from Louisiana (Mr. TAUZIN), Chairman of the House Energy and Commerce Committee, and the distinguished gentleman from Michigan (Mr. DINGELL), the ranking member of the House Energy and Commerce Committee; for their efforts to improve access to quality preventive and primary health care for the medically underserved—including the millions of Americans without health insurance coverage.

This Member currently does not have a Federally Qualified Health Center (FQHC) in his Congressional District, but believes one is greatly needed. This Member is very pleased that the Lincoln-Lancaster County Health Department has taken the initiative to develop a

Community Health Center planning committee. This Member would like to commend this committee for its dedication and commitment to improving health care in Nebraska. It is this member's understanding that the group intends to submit an application for the Community Health Center Federal Grant program in January 2003. This Member hopes this application will be given full and fair consideration.

This Member is particularly pleased that language is included in S. 1533, as amended, that would provide automatic designation to Federally Qualified Health Centers (FQHC) and Federally Certified Rural Health Clinics as Health Professional Shortage Area (HPSA) facilities for a period of six years. This Member recognizes that the National Health Service Corps plays a critical role in providing care for underserved populations by placing clinicians in urban and rural areas.

However, it has come to this Member's attention that health centers and rural clinics must obtain Health Professional Shortage Area designation to become eligible for the placement of National Health Service Corps personnel. While this member is pleased to see that S. 1533, as amended, would improve on the current HPSA designation process, he would have preferred that the bill include permanent automatic designation, which would have guaranteed that FQHCs and rural health clinics would not have to return to the current, cumbersome HPSA designation process. This is a process that certainly seems unnecessary and duplicative, and which in some cases may result in delays in the placement of needed practitioners at high-need health centers and rural health clinics. Last year, this Member sent a letter, along with several colleagues, to the Chairman of the Energy and Commerce Subcommittee on Health requesting this change on a permanent basis and greatly appreciates the inclusion of the provision—even in the short term.

As amended, S. 1533, would:

(1) reauthorize the critically important Community Health Centers program for another five years, including reaffirmation that Health Centers should be: located in high-need areas; provide comprehensive preventive and primary health care services; governed by community boards made up of a majority of current health center patients to assure responsiveness to local needs; and, open to everyone in the communities they serve, regardless of ability to pay; and

(2) reauthorize the important Telehealth Programs, as well as the Rural Health Care Outreach Program and the Rural Health Network Development Program. In addition, S. 1533, as amended, would authorize a new Small Health Care Provider Quality Improvement Program. These programs will go a long way to facilitate the provision of care to vulnerable populations living in rural areas all across the county.

In closing, Mr. Speaker, this Member urges his colleagues to support S. 1533, as amended.

Mr. SHAYS. Mr. Speaker, I strongly support S. 1533, a bill which will reauthorize the Community Health Center program. This legislation ensures that community health centers will continue providing high-quality care to the medically underserved and neediest populations.

I have always been impressed with community health centers and have supported increasing the resources available to them. These centers have made wonderful contributions to the urban areas in the Fourth Congressional District, and the care they provide is as good or better than the care many patients with more comprehensive coverage receive.

Last year, these clinics served over 12 million people, 66 percent of whom live below the poverty level. Community health centers are located in 3,000 rural and urban communities throughout the country and provide quality cost-effective primary and preventive care for low-income, uninsured and underinsured patients.

By preventing costly hospitalizations and reducing the use of emergency care for routine services, it is estimated community clinics save the health care system over $6 billion annually.

Mr. Speaker, I strongly support passage of this legislation so community health centers can continue providing high-quality, cost-effective care. I urge my colleagues to vote for this bill.

Mr. BALDACCI. Mr. Speaker, today we will take another step toward promoting access to quality health care in Rural America. As a member of the House Rural Health Care Coalition, I am pleased with the overwhelming bipartisan support in both the House and Senate for the legislation we will pass today. Earlier this month we passed similar legislation by voice vote.

This bill supports a number of critical programs and grants leading to direct benefits to thousands of Maine citizens. There are 31 community health centers in the State of Maine, most of which are located in my district, the largest district in area east of the Mississippi River. Rural health care delivery has been one of the top concerns of my constituents.

This bill reauthorizes the Community Health Centers Program, the National Health Service Corps, Rural Health Outreach and telehealth services. Significant improvements will be made to these programs. In particular, NHSC scholarship and loan expansions will enable rural areas to attract more mental health and dental providers. A focus on coordination and integration of telehealth networks through targeted grants will enable facilities across regions to improve direct, patient and training of providers. In addition, outreach grants, technical assistance grants, rural health network development grants, and small health care provider quality improvement grants will significantly expand access to quality health care services and enhance the delivery of health care in rural areas.

Mr. Speaker, I thank the Leadership for bringing this important bill to the Floor and encourage its speedy passage.

Mr. BILIRAKIS. Mr. Speaker, I rise in strong support of S. 1533, the Health Care Safety Net Improvement Act. As you know, the House recently approved the Health Care Safety Net Improvement Act by voice vote. Today we are considering a solid bipartisan compromise between the House and Senate on this important legislation. I urge all of my colleagues to support the bipartisan compromise we are considering today.

This legislation reauthorizes our nation's key health care safety net delivery systems and creates additional efficiencies. Specifically, this bill reauthorizes the Community Health Center program, the National Health Service Corps and rural outreach grants. Each of these programs ensures that both the uninsured and the underinsured have access to quality health care services.

Since 1965, America's health centers have delivered comprehensive services to people who otherwise would face major barriers to obtaining quality, affordable health care. Health centers serve those who are hardest to reach and are required by law to make their services accessible to everyone, regardless of their ability to pay.

One of the most important programs for ensuring an adequate supply of health professionals is the National Health Service Corps. The National Health Service Corps recruits, trains, and places primary care providers in both urban and rural health care shortage areas. Program participants are health professionals who receive educational assistance in return for a period of obligated service. Our legislation reauthorizes this vital program, which serves as a pipeline for health care facilities that have trouble attracting health professionals.

S. 1533 also recognizes the importance of oral health care and authorizes the inclusion of primary dental care education. Improving rural health is another area of focus in this legislation. Often rural communities have trouble developing capacity and maintaining health care facilities. Our bill includes programs that will help rural providers develop new service capacity and integrated health delivery networks. It will help rural facilities implement quality improvement initiatives.

Mr. Speaker, given recent events and news of increasing numbers of uninsured, it is vitally important that we keep our safety net strong. This bill will allow critical programs to continue. I am certain it will improve services for our most vulnerable populations. I urge Members to support this bipartisan agreement.

Mr. DINGELL. Mr. Speaker, I support S. 1533, the "Health Care Safety Net Amendments of 2002," an important piece of legislation. It reauthorizes the National Health Service Corps, the Community Health Centers program, and will establish a limited Community Access Program. S. 1533 is vital to providing health care services to the uninsured and under-insured. Health centers are located in more than 3,400 communities in all 50 states and often are the only available source of care for uninsured and medically under served individuals.

We passed H.R. 3450, a very similar bill, two weeks ago, and are back with S. 1533 which incorporates changes to H.R. 3450 needed to assure speedy enactment. The most significant change is an improved Community Access Program, which helps local communities coordinate the use of scarce healthcare dollars. Other changes increase access to community healthcare programs. And the bill now authorizes demonstration projects for chiropractors and pharmacists within the National Health Service Corps, as well as provides a ten percent set-aside for loans and scholarships for disadvantaged individuals.

Health centers are effective and efficient providers of care to millions of our country's most vulnerable people. Ensuring access to primary and preventive care, regardless of insurance status or income, is an important component of our efforts here today. I urge adoption of this important legislation.

Ms. SOLIS. Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

Mr. STEARNS. Mr. Speaker I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GUTKNECHT). The question is on the motion offered by the gentleman from Florida (Mr. STEARNS) that the House suspend the rules and pass the Senate bill, S. 1533, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. STEARNS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 2 p.m. today.

Accordingly (at 12 o'clock and 33 minutes p.m.), the House stood in recess until approximately 2 p.m. today.

☐ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SIMPSON) at 2 p.m.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the text of the bill (H.R. 3295) "An Act to establish a program to provide funds to States to replace punch card voting systems, to establish the Election Assistance Commission to assist in the administration of Federal elections and to otherwise provide assistance with the administration of certain Federal election laws and programs, to establish minimum election administration standards for States and units of local government with responsibility for the administration of Federal elections, and for other purposes," and that the Senate recede from its amendment to the title of H.R. 3295.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will now put the question on approval of the Journal, and then on motions to suspend the rules on which further proceedings were postponed on Tuesday, October 15, and earlier today in the order in which that motion was entertained.

Votes will be taken in the following order:

Approval of the Journal, de novo;

H.R. 2155, by the yeas and nays;

S. 1533, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the pending business is the question de novo of agreeing to the Speaker's approval of the Journal of the last day's proceedings.

The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. McKEON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 330, nays 52, answered "present" 1, not voting 48, as follows:

[Roll No. 464]

YEAS—330

Abercrombie
Ackerman
Akin
Allen
Andrews
Baca
Bachus
Baker
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boozman
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Burr
Burton
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Carson (IN)
Castle
Chabot
Chambliss
Clyburn
Coble
Collins
Cox
Cramer
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Deal
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
Engel
Eshoo
Etheridge
Evans
Everett
Farr
Ferguson
Flake
Fletcher
Foley
Forbes
Ford
Frank
Frelinghuysen
Frost
Gallegly
Gekas
Gibbons
Gilchrest
Gilman
Gonzalez
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Hall (TX)
Hansen
Harman
Hastings (WA)
Hayes
Hayworth
Herger
Hill
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
LaFalce
Lampson
Langevin
Lantos
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCollum
McCrery
McHugh
McIntyre
McKeon
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, Dan
Miller, Jeff
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pascrell
Paul
Pelosi
Pence
Petri
Phelps
Pickering
Pitts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Rangel
Regula
Rehberg
Reynolds
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Strickland
Sullivan
Sununu
Tanner
Tauscher
Tauzin
Terry
Thomas
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner
Udall (CO)
Upton
Velazquez
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Whitfield
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—52

Aderholt
Baird
Baldwin
Borski
Brady (PA)
Capuano
Clay
Condit
Costello
Crane
DeFazio
English
Fattah
Fossella
Gillmor
Gutknecht
Hart
Hastings (FL)
Hefley
Hilliard
Johnson, E. B.
Jones (OH)
Kennedy (MN)
Kucinich
Larsen (WA)
Latham
LoBiondo
McDermott
McGovern
McNulty
Miller, George
Moore
Oberstar
Olver
Pallone
Pastor
Platts
Ramstad
Reyes
Schaffer
Schakowsky
Sherman

Stenholm
Stupak
Sweeney
Taylor (MS)
Thompson (CA)
Thompson (MS)
Udall (NM)
Visclosky
Weller
Wicker

ANSWERED "PRESENT"—1

Tancredo

NOT VOTING—48

Armey
Baldacci
Blagojevich
Bryant
Callahan
Carson (OK)
Clayton
Clement
Combest
Conyers
Cooksey
Coyne
Cubin
Davis, Tom
DeGette
Delahunt
Dooley
Ehrlich
Filner
Ganske
Gephardt
Goode
Hilleary
Hinchey
Hinojosa
LaHood
Lewis (GA)
Luther
Maloney (CT)
Manzullo
McCarthy (NY)
McInnis
McKinney
Mica
Miller, Gary
Obey
Payne
Peterson (MN)
Peterson (PA)
Riley
Roukema
Rush
Sabo
Slaughter
Stearns
Stump
Taylor (NC)
Waters

☐ 1426

Mr. KENNEDY of Minnesota and Mr. FOSSELLA changed their vote from "yea" to "nay."

So the Journal was approved.

The result of the vote was announced as above recorded.

Stated for:

Mr. STEARNS. Mr. Speaker, on rollcall No. 464 I was inadvertently detained. Had I been present, I would have voted "yea."

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall No. 464, I was conducting official business in my San Diego, California district. Had I been present, I would have voted "no."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON). Pursuant to clause 8 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting on each additional motion to suspend the rules on which the Chair has postponed further proceedings.

SOBER BORDERS ACT

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 2155, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 2155, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 296, nays 94, not voting 41, as follows:

[Roll No. 465]

YEAS—296

Ackerman
Aderholt
Akin
Allen
Armey
Baca
Bachus
Baird
Baker
Ballenger
Barcia
Barr
Bartlett
Barton
Bass
Becerra
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Borski
Boswell
Boucher
Boyd
Brady (TX)
Brown (SC)
Burr
Burton
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardin
Castle
Chabot
Chambliss
Coble
Collins
Condit
Costello
Cox
Cramer
Crane
Crenshaw
Culberson
Cunningham
Davis (CA)
Davis (FL)
Davis, Jo Ann
Deal
DeFazio
DeLay
DeMint
Deutsch
Diaz-Balart
Dingell
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
Engel
English
Eshoo
Etheridge
Everett
Farr
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frank
Frelinghuysen
Gallegly
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (TX)
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kerns
Kind (WI)
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaFalce
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Maloney (NY)
Mascara
Matheson
Matsui
McCarthy (NY)
McCrery
McGovern
McHugh
McIntyre
McKeon
McNulty
Meehan
Miller, Dan
Miller, George
Miller, Jeff
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Olver
Osborne
Ose
Otter
Oxley
Pascrell
Paul
Pence
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schaffer
Schiff
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stearns
Stenholm
Strickland
Sullivan
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas.
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Toomey
Turner
Udall (CO)
Upton
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Young (AK)
Young (FL)

NAYS—94

Abercrombie
Andrews
Baldwin
Barrett
Bentsen
Bishop
Bonior
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Carson (IN)
Clay
Clyburn
Conyers
Crowley
Cummings
Davis (IL)
DeLauro
Dicks
Doggett
Evans
Fattah
Ford
Frost
Gonzalez
Green (TX)
Gutierrez
Harman
Hastings (FL)
Hilliard
Honda
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Jones (OH)
Kennedy (RI)
Kildee
Kilpatrick
Kleczka
Kucinich
Lampson
Larson (CT)
Lee
Lewis (GA)
Lowey
Lynch
Markey
McCarthy (MO)
McCollum
McDermott
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Mollohan
Napolitano
Oberstar
Obey
Ortiz
Owens
Pallone
Pastor
Payne
Pelosi
Rahall
Rangel
Reyes
Rivers
Rodriguez
Rothman
Roybal-Allard
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Solis
Stark
Stupak
Thompson (CA)
Tierney
Towns
Udall (NM)
Velázquez
Watson (CA)
Watt (NC)
Weiner
Woolsey
Wynn

NOT VOTING—41

Baldacci
Bryant
Callahan
Carson (OK)
Clayton
Clement
Combest
Cooksey
Coyne
Cubin
Davis, Tom
DeGette
Delahunt
Dooley
Ehrlich
Filner
Ganske
Gephardt
Goode
Hilleary
Hinchey
Hinojosa
LaHood
Luther
Maloney (CT)
Manzullo
McInnis
McKinney
Mica
Miller, Gary
Peterson (MN)
Peterson (PA)
Riley
Roukema
Rush
Sabo
Shows
Slaughter
Stump
Taylor (NC)
Waters

☐ 1436

Mr. TIERNEY changed his vote from "yea" to "nay."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall No. 465, I was conducting official business in my San Diego, CA, district. Had I been present, I would have voted "no."

HEALTH CARE SAFETY NET AMENDMENTS OF 2002

The SPEAKER pro tempore (Mr. SIMPSON). The pending business is the question of suspending the rules and passing the Senate bill, S. 1533, as amended.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. STEARNS) that the House suspend the rules and pass the Senate bill, S. 1533, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 392, nays 5, not voting 34, as follows:

[Roll No. 466]

YEAS—392

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boozman
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Castle
Chabot
Chambliss
Clay
Clyburn
Collins
Condit
Conyers
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilliard
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, Dan
Miller, George
Miller, Jeff
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Pence
Peterson (MN)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—5

Coble
Flake
Hostettler
Kerns
Paul

NOT VOTING—34

Baldacci
Callahan
Carson (OK)
Clayton
Clement
Combest
Cooksey
Coyne
Cubin
DeGette
Delahunt
Dooley
Ehrlich
Filner
Ganske
Gephardt
Hilleary
Hinchey
Hinojosa
LaHood
Luther
Maloney (CT)
Manzullo
McInnis
McKinney
Mica
Miller, Gary
Peterson (PA)
Riley
Roukema
Rush
Slaughter
Stump
Waters

□ 1447

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall No. 466, I was conducting official business in my San Diego, California district. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. HINCHEY. Mr. Speaker, I regret that I was unavoidably detained in traffic today while returning to the Capitol from my congressional district. This forced me to miss rollcall Nos. 465 and 466. Had I been present, I would have voted "no" on the Sober Borders Act and "yes" on the Health Care Safety Net Amendments Act.

ANNOUNCEMENT OF THE PASSING OF THE HONORABLE BILL GREEN, FORMER MEMBER OF CONGRESS

(Mrs. MALONEY of New York asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MALONEY of New York. Mr. Speaker, it is my sad duty to inform my colleagues that former Representative Bill Green, from the 14th Congressional District, once known as the Silk Stocking District in New York, died on October 14, 2002 of liver cancer.

Bill Green represented the east side of Manhattan in Congress for seven terms, from 1978 through 1992. He was dedicated to the liberal Republican tradition of Mayor John Lindsey and Governor Nelson A. Rockefeller.

For those who may be interested in the funeral arrangements, there will be a viewing this evening at the Frank E. Campbell Funeral Chapel in Manhattan. His memorial service will take place on Thursday, October 18, at 11:30 at Temple Emanu-El in Manhattan. Condolence letters can be sent to his wife, Patricia Green, in care of the Frank Campbell Funeral Home.

Bill Green's passing marks the end of an era in east side politics. Known for his gracious manner and genuine courtesy, Bill Green was the essence of the American tradition of political civility. He was a tireless worker in his efforts to secure funding for New York City and New York State. His gentle manner and intelligent approach to our common problems left us with a legacy of decency.

The New York delegation will be having a tribute for him tomorrow or at some close date. We will miss him greatly.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1433

Mr. BAKER. Mr. Speaker, I ask unanimous consent that my name be removed as cosponsor of H.R. 1433.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentleman from Louisiana?

There was no objection.

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 4, SECURING AMERICA'S FUTURE ENERGY ACT OF 2001

(Ms. ESHOO asked and was given permission to address the House for 1 minute and to revise and extend her remarks and include therein extraneous material.)

Ms. ESHOO. Mr. Speaker, pursuant to clause 7(c) of rule XXII, I hereby give notice of my intention to offer a motion to instruct conferees on H.R. 4. The form of the motion is as follows:

Ms. ESHOO moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendments to the bill H.R. 4 be instructed to insist, to the extent possible within the scope of the conference, that the conferees reject provisions that would make discretionary the Federal Energy Regulatory Commission's duty to ensure that wholesale electricity rates are just and reasonable and not unduly discriminatory or preferential.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 2 o'clock and 51 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1640

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SIMPSON) at 4 o'clock and 40 minutes p.m.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the House by Ms. Wanda Evans, one of his secretaries.

PROVIDING FOR CONSIDERATION OF H.J. RES. 123, FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2003

Mr. HASTINGS of Washington. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 585 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 585

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the joint resolution (H.J. Res. 123) making further continuing appropriations for the fiscal year 2003, and for other purposes. The joint resolution shall be considered as read for amendment. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except: (1) one hour of debate on the joint resolution equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations; and (2) one motion to recommit.

SEC. 2. House Resolutions 550, 551, and 557 are laid on the table.

The SPEAKER pro tempore. The gentleman from Washington (Mr. HASTINGS) is recognized for 1 hour.

Mr. HASTINGS of Washington. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. HASTINGS), my namesake, pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purposes of debate only.

Mr. Speaker, House Resolution 585 is a closed rule providing for the consideration of H.J. Res. 123, Making Continuing Appropriations for the fiscal year 2003. The rule provides 1 hour of debate in the House equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations.

The rule waives all points of order against consideration of the joint resolution and provides one motion to recommit. The rule also provides that House Resolutions 550, 551, and 577 are laid on the table.

Mr. Speaker, H.J. Res. 123 makes further continuing appropriations for fiscal year 2003 and provides funding at current levels through November 22, 2002. This measure is necessary in order that all necessary and vital functions of government may continue uninterrupted until Congress completes its work on spending measures for the next fiscal year.

Accordingly, Mr. Speaker, I urge my colleagues to pass both the rule and the underlying resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume, and I thank the gentleman from Washington, my namesake, for yielding me the time.

Mr. Speaker, the House engages in a very important debate today. It is a debate about priorities like the economy, Social Security, and education. More fundamentally, it is a debate about whether the American people will have a Congress that does the job it was elected to do.

Nearly 2 years ago, Republicans took control of the Federal Government in Washington. They quickly forced through their own very partisan, very ideological economic plan, one centered around big budget-busting tax breaks for some of the wealthiest in our society.

Mr. Speaker, what has happened since the Republican economic plan passed? Long-term unemployment is at an 8-year high, and nearly 2 million Americans have lost their jobs. Consumer confidence is at its lowest level since November of 2001, and prescription drug prices are still sky high, leaving senior citizens unable to afford vital prescription medicine.

Corporate scandals, the massive criminality at Enron, WorldCom and the like, have rocked the economy and devastated the retirement plans of millions of Americans; but my colleagues, the House Republicans, overwhelmingly voted against real pension protection legislation a few months ago, blocking Democrats' efforts to protect Americans' retirement plans.

The DOW has hit a 5-year low. Overall, the stock market has lost $4.5 trillion in value since Republicans took control in Washington last January.

□ 1645

How have Republicans responded to the weakest economy in 50 years? Well, the President is busy traveling the country on a record-breaking fund-raising binge. And let me add a footnote right there, because a lot of people talk about the previous President having done the same thing. But during that same period of time, he managed somehow or another to deal with the economic undertakings of this country.

Instead of working with Democrats, the President is traveling rather than seeking to stimulate the economy. He is busy raising money to stimulate Republican campaigns. And I would add a footnote there. That is his right and his prerogative, but it should be his absolute responsibility to ensure that the economy is strong.

Also, Republicans are pulling out all the stops to do as my friend, the gentleman from Wisconsin (Mr. OBEY) says: cut and run before the public realizes that they really have done nothing to address the economic mess they have created. Simply put, they are more interested in saving political skins than in saving the American economy, or at least that is how it appears to me.

One week ago, I came to this Chamber and made the following statement: "Somewhere along the lines we are losing our rudder; and we have things that need to be done, and Republicans need to do it and Democrats need to do it. Liberals need to do it and conservatives need to do it on behalf of this country. We cannot continue down this path." Well, guess what? We are continuing down this path, and I feel that this must end and it must end now.

The majority, not content with doing nothing, will not even allow our colleague, the gentlewoman from Indiana (Ms. CARSON), for example, to offer her amendment, which would bring needed Federal dollars for children's health care needs. I consider this to be shameful.

Clearly, Mr. Speaker, I urge a "no" vote on this rule and a similar vote on the underlying continuing resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I yield such time as he may consume to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, as my friends on this floor know, I usually quote my old friend Archie the Cockroach in trying to comment on actions being taken by an institution which is often as wacky as the Congress of the

United States, and so last night I went all through my book from Archie and I could not find anything that was appropriate, because this situation is so ludicrous.

So I finally, looking for inspiration, thought of Ronald Reagan. In the movie King's Row, he woke up and was told that he had lost his legs in a train accident. He looked up from his hospital bed and said, "Where's the rest of me?"

Mr. Speaker, if I were the Federal budget, I would be saying to the Republican leadership of this House, "Where's the rest of me?" Because even though we have been in session since January, the only two appropriation bills that are going to become law if this resolution passes, the only two appropriation bills that will become law before the election, will be the defense appropriation bill and the military construction appropriation bill.

So those Members in Congress who think that the only thing government ought to do is defend the shores and deliver the mail will get at least half their wish. At least they will be defending our shores, but we will not even have passed the bill that deals with the post office. And we also will not have passed the bills that deal with the Nation's education budget, the Nation's health care budget, the Nation's environmental protection budget, the Nation's science budget, nor will we have passed the agriculture appropriations bill. We will just put the government on automatic pilot.

Also, this Congress will run out of town, not doing one blessed thing to deal with the problem of unemployment compensation, not doing one blessed thing to deal with the shortfall that many States have in the Medicare program, not doing anything at all to help the providers with respect to any givebacks on the Medicare program, and not doing anything to stimulate the economy by providing additional jobs for highway construction.

This Congress has lost all claim to respectability. It has lost all claim to go to the public and ask for another 2-year contract, because this Congress, at the direction of the Republican leadership of this House, is walking away from its responsibilities to deal with virtually every domestic problem we have. The American public thinks that we ought to be good enough to walk and chew gum at the same time, and they think that now that we have spent every day but Labor Day dealing with Iraq that we ought to be able to deal with our own domestic problems. But, instead, the Republican majority wants to walk out of town and say, "Oh, sorry, folks, we ran out of time." I do not think people will be very impressed by that.

Now, I know this is not the wish of the majority on the Committee on Appropriations. They are as willing as we are on the minority side to do our job, but they are not being allowed to do it by their own caucus, by their own leadership. So people will go home and what will they talk to their voters about instead? Oh, they will have one rollcall in this pocket talking about the fact that we have memorialized ourselves about National Motherhood Week, and they will have another rollcall in another pocket talking about some other useless resolution that has passed putting us on the side of God, motherhood, and apple pie. But when it comes to actually attacking the domestic problems, oh, no, no, too busy.

The fact is that we know what the reason is. There is an internal war in the Republican Caucus. They have lost their ability to govern. They have lost their ability to do things. And so the only thing they can apparently agree on is not to do things. That is some recommendation to take to the American people.

So, Mr. Speaker, I am going to vote against this rule, and I am going to vote against the resolution that follows because, in my view, any resolution which says we are going to stop doing what we are supposed to do until November 22, way after the election, is a spectacular abdication of responsibility not worthy of this body.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 3 minutes to the gentlewoman from Connecticut (Mrs. JOHNSON), who is a real leader in this body, in fact in the Congress, on health care issues

Mrs. JOHNSON of Connecticut. Mr. Speaker, I thank the gentleman for yielding me this time, and I appreciate the comments of my colleague from Florida who says we have things that need to be done, and also the sentiments of my colleague from Wisconsin who says we need to get things done.

Mr. Speaker, I rise because we have gotten things done. We passed a budget resolution. The Senate did not act. We passed a number of budget bills. The Senate did not act. We passed a prescription drug bill, the biggest expansion of Medicare in its history; the Senate did not act. We provided prescription drugs for 44 percent of our seniors, essentially free, only a $2 copayment for generics and up to $5 for prescriptions; the Senate did not act. We passed a payer package, because if we do not fix the problems of how Medicare pays physicians, we will see physicians dropping out of the program. They are facing the most startling and incredible increase in malpractice costs that we have ever seen in a single year. And the current law is going to cut their reimbursements by 5 percent, when they got cut last year 5 percent last year.

The House has acted. We passed a package that changes the law so that our physicians will not be forced out of Medicare. And we are already seeing the effects of our failure to act at home. Doctors are taking fewer new patients and they are reducing the number of operations they will perform, avoiding the high-risk ones so that they can keep their malpractice costs under control. This House passed malpractice reform; the Senate did not act. This House passed payer reform for hospitals, for doctors, for home health agencies, for nursing homes; the Senate did not act.

This House passed regulatory reform, bipartisan. All but three or four people in the whole House of Representatives voted for this bill that will take an enormous paperwork burden off our providers, free time to care for patients, reduce paperwork costs, and, by gum, provide a much fairer regulatory environment for a lot of our smaller providers who will simply be pushed out of the system if we do not reform the way we manage Medicare. It was totally bipartisan. The Senate did not act.

The House passed a bill that will cut prices for prescription drugs to our seniors more dramatically than any bill that has ever come to the floor of this House, because we inserted a provision that allows the negotiators to go below the best price rule. That alone, just that one provision, $18 billion off the price of drugs for our seniors. The Senate did not act.

I support the bill, and I support adjourning at the call of the Chair. Because if the Senate acts, then we can come back on homeland security, on prescription drugs, and on anything else that they find at their convenience to do.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume just to respond to my colleague from Connecticut, who very movingly points to things that we have done and that the other body has not done. But I note that she made no mention of the fact that our exacting responsibility is to pass appropriations measures, and my last count was that we have not done all of the appropriations at this time.

Now, I do not think that is the responsibility of the chairman, the gentleman from Florida (Mr. YOUNG), or the ranking member, the gentleman from Wisconsin (Mr. OBEY), in the sense that they did not do their job. I think it is the fact that the Republicans are in disarray and cannot seem to get those appropriations measures here to the floor.

Mr. Speaker, I yield 5 minutes to the gentleman from Minnesota (Mr. OBERSTAR), my good friend and the ranking member of the Committee on Transportation and Infrastructure.

Mr. OBERSTAR. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, for those who heard the debate last week, I would like to come somewhere between Turkish and Russian, although I can probably do this in French, in Creole, in Italian, and a few other languages; but let us try English, and explain that under the first two continuing resolutions, Congress provided for all programs to continue ongoing activities at a pro rata share of the fiscal year 2002 funding level, October 1 through October 11. We clearly intended the Federal aid highways program to continue at the level of $31.8 billion, and the Congressional Budget Office scored the resolutions accordingly.

□ 1700

However, along comes the Office of Management and Budget and based on some vague language they derived out of section 110 of the CR, misinterpreted that law to cut highway funding and establish a pro-rata share of only $27.7 billion, which is $4.1 billion less than the fiscal year 2002 funding level.

This is consistent with the Administration's attempt to cut highway infrastructure investment as expressed in its message to Congress, but it is not consistent with Congressional intent. It had to be corrected. So the chairman of our committee, the gentleman from Alaska (Mr. YOUNG), and I worked together to include language in the third continuing resolution to reverse the OMB interpretation and ensure that the Federal-aid highways program obligation limitation be continued at the fiscal year 2002 rate, that is, $31.8 billion, until Congress passes the Transportation Appropriations Conference Report.

Congress, not OMB, makes that determination. Our language did reverse the OMB interpretation. So far so good.

But then along came the House Republican leadership. They insisted on some additional language to reintroduce the $27.7 billion number of the Transportation Appropriation committee-reported bill.

Well, a week ago the director of OMB, Mitch Daniels, said "I think $27 [billion] is the right number"; but that is not what the CR said. So we insisted, I think we got OMB's attention, and OMB and the Federal Highway Administration have now issued guidance to States to provide the pro-rata share at the $31.8 billion level. Unfortunately, that language that the House Republican leadership insisted on has clouded the picture.

Suffice it to say, I think we have a short-term fix that keeps the transportation program on the level provided for in TEA-21 up through, perhaps, August of next year. Then the whole program will crash back down to the $27.7 billion level, and States will lose a lot of money and a lot of construction jobs.

Now the wish is and the hope is, and the gentleman from Wisconsin (Mr. PETRI), the chairman of the Subcommittee on Highways and Transit, and I both hope that Congress will come to its senses and fix that problem between now and then. But the reality is that States have to be able to plan long term. They cannot plan much longer than August of 2003, at which time the program crashes back to $27.7 billion and we lose 195,000 good-paying jobs in our economy.

What is worse is that States now are looking ahead and saying I do not think we can plan that far ahead.

Mr. Speaker, we will on our side move to defeat the previous question and offer an amendment that will fix this problem, and we ought to defeat the previous question. We ought to come back with fixed language that restores the total intent of TEA-21 and keep our transportation programs on schedule. These are Highway Trust Fund dollars. These are monies that could be set aside in the guaranteed account. They will help lift this economy up; and if Members believe in transportation and are sick of sitting in traffic congestion and believe in moving America forward, then they need to defeat the previous question and restore those dollars now, rather than waiting for some future point next year when we may or may not be able to restore the $31.8 billion. This provides short-term benefit, and long-term uncertainty which is bad for highway programs, bad for transportation programs, bad for American jobs.

COMPARISON OF DISTRIBUTION OF HIGHWAY FUNDING UNDER TEA 21 ENACTED (FY2002) AND ONE-YEAR CONTINUING RESOLUTION (FY2003) [1]

State	TEA 21 enacted FY2002	One-year cont. resolution FY2003	Highway funds cut FY2003	Job losses
Alabama	561,362,701	498,655,044	(62,697,657)	–2,978
Alaska	314,793,656	282,429,537	(32,364,119)	–1,537
Arizona	486,222,525	428,846,983	(57,375,542)	–2,725
Arkansas	362,646,673	325,701,045	(36,945,628)	–1,755
California	2,516,921,592	2,255,787,099	(261,134,493)	–12,404
Colorado	353,162,510	315,841,503	(37,321,007)	–1,773
Connecticut	408,915,843	367,360,962	(41,554,881)	–1,974
Delaware	119,922,108	107,962,722	(11,959,386)	–568
Dist. of Col	110,272,767	97,845,344	(12,427,423)	–590
Florida	1,288,949,611	1,139,860,823	(149,088,788)	–7,082
Georgia	988,683,758	875,763,739	(112,920,019)	–5,364
Hawaii	142,269,483	126,325,910	(15,943,573)	–757
Idaho	211,274,214	188,471,331	(22,802,883)	–1,083
Illinois	933,052,868	829,768,384	(103,284,484)	–4,906
Indiana	637,416,428	572,668,258	(64,748,170)	–3,076
Iowa	329,539,179	295,706,501	(33,832,678)	–1,607
Kansas	324,853,609	288,585,950	(36,267,659)	–1,723
Kentucky	483,773,648	429,395,471	(54,378,177)	–2,583
Louisiana	433,572,935	392,556,488	(41,016,447)	–1,948
Maine	147,086,603	130,479,750	(16,606,853)	–789
Maryland	444,585,693	402,894,442	(41,691,251)	–1,980
Massachusetts	514,199,794	460,954,117	(53,245,677)	–2,529
Michigan	894,928,134	794,183,563	(100,744,571)	–4,785
Minnesota	408,422,237	367,652,312	(40,789,925)	–1,938
Mississippi	355,303,061	318,446,942	(36,856,119)	–1,751
Missouri	646,921,711	580,568,320	(66,353,391)	–3,152
Montana	266,186,472	239,510,196	(26,676,276)	–1,267
Nebraska	215,987,903	191,081,515	(24,906,388)	–1,183
Nevada	197,993,516	176,029,565	(21,963,951)	–1,043
New Hampshire	140,214,707	126,902,623	(13,312,084)	–632
New Jersey	724,629,766	644,437,408	(80,192,358)	–3,809
New Mexico	268,590,255	240,780,600	(27,809,655)	–1,321
New York	1,401,040,155	1,262,949,423	(138,090,732)	–6,559
North Carolina	773,663,974	688,032,994	(85,630,980)	–4,067
North Dakota	179,364,219	160,210,847	(19,153,372)	–910
Ohio	961,276,478	860,311,210	(100,965,268)	–4,796
Oklahoma	428,332,860	379,797,789	(48,535,071)	–2,305
Oregon	337,795,085	304,194,090	(33,600,995)	–1,596
Pennsylvania	1,391,590,528	1,243,282,020	(148,308,508)	–7,045
Rhode Island	164,111,783	146,157,429	(17,954,354)	–853
South Carolina	461,159,042	411,996,298	(49,162,744)	–2,335
South Dakota	199,167,503	178,669,157	(20,498,346)	–974
Tennessee	622,352,003	564,991,230	(57,360,773)	–2,725
Texas	2,146,241,884	1,898,429,283	(247,812,601)	–11,771
Utah	216,502,048	192,439,532	(24,062,516)	–1,143
Vermont	124,154,439	111,927,901	(12,226,538)	–581
Virginia	709,623,612	641,862,481	(67,761,131)	–3,219
Washington	493,764,590	439,213,963	(54,550,627)	–2,591
West Virginia	308,053,178	278,926,511	(29,126,667)	–1,384

COMPARISON OF DISTRIBUTION OF HIGHWAY FUNDING UNDER TEA 21 ENACTED (FY2002) AND ONE-YEAR CONTINUING RESOLUTION (FY2003)[1]—Continued

State	TEA 21 enacted FY2002	One-year cont. resolution FY2003	Highway funds cut FY2003	Job losses
Wisconsin	545,543,085	483,447,684	(62,095,401)	−2,950
Wyoming	188,996,676	171,131,402	(17,865,274)	−849
State total	27,885,409,102	24,911,435,691	(2,973,973,411)	−141,264
Allocated programs	3,913,694,898	2,788,564,309	(1,125,130,589)	−53,444
Grand total	31,799,104,000	27,700,000,000	(4,099,104,000)	−194,707

[1] Prepared by Transportation Committee Democratic Staff based on information provided by the Federal Highway Administration and the American Road and Transportation Builders Association. Employment loss is spread over 7 years, with most loss occurring in 2003 and 2004. Assumes 47,500 jobs per $1 billion of federal highway program investment.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 4 minutes to the gentleman from Alaska (Mr. YOUNG), the chairman of the Committee on Transportation and Infrastructure.

Mr. YOUNG of Alaska. Mr. Speaker, I listened with great interest to the ranking member, the gentleman from Minnesota (Mr. OBERSTAR), and his presentation. The gentleman and I participated and both signed off on the language in this resolution. That was last week. Nothing has changed. I am happy to say that this week my back does not hurt quite as much as it did last week, but the gentleman from Wisconsin (Mr. PETRI) raised this point, and I will say it again, this is for political purposes. It is really not the way to do business.

If Members remember, in fact, when the President came down with his budget, there was about $23 billion in the highway program. We on a bipartisan basis raised it to $27.1 billion, and this House voted on that level. But under a continuing resolution, I want to spend the money actually at $31.8 billion; and that is what we will do under this resolution as long as we are working under a continuing resolution. But there is a lot of what-ifs being brought up here. No Member believes that we will be working under a continuing resolution until August. That is very unlikely. I know the gentleman from Florida (Mr. YOUNG) will not allow that, nor will myself.

The Senate has not acted, nor have we in the final conclusion of this highway program. I see the gentleman from Minnesota (Mr. OBERSTAR) and his staff, and they signed off on this. The gentleman signed off on this. Everybody signed off on it. That really bothers me when I see Members trying to distort this on the floor of the House again for political purposes. I think that is improper. We have been a very bipartisan committee, and I will continue to do that; but do not use this floor to try to convey something that is not all true. Not all true.

We will be able to spend this money and the States will be able to program this money until August under this resolution. I expect truthfully when the Senate and the House get together, we will arrive at the $31 billion. I expect that to happen. So what we are doing is saying what if. We are in this position now. This is where we are going to be. I heard we are cutting jobs. We are not cutting anything in this resolution. I think it is improper to try to convey the idea that we are trying to do something that we did not agree to beforehand.

Mr. OBERSTAR. Mr. Speaker, will the gentleman yield?

Mr. YOUNG of Alaska. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. Did the gentleman hear my distinction of the funding at the $31.8 billion level until August of next year at which point it crashes; and is that inaccurate?

Mr. YOUNG of Alaska. Absolutely. I heard and I agree if we were working under a continuing resolution that would happen, and by August we would not be able to spend the money at $31 billion; but that is not going to happen.

Mr. OBERSTAR. If the gentleman would continue to yield, that is what I said. I did not politicize it. That is simply a statement of fact.

Mr. YOUNG of Alaska. What is fact? The fact is we are going to spend money at $31 billion which we did not have prior to this until August if we work under a continuing resolution. We are not going to work under a continuing resolution, and the gentleman knows that. There will be a solving of this problem with the Senate if the Senate ever gets busy, and we will probably arrive at a figure of around $31 billion.

Mr. OBERSTAR. If the gentleman would continue to yield, I would hope that we solve the problem. But I want to point out in all fairness, what we agreed to with the gentleman was $31.8 billion. The $27.7 billion language was added later. I do not know where it came from.

Mr. YOUNG of Alaska. Wait a minute. The gentleman saw the language.

Mr. OBERSTAR. That was an OMB insistence which I hope has been fixed.

Mr. YOUNG of Alaska. Reclaiming my time, it has been fixed with this letter, which I include for the RECORD.

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,

Washington, DC, October 15, 2002.

Hon. DON YOUNG,
Chairman, Committee on Transportion and Infrastructure, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: OMB has reviewed section 137 of Public Law 107–240, Making Further Continuing Appropriations for Fiscal Year (FY) 2003, which passed the House on October 11, 2002. The enactment of section 137 will have no impact on the level of highway jobs or the level of highway spending for states.

The effect of section 137 is to retain the FY 2002 rate of operations for the Federal aid highway program at $31.8 billion for the duration of the continuing resolution by requiring OMB to apportion funds at an annualized rate of $31.8 billion during that period. As of today, OMB has apportioned funds in accordance with section 137.

Much confusion has surrounded the language in section 137 that limits total annual obligations for this program while operating under continuing resolutions to no more than $27.7 billion. This provision, as many of the terms of the current resolution, is subject to section 107(c) of P.L. 107–229, which establishes the date of expiration of the continuing resolution. H.J. Res. 122 sets that date of expiration at October 18, 2002. Consequently, it is mathematically impossible for the highway program, spending at an annualized rate of $31.8 billion, to reach the $27.7 billion cap on total obligations prior to mid-August 2003, well beyond the expiration date of this or any other continuing resolution that is expected in the future.

Therefore, the effect of section 137 is to provide that the highway program continue at the FY 2002 enacted level of $31.8 billion until the final FY 2003 funding level is determined in the context of House, Senate and Administration negotiations of the FY 2003 Transportation Appropriations bill.

Sincerely,
MITCHELL E. DANIELS, JR.,
Director.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 3 minutes to the gentlewoman from Indiana (Ms. CARSON), who has been a leader in trying to help the neediest children in this land.

Ms. CARSON of Indiana. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise to oppose this rule. Because of our inaction on August 1, nearly $1.2 billion in funds intended for low-income children reverted to the Federal Treasury. We had a chance in this continuing resolution to make a change for the better, for the children.

More than 80 percent of the funds that have reverted were awarded just 6 months ago to States such as Indiana, which had programs enrolling a large number of children. These States include Alaska, Indiana, Kentucky, Maryland, Massachusetts, New Jersey, New York, North Carolina, Rhode Island, South Carolina, and West Virginia.

Because of the national recession, many of these same States have experienced a slowdown in their SCHIP enrollment and record levels of participation in Medicaid. This is due to many low-income parents being forced to work reduced hours which forces parents into Medicaid programs along with their children. Not extending these funds will put the most successful programs at great risk when the economy improves and the SCHIP rolls again swell rapidly.

Indiana has already lost $105 million of funding. Knowing that Indiana would likely receive additional funding from other States, State officials last year asked HHS to use it for new initiatives, including one to fund the replacement on windows painted with lead-based paint. Indiana wanted to take an aggressive approach and help more children by preventing lead poisoning, a significant problem in Indianapolis and throughout the State. Federal officials denied the request because Indiana would not limit the program to homes in which children already showed evidence of lead poisoning.

Allowing States to keep reallocated and redistributed fiscal year 1998 and 1999 allotments, along the lines of what the President proposed, is the simplest and fairest way to stabilize the program and help States to maintain critical services for low-income children. These are the funds that just expired and may be lost forever if Congress takes no action.

My Governor, who chairs the Human Resources Committee of the National Governors Association, recently told the New York Times that "Governors fear that, if this money is lost, the Federal Government's growing budget deficit will make it difficult to recover this money at a later date."

Without this funding being kept in States during uncertain financial times, Congress is risking leaving thousands of low-income children behind.

Mr. Speaker, as Members know, $2.4 billion remaining from the regular SCHIP allotment is scheduled to be redistributed this year because of the agreement Congress made 2 years ago.

Congress must act, otherwise we are shortchanging more than 4.6 million children throughout America and in Indiana who need health care most. I plead that, indeed, we leave no child behind.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin (Mr. Petri).

Mr. PETRI. Mr. Speaker, I rise in support of the rule and the joint resolution making further continuing appropriations for fiscal year 2003.

Much has been said about the highway funding provision that was included in last week's continuing resolution and which remains in effect under this resolution.

This provision was necessary to reverse the administration's decision to reduce the highway program to a $27.7 billion annualized rate of funding while under the first two continuing resolutions.

As a result of the highway funding provision in last week's continuing resolution, the Office of Management and Budget issued a new apportionment for the highway program, increasing the rate of funding from $27.7 billion to $31.8 billion, on an annualized basis.

This proves beyond any doubt that the highway funding provision enacted last week had the desired effect of requiring the highway program to be continued at the fiscal year 2002 funding level of $31.8 billion, while the continuing resolution remains in effect.

I am pleased to insert into the Record a copy of the OMB apportionment as well as a letter from OMB regarding this issue. From this letter, it is clear that the $27.7 billion limit on total obligations has no practical effect under a short-term continuing resolution.

If at some point in the future the House considers a longer-term CR, one that remains in effect well into next year, the Committee on Transportation and Infrastructure, as has been indicated by the gentleman from Alaska (Mr. Young) and the gentleman from Minnesota (Mr. Oberstar), will work to ensure that the $27.7 billion limit on total obligations is removed.

Should that become necessary, we look forward to having the support of all those friends of the highway program who have spoken in favor of the $31.8 billion funding level here on the House floor over this past week.

□ 1715

I am hopeful that a long-term CR will not become necessary and that this year's final highway funding level will be appropriately determined in the context of House and Senate negotiations on the budget 2003 transportation appropriation bill.

I urge support for the resolution that will be brought forward by the rule before us.

Executive Office of the President, Office of Management and Budget,
Washington, DC, October 15, 2002.

Hon. Don Young,
Chairman, Committee on Transportation and Infrastructure, Rayburn House Office Building, Washington, DC.

Dear Mr. Chairman: OMB has reviewed section 137 of Public Law 107–240, Making Further Continuing Appropriations for Fiscal Year (FY) 2003, which passed the House on October 11, 2002. The enactment of section 137 will have no impact on the level of highway jobs or the level of highway spending for states.

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Much confusion has surrounded the language in section 137 that limits total annual obligations for this program while operating under continuing resolutions to no more than $27.7 billion. This provision, as many of the terms of the current resolution, is subject to section 107(c) of P.L. 107–229, which establishes the date of expiration of the continuing resolution. H.J. Res. 122 sets that date of expiration at October 18, 2002. Consequently, it is mathematically impossible for the highway program, spending at an annualized rate of $31.8 billion, to reach the $27.7 billion cap on total obligations prior to mid-August 2003, well beyond the expiration date of this or any other continuing resolution that is expected in the future.

Therefore, the effect of section 137 is to provide that the highway program continue at the FY 2002 enacted level of $31.8 billion until the final FY 2003 funding level is determined in the context of House, Senate and Administration negotiations on the FY 2003 Transportation Appropriations bill.

Sincerely,

Mitchell E. Daniels, Jr.

Mr. HASTINGS of Florida. Mr. Speaker, I am pleased to yield 4 minutes to the gentlewoman from the District of Columbia (Ms. Norton) who fights hard for the Nation's Capital as well as the rest of this Nation.

Ms. NORTON. Mr. Speaker, I am very grateful to the gentleman from Florida for yielding this time to me because of the urgency of what this CR, yes, even this CR, does to your Nation's Capital. While we have broken one impasse, the CR week-to-week impasse that allows Congress to go home, but I cannot believe that Congress understands what it is doing to the great American city called the District of Columbia. They are simply leaving this city hanging by a thread.

First, let me personally thank the gentleman from Florida (Mr. Young), the gentleman from Wisconsin (Mr. Obey), the gentleman from Michigan (Mr. Knollenberg) and the gentleman from Pennsylvania (Mr. Fattah) for doing their job. It was the smoothest D.C. appropriation in many years, they got it done, but there is not a sufficient realization of the Congress that the District of Columbia is not a Federal agency. It is an anomaly that it is here, anyway. This money is the money of the taxpayers of the District of Columbia, but we cannot spend any of it until we bring it over here. We have brought it over here. There have been no changes made in our budget, but D.C. cannot now go about allocating its money and spending the money of its own taxpayers.

The urgency of the matter is revealed in a letter that I would like to insert in the Congressional Record from the Mayor and the City Council chair. They have done an extraordinary job in making needed cuts because the national economy has caused that to be necessary for local jurisdictions and States throughout the United States.

But now they cannot make the cuts, they cannot move the money around the way Maryland and Virginia and every other State is doing, because we are on some kind of continuing resolution that works well for HHS. Well, it does not work well, but at least does not bring HHS down, does not bring the Department of Labor down, but leaves your Nation's capital really on the ground.

The District has done a magnificent job of balancing its budget in difficult times. It had the same problem that your jurisdictions have had, where the problem with the national economy has not just trickled down, it has dumped on the States and localities. In 10 days' time the Mayor and the Council did not whine about it. When they discovered this problem, they cut their budget by $323 million. They are ready to go now. But the Congress is not ready to go so they are holding us back for completely unrelated reasons.

There is vital new Federal money in there, the kind of Federal money that helps the Congress more than it helps us. We had to go to the Treasury in order to ask the President, and I am pleased that the President did in fact forward some money to us when we could not get the 2002 supplemental out, so that we could protect this city when the IMF demonstrations were just held here. But we cannot get public safety reimbursement money for, in fact, demonstrations that are likely to be held here, for example, against the war before you get back. This city is torn up, however, because we have to spend on a day-to-day basis. Everybody will wonder: Why did the city not get protected?

You have no dispute with the District of Columbia. This is a dispute between the Congress and the President and, for that matter, among quarreling factions within the Congress of the United States. Nobody in this Congress means to hurt this city. Wherever you stand on the District, I think everybody wants this city to thrive. But to leave us even in a month-long CR is to leave us not only in pain, it is to leave the good people of the District of Columbia with pain and suffering. I am asking you to help us free D.C. from this CR.

DISTRICT OF COLUMBIA,
October 15, 2002.

Hon. J. DENNIS HASTERT,
Speaker of the House,
House of Representatives, Washington, DC.

DEAR MR. SPEAKER: We thank you for your past assistance to the city and for the special sensitivity you have shown toward matters affecting the District of Columbia since becoming Speaker. We write to ask that you allow the District's budget to be disconnected from the current congressional appropriations stalemate out of respect for the nearly 600,000 taxpaying residents of the nation's capital who fund city services contained in that budget. The District, of course, is a major city, not a federal agency, and residents experience unique hardships when the D.C. appropriation is delayed with agency appropriations. We appreciate the expeditious consideration and close cooperation the city received in this year's appropriation process from the Chairs BILL YOUNG and JOE KNOLLENBERG and Ranking Members DAVID OBEY and CHAKA FATTAH. The continuing delay of passage of the District's budget, however, poses a special threat this year when the city has had to make last minute calls and must reallocate funds accordingly.

As you are aware, nearly all of the District's appropriation is derived from local, not federal funds, and Congress has traditionally approved the District's local budget without revision. This year, both the House and Senate appropriations committees passed the D.C. appropriation bill with unanimous bipartisan votes. The city is both grateful and proud of this achievement because just weeks before the start of the fiscal year, the city's Chief Financial Officer released revenue estimates projecting a $323 million operating deficit in Fiscal Year 2003 due to the twin shocks of 9/11 attacks and the faltering national economy. Of course, the District's decline in revenue mirrors similar declines in cities and states across the country, but the District quickly corrected the imbalance with cuts to city programs and achieved a balanced budget within the record time of approximately ten days. We appreciate that after inspecting the city's figures to assure the budget was balanced, the House appropriations committee was able simply to insert the District's new numbers into the bill. The District has shown that it can act quickly to avert potential fiscal crisis. We hope that the Congress will respond.

In December 2000, you generously worked with us to free the District's appropriation from a similar national budget impasse. We are asking for your intervention again because further delay in the passage of the city's budget threatens our administration of many city services that must be adjusted because of extensive cuts. We appreciate your consideration of our request and look forward to working with you and your staff on this matter.

Sincerely,

ELEANOR HOLMES NORTON,
Congresswoman.
ANTHONY A. WILLIAMS,
Mayor.
LINDA W. CROPP,
Chairman.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Speaker, we would never know it was an election year on the House floor, would we? I am joking, of course. It is sickening, the partisan attacks that go back and forth on this floor. Unfortunately, we are just a few weeks out from an election.

My colleagues on the other side will say, well, it is the mean Republican leadership; they are the ones that will not allow us to pass appropriations bills. All those other guys are okay; it is just the leadership. Casting aspersions and a dark cloud on the leadership damages the party for an election.

The House has passed appropriations bills, and my colleagues will say, "They don't need the Senate to act for us to pass our appropriations bills." On the floor, the rules state that I cannot talk about what the Senate has done and the reasons for it, so I will not do that. I will not violate those rules. So what I will do, let us just say the House of Commons in England, let us say the House of Lords in England, and let us say the House of Commons passes a budget and they look at fiscal responsibility across the board so that we do not go out into debt and that we can get back to a balanced budget and the things that we hold dear. But let us say the House of Lords does not pass a budget and they know that the House does not want to pass their appropriations bills, the House of Commons, because they can attach any number above ours. Not ours, of course, in England because that would be against the rule, Mr. Speaker, if I spoke if this was the House. But let us just say that they would speak against the House of Commons with any budget number and say, "Look at that mean House of Commons. They're cutting education. They're cutting veterans bills. They're cutting prescription drugs."

Let us just say, for instance, the House of Commons put $340 billion to a prescription drug plan and the House of Lords put $1.3 trillion. The House of Lords would go out and tell all the seniors, "Look at those mean Republicans." Well, excuse me, I do not know if they are called Republicans. Let us say "the House of Commons folks. Look how mean they are. They're going to hurt you, seniors." And let us say that if they had a bill on education and labor, that they put $278 billion more in the House of Lords than the House of Commons and they say, "Look, those mean rascals are cutting." But why will they not do their budget? Because the House of Commons will not play the game prior to an election and pass bills that the House of Lords knows will never get done, but for political reasons they want to do it.

But I would never, of course, attach the House of Lords to the Senate of the United States, Mr. Speaker, because that would be against the rules.

There was a bill, or a headline, Washington Post and Washington Times last week assigned and said, Congress Votes a Continuing Resolution Not to Shut Down the Government. You can spin it any way you want. You can try and blame the Republicans for shutting down the government or not doing their job, but we are not going to go home and not do our job just like the House of Commons would not in England. If you want to vote "no" on this rule and continuing resolution, you can spin it any way you want, but you are voting to shut down the government. We are not going to play that game either, Mr. Speaker.

If my colleagues on the other side, whether you be the House, or the House of Lords, you ought to get after the Senate. We passed in this House, with 118 Democrat votes, a bill giving confidence in the stock market to help the economy. We passed that in the House. The Senate has not acted. I, Mr. Speaker, would question anyone that would hold up a homeland security bill because they wanted their union brothers to fill those jobs. To me, that is unpatriotic.

Mr. HASTINGS of Florida. Mr. Speaker, as I heard the gentleman speak, I expected the Royal Family to show up any time here on the floor, but I am sure that that is not going to be the case.

Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin (Mr. OBEY), the ranking member of the Committee on Appropriations.

Mr. OBEY. Mr. Speaker, we hear from the other side of the aisle that it is the Senate's fault that we have not done our work. It has been 84 days since the House last considered an appropriation bill. We have been here for 84 days. Our number one job has been to pass the appropriation bills. And because of an internal war in the Republican Caucus, these 84 days have been wasted. They have been blown. It is time to quit being the Alibi Ikes of the Cosmos. It is time to face up to our duty. It is time to use at least 1 day in these 84 days to get the country's work done.

We have done the military bills. We have done Iraq. This House has not finished work on a single domestic appropriation bill. It ought to be ashamed of itself.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Indiana (Mr. PENCE).

Mr. PENCE. Mr. Speaker, I rise in strong support of the rule. More than that, I rise in strong support of the leadership of the 107th Congress. In what will likely be the last time that I have the chance to stand on this blue carpet prior to Election Day 2002, it is truly astounding for me to hear anyone, any Member of any party rise in this institution and talk about the 107th Congress not having done its work, when I will in my years, whether I am a private citizen or a public servant, when I look back on these years, doing the people's work will be precisely what I know we have been about for the last 23 months: the people's work in passing, not once but twice, historic tax relief measures for working families, small businesses and family farms; passing a $350 billion Medicare modernization and prescription drug benefit. We brought about types of reforms in virtually every area of government which, standing completely alone, Mr. Speaker, would qualify for this Congress having done its work for not 84 days but for the entirety of the 107th Congress. That would be not even require us to mention the way this Congress and this leadership responded to national tragedy. Our leadership in this institution stood with broad shoulders against the avalanche of tragedy on 9/11. We sped relief to the people immediately affected. More than that, we sped needed military resources to respond in the war on terrorism and a historic increase in military spending to prepare us for what may come. As biological and chemical weapons made their way into our Nation's Capital, it was this leadership that had the courage to stand against the wind of the national media's ridicule and take every member of the staff and every Member of this institution out of harm's way, demonstrating in a bipartisan way, Mr. Speaker, courage and vision and foresight. As we have gone forward doing our work in these humbling days that have just recently passed, as the President today signed a resolution authorizing the use of force, this Congress has done its work.

It is time to pass this rule and pass this continuing resolution so that every one of us of goodwill in this institution can go home and tell the people that we proudly serve of that work that we have done. I am proud of the Republican leadership of the 107th Congress. I am proud, and will ever be throughout my life, to have been part of this important and critical work during this time in the life of our Nation.

□ 1730

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

I would like to respond to the gentleman from Indiana (Mr. PENCE) by reminding him that a considerable number of people are out of work; the stock market is certainly not in a bullish mode. It is bearish, to say the least; and it is certainly down, although I do not know whether that is the best barometer, but when it comes to whether or not this House has really been about the business of helping people with their health care and with the workers in this country, even when the gentleman mentions 9–11, and, yes, I agree that we did a tremendous job in a bipartisan fashion in speeding along some relief for some, but those airline workers, many of them still have not received any of the benefits that were offered by Congress at that time.

Thus I say not only have we not done everything we are supposed to do first fiscally by law, we also may have done some things that made this economy worse; and I for one stood in opposition to many of the tax cuts offered by the other side, and I would feel that if we look at it carefully, we will know that it had a devastating impact on this economy.

Mr. Speaker, Democrats want to give Americans a clear choice. Democrats stand for increasing the minimum wage, extending unemployment benefits for laid-off workers, and making sure our highways are adequately funded. Republicans stand for more tax cuts. That is what they have been bandying about here for a couple of weeks about trying to bring out something here called an economic stimulus package that was nothing but some more tax cuts for some who are wealthy in our society and letting tax evaders move to Bermuda while our Nation is at war.

There is a clear choice. The numbers do not lie, Mr. Speaker: 8.1 million Americans are looking for work but cannot find it; 2.9 million have been unemployed for more than 15 weeks. Poverty has risen while our economic growth has declined. Democrats think we should do something about this. The Republicans evidently do not. There is a clear choice.

If the previous question is defeated, we will offer an amendment to the rule that will allow us to vote on three amendments. Number one, to increase the minimum wage to $6.65 an hour over 2 years, and I say to anybody that has people in their district that are working on the minimum wage, you multiply $6.65 times 40 hours and see if you can live with your family on such a meager amount of assistance. Two, we are going to seek to give an additional 13 weeks of unemployment benefits to our workers; and, three, to retain the fix for highway spending that was inserted in the CR last week while striking the language that would have limited overall spending for fiscal year 2003 to $27 billion. These are priorities to Democrats and evidently afterthoughts to my Republican colleagues. There is a clear choice, Mr. Speaker; and I urge a "no" vote on the previous question.

Mr. Speaker, I ask unanimous consent that the text of the amendment be printed in the RECORD immediately before the vote on the previous question.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the gentleman from Florida?

There was no objection.

Mr. HASTINGS of Florida. Mr. Speaker, I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself such time as I may consume.

I want to remind Members that this is a rule that provides for consideration of a continuing resolution that will get us through November 22. We will be back in the House for reorganization the week after the election, and I know between now and that time there will be work on the appropriation process. But one thing that has been well documented here in debate on the floor is that the other body on a major piece of legislation is behind this body; and I think it appropriate that we leave and allow them to catch up, and one of the main pieces of legislation that they have to get done, and I believe they have to get done and I think the American people expects them to get done, is the creation of the Office of Homeland Security.

So as we leave here with this CR in place until November 22, we will have the ability to come back and act on whatever legislation the other body were to pass that would require our work on this side. So that option is open, and our Members are prepared to come back at any time. Of course the most important piece of legislation is the creation of the Office of Homeland Security.

The material previously referred to by Mr. HASTINGS of Florida is as follows:

Strike all after the resolved clause and insert:

That at any time after the adoption of this resolution the Speaker, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the joint resolution (H.J. Res. 123) making further continuing appropriations for the fiscal year 2003, and for other purposes. The first reading of the joint resolution shall be dispensed with. All points of order against consideration of the joint resolution are waived. General debate shall be confined to the joint resolution and the amendments made in order by this resolution and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the joint resolution shall be considered for amendment under the five-minute rule. The joint resolution shall be considered as read. No amendment to the joint resolution shall be in order except those specified in section 2. Each amendment may be offered only in the order specified, may be offered only by the Member designated or a designee of such Member, shall be considered as read, shall be debatable for one hour equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. The amendments referred to in the first section of this resolution are as follows:

(1) by Representative Oberstar of Minnesota, adding the following new section:

SEC. . Section 137 of Public Law 107-229, as added by Public Law 107-240, is amended in the first sentence by striking "; *Provided*, That" and all that follows through "Act".

(1) by Representative Bonior of Michigan, adding a new title consisting of the text of H.R. 4799.

(2) by Representative Rangel of New York, adding a new title of the text of H.R. 5491.

Mr. HASTINGS of Washington. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Florida. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting, if ordered, on the question of adoption of the resolution.

The vote was taken by electronic device, and there were—yeas 209, nays 193, not voting 29, as follows:

[Roll No. 467]

YEAS—209

Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Bereuter
Biggert
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Castle
Chabot
Chambliss
Coble
Collins
Cox
Crane
Crenshaw
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
McCrery
McHugh
McInnis
McKeon
Miller, Dan
Miller, Jeff
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sununu
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—193

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barcia
Barrett
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Clay
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutsch
Dicks
Dingell
Doggett
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Ford
Frank
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (TX)
Harman
Hastings (FL)
Hill
Hilliard
Hinchey
Hoeffel
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Lynch
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Ross
Rothman
Roybal-Allard
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Shows
Skelton
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Watson (CA)
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—29

Baldacci
Borski
Carson (OK)
Clayton
Clement
Combest
Cooksey
Cubin
Delahunt
Dooley
Filner
Ganske
Graham
Hilleary
Hinojosa
LaHood
Larsen (WA)
Maloney (CT)
Manzullo
McKinney
Meek (FL)
Mica
Miller, Gary
Riley
Roukema
Rush
Slaughter
Stump
Waters

□ 1802

Ms. ESHOO and Ms. PELOSI changed their vote from "yea" to "nay."

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall No. 467, I was conducting official business in my San Diego, California district. Had I been present, I would have voted "no."

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. HASTINGS of Florida. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 206, noes 193, not voting 33, as follows:

[Roll No. 468]

AYES—206

Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Biggert
Bilirakis
Blagojevich
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Castle
Chabot
Chambliss
Coble
Collins
Costello
Cox
Crane
Crenshaw
Culberson
Cunningham
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hansen
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Lipinski
LoBiondo
Lucas (OK)
McCrery
McHugh
McInnis
McKeon
Miller, Dan
Miller, Jeff
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Otter
Oxley
Paul
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shuster
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sununu
Sweeney
Tancredo
Tauzin
Taylor (NC)
Thomas
Thornberry
Tiberi
Toomey
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—193

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barcia
Barrett
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Bishop
Blumenauer
Bonior
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Clay
Clyburn
Condit
Conyers
Coyne
Cramer
Crowley
Cummings
Davis (CA)
Davis (FL)
DeFazio
DeGette
DeLauro
Deutsch
Dicks
Dingell
Doggett
Doyle
Edwards
Emerson
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Ford
Frank
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Hall (TX)
Harman
Hastings (FL)
Hill
Hilliard
Hinchey
Hoeffel
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lucas (KY)
Luther
Lynch
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Osborne
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Ross
Rothman
Roybal-Allard
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Shimkus
Shows
Skelton
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Terry
Thompson (CA)
Thompson (MS)
Thune
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Visclosky
Watson (CA)
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—33

Baldacci
Borski
Carson (OK)
Clayton
Clement
Combest
Cooksey
Cubin
Delahunt
Dooley
Filner
Ganske
Graham
Hilleary
Hinojosa
Kennedy (RI)
LaHood
Larsen (WA)
Linder
Maloney (CT)
Manzullo
McKinney
Meek (FL)
Mica
Miller, Gary
Riley
Roukema
Rush
Slaughter
Stump
Tiahrt
Velázquez
Waters

□ 1814

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall No. 468, I was conducting official business in my San Diego, California district. Had I been present, I would have voted "no."

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 5010) "An Act making appropriations for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes.".

□ 1815

GENERAL LEAVE

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.J. Res. 123, and that I may include tabular and extraneous material.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentleman from Florida?

There was no objection.

FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2003

Mr. YOUNG of Florida. Mr. Speaker, pursuant to the rule just adopted, I call up the joint resolution (H.J. Res. 123) making further continuing appropriations for the fiscal year 2003, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The text of H.J. Res. 123 is as follows:

H.J. RES. 123

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Law 107–229 is further amended by striking the date specified in section 107(c) and inserting in lieu thereof "November 22, 2002."

The SPEAKER pro tempore. Pursuant to House Resolution 585, the gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY) each will control 30 minutes.

The Chair recognizes the gentleman from Florida (Mr. YOUNG).

Mr. YOUNG of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the continuing resolution is identical to the one we passed last week with the exception of the date change. As a matter of fact, the date in this CR is the one we started with last week but it was amended, as we recall, during the consideration of the rule. It would extend the CR until November 22, which would give the House an opportunity to finish some other unfinished business, would give the House an opportunity to wait upon the other body to send some of our legislation back to us that we have sent to them, and it maintains all of the other anomalies and provisions that the original CR included. Nothing new, no new starts.

And I would say that I would like the Members to listen to this: Despite the fact we suggest November 22, it does not mean that the House will not be in session, because it is my understanding that the House will be in session for some unfinished business dealing with the other body.

So, Mr. Speaker, I do not think we need a lot of debate on this. It is not a tax bill. It is not any kind of a bill other than a bill to extend the date of the CR to November 22. That will follow the elections, that will follow the reorganizational time that we have here in the Congress right after the election. It will give us time to proceed with and hopefully conclude our appropriations business.

For some of those who spoke earlier on the rule who were concerned about a long-term CR into the next Congress, I have resisted that. I am resisting it today and I will continue to resist it. That is not a good plan for us. But this resolution today to take us into November, following the election is a good plan; and, Mr. Speaker, I hope that we can expedite the consideration.

Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Speaker, as we limp out of this Congress with an embarrassing budget debacle, I want to spend a few minutes talking about an issue the Republican leadership wants to sweep under the rug: how their fiscal mismanagement is imperiling the Social Security program.

The Federal budget has become an enormous mess. Before the Bush administration took office, independent budget experts were predicting a $3 trillion surplus over the next 10 years. Now experts are saying that under the President's budget we will have a deficit of over $2 trillion. This is the largest and most rapid decline in the Federal budget since the Depression. The mismanagement is so egregious it is breathtaking.

Most Americans do not realize how the government pays for the deficit, but here is what happens: The government raids the Social Security trust fund. Let me repeat this. The Federal Government is going to run a deficit of over $2 trillion over the next 10 years. And to pay for this deficit, the government is going to borrow over $2 trillion from the reserves in the Social Security trust fund. They are going to raid your retirement nest egg to pay for subsidies for the energy companies, tax breaks for wealthy corporate executives.

What does this mean to you? If you have a pay stub handy, all you have to do is take a look at the FICA deduction. This FICA deduction is what you pay into Social Security. Over the next 10 years one-third of what you contribute to Social Security through your FICA deductions is going to be borrowed by the government to pay for its operating expenses. That is your money. It is supposed to go into the Social Security trust fund to build up a reserve for when the baby boomers retire, but instead it is going to be squandered to pay for last year's tax cuts and other government spending.

But it gets worse. The Federal Government is supposed to repay everything it borrows from the Social Security trust fund. In fact, the law says the full faith and credit of the United States is backing it. But listen to what Republican leaders are saying about their intent to repay the trust funds. Here is what the Republican majority leader, the gentleman from Texas (Mr. ARMEY) said in a memo to House Republicans last year: "The hard truth is the Social Security trust fund is empty. It is a mere accounting device."

Here is what the President's spokesman said less than 3 months ago: "Employees who contribute to Social Security will get nothing in return."

And here is what Republican Senator PHIL GRAMM said: "There is no Social Security trust fund. It is a total fraud." The Social Security trust fund consists of "worthless IOUs."

The fact is they have no plan to repay the Social Security trust fund. In fact, we cannot even get our act together to pass a budget for next year.

Now, here is a question for my Republican colleagues: As you struggle to deal with the mess you have made of the Federal budget, are you going to repay that Social Security fund? As you force millions of Americans to lend their FICA money to the government, how are you going to keep faith with them? How are you going to pay them back? What is your long-term plan?

Mr. Speaker, I introduced legislation earlier this year with the gentleman from New York (Mr. RANGEL) and the gentleman from California (Mr. MATSUI) which would require that the Federal Government repay Social Security. The bill is H.R. 5252, the Social Security Preservation Act. Not a single Republican Member has co-sponsored that bill. What is happening is a scandal, but my Republican colleagues do not want you to know about it.

Mr. YOUNG of Florida. Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, what is now becoming our weekly song and dance, passage of yet another continuing resolution, sounds more like Republican failure to me.

The gentleman from Iowa (Mr. NUSSLE) and our friends on the other side of the aisle will no doubt march to this floor again today and fulminate about the other Chamber, and they are sure to boast: "We have passed a budget."

Well, Democrats in the House have been waiting for the last 7 weeks for the Republican leadership to summon the courage of its convictions and to actually bring spending bills to this House floor that adhere to the GOP's budget resolution. We are still waiting to see your spending bill for Labor, Health and Education programs, because we want to know this: Do you still plan to cut the "No Child Left Behind Act" off at the knees? Do you? Do you still plan to wipe out programs that coordinate health care for the uninsured?

Mr. Speaker, we want to know, with winter just around the corner, do you still plan to cut LIHEAP formula grants by nearly 18 percent? LIHEAP, of course, is low income energy assistance to poor people and seniors.

Some of the very same Republicans who lectured us about the importance of voting on the Iraq resolution before the November elections have now cynically recoiled from letting voters know where they stand on Federal spending for health care, education and others priorities before the election. While the GOP continues to dither and delay, the American people suffer the consequences.

The unemployment rate is up. The poverty rate is up. Federal and State budget deficits are exploding. Real wages are down. The number of Americans with health insurance is down, and the stock market has dropped like a rock over the last 18 months. Yet, the self-styled revolutionaries seem to have no idea what to do.

For starters, we might extend unemployment insurance benefits to save those who are falling off, increase the minimum wage which has not been increased since 1996, and pass real pension reform. Failing to do that, Mr. Speaker, failing to do that much is nothing but a signal of failure.

Mr. YOUNG of Florida. Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, this resolution would extend the budget until November 22, past the election. What it means is that this House is giving up on its responsibilities to do the public's business. It means this House is willing to go home and say, no agriculture bill, no education budget, no housing budget, no science budget, no environmental budget, no drought relief, no extension of unemployment compensation, no way to fix the problems under Medicare for providers. They want to neglect all of that and then go home and say to their constituents, "Oh, what a good boy am I. Reelect me again."

As far as I am concerned, Mr. Speaker, this is a spectacular conversation of impotence and incompetence. And I think that the public will take note of the fact that since Labor Day we have focused only on issues such as Iraq. But for the past 84 days this House has refused to do its basic business of passing the budget so that our localities would know what they are going to get by way of urban development grants; so that the NIH would know whether they are going to get the 15 percent increase that both parties had promised them; and so that our school districts would know how to plan. All of that is going to go out the window because it is convenient for the majority party caucus to get out of town so that they can hide from the public the choices they would make on education, on agriculture, on environment.

□ 1830

What a wonderful record. What a wonderful approach when you are asking the country to renew your lease for another 2 years on this Chamber. This is indeed a pitiful performance.

We will shortly have a choice before us. I will have a motion to recommit which, instead of delaying all of these decisions until November 22, will simply say that we will extend the budget until next Monday. That will keep us in town doing the public's business. You will have a chance to vote on that recommittal versus the base resolution. If you vote for the base resolution, you will be getting out of town without doing your work. If you vote for my recommittal motion, you will be voting to do your work before getting out of town. The choice is up to every Member of this body.

Mr. Speaker, I yield back the balance of my time.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself the balance of the time merely to say that again this is a continuation of the same CR that we passed last week. It merely extends the date. It is not a political document. It merely keeps the government functioning until we can get back to this House to continue our work on the appropriations process, the appropriations process which is alive and well, despite the fact that the budget process died before it concluded its business.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SIMPSON). All time for debate has expired.

The joint resolution is considered as having been read for amendment.

Pursuant to House Resolution 585, the previous question is ordered on the joint resolution.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the joint resolution?

Mr. OBEY. Mr. Speaker, I certainly am.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. OBEY moves to recommit the joint resolution H.J. Res. 123 to the Committee on Appropriations with instructions to report the same back to the House forthwith with the following amendment:

On line 5, strike "thereof 'November 22, 2002'." and insert "thereof 'October 21, 2002'."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin is recognized for 5 minutes in support of his motion.

Mr. OBEY. Mr. Speaker, the choice is simple. If you think we ought to stay here and complete our work before we go home and campaign for reelection, you will vote for this recommittal motion which extends the CR to next Monday. If you want to bug out of town without meeting your responsibilities and pretend to your constituents that you have done your job, then you will vote against it and you will vote for this underlying resolution.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Does the gentleman from Florida claim the time in opposition to the motion to recommit?

Mr. YOUNG of Florida. I do, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Florida is recognized.

Mr. YOUNG of Florida. Mr. Speaker, I would simply say that this extends the CR until next Monday. That really is not workable, and I want to assure the Members that the fact that we adopt a CR that goes to beyond the election does not mean that the House will not be here, because the House will be here continuing to do other legislative matters, in addition to waiting on the other body to pass some of the legislation that we have sent to them.

Mr. Speaker, with a strong objection and a strong hope for a strong "no" vote on the motion to recommit, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. OBEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—yeas 194, nays 210, not voting 28, as follows:

[Roll No. 469]

YEAS—194

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barcia
Barrett
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Clay
Clyburn
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutsch
Dicks
Dingell
Doggett
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Ford
Frank
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Harman
Hastings (FL)
Hill
Hilliard
Hinchey
Hoeffel
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Lynch
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Ross
Rothman
Roybal-Allard
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Shows
Skelton
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thune
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Watson (CA)
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NAYS—210

Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Bereuter
Biggert
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Brady (TX)
Brown (SC)

Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Castle
Chabot
Chambliss
Coble
Collins
Condit
Cox
Crane
Crenshaw
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (TX)
Hansen
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
McCrery
McHugh
McInnis
McKeon
Miller, Dan
Miller, Jeff
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sununu
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—28

Baldacci
Borski
Carson (OK)
Clayton
Clement
Combest
Cooksey
Cubin
Delahunt
Dooley
Ehrlich
Filner
Ganske
Graham
Hilleary
Hinojosa
LaHood
Larsen (WA)
Maloney (CT)
Manzullo
Mica
Miller, Gary
Riley
Roukema
Rush
Slaughter
Stump
Waters

□ 1916

Messrs. SAXTON, SENSENBRENNER, BARTLETT of Maryland, HOEKSTRA, CANNON, BASS, HERGER, SHUSTER, Mrs. NORTHUP, Messrs. ENGLISH, BOEHNER, PETERSON of Pennsylvania, CHABOT, SMITH of Michigan, DELAY, Mrs. KELLY, and Messrs. LOBIONDO, HOBSON, PENCE and WALDEN of Oregon changed their vote from "yea" to "nay."

Mr. MCDERMOTT, Mrs. JONES of Ohio, and Messrs. DINGELL, WAXMAN, OLVER, BROWN of Ohio, OBERSTAR, STARK and DICKS changed their vote from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall No. 469, I was conducting official business in my San Diego, California district. Had I been present, I would have voted "yea."

Mr. OBEY. Mr. Speaker, could I ask that the Clerk read the resolution? It is four lines long.

The SPEAKER pro tempore (Mr. SIMPSON). Without objection, the Clerk will redo the third reading of the joint resolution.

Mr. QUINN. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

Mr. OBEY. Mr. Speaker, is this the resolution that puts over all of our work until after the election?

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. OBEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 228, noes 172, not voting 32, as follows:

[Roll No. 470]

AYES—228

Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Berkley
Biggert
Bilirakis
Blagojevich
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Castle
Chabot
Chambliss
Coble
Collins
Cox
Crane
Crenshaw
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Dicks
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
Engel
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goss
Granger
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hansen
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hobson
Hoeffel
Hoekstra
Holden
Holt
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Isakson
Israel
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Luther
Mascara
Matheson
McCarthy (NY)
McCrery
McHugh
McInnis
McKeon
McKinney
Miller, Dan
Miller, Jeff
Mollohan
Moore
Moran (VA)
Morella
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Otter
Oxley
Paul
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shows
Shuster
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sununu
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wynn
Young (AK)
Young (FL)

NOES—172

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barcia
Barrett
Becerra
Bentsen
Bereuter
Berman
Berry
Bishop
Blumenauer
Bonior
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Clay
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutsch
Dingell
Doggett
Doyle
Edwards
Eshoo
Etheridge
Evans
Farr
Fattah
Ford
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Harman
Hastings (FL)
Hilliard
Hinchey
Honda
Hooley
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lowey
Lynch
Maloney (NY)
Markey
Matsui
McCarthy (MO)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Moran (KS)
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Shimkus
Skelton
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thune
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Watson (CA)
Watt (NC)
Weiner
Wexler
Woolsey
Wu

NOT VOTING—32

Baldacci
Borski
Carson (OK)
Clayton
Clement
Combest
Cooksey
Cubin
Delahunt
Dooley
Ehrlich
Filner
Frank
Ganske
Graham
Graves
Hall (TX)
Hilleary
Hinojosa
LaHood
Larsen (WA)
Maloney (CT)
Manzullo
Mica
Miller, Gary
Riley
Roukema
Rush
Slaughter
Stump
Waters
Waxman

□ 2000

So the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. GRAVES. Mr. Speaker, on rollcall No. 470, I was unavoidably detained. Had I been present, I would have voted "aye."

Stated against:

Mr. FILNER. Mr. Speaker on rollcall No. 470, I was conducting official business in my San Diego, California district. Had I been present, I would have voted "no."

PERSONAL EXPLANATION

Mr. HINOJOSA. Mr. Speaker, I regret that I was unavoidably detained in my Congressional District. Had I been present, I would have voted "yes" on rollcalls 464, 466 and 469. I would have voted "no" on rollcalls 465, 467, 468 and 470.

PERSONAL EXPLANATION

Ms. SLAUGHTER. Mr. Speaker, I was unable to be present for rollcall votes 464, 466, 467, 468, 469, and 470. Had I been present, I would have voted aye on rollcall votes 464, 466, 467, and 469, and no on rollcall votes 468, and 470. Mr. Speaker, I ask unanimous consent that my statement appear in the permanent RECORD immediately following this vote.

On Approving the Journal, No. 464, "aye"; S. 1533, Health Care Safety Net Amendments, No. 466, "aye"; H. Res. 585, Moving the Previous Question, No. 467, "aye"; H. Res. 585, Rule on H.J. Res. 123, Continuing Resolution, No. 468, "no"; H.J. Res. 123, Motion to Recommit, No. 469, "aye"; H.J. Res. 123, Final Passage, No. 470, "no."

LEGISLATIVE PROGRAM

(Ms. PELOSI asked and was given permission to address the House for 1 minute.)

Ms. PELOSI. Mr. Speaker, I rise to inquire of the distinguished majority leader regarding the schedule.

Mr. ARMEY. Mr. Speaker, will the gentlewoman yield?

Ms. PELOSI. I yield to the gentleman from Texas.

Mr. ARMEY. Mr. Speaker, we have completed our legislative work for this week. There will be no more recorded votes this week. The House will, however, be in session pro forma tomorrow and the next day, and then back pro forma on Tuesday and Thursday of next week.

I should also like to advise Members that the House still waits upon many very important pieces of legislation. In conference, for example, we have the terrorism risk insurance bill, the energy security bill, the defense authorization bill, intelligence authorization, and port security.

We also wait upon the Senate to move bills: the Department of Homeland Security, pension reform, prescription drugs, and welfare reform.

I should like to advise the Members of this body that should any of those conference reports become available or should the Senate complete work on any of the other bills under consideration, and therefore afford us the opportunity to go to conference on those bills, that we will be constrained to call the Members back for a session next week or even the week thereafter.

However, Members should be advised that they will receive a 48-hour notice prior to any requirement to come back and complete any of that work.

As it turns out, each of these conference reports and bills is problematic, but the other body will stay in session working, the conferees will continue to meet, and we should all be apprised of the real possibility of being asked to come back after a 48-hour notice.

Ms. PELOSI. I thank the gentleman for that information, Mr. Speaker.

I would ask the leader, what day will we be back after the election?

Mr. ARMEY. If the gentlewoman will continue to yield, the CR, Mr. Speaker, is through November 22. However, we would expect to be back on the week of November 11. Since November 11 is itself a holiday, I should think Members should plan on being back on November 12, but we will get official notice to Members' offices as soon as possible. But I would think the prudent Member would plan to come back November 12 and expect to be here throughout most of that week.

Ms. PELOSI. Mr. Speaker, would the gentleman know what time votes would occur that day?

Mr. ARMEY. Again, I want to thank the gentlewoman for her inquiry.

If she would continue to yield, it is a travel day. Especially in consideration of our West Coast Members, we would try to arrange a date that votes would not actually be taken before the customary 6:30 in the evening.

Ms. PELOSI. Mr. Speaker, continuing to yield to the leader, will we be in through Friday of that week?

Mr. ARMEY. Again, I want to thank the gentlewoman for her inquiry. That would depend on what work is available to us. Obviously, we would want to deal with another continuing resolution, and we should have reason to expect that some of these conference reports might be available.

As something I think, again, for us to be prudent in terms of taking the opportunities that could be here, the Members should expect to be here through that week and even work on Friday. As we see the workload for the week develop and can begin to put the daily calendar together, we ought to be able to give Members more complete and accurate information so they can make, hopefully, their travel plans for the beginning and the end of the week before they depart for their home districts.

Ms. PELOSI. Could the gentleman please shed some light on what legislative business might come up that week? Would there be any appropriations bills?

Mr. ARMEY. Again, I appreciate the gentlewoman's inquiry.

Mr. Speaker, obviously, there are additional opportunities for appropriations bills. Depending upon the progress that can be made with the other body, we would not want to discount the possibility of dealing with such bills as those, as well.

Ms. PELOSI. Will we have votes the week of November 18, the week before Thanksgiving?

Mr. ARMEY. Again, let me thank the gentlewoman for her inquiry. If she would continue to yield, Mr. Speaker, it is anticipated that we would complete work from November 12 through that week, and we could not anticipate being in the week before Thanksgiving.

Ms. PELOSI. So we would only be in the week of November 12 and not the following week, the week before Thanksgiving, just to confirm?

Mr. ARMEY. Again, I appreciate that. The gentlewoman may herself be one who is planning to go to such meetings, the NATO summit and such, and schedules that will carry many Members abroad on important business. We will do everything possible to avoid meeting during that week in deference to those travel plans.

I would say at this time only the most dire emergency would cause us to interrupt these trips. They have been planned for a long time, and they are important trips having to do with our relationship with our allied nations.

If the gentlewoman would permit me, I would attach the lowest probabilities to any meeting of this body during the week of November 22.

Ms. PELOSI. I appreciate the gentleman's information about that week. I have no intention to be on any of those trips. I intend to be here planning for a Democratic majority for the 108th Congress.

Mr. Speaker, will the gentleman tell us, will we be here in December planning for that Democratic majority?

Mr. ARMEY. Again, if the gentlewoman will continue to yield, I think for now and for whatever our purposes as we discuss with the other body, it would be imprudent for me to make any projections of time beyond that week of November 12.

Ms. PELOSI. I know Members will be eager to know, not because of trips but because of the work that is unfinished. I thank the gentleman and I wish him well and thank him for the information.

It is my firm hope and desire that the next time we meet to discuss the schedule, we will have a Democratic majority in the House, and we will be preparing for that. Unless the gentleman had any other information on the schedule?

Mr. ARMEY. If the gentlewoman will yield, I would just say again, the gentlewoman has brought wit and charm to the minority whip's position, and this gentleman is committed to the gentlewoman retaining that position for as long as she desires.

Ms. PELOSI. I wish the gentleman well in all of the endeavors that he pursues outside of this body and outside the political arena. I know we will probably have another colloquy; but just until we meet again, I want to thank the gentleman for his service to the Congress, but I am sure we will have some more opportunities to do that.

Mr. Speaker, I reclaim my time only to say that it is with a level of sadness, not only because of the gentleman's departure from the Congress, but because of the unfinished business of this Congress. The American people expect and deserve for us to have a stimulus package. That remains unfinished business for this Congress, along with unfinished business relating to our children's education with the education bill, the prescription benefit for all seniors, the Patients' Bill of Rights, the threat of privatization of Social Security, and the list goes on and on. Unemployment insurance is expiring for America's unemployed workers, and we have not attended to that business.

So I have said on a number of occasions at the end of these colloquies that our work seems irrelevant to the American people because of the challenges that they face economically, healthwise, and otherwise. But now we are less than irrelevant; we are missing in action. I am very sorry. I think that when the Democrats are in the majority that we will be able to account for our responsibilities in a better way.

DISPOSING OF VARIOUS LEGISLATIVE MEASURES

Mr. ARMEY. Mr. Speaker, I send a unanimous consent request to the desk.

The SPEAKER pro tempore (Mr. SIMPSON). The Clerk will report the unanimous consent request.

The Clerk read as follows:

Mr. ARMEY asks unanimous consent that the House

1. Be considered to have discharged from the committee and passed H.R. 5647, S. 1646, S. 1270, H.R. 5603, H.R. 5651, H.R. 5640, and S. 1210;

2. Be considered to have passed S. 1227;

3. Be considered to have discharged from committee and agreed to House Concurrent Resolution 502, House Resolution 536, House Concurrent Resolution 479, and House Concurrent Resolution 492;

4. Be considered to have discharged from committee, amended, and agreed to House Concurrent Resolution 349 and House Concurrent Resolution 437, in the respective forms placed at the desk;

5. Be considered to have amended and passed H.R. 5200 by the committee amendment as further amended by the form placed at the desk;

6. Be considered to have taken from the Speaker's table and concurred in the respective Senate amendments to H.R. 3801, H.R. 4015, and H.R. 3253;

7. That the committees being discharged be printed in the RECORD, the texts of each measure and any amendment thereto be considered as read and printed in the RECORD, and that the motions to reconsider each of these actions be laid upon the table.

The SPEAKER pro tempore. The Chair will entertain this combined request under the Speaker's guidelines as recorded on page 712 of the House Rules and Manual with assurances that it has been cleared by the bipartisan floor and all committee leaderships.

The Clerk will report the titles of the various bills and resolutions.

The Clerk read as follows:

DISCHARGED FROM THE COMMITTEE ON ARMED SERVICES AND PASSED

H.R. 5647, to authorize the duration of the base contract of the Navy-Marine Corps Intranet contract to be more than five years but not more than seven years.

H.R. 5647

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORIZED DURATION OF BASE CONTRACT FOR NAVY-MARINE CORPS INTRANET.

Section 814 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001, as enacted into law by Public Law 106–398 (114 Stat. 1654A–215) and amended by section 362 of Public Law 107–107 (115 Stat. 1065), is amended—

(1) by redesignating subsection (i) as subsection (j); and

(2) by inserting after subsection (h) the following new subsection (i):

"(i) DURATION OF BASE NAVY-MARINE CORPS INTRANET CONTRACT.—Notwithstanding section 2306c of title 10, United States Code, the base contract of the Navy-Marine Corps Intranet contract may have a term in excess of five years, but not more than seven years.".

DISCHARGED FROM THE COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE AND PASSED

S. 1646, to identify certain routes in the States of Texas, Oklahoma, Colorado, and New Mexico as part of the Ports-to-Plains Corridor, a high priority corridor on the National Highway System.

S. 1646

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. IDENTIFICATION OF PORTS-TO-PLAINS HIGH PRIORITY CORRIDOR ROUTES.

Section 1105(c)(38) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2032; 114 Stat. 2763A–201) is amended—

(1) in subparagraph (A), by redesignating clauses (i) through (viii) as subclauses (I) through (VIII), respectively;

(2) by redesignating subparagraph (A) as clause (i);

(3) by striking "(38) The" and inserting "(38)(A) The";

(4) in subparagraph (A) (as designated by paragraph (3))—

(A) in clause (i) (as redesignated by paragraph (2))—

(i) in subclause (VII) (as redesignated by paragraph (1)), by striking "and" at the end;

(ii) in subclause (VIII) (as redesignated by paragraph (1)), by striking the period at the end and inserting "; and"; and

(iii) by adding at the end the following:

"(IX) United States Route 287 from Dumas to the border between the States of Texas and Oklahoma, and also United States Route 87 from Dumas to the border between the States of Texas and New Mexico."; and

(B) by adding at the end the following:

"(ii) In the State of Oklahoma, the Ports-to-Plains Corridor shall generally follow United States Route 287 from the border between the States of Texas and Oklahoma to the border between the States of Oklahoma and Colorado.

"(iii) In the State of Colorado, the Ports-to-Plains Corridor shall generally follow—

"(I) United States Route 287 from the border between the States of Oklahoma and Colorado to Limon; and

"(II) Interstate Route 70 from Limon to Denver.

"(iv) In the State of New Mexico, the Ports-to-Plains Corridor shall generally follow United States Route 87 from the border between the States of Texas and New Mexico to Raton."; and

(5) by striking "(B) The corridor designation contained in paragraph (A)" and inserting the following:

"(B) The corridor designation contained in subclauses (I) through (VIII) of subparagraph (A)(i)".

DISCHARGED FROM THE COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE AND PASSED

S. 1270, to designate the United States courthouse to be constructed at 8th Avenue and Mill Street in Eugene, Oregon, as the "Wayne Lyman Morse United States Courthouse".

S. 1270

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF WAYNE LYMAN MORSE UNITED STATES COURTHOUSE.

The United States courthouse to be constructed at 8th Avenue and Mill Street in Eugene, Oregon, shall be known and designated as the "Wayne Lyman Morse United States Courthouse".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in section 1 shall be deemed to be a reference to the Wayne Lyman Morse United States Courthouse.

DISCHARGED FROM THE COMMITTEE ON WAYS AND MEANS AND PASSED

H.R. 5603, to amend the Internal Revenue Code of 1986 to suspend the tax-exempt status of designated terrorist organizations, and for other purposes.

H.R. 5603

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SUSPENSION OF TAX-EXEMPT STATUS OF DESIGNATED TERRORIST ORGANIZATIONS.

(a) IN GENERAL.—Section 501 of the Internal Revenue Code of 1986 (relating to exemption from tax on corporations, certain trusts, etc.) is amended by redesignating subsection (p) as subsection (q) and by inserting after subsection (o) the following new subsection:

"(p) SUSPENSION OF TAX-EXEMPT STATUS OF DESIGNATED TERRORIST ORGANIZATIONS.—

"(1) IN GENERAL.—The exemption from tax under subsection (a) with respect to any organization shall be suspended during any period in which the organization is a designated terrorist organization.

"(2) DESIGNATED TERRORIST ORGANIZATION.—For purposes of this subsection, the term 'designated terrorist organization' means an organization which—

"(A) is designated as a terrorist organization by an Executive order under the authority of—

"(i) section 212(a)(3) or 219 of the Immigration and Nationality Act,

"(ii) the International Emergency Economic Powers Act, or

"(iii) section 5 of the United Nations Participation Act, or

"(B) is a person listed in or designated by an Executive order as supporting terrorist activity (as defined in section 212(a)(3)(B) of the Immigration and Nationality Act) or terrorism (as defined in section 140(d)(2) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989).

"(3) DENIAL OF DEDUCTION.—No deduction shall be allowed under section 170, 545(b)(2), 556(b)(2), 642(c), 2055, 2106(a)(2), or 2522 for any contribution to an organization during the period such organization is a designated terrorist organization.

"(4) DENIAL OF ADMINISTRATIVE OR JUDICIAL CHALLENGE OF SUSPENSION OR DENIAL OF DEDUCTION.—Notwithstanding section 7428 or any other provision of law, no organization or other person may challenge a suspension under paragraph (1), a determination or listing under paragraph (2), or a denial of a deduction under paragraph (3) in any administrative or judicial proceeding relating to the Federal tax liability of such organization or other person.

"(5) ERRONEOUS DESIGNATION.—

"(A) IN GENERAL.—If a designation of an organization pursuant to 1 or more of the provisions of law described in paragraph (2) is determined to be erroneous pursuant to such law, such designation (and any suspension under paragraph (1) occurring pursuant thereto) shall be treated as having not been made for purposes of this title.

"(B) WAIVER OF LIMITATIONS.—If credit or refund of any overpayment of tax which occurs by operation of subparagraph (A) is prevented at any time before the close of the 1-year period beginning on the date of the determination of such credit or refund by the operation of any law or rule of law (including res judicata), such refund or credit may nevertheless be made or allowed if claim therefor is filed before the close of such period.".

(b) NOTICE OF SUSPENSIONS.—If the tax exemption of any organization is suspended under section 501(p) of the Internal Revenue Code of 1986 (as added by subsection (a)), the Internal Revenue Service shall update the listings of tax-exempt organizations and shall publish appropriate notice to taxpayers of such suspension and of the fact that contributions to such organization are not deductible during the period of such suspension.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

DISCHARGED FROM THE COMMITTEE ON ENERGY AND COMMERCE AND PASSED

H.R. 5651, to amend the Federal Food, Drug, and Cosmetic Act to make improvements in the regulation of medical devices, and for other purposes.

H.R. 5651

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Medical Device User Fee and Modernization Act of 2002".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—FEES RELATED TO MEDICAL DEVICES

Sec. 101. Findings.
Sec. 102. Establishment of program.
Sec. 103. Annual reports.
Sec. 104. Postmarket surveillance.
Sec. 105. Consultation.
Sec. 106. Effective date.
Sec. 107. Sunset clause.

TITLE II—AMENDMENTS REGARDING REGULATION OF MEDICAL DEVICES

Sec. 201. Inspections by accredited persons.
Sec. 202. Third party review of premarket notification.
Sec. 203. Debarment of accredited persons.
Sec. 204. Designation and regulation of combination products.
Sec. 205. Report on certain devices.
Sec. 206. Electronic labeling.
Sec. 207. Electronic registration.
Sec. 208. Intended use.
Sec. 209. Modular review.
Sec. 210. Pediatric expertise regarding classification-panel review of premarket applications.
Sec. 211. Internet list of class II devices exempted from requirement of premarket notification.
Sec. 212. Study by Institute of Medicine of postmarket surveillance regarding pediatric populations.
Sec. 213. Guidance regarding pediatric devices.
Sec. 214. Breast implants; study by Comptroller General.
Sec. 215. Breast implants; research through National Institutes of Health.

TITLE III—ADDITIONAL AMENDMENTS

Sec. 301. Identification of manufacturer of medical devices.
Sec. 302. Single-use medical devices.
Sec. 303. MedWatch.

TITLE I—FEES RELATED TO MEDICAL DEVICES

SEC. 101. FINDINGS.

The Congress finds that—

(1) prompt approval and clearance of safe and effective devices is critical to the improvement of the public health so that patients may enjoy the benefits of devices to diagnose, treat, and prevent disease;

(2) the public health will be served by making additional funds available for the purpose of augmenting the resources of the Food and Drug Administration that are devoted to the process for the review of devices and the assurance of device safety and effectiveness so that statutorily mandated deadlines may be met; and

(3) the fees authorized by this title will be dedicated to meeting the goals identified in the letters from the Secretary of Health and Human Services to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate, as set forth in the Congressional Record.

SEC. 102. ESTABLISHMENT OF PROGRAM.

(a) IN GENERAL.—Subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379F et seq.) is amended by adding at the end the following part:

"PART 3—FEES RELATING TO DEVICES

"SEC. 737. DEFINITIONS.

"For purposes of this subchapter:

"(1) The term 'premarket application' means—

"(A) an application for approval of a device submitted under section 515(c) or section 351 of the Public Health Service Act; or

"(B) a product development protocol described in section 515(f).

Such term does not include a supplement, a premarket report, or a premarket notification submission.

"(2) The term 'premarket report' means a report submitted under section 515(c)(2).

"(3) The term 'premarket notification submission' means a report submitted under section 510(k).

"(4)(A) The term 'supplement', with respect to a panel-track supplement, a 180-day supplement, a real-time supplement, or an efficacy supplement, means a request to the Secretary to approve a change in a device for which—

"(i) an application or report has been approved under section 515(d), or an application has been approved under section 351 of the Public Health Service Act; or

"(ii) a notice of completion has become effective under section 515(f).

"(B) The term 'panel-track supplement' means a supplement to an approved premarket application or premarket report under section 515 that requests a significant change in design or performance of the device, or a new indication for use of the device, and for which clinical data are generally necessary to provide a reasonable assurance of safety and effectiveness.

"(C) The term '180-day supplement' means a supplement to an approved premarket application or premarket report under section 515 that is not a panel-track supplement and requests a significant change in components, materials, design, specification, software, color additives, or labeling.

"(D) The term 'real-time supplement' means a supplement to an approved premarket application or premarket report under section 515 that requests a minor change to the device, such as a minor change to the design of the device, software, manufacturing, sterilization, or labeling, and for which the applicant has requested and the agency has granted a meeting or similar forum to jointly review and determine the status of the supplement.

"(E) The term 'efficacy supplement' means a supplement to an approved premarket application under section 351 of the Public

Health Service Act that requires substantive clinical data.

"(5) The term 'process for the review of device applications' means the following activities of the Secretary with respect to the review of premarket applications, premarket reports, supplements, and premarket notification submissions:

"(A) The activities necessary for the review of premarket applications, premarket reports, supplements, and premarket notification submissions.

"(B) The issuance of action letters that allow the marketing of devices or which set forth in detail the specific deficiencies in such applications, reports, supplements, or submissions and, where appropriate, the actions necessary to place them in condition for approval.

"(C) The inspection of manufacturing establishments and other facilities undertaken as part of the Secretary's review of pending premarket applications, premarket reports, and supplements.

"(D) Monitoring of research conducted in connection with the review of such applications, reports, supplements, and submissions.

"(E) Review of device applications subject to section 351 of the Public Health Service Act for an investigational new drug application under section 505(i) or for an investigational device exemption under section 520(g) and activities conducted in anticipation of the submission of such applications under section 505(i) or 520(g).

"(F) The development of guidance, policy documents, or regulations to improve the process for the review of premarket applications, premarket reports, supplements, and premarket notification submissions.

"(G) The development of voluntary test methods, consensus standards, or mandatory performance standards under section 514 in connection with the review of such applications, reports, supplements, or submissions and related activities.

"(H) The provision of technical assistance to device manufacturers in connection with the submission of such applications, reports, supplements, or submissions.

"(I) Any activity undertaken under section 513 or 515(i) in connection with the initial classification or reclassification of a device or under section 515(b) in connection with any requirement for approval of a device.

"(J) Evaluation of postmarket studies required as a condition of an approval of a premarket application under section 515 or section 351 of the Public Health Service Act.

"(K) Compiling, developing, and reviewing information on relevant devices to identify safety and effectiveness issues for devices subject to premarket applications, premarket reports, supplements, or premarket notification submissions.

"(6) The term 'costs of resources allocated for the process for the review of device applications' means the expenses incurred in connection with the process for the review of device applications for—

"(A) officers and employees of the Food and Drug Administration, contractors of the Food and Drug Administration, advisory committees, and costs related to such officers, employees, and committees and to contracts with such contractors;

"(B) management of information, and the acquisition, maintenance, and repair of computer resources;

"(C) leasing, maintenance, renovation, and repair of facilities and acquisition, maintenance, and repair of fixtures, furniture, scientific equipment, and other necessary materials and supplies; and

"(D) collecting fees and accounting for resources allocated for the review of premarket applications, premarket reports, supplements, and submissions.

"(7) The term 'adjustment factor' applicable to a fiscal year is the Consumer Price Index for all urban consumers (all items; United States city average) for April of the preceding fiscal year divided by such Index for April 2002.

"(8) The term 'affiliate' means a business entity that has a relationship with a second business entity if, directly or indirectly—

"(A) one business entity controls, or has the power to control, the other business entity; or

"(B) a third party controls, or has power to control, both of the business entities.

"SEC. 738. AUTHORITY TO ASSESS AND USE DEVICE FEES.

"(a) Types of Fees.—Beginning on the date of the enactment of the Medical Device User Fee and Modernization Act of 2002, the Secretary shall assess and collect fees in accordance with this section as follows:

"(1) Premarket application, premarket report, supplement, and submission fee.—

"(A) In general.—Except as provided in subparagraph (B) and subsection (d), each person who submits any of the following, on or after October 1, 2002, shall be subject to a fee established under subsection (c)(5) for the fiscal year involved in accordance with the following:

"(i) A premarket application.

"(ii) For a premarket report, a fee equal to the fee that applies under clause (i).

"(iii) For a panel track supplement, a fee equal to the fee that applies under clause (i).

"(iv) For a 180-day supplement, a fee equal to 21.5 percent of the fee that applies under clause (i), subject to any adjustment under subsection (c)(3).

"(v) For a real-time supplement, a fee equal to 7.2 percent of the fee that applies under clause (i).

"(vi) For an efficacy supplement, a fee equal to the fee that applies under clause (i).

"(vii) For a premarket notification submission, a fee equal to 1.42 percent of the fee that applies under clause (i), subject to any adjustment under subsection (c)(3) and any adjustment under subsection (e)(2)(C)(ii).

"(B) Exceptions.—

"(i) Humanitarian device exemption.—An application under section 520(m) is not subject to any fee under subparagraph (A).

"(ii) Further manufacturing use.—No fee shall be required under subparagraph (A) for the submission of a premarket application under section 351 of the Public Health Service Act for a product licensed for further manufacturing use only.

"(iii) State or federal government sponsors.—No fee shall be required under subparagraph (A) for a premarket application, premarket report, supplement, or premarket notification submission submitted by a State or Federal Government entity unless the device involved is to be distributed commercially.

"(iv) Premarket notifications by third parties.—No fee shall be required under subparagraph (A) for a premarket notification submission reviewed by an accredited person pursuant to section 523.

"(v) Pediatric conditions of use.—

"(I) In general.—No fee shall be required under subparagraph (A) for a premarket application, premarket report, or premarket notification submission if the proposed conditions of use for the device involved are solely for a pediatric population. No fee shall be required under such subparagraph for a supplement if the sole purpose of the supplement is to propose conditions of use for a pediatric population.

"(II) Subsequent proposal of adult conditions of use.—In the case of a person who submits a premarket application or premarket report for which, under subclause (I), a fee under subparagraph (A) is not required, any supplement to such application that proposes conditions of use for any adult population is subject to the fee that applies under such subparagraph for a premarket application.

"(C) Payment.—The fee required by subparagraph (A) shall be due upon submission of the premarket application, premarket report, supplement, or premarket notification submission except that invoices for applications submitted between October 1, 2002, and the date of the enactment of the Medical Device User Fee and Modernization Act of 2002 shall be payable on October 30, 2002. Applicants submitting portions of applications pursuant to section 515(c)(3) shall pay such fees upon submission of the first portion of such applications. The fees credited to fiscal year 2003 under this section shall include all fees payable from October 1, 2002, through September 30, 2003.

"(D) Refunds.—

"(i) Application refused for filing.—The Secretary shall refund 75 percent of the fee paid under subparagraph (A) for any application or supplement that is refused for filing.

"(ii) Application withdrawn before filing.—The Secretary shall refund 75 percent of the fee paid under subparagraph (A) for any application or supplement that is withdrawn prior to the filing decision of the Secretary.

"(iii) Application withdrawn before first action.—After receipt of a request for a refund of the fee paid under subparagraph (A) for a premarket application, premarket report, or supplement that is withdrawn after filing but before a first action, the Secretary may return some or all of the fee. The amount of refund, if any, shall be based on the level of effort already expended on the review of such application, report, or supplement. The Secretary shall have sole discretion to refund a fee or portion of the fee under this subparagraph. A determination by the Secretary concerning a refund under this paragraph shall not be reviewable.

"(b) Fee Revenue Amounts.—Except as provided in subsections (c), (d), (e), (g), and (h), the fees under subsection (a) shall be established to generate the following revenue amounts: $25,125,000 in fiscal year 2003; $27,255,000 in fiscal year 2004; $29,785,000 in fiscal year 2005; $32,615,000 in fiscal year 2006, and $35,000,000 in fiscal year 2007. If legislation is enacted after the date of the enactment of the Medical Device User Fee and Modernization Act of 2002 requiring the Secretary to fund additional costs of the retirement of Federal personnel, fee revenue amounts under this subsection shall be increased in each year by the amount necessary to fully fund the portion of such additional costs that are attributable to the process for the review of device applications.

"(c) Adjustments.—

"(1) Inflation adjustment.—The revenues established in subsection (b) shall be adjusted by the Secretary by notice, published in the Federal Register, for a fiscal year to reflect the greater of—

"(A) the total percentage change that occurred in the Consumer Price Index for all urban consumers (all items; U.S. city average) for the 12 month period ending June 30 preceding the fiscal year for which fees are being established, or

"(B) the total percentage change for the previous fiscal year in basic pay under the General Schedule in accordance with section 5332 of title 5, United States Code, as adjusted by any locality-based comparability payment pursuant to section 5304 of such title for Federal employees stationed in the District of Columbia.

The adjustment made each fiscal year by this subsection shall be added on a compounded basis to the sum of all adjustments made each fiscal year after fiscal year 2003 under this subsection.

"(2) Workload adjustment.—After the fee revenues established in subsection (b) are adjusted for a fiscal year for inflation in accordance with paragraph (1), the fee revenues shall, beginning with fiscal year 2004, be adjusted further each fiscal year to reflect changes in the workload of the Secretary for the process for the review of device applications. With respect to such adjustment:

"(A) The adjustment shall be determined by the Secretary based on a weighted average of the change in the total number of premarket applications, investigational new device applications, premarket reports, supplements, and premarket notification submissions submitted to the Secretary. The Secretary shall publish in the Federal Register the fee revenues and fees resulting from the adjustment and the supporting methodologies.

"(B) Under no circumstances shall the adjustment result in fee revenues for a fiscal year that are less than the fee revenues for the fiscal year established in subsection (b), as adjusted for inflation under paragraph (1).

"(3) Compensating adjustment.—After the fee revenues established in subsection (b) are adjusted for a fiscal year for inflation in accordance with paragraph (1), and for workload in accordance with paragraph (2), the fee revenues shall, beginning with fiscal year 2004, be adjusted further each fiscal year, if necessary, to reflect the cumulative amount by which collections for previous fiscal years, beginning with fiscal year 2003, fell below the cumulative revenue amounts for such fiscal years specified in subsection (b), adjusted for such fiscal years for inflation in accordance with paragraph (1), and for workload in accordance with paragraph (2).

"(4) Final year adjustment.—For fiscal year 2007, the Secretary may, in addition to adjustments under paragraphs (1) and (2), further increase the fees and fee revenues established in subsection (b) if such adjustment is necessary to provide for not more than three months of operating reserves of carryover user fees for the process for the review of device applications for the first three months of fiscal year 2008. If such an adjustment is necessary, the rationale for the amount of the increase shall be contained in the annual notice establishing fee revenues and fees for fiscal year 2007. If the Secretary has carryover user fee balances for such process in excess of three months of such operating reserves, the adjustment under this paragraph shall not be made.

"(5) Annual fee setting.—The Secretary shall, 60 days before the start of each fiscal year after September 30, 2002, establish, for the next fiscal year, and publish in the Federal Register, fees under subsection (a), based on the revenue amounts established under subsection (b) and the adjustment provided under this subsection and subsection (e)(2)(C)(ii), except that the fees established for fiscal year 2003 shall be based on a premarket application fee of $154,000.

"(6) Limit.—The total amount of fees charged, as adjusted under this subsection, for a fiscal year may not exceed the total costs for such fiscal year for the resources allocated for the process for the review of device applications.

"(d) Small Businesses; Fee Waiver and Fee Reduction Regarding Premarket Approval Fees.—

"(1) In general.—The Secretary shall grant a waiver of the fee required under subsection (a) for one premarket application, or one premarket report, where the Secretary finds that the applicant involved is a small business submitting its first premarket application to the Secretary, or its first premarket report, respectively, for review. In addition, for subsequent premarket applications, premarket reports, and supplements where the Secretary finds that the applicant involved is a small business, the fees specified in clauses (i) through (vi) of subsection (a)(1)(A) may be paid at a reduced rate in accordance with paragraph (2)(C).

"(2) Rules relating to premarket approval fees.—

"(A) Definition.—

"(i) In general.—For purposes of this subsection, the term 'small business' means an entity that reported $30,000,000 or less of gross receipts or sales in its most recent Federal income tax return for a taxable year, including such returns of all of its affiliates, partners, and parent firms.

"(ii) Adjustment.—The Secretary may adjust the $30,000,000 threshold established in clause (i) if the Secretary has evidence from actual experience that this threshold results in a reduction in revenues from premarket applications, premarket reports, and supplements that is 16 percent or more than would occur without small business exemptions and lower fee rates. To adjust this threshold, the Secretary shall publish a notice in the Federal Register setting out the rationale for the adjustment, and the new threshold.

"(B) Evidence of qualification.—An applicant shall pay the higher fees established by the Secretary each year unless the applicant submits evidence that it qualifies for a waiver of the fee or the lower fee rate. The applicant shall support its claim that it meets the definition under subparagraph (A) by submission of a copy of its most recent Federal income tax return for a taxable year, and a copy of such returns of its affiliates, partners, and parent firms, which show an amount of gross sales or receipts that is less than the maximum established in subparagraph (A). The applicant, and each of such affiliates, partners, and parent firms, shall certify that the information provided is a true and accurate copy of the actual tax forms they submitted to the Internal Revenue Service. If no tax forms are submitted for affiliates, partners, or parent firms, the applicant shall certify that the applicant has no affiliates, partners, or parent firms, respectively.

"(C) Reduced fees.—Where the Secretary finds that the applicant involved meets the definition under subparagraph (A), the fees established under subsection (c)(5) may be paid at a reduced rate of 38 percent of the fee established under such subsection for a premarket application, a premarket report, or a supplement.

"(D) Request for fee waiver or reduction.—An applicant seeking a fee waiver or reduction under this subsection shall submit supporting information to the Secretary at least 60 days before the fee is required pursuant to subsection (a). The decision of the Secretary regarding whether an entity qualifies for such a waiver or reduction is not reviewable.

"(e) Small Businesses; Fee Reduction Regarding Premarket Notification Submissions.—

"(1) In general.—Where the Secretary finds that the applicant involved is a small business, the fee specified in subsection (a)(1)(A)(vii) may be paid at a reduced rate in accordance with paragraph (2)(C).

"(2) Rules relating to premarket notification submissions.—

"(A) Definition.—For purposes of this subsection, the term 'small business' means an entity that reported $30,000,000 or less of gross receipts or sales in its most recent Federal income tax return for a taxable year, including such returns of all of its affiliates, partners, and parent firms.

"(B) Evidence of qualification.—An applicant shall pay the higher fees established by the Secretary each year unless the applicant submits evidence that it qualifies for the lower fee rate. The applicant shall support its claim that it meets the definition under subparagraph (A) by submission of a copy of its most recent Federal income tax return for a taxable year, and a copy of such returns of its affiliates, partners, and parent firms, which show an amount of gross sales or receipts that is less than the maximum established in subparagraph (A). The applicant, and each of such affiliates, partners, and parent firms, shall certify that the information provided is a true and accurate copy of the actual tax forms they submitted to the Internal Revenue Service. If no tax forms are submitted for affiliates, partners, or parent firms, the applicant shall certify that the applicant has no affiliates, partners, or parent firms, respectively.

"(C) Reduced fees.—

"(i) In general.—Where the Secretary finds that the applicant involved meets the definition under subparagraph (A), the fee for a premarket notification submission may be paid at 80 percent of the fee that applies under subsection (a)(1)(A)(vii), as adjusted under clause (ii) and as established under subsection (c)(5).

"(ii) Adjustment per fee revenue amount.—For fiscal year 2004 and each subsequent fiscal year, the Secretary, in setting the revenue amount under subsection (c)(5) for premarket notification submissions, shall determine the revenue amount that would apply if all such submissions for the fiscal year involved paid a fee equal to 1.42 percent of the amount that applies under subsection (a)(1)(A)(i) for premarket applications, and shall adjust the fee under subsection (a)(1)(A)(vii) for premarket notification submissions such that the reduced fees collected under clause (i) of this subparagraph, when added to fees for such submissions that are not paid at the reduced rate, will equal such revenue amount for the fiscal year.

"(D) Request for reduction.—An applicant seeking a fee reduction under this subsection shall submit supporting information to the Secretary at least 60 days before the fee is required pursuant to subsection (a). The decision of the Secretary regarding whether an entity qualifies for such a reduction is not reviewable.

"(f) Effect of Failure to Pay Fees.—A premarket application, premarket report, supplement, or premarket notification submission submitted by a person subject to fees under subsection (a) shall be considered incomplete and shall not be accepted for filing by the Secretary until all fees owed by such person have been paid.

"(g) Conditions.—

"(1) Performance goals through fiscal year 2005; termination of program after

FISCAL YEAR 2005.—With respect to the amount that, under the salaries and expenses account of the Food and Drug Administration, is appropriated for a fiscal year for devices and radiological products:

“(A)(i) For each of the fiscal years 2003 and 2004, the Secretary is expected to meet all of the goals identified for the fiscal year involved in any letter referred to in section 101(3) of the Medical Device User Fee and Modernization Act of 2002 (referred to in this paragraph as ‘performance goals’) if the amount so appropriated for such fiscal year, excluding the amount of fees appropriated for such fiscal year, is equal to or greater than $205,720,000 multiplied by the adjustment factor applicable to the fiscal year.

“(ii) For each of the fiscal years 2003 and 2004, if the amount so appropriated for the fiscal year involved, excluding the amount of fees appropriated for such fiscal year, is less than the amount that applies under clause (i) for such fiscal year, the following applies:

“(I) The Secretary is expected to meet such goals to the extent practicable, taking into account the amounts that are available to the Secretary for such purpose, whether from fees under subsection (a) or otherwise.

“(II) The Comptroller General of the United States shall submit to the Congress a report describing whether and to what extent the Secretary is meeting the performance goals identified for such fiscal year, and whether the Secretary will be able to meet all performance goals identified for fiscal year 2005. A report under the preceding sentence shall be submitted to the Congress not later than July 1 of the fiscal year with which the report is concerned.

“(B)(i) For fiscal year 2005, the Secretary is expected to meet all of the performance goals identified for the fiscal year if the total of the amounts so appropriated for fiscal years 2003 through 2005, excluding the amount of fees appropriated for such fiscal years, is equal to or greater than the sum of—

“(I) $205,720,000 multiplied by the adjustment factor applicable to fiscal year 2003;

“(II) $205,720,000 multiplied by the adjustment factor applicable to fiscal year 2004; and

“(III) $205,720,000 multiplied by the adjustment factor applicable to fiscal year 2005.

“(ii) For fiscal year 2005, if the total of the amounts so appropriated for fiscal years 2003 through 2005, excluding the amount of fees appropriated for such fiscal years, is less than the sum that applies under clause (i) for fiscal year 2005, the following applies:

“(I) The Secretary is expected to meet such goals to the extent practicable, taking into account the amounts that are available to the Secretary for such purpose, whether from fees under subsection (a) or otherwise.

“(II) The Comptroller General of the United States shall submit to the Congress a report describing whether and to what extent the Secretary is meeting the performance goals identified for such fiscal year, and whether the Secretary will be able to meet all performance goals identified for fiscal year 2006. The report under the preceding sentence shall be submitted to the Congress not later than July 1, 2005.

“(C) For fiscal year 2006, fees may not be assessed under subsection (a) for the fiscal year, and the Secretary is not expected to meet any performance goals identified for the fiscal year, if the total of the amounts so appropriated for fiscal years 2003 through 2006, excluding the amount of fees appropriated for such fiscal years, is less than the sum of—

“(i) $205,720,000 multiplied by the adjustment factor applicable to fiscal year 2006; and

“(ii) an amount equal to the sum that applies for purposes of subparagraph (B)(i).

“(D) For fiscal year 2007, fees may not be assessed under subsection (a) for the fiscal year, and the Secretary is not expected to meet any performance goals identified for the fiscal year, if—

“(i) the amount so appropriated for the fiscal year, excluding the amount of fees appropriated for the fiscal year, is less than $205,720,000 multiplied by the adjustment factor applicable to fiscal year 2007; or

“(ii) pursuant to subparagraph (C), fees were not assessed under subsection (a) for fiscal year 2006.

“(2) AUTHORITY.—If the Secretary does not assess fees under subsection (a) during any portion of a fiscal year because of subparagraph (C) or (D) of paragraph (1) and if at a later date in such fiscal year the Secretary may assess such fees, the Secretary may assess and collect such fees, without any modification in the rate for premarket applications, supplements, premarket reports, and premarket notification submissions, and at any time in such fiscal year, notwithstanding the provisions of subsection (a) relating to the date fees are to be paid.

“(h) CREDITING AND AVAILABILITY OF FEES.—

“(1) IN GENERAL.—Fees authorized under subsection (a) shall be collected and available for obligation only to the extent and in the amount provided in advance in appropriation Acts. Such fees are authorized to be appropriated to remain available until expended. Such sums as may be necessary may be transferred from the Food and Drug Administration salaries and expenses appropriation account without fiscal year limitation to such appropriation account for salaries and expenses with such fiscal year limitation. The sums transferred shall be available solely for the process for the review of device applications.

“(2) COLLECTIONS AND APPROPRIATION ACTS.—

“(A) IN GENERAL.—The fees authorized by this section—

“(i) shall be retained in each fiscal year in an amount not to exceed the amount specified in appropriation Acts, or otherwise made available for obligation, for such fiscal year, and

“(ii) shall only be collected and available to defray increases in the costs of the resources allocated for the process for the review of device applications (including increases in such costs for an additional number of full-time equivalent positions in the Department of Health and Human Services to be engaged in such process) over such costs, excluding costs paid from fees collected under this section, for fiscal year 2002 multiplied by the adjustment factor.

“(B) COMPLIANCE.—The Secretary shall be considered to have met the requirements of subparagraph (A)(ii) in any fiscal year if the costs funded by appropriations and allocated for the process for the review of device applications—

“(i) are not more than 3 percent below the level specified in subparagraph (A)(ii); or

“(ii)(I) are more than 3 percent below the level specified in subparagraph (A)(ii), and fees assessed for a subsequent fiscal year are decreased by the amount in excess of 3 percent by which such costs fell below the level specified in such subparagraph; and

“(II) such costs are not more than 5 percent below the level specified in such subparagraph.

“(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for fees under this section—

“(A) $25,125,000 for fiscal year 2003;

“(B) $27,255,000 for fiscal year 2004;

“(C) $29,785,000 for fiscal year 2005;

“(D) $32,615,000 for fiscal year 2006; and

“(E) $35,000,000 for fiscal year 2007,

as adjusted to reflect adjustments in the total fee revenues made under this section and changes in the total amounts collected by application fees.

“(4) OFFSET.—Any amount of fees collected for a fiscal year under this section that exceeds the amount of fees specified in appropriation Acts for such fiscal year shall be credited to the appropriation account of the Food and Drug Administration as provided in paragraph (1), and shall be subtracted from the amount of fees that would otherwise be authorized to be collected under this section pursuant to appropriation Acts for a subsequent fiscal year.

“(i) COLLECTION OF UNPAID FEES.—In any case where the Secretary does not receive payment of a fee assessed under subsection (a) within 30 days after it is due, such fee shall be treated as a claim of the United States Government subject to subchapter II of chapter 37 of title 31, United States Code.

“(j) WRITTEN REQUESTS FOR REFUNDS.—To qualify for consideration for a refund under subsection (a)(1)(D), a person shall submit to the Secretary a written request for such refund not later than 180 days after such fee is due.

“(k) CONSTRUCTION.—This section may not be construed to require that the number of full-time equivalent positions in the Department of Health and Human Services, for officers, employees, and advisory committees not engaged in the process of the review of device applications, be reduced to offset the number of officers, employees, and advisory committees so engaged.”.

(b) FEE EXEMPTION FOR CERTAIN ENTITIES SUBMITTING PREMARKET REPORTS.—

(1) IN GENERAL.—A person submitting a premarket report to the Secretary of Health and Human Services is exempt from the fee under section 738(a)(1)(A)(ii) of the Federal Food, Drug, and Cosmetic Act (as added by subsection (a) of this section) if—

(A) the premarket report is the first such report submitted to the Secretary by the person; and

(B) before October 1, 2002, the person submitted a premarket application to the Secretary for the same device as the device for which the person is submitting the premarket report.

(2) DEFINITIONS.—For purposes of paragraph (1), the terms “device”, “premarket application”, and “premarket report” have the same meanings as apply to such terms for purposes of section 738 of the Federal Food, Drug, and Cosmetic Act (as added by subsection (a) of this section).

SEC. 103. ANNUAL REPORTS.

Beginning with fiscal year 2003, the Secretary shall prepare and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor and Pensions of the Senate a report concerning—

(1) the progress of the Food and Drug Administration in achieving the goals identified in the letters described in section 101(3) during such fiscal year and the future plans of the Food and Drug Administration for meeting the goals, not later than 60 days after the end of each fiscal year during which fees are collected under this part; and

(2) the implementation of the authority for such fees during such fiscal year, and the

use, by the Food and Drug Administration, of the fees collected during such fiscal year, not later than 120 days after the end of each fiscal year during which fees are collected under the medical device user-fee program established under the amendment made by section 102.

SEC. 104. POSTMARKET SURVEILLANCE.

(a) ADDITIONAL AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out postmarket surveillance of medical devices, there are authorized to be appropriated to the Food and Drug Administration the following amounts, stated as increases above the amount obligated for such purpose by such Administration for fiscal year 2002:

(1) For fiscal year 2003, an increase of $3,000,000.

(2) For fiscal year 2004, an increase of $6,000,000.

(3) For fiscal year 2005 and each subsequent fiscal year, an increase of such sums as may be necessary.

(b) STUDY.—

(1) IN GENERAL.—The Secretary of Health and Human Services (referred to in this section as the "Secretary") shall conduct a study for the purpose of determining the following with respect to the medical device user-fee program established under the amendment made by section 102:

(A) The impact of such program on the ability of the Food and Drug Administration to conduct postmarket surveillance on medical devices.

(B) The programmatic improvements, if any, needed for adequate postmarket surveillance of medical devices.

(C) The amount of funds needed to conduct adequate postmarket surveillance of medical devices.

(D) The extent to which device companies comply with the postmarket surveillance requirements, including postmarket study commitments.

(E) The recommendations of the Secretary as to whether, and in what amounts, user fees collected under such user-fee program should be dedicated to postmarket surveillance if the program is extended beyond fiscal year 2007.

(2) REPORT.—Not later than January 10, 2007, the Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives, and the Committee on Health, Education, Labor, and Pensions of the Senate, a report that describes the findings of the study under paragraph (1).

SEC. 105. CONSULTATION.

(a) IN GENERAL.—In developing recommendations to the Congress for the goals and plans for meeting the goals for the process for the review of medical device applications for fiscal years after fiscal year 2007, and for the reauthorization of sections 737 and 738 of the Federal Food, Drug, and Cosmetic Act, the Secretary of Health and Human Services (referred to in this section as the "Secretary") shall consult with the Committee on Energy and Commerce of the House of Representatives, the Committee on Health, Education, Labor, and Pensions of the Senate, appropriate scientific and academic experts, health care professionals, representatives of patient and consumer advocacy groups, and the regulated industry.

(b) RECOMMENDATIONS.—The Secretary shall publish in the Federal Register recommendations under subsection (a), after negotiations with the regulated industry; shall present such recommendations to the congressional committees specified in such paragraph; shall hold a meeting at which the public may present its views on such recommendations; and shall provide for a period of 30 days for the public to provide written comments on such recommendations.

SEC. 106. EFFECTIVE DATE.

The amendments made by this title shall take effect on the date of the enactment of this Act, except that fees shall be assessed for all premarket applications, premarket reports, supplements, and premarket notification submissions received on or after October 1, 2002, regardless of the date of enactment.

SEC. 107. SUNSET CLAUSE.

The amendments made by this title cease to be effective October 1, 2007, except that section 103 with respect to annual reports ceases to be effective January 31, 2008.

TITLE II—AMENDMENTS REGARDING REGULATION OF MEDICAL DEVICES

SEC. 201. INSPECTIONS BY ACCREDITED PERSONS.

(a) IN GENERAL.—Section 704 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 374) is amended by adding at the end the following subsection:

"(g)(1) Not later than one year after the date of the enactment of this subsection, the Secretary shall, subject to the provisions of this subsection, accredit persons for the purpose of conducting inspections of establishments that manufacture, prepare, propagate, compound, or process class II or class III devices that are required in section 510(h), or inspections of such establishments required to register pursuant to section 510(i). The owner or operator of such an establishment that is eligible under paragraph (6) may, from the list published under paragraph (4), select an accredited person to conduct such inspections.

"(2) Not later than 180 days after the date of enactment of this subsection, the Secretary shall publish in the Federal Register criteria to accredit or deny accreditation to persons who request to perform the duties specified in paragraph (1). Thereafter, the Secretary shall inform those requesting accreditation, within 60 days after the receipt of such request, whether the request for accreditation is adequate for review, and the Secretary shall promptly act on the request for accreditation. Any resulting accreditation shall state that such person is accredited to conduct inspections at device establishments identified in paragraph (1). The accreditation of such person shall specify the particular activities under this subsection for which such person is accredited. In the first year following the publication in the Federal Register of criteria to accredit or deny accreditation to persons who request to perform the duties specified in paragraph (1), the Secretary shall accredit no more than 15 persons who request to perform duties specified in paragraph (1).

"(3) An accredited person shall, at a minimum, meet the following requirements:

"(A) Such person may not be an employee of the Federal Government.

"(B) Such person shall be an independent organization which is not owned or controlled by a manufacturer, supplier, or vendor of articles regulated under this Act and which has no organizational, material, or financial affiliation (including a consultative affiliation) with such a manufacturer, supplier, or vendor.

"(C) Such person shall be a legally constituted entity permitted to conduct the activities for which it seeks accreditation.

"(D) Such person shall not engage in the design, manufacture, promotion, or sale of articles regulated under this Act.

"(E) The operations of such person shall be in accordance with generally accepted professional and ethical business practices, and such person shall agree in writing that at a minimum the person will—

"(i) certify that reported information accurately reflects data reviewed, inspection observations made, other matters that relate to or may influence compliance with this Act, and recommendations made during an inspection or at an inspection's closing meeting;

"(ii) limit work to that for which competence and capacity are available;

"(iii) treat information received, records, reports, and recommendations as confidential commercial or financial information or trade secret information, except such information may be made available to the Secretary;

"(iv) promptly respond and attempt to resolve complaints regarding its activities for which it is accredited; and

"(v) protect against the use, in carrying out paragraph (1), of any officer or employee of the accredited person who has a financial conflict of interest regarding any product regulated under this Act, and annually make available to the public disclosures of the extent to which the accredited person, and the officers and employees of the person, have maintained compliance with requirements under this clause relating to financial conflicts of interest.

"(4) The Secretary shall publish on the Internet site of the Food and Drug Administration a list of persons who are accredited under paragraph (2). Such list shall be updated to ensure that the identity of each accredited person, and the particular activities for which the person is accredited, is known to the public. The updating of such list shall be no later than one month after the accreditation of a person under this subsection or the suspension or withdrawal of accreditation, or the modification of the particular activities for which the person is accredited.

"(5)(A) To ensure that persons accredited under this subsection continue to meet the standards of accreditation, the Secretary shall (i) audit the performance of such persons on a periodic basis through the review of inspection reports and inspections by persons designated by the Secretary to evaluate the compliance status of a device establishment and the performance of accredited persons, and (ii) take such additional measures as the Secretary determines to be appropriate.

"(B) The Secretary may withdraw accreditation of any person accredited under paragraph (2), after providing notice and an opportunity for an informal hearing, when such person is substantially not in compliance with the standards of accreditation, or poses a threat to public health or fails to act in a manner that is consistent with the purposes of this subsection. The Secretary may suspend the accreditation of such person during the pendency of the process under the preceding sentence.

"(6)(A) Subject to subparagraphs (B) and (C), a device establishment is eligible for inspections by persons accredited under paragraph (2) if the following conditions are met:

"(i) The Secretary classified the results of the most recent inspection of the establishment pursuant to subsection (h) or (i) of section 510 as 'no action indicated' or 'voluntary action indicated'.

"(ii) With respect to each inspection to be conducted by an accredited person—

"(I) the owner or operator of the establishment submits to the Secretary a notice requesting clearance to use such a person to conduct the inspection, and the Secretary provides such clearance; and

"(II) such notice identifies the accredited person whom the establishment has selected to conduct the inspection, and the Secretary agrees to the selected accredited person.

"(iii) With respect to the devices that are manufactured, prepared, propagated, compounded, or processed by the establishment, at least one of such devices is marketed in the United States, and the following additional conditions are met:

"(I) At least one of such devices is marketed, or is intended to be marketed, in one or more foreign countries, one of which countries certifies, accredits, or otherwise recognizes the person accredited under paragraph (2) and identified under subclause (II) of this clause.

"(II) The owner or operator of the establishment submits to the Secretary a statement that the law of a country in which such a device is marketed, or is intended to be marketed, recognizes an inspection of the establishment by the Secretary, and not later than 30 days after receiving such statement, the Secretary informs the owner or operator of the establishment that the owner or operator may submit a notice requesting clearance under clause (ii).

"(iv)(I) In the case of an inspection to be conducted pursuant to 510(h), persons accredited under paragraph (2) did not conduct the two immediately preceding inspections of the establishment, except that the establishment may petition the Secretary for a waiver of such condition. Such a waiver may be granted only if the petition states a commercial reason for the waiver; the Secretary determines that the public health would be served by granting the waiver; and the Secretary has conducted an inspection of the establishment during the four-year period preceding the date on which the notice under clause (ii) is submitted to the Secretary. Such a waiver is deemed to be granted only if the petition states a commercial reason for the waiver; the Secretary has not determined that the public health would be served by granting the waiver; and the owner or operator of the device establishment has requested in writing, not later than 18 months following the most recent inspection of such establishment by a person accredited under paragraph (2), that the Secretary inspect the establishment and the Secretary has not conducted an inspection within 30 months after the most recent inspection. With respect to such a waiver that is granted or deemed to be granted, no additional such waiver may be granted until after the Secretary has conducted an inspection of the establishment.

"(II) In the case of an inspection to be conducted pursuant to 510(i), the Secretary periodically conducts inspections of the establishment.

"(B)(i) The Secretary shall respond to a notice under subparagraph (A) from a device establishment not later than 30 days after the Secretary receives the notice. Through such response, the Secretary shall (I) provide clearance under such subparagraph, and agree to the selection of an accredited person, or (II) make a request under clause (ii). If the Secretary fails to respond to the notice within such 30-day period, the establishment is deemed to have such clearance, and to have the agreement of the Secretary for such selection.

"(ii) The request referred to in clause (i)(II) is—

"(I) a request to the device establishment involved to submit to the Secretary compliance data in accordance with clause (iii); or

"(II) a request to the establishment, or to the accredited person identified in the notice under subparagraph (A), for information concerning the relationship between the establishment and such accredited person, including information about the number of inspections of the establishment, or other establishments owned or operated by the owner or operator of the establishment, that have been conducted by the accredited person.

The Secretary may make both such requests.

"(iii) The compliance data to be submitted by a device establishment under clause (ii) are data describing whether the quality controls of the establishment have been sufficient for ensuring consistent compliance with current good manufacturing practice within the meaning of section 501(h), and data otherwise describing whether the establishment has consistently been in compliance with sections 501 and 502 and other applicable provisions of this Act. Such data shall include complete reports of inspections regarding good manufacturing practice or other quality control audits that, during the preceding two-year period, were conducted at the establishment by persons other than the owner or operator of the establishment, together with all other compliance data the Secretary deems necessary. Data under the preceding sentence shall demonstrate to the Secretary whether the establishment has facilitated consistent compliance by promptly correcting any compliance problems identified in such inspections.

"(iv) Not later than 60 days after receiving compliance data under clause (iii) from a device establishment, the Secretary shall provide or deny clearance under subparagraph (A). The Secretary may deny clearance if the Secretary determines that the establishment has failed to demonstrate consistent compliance for purposes of clause (iii). The Secretary shall provide to the establishment a statement of such reasons for such determination. If the Secretary fails to provide such statement to the establishment within such 60-day period, the establishment is deemed to have such clearance.

"(v)(I) A request to an accredited person under clause (ii)(II) may not seek any information that is not required to be maintained by such person in records under subsection (f)(1). Not later than 60 days after receiving the information sought by the request, the Secretary shall agree to, or reject, the selection of such person by the device establishment involved. The Secretary may reject the selection if the Secretary provides to the establishment a statement of the reasons for such rejection. Reasons for the rejection may include that the establishment or the accredited person, as the case may be, has failed to fully respond to the request, or that the Secretary has concerns regarding the relationship between the establishment and such accredited person. If within such 60-day period the Secretary fails to agree to or reject the selection in accordance with this subclause, the Secretary is deemed to have agreed to the selection.

"(II) If the Secretary rejects the selection of an accredited person by a device establishment, the establishment may make an additional selection of an accredited person by submitting to the Secretary a notice that identifies the additional selection. Clauses (i) and (ii), and subclause (I) of this clause, apply to the selection of an accredited person through a notice under the preceding sentence in the same manner and to the same extent as such provisions apply to a selection of an accredited person through a notice under subparagraph (A).

"(vi) In the case of a device establishment that under clause (iv) is denied clearance under subparagraph (A), or whose selection of an accredited person is rejected under clause (v), the Secretary shall designate a person to review the findings of the Secretary under such clause if, during the 30-day period beginning on the date on which the establishment receives the findings, the establishment requests the review. The review shall commence not later than 30 days after the establishment requests the review, unless the Secretary and the establishment otherwise agree.

"(C)(i) In the case of a device establishment for which the Secretary classified the results of the most recent inspection of the establishment by a person accredited under paragraph (2) as 'official action indicated', the establishment, if otherwise eligible under subparagraph (A), is eligible for further inspections by persons accredited under such paragraph if (I) the Secretary issues a written statement to the owner or operator of the establishment that the violations leading to such classification have been resolved, and (II) the Secretary, either upon the Secretary's own initiative or a petition of the owner or operator of the establishment, notifies the establishment that it has clearance to use an accredited person for the inspections. The Secretary shall respond to such petition within 30 days after the receipt of the petition.

"(ii) If the Secretary denies a petition under clause (i), the device establishment involved may, after the expiration of one year after such denial, again petition the Secretary for a determination of eligibility for inspection by persons accredited by the Secretary under paragraph (2). If the Secretary denies such petition, the Secretary shall provide the establishment with such reasons for such denial within 60 days after the denial. If, as of the expiration of 48 months after the receipt of the first petition, the establishment has not been inspected by the Secretary in accordance with section 510(h), or has not during such period been inspected pursuant to section 510(i), as applicable, the establishment is eligible for further inspections by accredited persons.

"(7)(A) Persons accredited under paragraph (2) to conduct inspections shall record in writing their inspection observations and shall present the observations to the device establishment's designated representative and describe each observation. Additionally, such accredited person shall prepare an inspection report (including for inspections classified as 'no action indicated') in a form and manner consistent with such reports prepared by employees and officials designated by the Secretary to conduct inspections.

"(B) At a minimum, an inspection report under subparagraph (A) shall identify the persons responsible for good manufacturing practice compliance at the inspected device establishment, the dates of the inspection, the scope of the inspection, and shall describe in detail each observation identified by the accredited person, identify other matters that relate to or may influence compliance with this Act, and describe any recommendations during the inspection or at the inspection's closing meeting.

"(C) An inspection report under subparagraph (A) shall be sent to the Secretary and to the designated representative of the inspected device establishment at the same time, but under no circumstances later than three weeks after the last day of the inspection. The report to the Secretary shall be accompanied by all written inspection observations previously provided to the designated representative of the establishment.

"(D) Any statement or representation made by an employee or agent of a device establishment to a person accredited under paragraph (2) to conduct inspections shall be subject to section 1001 of title 18, United States Code.

"(E) If at any time during an inspection by an accredited person the accredited person discovers a condition that could cause or contribute to an unreasonable risk to the public health, the accredited person shall immediately notify the Secretary of the identification of the device establishment subject to inspection and such condition.

"(8) Compensation for an accredited person shall be determined by agreement between the accredited person and the person who engages the services of the accredited person, and shall be paid by the person who engages such services.

"(9) Nothing in this subsection affects the authority of the Secretary to inspect any device establishment pursuant to this Act.

"(10)(A) For fiscal year 2005 and each subsequent fiscal year, no device establishment may be inspected during the fiscal year involved by a person accredited under paragraph (2) if—

"(i) of the amounts appropriated for salaries and expenses of the Food and Drug Administration for the preceding fiscal year (referred to in this subparagraph as the 'first prior fiscal year'), the amount obligated by the Secretary for inspections of device establishments by the Secretary was less than the adjusted base amount applicable to such first prior fiscal year; and

"(ii) of the amounts appropriated for salaries and expenses of the Food and Drug Administration for the fiscal year preceding the first prior fiscal year (referred to in this subparagraph as the 'second prior fiscal year'), the amount obligated by the Secretary for inspections of device establishments by the Secretary was less than the adjusted base amount applicable to such second prior fiscal year.

"(B)(i) Subject to clause (ii), the Comptroller General of the United States shall determine the amount that was obligated by the Secretary for fiscal year 2002 for compliance activities of the Food and Drug Administration with respect to devices (referred to in this subparagraph as the 'compliance budget'), and of such amount, the amount that was obligated for inspections by the Secretary of device establishments (referred to in this subparagraph as the 'inspection budget').

"(ii) For purposes of determinations under clause (i), the Comptroller General shall not include in the compliance budget or the inspection budget any amounts obligated for inspections of device establishments conducted as part of the process of reviewing applications under section 515.

"(iii) Not later than March 31, 2003, the Comptroller General shall complete the determinations required in this subparagraph and submit to the Secretary and the Congress a reporting describing the findings made through such determinations.

"(C) For purposes of this paragraph:

"(i) The term 'base amount' means the inspection budget determined under subparagraph (B) for fiscal year 2002.

"(ii) The term 'adjusted base amount', in the case of applicability to fiscal year 2003, means an amount equal to the base amount increased by 5 percent.

"(iii) The term 'adjusted base amount', with respect to applicability to fiscal year 2004 or any subsequent fiscal year, means the adjusted based amount applicable to the preceding year increased by 5 percent.

"(11) The authority provided by this subsection terminates on October 1, 2012.

"(12) No later than four years after the enactment of this subsection the Comptroller General shall report to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor and Pensions of the Senate—

"(A) the number of inspections pursuant to subsections (h) and (i) of section 510 conducted by accredited persons and the number of inspections pursuant to such subsections conducted by Federal employees;

"(B) the number of persons who sought accreditation under this subsection, as well as the number of persons who were accredited under this subsection;

"(C) the reasons why persons who sought accreditation, but were denied accreditation, were denied;

"(D) the number of audits conducted by the Secretary of accredited persons, the quality of inspections conducted by accredited persons, whether accredited persons are meeting their obligations under this Act, and whether the number of audits conducted is sufficient to permit these assessments;

"(E) whether this subsection is achieving the goal of ensuring more information about device establishment compliance is being presented to the Secretary, and whether that information is of a quality consistent with information obtained by the Secretary pursuant to subsection (h) or (i) of section 510;

"(F) whether this subsection is advancing efforts to allow device establishments to rely upon third-party inspections for purposes of compliance with the laws of foreign governments; and

"(G) whether the Congress should continue, modify, or terminate the program under this subsection.

"(13) The Secretary shall include in the annual report required under section 903(g) the names of all accredited persons and the particular activities under this subsection for which each such person is accredited and the name of each accredited person whose accreditation has been withdrawn during the year.

"(14) Notwithstanding any provision of this subsection, this subsection does not have any legal effect on any agreement described in section 803(b) between the Secretary and a foreign country.".

(b) MAINTENANCE OF RECORDS.—Section 704(f) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 374(f)) is amended—

(1) in paragraph (1), in the first sentence, by striking "A person accredited" and all that follows through "shall maintain records" and inserting the following: "An accredited person described in paragraph (3) shall maintain records";

(2) in paragraph (2), by striking "a person accredited under section 523" and inserting "an accredited person described in paragraph (3)"; and

(3) by adding at the end the following paragraph:

"(3) For purposes of paragraphs (1) and (2), an accredited person described in this paragraph is a person who—

"(A) is accredited under subsection (g); or

"(B) is accredited under section 523.".

(c) CIVIL MONEY PENALTY.—Section 303(g)(1)(A) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 333(g)(1)(A)) is amended by adding at the end the following: "For purposes of the preceding sentence, a person accredited under paragraph (2) of section 704(g) who is substantially not in compliance with the standards of accreditation under such section, or who poses a threat to public health or fails to act in a manner that is consistent with the purposes of such section, shall be considered to have violated a requirement of this Act that relates to devices.".

(d) PROHIBITED ACTS.—Section 301 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331) is amended by adding at the end the following:

"(gg) The knowing failure of a person accredited under paragraph (2) of section 704(g) to comply with paragraph (7)(E) of such section; the knowing inclusion by such a person of false information in an inspection report under paragraph (7)(A) of such section; or the knowing failure of such a person to include material facts in such a report.".

(e) CONFORMING AMENDMENT.—Section 510(h) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360(h)) is amended by inserting after "duly designated by the Secretary" the following: ", or by persons accredited to conduct inspections under section 704(g),".

SEC. 202. THIRD PARTY REVIEW OF PREMARKET NOTIFICATION.

Section 523 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360m) is amended—

(1) in subsection (c), by striking "The authority" and all that follows and inserting the following: "The authority provided by this section terminates October 1, 2007."; and

(2) by adding at the end the following subsection:

"(d) REPORT.—Not later than January 10, 2007, the Secretary shall conduct a study based on the experience under the program under this section and submit to the Committee on Energy and Commerce of the House of Representatives, and the Committee on Health, Education, Labor, and Pensions of the Senate, a report describing the findings of the study. The objectives of the study shall include determining—

"(1) the number of devices reviewed under this section;

"(2) the number of devices reviewed under this section that were ultimately cleared by the Secretary;

"(3) the number of devices reviewed under this section that were ultimately not cleared by the Secretary;

"(4) the average time period for a review under this section (including the time it takes for the Secretary to review a recommendation of an accredited person under subsection (a) and determine the initial device classification);

"(5) the average time period identified in paragraph (4) compared to the average time period for review of devices solely by the Secretary pursuant to section 510(k);

"(6) if there is a difference in the average time period under paragraph (4) and the average time period under paragraph (5), the reasons for such difference;

"(7) whether the quality of reviews under this section for devices for which no guidance has been issued is qualitatively inferior to reviews by the Secretary for devices for which no guidance has been issued;

"(8) whether the quality of reviews under this section of devices for which no guidance has been issued is qualitatively inferior to reviews under this section of devices for which guidance has been issued;

"(9) whether this section has in any way jeopardized or improved the public health;

"(10) any impact of this section on resources available to the Secretary to review reports under section 510(k); and

"(11) any suggestions for continuation, modification (including contraction or expansion of device eligibility), or termination of this section that the Secretary determines to be appropriate.".

SEC. 203. DEBARMENT OF ACCREDITED PERSONS.

Section 306 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 335a) is amended by adding at the end the following subsection:

"(m) Devices; Mandatory Debarment Regarding Third-Party Inspections and Reviews.—

"(1) In general.—If the Secretary finds that a person has been convicted of a felony under section 301(gg), the Secretary shall debar such person from being accredited under section 523(b) or 704(g)(2) and from carrying out activities under an agreement described in section 803(b).

"(2) Debarment period.—The Secretary shall debar a person under paragraph (1) for the following periods:

"(A) The period of debarment of a person (other than an individual) shall not be less than 1 year or more than 10 years, but if an act leading to a subsequent debarment under such paragraph occurs within 10 years after such person has been debarred under such paragraph, the period of debarment shall be permanent.

"(B) The debarment of an individual shall be permanent.

"(3) Termination of debarment; judicial review; other matters.—Subsections (c)(3), (d), (e), (i), (j), and (l)(1) apply with respect to a person (other than an individual) or an individual who is debarred under paragraph (1) to the same extent and in the same manner as such subsections apply with respect to a person who is debarred under subsection (a)(1), or an individual who is debarred under subsection (a)(2), respectively.".

SEC. 204. DESIGNATION AND REGULATION OF COMBINATION PRODUCTS.

Section 503(g) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 353(g)) is amended—

(1) in paragraph (1)—

(A) in the first sentence, by striking "shall designate a component of the Food and Drug Administration" and inserting "shall in accordance with this subsection assign an agency center"; and

(B) in each of subparagraphs (A) through (C), by striking "the persons charged" and inserting "the agency center charged";

(2) by redesignating paragraph (4) as paragraph (5);

(3) by inserting after paragraph (3) the following paragraph:

"(4)(A) Not later than 60 days after the date of the enactment of this paragraph, the Secretary shall establish within the Office of the Commissioner of Food and Drugs an office to ensure the prompt assignment of combination products to agency centers, the timely and effective premarket review of such products, and consistent and appropriate postmarket regulation of like products subject to the same statutory requirements to the extent permitted by law. Additionally, the office shall, in determining whether a product is to be designated a combination product, consult with the component within the Office of the Commissioner of Food and Drugs that is responsible for such determinations. Such office (referred to in this paragraph as the 'Office') shall have appropriate scientific and medical expertise, and shall be headed by a director.

"(B) In carrying out this subsection, the Office shall, for each combination product, promptly assign an agency center, with primary jurisdiction in accordance with paragraph (1) for the premarket review of such product.

"(C)(i) In carrying out this subsection, the Office shall ensure timely and effective premarket reviews by overseeing the timeliness of and coordinating reviews involving more than one agency center.

"(ii) In order to ensure the timeliness of the premarket review of a combination product, the agency center with primary jurisdiction for the product, and the consulting agency center, shall be responsible to the Office with respect to the timeliness of the premarket review.

"(D) In carrying out this subsection, the Office shall ensure the consistency and appropriateness of postmarket regulation of like products subject to the same statutory requirements to the extent permitted by law.

"(E)(i) Any dispute regarding the timeliness of the premarket review of a combination product may be presented to the Office for resolution, unless the dispute is clearly premature.

"(ii) During the review process, any dispute regarding the substance of the premarket review may be presented to the Commissioner of Food and Drugs after first being considered by the agency center with primary jurisdiction of the premarket review, under the scientific dispute resolution procedures for such center. The Commissioner of Food and Drugs shall consult with the Director of the Office in resolving the substantive dispute.

"(F) The Secretary, acting through the Office, shall review each agreement, guidance, or practice of the Secretary that is specific to the assignment of combination products to agency centers and shall determine whether the agreement, guidance, or practice is consistent with the requirements of this subsection. In carrying out such review, the Secretary shall consult with stakeholders and the directors of the agency centers. After such consultation, the Secretary shall determine whether to continue in effect, modify, revise, or eliminate such agreement, guidance, or practice, and shall publish in the Federal Register a notice of the availability of such modified or revised agreement, guidance or practice. Nothing in this paragraph shall be construed as preventing the Secretary from following each agreement, guidance, or practice until continued, modified, revised, or eliminated.

"(G) Not later than one year after the date of the enactment of this paragraph and annually thereafter, the Secretary shall report to the appropriate committees of Congress on the activities and impact of the Office. The report shall include provisions—

"(i) describing the numbers and types of combination products under review and the timeliness in days of such assignments, reviews, and dispute resolutions;

"(ii) identifying the number of premarket reviews of such products that involved a consulting agency center; and

"(iii) describing improvements in the consistency of postmarket regulation of combination products.

"(H) Nothing in this paragraph shall be construed to limit the regulatory authority of any agency center."; and

(4) in paragraph (5) (as redesignated by paragraph (2) of this section)—

(A) by redesignating subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively; and

(B) by inserting before subparagraph (B) the following subparagraph:

"(A) The term 'agency center' means a center or alternative organizational component of the Food and Drug Administration.".

SEC. 205. REPORT ON CERTAIN DEVICES.

Not later than one year after the date of enactment of this Act, the Secretary of Health and Human Services shall report to the appropriate committees of Congress on the timeliness and effectiveness of device premarket reviews by centers other than the Center for Devices and Radiological Health. Such report shall include information on the times required to log in and review original submissions and supplements, times required to review manufacturers' replies to submissions, and times to approve or clear such devices. Such report shall contain the Secretary's recommendations on any measures needed to improve performance including, but not limited to, the allocation of additional resources. Such report also shall include the Secretary's specific recommendation on whether responsibility for regulating such devices should be reassigned to those persons within the Food and Drug Administration who are primarily charged with regulating other types of devices, and whether such a transfer could have a deleterious impact on the public health and on the safety of such devices.

SEC. 206. ELECTRONIC LABELING.

Section 502(f) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 352(f)) is amended by adding at the end the following: "Required labeling for prescription devices intended for use in health care facilities may be made available solely by electronic means provided that the labeling complies with all applicable requirements of law and, that the manufacturer affords health care facilities the opportunity to request the labeling in paper form, and after such request, promptly provides the health care facility the requested information without additional cost.".

SEC. 207. ELECTRONIC REGISTRATION.

Section 510 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360) is amended by adding at the end the following:

"(p) Registrations under subsections (b), (c), (d), and (i) (including the submission of updated information) shall be submitted to the Secretary by electronic means, upon a finding by the Secretary that the electronic receipt of such registrations is feasible, unless the Secretary grants a request for waiver of such requirement because use of electronic means is not reasonable for the person requesting such waiver.".

SEC. 208. INTENDED USE.

Section 513(i)(1)(E) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360c(i)(1)(E)) is amended by striking clause (iv).

SEC. 209. MODULAR REVIEW.

Section 515(c) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360e(c)) is amended by adding at the end the following:

"(3)(A) Prior to the submission of an application under this subsection, the Secretary shall accept and review any portion of the application that the applicant and the Secretary agree is complete, ready, and appropriate for review, except that such requirement does not apply, and the Secretary has discretion whether to accept and review such portion, during any period in which, under section 738(g), the Secretary does not have the authority to collect fees under section 738(a).

"(B) Each portion of a submission reviewed under subparagraph (A) and found acceptable by the Secretary shall not be further reviewed after receipt of an application that satisfies the requirements of paragraph (1), unless an issue of safety or effectiveness provides the Secretary reason to review such accepted portion.

"(C) Whenever the Secretary determines that a portion of a submission under subparagraph (A) is unacceptable, the Secretary shall, in writing, provide to the applicant a description of any deficiencies in such portion and identify the information that is required to correct these deficiencies, unless the applicant is no longer pursuing the application.".

SEC. 210. PEDIATRIC EXPERTISE REGARDING CLASSIFICATION-PANEL REVIEW OF PREMARKET APPLICATIONS.

Section 515(c) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360e(c)), as amended by section 302(c)(2)(A) of this Act, is amended in paragraph (3) by adding at the end the following: "Where appropriate, the Secretary shall ensure that such panel includes, or consults with, one or more pediatric experts.".

SEC. 211. INTERNET LIST OF CLASS II DEVICES EXEMPTED FROM REQUIREMENT OF PREMARKET NOTIFICATION.

Section 510(m)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360(m)(1)) is amended by adding at the end the following: "The Secretary shall publish such list on the Internet site of the Food and Drug Administration. The list so published shall be updated not later than 30 days after each revision of the list by the Secretary.".

SEC. 212. STUDY BY INSTITUTE OF MEDICINE OF POSTMARKET SURVEILLANCE REGARDING PEDIATRIC POPULATIONS.

(a) In General.—The Secretary of Health and Human Services (referred to in this section as the "Secretary") shall request the Institute of Medicine to enter into an agreement with the Secretary under which such Institute conducts a study for the purpose of determining whether the system under the Federal Food, Drug, and Cosmetic Act for the postmarket surveillance of medical devices provides adequate safeguards regarding the use of devices in pediatric populations.

(b) Certain Matters.—The Secretary shall ensure that determinations made in the study under subsection (a) include determinations of—

(1) whether postmarket surveillance studies of implanted medical devices are of long enough duration to evaluate the impact of growth and development for the number of years that the child will have the implant, and whether the studies are adequate to evaluate how children's active lifestyles may affect the failure rate and longevity of the implant; and

(2) whether the postmarket surveillance by the Food and Drug Administration of medical devices used in pediatric populations is sufficient to provide adequate safeguards for such populations, taking into account the Secretary's monitoring of commitments made at the time of approval of medical devices, such as phase IV trials, and the Secretary's monitoring and use of adverse reaction reports, registries, and other postmarket surveillance activities.

(c) Report to Congress.—The Secretary shall ensure that, not later than four years after the date of the enactment of this Act, a report describing the findings of the study under subsection (a) is submitted to the Congress. The report shall include any recommendations of the Secretary for administrative or legislative changes to the system of postmarket surveillance referred to in such subsection.

SEC. 213. GUIDANCE REGARDING PEDIATRIC DEVICES.

Not later than 270 days after the date of the enactment of this Act, the Secretary of Health and Human Services shall issue guidance on the following:

(1) The type of information necessary to provide reasonable assurance of the safety and effectiveness of medical devices intended for use in pediatric populations.

(2) Protections for pediatric subjects in clinical investigations of the safety or effectiveness of such devices.

SEC. 214. BREAST IMPLANTS; STUDY BY COMPTROLLER GENERAL.

(a) In General.—The Comptroller General of the United States shall conduct a study to determine the following with respect to breast implants:

(1) The content of information typically provided by health professionals to women who consult with such professionals on the issue of whether to undergo breast implant surgery.

(2) Whether such information is provided by physicians or other health professionals, and whether the information is provided verbally or in writing, and at what point in the process of determining whether to undergo surgery is such information provided.

(3) Whether the information presented, as a whole, provides a complete and accurate discussion of the risks and benefits of breast implants, and the extent to which women who receive such information understand the risks and benefits.

(4) The number of adverse events that have been reported, and whether such events have been adequately investigated.

(5) With respect to women who participate as subjects in research being carried out regarding the safety and effectiveness of breast implants:

(A) The content of information provided to the women during the process of obtaining the informed consent of the women to be subjects, and the extent to which such information is updated.

(B) Whether such process provides written explanations of the criteria for being subjects in the research.

(C) The point at which, in the planning or conduct of the research, the women are provided information regarding the provision of informed consent to be subjects.

(b) Report.—The Comptroller General shall submit to the Congress a report describing the findings of the study.

(c) Definition.—For purposes of this section, the term "breast implant" means a breast prosthesis that is implanted to augment or reconstruct the female breast.

SEC. 215. BREAST IMPLANTS; RESEARCH THROUGH NATIONAL INSTITUTES OF HEALTH.

(a) Report on Status of Current Research.—Not later than 180 days after the date of the enactment of this Act, the Director of the National Institutes of Health shall submit to the Congress a report describing the status of research on breast implants (as defined in section 213(c)) being conducted or supported by such Institutes.

(b) Research on Long-Term Implications.—Part H of title IV of the Public Health Service Act (42 U.S.C. 289 et seq.) is amended by adding at the end of the following section:

"SEC. 498C. BREAST IMPLANT RESEARCH.

"(a) In General.—The Director of NIH may conduct or support research to examine the long-term health implications of silicone breast implants, both gel and saline filled. Such research studies may include the following:

"(1) Developing and examining techniques to measure concentrations of silicone in body fluids and tissues.

"(2) Surveillance of recipients of silicone breast implants, including long-term outcomes and local complications.

"(b) Definition.—For purposes of this section, the term 'breast implant' means a breast prosthesis that is implanted to augment or reconstruct the female breast.".

TITLE III—ADDITIONAL AMENDMENTS

SEC. 301. IDENTIFICATION OF MANUFACTURER OF MEDICAL DEVICES.

(a) In General.—Section 502 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 352) is amended by adding at the end the following:

"(u) If it is a device, unless it, or an attachment thereto, prominently and conspicuously bears the name of the manufacturer of the device, a generally recognized abbreviation of such name, or a unique and generally recognized symbol identifying such manufacturer, except that the Secretary may waive any requirement under this paragraph for the device if the Secretary determines that compliance with the requirement is not feasible for the device or would compromise the provision of reasonable assurance of the safety or effectiveness of the device.".

(b) Effective Date.—The amendment made by subsection (a) takes effect 18 months after the date of the enactment of this Act, and only applies to devices introduced or delivered for introduction into interstate commerce after such effective date.

SEC. 302. SINGLE-USE MEDICAL DEVICES.

(a) Required Statements on Labeling.—

(1) In general.—Section 502 of the Federal Food, Drug, and Cosmetic Act, as amended by section 301 of this Act, is amended by adding at the end the following:

"(v) If it is a reprocessed single-use device, unless all labeling of the device prominently and conspicuously bears the statement 'Reprocessed device for single use. Reprocessed by ____.' The name of the manufacturer of the reprocessed device shall be placed in the space identifying the person responsible for reprocessing.".

(2) Effective date.—The amendment made by paragraph (1) takes effect 15 months after the date of the enactment of this Act, and only applies to devices introduced or delivered for introduction into interstate commerce after such effective date.

(b) Premarket Notification.—Section 510 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360) is amended by inserting after subsection (n) the following:

"(o)(1) With respect to reprocessed single-use devices for which reports are required under subsection (k):

"(A) The Secretary shall identify such devices or types of devices for which reports under such subsection must, in order to ensure that the device is substantially equivalent to a predicate device, include validation data, the types of which shall be specified by the Secretary, regarding cleaning and sterilization, and functional performance demonstrating that the single-use device will remain substantially equivalent to its predicate device after the maximum number of times the device is reprocessed as intended by the person submitting the premarket notification. Within six months after enactment of this subsection, the Secretary shall publish in the Federal Register a list of the types so identified, and shall revise the list as appropriate. Reports under subsection (k) for devices or types of devices within a type included on the list are, upon publication of the list, required to include such validation data.

“(B) In the case of each report under subsection (k) that was submitted to the Secretary before the publication of the initial list under subparagraph (A), or any revision thereof, and was for a device or type of device included on such list, the person who submitted the report under subsection (k) shall submit validation data as described in subparagraph (A) to the Secretary not later than nine months after the publication of the list. During such nine-month period, the Secretary may not take any action under this Act against such device solely on the basis that the validation data for the device have not been submitted to the Secretary. After the submission of the validation data to the Secretary, the Secretary may not determine that the device is misbranded under section 502(o), adulterated under section 501(f)(1)(B), or take action against the device under section 301(p) for failure to provide any information required by subsection (k) until (i) the review is terminated by withdrawal of the submission of the report under subsection (k); (ii) the Secretary finds the data to be acceptable and issues a letter; or (iii) the Secretary determines that the device is not substantially equivalent to a predicate device. Upon a determination that a device is not substantially equivalent to a predicate device, or if such submission is withdrawn, the device can no longer be legally marketed.

“(C) In the case of a report under subsection (k) for a device identified under subparagraph (A) that is of a type for which the Secretary has not previously received a report under such subsection, the Secretary may, in advance of revising the list under subparagraph (A) to include such type, require that the report include the validation data specified in subparagraph (A).

“(D) Section 502(o) applies with respect to the failure of a report under subsection (k) to include validation data required under subparagraph (A).

“(2) With respect to critical or semi-critical reprocessed single-use devices that, under subsection (l) or (m), are exempt from the requirement of submitting reports under subsection (k):

“(A) The Secretary shall identify such devices or types of devices for which such exemptions should be terminated in order to provide a reasonable assurance of the safety and effectiveness of the devices. The Secretary shall publish in the Federal Register a list of the devices or types of devices so identified, and shall revise the list as appropriate. The exemption for each device or type included on the list is terminated upon the publication of the list. For each report under subsection (k) submitted pursuant to this subparagraph the Secretary shall require the validation data described in paragraph (1)(A).

“(B) For each device or type of device included on the list under subparagraph (A), a report under subsection (k) shall be submitted to the Secretary not later than 15 months after the publication of the initial list, or a revision of the list, whichever terminates the exemption for the device. During such 15-month period, the Secretary may not take any action under this Act against such device solely on the basis that such report has not been submitted to the Secretary. After the submission of the report to the Secretary the Secretary may not determine that the device is misbranded under section 502(o), adulterated under section 501(f)(1)(B), or take action against the device under section 301(p) for failure to provide any information required by subsection (k) until (i) the review is terminated by withdrawal of the submission; (ii) the Secretary determines by order that the device is substantially equivalent to a predicate device; or (iii) the Secretary determines by order that the device is not substantially equivalent to a predicate device. Upon a determination that a device is not substantially equivalent to a predicate device, the device can no longer be legally marketed.

“(C) In the case of semi-critical devices, the initial list under subparagraph (A) shall be published not later than 18 months after the effective date of this subsection. In the case of critical devices, the initial list under such subparagraph shall be published not later than six months after such effective date.

“(D) Section 502(o) applies with respect to the failure to submit a report under subsection (k) that is required pursuant to subparagraph (A), including a failure of the report to include validation data required in such subparagraph.

“(E) The termination under subparagraph (A) of an exemption under subsection (l) or (m) for a critical or semicritical reprocessed single-use device does not terminate the exemption under subsection (l) or (m) for the original device.”.

(c) PREMARKET REPORT.—Section 515 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360e) is amended—

(1) in subsection (a), in the matter after and below paragraph (2), by inserting before the period the following: “or, as applicable, an approval under subsection (c)(2) of a report seeking premarket approval”; and

(2) in subsection (c)—

(A) by redesignating paragraph (2) as paragraph (3); and

(B) by inserting after paragraph (1) the following paragraph:

“(2)(A) Any person may file with the Secretary a report seeking premarket approval for a class III device referred to in subsection (a) that is a reprocessed single-use device. Such a report shall contain the following:

“(i) The device name, including both the trade or proprietary name and the common or usual name.

“(ii) The establishment registration number of the owner or operator submitting the report.

“(iii) Actions taken to comply with performance standards under section 514.

“(iv) Proposed labels, labeling, and advertising sufficient to describe the device, its intended use, and directions for use.

“(v) Full reports of all information, published or known to or which should be reasonably known to the applicant, concerning investigations which have been made to show whether or not the device is safe or effective.

“(vi) A description of the device's components, ingredients, and properties.

“(vii) A full description of the methods used in, and the facilities and controls used for, the reprocessing and packing of the device.

“(viii) Such samples of the device that the Secretary may reasonably require.

“(ix) A financial certification or disclosure statement or both, as required by part 54 of title 21, Code of Federal Regulations.

“(x) A statement that the applicant believes to the best of the applicant's knowledge that all data and information submitted to the Secretary are truthful and accurate and that no material fact has been omitted in the report.

“(xi) Any additional data and information, including information of the type required in paragraph (1) for an application under such paragraph, that the Secretary determines is necessary to determine whether there is reasonable assurance of safety and effectiveness for the reprocessed device.

“(xii) Validation data described in section 510(o)(1)(A) that demonstrates that the reasonable assurance of the safety or effectiveness of the device will remain after the maximum number of times the device is reprocessed as intended by the person submitting such report.

“(B) In the case of a class III device referred to in subsection (a) that is a reprocessed single-use device:

“(i) Subparagraph (A) of this paragraph applies in lieu of paragraph (1).

“(ii) Subject to clause (i), the provisions of this section apply to a report under subparagraph (A) to the same extent and in the same manner as such provisions apply to an application under paragraph (1).

“(iii) Each reference in other sections of this Act to an application under this section, other than such a reference in section 737 or 738, shall be considered to be a reference to a report under subparagraph (A).

“(iv) Each reference in other sections of this Act to a device for which an application under this section has been approved, or has been denied, suspended, or withdrawn, other than such a reference in section 737 or 738, shall be considered to be a reference to a device for which a report under subparagraph (A) has been approved, or has been denied, suspended, or withdrawn, respectively.”.

(d) DEFINITIONS.—Section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321) is amended by adding at the end the following:

“(ll)(1) The term ‘single-use device’ means a device that is intended for one use, or on a single patient during a single procedure.

“(2)(A) The term ‘reprocessed’, with respect to a single-use device, means an original device that has previously been used on a patient and has been subjected to additional processing and manufacturing for the purpose of an additional single use on a patient. The subsequent processing and manufacture of a reprocessed single-use device shall result in a device that is reprocessed within the meaning of this definition.

“(B) A single-use device that meets the definition under clause (A) shall be considered a reprocessed device without regard to any description of the device used by the manufacturer of the device or other persons, including a description that uses the term ‘recycled’ rather than the term ‘reprocessed’.

“(3) The term ‘original device’ means a new, unused single-use device.

“(mm)(1) The term ‘critical reprocessed single-use device’ means a reprocessed single-use device that is intended to contact normally sterile tissue or body spaces during use.

“(2) The term ‘semi-critical reprocessed single-use device’ means a reprocessed single-use device that is intended to contact intact mucous membranes and not penetrate normally sterile areas of the body.”.

SEC. 303. MEDWATCH.

Not later than 6 months after the date of the enactment of this Act, the Secretary of Health and Human Services shall modify the MedWatch mandatory and voluntary forms to facilitate the reporting of information by user facilities or distributors as appropriate relating to reprocessed single-use devices, including the name of the reprocessor and whether the device has been reused.

DISCHARGED FROM THE COMMITTEE ON GOVERNMENT REFORM AND PASSED

H.R. 5640, to amend title 5, United States Code, to ensure that the right of Federal employees to display the flag of the United States not be abridged.

H.R. 5640

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "American Flag Pride Act".

SEC. 2. EMPLOYEES' RIGHT TO DISPLAY THE FLAG OF THE UNITED STATES.

(a) IN GENERAL.—Chapter 72 of title 5, United States Code, is amended by adding at the end the following:

"SUBCHAPTER III—EMPLOYEES' RIGHT TO DISPLAY THE FLAG OF THE UNITED STATES

"§ 7221. Definitions

"For purposes of this subchapter—

"(1) the term 'flag' has the same meaning as is given the term 'flag, standard, colors, or ensign' under section 3 of title 4; and

"(2) the term 'Federal employee' includes a person under a personal services contract with the United States (including an individual employed by such a person).

"§ 7222. Employees' right to display the flag of the United States

"No agency, officer, or other authority of the Government of the United States shall adopt or enforce any policy, or enter into any agreement, that would restrict or prevent a Federal employee from displaying the flag of the United States, or a pin of that flag, on his or her person, in his or her workplace, or on a Government vehicle operated by such employee.

"§ 7223. Limitations

"Nothing in this subchapter shall be considered to permit any display or use which would be inconsistent with—

"(1) any provision of chapter 1 of title 4 or any rule or custom pertaining to the proper display or use of the flag (as established in or under such chapter or otherwise applicable provisions of law); or

"(2) any reasonable restriction pertaining to the time, place, or manner of displaying the flag of the United States which is necessary—

"(A) for reasons of workplace safety; or

"(B) to prevent damage to public property.".

(b) CLERICAL AMENDMENT.—The analysis for chapter 72 of title 5, United States Code, is amended by adding at the end the following:

"SUBCHAPTER III—EMPLOYEES' RIGHT TO DISPLAY THE FLAG OF THE UNITED STATES

"7221. Definitions.
"7222. Employees' right to display the flag of the United States.
"7223. Limitations.".

DISCHARGED FROM THE COMMITTEE ON FINANCIAL SERVICES AND PASSED

S. 1210, to reauthorize the Native American Housing Assistance and Self-Determination Act of 1996.

S. 1210

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Native American Housing Assistance and Self-Determination Reauthorization Act of 2002".

SEC. 2. REAUTHORIZATION OF THE NATIVE AMERICAN HOUSING ASSISTANCE AND SELF-DETERMINATION ACT OF 1996.

(a) BLOCK GRANTS.—Section 108 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4117) is amended by striking "1998, 1999, 2000, and 2001" and inserting "1998 through 2007".

(b) FEDERAL GUARANTEES.—Section 605 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4195) is amended—

(1) in subsection (a), by striking "1997, 1998, 1999, 2000, and 2001" and inserting "1997 through 2007"; and

(2) in subsection (b), by striking "1997, 1998, 1999, 2000, and 2001" and inserting "1997 through 2007".

(c) TRAINING AND TECHNICAL ASSISTANCE.—Section 703 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4212) is amended by striking "1997, 1998, 1999, 2000, and 2001" and inserting "1997 through 2007".

(d) INDIAN HOUSING LOAN GUARANTEE FUND.—Section 184(i) of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13a(i)) is amended—

(1) in paragraph (5)(C), by striking "each fiscal year" and inserting "each of fiscal years 1997 through 2007"; and

(2) in paragraph (7), by striking "each fiscal year" and inserting "each of fiscal years 1997 through 2007".

SEC. 3. DEFINITIONS.

Section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103) is amended by adding at the end the following:

"(22) HOUSING RELATED COMMUNITY DEVELOPMENT.—

"(A) IN GENERAL.—The term 'housing related community development' means any tribally-owned and operated facility, business, activity, or infrastructure that—

"(i) is necessary to the direct construction of reservation housing; and

"(ii) would help an Indian tribe or its tribally-designated housing authority reduce the cost of construction of Indian housing or otherwise promote the findings of this Act.

"(B) EXCLUSION.—The term 'housing and community development' does not include any activity conducted by any Indian tribe under the Indian Gaming Regulatory Act (25 U.S.C. 2710 et seq.).".

SEC. 4. BLOCK GRANTS AND GRANT REQUIREMENTS.

Section 101(h) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4111(h)) is amended—

(1) in the heading, by inserting "AND PLANNING" after "ADMINISTRATIVE"; and

(2) by inserting after the word "Act" the first place that term appears, the following: "for comprehensive housing and community development planning activities and".

SEC. 5. TREATMENT OF PROGRAM INCOME AND LABOR STANDARDS.

Section 104 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4114) is amended—

(1) in subsection (a)(1)—

(A) by striking "A recipient" and inserting the following: "Notwithstanding any other provision of this Act, a recipient"; and

(B) by striking subparagraph (B) and inserting the following:

"(B) the recipient has agreed that it will utilize such income for housing related activities in accordance with this Act."; and

(2) in subsection (a)(2)—

(A) in the heading, by inserting "RESTRICTED ACCESS OR" before the word "REDUCTION";

(B) in subparagraph (B), by striking "or" at the end;

(C) in subparagraph (C), by striking the period at the end and inserting "; or"; and

(D) by adding at the end the following:

"(D) whether the recipient has expended retained program income for housing-related activities.".

SEC. 6. REGULATIONS.

Section 106(b)(2)(A) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4116(b)(2)(A)) is amended by inserting after "required under this Act" the following: ", including any regulations that may be required pursuant to amendments made to this Act after the date of enactment of this Act,".

SEC. 7. FEDERAL GUARANTEES FOR FINANCING FOR TRIBAL HOUSING ACTIVITIES.

Section 601 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4191) is amended—

(1) in subsection (a), by inserting after "section 202" the following: "and housing related community development activity as consistent with the purposes of this Act";

(2) by striking subsection (b); and

(3) by redesignating subsections (c) and (d) as subsections (b) and (c), respectively.

SEC. 8. FEASIBILITY STUDIES TO IMPROVE THE DELIVERY OF HOUSING ASSISTANCE IN NATIVE COMMUNITIES.

Section 202 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4132) is amended by adding at the end the following:

"(7) COMMUNITY DEVELOPMENT DEMONSTRATION PROJECT.—

"(A) IN GENERAL.—Consistent with principles of Indian self-determination and the findings of this Act, the Secretary shall conduct and submit to Congress a study of the feasibility of establishing a demonstration project in which Indian tribes, tribal organizations, or tribal consortia are authorized to expend amounts received pursuant to the Native American Housing Assistance and Self-Determination Reauthorization Act of 2002 in order to design, implement, and operate community development demonstration projects.

"(B) STUDY.—Not later than 1 year after the date of enactment of the Native American Housing Assistance and Self-Determination Reauthorization Act of 2002, the Secretary shall submit the study conducted under subparagraph (A) to the Committee on Banking, Housing, and Urban Affairs and the Committee on Indian Affairs of the Senate, and the Committee on Financial Services and the Committee on Resources of the House of Representatives.

"(8) SELF-DETERMINATION ACT DEMONSTRATION PROJECT.—

"(A) IN GENERAL.—Consistent with the provisions of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), the Secretary shall conduct and submit to Congress a study of the feasibility of establishing a demonstration project in which Indian tribes and tribal organizations are authorized to receive assistance in a manner that maximizes tribal authority and decision-making in the design and implementation of Federal housing and related activity funding.

"(B) STUDY.—Not later than 1 year after the date of enactment of the Native American Housing Assistance and Self-Determination Reauthorization Act of 2002, the Secretary shall submit the study conducted under subparagraph (A) to the Committee on Banking, Housing, and Urban Affairs and the Committee on Indian Affairs of the Senate, and the Committee on Financial Services and the Committee on Resources of the House of Representatives.''.

SEC. 9. BLACK MOLD INFESTATION STUDY.

Not later than 180 days after the date of enactment of this Act, the Secretary of Housing and Urban Development shall—

(1) complete a study on the extent of black mold infestation of Native American housing in the United States; and

(2) submit to Congress a report that describes recommendations of the Secretary for means by which to address the infestation.

PASSED

S. 1227, to authorize the Secretary of the Interior to conduct a study of the suitability and feasibility of establishing the Niagara Falls National Heritage Area in the State of New York, and for other purposes.

S. 1227

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Niagara Falls National Heritage Area Study Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(2) STUDY AREA.—The term "study area" means lands in Niagara County, New York, along and in the vicinity of the Niagara River.

SEC. 3. NIAGARA FALLS NATIONAL HERITAGE AREA STUDY.

(a) IN GENERAL.—The Secretary shall conduct a study of the suitability and feasibility of establishing a heritage area in the State of New York to be known as the "Niagara Falls National Heritage Area".

(b) ANALYSES AND DOCUMENTATION.—The study shall include analysis and documentation of whether the study area—

(1) contains an assemblage of natural, historical, scenic, and cultural resources that represent distinctive aspects of the heritage of the United States that—

(A) are worthy of recognition, conservation, interpretation, and continued use; and

(B) would best be managed—

(i) through partnerships among public and private entities; and

(ii) by combining diverse and sometimes noncontiguous resources and active communities;

(2) reflects traditions, customs, beliefs, and folklife that are a valuable part of the story of the United States;

(3) provides outstanding opportunities to conserve natural, historical, scenic, or cultural features;

(4) provides outstanding recreational and educational opportunities;

(5) contains resources important to the identified theme of the study area that retain a degree of integrity capable of supporting interpretation;

(6) includes residents, business interests, nonprofit organizations, and State and local governments that—

(A) are involved in planning a national heritage area;

(B) have developed a conceptual financial plan for a national heritage area that outlines the roles for all participants, including the Federal Government; and

(C) have demonstrated support for the concept of a national heritage area;

(7) has a potential management entity to work in partnership with residents, business interests, nonprofit organizations, and State and local governments to develop a national heritage area consistent with continued State and local economic activity; and

(8) has a conceptual boundary map that is supported by the public.

(c) CONSULTATION.—In conducting the study, the Secretary shall consult with—

(1) State and local agencies; and

(2) interested organizations within the study area.

(d) REPORT.—Not later than 3 fiscal years after the date on which funds are made available to carry out this Act, the Secretary shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes the findings, conclusions, and recommendations of the study under subsection (a).

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated $300,000 to carry out this Act.

DISCHARGED FROM THE COMMITTEE ON ENERGY AND COMMERCE AND AGREED TO

H. Con. Res. 502, expressing the sense of the Congress in support of Breast Cancer Awareness Month, and for other purposes.

H. CON. RES. 502

Whereas every 3 minutes a woman is diagnosed with breast cancer;

Whereas 182,000 new cases of breast cancer are expected to be diagnosed in the United States in 2002;

Whereas breast cancer is the leading cause of death in women between the ages of 40 and 55;

Whereas 1 in 8 women who lives to age 85 will develop breast cancer in her lifetime;

Whereas when breast cancer is found early the survival rate is 96 percent;

Whereas mammograms and monthly breast self-examinations are the key components of early detection; and

Whereas Breast Cancer Awareness Month provides a special opportunity to provide education about the importance of monthly breast self-examinations and annual mammograms: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that—

(1) Breast Cancer Awareness Month provides a special opportunity to provide education about the importance of monthly breast self-examinations and annual mammograms;

(2) it is appropriate to salute the more than 2,000,000 breast cancer survivors in the United States and the efforts of victims, volunteers, and professionals who combat breast cancer each day;

(3) national and community organizations should be recognized and applauded for their work in promoting awareness about breast cancer and for providing information and treatment to its sufferers; and

(4) organizations and health practicioners are urged to use this opportunity to promote awareness, monthly self-examinations, and annual mammograms.

Mr. VITTER. Mr. Speaker, I rise today in support of H. Con. Res. 502. Every 3 minutes a woman is diagnosed with breast cancer. Please join me in support of Breast Cancer Awareness Month by co-sponsoring H. Con. Res. 502. Breast Cancer Awareness Month provides a special opportunity to provide education about the importance of monthly breast self-examinations and annual mammograms. Early detection greatly increases victims' chances of survival.

The facts of breast cancer are grim:

This year 182,000 new cases of breast cancer are expected in the United States.

Breast cancer is the leading cause of death in women between the ages of 40 and 55.

One in eight women who lives to age 85 will develop breast cancer in her lifetime.

But there is hope:

When breast cancer is found early, the five-year survival rate is 96 percent.

Monthly breast self-examinations and mammograms are the key components of early detection.

We recognize and salute the more than 2 million breast cancer survivors alive today in the United States.

Families across the country are affected by this dreadful disease. Let's help educate people about the important life-saving measures of early detection. Please help me honor victims, survivors, volunteers, and professionals, who combat breast cancer each day.

DISCHARGED FROM THE COMMITTEE ON HOUSE ADMINISTRATION AND AGREED TO

H. Res. 536, commending the staffs of members of Congress, the Capitol Police, the Office of the Attending Physician and his health care staff, and other members of the Capitol Hill community for their courage and professionalism during the days and weeks following the release of anthrax in Senator DASCHLE's office.

H. RES. 536

Whereas there are approximately 30,000 legislative branch employees who work on Capitol Hill including approximately 6,200 Senate employees, 11,500 House employees, and 12,800 staff from other entities;

Whereas the Capitol Complex consists of approximately 285 acres comprised of 3 Senate office buildings, 3 House office buildings, 2 House annex buildings, 3 Library of Congress buildings, and several other facilities;

Whereas on October 15, 2001, a letter containing anthrax spores was opened in Senator Daschle's office;

Whereas approximately 6,000 individuals were tested for exposure to anthrax and 28 of those individuals tested positive;

Whereas approximately 1,000 individuals received a 60-day supply of antibiotics as a precautionary measure;

Whereas the House of Representatives closed the Rayburn and Cannon House Office Buildings for 7 days and the Longworth House Office building for 19 days;

Whereas during the closure of the Senate and House Office Buildings, Members and staff were forced to find alternative office space or to work from their homes;

Whereas Senate, House, and support staff continued and still continue to perform their duties and serve the public with courage and professionalism in spite of the threat of anthrax exposure;

Whereas officers of the Capitol Police have worked 12 hour shifts in response to the September 11, 2001, attacks and have been working additional overtime due to anthrax contamination in the Capitol Complex to ensure the safety of Members, staff, and visitors within the Capitol Complex; and

Whereas the release of anthrax in Senator Daschle's office, and the contamination of 2 Senate office buildings and 1 House office building, have further disrupted the daily routines of Members and their staffs and caused frustration due to dislocated offices: Now, therefore, be it

Resolved, That the House of Representatives—

(1) commends the staffs of Members of Congress, the Capitol Police, the Office of the Attending Physician and his health care staff, and other members of the Capitol Hill community for their courage, professionalism, and dedication to serving the public in the aftermath of the September 11, 2001, attacks and the release of anthrax in Senator Daschle's office;

(2) recognizes the Congressional leadership, Congressional employees, the Capitol Police, and the Office of the Attending Physician and the health care professionals in his office, in particular, who by their quick actions and early intervention prevented actual cases of anthrax within the Capitol Complex; and

(3) requests that the President recognize the courage and professionalism of Congressional staff, the Capitol Police, and other members of the Capitol Hill community for their public service in continuing to do the public's business in defiance of terrorist attacks.

DISCHARGED FROM THE COMMITTEE ON INTERNATIONAL RELATIONS AND AGREED TO

H. Con. Res. 479, expressing the sense of Congress regarding Greece's contributions to the war against terrorism and its successful efforts against the November 17 terrorist organization.

H. CON. RES. 479

Whereas the United States and Greece, longtime friends and allies, have fought side by side in defense of our shared commitment to freedom and democracy, including in both World Wars I and II, the Korean War, and Operations Desert Storm and Enduring Freedom;

Whereas in the immediate aftermath of the tragic events of September 11, 2001, Greece was one of the first countries to express its solidarity with the United States;

Whereas Greece, as a NATO ally and a coalition partner in the war against terrorism, has made significant contributions to Operation Enduring Freedom and has provided military personnel and humanitarian assistance to the International Security Assistance Force in Afghanistan;

Whereas President Bush has commended Greece for its "strong stand against terror";

Whereas Greece, through excellent work and cooperation with United States and international law enforcement agencies, recently arrested key members of the November 17 terrorist organization;

Whereas President Bush stated that Greece's "successful law enforcement operations against a terrorist organization [November 17] responsible for three decades of terrorist attacks underscore the important contributions Greece is making to the global war on terrorism"; and

Whereas the arrest of the November 17 terrorists will contribute to a safe and secure environment for staging the 2004 Olympic Games in Athens, Greece: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) commends Greece for its outstanding contributions to the global war against terrorism, including military support for Operation Enduring Freedom, humanitarian assistance for Afghanistan, and participation in the International Security Assistance Force in Afghanistan; and

(2) recognizes Greece's success in apprehending key members of the November 17 terrorist organization, commends the cooperation between United States and Greek law enforcement agencies, and urges continued efforts to dismantle completely the November 17 terrorist organization, as such efforts will also contribute to a safe and secure environment for staging the 2004 Olympics in Athens, Greece.

DISCHARGED FROM THE COMMITTEE ON INTERNATIONAL RELATIONS AND AGREED TO

H. Con. Res. 492, welcoming Her Majesty Queen Sirikit of Thailand upon her arrival in the United States.

H. CON. RES. 492

Whereas the United States and the Kingdom of Thailand have enjoyed 169 years of peaceful and constructive relations since the signing of the Treaty of Amity and Commerce in 1833;

Whereas the aforesaid document was the first such treaty signed between the United States and any Asian nation;

Whereas the United States enjoys both a bilateral security agreement and a military assistance agreement with Thailand and conducts several military exercises with the armed forces of Thailand every year, the largest of which is the Cobra Gold exercise;

Whereas Her Majesty Queen Sirikit has made major contributions to advancing the social and economic welfare and health of the people of Thailand, most notably as President of the Thai Red Cross Society;

Whereas in order to assist the rural poor of Thailand, Her Majesty Queen Sirikit serves as patron and chairperson of the Foundation for the Promotion of Supplementary Occupations and Related Techniques (SUPPORT);

Whereas in her capacity as President of the Thai Red Cross Society, Her Majesty Queen Sirikit established the Khao Larn Thai Red Cross Center to provide food, shelter, and medical attention to Cambodian refugees fleeing turmoil in their country; and

Whereas Her Majesty Queen Sirikit's contributions to the welfare of Thai citizens and of international refugees have been widely recognized by groups as diverse as the United Nations Food and Agriculture Organization, the Fletcher School of Law and Diplomacy, and the British Royal College of Physicians: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress welcomes Her Majesty Queen Sirikit on her visit to the United States, and expresses the hope that her visit will further strengthen the deep historical relationship between the United States and the Kingdom of Thailand.

DISCHARGED FROM THE COMMITTEE ON INTERNATIONAL RELATIONS, AMENDED, AND AGREED TO

H. Con. Res. 349, calling for an end to the sexual exploitation of refugees.

H. CON. RES. 349

Whereas the United Nations and organizations engaged in international humanitarian relief periodically receive reports of sexual exploitation of refugees, particularly women and children;

Whereas last year a report commissioned by the United Nations High Commissioner of Refugees and the British organization Save the Children accuses aid workers in Liberia, Sierra Leone, and Guinea of refusing to give food and medicine to young girls unless they perform sexual favors;

Whereas in response to this report the Secretary General of the United Nations denounced sexual exploitation of refugees and called for a full investigation of the humanitarian staff from the agencies involved;

Whereas the charges against aid workers in West Africa are still being investigated and in recent years there have been reports implicating employees of international nongovernmental organizations, government agencies responsible for humanitarian response, and peacekeeping forces in sexual exploitation of refugees;

Whereas many of these reports have involved children, some as young as 10 to 12 years of age;

Whereas the insufficiency of food rations in refugee camps has been cited as a primary factor contributing to sexual exploitation;

Whereas refugees are often extremely poor and cut off from employment and other ordinary means of income, so that they can be highly susceptible to demands that they exchange sex for food to help their families survive: and

Whereas the relationship between refugee workers and refugees is a custodial or caregiving relationship in which the custodian or caregiver can exercise substantial power over the life of the other party, and which carries a corresponding risk of abuse: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) supports the Secretary General of the United Nations in condemning the sexual exploitation of children by humanitarian aid workers;

(2) urges the United Nations to conduct a comprehensive worldwide investigation into the extent, if any, of sexual exploitation of refugees by agents or employees of United Nations agencies, of other international nongovernmental organizations, and of governments;

(3) urges the President to—

(A) affirm the commitment of the United States to protecting the well-being and human rights of women and children, particularly those in refugee situations; and

(B) instruct the Administrator of the United States Agency for International Development and the Secretary of Agriculture to review the distribution of food assistance to refugee communities throughout the world to ensure that humanitarian assistance to refugees provided by the United States is respectful of the human rights of women and children and is distributed in such a way as to minimize the risk of sexual exploitation; and

(4) urges the Secretary General, the President, and the executive authorities of all governmental and nongovernmental entities engaged in refugee work to adopt codes of conduct for employees, contractors, and other agents of the United Nations, of the United States Government, and of such governmental and nongovernmental entities, respectively, who are engaged in refugee work that strictly prohibit sexual relationships between international refugee workers and those entrusted to their care, and to enforce these prohibitions vigorously.

Amend the title so as to read: "Concurrent resolution calling for effective measures to end the sexual exploitation of refugees.".

DISCHARGED FROM THE COMMITTEE ON INTERNATIONAL RELATIONS, AMENDED, AND AGREED TO

House Concurrent Resolution 437, recognizing the Republic of Turkey for its cooperation in the campaign against global terrorism, for its commitment of forces and assistance to Operation Enduring Freedom and subsequent missions in Afghanistan, and for

initiating important economic reforms to build a stable and prosperous economy in Turkey.

H. CON. RES. 437

Whereas the United States and the Republic of Turkey have long been allies and share a commitment to preserving global peace and stability;

Whereas Turkey has demonstrated a steadfast commitment to the war on terrorism;

Whereas Turkey was the first country with a predominantly Muslim population to offer direct military participation in Operation Enduring Freedom;

Whereas the use of the Incirlik Air Base in Turkey, from which thousands of United States transport planes have taken off since the beginning of Operation Enduring Freedom, has greatly facilitated the campaign in Afghanistan;

Whereas Turkey, the only member nation of NATO with a predominantly Muslim population, has assumed command of the International Security and Assistance Force in Afghanistan;

Whereas Turkey faced financial and currency crises and a recession in 2000 and 2001;

Whereas Turkey's fiscal discipline and actions to restore confidence in the banking system have laid the foundation for sound economic recovery;

Whereas the future growth and prosperity of Turkey depend in large measure on encouraging more foreign investment in Turkey and improving trade relations; and

Whereas the United States is interested in building a broader investment and trading relationship with Turkey: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) recognizes the Republic of Turkey for its steadfast commitment to, and cooperation in, the war against terrorism, including—

(A) Turkey's immediate condemnation of the terrorist attacks against the United States that occurred on September 11, 2001;

(B) Turkey's offers to the United States of troops, the use of air bases, increased force protection for United States military personnel and equipment in Turkey, and diplomatic overflight clearances;

(C) Turkey's deployment of hundreds of troops to Afghanistan to participate in the initial phase of the International Security Assistance Force; and

(D) Turkey's willingness to participate in and lead the International Security Assistance Force in Afghanistan and assist the United States in training the new Afghan security forces; and

(2) commends Turkey for implementing economic reforms, particularly those which increase privatization and improve the investment climate in Turkey.

AMENDED BY COMMITTEE AMENDMENT, AS AMENDED, AND PASSED

H.R. 5200, to establish wilderness area, promote conservation, improve public land, and provide for high quality development in Clark County, Nevada, and for other purposes.

AMENDMENT IN THE NATURE OF A SUBSTITUTE TO H.R. 5200, AS REPORTED

OFFERED BY MR. HANSEN OF UTAH

Strike all after the enacting clause and insert the following new text:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Clark County Conservation of Public Land and Natural Resources Act of 2002".

SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. Definitions.
Sec. 4. Authorization of appropriations.

TITLE I—RED ROCK CANYON NATIONAL CONSERVATION AREA LAND EXCHANGE AND BOUNDARY ADJUSTMENT

Sec. 101. Short title.
Sec. 102. Definitions.
Sec. 103. Findings and purposes.
Sec. 104. Red Rock Canyon land exchange.
Sec. 105. Status and management of lands.
Sec. 106. General provisions.

TITLE II—WILDERNESS AREAS

Sec. 201. Findings.
Sec. 202. Additions to National Wilderness Preservation System.
Sec. 203. Administration.
Sec. 204. Adjacent management.
Sec. 205. Military overflights.
Sec. 206. Native American cultural and religious uses.
Sec. 207. Release of wilderness study areas.
Sec. 208. Wildlife management.
Sec. 209. Wildfire management.
Sec. 210. Climatological data collection.
Sec. 211. National Park Service lands.

TITLE III—TRANSFERS OF ADMINISTRATIVE JURISDICTION

Sec. 301. Transfer of administrative jurisdiction to the United States Fish and Wildlife Service.
Sec. 302. Transfer of administrative jurisdiction to National Park Service.

TITLE IV—AMENDMENTS TO THE SOUTHERN NEVADA PUBLIC LAND MANAGEMENT ACT

Sec. 401. Disposal and exchange.

TITLE V—IVANPAH CORRIDOR

Sec. 501. Interstate Route 15 south corridor.
Sec. 502. Area of Critical Environmental Concern segregation.

TITLE VI—SLOAN CANYON NATIONAL CONSERVATION AREA

Sec. 601. Short title.
Sec. 602. Purpose.
Sec. 603. Definitions.
Sec. 604. Establishment.
Sec. 605. Management.
Sec. 606. Sale of Federal parcel.
Sec. 607. Right-of-way.

TITLE VII—PUBLIC INTEREST CONVEYANCES

Sec. 701. Definition of map.
Sec. 702. Conveyance to the University of Nevada at Las Vegas Research Foundation.
Sec. 703. Conveyance to the Las Vegas Metropolitan Police Department.
Sec. 704. Conveyance to the City of Henderson for the Nevada State College at Henderson.
Sec. 705. Conveyance to the City of Las Vegas, Nevada.
Sec. 706. Sale of Federal parcel.

TITLE VIII—HUMBOLDT PROJECT CONVEYANCE

Sec. 801. Short title.
Sec. 802. Definitions.
Sec. 803. Authority to convey title.
Sec. 804. Payment.
Sec. 805. Compliance with other laws.
Sec. 806. Revocation of withdrawals.
Sec. 807. Liability.
Sec. 808. National Environmental Policy Act.
Sec. 809. Future benefits.

TITLE IX—MISCELLANEOUS PROVISIONS

Sec. 901. Technical amendments to the Mesquite Lands Act 2001.

SEC. 3. DEFINITIONS.

In this Act:

(1) AGREEMENT.—The term "Agreement" means the Agreement entitled "Interim Cooperative Management Agreement Between the United States of the Interior Bureau of Land Management and Clark County", dated November 4, 1992.

(2) COUNTY.—The term "County" means Clark County, Nevada.

(3) SECRETARY.—The term "Secretary" means—

(A) the Secretary of Agriculture with respect to land in the National Forest System; or

(B) the Secretary of the Interior, with respect to other Federal land.

(4) STATE.—The term "State" means the State of Nevada.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There is authorized such sums as may be necessary to carry out this Act.

TITLE I—RED ROCK CANYON NATIONAL CONSERVATION AREA LAND EXCHANGE AND BOUNDARY ADJUSTMENT

SEC. 101. SHORT TITLE.

This title may be cited as the "Red Rock Canyon National Conservation Area Protection and Enhancement Act of 2002".

SEC. 102. DEFINITIONS.

As used in this title:

(1) CORPORATION.—The term "Corporation" means the Howard Hughes Corporation, an affiliate of the Rouse Company, with its principal place of business at 10000 West Charleston Boulevard, Las Vegas, Nevada.

(2) RED ROCK CANYON.—The term "Red Rock Canyon" means the Red Rock Canyon National Conservation Area, consisting of approximately 195,780 acres of public lands in Clark County, Nevada, specially designated for protection in the Red Rock Canyon National Conservation Area Establishment Act of 1990 (16 U.S.C. 460ccc et seq.), as depicted on the Red Rock Canyon Map.

(3) RED ROCK CANYON MAP.—The term "Red Rock Canyon Map" means the map entitled "Southern Nevada Public Land Management Act", dated October 1, 2002.

SEC. 103. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress makes the following findings:

(1) Red Rock Canyon is a natural resource of major significance to the people of Nevada and the United States. It must be protected in its natural state for the enjoyment of future generations of Nevadans and Americans, and enhanced wherever possible.

(2) In 1998, the Congress enacted the Southern Nevada Public Lands Management Act of 1998 (Public Law 105-263), which provided among other things for the protection and enhancement of Red Rock Canyon.—

(3) The Corporation owns much of the private land on Red Rock Canyon's eastern boundary, and is engaged in developing a large-scale master-planned community.

(4) Included in the Corporation's land holdings are 1,071 acres of high-ground lands at the eastern edge of Red Rock Canyon. These lands were intended to be included in Red Rock, but to date have not been acquired by the United States. The protection of this high-ground acreage would preserve an important element of the western Las Vegas Valley viewshed.

(5) The Corporation has volunteered to forgo development of the high-ground lands, and proposes that the United States acquire

title to the lands so that they can be preserved in perpetuity to protect and expand Red Rock Canyon.

(b) PURPOSES.—The purpose of this title are:

. (1) To accomplish an exchange of lands between the United States and the Corporation that would transfer certain high-ground lands to the United States in exchange for the transfer of other lands of approximately equal value to the Corporation.

(2) To protect Red Rock Canyon and to expand its boundaries as contemplated by the Bureau of Land Management, as depicted on the Red Rock Canyon Map.

(3) To further fulfill the purposes of the Southern Nevada Public Lands Management Act of 1998 and the Red Rock Canyon National Conservation Area Establishment Act of 1990.

SEC. 104. RED ROCK CANYON LAND EXCHANGE.

(a) ACQUISITION REQUIREMENT.—If the Corporation offers to convey to the United States all right, title, and interest in and to the approximately 1,082 acres of non-Federal land owned by the Corporation and depicted on the Red Rock Canyon Map as "Offered Lands proposed addition to the Red Rock Canyon NCA", the Secretary shall accept such offer on behalf of the United States, and not later than 90 days after the date of the offer, except as otherwise provided in this title, shall make the following conveyances:

(1) To the Corporation, the approximately 998 acres of Federal lands depicted on the Red Rock Canyon Map as "Public land selected for exchange".

(2) To Clark County, Nevada, the approximately 1,221 acres of Federal lands depicted on the Red Rock Canyon Map as "Proposed BLM transfer for county park".

(b) SIMULTANEOUS CONVEYANCES.—Title to the private property and the Federal property to be conveyed pursuant to this section shall be conveyed at the same time.

(c) MAP.—The Secretary shall keep the Red Rock Canyon Map on file and available for public inspection in the Las Vegas District Office of the Bureau of Land Management in Nevada, and the State Office of the Bureau of Land Management, Reno, Nevada.

(d) CONDITIONS.—

(1) HAZARDOUS MATERIALS.—As a condition of the conveyance under —subsection (a)(1), the Secretary shall require that the Corporation be responsible for removal of and remediation related to any hazardous materials that are present on the property conveyed to the United States under subsection (a).

(2) SURVEY.—As a condition of the conveyance under subsection (a)(1), the Secretary shall require that not later than 90 days after the date of the offer referred to in subsection (a), the Corporation shall provide a metes and bounds survey, that is acceptable to the Corporation, Clark County, and the Secretary, of the common boundary between the parcels of land to be conveyed under subsection (a).

(3) LANDS CONVEYED TO CLARK COUNTY.—As a condition of the conveyance under subsection (a)(2), the Secretary shall require that—

(A) the lands transferred to Clark County by the United States must be held in perpetuity by the County for use only as a public park or as part of a public regional trail system; and

(B) if the County attempts to transfer the lands or to undertake a use on the lands that is inconsistent with their preservation and use as described in subparagraph (A), such lands shall, at the discretion of the Secretary, revert to the United States.

(e) VALUATION.—

(1) EQUAL VALUE EXCHANGE.—The values of the Federal parcel and the non-Federal parcel, as determined under paragraph (2)—

(A) shall be equal; or

(B) if the values are not equal, shall be equalized in accordance with paragraph (3).

(2) APPRAISAL.—The values of the Federal parcel and the non-Federal parcel shall be determined by an appraisal, to be approved by the Secretary, that complies with the Uniform Standards for Federal Land Acquisitions.

(3) EQUALIZATION.—

(A) IN GENERAL.—If the value of the non-Federal parcel is less than the value of the Federal parcel—

(i) the Corporation shall make a cash equalization payment to the Secretary; or

(ii) the Secretary shall, as determined to be appropriate by the Secretary and the Corporation, reduce the acreage of the Federal parcel.

(B) DISPOSITION OF PROCEEDS.—The Secretary shall deposit any cash equalization payments received under subparagraph (A)(i) in accordance with section 4(e)(1)(C) of the Southern Nevada Public Land Management Act of 1998 (112 Stat. 2345).

SEC. 105. STATUS AND MANAGEMENT OF LANDS.

(a) INCLUSION AND MANAGEMENT OF LANDS.—Upon the date of the enactment of this Act, the Secretary shall administer the lands depicted on the Red Rock Map as "Public Lands-proposed addition to the Red Rock Canyon NCA", exclusive of those lands used for the Corps of Engineers R–4 Detention Basin, as part of Red Rock and in accordance with the Red Rock Canyon National Conservation Area Establishment Act of 1990 (16 U.S.C. 460ccc et seq.) and all other applicable laws.

(b) INCLUSION OF ACQUIRED LANDS.—Upon acquisition by the United States of lands under this Act, the Secretary shall—

(1) administer the lands as part of Red Rock and in accordance with the Red Rock Canyon National Conservation Area Establishment Act of 1990 (16 U.S.C. 460ccc et seq.), the Southern Nevada Public Lands Management Act of 1998 (Public Law 105-263), and all other applicable laws; and

(2) create new maps showing the boundaries of Red Rock as modified or pursuant to this Act, and make such maps available for review at the Las Vegas District Office of the Bureau of Land Management and the State Office of the Bureau of Land Management, Reno, Nevada.

(c) CONFORMING AMENDMENT.—Section 3(a)(2) of the Red Rock Canyon National Conservation Area Establishment Act of 1990 (16 U.S.C. 460ccc-1(a)(2)) is amended by inserting before the period the following: ", and such additional areas as are included in the conservation area pursuant to the Red Rock Canyon National Conservation Area Protection and Enhancement Act of 2002".

SEC. 106. GENERAL PROVISIONS.

(a) REVIEW OF APPRAISAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall complete a review of the appraisal entitled, "Complete Self-Contained Appraisal Red Rock Exchange, Las Vegas, Nevada", completed on or about June 3, 2002. The difference in appraisal values shall be reimbursed to the Secretary by the Corporation in accordance with the Southern Nevada Public Lands Management Act of 1998.

(b) VALID EXISTING RIGHTS.—The land exchange under this Act shall be subject to valid existing rights. Each party to which property is conveyed under this Act shall succeed to the rights and obligations of the conveying party with respect to any lease, right-of-way, permit, or other valid existing right to which the property is subject.

(c) TECHNICAL CORRECTIONS.—Nothing in this Act prohibits the parties to the conveyances under this Act from agreeing to the correction of technical errors or omissions in the Red Rock Map.

(d) WITHDRAWAL OF AFFECTED LANDS.—To the extent not already accomplished under law or administrative action, the Secretary shall withdraw from operation of the public land and mining laws, subject to valid existing rights—

(1) those Federal lands acquired by the United States under this Act; and

(2) those Federal lands already owned by the United States on the date of enactment of this Act but included within the Red Rock National Conservation Area boundaries by this Act.

TITLE II—WILDERNESS AREAS

SEC. 201. FINDINGS.

The Congress finds that—

(1) public land in the County contains unique and spectacular natural resources, including—

(A) priceless habitat for numerous species of plants and wildlife; and

(B) thousands of acres of pristine land that remain in a natural state;

(2) continued preservation of those areas would benefit the County and all of the United States by—

(A) ensuring the conservation of ecologically diverse habitat;

(B) conserving primitive recreational resources; and

(C) protecting air and water quality.

SEC. 202. ADDITIONS TO NATIONAL WILDERNESS PRESERVATION SYSTEM.

(a) ADDITIONS.—The following land in the State is designated as wilderness and as components of the National Wilderness Preservation System:

(1) ARROW CANYON WILDERNESS.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 27,530 acres, as generally depicted on the map entitled "Arrow Canyon", dated October 1, 2002, which shall be known as the "Arrow Canyon Wilderness".

(2) BLACK CANYON WILDERNESS.—Certain Federal land within the Lake Mead National Recreation Area and an adjacent portion of Federal land managed by the Bureau of Land Management, comprising approximately 17,220 acres, as generally depicted on the map entitled "Eldorado/Spirit Mountain", dated October 1, 2002, which shall be known as the Black Canyon Wilderness .

(3) BRIDGE CANYON WILDERNESS.—Certain Federal land within the Lake Mead National Recreation Area, comprising approximately 7,761 acres, as generally depicted on the map entitled "Eldorado/Spirit Mountain", dated October 1, 2002, which shall be known as "the Bridge Canyon Wilderness".

(4) ELDORADO WILDERNESS.—Certain Federal land within the Lake Mead National Recreation Area and an adjacent portion of Federal land managed by the Bureau of Land Management, comprising approximately 31,950 acres, as generally depicted on the map entitled "Eldorado/Spirit Mountain", dated October 1, 2002, which shall be known as the "Eldorado Wilderness".

(5) IRETEBA PEAKS WILDERNESS.—Certain Federal land within the Lake Mead National Recreation Area and an adjacent portion of Federal land managed by the Bureau of Land Management, comprising approximately 32,745 acres, as generally depicted on the map

entitled "Eldorado/Spirit Mountain", dated October 1, 2002, which shall be known as the "Ireteba Peaks Wilderness".

(6) JIMBILNAN WILDERNESS.—Certain Federal land within the Lake Mead National Recreation Area, comprising approximately 18,879 acres, as generally depicted on the map entitled "Muddy Mountains", dated October 1, 2002, which shall be known as the "Jimbilnan Wilderness".

(7) JUMBO SPRINGS WILDERNESS.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 4,631 acres, as generally depicted on the map entitled "Gold Butte", dated October 1, 2002, which shall be known as the "Jumbo Springs Wilderness".

(8) LA MADRE MOUNTAIN WILDERNESS.—Certain Federal land within the Toiyabe National Forest and an adjacent portion of Federal land managed by the Bureau of Land Management, comprising approximately 47,180 acres, as generally depicted on the map entitled "Spring Mountains", dated October 1, 2002, which shall be known as the "La Madre Mountain Wilderness".

(9) LIME CANYON WILDERNESS.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 23,233 acres, as generally depicted on the map entitled "Gold Butte", dated October 1, 2002, which shall be known as the "Lime Canyon Wilderness".

(10) MT. CHARLESTON WILDERNESS ADDITIONS.—Certain Federal land within the Toiyabe National Forest and an adjacent portion of Federal land managed by the Bureau of Land Management, comprising approximately 13,598 acres, as generally depicted on the map entitled "Spring Mountains", dated October 1, 2002, which shall be included in the Mt. Charleston Wilderness.

(11) MUDDY MOUNTAINS WILDERNESS.—Certain Federal land within the Lake Mead National Recreation Area and an adjacent portion of land managed by the Bureau of Land Management, comprising approximately 48,019 acres, as generally depicted on the map entitled "Muddy Mountains", dated October 1, 2002, which shall be known as the Muddy Mountains Wilderness.

(12) NELLIS WASH WILDERNESS.—Certain Federal land within the Lake Mead National Recreation Area, comprising approximately 16,423 acres, as generally depicted on the map entitled "Eldorado/Spirit Mountain", dated October 1, 2002, which shall be known as the Nellis Wash Wilderness.

(13) NORTH MCCULLOUGH WILDERNESS.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 14,763 acres, as generally depicted on the map entitled "McCulloughs", dated October 1, 2002, which shall be known as the North McCullough Wilderness.

(14) PINTO VALLEY WILDERNESS.—Certain Federal land within the Lake Mead National Recreation Area, comprising approximately 39,173 acres, as generally depicted on the map entitled "Muddy Mountains", dated October 1, 2002, which shall be known as the Pinto Valley Wilderness.

(15) RAINBOW MOUNTAIN WILDERNESS.—Certain Federal land within the Toiyabe National Forest and an adjacent portion of Federal land managed by the Bureau of Land Management, comprising approximately 24,997 acres, as generally depicted on the map entitled "Spring Mountains", dated October 1, 2002, which shall be known as the Rainbow Mountain Wilderness.

(16) SOUTH MCCULLOUGH WILDERNESS.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 44,245 acres, as generally depicted on the map entitled "McCulloughs", dated October 1, 2002, which shall be known as the South McCullough Wilderness.

(17) SPIRIT MOUNTAIN WILDERNESS.—Certain Federal land within the Lake Mead National Recreation Area and an adjacent portion of Federal land managed by the Bureau of Land Management, comprising approximately 33,518 acres, as generally depicted on the map entitled "Eldorado/Spirit Mountain", dated October 1, 2002, which shall be known as the Spirit Mountain Wilderness.

(18) WEE THUMP JOSHUA TREE WILDERNESS.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 6,050 acres, as generally depicted on the map entitled "McCulloughs", dated October 1, 2002, which shall be known as the Wee Thump Joshua Tree Wilderness.

(b) BOUNDARY.—

(1) LAKE OFFSET.—The boundary of any portion of a wilderness area designated by subsection (a) that is bordered by Lake Mead, Lake Mohave, or the Colorado River shall be 300 feet inland from the high water line.

(2) ROAD OFFSET.—The boundary of any portion of a wilderness area designated by subsection (a) that is bordered by a road shall be at least 100 feet from the edge of the road to allow public access.

(c) MAP AND LEGAL DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and legal description of each wilderness area designated by subsection (a) with the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(2) EFFECT.—Each map and legal description shall have the same force and effect as if included in this section, except that the Secretary may correct clerical and typographical errors in the map or legal description.

(3) AVAILABILITY.—Each map and legal description shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management, National Park Service, or Forest Service, as applicable.

(d) WITHDRAWAL.—Subject to valid existing rights, the wilderness areas designated in this section are withdrawn from—

(1) all forms of entry, appropriation, and disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) operation of the mineral leasing, mineral materials, and geothermal leasing laws.

SEC. 203. ADMINISTRATION.

(a) MANAGEMENT.—Subject to valid existing rights, each area designated as wilderness by this title shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(1) any reference in that Act to the effective date shall be considered to be a reference to the date of enactment of this Act; and

(2) any reference in that Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary of the Interior with respect to lands administered by the Secretary of the Interior.

(b) LIVESTOCK.—Within the wilderness areas designated under this title that are administered by the Bureau of Land Management, the grazing of livestock in areas in which grazing is established as of the date of enactment of this Act shall be allowed to continue, subject to such reasonable regulations, policies, and practices that the Secretary considers necessary, consistent with section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)), including the guidelines set forth in Appendix A of House Report 101-405.

(c) INCORPORATION OF ACQUIRED LANDS AND INTERESTS.—Any land or interest in land within the boundaries of an area designated as wilderness by this title that is acquired by the United States after the date of enactment of this Act shall be added to and administered as part of the wilderness area within which the acquired land or interest is located.

(d) WATER RIGHTS.—

(1) FINDINGS.—Congress finds that—

(A) the lands designated as Wilderness by this Act are within the Mojave Desert, are arid in nature, and include ephemeral streams;

(B) the hydrology of the lands designated as wilderness by this Act is locally characterized by complex flow patterns and alluvial fans with impermanent channels;

(C) the subsurface hydrogeology of the region is characterized by ground water subject to local and regional flow gradients and artesian aquifers;

(D) the lands designated as wilderness by this Act are generally not suitable for use or development of new water resource facilities and there are no actual or proposed water resource facilities and no opportunities for diversion, storage, or other uses of water occurring outside such lands that would adversely affect the wilderness or other values of such lands; and

(E) because of the unique nature and hydrology of these desert lands designated as wilderness by this Act and the existence of the Clark County Multi-Species Habitat Conservation Plan it is possible to provide for proper management and protection of the wilderness, perennial springs and other values of such lands in ways different from those used in other legislation.

(2) STATUTORY CONSTRUCTION.—

(A) Nothing in this Act shall constitute or be construed to constitute either an express or implied reservation by the United States of any water or water rights with respect to the lands designated as Wilderness by this Act.

(B) Nothing in this Act shall affect any water rights in the State of Nevada existing on the date of the enactment of this Act, including any water rights held by the United States.

(C) Nothing in this subsection shall be construed as establishing a precedent with regard to any future wilderness designations.

(D) Nothing in this Act shall be construed as limiting, altering, modifying, or amending any of the interstate compacts or equitable apportionment decrees that apportion water among and between the State of Nevada and other States.

(E) Nothing in this subsection shall be construed as limiting, altering, modifying, or amending the Clark County Multi-Species Habitat Conservation Plan (MSHCP) with respect to the lands designated as Wilderness by this Act including the MSHCP's specific management actions for the conservation of perennial springs.

(3) NEVADA WATER LAW.—The Secretary shall follow the procedural and substantive requirements of the law of the State of Nevada in order to obtain and hold any water rights not in existence on the date of enactment of this Act with respect to the wilderness areas designated by this Act.

(4) NEW PROJECTS.—

(A) As used in this paragraph, the term "water resource" facility means irrigation and pumping facilities, reservoirs, water conservation works, aqueducts, canals, ditches, pipelines, wells, hydropower projects, and transmission and other ancillary facilities, and other water diversion, storage, and carriage structures. The term "water resource" facility does not include wildlife guzzlers.

(B) Except as otherwise provided in this Act, on and after the date of the enactment of this Act, neither the President nor any other officer, employee, or agent of the United States shall fund, assist, authorize, or issue a license or permit for the development of any new water resource facility within the wilderness areas designated by this Act.

SEC. 204. ADJACENT MANAGEMENT.

(a) IN GENERAL.—Congress does not intend for the designation of wilderness in the State pursuant to this title to lead to the creation of protective perimeters or buffer zones around any such wilderness area.

(b) NONWILDERNESS ACTIVITIES.—The fact that nonwilderness activities or uses can be seen or heard from areas within a wilderness designated under this title shall not preclude the conduct of those activities or uses outside the boundary of the wilderness area.

SEC. 205. MILITARY OVERFLIGHTS.

Nothing in this title restricts or precludes—

(1) low-level overflights of military aircraft over the areas designated as wilderness by this title, including military overflights that can be seen or heard within the wilderness areas;

(2) flight testing and evaluation; or

(3) the designation or creation of new units of special use airspace, or the establishment of military flight training routes, over the wilderness areas.

SEC. 206. NATIVE AMERICAN CULTURAL AND RELIGIOUS USES.

Nothing in this Act shall be construed to diminish the rights of any Indian Tribe. Nothing in this Act shall be construed to diminish tribal rights regarding access to Federal lands for tribal activities, including spiritual, cultural, and traditional food-gathering activities.

SEC. 207. RELEASE OF WILDERNESS STUDY AREAS.

(a) FINDING.—Congress finds that, for the purposes of section 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782), the public land in the County administered by the Bureau of Land Management and the Forest Service in the following areas have been adequately studied for wilderness designation:

(1) The Garrett Buttes Wilderness Study Area.

(2) The Quail Springs Wilderness Study Area.

(3) The Nellis A, B, C Wilderness Study Area.

(4) Any portion of the wilderness study areas—

(A) not designated as wilderness by section 202(a); and

(B) designated for release on—

(i) the map entitled "Muddy Mountains" and dated October 1, 2002;

(ii) the map entitled "Spring Mountains" and dated October 1, 2002;

(iii) the map entitled "Arrow Canyon" and dated October 1, 2002;

(iv) the map entitled "Gold Butte" and dated October 1, 2002;

(v) the map entitled "McCullough Mountains" and dated October 1, 2002;

(vi) the map entitled "El Dorado/Spirit Mountain" and dated October 1, 2002; or

(vii) the map entitled "Southern Nevada Public Land Management Act" and dated October 1, 2002.

(b) RELEASE.—Except as provided in subsection (c), any public land described in subsection (a) that is not designated as wilderness by this title—

(1) is no longer subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)); and

(2) shall be managed in accordance with—

(A) land management plans adopted under section 202 of that Act (43 U.S.C. 1712); and

(B) existing cooperative conservation agreements.

(c) RIGHT-OF-WAY GRANT.—The Secretary shall issue to the State-regulated sponsor of the Centennial Project the right-of-way for the construction and maintenance of two 500-kilovolt electrical transmission lines. The construction shall occur within a 500-foot-wide corridor that is released from the Sunrise Mountains Instant Study Area in the County as depicted on the Southern Nevada Public Land Management Act map, dated October 1, 2002.

SEC. 208. WILDLIFE MANAGEMENT.

(a) IN GENERAL.—In accordance with section 4(d)(7) of the Wilderness Act (16 U.S.C. 1133(d)(7)), nothing in this title affects or diminishes the jurisdiction of the State with respect to fish and wildlife management, including the regulation of hunting, fishing, and trapping, in the wilderness areas designated by this title.

(b) MANAGEMENT ACTIVITIES.—In furtherance of the purposes and principles of the Wilderness Act, management activities to maintain or restore fish and wildlife populations and the habitats to support such populations may be carried out within wilderness areas designated by this title where consistent with relevant wilderness management plans, in accordance with appropriate policies such as those set forth in Appendix B of House Report 101–405, including the occasional and temporary use of motorized vehicles, if such use, as determined by the Secretary, would promote healthy, viable, and more naturally distributed wildlife populations that would enhance wilderness values and accomplish those purposes with the minimum impact necessary to reasonably accomplish the task.

(c) EXISTING ACTIVITIES.—Consistent with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)) and in accordance with appropriate policies such as those set forth in Appendix B of House Report 101–405, the State may continue to use aircraft, including helicopters, to survey, capture, transplant, monitor, and provide water for wildlife populations, including bighorn sheep, and feral stock, horses, and burros.

(d) WILDLIFE WATER DEVELOPMENT PROJECTS.—Subject to subsection (f), the Secretary shall, authorize structures and facilities, including existing structures and facilities, for wildlife water development projects, including guzzlers, in the wilderness areas designated by this title if—

(1) the structures and facilities will, as determined by the Secretary, enhance wilderness values by promoting healthy, viable and more naturally distributed wildlife populations; and

(2) the visual impacts of the structures and facilities on the wilderness areas can reasonably be minimized.

(e) HUNTING, FISHING, AND TRAPPING.—The Secretary may designate by regulation areas in consultation with the appropriate State agency (except in emergencies), in which, and establish periods during which, for reasons of public safety, administration, or compliance with applicable laws, no hunting, fishing, or trapping will be permitted in the wilderness areas designated by this title.

(f) COOPERATIVE AGREEMENT.—No later than one year after the date of enactment of this Act, the Secretary shall enter into a cooperative agreement with the State of Nevada. The cooperative agreement shall specify the terms and conditions under which the State (including a designee of the State) may use wildlife management activities in the wilderness areas designated by this title.

SEC. 209. WILDFIRE MANAGEMENT.

Consistent with section 4 of the Wilderness Act (16 U.S.C. 1133), nothing in this title precludes a Federal, State, or local agency from conducting wildfire management operations (including operations using aircraft or mechanized equipment) to manage wildfires in the wilderness areas designated by this title.

SEC. 210. CLIMATOLOGICAL DATA COLLECTION.

Subject to such terms and conditions as the Secretary may prescribe, nothing in this title precludes the installation and maintenance of hydrologic, meteorologic, or climatological collection devices in the wilderness areas designated by this title if the facilities and access to the facilities are essential to flood warning, flood control, and water reservoir operation activities.

SEC. 211. NATIONAL PARK SERVICE LANDS.

To the extent any of the provisions of this title are in conflict with laws, regulations, or management policies applicable to the National Park Service for Lake Mead National Recreation Area, those laws, regulations, or policies shall control.

TITLE III—TRANSFERS OF ADMINISTRATIVE JURISDICTION

SEC. 301. TRANSFER OF ADMINISTRATIVE JURISDICTION TO THE U.S. FISH AND WILDLIFE SERVICE.

(a) IN GENERAL.—Administrative jurisdiction over the land described in subsection (b) is transferred from the Bureau of Land Management to the United States Fish and Wildlife Service for inclusion in the Desert National Wildlife Range.

(b) DESCRIPTION OF LAND.—The parcel of land referred to in subsection (a) is the approximately 26,433 acres of land administered by the Bureau of Land Management as generally depicted on the map entitled "Arrow Canyon" and dated October 1, 2002.

(c) WILDERNESS RELEASE.—

(1) Congress finds that the parcel of land described in subsection (b) has been adequately studied for wilderness designation for the purposes of section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)).

(2) The parcel of land described in subsection (b)—

(A) shall not be subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)); and

(B) shall be managed in accordance with

(i) the National Wildlife Refuge System Administration Act, as amended by the National Wildlife Refuge System Improvement Act of 1997 (16 U.S. C. 668dd–668ee); and

(ii) existing cooperative conservation agreements.

SEC. 302. TRANSFER OF ADMINISTRATIVE JURISDICTION TO NATIONAL PARK SERVICE.

(a) IN GENERAL.—Administrative jurisdiction over the parcel of land described in subsection (b) is transferred from the Bureau of

Land Management to the National Park Service for inclusion in the Lake Mead National Recreation Area.

(b) Description of Land.—The parcel of land referred to in subsection (a) is the approximately 10 acres of Bureau of Land Management land, as depicted on the map entitled "Eldorado/Spirit Mountain" and dated October 1, 2002.

(c) Use of Land.—The parcel of land described in subsection (b) shall be used by the National Park Service for administrative facilities.

TITLE IV—AMENDMENTS TO THE SOUTHERN NEVADA PUBLIC LAND MANAGEMENT ACT

SEC. 401. DISPOSAL AND EXCHANGE.

(a) In General.—Section 4 of the Southern Nevada Public Land Management Act of 1998 (112 Stat. 2344) is amended—

(1) in the first sentence of subsection (a), by striking "entitled Las Vegas Valley, Nevada, Land Disposal Map, dated April 10, 1997" and inserting "entitled Southern Nevada Public Land Management Act, dated October 1, 2002"; and

(2) in subsection (e)(3)(A)—

(A) in clause (iv)—

(i) by inserting "or regional governmental" entity after "local government"; and

(ii) by striking "and" at the end;

(B) by redesignating clause (v) as clause (vi); and

(C) by inserting after clause (iv) the following:

"(v) up to 10 percent of amounts available, to be used for conservation initiatives on Federal land in Clark County, Nevada, administered by the Department of the Interior or the Department of Agriculture; and".

(b) Effective Date.—The amendments made by subsection (a) take effect on January 31, 2003.

(c) Withdrawal.—Subject to valid existing rights, the land designated for disposal in this section is withdrawn from entry and appropriation under the public land laws, location and entry, under the mining laws, and from operation under the mineral leasing and geothermal leasing laws until such times as the Secretary terminates the withdrawal or the lands are patented.

TITLE V—IVANPAH CORRIDOR

SEC. 501. INTERSTATE ROUTE 15 SOUTH CORRIDOR.

(a) Management of Interstate Route 15 Corridor Land.—

(1) In general.—The Secretary shall manage the land located along the Interstate Route 15 corridor south of the Las Vegas Valley to the border between the States of California and Nevada, generally depicted as Interstate 15 South Corridor on the map entitled "Clark County Conservation of Public Land and Natural Resources Act of 2002" and dated October 1, 2002, in accordance with the Southern Nevada Public Land Management Act of 1998 (112 Stat. 2343) and this section.

(2) Availability of map.—The map described in paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(3) Multiple use management.—Subject to any land management designations under the 1998 Las Vegas District Resource Management Plan or the Clark County Multi-Species Conservation Plan, land depicted on the map described in paragraph (1) shall be managed for multiple use purposes.

(4) Termination of administrative withdrawal.—The administrative withdrawal of the land identified as the Interstate 15 South Corridor on the map entitled "Clark County Conservation of Public Land and Natural Resources Act of 2002" and dated October 1, 2002, from mineral entry dated July 23, 1997, and as amended March 9, 1998, as further amended July 2, 2002, is terminated.

(5) Withdrawal of land.—Subject to valid existing rights, the corridor described in subsection (b) and the land described in subsection (c)(1) are withdrawn from location and entry under the mining laws, and from operation under the mineral leasing and geothermal leasing laws, until such time as—

(A) the Secretary terminates the withdrawal; or

(B) the corridor or land, respectively, is patented.

(b) Transportation and Utilities Corridor.—Notwithstanding sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713), the Secretary, in consultation with the City of Henderson and the County, and in accordance with this section and other applicable laws and subject to valid existing rights, shall establish a 2,640-foot-wide corridor between the Las Vegas valley and the proposed Ivanpah Airport for the placement, on a nonexclusive basis, of utilities and transportation.

(c) Ivanpah Airport Environs Overlay District Land Transfer.—

(1) In general.—Subject to paragraph (2) and valid existing rights, on request by the County, the Secretary shall transfer to the County, without consideration, all right, title, and interest of the United States in and to the land identified as Ivanpah Airport noise compatibility area on the map entitled "Clark County Conservation of Public Land and Natural Resources Act of 2002" and dated October 1, 2002.

(2) Conditions for transfer.—As a condition of the transfer under paragraph (1), the County shall agree—

(A) to manage the transferred land in accordance with section 47504 of title 49, United States Code (including regulations promulgated under that section); and

(B) that if any portion of the transferred land is sold, leased, or otherwise conveyed or leased by the County—

(i) the sale, lease, or other conveyance shall be—

(I) subject to a limitation that requires that any use of the transferred land be consistent with the Agreement and section 47504 of title 49, United States Code (including regulations promulgated under that section); and

(II) for fair market value; and

(ii) of any gross proceeds received by the County from the sale, lease, or other conveyance of the land, the County shall—

(I) contribute 85 percent to the special account established by section 4(e)(1)(C) of the Southern Nevada Public Land Management Act of 1998 (112 Stat. 2345);

(II) contribute 5 percent to the State for use in the general education program of the State; and

(III) reserve 10 percent for use by the Clark County Department of Aviation for airport development and noise compatibility programs.

(d) Effective Date.—Subsections (b) and (c) shall not take effect until construction of the Ivanpah Valley Airport is approved in accordance with Public Law 106–362.

SEC. 502. AREA OF CRITICAL ENVIRONMENTAL CONCERN SEGREGATION.

(a) Temporary Withdrawal.—Subject to valid existing rights, any Federal land in an Area of Critical Environmental Concern that is designated for withdrawal under the 1998 Las Vegas Resource Management Plan, and which is not already withdrawn by the effect of this or any other Act, is hereby withdrawn from location, entry, and patent under the mining laws for a period not to exceed five years. The withdrawal shall lapse at the earlier—

(1) five years; or

(2) when the Secretary issues a final decision on each proposed withdrawal.

(b) Administrative Withdrawal.—The Secretary shall make final decisions on each of the temporary withdrawals described in subsection (a) within five years of the date of enactment of this Act. Such decisions shall be made consistent with the Federal Land Policy and Management Act (43 U.S.C. 1714), and in accordance with the 1998 Las Vegas Resource Management Plan.

(c) Mineral Report.—The mineral reports required by section 204(c)(12) of the Federal Land Policy and Management Act shall be the responsibility of the U.S. Geological Survey and shall be completed for each of the temporary withdrawals described in subsection (a) within four years of the date of enactment of this Act.

TITLE VI—SLOAN CANYON NATIONAL CONSERVATION AREA

SEC. 601. SHORT TITLE.

This title may be cited as the "Sloan Canyon National Conservation Area Act".

SEC. 602. PURPOSE.

The purpose of this title is to establish the Sloan Canyon National Conservation Area to conserve, protect, and enhance for the benefit and enjoyment of present and future generations the cultural, archaeological, natural, wilderness, scientific, geological, historical, biological, wildlife, educational, and scenic resources of the Conservation Area.

SEC. 603. DEFINITIONS.

In this title:

(1) Conservation area.—The term "Conservation Area" means the Sloan Canyon National Conservation Area established by section 604(a).

(2) Federal parcel.—The term "Federal parcel" means the parcel of Federal land consisting of approximately 500 acres that is identified as Tract A on the map entitled "Southern Nevada Public Land Management Act" and dated October 1, 2002.

(3) Management plan.—The term "management plan" means the management plan for the Conservation Area developed under section 605(b).

(4) Map.—The term "map" means the map entitled "Southern Nevada Public Land Management Act" and dated October 1, 2002.

SEC. 604. ESTABLISHMENT.

(a) In General.—For the purpose described in section 602, there is established in the State a conservation area to be known as the Sloan Canyon National Conservation Area.

(b) Area Included.—The Conservation Area shall consist of approximately 48,438 acres of public land in the County, as generally depicted on the map.

(c) Map and Legal Description.—

(1) In general.—As soon as practicable after the date of enactment of this Act, the Secretary shall submit to Congress a map and legal description of the Conservation Area.

(2) Effect.—The map and legal description shall have the same force and effect as if included in this section, except that the Secretary may correct minor errors in the map or legal description.

(3) Public availability.—A copy of the map and legal description shall be on file and

available for public inspection in the appropriate office of the Bureau of Land Management

SEC. 605. MANAGEMENT.

(a) In General.—The Secretary, acting through the Director of the Bureau of Land Management, shall manage the Conservation Area—

(1) in a manner that conserves, protects, and enhances the resources of the Conservation Area; and

(2) in accordance with—

(A) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(B) other applicable law, including this Act.

(b) Management Plan.—

(1) In general.—Not later than 3 years after the date of enactment of this Act, the Secretary, in consultation with the State, the city of Henderson, the County, and any other interested persons, shall develop a management plan for the Conservation Area.

(2) Requirements.—The management plan shall—

(A) describe the appropriate uses and management of the Conservation Area;

(B)(i) authorize the use of motorized vehicles in the Conservation Area—

(I) for installing, repairing, maintaining, and reconstructing water development projects, including guzzlers, that would enhance the Conservation Area by promoting healthy, viable, and more naturally distributed wildlife populations; and

(II) subject to any limitations that are not more restrictive than the limitations on such uses authorized in wilderness areas under section 208; and

(ii) include or provide recommendations on ways of minimizing the visual impacts of such activities on the Conservation Area;

(C) include a plan for litter cleanup and public lands awareness campaign on public lands in and around the Conservation Area; and

(D) include a recommendation on the location for a right-of-way for a rural roadway to provide the city of Henderson with access to the Conservation Area, in accordance with the application numbered N-65874.

(c) Uses.—The Secretary shall allow only such uses of the Conservation Area that the Secretary determines will further the purpose described in section 602.

(d) Motorized Vehicles.—Except as needed for administrative purposes or to respond to an emergency, the use of motorized vehicles in the Conservation Area shall be permitted only on roads and trails designated for the use of motorized vehicles by the management plan developed under subsection (b).

(e) Withdrawal.—

(1) In general.—Subject to valid existing rights, all public land in the Conservation Area is withdrawn from—

(A) all forms of entry and appropriation under the public land laws;

(B) location, entry, and patent under the mining laws; and

(C) operation of the mineral leasing, mineral materials, and geothermal leasing laws.

(2) Additional land.—Notwithstanding any other provision of law, if the Secretary acquires mineral or other interests in a parcel of land within the Conservation Area after the date of enactment of this Act, the parcel is withdrawn from operation of the laws referred to in paragraph (1) on the date of acquisition of the land.

(f) Hunting, Fishing, and Trapping.—

(1) In general.—Nothing in this title affects the jurisdiction of the State with respect to fish and wildlife, including hunting, fishing, and trapping in the Conservation Area.

(2) Limitations.—

(A) Regulations.—The Secretary may designate by regulation areas in which, and establish periods during which, for reasons of public safety, administration, or compliance with applicable laws, no hunting, fishing, or trapping will be permitted in the Conservation Area.

(B) Consultation.—Except in emergencies, the Secretary shall consult with the appropriate State agency before promulgating regulations under subparagraph (A) that close a portion of the Conservation Area to hunting, fishing, or trapping.

(g) No Buffer Zones.—

(1) In general.—The establishment of the Conservation Area shall not create an express or implied protective perimeter or buffer zone around the Conservation Area.

(2) Private land.—If the use of, or conduct of an activity on, private land that shares a boundary with the Conservation Area is consistent with applicable law, nothing in this title concerning the establishment of the Conservation Area shall prohibit or limit the use or conduct of the activity.

SEC. 606. SALE OF FEDERAL PARCEL.

(a) In General.—Notwithstanding sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713) and subject to valid existing rights, not later than 1 year after the date of enactment of this Act, the Secretary shall convey to the highest qualified bidder all right, title, and interest of the United States in and to the Federal parcel.

(b) Disposition of Proceeds.—Of the gross proceeds from the conveyance of land under subsection (a)—

(1) 5 percent shall be available to the State for use in the general education program of the State; and

(2) the remainder shall be deposited in the special account established under the Southern Nevada Public Lands Management Act of 1998 (Public Law 105-263; 112 Stat. 2345), to be available to the Secretary, without further appropriation for—

(A) the construction and operation of facilities to support the management of the Conservation Area;

(B) the construction and repair of trails and roads in the Conservation Area authorized under the management plan;

(C) research on and interpretation of the archaeological and geological resources of the Conservation Area;

(D) conservation and research relating to the Conservation Area; and

(E) any other purpose that the Secretary determines to be consistent with the purpose described in section 602.

SEC. 607. RIGHT-OF-WAY.

Not later than 180 days after the date of enactment of this Act, the Secretary shall convey to the City of Henderson the public right-of-way requested for public trail purposes under the application numbered N-76312 and the public right-of-way requested for public trail purposes under the application numbered N-65874.

TITLE VII—PUBLIC INTEREST CONVEYANCES

SEC. 701. DEFINITION OF MAP.

In this title, the term "map" means the map entitled "Southern Nevada Public Land Management Act" and dated October 1, 2002.

SEC. 702. CONVEYANCE TO THE UNIVERSITY OF NEVADA AT LAS VEGAS RESEARCH FOUNDATION.

(a) Findings and Purposes.—

(1) Findings.—Congress finds that—

(A) the University of Nevada, Las Vegas, needs land in the greater Las Vegas area to provide for the future growth of the university;

(B) the proposal by the University of Nevada, Las Vegas, for construction of a research park and technology center in the greater Las Vegas area would enhance the high tech industry and entrepreneurship in the State; and

(C) the land transferred to the Clark County Department of Aviation under section 4(g) of the Southern Nevada Public Land Management Act of 1998 (112 Stat. 2346) is the best location for the research park and technology center.

(2) Purposes.—The purposes of this section are—

(A) to provide a suitable location for the construction of a research park and technology center in the greater Las Vegas area;

(B) to provide the public with opportunities for education and research in the field of high technology; and

(C) to provide the State with opportunities for competition and economic development in the field of high technology.

(b) Technology Research Center.—

(1) Conveyance.—Notwithstanding section 4(g)(4) of the Southern Nevada Public Land Management Act of 1998 (112 Stat. 2347), the Clark County Department of Aviation may convey, without consideration, all right, title, and interest in and to the parcel of land described in paragraph (3) to the University of Nevada at Las Vegas Research Foundation (referred to in this section as "Foundation") for the development of a technology research center.

(2) Condition.—The conveyance under paragraph (1) shall be subject to the condition that the Foundation enter into an agreement that if the land described in paragraph (3) is sold, leased, or otherwise conveyed by the Foundation.

(A) the Foundation shall sell, lease, or otherwise convey the land for fair market value;

(B) the Foundation shall contribute 85 percent of the gross proceeds from the sale, lease, or conveyance of the land to the special account;

(C) with respect to land identified on the map entitled "Las Vegas Valley, Nevada, Land Sales Map", numbered 7306A, and dated May 1980, the proceeds from the sale, lease, or conveyance of the land identified on the map contributed to the special account by the Foundation under subparagraph (B) shall be used by the Secretary of Agriculture to acquire environmentally sensitive land in the Lake Tahoe Basin under section 3 of Public Law 96-586 (94 Stat. 3383);

(D) the Foundation shall contribute 5 percent of the gross proceeds from the sale, lease, or conveyance of the land to the State of Nevada for use in the general education program of the State; and

(E) the remainder of the gross proceeds from the sale, lease, or conveyance of the land shall be available for use by the Foundation.

(3) Description of land.—The parcel of land referred to in paragraph (1) is the parcel of Clark County Department of Aviation land—

(A) consisting of approximately 115 acres; and

(B) located in the SAW¼ of section 33, T. 21 S., R. 60 E., Mount Diablo Base and Meridian.

SEC. 703. CONVEYANCE TO THE LAS VEGAS METROPOLITAN POLICE DEPARTMENT.

The Secretary shall convey to the Las Vegas Metropolitan Police Department, without consideration, all right, title, and interest in and to the parcel of land identified as "Tract F" on the map for use as a shooting range.

SEC. 704. CONVEYANCE TO THE CITY OF HENDERSON FOR THE NEVADA STATE COLLEGE AT HENDERSON.

(a) Definitions.—In this section:

(1) Chancellor.—The term "Chancellor" means the Chancellor of the University system.

(2) City.—The term "City" means the city of Henderson, Nevada.

(3) College.—The term "College" means the Nevada State College at Henderson.

(4) Survey.—The term "survey means" the land survey required under Federal law to define the official metes and bounds of the parcel of Federal land identified as Tract H on the map.

(5) University system.—The term "University system" means the University and Community College System of Nevada.

(b) Conveyance.—

(1) In general.—Notwithstanding the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) and section 1(c) of the Act of June 14, 1926 (commonly known as the "Recreation and Public Purposes Act") (43 U.S.C. 869(c)), not later than 180 days after the date on which the survey is approved, the Secretary shall convey to the City, without consideration, all right, title, and interest of the United States in and to the parcel of Federal land identified as "Tract H" on the map for use as a campus for the College.

(2) Conditions.—

(A) In general.—As a condition of the conveyance under paragraph (1), the Chancellor and the City shall agree in writing—

(i) to pay any administrative costs associated with the conveyance, including the costs of any environmental, wildlife, cultural, or historical resources studies;

(ii) to use the Federal land conveyed for educational and recreational purposes;

(iii) to release and indemnify the United States from any claims or ——liabilities which may arise from uses that are carried out on the Federal land on or before the date of enactment of this Act by the United States or any person;

(iv) as soon as practicable after the date of the conveyance under paragraph (1), to erect at the College an appropriate and centrally located monument that acknowledges the conveyance of the Federal land by the United States for the purpose of furthering the higher education of citizens in the State; and

(v) to assist the Bureau of Land Management in providing information to the students of the College and the citizens of the State on—

(I) public land in the State; and

(II) the role of the Bureau of Land Management in managing, preserving, and protecting the public land.

(B) Valid existing rights.—The conveyance under paragraph (1) shall be subject to all valid existing rights.

(3) Use of federal land.—

(A) In general.—The College and the City may use the land conveyed under paragraph (1) for—

(i) any purpose relating to the establishment, operation, growth, and maintenance of the College; and

(ii) any uses relating to such purposes, including residential and commercial development that would generally be associated with an institution of higher education.

(B) Other entities.—The College and the City may—

(i) consistent with Federal and State law, lease or otherwise provide property or space at the College, with or without consideration, to religious, public interest, community, or other groups for services and events that are of interest to the College, the City, or any community located in the Las Vegas Valley;

(ii) allow the City or any other community in the Las Vegas Valley to use facilities of the College for educational and recreational programs of the City or community; and

(iii) in conjunction with the City, plan, finance, (including the provision of cost-share assistance), construct, and operate facilities for the City on the Federal land conveyed for educational or recreational purposes consistent with this section.

(4) Reversion.—If the Federal land or any portion of the Federal land conveyed under paragraph (1) ceases to be used for the College, the Federal land or any portion of the Federal land shall, at the discretion of the Secretary, revert to the United States.

SEC. 705. CONVEYANCE TO THE CITY OF LAS VEGAS, NEVADA.

(a) Definitions.—In this section:

(1) City.—The term "City" means the city of Las Vegas, Nevada.

(2) Secretary.—The term "Secretary" means the Secretary of the Interior, acting through the Director of the Bureau of Land Management.

(b) Conveyance.—The Secretary shall convey to the City, without consideration, all right, title, and interest of the United States in and to the parcels of land identified as "Tract C" and "Tract D" on the map.

(c) Reversion.—If a parcel of land conveyed to the City under subsection (b) ceases to be used for affordable housing or for a purpose related to affordable housing, the parcel shall, at the discretion of the Secretary, revert to the United States.

SEC. 706. SALE OF FEDERAL PARCEL.

(a) In General.—Notwithstanding sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713) and subject to valid existing rights, the Secretary shall convey as a single parcel to the highest qualified bidder all right, title, and interest of the United States in and to approximately 360 acres that is identified as the North Half (N½) of Section 7, Township 23 South, Range 61 East, M.D.B.&M., Clark County, Nevada and the Northeast Quarter (NE¼) of the Southeast Quarter (SE¼) of Section 7, Township 23 South, Range 61 East, M.D.M., Clark County, Nevada.

(b) Disposition of Proceeds.—The proceeds from the conveyance of the lands described in subsection (a) shall be deposited in accordance with section 4(e)(1) of the Southern Nevada Public Land Management Act of 1998 (112 Stat. 2345).

TITLE VIII—HUMBOLDT PROJECT CONVEYANCE

SEC. 801. SHORT TITLE.

This title may be cited as the "Humboldt Project Conveyance Act".

SEC. 802. DEFINITIONS.

For purposes of this title:

(1) Secretary.—The term "Secretary" means the Secretary of the Interior.

(2) State.—The term "State" means the State of Nevada.

(3) PCWCD.—The term "PCWCD" means the Pershing County Water Conservation District, a public entity organized under the laws of the State of Nevada.

(4) Pershing county.—The term "Pershing County" means the Pershing County government, a political subunit of the State of Nevada.

(5) Lander county.—The term "Lander County" means the Lander County government, a political subunit of the State of Nevada.

SEC. 803. AUTHORITY TO CONVEY TITLE.

(a) In General.—As soon as practicable after the date of enactment of this Act and in accordance with all applicable law, the Secretary shall convey all right, title, and interest in and to the lands and features of the Humboldt Project, as generally depicted on the map entitled the "Humboldt Project Conveyance Act", and dated July 3, 2002, including all water rights for storage and diversion, to PCWCD, the State, Pershing County, and Lander County, consistent with the terms and conditions set forth in the Memorandum of Agreement between PCWCD and Lander County dated January 24, 2000, the Conceptual Agreement between PCWCD and the State dated October 18, 2001, the Letter of Agreement between Pershing County and the State dated April 16, 2002, and any agreements between the Bureau of Reclamation and PCWCD.

(b) Map.—As soon as practicable after the date of the enactment of this Act, the Secretary shall submit to Congress a map of the Humboldt Project Conveyance. In case of a conflict between the map referred to in subsection (a) and the map submitted by the Secretary, the map referred to in subsection (b) shall control. The map shall have the same force and effect as if included in this Act, except that the Secretary may correct clerical and typographical errors in such map and legal description. Copies of the map shall be on file and available for public inspection in the Office of the Commissioner of the Bureau of Reclamation and in the Office of the Area Manager of the Bureau of Reclamation in Carson City, Nevada.

(c) Compliance With Agreements.—All parties to the conveyance under subsection (a) shall comply with the terms and conditions of the agreements cited in subsection (a).

(d) Report.—If the conveyance required by this section has not been completed within 18 months after the date of enactment of this Act, the Secretary shall submit a report to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate that describes—

(1) the status of the conveyance;

(2) any obstacles to completion of the conveyance; and

(3) the anticipated date for completion of the conveyance.

SEC. 804. PAYMENT.

(a) In General.—As consideration for any conveyance required by section 803, PCWCD shall pay to the United States the net present value of miscellaneous revenues associated with the lands and facilities to be conveyed.

(b) Withdrawn Lands.—As consideration for any conveyance of withdrawn lands required by section 803, the entity receiving title shall pay the United States (in addition to amounts paid under subsection (a)) the fair market value for any such lands conveyed that were withdrawn from the public domain pursuant to the Secretarial Orders dated March 16, 1934, and April 6, 1956.

(c) Administrative Costs.—Administrative costs for conveyance of any land or facility under this title shall be paid in equal shares by the Secretary and the entity receiving title to the land or facility, except costs identified in subsections (d) and (e).

(d) Real Estate Transfer Costs.—As a condition of any conveyance of any land or facility required by section 803, costs of all boundary surveys, title searches, cadastral surveys, appraisals, maps, and other real estate transactions required for the conveyance shall be paid by the entity receiving title to the land or facility.

(e) NEPA COSTS.—Costs associated with any review required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for conveyance of any land or facility under section 803 shall be paid in equal shares by the Secretary and the entity receiving title to the land or facility.

(f) STATE OF NEVADA.—The State shall not be responsible for any payments under this section. Any proposal by the State to reconvey to another entity land conveyed by the Secretary under this title shall be pursuant to an agreement with the Secretary providing for fair market value to the United States for the lands, and for continued management of the lands for recreation, wildlife habitat, wetlands, or resource conservation.

SEC. 805. COMPLIANCE WITH OTHER LAWS.

Following the conveyance required by section 803, the district, the State, Pershing County, and Lander County shall, with respect to the interests conveyed, comply with all requirements of Federal, State, and local law applicable to non-Federal water distribution systems.

SEC. 806. REVOCATION OF WITHDRAWALS.

Effective on the date of the conveyance required by section 803, the Secretarial Orders dated March 16, 1934, and April 6, 1956, that withdrew public lands for the Rye Patch Reservoir and the Humboldt Sink, are hereby revoked.

SEC. 807. LIABILITY.

Effective on the date of the conveyance required by section 803, the United States shall not be held liable by any court for damages of any kind arising out of any act, omission, or occurrence relating to the Humboldt Project, except for damages caused by acts of negligence committed by the United States or by its employees or agents prior to the date of conveyance. Nothing in this section shall be considered to increase the liability of the United States beyond that currently provided in chapter 171 of title 28, United States Code, popularly known as the "Federal Tort Claims Act".

SEC. 808. NATIONAL ENVIRONMENTAL POLICY ACT.

Prior to any conveyance under this title, the Secretary shall complete all actions as may be required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), and all other applicable laws.

SEC. 809. FUTURE BENEFITS.

Upon conveyance of the lands and facilities by the Secretary under this title, the Humboldt Project shall no longer be a Federal reclamation project and the district shall not be entitled to receive any future reclamation benefits with respect to that project, except those benefits that would be available to other nonreclamation districts.

TITLE IX—MISCELLANEOUS PROVISIONS

SEC. 901. TECHNICAL AMENDMENTS TO THE MESQUITE LANDS ACT 2001.

Section 3 of Public Law 99-548 (100 Stat. 3061; 110 Stat. 3009-202) is amended—

(1) in subsection (d), by adding at the end the following:

"(3) USE OF PROCEEDS.—The proceeds of the sale of each parcel completed after the date of enactment of this subsection shall be deposited in the special account established under section 4(e)(1)(C) of the Southern Nevada Public Land Management Act of 1998 (112 Stat. 2345); and shall be available for use by the Secretary—

"(A) to reimburse costs incurred by the local offices of the Bureau of Land Management in arranging the land conveyances directed by this section;

"(B) for the development of a multispecies habitat conservation plan for the Virgin River in Clark County, Nevada, including any associated groundwater monitoring plan; and

"(C) as provided in section 4(e)(3) of that Act (112 Stat. 2346).

"(4) TIMING.—Not later than 90 days after the date of enactment of this section, the Secretary shall complete the sale of any parcel authorized to be conveyed pursuant to this section and for which the Secretary has received notification from the city under paragraph (1)."; and

(2) in subsection (f)(2)(B), by adding at the end the following:

"(v) Sec. 7.".

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CONCURRED IN SENATE AMENDMENT

H.R. 3801, to provide for improvement of Federal education research, statistics, evaluation, information, and dissemination, and for other purposes.

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Table of contents.

TITLE I—EDUCATION SCIENCES REFORM

Sec. 101. Short title.
Sec. 102. Definitions.

PART A—THE INSTITUTE OF EDUCATION SCIENCES

Sec. 111. Establishment.
Sec. 112. Functions.
Sec. 113. Delegation.
Sec. 114. Office of the Director.
Sec. 115. Priorities.
Sec. 116. National Board for Education Sciences.
Sec. 117. Commissioners of the National Education Centers.
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Sec. 119. Biennial report.
Sec. 120. Competitive awards.

PART B—NATIONAL CENTER FOR EDUCATION RESEARCH

Sec. 131. Establishment.
Sec. 132. Commissioner for Education Research.
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Sec. 152. Commissioner for Education Statistics.
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PART D—NATIONAL CENTER FOR EDUCATION EVALUATION AND REGIONAL ASSISTANCE

Sec. 171. Establishment.
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PART E—GENERAL PROVISIONS

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Sec. 189. Fellowships.
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Sec. 192. Copyright.
Sec. 193. Removal.
Sec. 194. Authorization of appropriations.

TITLE II—EDUCATIONAL TECHNICAL ASSISTANCE

Sec. 201. Short title.
Sec. 202. Definitions.
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TITLE III—NATIONAL ASSESSMENT OF EDUCATIONAL PROGRESS

Sec. 301. Short title.
Sec. 302. Definitions.
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TITLE IV—AMENDATORY PROVISIONS

Sec. 401. Redesignations.
Sec. 402. Amendments to Department of Education Organization Act.
Sec. 403. Repeals.
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Sec. 405. Orderly transition.
Sec. 406. Impact aid.

TITLE I—EDUCATION SCIENCES REFORM

SEC. 101. SHORT TITLE.

This title may be cited as the "Education Sciences Reform Act of 2002".

SEC. 102. DEFINITIONS.

In this title:

(1) IN GENERAL.—The terms "elementary school", "secondary school", "local educational agency", and "State educational agency" have the meanings given those terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801) and the terms "freely associated states" and "outlying area" have the meanings given those terms in section 1121(c) of such Act (20 U.S.C. 6331(c)).

(2) APPLIED RESEARCH.—The term "applied research" means research—

(A) to gain knowledge or understanding necessary for determining the means by which a recognized and specific need may be met; and

(B) that is specifically directed to the advancement of practice in the field of education.

(3) BASIC RESEARCH.—The term "basic research" means research—

(A) to gain fundamental knowledge or understanding of phenomena and observable facts, without specific application toward processes or products; and

(B) for the advancement of knowledge in the field of education.

(4) BOARD.—The term "Board" means the National Board for Education Sciences established under section 116.

(5) BUREAU.—The term "Bureau" means the Bureau of Indian Affairs.

(6) COMPREHENSIVE CENTER.—The term "comprehensive center" means an entity established under section 203 of the Educational Technical Assistance Act of 2002.

(7) DEPARTMENT.—The term "Department" means the Department of Education.

(8) DEVELOPMENT.—The term "development" means the systematic use of knowledge or understanding gained from the findings of scientifically valid research and the shaping of that knowledge or understanding into products or processes that can be applied and evaluated and may prove useful in areas such as the preparation of materials and new methods of instruction and practices in teaching, that lead to the improvement of the academic skills of students, and that are replicable in different educational settings.

(9) DIRECTOR.—The term "Director" means the Director of the Institute of Education Sciences.

(10) DISSEMINATION.—The term "dissemination" means the communication and transfer of the results of scientifically valid research, statistics, and evaluations, in forms that are understandable, easily accessible, and usable, or adaptable for use in, the improvement of educational practice by teachers, administrators, librarians, other practitioners, researchers, parents, policymakers, and the public, through technical assistance, publications, electronic transfer, and other means.

(11) EARLY CHILDHOOD EDUCATOR.—The term "early childhood educator" means a person providing, or employed by a provider of, nonresidential child care services (including center-based, family-based, and in-home child care services) that is legally operating under State law, and that complies with applicable State and local requirements for the provision of child care services to children at any age from birth through the age at which a child may start kindergarten in that State.

(12) FIELD-INITIATED RESEARCH.—The term "field-initiated research" means basic research or applied research in which specific questions and methods of study are generated by investigators (including teachers and other practitioners) and that conforms to standards of scientifically valid research.

(13) HISTORICALLY BLACK COLLEGE OR UNIVERSITY.—The term "historically Black college or university" means a part B institution as defined in section 322 of the Higher Education Act of 1965 (20 U.S.C. 1061).

(14) INSTITUTE.—The term "Institute" means the Institute of Education Sciences established under section 111.

(15) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" has the meaning given that term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(16) NATIONAL RESEARCH AND DEVELOPMENT CENTER.—The term "national research and development center" means a research and development center supported under section 133(c).

(17) PROVIDER OF EARLY CHILDHOOD SERVICES.—The term "provider of early childhood services" means a public or private entity that serves young children, including—

(A) child care providers;

(B) Head Start agencies operating Head Start programs, and entities carrying out Early Head Start programs, under the Head Start Act (42 U.S.C. 9831 et seq.);

(C) preschools;

(D) kindergartens; and

(E) libraries.

(18) SCIENTIFICALLY BASED RESEARCH STANDARDS.—(A) The term "scientifically based research standards" means research standards that—

(i) apply rigorous, systematic, and objective methodology to obtain reliable and valid knowledge relevant to education activities and programs; and

(ii) present findings and make claims that are appropriate to and supported by the methods that have been employed.

(B) the term includes, appropriate to the research being conducted—

(i) employing systematic, empirical methods that draw on observation or experiment;

(ii) involving data analyses that are adequate to support the general findings;

(iii) relying on measurements or observational methods that provide reliable data;

(iv) making claims of causal relationships only in random assignment experiments or other designs (to the extent such designs substantially eliminate plausible competing explanations for the obtained results);

(v) ensuring that studies and methods are presented in sufficient detail and clarity to allow for replication or, at a minimum, to offer the opportunity to build systematically on the findings of the research;

(vi) obtaining acceptance by a peer-reviewed journal or approval by a panel of independent experts through a comparably rigorous, objective, and scientific review; and

(vii) using research designs and methods appropriate to the research question posed.

(19) SCIENTIFICALLY VALID EDUCATION EVALUATION.—The term "scientifically valid education evaluation" means an evaluation that—

(A) adheres to the highest possible standards of quality with respect to research design and statistical analysis;

(B) provides an adequate description of the programs evaluated and, to the extent possible, examines the relationship between program implementation and program impacts;

(C) provides an analysis of the results achieved by the program with respect to its projected effects;

(D) employs experimental designs using random assignment, when feasible, and other research methodologies that allow for the strongest possible causal inferences when random assignment is not feasible; and

(E) may study program implementation through a combination of scientifically valid and reliable methods.

(20) SCIENTIFICALLY VALID RESEARCH.—The term "scientifically valid research" includes applied research, basic research, and field-initiated research in which the rationale, design, and interpretation are soundly developed in accordance with scientifically based research standards.

(21) SECRETARY.—The term "Secretary" means the Secretary of Education.

(22) STATE.—The term "State" includes (except as provided in section 158) each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the freely associated states, and the outlying areas.

(23) TECHNICAL ASSISTANCE.—The term "technical assistance" means—

(A) assistance in identifying, selecting, or designing solutions based on research, including professional development and high-quality training to implement solutions leading to—

(i) improved educational and other practices and classroom instruction based on scientifically valid research; and

(ii) improved planning, design, and administration of programs;

(B) assistance in interpreting, analyzing, and utilizing statistics and evaluations; and

(C) other assistance necessary to encourage the improvement of teaching and learning through the applications of techniques supported by scientifically valid research.

PART A—THE INSTITUTE OF EDUCATION SCIENCES

SEC. 111. ESTABLISHMENT.

(a) ESTABLISHMENT.—There shall be in the Department the Institute of Education Sciences, to be administered by a Director (as described in section 114) and, to the extent set forth in section 116, a board of directors.

(b) MISSION.—

(1) IN GENERAL.—The mission of the Institute is to provide national leadership in expanding fundamental knowledge and understanding of education from early childhood through postsecondary study, in order to provide parents, educators, students, researchers, policymakers, and the general public with reliable information about—

(A) the condition and progress of education in the United States, including early childhood education;

(B) educational practices that support learning and improve academic achievement and access to educational opportunities for all students; and

(C) the effectiveness of Federal and other education programs.

(2) CARRYING OUT MISSION.—In carrying out the mission described in paragraph (1), the Institute shall compile statistics, develop products, and conduct research, evaluations, and wide dissemination activities in areas of demonstrated national need (including in technology areas) that are supported by Federal funds appropriated to the Institute and ensure that such activities—

(A) conform to high standards of quality, integrity, and accuracy; and

(B) are objective, secular, neutral, and nonideological and are free of partisan political influence and racial, cultural, gender, or regional bias.

(c) ORGANIZATION.—The Institute shall consist of the following:

(1) The Office of the Director (as described in section 114).

(2) The National Board for Education Sciences (as described in section 116).

(3) The National Education Centers, which include—

(A) the National Center for Education Research (as described in part B);

(B) the National Center for Education Statistics (as described in part C); and

(C) the National Center for Education Evaluation and Regional Assistance (as described in part D).

SEC. 112. FUNCTIONS.

From funds appropriated under section 194, the Institute, directly or through grants, contracts, or cooperative agreements, shall—

(1) conduct and support scientifically valid research activities, including basic research and applied research, statistics activities, scientifically valid education evaluation, development, and wide dissemination;

(2) widely disseminate the findings and results of scientifically valid research in education;

(3) promote the use, development, and application of knowledge gained from scientifically valid research activities;

(4) strengthen the national capacity to conduct, develop, and widely disseminate scientifically valid research in education;

(5) promote the coordination, development, and dissemination of scientifically valid research in education within the Department and the Federal Government; and

(6) promote the use and application of research and development to improve practice in the classroom.

SEC. 113. DELEGATION.

(a) DELEGATION OF AUTHORITY.—Notwithstanding section 412 of the Department of Education Organization Act (20 U.S.C. 3472), the Secretary shall delegate to the Director all functions for carrying out this title (other than administrative and support functions), except that—

(1) nothing in this title or in the National Assessment of Educational Progress Authorization Act (except section 302(e)(1)(J) of such Act) shall be construed to alter or diminish the role, responsibilities, or authority of the National Assessment Governing Board with respect to the

National Assessment of Educational Progress (including with respect to the methodologies of the National Assessment of Educational Progress described in section 302(e)(1)(E)) from those authorized by the National Education Statistics Act of 1994 (20 U.S.C. 9001 et seq.) on the day before the date of enactment of this Act;

(2) members of the National Assessment Governing Board shall continue to be appointed by the Secretary;

(3) section 302(f)(1) of the National Assessment of Educational Progress Authorization Act shall apply to the National Assessment Governing Board in the exercise of its responsibilities under this Act;

(4) sections 115 and 116 shall not apply to the National Assessment of Educational Progress; and

(5) sections 115 and 116 shall not apply to the National Assessment Governing Board.

(b) OTHER ACTIVITIES.—The Secretary may assign the Institute responsibility for administering other activities, if those activities are consistent with—

(1) the Institute's priorities, as approved by the National Board for Education Sciences under section 116, and the Institute's mission, as described in section 111(b); or

(2) the Institute's mission, but only if those activities do not divert the Institute from its priorities.

SEC. 114. OFFICE OF THE DIRECTOR.

(a) APPOINTMENT.—Except as provided in subsection (b)(2), the President, by and with the advice and consent of the Senate, shall appoint the Director of the Institute.

(b) TERM.—

(1) IN GENERAL.—The Director shall serve for a term of 6 years, beginning on the date of appointment of the Director.

(2) FIRST DIRECTOR.—The President, without the advice and consent of the Senate, may appoint the Assistant Secretary for the Office of Educational Research and Improvement (as such office existed on the day before the date of enactment of this Act) to serve as the first Director of the Institute.

(3) SUBSEQUENT DIRECTORS.—The Board may make recommendations to the President with respect to the appointment of a Director under subsection (a), other than a Director appointed under paragraph (2).

(c) PAY.—The Director shall receive the rate of basic pay for level II of the Executive Schedule.

(d) QUALIFICATIONS.—The Director shall be selected from individuals who are highly qualified authorities in the fields of scientifically valid research, statistics, or evaluation in education, as well as management within such areas, and have a demonstrated capacity for sustained productivity and leadership in these areas.

(e) ADMINISTRATION.—The Director shall—

(1) administer, oversee, and coordinate the activities carried out under the Institute, including the activities of the National Education Centers; and

(2) coordinate and approve budgets and operating plans for each of the National Education Centers for submission to the Secretary.

(f) DUTIES.—The duties of the Director shall include the following:

(1) To propose to the Board priorities for the Institute, in accordance with section 115(a).

(2) To ensure the methodology applied in conducting research, development, evaluation, and statistical analysis is consistent with the standards for such activities under this title.

(3) To coordinate education research and related activities carried out by the Institute with such research and activities carried out by other agencies within the Department and the Federal Government:

(4) To advise the Secretary on research, evaluation, and statistics activities relevant to the activities of the Department.

(5) To establish necessary procedures for technical and scientific peer review of the activities of the Institute, consistent with section 116(b)(3).

(6) To ensure that all participants in research conducted or supported by the Institute are afforded their privacy rights and other relevant protections as research subjects, in accordance with section 183 of this title, section 552a of title 5, United States Code, and sections 444 and 445 of the General Education Provisions Act (20 U.S.C. 1232g, 1232h).

(7) To ensure that activities conducted or supported by the Institute are objective, secular, neutral, and nonideological and are free of partisan political influence and racial, cultural, gender, or regional bias.

(8) To undertake initiatives and programs to increase the participation of researchers and institutions that have been historically underutilized in Federal education research activities of the Institute, including historically Black colleges or universities or other institutions of higher education with large numbers of minority students.

(9) To coordinate with the Secretary to promote and provide for the coordination of research and development activities and technical assistance activities between the Institute and comprehensive centers.

(10) To solicit and consider the recommendations of education stakeholders, in order to ensure that there is broad and regular public and professional input from the educational field in the planning and carrying out of the Institute's activities.

(11) To coordinate the wide dissemination of information on scientifically valid research.

(12) To carry out and support other activities consistent with the priorities and mission of the Institute.

(g) EXPERT GUIDANCE AND ASSISTANCE.—The Director may establish technical and scientific peer-review groups and scientific program advisory committees for research and evaluations that the Director determines are necessary to carry out the requirements of this title. The Director shall appoint such personnel, except that officers and employees of the United States shall comprise no more than ¼ of the members of any such group or committee and shall not receive additional compensation for their service as members of such a group or committee. The Director shall ensure that reviewers are highly qualified and capable to appraise education research and development projects. The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to a peer-review group or an advisory committee established under this subsection.

(h) REVIEW.—The Director may, when requested by other officers of the Department, and shall, when directed by the Secretary, review the products and publications of other offices of the Department to certify that evidence-based claims about those products and publications are scientifically valid.

SEC. 115. PRIORITIES.

(a) PROPOSAL.—The Director shall propose to the Board priorities for the Institute (taking into consideration long-term research and development on core issues conducted through the national research and development centers). The Director shall identify topics that may require long-term research and topics that are focused on understanding and solving particular education problems and issues, including those associated with the goals and requirements established in the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) and the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), such as—

(1) closing the achievement gap between high-performing and low-performing children, especially achievement gaps between minority and nonminority children and between disadvantaged children and such children's more advantaged peers; and

(2) ensuring—

(A) that all children have the ability to obtain a high-quality education (from early childhood through postsecondary education) and reach, at a minimum, proficiency on challenging State academic achievement standards and State academic assessments, particularly in mathematics, science, and reading or language arts;

(B) access to, and opportunities for, postsecondary education; and

(C) the efficacy, impact on academic achievement, and cost-effectiveness of technology use within the Nation's schools.

(b) APPROVAL.—The Board shall approve or disapprove the priorities for the Institute proposed by the Director, including any necessary revision of those priorities. The Board shall transmit any priorities so approved to the appropriate congressional committees.

(c) CONSISTENCY.—The Board shall ensure that priorities of the Institute and the National Education Centers are consistent with the mission of the Institute.

(d) PUBLIC AVAILABILITY AND COMMENT.—

(1) PRIORITIES.—Before submitting to the Board proposed priorities for the Institute, the Director shall make such priorities available to the public for comment for not less than 60 days (including by means of the Internet and through publishing such priorities in the Federal Register). The Director shall provide to the Board a copy of each such comment submitted.

(2) PLAN.—Upon approval of such priorities, the Director shall make the Institute's plan for addressing such priorities available for public comment in the same manner as under paragraph (1).

SEC. 116. NATIONAL BOARD FOR EDUCATION SCIENCES.

(a) ESTABLISHMENT.—The Institute shall have a board of directors, which shall be known as the National Board for Education Sciences.

(b) DUTIES.—The duties of the Board shall be the following:

(1) To advise and consult with the Director on the policies of the Institute.

(2) To consider and approve priorities proposed by the Director under section 115 to guide the work of the Institute.

(3) To review and approve procedures for technical and scientific peer review of the activities of the Institute.

(4) To advise the Director on the establishment of activities to be supported by the Institute, including the general areas of research to be carried out by the National Center for Education Research.

(5) To present to the Director such recommendations as it may find appropriate for—

(A) the strengthening of education research; and

(B) the funding of the Institute.

(6) To advise the Director on the funding of applications for grants, contracts, and cooperative agreements for research, after the completion of peer review.

(7) To review and regularly evaluate the work of the Institute, to ensure that scientifically valid research, development, evaluation, and statistical analysis are consistent with the standards for such activities under this title.

(8) To advise the Director on ensuring that activities conducted or supported by the Institute are objective, secular, neutral, and nonideological and are free of partisan political influence and racial, cultural, gender, or regional bias.

(9) To solicit advice and information from those in the educational field, particularly practitioners and researchers, to recommend to the

Director topics that require long-term, sustained, systematic, programmatic, and integrated research efforts, including knowledge utilization and wide dissemination of research, consistent with the priorities and mission of the Institute.

(10) To advise the Director on opportunities for the participation in, and the advancement of, women, minorities, and persons with disabilities in education research, statistics, and evaluation activities of the Institute.

(11) To recommend to the Director ways to enhance strategic partnerships and collaborative efforts among other Federal and State research agencies.

(12) To recommend to the Director individuals to serve as Commissioners of the National Education Centers.

(c) COMPOSITION.—

(1) VOTING MEMBERS.—The Board shall have 15 voting members appointed by the President, by and with the advice and consent of the Senate.

(2) ADVICE.—The President shall solicit advice regarding individuals to serve on the Board from the National Academy of Sciences, the National Science Board, and the National Science Advisor.

(3) NONVOTING EX OFFICIO MEMBERS.—The Board shall have the following nonvoting ex officio members:

(A) The Director of the Institute of Education Sciences.

(B) Each of the Commissioners of the National Education Centers.

(C) The Director of the National Institute of Child Health and Human Development.

(D) The Director of the Census.

(E) The Commissioner of Labor Statistics.

(F) The Director of the National Science Foundation.

(4) APPOINTED MEMBERSHIP.—

(A) QUALIFICATIONS.—Members appointed under paragraph (1) shall be highly qualified to appraise education research, statistics, evaluations, or development, and shall include the following individuals:

(i) Not fewer than 8 researchers in the field of statistics, evaluation, social sciences, or physical and biological sciences, which may include those researchers recommended by the National Academy of Sciences.

(ii) Individuals who are knowledgeable about the educational needs of the United States, who may include school-based professional educators, parents (including parents with experience in promoting parental involvement in education), Chief State School Officers, State postsecondary education executives, presidents of institutions of higher education, local educational agency superintendents, early childhood experts, principals, members of State or local boards of education or Bureau-funded school boards, and individuals from business and industry with experience in promoting private sector involvement in education.

(B) TERMS.—Each member appointed under paragraph (1) shall serve for a term of 4 years, except that—

(i) the terms of the initial members appointed under such paragraph shall (as determined by a random selection process at the time of appointment) be for staggered terms of—

(I) 4 years for each of 5 members;

(II) 3 years for each of 5 members; and

(III) 2 years for each of 5 members; and

(ii) no member appointed under such paragraph shall serve for more than 2 consecutive terms.

(C) UNEXPIRED TERMS.—Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term.

(D) CONFLICT OF INTEREST.—A voting member of the Board shall be considered a special Government employee for the purposes of the Ethics in Government Act of 1978.

(5) CHAIR.—The Board shall elect a chair from among the members of the Board.

(6) COMPENSATION.—Members of the Board shall serve without pay for such service. Members of the Board who are officers or employees of the United States may not receive additional pay, allowances, or benefits by reason of their service on the Board.

(7) TRAVEL EXPENSES.—The members of the Board shall receive travel expenses, including per diem in lieu of subsistence, in accordance with subchapter I of chapter 57 of title 5, United States Code.

(8) POWERS OF THE BOARD.—

(A) EXECUTIVE DIRECTOR.—The Board shall have an Executive Director who shall be appointed by the Board.

(B) ADDITIONAL STAFF.—The Board shall utilize such additional staff as may be appointed or assigned by the Director, in consultation with the Chair and the Executive Director.

(C) DETAIL OF PERSONNEL.—The Board may use the services and facilities of any department or agency of the Federal Government. Upon the request of the Board, the head of any Federal department or agency may detail any of the personnel of that department or agency to the Board to assist the Board in carrying out this Act.

(D) CONTRACTS.—The Board may enter into contracts or make other arrangements as may be necessary to carry out its functions.

(E) INFORMATION.—The Board may, to the extent otherwise permitted by law, obtain directly from any executive department or agency of the Federal Government such information as the Board determines necessary to carry out its functions.

(9) MEETINGS.—The Board shall meet not less than 3 times each year. The Board shall hold additional meetings at the call of the Chair or upon the written request of not less than 6 voting members of the Board. Meetings of the Board shall be open to the public.

(10) QUORUM.—A majority of the voting members of the Board serving at the time of the meeting shall constitute a quorum.

(d) STANDING COMMITTEES.—

(1) ESTABLISHMENT.—The Board may establish standing committees—

(A) that will each serve 1 of the National Education Centers; and

(B) to advise, consult with, and make recommendations to the Director and the Commissioner of the appropriate National Education Center.

(2) MEMBERSHIP.—A majority of the members of each standing committee shall be voting members of the Board whose expertise is needed for the functioning of the committee. In addition, the membership of each standing committee may include, as appropriate—

(A) experts and scientists in research, statistics, evaluation, or development who are recognized in their discipline as highly qualified to represent such discipline and who are not members of the Board, but who may have been recommended by the Commissioner of the appropriate National Education Center and approved by the Board;

(B) ex officio members of the Board; and

(C) policymakers and expert practitioners with knowledge of, and experience using, the results of research, evaluation, and statistics who are not members of the Board, but who may have been recommended by the Commissioner of the appropriate National Education Center and approved by the Board.

(3) DUTIES.—Each standing committee shall—

(A) review and comment, at the discretion of the Board or the standing committee, on any grant, contract, or cooperative agreement entered into (or proposed to be entered into) by the applicable National Education Center;

(B) prepare for, and submit to, the Board an annual evaluation of the operations of the applicable National Education Center;

(C) review and comment on the relevant plan for activities to be undertaken by the applicable National Education Center for each fiscal year; and

(D) report periodically to the Board regarding the activities of the committee and the applicable National Education Center.

(e) ANNUAL REPORT.—The Board shall submit to the Director, the Secretary, and the appropriate congressional committees, not later than July 1 of each year, a report that assesses the effectiveness of the Institute in carrying out its priorities and mission, especially as such priorities and mission relate to carrying out scientifically valid research, conducting unbiased evaluations, collecting and reporting accurate education statistics, and translating research into practice.

(f) RECOMMENDATIONS.—The Board shall submit to the Director, the Secretary, and the appropriate congressional committees a report that includes any recommendations regarding any actions that may be taken to enhance the ability of the Institute to carry out its priorities and mission. The Board shall submit an interim report not later than 3 years after the date of enactment of this Act and a final report not later than 5 years after such date of enactment.

SEC. 117. COMMISSIONERS OF THE NATIONAL EDUCATION CENTERS.

(a) APPOINTMENT OF COMMISSIONERS.—

(1) IN GENERAL.—Except as provided in subsection (b), each of the National Education Centers shall be headed by a Commissioner appointed by the Director. In appointing Commissioners, the Director shall seek to promote continuity in leadership of the National Education Centers and shall consider individuals recommended by the Board. The Director may appoint a Commissioner to carry out the functions of a National Education Center without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(2) PAY AND QUALIFICATIONS.—Except as provided in subsection (b), each Commissioner shall—

(A) receive the rate of basic pay for level IV of the Executive Schedule; and

(B) be highly qualified in the field of education research or evaluation.

(3) SERVICE.—Except as provided in subsection (b), each Commissioner shall report to the Director. A Commissioner shall serve for a period of not more than 6 years, except that a Commissioner—

(A) may be reappointed by the Director; and

(B) may serve after the expiration of that Commissioner's term, until a successor has been appointed, for a period not to exceed 1 additional year.

(b) APPOINTMENT OF COMMISSIONER FOR EDUCATION STATISTICS.—The National Center for Education Statistics shall be headed by a Commissioner for Education Statistics who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall—

(1) have substantial knowledge of programs assisted by the National Center for Education Statistics;

(2) receive the rate of basic pay for level IV of the Executive Schedule; and

(3) serve for a term of 6 years, with the term to expire every sixth June 21, beginning in 2003.

(c) COORDINATION.—Each Commissioner of a National Education Center shall coordinate

with each of the other Commissioners of the National Education Centers in carrying out such Commissioner's duties under this title.

(d) SUPERVISION AND APPROVAL.—Each Commissioner, except the Commissioner for Education Statistics, shall carry out such Commissioner's duties under this title under the supervision and subject to the approval of the Director.

SEC. 118. AGREEMENTS.

The Institute may carry out research projects of common interest with entities such as the National Science Foundation and the National Institute of Child Health and Human Development through agreements with such entities that are in accordance with section 430 of the General Education Provisions Act (20 U.S.C. 1231).

SEC. 119. BIENNIAL REPORT.

The Director shall, on a biennial basis, transmit to the President, the Board, and the appropriate congressional committees, and make widely available to the public (including by means of the Internet), a report containing the following:

(1) A description of the activities carried out by and through the National Education Centers during the prior fiscal years.

(2) A summary of each grant, contract, and cooperative agreement in excess of $100,000 funded through the National Education Centers during the prior fiscal years, including, at a minimum, the amount, duration, recipient, purpose of the award, and the relationship, if any, to the priorities and mission of the Institute, which shall be available in a user-friendly electronic database.

(3) A description of how the activities of the National Education Centers are consistent with the principles of scientifically valid research and the priorities and mission of the Institute.

(4) Such additional comments, recommendations, and materials as the Director considers appropriate.

SEC. 120. COMPETITIVE AWARDS.

Activities carried out under this Act through grants, contracts, or cooperative agreements, at a minimum, shall be awarded on a competitive basis and, when practicable, through a process of peer review.

PART B—NATIONAL CENTER FOR EDUCATION RESEARCH

SEC. 131. ESTABLISHMENT.

(a) ESTABLISHMENT.—There is established in the Institute a National Center for Education Research (in this part referred to as the "Research Center").

(b) MISSION.—The mission of the Research Center is—

(1) to sponsor sustained research that will lead to the accumulation of knowledge and understanding of education, to—

(A) ensure that all children have access to a high-quality education;

(B) improve student academic achievement, including through the use of educational technology;

(C) close the achievement gap between high-performing and low-performing students through the improvement of teaching and learning of reading, writing, mathematics, science, and other academic subjects; and

(D) improve access to, and opportunity for, postsecondary education;

(2) to support the synthesis and, as appropriate, the integration of education research;

(3) to promote quality and integrity through the use of accepted practices of scientific inquiry to obtain knowledge and understanding of the validity of education theories, practices, or conditions; and

(4) to promote scientifically valid research findings that can provide the basis for improving academic instruction and lifelong learning.

SEC. 132. COMMISSIONER FOR EDUCATION RESEARCH.

The Research Center shall be headed by a Commissioner for Education Research (in this part referred to as the "Research Commissioner") who shall have substantial knowledge of the activities of the Research Center, including a high level of expertise in the fields of research and research management.

SEC. 133. DUTIES.

(a) GENERAL DUTIES.—The Research Center shall—

(1) maintain published peer-review standards and standards for the conduct and evaluation of all research and development carried out under the auspices of the Research Center in accordance with this part;

(2) propose to the Director a research plan that—

(A) is consistent with the priorities and mission of the Institute and the mission of the Research Center and includes the activities described in paragraph (3); and

(B) shall be carried out pursuant to paragraph (4) and, as appropriate, be updated and modified;

(3) carry out specific, long-term research activities that are consistent with the priorities and mission of the Institute, and are approved by the Director;

(4) implement the plan proposed under paragraph (2) to carry out scientifically valid research that—

(A) uses objective and measurable indicators, including timelines, that are used to assess the progress and results of such research;

(B) meets the procedures for peer review established by the Director under section 114(f)(5) and the standards of research described in section 134; and

(C) includes both basic research and applied research, which shall include research conducted through field-initiated research and ongoing research initiatives;

(5) promote the use of scientifically valid research within the Federal Government, including active participation in interagency research projects described in section 118;

(6) ensure that research conducted under the direction of the Research Center is relevant to education practice and policy;

(7) synthesize and disseminate, through the National Center for Education Evaluation and Regional Assistance, the findings and results of education research conducted or supported by the Research Center;

(8) assist the Director in the preparation of a biennial report, as described in section 119;

(9) carry out research on successful State and local education reform activities, including those that result in increased academic achievement and in closing the achievement gap, as approved by the Director;

(10) carry out research initiatives regarding the impact of technology, including—

(A) research into how technology affects student achievement;

(B) long-term research into cognition and learning issues as they relate to the uses of technology;

(C) rigorous, peer-reviewed, large-scale, long-term, and broadly applicable empirical research that is designed to determine which approaches to the use of technology are most effective and cost-efficient in practice and under what conditions; and

(D) field-based research on how teachers implement technology and Internet-based resources in the classroom, including an understanding how these resources are being accessed, put to use, and the effectiveness of such resources; and

(11) carry out research that is rigorous, peer-reviewed, and large scale to determine which methods of mathematics and science teaching are most effective, cost efficient, and able to be applied, duplicated, and scaled up for use in elementary and secondary classrooms, including in low-performing schools, to improve the teaching of, and student achievement in, mathematics and science as required under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.).

(b) ELIGIBILITY.—Research carried out under subsection (a) through contracts, grants, or cooperative agreements shall be carried out only by recipients with the ability and capacity to conduct scientifically valid research.

(c) NATIONAL RESEARCH AND DEVELOPMENT CENTERS.—

(1) SUPPORT.—In carrying out activities under subsection (a)(3), the Research Commissioner shall support not less than 8 national research and development centers. The Research Commissioner shall assign each of the 8 national research and development centers not less than 1 of the topics described in paragraph (2). In addition, the Research Commissioner may assign each of the 8 national research and development centers additional topics of research consistent with the mission and priorities of the Institute and the mission of the Research Center.

(2) TOPICS OF RESEARCH.—The Research Commissioner shall support the following topics of research, through national research and development centers or through other means:

(A) Adult literacy.

(B) Assessment, standards, and accountability research.

(C) Early childhood development and education.

(D) English language learners research.

(E) Improving low achieving schools.

(F) Innovation in education reform.

(G) State and local policy.

(H) Postsecondary education and training.

(I) Rural education.

(J) Teacher quality.

(K) Reading and literacy.

(3) DUTIES OF CENTERS.—The national research and development centers shall address areas of national need, including in educational technology areas. The Research Commissioner may support additional national research and development centers to address topics of research not described in paragraph (2) if such topics are consistent with the priorities and mission of the Institute and the mission of the Research Center. The research carried out by the centers shall incorporate the potential or existing role of educational technology, where appropriate, in achieving the goals of each center.

(4) SCOPE.—Support for a national research and development center shall be for a period of not more than 5 years, shall be of sufficient size and scope to be effective, and notwithstanding section 134(b), may be renewed without competition for not more than 5 additional years if the Director, in consultation with the Research Commissioner and the Board, determines that the research of the national research and development center—

(A) continues to address priorities of the Institute; and

(B) merits renewal (applying the procedures and standards established in section 134).

(5) LIMIT.—No national research and development center may be supported under this subsection for a period of more than 10 years without submitting to a competitive process for the award of the support.

(6) CONTINUATION OF AWARDS.—The Director shall continue awards made to the national research and development centers that are in effect on the day before the date of enactment of this Act in accordance with the terms of those awards and may renew them in accordance with paragraphs (4) and (5).

(7) DISAGGREGATION.—To the extent feasible, research conducted under this subsection shall be disaggregated by age, race, gender, and socioeconomic background.

SEC. 134. STANDARDS FOR CONDUCT AND EVALUATION OF RESEARCH.

(a) IN GENERAL.—In carrying out this part, the Research Commissioner shall—

(1) ensure that all research conducted under the direction of the Research Center follows scientifically based research standards;

(2) develop such other standards as may be necessary to govern the conduct and evaluation of all research, development, and wide dissemination activities carried out by the Research Center to assure that such activities meet the highest standards of professional excellence;

(3) review the procedures utilized by the National Institutes of Health, the National Science Foundation, and other Federal departments or agencies engaged in research and development, and actively solicit recommendations from research organizations and members of the general public in the development of the standards described in paragraph (2); and

(4) ensure that all research complies with Federal guidelines relating to research misconduct.

(b) PEER REVIEW.—

(1) IN GENERAL.—The Director shall establish a peer review system, involving highly qualified individuals with an in-depth knowledge of the subject to be investigated, for reviewing and evaluating all applications for grants and cooperative agreements that exceed $100,000, and for evaluating and assessing the products of research by all recipients of grants and cooperative agreements under this Act.

(2) EVALUATION.—The Research Commissioner shall—

(A) develop the procedures to be used in evaluating applications for research grants, cooperative agreements, and contracts, and specify the criteria and factors (including, as applicable, the use of longitudinal data linking test scores, enrollment, and graduation rates over time) which shall be considered in making such evaluations; and

(B) evaluate the performance of each recipient of an award of a research grant, contract, or cooperative agreement at the conclusion of the award.

(c) LONG-TERM RESEARCH.—The Research Commissioner shall ensure that not less than 50 percent of the funds made available for research for each fiscal year shall be used to fund long-term research programs of not less than 5 years, which support the priorities and mission of the Institute and the mission of the Research Center.

PART C—NATIONAL CENTER FOR EDUCATION STATISTICS

SEC. 151. ESTABLISHMENT.

(a) ESTABLISHMENT.—There is established in the Institute a National Center for Education Statistics (in this part referred to as the "Statistics Center").

(b) MISSION.—The mission of the Statistics Center shall be—

(1) to collect and analyze education information and statistics in a manner that meets the highest methodological standards;

(2) to report education information and statistics in a timely manner; and

(3) to collect, analyze, and report education information and statistics in a manner that—

(A) is objective, secular, neutral, and nonideological and is free of partisan political influence and racial, cultural, gender, or regional bias; and

(B) is relevant and useful to practitioners, researchers, policymakers, and the public.

SEC. 152. COMMISSIONER FOR EDUCATION STATISTICS.

The Statistics Center shall be headed by a Commissioner for Education Statistics (in this part referred to as the "Statistics Commissioner") who shall be highly qualified and have substantial knowledge of statistical methodologies and activities undertaken by the Statistics Center.

SEC. 153. DUTIES.

(a) GENERAL DUTIES.—The Statistics Center shall collect, report, analyze, and disseminate statistical data related to education in the United States and in other nations, including—

(1) collecting, acquiring, compiling (where appropriate, on a State-by-State basis), and disseminating full and complete statistics (disaggregated by the population characteristics described in paragraph (3)) on the condition and progress of education, at the preschool, elementary, secondary, postsecondary, and adult levels in the United States, including data on—

(A) State and local education reform activities;

(B) State and local early childhood school readiness activities;

(C) student achievement in, at a minimum, the core academic areas of reading, mathematics, and science at all levels of education;

(D) secondary school completions, dropouts, and adult literacy and reading skills;

(E) access to, and opportunity for, postsecondary education, including data on financial aid to postsecondary students;

(F) teaching, including—

(i) data on in-service professional development, including a comparison of courses taken in the core academic areas of reading, mathematics, and science with courses in noncore academic areas, including technology courses; and

(ii) the percentage of teachers who are highly qualified (as such term is defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)) in each State and, where feasible, in each local educational agency and school;

(G) instruction, the conditions of the education workplace, and the supply of, and demand for, teachers;

(H) the incidence, frequency, seriousness, and nature of violence affecting students, school personnel, and other individuals participating in school activities, as well as other indices of school safety, including information regarding—

(i) the relationship between victims and perpetrators;

(ii) demographic characteristics of the victims and perpetrators; and

(iii) the type of weapons used in incidents, as classified in the Uniform Crime Reports of the Federal Bureau of Investigation;

(I) the financing and management of education, including data on revenues and expenditures;

(J) the social and economic status of children, including their academic achievement:

(K) the existence and use of educational technology and access to the Internet by students and teachers in elementary schools and secondary schools;

(L) access to, and opportunity for, early childhood education;

(M) the availability of, and access to, before-school and after-school programs (including such programs during school recesses);

(N) student participation in and completion of secondary and postsecondary vocational and technical education programs by specific program area; and

(O) the existence and use of school libraries;

(2) conducting and publishing reports on the meaning and significance of the statistics described in paragraph (1);

(3) collecting, analyzing, cross-tabulating, and reporting, to the extent feasible, information by gender, race, ethnicity, socioeconomic status, limited English proficiency, mobility, disability, urban, rural, suburban districts, and other population characteristics, when such disaggregated information will facilitate educational and policy decisionmaking;

(4) assisting public and private educational agencies, organizations, and institutions in improving and automating statistical and data collection activities, which may include assisting State educational agencies and local educational agencies with the disaggregation of data and with the development of longitudinal student data systems;

(5) determining voluntary standards and guidelines to assist State educational agencies in developing statewide longitudinal data systems that link individual student data consistent with the requirements of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), promote linkages across States, and protect student privacy consistent with section 183, to improve student academic achievement and close achievement gaps;

(6) acquiring and disseminating data on educational activities and student achievement (such as the Third International Math and Science Study) in the United States compared with foreign nations;

(7) conducting longitudinal and special data collections necessary to report on the condition and progress of education;

(8) assisting the Director in the preparation of a biennial report, as described in section 119; and

(9) determining, in consultation with the National Research Council of the National Academies, methodology by which States may accurately measure graduation rates (defined as the percentage of students who graduate from secondary school with a regular diploma in the standard number of years), school completion rates, and dropout rates.

(b) TRAINING PROGRAM.—The Statistics Commissioner may establish a program to train employees of public and private educational agencies, organizations, and institutions in the use of standard statistical procedures and concepts, and may establish a fellowship program to appoint such employees as temporary fellows at the Statistics Center, in order to assist the Statistics Center in carrying out its duties.

SEC. 154. PERFORMANCE OF DUTIES.

(a) GRANTS, CONTRACTS, AND COOPERATIVE AGREEMENTS.—In carrying out the duties under this part, the Statistics Commissioner, may award grants, enter into contracts and cooperative agreements, and provide technical assistance.

(b) GATHERING INFORMATION.—

(1) SAMPLING.—The Statistics Commissioner may use the statistical method known as sampling (including random sampling) to carry out this part.

(2) SOURCE OF INFORMATION.—The Statistics Commissioner may, as appropriate, use information collected—

(A) from States, local educational agencies, public and private schools, preschools, institutions of higher education, vocational and adult education programs, libraries, administrators, teachers, students, the general public, and other individuals, organizations, agencies, and institutions (including information collected by States and local educational agencies for their own use); and

(B) by other offices within the Institute and by other Federal departments, agencies, and instrumentalities.

(3) COLLECTION.—The Statistics Commissioner may—

(A) enter into interagency agreements for the collection of statistics;

(B) arrange with any agency, organization, or institution for the collection of statistics; and

(C) assign employees of the Statistics Center to any such agency, organization, or institution to assist in such collection.

(4) Technical assistance and coordination.—In order to maximize the effectiveness of Department efforts to serve the educational needs of children and youth, the Statistics Commissioner shall—

(A) provide technical assistance to the Department offices that gather data for statistical purposes; and

(B) coordinate with other Department offices in the collection of data.

(c) Duration.—Notwithstanding any other provision of law, the grants, contracts, and cooperative agreements under this section may be awarded, on a competitive basis, for a period of not more than 5 years, and may be renewed at the discretion of the Statistics Commissioner for an additional period of not more than 5 years.

SEC. 155. REPORTS.

(a) Procedures for Issuance of Reports.—The Statistics Commissioner, shall establish procedures, in accordance with section 186, to ensure that the reports issued under this section are relevant, of high quality, useful to customers, subject to rigorous peer review, produced in a timely fashion, and free from any partisan political influence.

(b) Report on Condition and Progress of Education.—Not later than June 1, 2003, and each June 1 thereafter, the Statistics Commissioner, shall submit to the President and the appropriate congressional committees a statistical report on the condition and progress of education in the United States.

(c) Statistical Reports.—The Statistics Commissioner shall issue regular and, as necessary, special statistical reports on education topics, particularly in the core academic areas of reading, mathematics, and science, consistent with the priorities and the mission of the Statistics Center.

SEC. 156. DISSEMINATION.

(a) General Requests.—

(1) In general.—The Statistics Center may furnish transcripts or copies of tables and other statistical records and make special statistical compilations and surveys for State and local officials, public and private organizations, and individuals.

(2) Compilations.—The Statistics Center shall provide State educational agencies, local educational agencies, and institutions of higher education with opportunities to suggest the establishment of particular compilations of statistics, surveys, and analyses that will assist those educational agencies.

(b) Congressional Requests.—The Statistics Center shall furnish such special statistical compilations and surveys as the relevant congressional committees may request.

(c) Joint Statistical Projects.—The Statistics Center may engage in joint statistical projects related to the mission of the Center, or other statistical purposes authorized by law, with nonprofit organizations or agencies, and the cost of such projects shall be shared equitably as determined by the Secretary.

(d) Fees.—

(1) In general.—Statistical compilations and surveys under this section, other than those carried out pursuant to subsections (b) and (c), may be made subject to the payment of the actual or estimated cost of such work.

(2) Funds received.—All funds received in payment for work or services described in this subsection may be used to pay directly the costs of such work or services, to repay appropriations that initially bore all or part of such costs, or to refund excess sums when necessary.

(e) Access.—

(1) Other agencies.—The Statistics Center shall, consistent with section 183, cooperate with other Federal agencies having a need for educational data in providing access to educational data received by the Statistics Center.

(2) Interested parties.—The Statistics Center shall, in accordance with such terms and conditions as the Center may prescribe, provide all interested parties, including public and private agencies, parents, and other individuals, direct access, in the most appropriate form (including, where possible, electronically), to data collected by the Statistics Center for the purposes of research and acquiring statistical information.

SEC. 157. COOPERATIVE EDUCATION STATISTICS SYSTEMS.

The Statistics Center may establish 1 or more national cooperative education statistics systems for the purpose of producing and maintaining, with the cooperation of the States, comparable and uniform information and data on early childhood education, elementary and secondary education, postsecondary education, adult education, and libraries, that are useful for policymaking at the Federal, State, and local levels.

SEC. 158. STATE DEFINED.

In this part, the term "State" means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

PART D—NATIONAL CENTER FOR EDUCATION EVALUATION AND REGIONAL ASSISTANCE

SEC. 171. ESTABLISHMENT.

(a) Establishment.—There is established in the Institute a National Center for Education Evaluation and Regional Assistance.

(b) Mission.—The mission of the National Center for Education Evaluation and Regional Assistance shall be—

(1) to provide technical assistance;

(2) to conduct evaluations of Federal education programs administered by the Secretary (and as time and resources allow, other education programs) to determine the impact of such programs (especially on student academic achievement in the core academic areas of reading, mathematics, and science);

(3) to support synthesis and wide dissemination of results of evaluation, research, and products developed; and

(4) to encourage the use of scientifically valid education research and evaluation throughout the United States.

(c) Grants, Contracts, and Cooperative Agreements.—In carrying out the duties under this part, the Director may award grants, enter into contracts and cooperative agreements, and provide technical assistance.

SEC. 172. COMMISSIONER FOR EDUCATION EVALUATION AND REGIONAL ASSISTANCE.

(a) In General.—The National Center for Education Evaluation and Regional Assistance shall be headed by a Commissioner for Education Evaluation and Regional Assistance (in this part referred to as the "Evaluation and Regional Assistance Commissioner") who is highly qualified and has demonstrated a capacity to carry out the mission of the Center and shall—

(1) conduct evaluations pursuant to section 173;

(2) widely disseminate information on scientifically valid research, statistics, and evaluation on education, particularly to State educational agencies and local educational agencies, to institutions of higher education, to the public, the media, voluntary organizations, professional associations, and other constituencies, especially with respect to information relating to, at a minimum—

(A) the core academic areas of reading, mathematics, and science;

(B) closing the achievement gap between high-performing students and low-performing students;

(C) educational practices that improve academic achievement and promote learning;

(D) education technology, including software; and

(E) those topics covered by the Educational Resources Information Center Clearinghouses (established under section 941(f) of the Educational Research, Development, Dissemination, and Improvement Act of 1994 (20 U.S.C. 6041(f)) (as such provision was in effect on the day before the date of enactment of this Act);

(3) make such information accessible in a user-friendly, timely, and efficient manner (including through use of a searchable Internet-based online database that shall include all topics covered in paragraph (2)(E)) to schools, institutions of higher education, educators (including early childhood educators), parents, administrators, policymakers, researchers, public and private entities (including providers of early childhood services), entities responsible for carrying out technical assistance through the Department, and the general public;

(4) support the regional educational laboratories in conducting applied research, the development and dissemination of educational research, products and processes, the provision of technical assistance, and other activities to serve the educational needs of such laboratories' regions;

(5) manage the National Library of Education described in subsection (d), and other sources of digital information on education research;

(6) assist the Director in the preparation of a biennial report, described in section 119; and

(7) award a contract for a prekindergarten through grade 12 mathematics and science teacher clearinghouse.

(b) Additional Duties.—In carrying out subsection (a), the Evaluation and Regional Assistance Commissioner shall—

(1) ensure that information disseminated under this section is provided in a cost-effective, nonduplicative manner that includes the most current research findings, which may include through the continuation of individual clearinghouses authorized under the Educational Research, Development, Dissemination, and Improvement Act of 1994 (title IX of the Goals 2000: Educate America Act; 20 U.S.C. 6001 et seq.) (as such Act existed on the day before the date of enactment of this Act);

(2) describe prominently the type of scientific evidence that is used to support the findings that are disseminated;

(3) explain clearly the scientifically appropriate and inappropriate uses of—

(A) the findings that are disseminated; and

(B) the types of evidence used to support those findings; and

(4) respond, as appropriate, to inquiries from schools, educators, parents, administrators, policymakers, researchers, public and private entities, and entities responsible for carrying out technical assistance.

(c) Continuation.—The Director shall continue awards for the support of the Educational Resources Information Center Clearinghouses and contracts for regional educational laboratories (established under subsections (f) and (h) of section 941 of the Educational Research, Development, Dissemination, and Improvement Act of 1994 (20 U.S.C. 6041(f) and (h)) (as such awards were in effect on the day before the date of enactment of this Act)) for the duration of those awards, in accordance with the terms and agreements of such awards.

(d) National Library of Education.—

(1) Establishment.—There is established within the National Center for Education Evaluation and Regional Assistance a National Library of Education that shall—

(A) be headed by an individual who is highly qualified in library science;

(B) collect and archive information;

(C) provide a central location within the Federal Government for information about education;

(D) provide comprehensive reference services on matters related to education to employees of the Department of Education and its contractors and grantees, other Federal employees, and members of the public; and

(E) promote greater cooperation and resource sharing among providers and repositories of education information in the United States.

(2) INFORMATION.—The information collected and archived by the National Library of Education shall include—

(A) products and publications developed through, or supported by, the Institute; and

(B) other relevant and useful education-related research, statistics, and evaluation materials and other information, projects, and publications that are—

(i) consistent with—

(I) scientifically valid research; or

(II) the priorities and mission of the Institute; and

(ii) developed by the Department, other Federal agencies, or entities (including entities supported under the Educational Technical Assistance Act of 2002 and the Educational Resources Information Center Clearinghouses (established under section 941(f) of the Educational Research, Development, Dissemination, and Improvement Act of 1994 (20 U.S.C. 6041(f)) (as such provision was in effect on the day before the date of enactment of this Act))).

SEC. 173. EVALUATIONS.

(a) IN GENERAL.—

(1) REQUIREMENTS.—In carrying out its missions, the National Center for Education Evaluation and Regional Assistance may—

(A) conduct or support evaluations consistent with the Center's mission as described in section 171(b);

(B) evaluate programs under title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.);

(C) to the extent practicable, examine evaluations conducted or supported by others in order to determine the quality and relevance of the evidence of effectiveness generated by those evaluations, with the approval of the Director;

(D) coordinate the activities of the National Center for Education Evaluation and Regional Assistance with other evaluation activities in the Department;

(E) review and, where feasible, supplement Federal education program evaluations, particularly those by the Department, to determine or enhance the quality and relevance of the evidence generated by those evaluations;

(F) establish evaluation methodology; and

(G) assist the Director in the preparation of the biennial report, as described in section 119.

(2) ADDITIONAL REQUIREMENTS.—Each evaluation conducted by the National Center for Education Evaluation and Regional Assistance pursuant to paragraph (1) shall—

(A) adhere to the highest possible standards of quality for conducting scientifically valid education evaluation; and

(B) be subject to rigorous peer-review.

(b) ADMINISTRATION OF EVALUATIONS UNDER TITLE I OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.—The Evaluation and Regional Assistance Commissioner, consistent with the mission of the National Center for Education Evaluation and Regional Assistance under section 171(b), shall administer all operations and contracts associated with evaluations authorized by part E of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6491 et seq.) and administered by the Department as of the date of enactment of this Act.

SEC. 174. REGIONAL EDUCATIONAL LABORATORIES FOR RESEARCH, DEVELOPMENT, DISSEMINATION, AND TECHNICAL ASSISTANCE.

(a) REGIONAL EDUCATIONAL LABORATORIES.—The Director shall enter into contracts with entities to establish a networked system of 10 regional educational laboratories that serve the needs of each region of the United States in accordance with the provisions of this section. The amount of assistance allocated to each laboratory by the Evaluation and Regional Assistance Commissioner shall reflect the number of local educational agencies and the number of school-age children within the region served by such laboratory, as well as the cost of providing services within the geographic area encompassed by the region.

(b) REGIONS.—The regions served by the regional educational laboratories shall be the 10 geographic regions served by the regional educational laboratories established under section 941(h) of the Educational Research, Development, Dissemination, and Improvement Act of 1994 (as such provision existed on the day before the date of enactment of this Act).

(c) ELIGIBLE APPLICANTS.—The Director may enter into contracts under this section with research organizations, institutions, agencies, institutions of higher education, or partnerships among such entities, or individuals, with the demonstrated ability or capacity to carry out the activities described in this section, including regional entities that carried out activities under the Educational Research, Development, Dissemination, and Improvement Act of 1994 (as such Act existed on the day before the date of enactment of this Act) and title XIII of the Elementary and Secondary Education Act of 1965 (as such title existed on the day before the date of enactment of the No Child Left Behind Act of 2001 (Public Law 107–110)).

(d) APPLICATIONS.—

(1) SUBMISSION.—Each applicant desiring a contract under this section shall submit an application at such time, in such manner, and containing such information as the Director may reasonably require.

(2) PLAN.—Each application submitted under paragraph (1) shall contain a 5-year plan for carrying out the activities described in this section in a manner that addresses the priorities established under section 207 and addresses the needs of all States (and to the extent practicable, of local educational agencies) within the region to be served by the regional educational laboratory, on an ongoing basis.

(e) ENTERING INTO CONTRACTS.—

(1) IN GENERAL.—In entering into contracts under this section, the Director shall—

(A) enter into contracts for a 5-year period; and

(B) ensure that regional educational laboratories established under this section have strong and effective governance, organization, management, and administration, and employ qualified staff.

(2) COORDINATION.—In order to ensure coordination and prevent unnecessary duplication of activities among the regions, the Evaluation and Regional Assistance Commissioner shall—

(A) share information about the activities of each regional educational laboratory awarded a contract under this section with each other regional educational laboratory awarded a contract under this section and with the Department of Education, including the Director and the Board;

(B) oversee a strategic plan for ensuring that each regional educational laboratory awarded a contract under this section increases collaboration and resource-sharing in such activities;

(C) ensure, where appropriate, that the activities of each regional educational laboratory awarded a contract under this section also serve national interests; and

(D) ensure that each regional educational laboratory awarded a contract under this section coordinates such laboratory's activities with the activities of each other regional technical assistance provider.

(3) OUTREACH.—In conducting competitions for contracts under this section, the Director shall—

(A) actively encourage eligible entities to compete for such awards by making information and technical assistance relating to the competition widely available; and

(B) seek input from the chief executive officers of States, chief State school officers, educators, and parents regarding the need for applied research, wide dissemination, training, technical assistance, and development activities authorized by this title in the regions to be served by the regional educational laboratories and how those educational needs could be addressed most effectively.

(4) OBJECTIVES AND INDICATORS.—Before entering into a contract under this section, the Director shall design specific objectives and measurable indicators to be used to assess the particular programs or initiatives, and ongoing progress and performance, of the regional educational laboratories, in order to ensure that the educational needs of the region are being met and that the latest and best research and proven practices are being carried out as part of school improvement efforts.

(5) STANDARDS.—The Evaluation and Regional Assistance Commissioner shall establish a system for technical and peer review to ensure that applied research activities, research-based reports, and products of the regional educational laboratories are consistent with the research standards described in section 134 and the evaluation standards adhered to pursuant to section 173(a)(2)(A).

(f) CENTRAL MISSION AND PRIMARY FUNCTION.—Each regional educational laboratory awarded a contract under this section shall support applied research, development, wide dissemination, and technical assistance activities by—

(1) providing training (which may include supporting internships and fellowships and providing stipends) and technical assistance to State educational agencies, local educational agencies, school boards, schools funded by the Bureau as appropriate, and State boards of education regarding, at a minimum—

(A) the administration and implementation of programs under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.);

(B) scientifically valid research in education on teaching methods, assessment tools, and high quality, challenging curriculum frameworks for use by teachers and administrators in, at a minimum—

(i) the core academic subjects of mathematics, science, and reading;

(ii) English language acquisition;

(iii) education technology; and

(iv) the replication and adaption of exemplary and promising practices and new educational methods, including professional development strategies and the use of educational technology to improve teaching and learning; and

(C) the facilitation of communication between educational experts, school officials, and teachers, parents, and librarians, to enable such individuals to assist schools to develop a plan to meet the State education goals;

(2) developing and widely disseminating, including through Internet-based means, scientifically valid research, information, reports, and publications that are usable for improving academic achievement, closing achievement gaps, and encouraging and sustaining school improvement, to—

(A) schools, districts, institutions of higher education, educators (including early childhood educators and librarians), parents, policymakers, and other constituencies, as appropriate, within the region in which the regional educational laboratory is located; and

(B) the National Center for Education Evaluation and Regional Assistance;

(3) developing a plan for identifying and serving the needs of the region by conducting a continuing survey of the educational needs, strengths, and weaknesses within the region, including a process of open hearings to solicit the views of schools, teachers, administrators, parents, local educational agencies, librarians, and State educational agencies within the region;

(4) in the event such quality applied research does not exist as determined by the regional educational laboratory or the Department, carrying out applied research projects that are designed to serve the particular educational needs (in prekindergarten through grade 16) of the region in which the regional educational laboratory is located, that reflect findings from scientifically valid research, and that result in user-friendly, replicable school-based classroom applications geared toward promoting increased student achievement, including using applied research to assist in solving site-specific problems and assisting in development activities (including high-quality and on-going professional development and effective parental involvement strategies);

(5) supporting and serving the educational development activities and needs of the region by providing educational applied research in usable forms to promote school-improvement, academic achievement, and the closing of achievement gaps and contributing to the current base of education knowledge by addressing enduring problems in elementary and secondary education and access to postsecondary education;

(6) collaborating and coordinating services with other technical assistance providers funded by the Department of Education;

(7) assisting in gathering information on school finance systems to promote improved access to educational opportunities and to better serve all public school students;

(8) assisting in gathering information on alternative administrative structures that are more conducive to planning, implementing, and sustaining school reform and improved academic achievement;

(9) bringing teams of experts together to develop and implement school improvement plans and strategies, especially in low-performing or high poverty schools; and

(10) developing innovative approaches to the application of technology in education that are unlikely to originate from within the private sector, but which could result in the development of new forms of education software, education content, and technology-enabled pedagogy.

(g) ACTIVITIES.—Each regional educational laboratory awarded a contract under this section shall carry out the following activities:

(1) Collaborate with the National Education Centers in order to—

(A) maximize the use of research conducted through the National Education Centers in the work of such laboratory;

(B) keep the National Education Centers apprised of the work of the regional educational laboratory in the field; and

(C) inform the National Education Centers about additional research needs identified in the field.

(2) Consult with the State educational agencies and local educational agencies in the region in developing the plan for serving the region.

(3) Develop strategies to utilize schools as critical components in reforming education and revitalizing rural communities in the United States.

(4) Report and disseminate information on overcoming the obstacles faced by educators and schools in high poverty, urban, and rural areas.

(5) Identify successful educational programs that have either been developed by such laboratory in carrying out such laboratory's functions or that have been developed or used by others within the region served by the laboratory and make such information available to the Secretary and the network of regional educational laboratories so that such programs may be considered for inclusion in the national education dissemination system.

(h) GOVERNING BOARD AND ALLOCATION.—

(1) IN GENERAL.—In carrying out its responsibilities, each regional educational laboratory awarded a contract under this section, in keeping with the terms and conditions of such laboratory's contract, shall—

(A) establish a governing board that—

(i) reflects a balanced representation of—

(I) the States in the region;

(II) the interests and concerns of regional constituencies; and

(III) technical expertise;

(ii) includes the chief State school officer or such officer's designee of each State represented in such board's region;

(iii) includes—

(I) representatives nominated by chief executive officers of States and State organizations of superintendents, principals, institutions of higher education, teachers, parents, businesses, and researchers; or

(II) other representatives of the organizations described in subclause (I), as required by State law in effect on the day before the date of enactment of this Act;

(iv) is the sole entity that—

(I) guides and directs the laboratory in carrying out the provisions of this subsection and satisfying the terms and conditions of the contract award;

(II) determines the regional agenda of the laboratory;

(III) engages in an ongoing dialogue with the Evaluation and Regional Assistance Commissioner concerning the laboratory's goals, activities, and priorities; and

(IV) determines at the start of the contract period, subject to the requirements of this section and in consultation with the Evaluation and Regional Assistance Commissioner, the mission of the regional educational laboratory for the duration of the contract period;

(v) ensures that the regional educational laboratory attains and maintains a high level of quality in the laboratory's work and products;

(vi) establishes standards to ensure that the regional educational laboratory has strong and effective governance, organization, management, and administration, and employs qualified staff;

(vii) directs the regional educational laboratory to carry out the laboratory's duties in a manner that will make progress toward achieving the State education goals and reforming schools and educational systems; and

(viii) conducts a continuing survey of the educational needs, strengths, and weaknesses within the region, including a process of open hearings to solicit the views of schools and teachers; and

(B) allocate the regional educational laboratory's resources to and within each State in a manner which reflects the need for assistance, taking into account such factors as the proportion of economically disadvantaged students, the increased cost burden of service delivery in areas of sparse populations, and any special initiatives being undertaken by State, intermediate, local educational agencies, or Bureau-funded schools, as appropriate, which may require special assistance from the laboratory.

(2) SPECIAL RULE.—If a regional educational laboratory needs flexibility in order to meet the requirements of paragraph (1)(A)(i), the regional educational laboratory may select not more than 10 percent of the governing board from individuals outside those representatives nominated in accordance with paragraph (1)(A)(iii).

(i) DUTIES OF GOVERNING BOARD.—In order to improve the efficiency and effectiveness of the regional educational laboratories, the governing boards of the regional educational laboratories shall establish and maintain a network to—

(1) share information about the activities each laboratory is carrying out;

(2) plan joint activities that would meet the needs of multiple regions;

(3) create a strategic plan for the development of activities undertaken by the laboratories to reduce redundancy and increase collaboration and resource-sharing in such activities; and

(4) otherwise devise means by which the work of the individual laboratories could serve national, as well as regional, needs.

(j) EVALUATIONS.—The Evaluation and Regional Assistance Commissioner shall provide for independent evaluations of each of the regional educational laboratories in carrying out the duties described in this section in the third year that such laboratory receives assistance under this section in accordance with the standards developed by the Evaluation and Regional Assistance Commissioner and approved by the Board and shall transmit the results of such evaluations to the relevant committees of Congress, the Board, and the appropriate regional educational laboratory governing board.

(k) RULE OF CONSTRUCTION.—No regional educational laboratory receiving assistance under this section shall, by reason of the receipt of that assistance, be ineligible to receive any other assistance from the Department of Education as authorized by law or be prohibited from engaging in activities involving international projects or endeavors.

(l) ADVANCE PAYMENT SYSTEM.—Each regional educational laboratory awarded a contract under this section shall participate in the advance payment system at the Department of Education.

(m) ADDITIONAL PROJECTS.—In addition to activities authorized under this section, the Director is authorized to enter into contracts or agreements with a regional educational laboratory for the purpose of carrying out additional projects to enable such regional educational laboratory to assist in efforts to achieve State education goals and for other purposes.

(n) ANNUAL REPORT AND PLAN.—Not later than July 1 of each year, each regional educational laboratory awarded a contract under this section shall submit to the Evaluation and Regional Assistance Commissioner—

(1) a plan covering the succeeding fiscal year, in which such laboratory's mission, activities, and scope of work are described, including a general description of the plans such laboratory expects to submit in the remaining years of such laboratory's contract; and

(2) a report of how well such laboratory is meeting the needs of the region, including a summary of activities during the preceding year, a list of entities served, a list of products, and any other information that the regional educational laboratory may consider relevant or the Evaluation and Regional Assistance Commissioner may require.

(o) CONSTRUCTION.—Nothing in this section shall be construed to require any modifications in a regional educational laboratory contract in effect on the day before the date of enactment of this Act.

PART E—GENERAL PROVISIONS

SEC. 181. INTERAGENCY DATA SOURCES AND FORMATS.

The Secretary, in consultation with the Director, shall ensure that the Department and the Institute use common sources of data in standardized formats.

SEC. 182. PROHIBITIONS.

(a) NATIONAL DATABASE.—Nothing in this title may be construed to authorize the establishment of a nationwide database of individually identifiable information on individuals involved in studies or other collections of data under this title.

(b) FEDERAL GOVERNMENT AND USE OF FEDERAL FUNDS.—Nothing in this title may be construed to authorize an officer or employee of the Federal Government to mandate, direct, or control the curriculum, program of instruction, or allocation of State or local resources of a State, local educational agency, or school, or to mandate a State, or any subdivision thereof, to spend any funds or incur any costs not provided for under this title.

(c) ENDORSEMENT OF CURRICULUM.—Notwithstanding any other provision of Federal law, no funds provided under this title to the Institute, including any office, board, committee, or center of the Institute, may be used by the Institute to endorse, approve, or sanction any curriculum designed to be used in an elementary school or secondary school.

(d) FEDERALLY SPONSORED TESTING.—

(1) IN GENERAL.—Subject to paragraph (2), no funds provided under this title to the Secretary or to the recipient of any award may be used to develop, pilot test, field test, implement, administer, or distribute any federally sponsored national test in reading, mathematics, or any other subject, unless specifically and explicitly authorized by law.

(2) EXCEPTIONS.—Subsection (a) shall not apply to international comparative assessments developed under the authority of section 153(a)(6) of this title or section 404(a)(6) of the National Education Statistics Act of 1994 (20 U.S.C. 9003(a)(6)) (as such section was in effect on the day before the date of enactment of this Act) and administered to only a representative sample of pupils in the United States and in foreign nations.

SEC. 183. CONFIDENTIALITY.

(a) IN GENERAL.—All collection, maintenance, use, and wide dissemination of data by the Institute, including each office, board, committee, and center of the Institute, shall conform with the requirements of section 552a of title 5, United States Code, the confidentiality standards of subsection (c) of this section, and sections 444 and 445 of the General Education Provisions Act (20 U.S.C. 1232g, 1232h).

(b) STUDENT INFORMATION.—The Director shall ensure that all individually identifiable information about students, their academic achievements, their families, and information with respect to individual schools, shall remain confidential in accordance with section 552a of title 5, United States Code, the confidentiality standards of subsection (c) of this section, and sections 444 and 445 of the General Education Provisions Act (20 U.S.C. 1232g, 1232h).

SEC. 184. AVAILABILITY OF DATA.

Subject to section 183, data collected by the Institute, including any office, board, committee, or center of the Institute, in carrying out the priorities and mission of the Institute, shall be made available to the public, including through use of the Internet.

SEC. 185. PERFORMANCE MANAGEMENT.

The Director shall ensure that all activities conducted or supported by the Institute or a National Education Center make customer service a priority. The Director shall ensure a high level of customer satisfaction through the following methods:

(1) Establishing and improving feedback mechanisms in order to anticipate customer needs.

(2) Disseminating information in a timely fashion and in formats that are easily accessible and usable by researchers, practitioners, and the general public.

(3) Utilizing the most modern technology and other methods available, including arrangements to use data collected electronically by States and local educational agencies, to ensure the efficient collection and timely distribution of information, including data and reports.

(4) Establishing and measuring performance against a set of indicators for the quality of data collected, analyzed, and reported.

(5) Continuously improving management strategies and practices.

(6) Making information available to the public in an expeditious fashion.

SEC. 186. AUTHORITY TO PUBLISH.

(a) PUBLICATION.—The Director may prepare and publish (including through oral presentation) such research, statistics (consistent with part C), and evaluation information and reports from any office, board, committee, and center of the Institute, as needed to carry out the priorities and mission of the Institute without the approval of the Secretary or any other office of the Department.

(b) ADVANCE COPIES.—The Director shall provide the Secretary and other relevant offices with an advance copy of any information to be published under this section before publication.

(c) PEER REVIEW.—All research, statistics, and evaluation reports conducted by, or supported through, the Institute shall be subjected to rigorous peer review before being published or otherwise made available to the public.

(d) ITEMS NOT COVERED.—Nothing in subsections (a), (b), or (c) shall be construed to apply to—

(1) information on current or proposed budgets, appropriations, or legislation;

(2) information prohibited from disclosure by law or the Constitution, classified national security information, or information described in section 552(b) of title 5, United States Code; and

(3) review by officers of the United States in order to prevent the unauthorized disclosure of information described in paragraph (1) or (2).

SEC. 187. VACANCIES.

Any member appointed to fill a vacancy on the Board occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term. A vacancy in an office, board, committee, or center of the Institute shall be filled in the manner in which the original appointment was made. This section does not apply to employees appointed under section 188.

SEC. 188. SCIENTIFIC OR TECHNICAL EMPLOYEES.

(a) IN GENERAL.—The Director may appoint, for terms not to exceed 6 years (without regard to the provisions of title 5, United States Code, governing appointment in the competitive service) and may compensate (without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates) such scientific or technical employees to carry out the functions of the Institute or the office, board, committee, or center, respectively, if—

(1) at least 30 days prior to the appointment of any such employee, public notice is given of the availability of such position and an opportunity is provided for qualified individuals to apply and compete for such position;

(2) the rate of basic pay for such employees does not exceed the maximum rate of basic pay payable for positions at GS-15, as determined in accordance with section 5376 of title 5, United States Code, except that not more than 7 individuals appointed under this section may be paid at a rate that does not exceed the rate of basic pay for level III of the Executive Schedule;

(3) the appointment of such employee is necessary (as determined by the Director on the basis of clear and convincing evidence) to provide the Institute or the office, board, committee, or center with scientific or technical expertise which could not otherwise be obtained by the Institute or the office, board, committee, or center through the competitive service; and

(4) the total number of such employees does not exceed 40 individuals or ⅕ of the number of full-time, regular scientific or professional employees of the Institute, whichever is greater.

(b) DUTIES OF EMPLOYEES.—All employees described in subsection (a) shall work on activities of the Institute or the office, board, committee, or center, and shall not be reassigned to other duties outside the Institute or the office, board, committee, or center during their term.

SEC. 189. FELLOWSHIPS.

In order to strengthen the national capacity to carry out high-quality research, evaluation, and statistics related to education, the Director shall establish and maintain research, evaluation, and statistics fellowships in institutions of higher education (which may include the establishment of such fellowships in historically Black colleges and universities and other institutions of higher education with large numbers of minority students) that support graduate and postdoctoral study onsite at the Institute or at the institution of higher education. In establishing the fellowships, the Director shall ensure that women and minorities are actively recruited for participation.

SEC. 190. VOLUNTARY SERVICE.

The Director may accept voluntary and uncompensated services to carry out and support activities that are consistent with the priorities and mission of the Institute.

SEC. 191. RULEMAKING.

Notwithstanding section 437(d) of the General Education Provisions Act (20 U.S.C. 1232(d)), the exemption for public property, loans, grants, and benefits in section 553(a)(2) of title 5, United States Code, shall apply to the Institute.

SEC. 192. COPYRIGHT.

Nothing in this Act shall be construed to affect the rights, remedies, limitations, or defense under title 17, United States Code.

SEC. 193. REMOVAL.

(a) PRESIDENTIAL.—The Director, each member of the Board, and the Commissioner for Education Statistics may be removed by the President prior to the expiration of the term of each such appointee.

(b) DIRECTOR.—Each Commissioner appointed by the Director pursuant to section 117 may be removed by the Director prior to the expiration of the term of each such Commissioner.

SEC. 194. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to administer and carry out this title (except section 174) $400,000,000 for fiscal year 2003 and such sums as may be necessary for each of the 5 succeeding fiscal years, of which—

(1) not less than the amount provided to the National Center for Education Statistics (as such Center was in existence on the day before the date of enactment of this Act) for fiscal year 2002 shall be provided to the National Center for Education Statistics, as authorized under part C; and

(2) not more than the lesser of 2 percent of such funds or $1,000,000 shall be made available to carry out section 116 (relating to the National Board for Education Sciences).

(b) REGIONAL EDUCATIONAL LABORATORIES.—There are authorized to be appropriated to carry out section 174 $100,000,000 for fiscal year 2003 and such sums as may be necessary for each of the 5 succeeding fiscal years. Of the amounts appropriated under the preceding sentence for a fiscal year, the Director shall obligate not less than 25 percent to carry out such purpose with respect to rural areas (including schools funded by the Bureau which are located in rural areas).

(c) AVAILABILITY.—Amounts made available under this section shall remain available until expended.

TITLE II—EDUCATIONAL TECHNICAL ASSISTANCE

SEC. 201. SHORT TITLE.

This title may be cited as the "Educational Technical Assistance Act of 2002".

SEC. 202. DEFINITIONS.

In this title:

(1) IN GENERAL.—The terms "local educational agency" and "State educational agency" have the meanings given those terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(2) SECRETARY.—The term "Secretary" means the Secretary of Education.

SEC. 203. COMPREHENSIVE CENTERS.

(a) AUTHORIZATION.—

(1) IN GENERAL.—Subject to paragraph (2), beginning in fiscal year 2004, the Secretary is authorized to award not less than 20 grants to local entities, or consortia of such entities, with demonstrated expertise in providing technical assistance and professional development in reading, mathematics, science, and technology, especially to low-performing schools and districts, to establish comprehensive centers.

(2) REGIONS.—In awarding grants under paragraph (1), the Secretary—

(A) shall ensure that not less than 1 comprehensive center is established in each of the 10 geographic regions served by the regional educational laboratories established under section 941(h) of the Educational Research, Development, Dissemination, and Improvement Act of 1994 (as such provision existed on the day before the date of enactment of this Act); and

(B) after meeting the requirements of subparagraph (A), shall consider, in awarding the remainder of the grants, the school-age population, proportion of economically disadvantaged students, the increased cost burdens of service delivery in areas of sparse population, and the number of schools identified for school improvement (as described in section 1116(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(b)) in the population served by the local entity or consortium of such entities.

(b) ELIGIBLE APPLICANTS.—

(1) IN GENERAL.—Grants under this section may be made with research organizations, institutions, agencies, institutions of higher education, or partnerships among such entities, or individuals, with the demonstrated ability or capacity to carry out the activities described in subsection (f), including regional entities that carried out activities under the Educational Research, Development, Dissemination, and Improvement Act of 1994 (as such Act existed on the day before the date of enactment of this Act) and title XIII of the Elementary and Secondary Education Act of 1965 (as such title existed on the day before the date of enactment of the No Child Left Behind Act of 2001 (Public Law 107-110)).

(2) OUTREACH.—In conducting competitions for grants under this section, the Secretary shall actively encourage potential applicants to compete for such awards by making widely available information and technical assistance relating to the competition.

(3) OBJECTIVES AND INDICATORS.—Before awarding a grant under this section,. the Secretary shall design specific objectives and measurable indicators, using the results of the assessment conducted under section 206, to be used to assess the particular programs or initiatives, and ongoing progress and performance, of the regional entities, in order to ensure that the educational needs of the region are being met and that the latest and best research and proven practices are being carried out as part of school improvement efforts.

(c) APPLICATION.—

(1) SUBMISSION.—Each local entity, or consortium of such entities, seeking a grant under this section shall submit an application at such time, in such manner, and containing such additional information as the Secretary may reasonably require.

(2) PLAN.—Each application submitted under paragraph (1) shall contain a 5-year plan for carrying out the activities described in this section in a manner that addresses the priorities established under section 207 and addresses the needs of all States (and to the extent practicable, of local educational agencies) within the region to be served by the comprehensive center, on an ongoing basis.

(d) ALLOCATION.—Each comprehensive center established under this section shall allocate such center's resources to and within each State in a manner which reflects the need for assistance, taking into account such factors as the proportion of economically disadvantaged students, the increased cost burden of service delivery in areas of sparse populations, and any special initiatives being undertaken by State, intermediate, local educational agencies, or Bureau-funded schools, as appropriate, which may require special assistance from the center.

(e) SCOPE OF WORK.—Each comprehensive center established under this section shall work with State educational agencies, local educational agencies, regional educational agencies, and schools in the region where such center is located on school improvement activities that take into account factors such as the proportion of economically disadvantaged students in the region, and give priority to—

(1) schools in the region with high percentages or numbers of students from low-income families, as determined under section 1113(a)(5) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6313(a)(5)), including such schools in rural and urban areas, and schools receiving assistance under title I of that Act (20 U.S.C. 6301 et seq.);

(2) local educational agencies in the region in which high percentages or numbers of school-age children are from low-income families, as determined under section 1124(c)(1)(A) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333(c)(1)(A)), including such local educational agencies in rural and urban areas; and

(3) schools in the region that have been identified for school improvement under section 1116(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(b)).

(f) ACTIVITIES.—

(1) IN GENERAL.—A comprehensive center established under this section shall support dissemination and technical assistance activities by—

(A) providing training, professional development, and technical assistance regarding, at a minimum—

(i) the administration and implementation of programs under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.);

(ii) the use of scientifically valid teaching methods and assessment tools for use by teachers and administrators in, at a minimum—

(I) the core academic subjects of mathematics, science, and reading or language arts;

(II) English language acquisition; and

(III) education technology; and

(iii) the facilitation of communication between education experts, school officials, teachers, parents, and librarians, as appropriate; and

(B) disseminating and providing information, reports, and publications that are usable for improving academic achievement, closing achievement gaps, and encouraging and sustaining school improvement (as described in section 1116(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(b))), to schools, educators, parents, and policymakers within the region in which the center is located; and

(C) developing teacher and school leader inservice and preservice training models that illustrate best practices in the use of technology in different content areas.

(2) COORDINATION AND COLLABORATION.—Each comprehensive center established under this section shall coordinate its activities, collaborate, and regularly exchange information with the regional educational laboratory in the region in which the center is located, the National Center for Education Evaluation and Regional Assistance, the Office of the Secretary, the State service agency, and other technical assistance providers in the region.

(g) COMPREHENSIVE CENTER ADVISORY BOARD.—

(1) ESTABLISHMENT.—Each comprehensive center established under this section shall have an advisory board that shall support the priorities of such center.

(2) DUTIES.—Each advisory board established under paragraph (1) shall advise the comprehensive center—

(A) concerning the activities described in subsection (d);

(B) on strategies for monitoring and addressing the educational needs of the region, on an ongoing basis;

(C) on maintaining a high standard of quality in the performance of the center's activities; and

(D) on carrying out the center's duties in a manner that promotes progress toward improving student academic achievement.

(3) COMPOSITION.—

(A) IN GENERAL.—Each advisory board shall be composed of—

(i) the chief State school officers, or such officers' designees or other State officials, in each State served by the comprehensive center who have primary responsibility under State law for elementary and secondary education in the State; and

(ii) not more than 15 other members who are representative of the educational interests in the region served by the comprehensive center and are selected jointly by the officials specified in clause (i) and the chief executive officer of each State served by the comprehensive center, including the following:

(I) Representatives of local educational agencies and regional educational agencies, including representatives of local educational agencies serving urban and rural areas.

(II) Representatives of institutions of higher education.

(III) Parents.

(IV) Practicing educators, including classroom teachers, principals, and administrators.

(V) Representatives of business.

(VI) Policymakers, expert practitioners, and researchers with knowledge of, and experience using, the results of research, evaluation, and statistics.

(B) SPECIAL RULE.—In the case of a State in which the chief executive officer has the primary responsibility under State law for elementary and secondary education in the State, the chief executive officer shall consult, to the extent permitted by State law, with the State educational agency in selecting additional members of the board under subparagraph (A)(i).

(h) REPORT TO SECRETARY.—Each comprehensive center established under this section shall submit to the Secretary an annual report, at such time, in such manner, and containing such information as the Secretary may require, which shall include the following:

(1) A summary of the comprehensive center's activities during the preceding year

(2) A listing of the States, local educational agencies, and schools the comprehensive center assisted during the preceding year.

SEC. 204. EVALUATIONS.

The Secretary shall provide for ongoing independent evaluations by the National Center for Education Evaluation and Regional Assistance of the comprehensive centers receiving assistance under this title, the results of which shall be transmitted to the appropriate congressional committees and the Director of the Institute of Education Sciences. Such evaluations shall include an analysis of the services provided under this title, the extent to which each of the comprehensive centers meets the objectives of its respective plan, and whether such services meet the educational needs of State educational agencies, local educational agencies, and schools in the region.

SEC. 205. EXISTING TECHNICAL ASSISTANCE PROVIDERS.

The Secretary shall continue awards for the support of the Eisenhower Regional Mathematics and Science Education Consortia established under part M of the Educational Research, Development, Dissemination, and Improvement Act of 1994 (as such part existed on the day before the date of enactment of this Act), the Regional Technology in Education Consortia under section 3141 of the Elementary and Secondary Education Act of 1965 (as such section existed on the day before the date of enactment of the No Child Left Behind Act of 2001 (Public Law 107–110)), and the Comprehensive Regional Assistance Centers established under part K of the Educational Research, Development, Dissemination, and Improvement Act of 1994 (as such part existed on the day before the date of enactment of this Act), in accordance with the terms of such awards, until the comprehensive centers authorized under section 203 are established.

SEC. 206. REGIONAL ADVISORY COMMITTEES.

(a) Establishment.—Beginning in 2004, the Secretary shall establish a regional advisory committee for each region described in section 174(b) of the Education Sciences Reform Act of 2002.

(b) Membership.—

(1) Composition.—The membership of each regional advisory committee shall—

(A) not exceed 25 members;

(B) contain a balanced representation of States in the region; and

(C) include not more than one representative of each State educational agency geographically located in the region.

(2) Eligibility.—The membership of each regional advisory committee may include the following:

(A) Representatives of local educational agencies, including rural and urban local educational agencies.

(B) Representatives of institutions of higher education, including individuals representing university-based education research and university-based research on subjects other than education.

(C) Parents.

(D) Practicing educators, including classroom teachers, principals, administrators, school board members, and other local school officials.

(E) Representatives of business.

(F) Researchers.

(3) Recommendations.—In choosing individuals for membership on a regional advisory committee, the Secretary shall consult with, and solicit recommendations from, the chief executive officers of States, chief State school officers, and education stakeholders within the applicable region.

(4) Special rule.—

(A) Total number.—The total number of members on each committee who are selected under subparagraphs (A), (C), and (D) of paragraph (2), collectively, shall exceed the total number of members who are selected under paragraph (1)(C) and subparagraphs (B), (E), and (F) of paragraph (2), collectively.

(B) Dissolution.—Each regional advisory committee shall be dissolved by the Secretary after submission of such committee's report described in subsection (c)(2) to the Secretary, but each such committee may be reconvened at the discretion of the Secretary.

(c) Duties.—Each regional advisory committee shall advise the Secretary on the following:

(1) An educational needs assessment of its region (using the results of the assessment conducted under subsection (d)), in order to assist in making decisions regarding the regional educational priorities.

(2) Not later than 6 months after the committee is first convened, a report based on the assessment conducted under subsection (d).

(d) Regional Assessments.—Each regional advisory committee shall—

(1) assess the educational needs within the region to be served;

(2) in conducting the assessment under paragraph (1), seek input from chief executive officers of States, chief State school officers, educators, and parents (including through a process of open hearings to solicit the views and needs of schools (including public charter schools), teachers, administrators, members of the regional educational laboratory governing board, parents, local educational agencies, librarians, businesses, State educational agencies, and other customers (such as adult education programs) within the region) regarding the need for the activities described in section 174 of the Education Sciences Reform Act of 2002 and section 203 of this title and how those needs would be most effectively addressed; and

(3) submit the assessment to the Secretary and to the Director of the Academy of Education Sciences, at such time, in such manner, and containing such information as the Secretary may require.

SEC. 207. PRIORITIES.

The Secretary shall establish priorities for the regional educational laboratories (established under section 174 of the Education Sciences Reform Act of 2002) and comprehensive centers (established under section 203 of this title) to address, taking onto account the regional assessments conducted under section 206 and other relevant regional surveys of educational needs, to the extent the Secretary deems appropriate.

SEC. 208. GRANT PROGRAM FOR STATEWIDE, LONGITUDINAL DATA SYSTEMS.

(a) Grants Authorized.—The Secretary is authorized to award grants, on a competitive basis, to State educational agencies to enable such agencies to design, develop, and implement statewide, longitudinal data systems to efficiently and accurately manage, analyze, disaggregate, and use individual student data, consistent with the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.).

(b) Applications.—Each State educational agency desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

(c) Awarding of Grants.—In awarding grants under this section, the Secretary shall use a peer review process that—

(1) ensures technical quality (including validity and reliability), promotes linkages across States, and protects student privacy consistent with section 183;

(2) promotes the generation and accurate and timely use of data that is needed—

(A) for States and local educational agencies to comply with the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) and other reporting requirements and close achievement gaps; and

(B) to facilitate research to improve student academic achievement and close achievement gaps; and

(3) gives priority to applications that meet the voluntary standards and guidelines described in section 153(a)(5).

(d) Supplement Not Supplant.—Funds made available under this section shall be used to supplement, and not supplant, other State or local funds used for developing State data systems.

(e) Report.—Not later than 1 year after the date of enactment of the Educational Technical Assistance Act of 2002, and again 3 years after such date of enactment, the Secretary, in consultation with the National Academies Committee on National Statistics, shall make publicly available a report on the implementation and effectiveness of Federal, State, and local efforts related to the goals of this section, including—

(1) identifying and analyzing State practices regarding the development and use of statewide, longitudinal data systems;

(2) evaluating the ability of such systems to manage individual student data consistent with the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), promote linkages across States, and protect student privacy consistent with section 183; and

(3) identifying best practices and areas for improvement.

SEC. 209. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title $80,000,000 for fiscal year 2003 and such sums as may be necessary for each of the 5 succeeding fiscal years.

TITLE III—NATIONAL ASSESSMENT OF EDUCATIONAL PROGRESS

SEC. 301. SHORT TITLE.

This title may be referred to as the "National Assessment of Educational Progress Authorization Act".

SEC. 302. DEFINITIONS.

In this title:

(1) The term "Director" means the Director of the Institute of Education Sciences.

(2) The term "State" means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

SEC. 303. AUTHORIZATION OF APPROPRIATIONS.

(a) In General.—There are authorized to be appropriated—

(1) for fiscal year 2003—

(A) $4,600,000 to carry out section 302, as amended by section 401 of this Act (relating to the National Assessment Governing Board); and

(B) $107,500,000 to carry out section 303, as amended by section 401 of this Act (relating to the National Assessment of Educational Progress); and

(2) such sums as may be necessary for each of the 5 succeeding fiscal years to carry out sections 302 and 303, as amended by section 401 of this Act.

(b) Availability.—Amounts made available under this section shall remain available until expended.

TITLE IV—AMENDATORY PROVISIONS

SEC. 401. REDESIGNATIONS.

(a) Confidentiality.—Section 408 of the National Education Statistics Act of 1994 (20 U.S.C. 9007) is amended—

(1) by striking "center", "Center", and "Commissioner" each place any such term appears and inserting "Director";

(2) in subsection (a)(2)(A), by striking "statistical purpose" and inserting "research, statistics, or evaluation purpose under this title";

(3) by striking subsection (b)(1) and inserting the following:

"(1) IN GENERAL.—

"(A) DISCLOSURE.—No Federal department, bureau, agency, officer, or employee and no recipient of a Federal grant, contract, or cooperative agreement may, for any reason, require the Director, any Commissioner of a National Education Center, or any other employee of the Institute to disclose individually identifiable information that has been collected or retained under this title.

"(B) IMMUNITY.—Individually identifiable information collected or retained under this title shall be immune from legal process and shall not, without the consent of the individual concerned, be admitted as evidence or used for any purpose in any action, suit, or other judicial or administrative proceeding.

"(C) APPLICATION.—This paragraph does not apply to requests for individually identifiable information submitted by or on behalf of the individual identified in the information.";

(4) in paragraphs (2) and (6) of subsection (b), by striking "subsection (a)(2)" each place such term appears and inserting "subsection (c)(2)";

(5) in paragraphs (3) and (7) of subsection (b), by striking "Center's" each place such term appears and inserting "Director's"; and

(6) by striking the section heading and transferring all the subsections (including subsections (a) through (c)) and redesignating such subsections as subsections (c) through (e), respectively, at the end of section 183 of this Act.

(b) CONFORMING AMENDMENT.—Sections 302 and 303 of this Act are redesignated as sections 304 and 305, respectively.

(c) NATIONAL ASSESSMENT GOVERNING BOARD.—Section 412 of the National Education Statistics Act of 1994 (20 U.S.C. 9011) is amended—

(1) in subsection (a)—

(A) by striking "referred to as the 'Board'" and inserting "referred to as the 'Assessment Board'"; and

(B) by inserting "(carried out under section 303)" after "for the National Assessment";

(2) by striking "Board" each place such term appears (other than in subsection (a)) and inserting "Assessment Board";

(3) by striking "Commissioner" each place such term appears and inserting "Commissioner for Education Statistics";

(4) in subsection (b)(2)—

(A) by striking "ASSISTANT SECRETARY FOR EDUCATIONAL RESEARCH" in the heading and inserting "DIRECTOR OF THE INSTITUTE OF EDUCATION SCIENCES"; and

(B) by striking "Assistant Secretary for Educational Research and Improvement" and inserting "Director of the Institute of Education Sciences";

(5) in subsection (e)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking "section 411(b)" and inserting "section 303(b)";

(ii) in subparagraph (B), by striking "section 411(e)" and inserting "section 303(e)";

(iii) in subparagraph (E), by striking ", including the Advisory Council established under section 407";

(iv) in subparagraphs (F) and (I), by striking "section 411" each place such term appears and inserting "section 303";

(v) in subparagraph (H), by striking "and" after the semicolon;

(vi) in subparagraph (I), by striking the period at the end and inserting "; and"; and

(vii) by inserting at the end the following:

"(J) plan and execute the initial public release of National Assessment of Educational Progress reports.

The National Assessment of Educational Progress data shall not be released prior to the release of the reports described in subparagraph (J).";

(B) in paragraph (5), by striking "and the Advisory Council on Education Statistics"; and

(C) in paragraph (6), by striking "section 411(e)" and inserting "section 303(e)"; and

(6) by transferring and redesignating the section as section 302 (following section 301) of title III of this Act.

(d) NATIONAL ASSESSMENT OF EDUCATIONAL PROGRESS.—Section 411 of the National Education Statistics Act of 1994 (20 U.S.C. 9010) is amended—

(1) by striking "Commissioner" each place such term appears and inserting "Commissioner for Education Statistics";

(2) by striking "National Assessment Governing Board" and "National Board" each place either such term appears and inserting "Assessment Board";

(3) in subsection (a)—

(A) by striking "section 412" and inserting "section 302"; and

(B) by striking "and with the technical assistance of the Advisory Council established under section 407,";

(4) in subsection (b)—

(A) in paragraph (1), by inserting "of" after "academic achievement and reporting";

(B) in paragraph (3)(A)—

(i) in clause (i), by striking "paragraphs (1)(B) and (1)(E)" and inserting "paragraphs (2)(B) and (2)(E)";

(ii) in clause (ii), by striking "paragraph (1)(C)" and inserting "paragraph (2)(C)"; and

(iii) in clause (iii), by striking "paragraph (1)(D)" and inserting "paragraph (2)(D)"; and

(C) in paragraph (5), by striking "(c)(2)" and inserting "(c)(3)";

(5) in subsection (c)(2)(D), by striking "subparagraph (B)" and inserting "subparagraph (C)";

(6) in subsection (e)(4), by striking "subparagraph (2)(C)" and inserting "paragraph (2)(C) of such subsection";

(7) in subsection (f)(1)(B)(iv), by striking "section 412(e)(4)" and inserting "section 302(e)(4)"; and

(8) by transferring and redesignating the section as section 303 (following section 302) of title III of this Act.

(e) TABLE OF CONTENTS AMENDMENT.—The items relating to title III in the table of contents of this Act, as amended by section 401 of this Act, are amended to read as follows:

"TITLE III—NATIONAL ASSESSMENT OF EDUCATIONAL PROGRESS

"Sec. 301. Short title.
"Sec. 302. National Assessment Governing Board.
"Sec. 303. National Assessment of Educational Progress.
"Sec. 304. Definitions.
"Sec. 305. Authorization of appropriations.".

SEC. 402. AMENDMENTS TO DEPARTMENT OF EDUCATION ORGANIZATION ACT.

The Department of Education Organization Act (20 U.S.C. 3401 et seq.) is amended—

(1) by striking section 202(b)(4) and inserting the following:

"(4) There shall be in the Department a Director of the Institute of Education Sciences who shall be appointed in accordance with section 114(a) of the Education Sciences Reform Act of 2002 and perform the duties described in that Act.";

(2) by striking section 208 and inserting the following:

"INSTITUTE OF EDUCATION SCIENCES

"SEC. 208. There shall be in the Department of Education the Institute of Education Sciences, which shall be administered in accordance with the Education Sciences Reform Act of 2002 by the Director appointed under section 114(a) of that Act."; and

(3) by striking the item relating to section 208 in the table of contents in section 1 and inserting the following:

"Sec. 208. Institute of Education Sciences.".

SEC. 403. REPEALS.

The following provisions of law are repealed:

(1) The National Education Statistics Act of 1994 (20 U.S.C. 9001 et seq.).

(2) Parts A through E and K through N of the Educational Research, Development, Dissemination, and Improvement Act of 1994 (title IX of the Goals 2000: Educate America Act) (20 U.S.C. 6001 et seq.).

(3) Section 401(b)(2) of the Department of Education Organization Act (20 U.S.C. 3461(b)(2)).

SEC. 404. CONFORMING AND TECHNICAL AMENDMENTS.

(a) GOALS 2000: EDUCATE AMERICA ACT.—The table of contents in section 1(b) of the Goals 2000: Educate America Act (20 U.S.C. 5801 note) is amended by striking the items relating to parts A through E of title IX (including the items relating to sections within those parts).

(b) TITLE 5, UNITED STATES CODE.—Section 5315 of title 5, United States Code, is amended by striking the following:

"Commissioner, National Center for Education Statistics.".

(c) GENERAL EDUCATION PROVISIONS ACT.—Section 447(b) of the General Education Provisions Act (20 U.S.C. 1232j(b)) is amended by striking "section 404(a)(6) of the National Education Statistics Act of 1994 (20 U.S.C. 9003(a)(6))" and inserting "section 153(a)(6) of the Education Sciences Reform Act of 2002".

(d) ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.—The Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) is amended as follows:

(1) Section 1111(c)(2) is amended by striking "section 411(b)(2) of the National Education Statistics Act of 1994" and inserting "section 303(b)(2) of the National Assessment of Educational Progress Authorization Act".

(2) Section 1112(b)(1)(F) is amended by striking "section 411(b)(2) of the National Education Statistics Act of 1994" and inserting "section 303(b)(2) of the National Assessment of Educational Progress Authorization Act".

(3) Section 1117(a)(3) is amended—

(A) by inserting "(as such section existed on the day before the date of enactment of the Education Sciences Reform Act of 2002)" after "Act of 1994"; and

(B) by inserting "regional educational laboratories established under part E of the Education Sciences Reform Act of 2002 and comprehensive centers established under the Educational Technical Assistance Act of 2002 and" after "assistance from".

(4) Section 1501(a)(3) is amended by striking "section 411 of the National Education Statistics Act of 1994" and inserting "section 303 of the National Assessment of Educational Progress Authorization Act".

(5) The following provisions are each amended by striking "Office of Educational Research and Improvement" and inserting "Institute of Education Sciences":

(A) Section 3222(a) (20 U.S.C. 6932(a)).

(B) Section 3303(1) (20 U.S.C. 7013(1)).

(C) Section 5464(e)(1) (20 U.S.C. 7253c(e)(1)).

(D) Paragraphs (1) and (2) of section 5615(d) (20 U.S.C. 7283d(d)).

(E) Paragraphs (1) and (2) of section 7131(c) (20 U.S.C. 7451(c)).

(6) Paragraphs (1) and (2) of section 5464(e) (20 U.S.C. 7253c(e)) are each amended by striking "such Office" and inserting "such Institute".

(7) Section 5613 (20 U.S.C. 7283b) is amended—

(A) in subsection (a)(5), by striking "Assistant Secretary of the Office of Educational Research

and Improvement" and inserting "Director of the Institute of Education Sciences"; and

(B) in subsection (b)(2)(B), by striking "research institutes of the Office of Educational Research and Improvement" and inserting "National Education Centers of the Institute of Education Sciences".

(8) Sections 5615(d)(1) and 7131(c)(1) (20 U.S.C. 7283d(d)(1), 7451(c)(1)) are each amended by striking "by the Office" and inserting "by the Institute".

(9) Section 9529(b) is amended by striking "section 404(a)(6) of the National Education Statistics Act of 1994" and inserting "section 153(a)(5) of the Education Sciences Reform Act of 2002".

(e) SCHOOL-TO-WORK OPPORTUNITIES ACT OF 1994.—Section 404 of the School-to-Work Opportunities Act of 1994 (20 U.S.C. 6194) is amended by inserting "(as such Act existed on the day before the date of enactment of the Education Sciences Reform Act of 2002)" after "Act of 1994".

SEC. 405. ORDERLY TRANSITION.

The Secretary of Education shall take such steps as are necessary to provide for the orderly transition to, and implementation of, the offices, boards, committees, and centers (and their various functions and responsibilities) established or authorized by this Act, and by the amendments made by this Act, from those established or authorized by the Educational Research, Development, Dissemination, and Improvement Act of 1994 (20 U.S.C. 6001 et seq.) and the National Education Statistics Act of 1994 (20 U.S.C. 9001 et seq.).

SEC. 406. IMPACT AID.

(a) PAYMENTS FOR FEDERALLY CONNECTED CHILDREN.—Section 8003(b)(2)(C)(i)(II)(bb) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(B)(2)(c)(i)(II)(bb)) is amended to read as follows:

"(bb) for a local educational agency that has a total student enrollment of less than 350 students, has a per-pupil expenditure that is less than the average per-pupil expenditure of a comparable local education agency or three comparable local educational agencies in the State in which the local educational agency is located; and".

(b) EFFECTIVE DATE.—The amendment made by section 406(a) shall be effective on September 30, 2001, and shall apply with respect to fiscal year 2001, and all subsequent fiscal years.

(c) BONESTEEL-FAIRFAX SCHOOL DISTRICT.—The Secretary of Education shall deem the local educational agency serving the Bonesteel-Fairfax school district, 26-5, in Bonesteel, South Dakota, as eligible in fiscal year 2003 for a basic support payment for heavily impacted local educational agencies under section 8003(b)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(b)(2)).

(d) CENTRAL SCHOOL DISTRICT.—Notwithstanding any other provision of law, the Secretary of Education shall treat as timely filed an application filed by Central School District, Sequoyah County, Oklahoma, for payment for federally connected students for fiscal year 2003, pursuant to section 8003 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703), and shall process such application for payment, if the Secretary has received such application not later than 30 days after the date of enactment of this Act.

Mr. CASTLE. Mr. Speaker, nearly three years ago, I introduced legislation to transform the Department of Education's Office of Educational Reform and Improvement (OERI) into a streamlined, more independent and more scientific "Institute of Education Sciences." Today, nearly six months after the House of Representatives passed the bill unanimously, we are poised enact long-overdue reforms to ensure that education research is based on science, not fads or fiction.

This year, President Bush signed landmark education reforms into law, demanding new and more challenging standards of accountability from our states and improved student achievement from our schools. Recognizing that any successful education reform effort requires the best information on how children learn, the words "scientifically based research" appear more than 100 times in the new law.

The reason for the focus on "scientific" research is simple: educators need to know what works if they are to improve student achievement. For that reason, among other things, H.R. 3801:

Replaces OERI with a new, streamlined National Institute of Education Science;

Insulates federal research, evaluations and statistics from inappropriate partisan or political influences;

Ensures high quality standards;

Creates a "culture of science" by allowing the Director to attract the best researchers, evaluators and statisticians to the Institute; and,

Ensures that technical assistance is responsive to the needs of states and schools.

If we are to lift those who are struggling to achieve proficiency in reading, math and science, we must expect scientific rigor. And we must ensure that 'what works' in education informs classroom practice. My legislation helps accomplish these important goals.

As there will be no conference report to accompany H.R. 3801, I would like to take this opportunity to clarify our intent in a few areas. The comprehensive centers under this Act will provide essential technical assistance and professional development to help our states and schools advance the goals of the No Child Left Behind Act. It is our intent that the reference to "local entities" or "consortia of such entities" in section 203 include regional educational agencies as among those eligible to receive grants. As my colleague, Mr. MCKEON, has informed me, the state of California has a consortium of eight regional offices of education that provide hands-on technical assistance and professional development directly to schools in Southern California. It is our intent that the regional offices of education will continue to be eligible to participate in our improved structure.

Also, I would like to clarify the intent of Section 117(d), regarding the supervision and removal authority of the Director. This section does not mean that the NCES Commissioner operates independently of the Director of the Institute. In fact, the Statistics Commissioner is an officer of the government and has the authority to fulfill the duties stipulated in section 154 and section 155 of the bill, such as the authority to enter into contracts and the authority to supervise the technical work of the Statistics Center. However, since NCES is a part of the Institute it, along with the other National Education Centers, is ultimately subject to the oversight of the Director of the Institute.

Finally, this legislation would not have been possible without the hard work of members on both sides of the aisle and both chambers of Congress. In particular, I want to thank the full Committee Chairman JOHN BOEHNER, Rankiing Member GEORGE MILLER and by Subcommittee Ranking Member DALE KILDEE as well as Chairman KENNEDY and Ranking Member GREGG for their assistance and their strong support throughout this process.

I also want to thank Secretary Paige, Assistant Secretary Russ Whitehurst and the staff at the Department, whose counsel and technical expertise were invaluable.

Last, but certainly not least, I want to thank the staff who put in countless hours to get this legislation right—Doug Mesecar, Bob Sweet, Sally Lovejoy, Alex Nock, Denise Forte, Jane Oates, Tracy Locklin, and Denzel McGuire. They all deserve our thanks and appreciation for improving our system of education for the better.

Mr. BOEHNER. Mr. Speaker, the time for final passage of the reauthorization of the Office of Education Research and Improvement (OERI) has come. The Senate and the House have agreed on the language of the bill, and both houses, on a bipartisan, bicameral basis have agreed to vote on it before we adjourn.

My colleagues, Mr. CASTLE, Mr. KILDEE, and Mr. MILLER in the House, and Senators KENNEDY and GREGG deserve a great deal of credit for moving the Education Sciences Reform Act of 2002 and finally bringing the bill to a final vote. Without the leadership and determination of these gentlemen, it wouldn't have happened this year.

Providing high quality, scientifically based education research is vital if we are to improve our nation's schools and help every child receive a quality education. The Education Sciences Reform Act of 2002 ensures such research will occur. In addition, it provides for technical assistance to states, school districts, and schools that is accountable, customer-driven, and focused on the implementation of the No Child Left Behind Act. Let me emphasize that the reforms in this bill will greatly assist in helping the No Child Left Behind Act successfully transform and reform our schools.

Some of the reforms that have been included in this bill are significant and will offer the opportunity for a new "culture of science" to develop in federal research, evaluation and statistics. Let me describe just a few. The bill:

Requires Scientifically Based Research—Research that can't or won't meet these standards will be ineligible for federal funds. This means scientific experiments will help ensure that schools do not waste scarce resources on ineffective programs and methods of instruction.

Focuses the Research, Evaluation and Statistics Activities of the Department—The bill ensures that the new Institute of Education Sciences is responsible for research, evaluation and statistics activities only. It will no longer administer grant programs, which dilute the focus of the Institute.

Eliminates Bureaucracy—The bill eliminates the five National Research Institutes, which were supposed to organize and support education research in specific areas but never did.

Guards Against Partisan or Political Activities—The decision-makers in charge of research, statistics and evaluation are required to be highly qualified in their respective fields, ensuring that scientists—not politicians—will be in charge. Also, these scientists must ensure that all activities at the Institute are free from bias and political influence.

Expands Competition—The bill expands competition to allow other research entities, such as public or private, profit or nonprofit research organizations, to compete for federal funds. The Director has the flexibility to award contracts and grants to those entities that meet the priorities and the standards of the Institute.

Helps States and Schools—The bill specifically asks those responsible for technical assistance to focus on helping states and schools implement education reforms, especially as they relate to the No Child Left Behind Act.

I also want to highlight a provision included in this legislation to support states in developing longitudinal data systems. As schools, districts, and states work to collect, disaggregate, and analyze the data that No Child Left Behind requires, especially as they use that data to determine which schools and districts are making adequate yearly progress, it is critical that states have an adequate mechanism in place to monitor the academic achievement of students from year to year, and this bill can help ensure that states have the data they need to ensure accountability for results.

This legislation allows the Secretary to make grants to states for the development of statewide, longitudinal data systems. The intent of this program is to help states with their ongoing efforts to develop such a system, as needed. In some cases that may mean a state is starting from scratch. In others, a state that already has a data system in place at the district or school level may be assisted. I would encourage those states currently working, either on their own or with high quality organizations, to improve their data systems to apply for assistance under this provision.

Different school districts often use different systems of data collection. This language would allow a state to build a statewide, longitudinal data system that is comprised of diverse systems at the district and local level, so long as the data was collected at the state level in a consistent format.

Mr. Speaker, we have worked closely with the President and the Administration as we have developed this bill, and have their support for its final passage.

And once again, I thank my colleagues, Mr. CASTLE, Mr. MILLER, Mr. KILDEE, and Senators GREGG and KENNEDY for making this bipartisan process work. We have continued the good relationship we had during the yearlong work on the No Child Left Behind Act. I am hopeful that we have set a new tone and a new example in Congress. Even in an election year, the approval by both the House and the Senate of the Education Sciences Reform Act of 2002 demonstrates once again that we can do great things when we work together.

The staff of both the House and Senate Committees is to be commended for their hard work too. Thank you, on both sides of the aisle and both sides of the Hill, for your outstanding work on this important legislation. I urge my Colleagues to vote aye and pass this bill.

CONCURRED IN SENATE AMENDMENT

H.R. 4015, to amend title 38, United States Code, to revise and improve employment, training, and placement services furnished to veterans, and for other purposes.

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; REFERENCES TO TITLE 38, UNITED STATES CODE.

(a) SHORT TITLE.—This Act may be cited as the "Jobs for Veterans Act".

(b) REFERENCES TO TITLE 38, UNITED STATES CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

SEC. 2. PRIORITY OF SERVICE FOR VETERANS IN DEPARTMENT OF LABOR JOB TRAINING PROGRAMS.

(a) VETERANS' JOB TRAINING ASSISTANCE.—(1) Chapter 42 is amended by adding at the end the following new section:

"§4215. Priority of service for veterans in Department of Labor job training programs

"(a) DEFINITIONS.—In this section:

"(1) The term 'covered person' means any of the following individuals:

"(A) A veteran.

"(B) The spouse of any of the following individuals:

"(i) Any veteran who died of a service-connected disability.

"(ii) Any member of the Armed Forces serving on active duty who, at the time of application for assistance under this section, is listed, pursuant to section 556 of title 37 and regulations issued thereunder, by the Secretary concerned in one or more of the following categories and has been so listed for a total of more than 90 days: (I) missing in action, (II) captured in line of duty by a hostile force, or (III) forcibly detained or interned in line of duty by a foreign government or power.

"(iii) Any veteran who has a total disability resulting from a service-connected disability.

"(iv) Any veteran who died while a disability so evaluated was in existence.

"(2) The term 'qualified job training program' means any workforce preparation, development, or delivery program or service that is directly funded, in whole or in part, by the Department of Labor and includes the following:

"(A) Any such program or service that uses technology to assist individuals to access workforce development programs (such as job and training opportunities, labor market information, career assessment tools, and related support services).

"(B) Any such program or service under the public employment service system, one-stop career centers, the Workforce Investment Act of 1998, a demonstration or other temporary program, and those programs implemented by States or local service providers based on Federal block grants administered by the Department of Labor.

"(C) Any such program or service that is a workforce development program targeted to specific groups.

"(3) The term 'priority of service' means, with respect to any qualified job training program, that a covered person shall be given priority over nonveterans for the receipt of employment, training, and placement services provided under that program, notwithstanding any other provision of law.

"(b) ENTITLEMENT TO PRIORITY OF SERVICE.—(1) A covered person is entitled to priority of service under any qualified job training program if the person otherwise meets the eligibility requirements for participation in such program.

"(2) The Secretary of Labor may establish priorities among covered persons for purposes of this section to take into account the needs of disabled veterans and special disabled veterans, and such other factors as the Secretary determines appropriate.

"(c) ADMINISTRATION OF PROGRAMS AT STATE AND LOCAL LEVELS.—An entity of a State or a political subdivision of the State that administers or delivers services under a qualified job training program shall—

"(1) provide information and priority of service to covered persons regarding benefits and services that may be obtained through other entities or service providers; and

"(2) ensure that each covered person who applies to or who is assisted by such a program is informed of the employment-related rights and benefits to which the person is entitled under this section.

"(d) ADDITION TO ANNUAL REPORT.—In the annual report required under section 4107(c) of this title for the program year beginning in 2003 and each subsequent program year, the Secretary of Labor shall evaluate whether covered persons are receiving priority of service and are being fully served by qualified job training programs, and whether the representation of veterans in such programs is in proportion to the incidence of representation of veterans in the labor market, including within groups that the Secretary may designate for priority under such programs, if any.".

(2) The table of sections at the beginning of chapter 42 is amended by inserting after the item relating to section 4214 the following new item:

"4215. Priority of service for veterans in Department of Labor job training programs.".

(b) EMPLOYMENT OF VETERANS WITH RESPECT TO FEDERAL CONTRACTS.—(1) Section 4212(a) is amended to read as follows:

"(a)(1) Any contract in the amount of $100,000 or more entered into by any department or agency of the United States for the procurement of personal property and nonpersonal services (including construction) for the United States, shall contain a provision requiring that the party contracting with the United States take affirmative action to employ and advance in employment qualified covered veterans. This section applies to any subcontract in the amount of $100,000 or more entered into by a prime contractor in carrying out any such contract.

"(2) In addition to requiring affirmative action to employ such qualified covered veterans under such contracts and subcontracts and in order to promote the implementation of such requirement, the Secretary of Labor shall prescribe regulations requiring that—

"(A) each such contractor for each such contract shall immediately list all of its employment openings with the appropriate employment service delivery system (as defined in section 4101(7) of this title), and may also list such openings with one-stop career centers under the Workforce Investment Act of 1998, other appropriate service delivery points, or America's Job Bank (or any additional or subsequent national electronic job bank established by the Department of Labor), except that the contractor may exclude openings for executive and senior management positions and positions which are to be filled from within the contractor's organization and positions lasting three days or less;

"(B) each such employment service delivery system shall give such qualified covered veterans priority in referral to such employment openings; and

"(C) each such employment service delivery system shall provide a list of such employment openings to States, political subdivisions of States, or any private entities or organizations under contract to carry out employment, training, and placement services under chapter 41 of this title.

"(3) In this section:

"(A) The term 'covered veteran' means any of the following veterans:

"(i) Disabled veterans.

"(ii) Veterans who served on active duty in the Armed Forces during a war or in a campaign or expedition for which a campaign badge has been authorized.

"(iii) Veterans who, while serving on active duty in the Armed Forces, participated in a United States military operation for which an Armed Forces service medal was awarded pursuant to Executive Order 12985 (61 Fed. Reg. 1209).

"(iv) Recently separated veterans.

"(B) The term 'qualified', with respect to an employment position, means having the ability to perform the essential functions of the position with or without reasonable accommodation for an individual with a disability.".

(2)(A) Section 4212(c) is amended—

(i) by striking "suitable"; and

(ii) by striking "subsection (a)(2) of this section" and inserting "subsection (a)(2)(B)".

(B) Section 4212(d)(1) is amended—

(i) in the matter preceding subparagraph (A), by striking "of this section" after "subsection (a)"; and

(ii) by amending subparagraphs (A) and (B) to read as follows:

"(A) the number of employees in the workforce of such contractor, by job category and hiring location, and the number of such employees, by job category and hiring location, who are qualified covered veterans;

"(B) the total number of new employees hired by the contractor during the period covered by the report and the number of such employees who are qualified covered veterans; and".

(C) Section 4212(d)(2) is amended by striking "of this subsection" after "paragraph (1)".

(D) Section 4211(6) is amended by striking "one-year period" and inserting "three-year period".

(3) The amendments made by this subsection shall apply with respect to contracts entered into on or after the first day of the first month that begins 12 months after the date of the enactment of this Act.

(c) EMPLOYMENT WITHIN THE FEDERAL GOVERNMENT.—(1) Section 4214(a)(1) is amended—

(A) in the first sentence, by striking "life" and all that follows and inserting "life."; and

(B) in the second sentence, by striking "major" and inserting "uniquely qualified".

(2) Section 4214(b) is amended—

(A) in paragraph (1), by striking "readjustment" and inserting "recruitment";

(B) in paragraph (2), by striking "to—" and all that follows through the period at the end and inserting "to qualified covered veterans.";

(C) in paragraph (3), to read as follows:

"(3) A qualified covered veteran may receive such an appointment at any time.".

(3)(A) Section 4214(a) is amended—

(i) in the third sentence of paragraph (1), by striking "disabled veterans and certain veterans of the Vietnam era and of the post-Vietnam era" and inserting "qualified covered veterans (as defined in paragraph (2)(B))"; and

(ii) in paragraph (2), to read as follows:

"(2) In this section:

"(A) The term 'agency' has the meaning given the term 'department or agency' in section 4211(5) of this title.

"(B) The term 'qualified covered veteran' means a veteran described in section 4212(a)(3) of this title.".

(B) Clause (i) of section 4214(e)(2)(B) is amended by striking "of the Vietnam era".

(C) Section 4214(g) is amended—

(i) by striking "qualified" the first place it occurs and all that follows through "era" the first place it occurs and inserting "qualified covered veterans"; and

(ii) by striking "under section 1712A of this title" and all that follows and inserting "under section 1712A of this title.".

(4) The amendments made by this subsection shall apply to qualified covered veterans without regard to any limitation relating to the date of the veteran's last discharge or release from active duty that may have otherwise applied under section 4214(b)(3) as in effect on the date before the date of the enactment of this Act.

SEC. 3. FINANCIAL AND NON-FINANCIAL PERFORMANCE INCENTIVE AWARDS FOR QUALITY VETERANS EMPLOYMENT, TRAINING, AND PLACEMENT SERVICES.

(a) PERFORMANCE INCENTIVE AWARDS FOR QUALITY EMPLOYMENT, TRAINING, AND PLACEMENT SERVICES.—Chapter 41 is amended by adding at the end the following new section:

"§4112. Performance incentive awards for quality employment, training, and placement services

"(a) CRITERIA FOR PERFORMANCE INCENTIVE AWARDS.—(1) For purposes of carrying out a program of performance incentive awards under section 4102A(c)(2)(A)(i)(III) of this title, the Secretary, acting through the Assistant Secretary of Labor for Veterans' Employment and Training, shall establish criteria for performance incentive awards programs to be administered by States to—

"(A) encourage the improvement and modernization of employment, training, and placement services provided under this chapter; and

"(B) recognize eligible employees for excellence in the provision of such services or for having made demonstrable improvements in the provision of such services.

"(2) The Secretary shall establish such criteria in consultation with representatives of States, political subdivisions of States, and other providers of employment, training, and placement services under the Workforce Investment Act of 1998 consistent with the performance measures established under section 4102A(b)(7) of this title.

"(b) FORM OF AWARDS.—Under the criteria established by the Secretary for performance incentive awards to be administered by States, an award under such criteria may be a cash award or such other nonfinancial awards as the Secretary may specify.

"(c) RELATIONSHIP OF AWARD TO GRANT PROGRAM AND EMPLOYEE COMPENSATION.—Performance incentive cash awards under this section—

"(1) shall be made from amounts allocated from the grant or contract amount for a State for a program year under section 4102A(c)(7) of this title; and

"(2) is in addition to the regular pay of the recipient.

"(d) ELIGIBLE EMPLOYEE DEFINED.—In this section, the term 'eligible employee' means any of the following:

"(1) A disabled veterans' outreach program specialist.

"(2) A local veterans' employment representative.

"(3) An individual providing employment, training, and placement services to veterans under the Workforce Investment Act of 1998 or through an employment service delivery system (as defined in section 4101(7) of this title).".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 41 is amended by adding at the end the following new item:

"4112. Performance incentive awards for quality employment, training, and placement services.".

SEC. 4. REFINEMENT OF JOB TRAINING AND PLACEMENT FUNCTIONS OF THE DEPARTMENT.

(a) REVISION OF DEPARTMENT LEVEL SENIOR OFFICIALS AND FUNCTIONS.—(1) Sections 4102A and 4103 are amended to read as follows:

"§4102A. Assistant Secretary of Labor for Veterans' Employment and Training; program functions; Regional Administrators

"(a) ESTABLISHMENT OF POSITION OF ASSISTANT SECRETARY OF LABOR FOR VETERANS' EMPLOYMENT AND TRAINING.—(1) There is established within the Department of Labor an Assistant Secretary of Labor for Veterans' Employment and Training, appointed by the President by and with the advice and consent of the Senate, who shall formulate and implement all departmental policies and procedures to carry out (A) the purposes of this chapter, chapter 42, and chapter 43 of this title, and (B) all other Department of Labor employment, unemployment, and training programs to the extent they affect veterans.

"(2) The employees of the Department of Labor administering chapter 43 of this title shall be administratively and functionally responsible to the Assistant Secretary of Labor for Veterans' Employment and Training.

"(3)(A) There shall be within the Department of Labor a Deputy Assistant Secretary of Labor for Veterans' Employment and Training. The Deputy Assistant Secretary shall perform such functions as the Assistant Secretary of Labor for Veterans' Employment and Training prescribes.

"(B) No individual may be appointed as a Deputy Assistant Secretary of Labor for Veterans' Employment and Training unless the individual has at least five years of service in a management position as an employee of the Federal civil service or comparable service in a management position in the Armed Forces. For purposes of determining such service of an individual, there shall be excluded any service described in subparagraphs (A), (B), and (C) of section 308(d)(2) of this title.

"(b) PROGRAM FUNCTIONS.—The Secretary shall carry out the following functions:

"(1) Except as expressly provided otherwise, carry out all provisions of this chapter and chapter 43 of this title through the Assistant Secretary of Labor for Veterans' Employment and Training and administer through such Assistant Secretary all programs under the jurisdiction of the Secretary for the provision of employment and training services designed to meet the needs of all veterans and persons eligible for services furnished under this chapter.

"(2) In order to make maximum use of available resources in meeting such needs, encourage all such programs, and all grantees and contractors under such programs to enter into cooperative arrangements with private industry and business concerns (including small business concerns owned by veterans or disabled veterans), educational institutions, trade associations, and labor unions.

"(3) Ensure that maximum effectiveness and efficiency are achieved in providing services and assistance to eligible veterans under all such programs by coordinating and consulting with the Secretary of Veterans Affairs with respect to (A) programs conducted under other provisions of this title, with particular emphasis on coordination of such programs with readjustment counseling activities carried out under section 1712A of this title, apprenticeship or other on-the-job training programs carried out under section 3687 of this title, and rehabilitation and training activities carried out under chapter 31 of this title and (B) determinations covering veteran population in a State.

"(4) Ensure that employment, training, and placement activities are carried out in coordination and cooperation with appropriate State public employment service officials.

"(5) Subject to subsection (c), make available for use in each State by grant or contract such funds as may be necessary to support—

"(A) disabled veterans' outreach program specialists appointed under section 4103A(a)(1) of this title,

"(B) local veterans' employment representatives assigned under section 4104(b) of this title, and

"(C) the reasonable expenses of such specialists and representatives described in subparagraphs (A) and (B), respectively, for training, travel, supplies, and other business expenses, including travel expenses and per diem for attendance at the National Veterans' Employment and Training Services Institute established under section 4109 of this title.

"(6) Monitor and supervise on a continuing basis the distribution and use of funds provided for use in the States under paragraph (5).

"(7) Establish, and update as appropriate, a comprehensive performance accountability system (as described in subsection (f)) and carry out annual performance reviews of veterans employment, training, and placement services provided through employment service delivery systems, including through disabled veterans' outreach program specialists and through local veterans' employment representatives in States receiving grants, contracts, or awards under this chapter.

"(c) CONDITIONS FOR RECEIPT OF FUNDS.—(1) The distribution and use of funds under subsection (b)(5) in order to carry out sections 4103A(a) and 4104(a) of this title shall be subject to the continuing supervision and monitoring of the Secretary and shall not be governed by the provisions of any other law, or any regulations prescribed thereunder, that are inconsistent with this section or section 4103A or 4104 of this title.

"(2)(A) A State shall submit to the Secretary an application for a grant or contract under subsection (b)(5). The application shall contain the following information:

"(i) A plan that describes the manner in which the State shall furnish employment, training, and placement services required under this chapter for the program year, including a description of—

"(I) duties assigned by the State to disabled veterans' outreach program specialists and local veterans' employment representatives consistent with the requirements of sections 4103A and 4104 of this title;

"(II) the manner in which such specialists and representatives are integrated in the employment service delivery systems in the State; and

"(III) the program of performance incentive awards described in section 4112 of this title in the State for the program year.

"(ii) The veteran population to be served.

"(iii) Such additional information as the Secretary may require to make a determination with respect to awarding a grant or contract to the State.

"(B)(i) Subject to the succeeding provisions of this subparagraph, of the amount available under subsection (b)(5) for a fiscal year, the Secretary shall make available to each State with an application approved by the Secretary an amount of funding in proportion to the number of veterans seeking employment using such criteria as the Secretary may establish in regulation, including civilian labor force and unemployment data, for the State on an annual basis. The proportion of funding shall reflect the ratio of—

"(I) the total number of veterans residing in the State that are seeking employment; to

"(II) the total number of veterans seeking employment in all States.

"(ii) The Secretary shall phase in over the three fiscal-year period that begins on October 1, 2002, the manner in which amounts are made available to States under subsection (b)(5) and this subsection, as amended by the Jobs for Veterans Act.

"(iii) In carrying out this paragraph, the Secretary may establish minimum funding levels and hold-harmless criteria for States.

"(3)(A)(i) As a condition of a grant or contract under this section for a program year, in the case of a State that the Secretary determines has an entered-employment rate for veterans that is deficient for the preceding program year, the State shall develop a corrective action plan to improve that rate for veterans in the State.

"(ii) The State shall submit the corrective action plan to the Secretary for approval, and if approved, shall expeditiously implement the plan.

"(iii) If the Secretary does not approve a corrective action plan submitted by the State under clause (i), the Secretary shall take such steps as may be necessary to implement corrective actions in the State to improve the entered-employment rate for veterans in that State.

"(B) To carry out subparagraph (A), the Secretary shall establish in regulations a uniform national threshold entered-employment rate for veterans for a program year by which determinations of deficiency may be made under subparagraph (A).

"(C) In making a determination with respect to a deficiency under subparagraph (A), the Secretary shall take into account the applicable annual unemployment data for the State and consider other factors, such as prevailing economic conditions, that affect performance of individuals providing employment, training, and placement services in the State.

"(4) In determining the terms and conditions of a grant or contract under which funds are made available to a State in order to carry out section 4103A or 4104 of this title, the Secretary shall take into account—

"(A) the results of reviews, carried out pursuant to subsection (b)(7), of the performance of the employment, training, and placement service delivery system in the State, and

"(B) the monitoring carried out under this section.

"(5) Each grant or contract by which funds are made available to a State shall contain a provision requiring the recipient of the funds—

"(A) to comply with the provisions of this chapter; and

"(B) on an annual basis, to notify the Secretary of, and provide supporting rationale for, each nonveteran who is employed as a disabled veterans' outreach program specialist and local veterans' employment representative for a period in excess of 6 months.

"(6) Each State shall coordinate employment, training, and placement services furnished to veterans and eligible persons under this chapter with such services furnished with respect to such veterans and persons under the Workforce Investment Act of 1998 and the Wagner-Peyser Act.

"(7) With respect to program years beginning during or after fiscal year 2004, one percent of the amount of a grant or contract under which funds are made available to a State in order to carry out section 4103A or 4104 of this title for the program year shall be for the purposes of making cash awards under the program of performance incentive awards described in section 4112 of this title in the State.

"(d) PARTICIPATION IN OTHER FEDERALLY FUNDED JOB TRAINING PROGRAMS.—The Assistant Secretary of Labor for Veterans' Employment and Training shall promote and monitor participation of qualified veterans and eligible persons in employment and training opportunities under title I of the Workforce Investment Act of 1998 and other federally funded employment and training programs.

"(e) REGIONAL ADMINISTRATORS.—(1) The Secretary shall assign to each region for which the Secretary operates a regional office a representative of the Veterans' Employment and Training Service to serve as the Regional Administrator for Veterans' Employment and Training in such region.

"(2) Each such Regional Administrator shall carry out such duties as the Secretary may require to promote veterans employment and reemployment within the region that the Administrator serves.

"(f) ESTABLISHMENT OF PERFORMANCE STANDARDS AND OUTCOMES MEASURES.—(1) By not later than 6 months after the date of the enactment of this section, the Assistant Secretary of Labor for Veterans' Employment and Training shall establish and implement a comprehensive performance accountability system to measure the performance of employment service delivery systems, including disabled veterans' outreach program specialists and local veterans' employment representatives providing employment, training, and placement services under this chapter in a State to provide accountability of that State to the Secretary for purposes of subsection (c).

"(2) Such standards and measures shall—

"(A) be consistent with State performance measures applicable under section 136(b) of the Workforce Investment Act of 1998; and

"(B) be appropriately weighted to provide special consideration for placement of (i) veterans requiring intensive services (as defined in section 4101(9) of this title), such as special disabled veterans and disabled veterans, and (ii) veterans who enroll in readjustment counseling under section 1712A of this title.

"(g) AUTHORITY TO PROVIDE TECHNICAL ASSISTANCE TO STATES.—The Secretary may provide such technical assistance as the Secretary determines appropriate to any State that the Secretary determines has, or may have, an entered-employment rate in the State that is deficient, as determined under subsection (c)(3) with respect to a program year, including assistance in the development of a corrective action plan under that subsection.

"§4103. Directors and Assistant Directors for Veterans' Employment and Training; additional Federal personnel

"(a) DIRECTORS AND ASSISTANT DIRECTORS.—(1) The Secretary shall assign to each State a representative of the Veterans' Employment and Training Service to serve as the Director for Veterans' Employment and Training, and shall assign full-time Federal clerical or other support personnel to each such Director.

"(2) Each Director for Veterans' Employment and Training for a State shall, at the time of appointment, have been a bona fide resident of the State for at least two years.

"(3) Full-time Federal clerical or other support personnel assigned to Directors for Veterans' Employment and Training shall be appointed in accordance with the provisions of title 5 governing appointments in the competitive service and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of title 5.

"(b) ADDITIONAL FEDERAL PERSONNEL.—The Secretary may also assign as supervisory personnel such representatives of the Veterans' Employment and Training Service as the Secretary determines appropriate to carry out the employment, training, and placement services required under this chapter, including Assistant Directors for Veterans' Employment and Training.".

(2) The items relating to sections 4102A and 4103, respectively, in the table of sections at the beginning of chapter 41 are amended to read as follows:

"4102A. Assistant Secretary of Labor for Veterans' Employment and Training; program functions; Regional Administrators.

"4103. Directors and Assistant Directors for Veterans' Employment and Training; additional Federal personnel.".

(3)(A)(i) Section 4104A is repealed.

(ii) The table of sections at the beginning of chapter 41 is amended by striking the item relating to section 4104A.

(B) Section 4107(b) is amended by striking "The Secretary shall establish definitive performance standards" and inserting "The Secretary shall apply performance standards established under section 4102A(f) of this title".

(4) The amendments made by this subsection shall take effect on the date of the enactment of this Act, and apply for program and fiscal years under chapter 41 of title 38, United States Code, beginning on or after such date.

(b) Revision of Statutorily Defined Duties of Disabled Veterans' Outreach Program Specialists and Local Veterans' Employment Representatives.—(1) Section 4103A is amended by striking all after the heading and inserting the following:

"(a) Requirement for Employment by States of a Sufficient Number of Specialists.—(1) Subject to approval by the Secretary, a State shall employ such full- or part-time disabled veterans' outreach program specialists as the State determines appropriate and efficient to carry out intensive services under this chapter to meet the employment needs of eligible veterans with the following priority in the provision of services:

"(A) Special disabled veterans.

"(B) Other disabled veterans.

"(C) Other eligible veterans in accordance with priorities determined by the Secretary taking into account applicable rates of unemployment and the employment emphases set forth in chapter 42 of this title.

"(2) In the provision of services in accordance with this subsection, maximum emphasis in meeting the employment needs of veterans shall be placed on assisting economically or educationally disadvantaged veterans.

"(b) Requirement for Qualified Veterans.—A State shall, to the maximum extent practicable, employ qualified veterans to carry out the services referred to in subsection (a). Preference shall be given in the appointment of such specialists to qualified disabled veterans.".

(2) Section 4104 is amended by striking all after the heading and inserting the following:

"(a) Requirement for Employment by States of a Sufficient Number of Representatives.—Subject to approval by the Secretary, a State shall employ such full- and part-time local veterans' employment representatives as the State determines appropriate and efficient to carry out employment, training, and placement services under this chapter.

"(b) Principal Duties.—As principal duties, local veterans' employment representatives shall—

"(1) conduct outreach to employers in the area to assist veterans in gaining employment, including conducting seminars for employers and, in conjunction with employers, conducting job search workshops and establishing job search groups; and

"(2) facilitate employment, training, and placement services furnished to veterans in a State under the applicable State employment service delivery systems.

"(c) Requirement for Qualified Veterans and Eligible Persons.—A State shall, to the maximum extent practicable, employ qualified veterans or eligible persons to carry out the services referred to in subsection (a). Preference shall be accorded in the following order:

"(1) To qualified service-connected disabled veterans.

"(2) If no veteran described in paragraph (1) is available, to qualified eligible veterans.

"(3) If no veteran described in paragraph (1) or (2) is available, then to qualified eligible persons.

"(d) Reporting.—Each local veterans' employment representative shall be administratively responsible to the manager of the employment service delivery system and shall provide reports, not less frequently than quarterly, to the manager of such office and to the Director for Veterans' Employment and Training for the State regarding compliance with Federal law and regulations with respect to special services and priorities for eligible veterans and eligible persons.".

(3) The amendments made by this subsection shall take effect on the date of the enactment of this Act, and apply for program years under chapter 41 of title 38, United States Code, beginning on or after such date.

(c) Requirement To Promptly Establish One-Stop Employment Services.—By not later than 18 months after the date of the enactment of this Act, the Secretary of Labor shall provide one-stop services and assistance to covered persons electronically by means of the Internet, as defined in section 231(e)(3) of the Communications Act of 1934, and such other electronic means to enhance the delivery of such services and assistance.

(d) Requirement for Budget Line Item for Training Services Institute.—(1) The last sentence of section 4106(a) is amended to read as follows: "Each budget submission with respect to such funds shall include a separate listing of the amount for the National Veterans' Employment and Training Services Institute together with information demonstrating the compliance of such budget submission with the funding requirements specified in the preceding sentence.".

(2) The amendment made by paragraph (1) shall take effect on the date of the enactment of this Act, and apply to budget submissions for fiscal year 2004 and each subsequent fiscal year.

(e) Conforming Amendments.—(1) Section 4107(c)(5) is amended by striking "(including the need" and all that follows through "representatives)".

(2) Section 3117(a)(2)(B) is amended to read as follows:

"(B) utilization of employment, training, and placement services under chapter 41 of this title; and".

SEC. 5. ADDITIONAL IMPROVEMENTS IN VETERANS EMPLOYMENT AND TRAINING SERVICES.

(a) Inclusion of Intensive Services.—(1)(A) Section 4101 is amended by adding at the end the following new paragraph:

"(9) The term 'intensive services' means local employment and training services of the type described in section 134(d)(3) of the Workforce Investment Act of 1998.".

(B) Section 4102 is amended by striking "job and job training counseling service program," and inserting "job and job training intensive services program,".

(C) Section 4106(a) is amended by striking "proper counseling" and inserting "proper intensive services".

(D) Section 4107(a) is amended by striking "employment counseling services" and inserting "intensive services".

(E) Section 4107(c)(1) is amended by striking "the number counseled" and inserting "the number who received intensive services".

(F) Section 4109(a) is amended by striking "counseling," each place it appears and inserting "intensive services,".

(2) The amendments made by paragraph (1) shall take effect on the date of the enactment of this Act.

(b) Additional VETS Duty To Implement Transitions to Civilian Careers.—(1)(A) Section 4102 is amended by striking the period and inserting ", including programs carried out by the Veterans' Employment and Training Service to implement all efforts to ease the transition of servicemembers to civilian careers that are consistent with, or an outgrowth of, the military experience of the servicemembers.".

(B) Such section is further amended by striking "and veterans of the Vietnam era" and inserting "and veterans who served on active duty during a war or in a campaign or expedition for which a campaign badge has been authorized".

(2) The amendments made by paragraph (1) shall take effect on the date of the enactment of this Act.

(c) Modernization of Employment Service Delivery Points To Include Technological Innovations.—(1) Section 4101(7) is amended to read as follows:

"(7) The term 'employment service delivery system' means a service delivery system at which or through which labor exchange services, including employment, training, and placement services, are offered in accordance with the Wagner-Peyser Act.".

(2) The amendments made by paragraph (1) shall take effect on the date of the enactment of this Act.

(d) Increase in Accuracy of Reporting Services Furnished to Veterans.—(1)(A) Section 4107(c)(1) is amended—

(i) by striking "veterans of the Vietnam era,"; and

(ii) by striking "and eligible persons who registered for assistance with" and inserting "eligible persons, recently separated veterans (as defined in section 4211(6) of this title), and servicemembers transitioning to civilian careers who registered for assistance with, or who are identified as veterans by,".

(B) Section 4107(c)(2) is amended—

(i) by striking "the job placement rate" the first place it appears and inserting "the rate of entered employment (as determined in a manner consistent with State performance measures applicable under section 136(b) of the Workforce Investment Act of 1998)"; and

(ii) by striking "the job placement rate" the second place it appears and inserting "such rate of entered employment (as so determined)".

(C) Section 4107(c)(4) is amended by striking "sections 4103A and 4104" and inserting "section 4212(d)".

(D) Section 4107(c) is amended—

(i) by striking "and" at the end of paragraph (4);

(ii) by striking the period at the end of paragraph (5) and inserting "; and"; and

(iii) by adding at the end the following new paragraph:

"(6) a report on the operation during the preceding program year of the program of performance incentive awards for quality employment services under section 4112 of this title.".

(E) Section 4107(b), as amended by section 4(a)(3)(B), is further amended by striking the second sentence and inserting the following: "Not later than February 1 of each year, the Secretary shall report to the Committees on Veterans' Affairs of the Senate and the House of Representatives on the performance of States and organizations and entities carrying out employment, training, and placement services under this chapter, as measured under subsection (b)(7) of section 4102A of this title. In the case of a State that the Secretary determines has not met the minimum standard of performance (established by the Secretary under subsection (f) of such section), the Secretary shall include an analysis of the extent and reasons for the State's failure to meet that minimum standard, together with the State's plan for corrective action during the succeeding year.".

(2) The amendments made by paragraph (1) shall apply to reports for program years beginning on or after July 1, 2003.

(e) CLARIFICATION OF AUTHORITY OF NVETSI TO PROVIDE TRAINING FOR PERSONNEL OF OTHER DEPARTMENTS AND AGENCIES.—Section 4109 is amended by adding at the end the following new subsection:

"(c)(1) Nothing in this section shall be construed as preventing the Institute to enter into contracts or agreements with departments or agencies of the United States or of a State, or with other organizations, to carry out training of personnel of such departments, agencies, or organizations in the provision of services referred to in subsection (a).

"(2) All proceeds collected by the Institute under a contract or agreement referred to in paragraph (1) shall be applied to the applicable appropriation.".

SEC. 6. COMMITTEE TO RAISE EMPLOYER AWARENESS OF SKILLS OF VETERANS AND BENEFITS OF HIRING VETERANS.

(a) ESTABLISHMENT OF COMMITTEE.—There is established within the Department of Labor a committee to be known as the President's National Hire Veterans Committee (hereinafter in this section referred to as the "Committee").

(b) DUTIES.—The Committee shall establish and carry out a national program to do the following:

(1) To furnish information to employers with respect to the training and skills of veterans and disabled veterans, and the advantages afforded employers by hiring veterans with such training and skills.

(2) To facilitate employment of veterans and disabled veterans through participation in America's Career Kit national labor exchange, and other means.

(c) MEMBERSHIP.—(1) The Secretary of Labor shall appoint 15 individuals to serve as members of the Committee, of whom one shall be appointed from among representatives nominated by each organization described in subparagraph (A) and of whom eight shall be appointed from among representatives nominated by organizations described in subparagraph (B).

(A) Organizations described in this subparagraph are the following:

(i) The Ad Council.

(ii) The National Committee for Employer Support of the Guard and Reserve.

(iii) Veterans' service organizations that have a national employment program.

(iv) State employment security agencies.

(v) One-stop career centers.

(vi) State departments of veterans affairs.

(vii) Military service organizations.

(B) Organizations described in this subparagraph are such businesses, small businesses, industries, companies in the private sector that furnish placement services, civic groups, workforce investment boards, and labor unions as the Secretary of Labor determines appropriate.

(2) The following shall be ex officio, nonvoting members of the Committee:

(A) The Secretary of Veterans Affairs.

(B) The Secretary of Defense.

(C) The Assistant Secretary of Labor for Veterans' Employment and Training.

(D) The Administrator of the Small Business Administration.

(E) The Postmaster General.

(F) The Director of the Office of Personnel Management.

(3) A vacancy in the Committee shall be filled in the manner in which the original appointment was made.

(d) ADMINISTRATIVE MATTERS.—(1) The Committee shall meet not less frequently than once each calendar quarter.

(2) The Secretary of Labor shall appoint the chairman of the Committee.

(3)(A) Members of the Committee shall serve without compensation.

(B) Members of the Committee shall be allowed reasonable and necessary travel expenses, including per diem in lieu of subsistence, at rates authorized for persons serving intermittently in the Government service in accordance with the provisions of subchapter I of chapter 57 of title 5 while away from their homes or regular places of business in the performance of the responsibilities of the Committee.

(4) The Secretary of Labor shall provide staff and administrative support to the Committee to assist it in carrying out its duties under this section. The Secretary shall assure positions on the staff of the Committee include positions that are filled by individuals that are now, or have ever been, employed as one of the following:

(A) Staff of the Assistant Secretary of Labor for Veterans' Employment and Training under section 4102A of title 38, United States Code as in effect on the date of the enactment of this Act.

(B) Directors for Veterans' Employment and Training under section 4103 of such title as in effect on such date.

(C) Assistant Director for Veterans' Employment and Training under such section as in effect on such date.

(D) Disabled veterans' outreach program specialists under section 4103A of such title as in effect on such date.

(E) Local veterans' employment representatives under section 4104 of such title as in effect on such date.

(5) Upon request of the Committee, the head of any Federal department or agency may detail, on a nonreimbursable basis, any of the personnel of that department or agency to the Committee to assist it in carrying out its duties.

(6) The Committee may contract with and compensate government and private agencies or persons to furnish information to employers under subsection (b)(1) without regard to section 3709 of the Revised Statutes (41 U.S.C. 5).

(e) REPORT.—Not later than December 31, 2003, 2004, and 2005, the Secretary of Labor shall submit to Congress a report on the activities of the Committee under this section during the previous fiscal year, and shall include in such report data with respect to placement and retention of veterans in jobs attributable to the activities of the Committee.

(f) TERMINATION.—The Committee shall terminate 60 days after submitting the report that is due on December 31, 2005.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Labor from the employment security administration account (established in section 901 of the Social Security Act (42 U.S.C. 1101)) in the Unemployment Trust Fund $3,000,000 for each of fiscal years 2003 through 2005 to carry out this section.

SEC. 7. REPORT ON IMPLEMENTATION OF EMPLOYMENT REFORMS.

(a) STUDY.—The Comptroller General of the United States shall conduct a study on the implementation by the Secretary of Labor of the provisions of this Act during the program years that begin during fiscal years 2003 and 2004. The study shall include an assessment of the modifications under sections 2 through 5 of this Act of the provisions of title 38, United States Code, and an evaluation of the impact of those modifications, and of the actions of the President's National Hire Veterans Committee under section 6 of this Act, to the provision of employment, training, and placement services provided to veterans under that title.

(b) REPORT.—Not later than 6 months after the conclusion of the program year that begins during fiscal year 2004, the Comptroller General shall submit to Congress a report on the study conducted under subsection (a). The report shall include such recommendations as the Comptroller General determines appropriate, including recommendations for legislation or administrative action.

Mr. EVANS. Mr. Speaker, I rise in strong support of H.R. 4015, the Jobs for Veterans Act. This legislation will improve and modernize veterans' employment and training services currently administered by the Department of Labor (DOL) and delivered through various State employment agencies.

I thank CHRIS SMITH, our Chairman, and MIKE SIMPSON and SILVESTRE REYES, Chairman and Ranking Member of the Benefits Subcommittee, for their leadership on this measure. I also thank all staff for their hard work on H.R. 4015 and particularly Geoffrey Collver and Darryl Kehrer for their determined and excellent work on this legislation.

H.R. 4015, as amended, will introduce many new features into the veterans' employment services system, including greater flexibility, creativity, incentives, and increased accountability. I was a strong supporter of H.R. 4015 when the bill originally passed the House in May of 2002 and am pleased the Senate passed the bill with relatively few changes. This legislation is timely and needed, especially given the slowing economy and traditionally difficult time many of our nation's disabled veterans have in obtaining quality employment. The men and women who have worn a uniform in defense of this country deserve first rate employment and training services.

The bill, as amended, encourages the Federal, State and local governments to work together in providing high level, focused, employment and training services to veterans and certain spouses of veterans. The legislation requires a State to submit a "plan" describing the manner in which it will furnish outreach and employment services, as well as, sets forth conditions for receipt of DOL funds. In addition, the legislation encourages improved employment services through a program of employee incentive awards for excellent or substantially improved performance. Mr. Speaker, I look forward to monitoring the implementation and effectiveness of the bill's new incentive and accountability provisions, they are important components of the overall delivery scheme.

This measure also provides for "priority of service" to veterans wishing to participate in other DOL job training programs, and removes many outdated and rigid hiring constraints on the States and local governments. As a senior member of the House Armed Services Committee, I am especially pleased that the legislation broadens eligibility for non-competitive appointments of certain veterans within the Federal civil service. This provision will allow some veterans who have lost their jobs due to the poor economy, or their companies moving overseas for cheaper labor costs, to explore alternative career options with the Federal government.

The Jobs for Veterans Act also includes many other important provisions that will affect many veterans and their families as they seek quality employment services:

Federal contractors and subcontractors engaged in operations of $100,000 or more must take affirmative action to employ and advance qualified veterans;

Revises the funding formula, which DOL provides to States to better reflect the proportion of veterans seeking employment in that State;

Authorizes the Secretary of Labor to engage in on-going technical assistance, including corrective action plans, with respect to State and local governments receiving veterans' employment funds;

Emphasizes that certain disabled veterans may need intensive employment services in order to obtain quality employment;

Mandates that DOL develop and enhance the delivery of employment services by providing such services via the Internet and other electronic means; and

Requires a GAO study and report on the implementation and effectiveness of the legislation to be delivered after the first two program years.

Mr. Speaker, I urge my colleagues to support this important legislation.

Mr. SIMPSON. Mr. Speaker, we all agree that our fellow Americans who have served in our military represent a unique national resource. We need to ensure we fulfill our obligation to them.

H.R. 4015, as amended, the "Jobs for Veterans Act," provides us the opportunity to approve legislation that will help our former servicemembers obtain long-term, sustained employment.

The Jobs for Veterans Act essentially creates a new Department of Labor delivery system for veterans' employment and training services in light of the Government Performance and Results Act, the new One-Stop career centers under the Workforce Investment Act of 1998, and the availability of self-service job assistance by way of the Internet.

H.R. 4015, as amended, can be described in four words: incentives, results, flexibility, and accountability in the delivery of employment and training services for veterans through individual states and counties.

The Subcommittee on Benefits has worked on this legislation for the past two and one-half years, and I applaud the hard work of Jack Quinn, Bob Filner, and J.D. Hayworth on earlier versions of the bill.

I also want to recognize the Ranking Member of the Benefits Subcommittee, Silvestre Reyes, for his leadership on this issue, as well as the Chairman and Ranking Member of the full Committee, Chris Smith and Lane Evans, for their support.

I very much appreciate the support of the Senate Committee on Veterans' Affairs in approving the compromise agreement on this legislation. Indeed, Committee Chairman Rockefeller and Ranking Member Specter have played a leadership role in both strengthening the bill, and in Senate passage of it.

Mr. Speaker, about 215,000 servicemembers are estimated to separate from the Armed Forces this fiscal year; I believe this bill is a win-win situation for both our veterans and our economy.

I urge my colleagues to support H.R. 4015.

Mr. SMITH of New Jersey. Mr. Speaker, nationally, only about three in ten veterans seeking jobs through the Veterans Employment and Training Service (VETS), which is managed by the Department of Labor, are finding work. And the work they are finding isn't necessarily in career-type jobs.

This federally-funded program, which is carried out through a partnership with the States, must do a better job.

The Committee's bill, H.R. 4015, as amended, would revamp VETS to allow it to work better within the framework of the recent Workforce Investment Act.

One of the bill's most important provisions would require the Secretary of Labor to carry our a program of financial and non-financial performance incentive awards to states to encourage them to improve and modernize their employment, training and placement services for veterans. The bill would also require any poorly performing states to develop and implement corrective action plans.

Mr. Speaker, I don't want to imply that states are not doing a good job. In fact, many are. I am confident that with the enactment of this legislation, the states with poor records will be given the flexibility and incentives they need to improve. The result will be that many more veterans will find good jobs and taxpayers will get a much better return on their investment in this program for veterans.

I want to commend the Chairman of the Benefits Subcommittee, Mike Simpson, for the extraordinary effort that led to a bill commanding the broad support needed to make this bill happen. I also want to commend the previous Chairman, Jack Quinn, the current Ranking Member, Sylvestre Reyes, and the former Ranking Member, Bob Filner, for their bipartisan support of this important bill.

I also want to thank the leadership of the Senate Veterans' Affairs Committee, Chairman John Rockefeller, and Ranking Republican Arlen Specter, for their consideration of the House bill and the many improvements they suggested.

The legislative process has produced a strong bill that we can be proud to send to the President. This is a significant step toward improving the employment services a grateful Nation offers those Americans who have served in military uniform.

Mr. Speaker, I ask unanimous consent to revise and extend my remarks and that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous material on H.R. 4015, as amended.

For the benefit of my colleagues, I include at this point in the Record a joint explanatory statement describing the compromise agreement we have reached with the other body:

Joint Explanatory Statement on Senate Amendments To House Amendments to H.R. 4015

H.R. 4015, as amended, the Jobs for Veterans Act, reflects a Compromise Agreement the House and Senate Committees on Veterans' Affairs have reached on H.R. 4015, as amended, ("House Bill"). H.R. 4015, as amended, passed the House of Representatives on May 21, 2002. There is no comparable Senate bill.

The House and Senate Committees on Veterans' Affairs have prepared the following explanation of H.R. 4015, as amended, ("Compromise Agreement"). Clerical corrections, conforming changes, and minor drafting, technical, and clarifying changes are not noted in this document.

Priority of Service for Veterans in Department of Labor Job Training Programs

CURRENT LAW

Section 4212 of title 38, United States Code, requires that for certain Federal contracts of $25,000 or more, contractors and subcontractors take affirmative action to employ and advance in employment "special disabled veterans" (veterans with serious employment handicaps or disability ratings of 30 percent or higher), Vietnam-era veterans, recently-separated veterans, and other veterans who are "preference eligible." Preference eligible veterans generally are veterans who have served during wartime or in a campaign or expedition for which a campaign badge has been authorized.

Under section 4214 of title 38, United States Code, the Office of Personnel Management administers the Veterans Readjustment Appointment ("VRA") authority program to promote employment and job advancement opportunities within the Federal government for disabled veterans, certain veterans of the Vietnam era, and veterans of the post-Vietnam era who are qualified for such employment and advancement. In general: (1) such appointments may be made up to and including the GS–11 level or its equivalent; (2) a veteran shall be eligible for such an appointment without regard to the veteran's number of years of education; (3) a veteran who receives VA disability compensation shall be given preference for a VRA appointment over other veterans; (4) upon receipt of a VRA appointment, a veteran may receive training or education if the veteran has less than 15 years of education; and (5) upon successful completion of the prescribed probation period, a veteran may acquire competitive status. Except for a veteran who has a service-connected disability rated at 30 percent or more, a veteran of the Vietnam era may receive a VRA appointment only during the period ending 10 years after the date of the veteran's last separation from active duty or December 31, 1995, whichever is later.

HOUSE BILL

Section 2 of H.R. 4015 would create a new section 4215 within chapter 42 of title 38, United States Code, to provide priority of service (over non-veterans) to veterans and spouses of certain veterans for the receipt of employment, training, and placement services in any qualified job training program directly funded, in whole or in part, by the Department of Labor, notwithstanding any other provision of law. The Secretary of Labor would be authorized to establish priorities among such covered persons to take into account the needs of disabled veterans and such other factors as the Secretary determines appropriate.

With respect to Federal contracts and subcontracts in the amount of $100,000 or more, section 2 would provide that a contractor and any subcontractor take affirmative action to employ and advance in employment qualified veterans. This would include immediate listing of employment openings for such contracts through the appropriate employment delivery system.

Section 2 would also change the Veterans Readjustment Appointment ("VRA") to the "Veterans Recruitment Appointment" authority and change eligibility for these appointments from Vietnam era and post-Vietnam era veterans to qualified covered veterans (see below) within the 10-year period that begins on the date of the veteran's last discharge; the 10-year period would not apply to a veteran with a service-connected disability of 30 percent or more.

Finally, section 2 would make eligible as "covered veterans" for Federal contracts and subcontracts and the Veterans Recruitment Appointment authority: disabled veterans; veterans who served on active duty during a war or in a campaign or expedition for which a campaign badge has been authorized; veterans who, while serving on active duty in the Armed Forces, participated in a United States military operation for which an Armed Forces service medal was awarded; or veterans discharged or released from military service within the past three years.

COMPROMISE AGREEMENT

Section 2 of the Compromise Agreement follows the House language with amendments.

The agreement would delete the 10-year eligibility period for a VRA appointment, in light of the broader Veterans Recruitment (not "Readjustment") Appointment authority embodied in the Compromise Agreement.

The Committees note that the definition of the term "covered person" for priority of service in Department of Labor veterans job training programs includes both veterans and certain spouses and surviving spouses of deceased veterans. Specifically, the provision would include a surviving spouse of a veteran who died as a result of a service-connected disability, including the surviving spouse of a veteran who died in the active military, naval or air service, and the surviving spouse of a veteran who was totally disabled at the time of death. The provision would also apply to spouses of active duty servicemembers who have for a period of at least 90 days been missing in action, captured by a hostile force or forcibly detained or interned in line of duty by a foreign government and the spouses of veterans who are totally disabled due to a service-connected disability.

FINANCIAL AND NON-FINANCIAL PERFORMANCE INCENTIVE AWARDS FOR QUALITY VETERANS EMPLOYMENT, TRAINING, AND PLACEMENT SERVICES

CURRENT LAW

No provision.

HOUSE BILL

Section 3 of H.R. 4015 would create a new section 4112 within chapter 41 of title 38, United States Code, to require the Secretary to carry out a program of performance incentive awards to States to encourage improvement and modernization of employment, training and placement services to veterans. The Secretary would provide greater amounts to States that furnish the highest quality of services, but also would provide awards to States that have made significant improvements in services. States could use such awards to hire additional State veterans' employment and training staff or for such other purposes relating to these services that the Secretary may approve. Awards would be obligated by the State during the program year in which the award was received and the subsequent program year.

Section 3 also would authorize additional funds to be appropriated for the Secretary to carry out the program of performance incentive awards in the following amounts: $10 million for the program year beginning in fiscal year 2004; $25 million for the program year beginning in fiscal year 2005; $50 million for the program year beginning in fiscal year 2006; $75 million for the program year beginning in fiscal year 2007; and $100 million for the program year beginning in fiscal year 2008.

COMPROMISE AGREEMENT

Section 3 of the Compromise Agreement would establish a system of financial and non-financial incentive awards to be administered by the States, based on criteria established by the Secretary in consultation with the States. Disabled Veterans Outreach Program Specialists ("DVOP"), Local Veterans Employment Representatives ("LVER"), Workforce Investment Act ("WIA"), and Wagner-Peyser staffs would be eligible for each award. Beginning in program years during or after fiscal year 2004, the Secretary would be required to identify and assign one percent of the annual grant to each State for the State to use as a performance incentive financial award (see section 4). Under this section, each State would be required to describe how it would administer this award in its annual grant application to the Secretary (see section 4). States would also administer the non-financial performance incentive award program based on criteria established by the Secretary.

The Committees intend that the Secretary's criteria be broad in order to give States maximum flexibility in the manner chosen to recognize employees for excellence in service delivery to veterans or improvements thereto. The Committees also intend that States use Salary and Expense (S&E) funds to pay for such items as employee recognition plaques and other modest forms of recognition, as part of the non-financial performance incentive awards program.

REFINEMENT OF JOB TRAINING AND PLACEMENT FUNCTIONS OF THE DEPARTMENT

CURRENT LAW

Chapter 41 of title 38, United States Code, establishes policies governing the administration of veterans' employment and training services by the States, as funded by Department of Labor funds.

Section 4101 of title 38, United States Code, defines terms used in the chapter, such as "disabled veteran," "eligible person," and "local employment service office."

In section 4102, Congress declares as its intent and purpose that there shall be an effective: (1) job and training counseling service program; (2) employment placement service program; and (3) job training placement service program for eligible veterans and eligible persons.

Section 4102A specifies the job duties of the Assistant Secretary of Labor for Veterans' Employment and Training ("ASVET") and Regional Administrators for Veterans' Employment and Training ("RAVET"). The RAVET is required to be a veteran. The Deputy Assistant Secretary for Veterans Employment and Training ("DASVET") is also required to be a veteran. The ASVET need not be a veteran.

Section 4103 prescribes in detail the 15 job duties of Directors ("DVET") and Assistant Directors ("ADVET") of Veterans' Employment and Training. It also requires that the Secretary of Labor assign to each State one ADVET for every 250,000 veterans and eligible persons in the State veteran's population.

Section 4103A prescribes the appointment of one DVOP for every 7,400 veterans who are between the ages of 20 and 64 residing in each State. This section also requires that each DVOP be a veteran and specifies that preference be given to qualified disabled veterans in filling these positions. It prescribes where a DVOP is to be stationed in furnishing services and the specific functions that DVOP perform.

Section 4104 requires that in any fiscal year funding be available to the States to employ 1,600 full-time LVERs. This section prescribes that funding furnished to the States for LVERs shall be assigned in each State on January 1, 1987, plus one additional LVER per State. This section also specifies in detail the manner in which the 1,600 LVERs shall be allocated to the States, and the manner in which the States shall assign LVERs to local employment service offices based on the number of veterans and eligible persons who register for assistance. This section also requires that in appointing LVERs, preference shall be given to qualified eligible veterans or eligible persons. Preference is accorded first to qualified eligible veterans, and then to qualified eligible persons. Lastly, this section prescribes the specific functions that LVERs shall perform.

Section 4104A requires that each State employment agency develop and apply DVOP and LVER programs. It requires the Secretary to furnish prototype standards to the States. This section also requires DVETs and ADVETs to furnish appropriate assistance to States in developing and implementing such standards.

Section 4106 requires the Secretary to estimate the funds necessary for the proper and efficient administration of chapters 41, 42, and 43 of title 38, United States Code. This section authorizes such sums as may be necessary for administration of chapter 41 services, including the National Veterans' Employment and Training Services Institute ("NVETSI").

In general, section 4107 of title 38, United States Code, requires the Secretary of Labor to establish and carry out various administrative controls to ensure veterans and eligible persons receive job placement, job training, or some other form of assistance such as individual job development or employment counseling services. This section also requires the Secretary to submit to the Committees on Veterans' Affairs of the House and Senate not later than February 1 of each year, a report on the success during the previous program year of the Department of Labor ("DOL") and State employment service agencies in furnishing veterans' employment and training services.

Section 4109 requires that the Secretary make available such funds as may be necessary to operate a NVETSI for training DVOP, LVER, DVET, ADVET, and RAVET personnel.

HOUSE BILL

Section 4 of H.R. 4015 would amend sections 4102A, 4103, 4103A, 4104, and 4109 of title 38, United States Code.

Section 4 of H.R. 4015 would amend current law section 4102A, of title 38, United States Code. The ASVET would be required to be a veteran. It also would impose new qualifications for the position of DASVET. In doing so, it would make this position a career federal civil service position. The individual appointed to this position would be required to have at least five years of continuous Federal service in the executive branch immediately preceding appointment as Deputy Assistant Secretary, and to be a veteran.

This section would set forth conditions for receipt of funding by States to include a requirement that a State submit an application for a grant or contract describing the manner in which the State would furnish employment, training, and placement services. A service delivery plan would include a description of the DVOP and LVER duties assigned by the State and other matters.

Section 4 would revise the methods by which the Secretary furnishes funds to a State. It would require the Secretary to make funds available for a fiscal year to each State in proportion to the number of veterans seeking employment using such criteria as the Secretary may establish in regulations. Under this section, the proportion of funding would reflect the ratio of the total number of veterans residing in the State who are seeking employment to the total number of veterans seeking employment in all States.

Section 4 also would require:

1. A State to annually submit to the Secretary of Labor an application for a grant or contract that includes a plan describing the manner in which the State would furnish employment, training, and placement services, with a description of DVOP and LVER duties assigned by the State. The plan would also be required to describe the manner in which DVOPs and LVERs would be integrated into the employment service delivery systems in the State, the veteran population to be served, and additional information the Secretary might require;
2. The Secretary to make available to each State based on an application approved by the Secretary, an amount of funding in proportion to the number of veterans seeking employment using such criteria as the Secretary might establish in regulation, including civilian labor force and unemployment data;
3. The Secretary to phase-in such annual funding over the three fiscal year-periods that begin on October 1, 2002;
4. The Secretary to establish minimum funding levels and hold-harmless criteria in administering funding to the States;
5. The State to develop and implement a corrective action plan to be submitted to the Secretary when a State has an entered-employment rate that the Secretary determines is deficient for the preceding year;
6. The Secretary to establish by regulation a uniform national threshold entered-employment rate for a program year by which determinations of deficiency might be made. The Secretary would be required to take into account the applicable annual unemployment data for the State and consider other factors, such as prevailing economic conditions, that affect performance of individuals providing employment, training, and placement services in the State;
7. The State to notify the Secretary on an annual basis of, and provide a supporting rationale for, each non-veteran who is employed as a DVOP and LVER for a period in excess of six months;
8. The Secretary to assign to each region a representative of the Veterans' Employment and Training Service ("VETS") to serve as RAVET. The RAVET would be required to be a veteran; and
9. The ASVET to establish and implement a comprehensive accountability system to measure the performance of delivery systems in a State. The accountability system would be required to be (1) consistent with State performance measures applicable under section 136(b) of the Workforce Investment Act of 1998, and (2) appropriately weighted to provide special consideration for veterans requiring intensive services and for veterans who enroll in readjustment counseling services furnished by the Department of Veterans Affairs.

Supervisory Personnel. Section 4 would also amend current section 4103 of title 38, United States Code, to authorize the Secretary to assign as supervisory personnel such representatives of VETS as the Secretary determines appropriate. It would also replace the specific requirements for appointment of ADVET with a more flexible authority to appoint supervisory personnel.

Disabled Veterans Outreach Program Specialists. This section would amend current section 4103A of title 38, United States Code, to require, subject to approval by the Secretary, that States employ a sufficient number of full or part-time DVOPs to carry out intensive services to meet the employment needs of special disabled veterans, other disabled veterans and other eligible veterans. It would require to the maximum extent practicable, that such employees be qualified veterans. Preference would be given to qualified disabled veterans.

Local Veterans Employment Specialists. Section 4 would amend current law section 4104 of title 38, United States Code, by requiring, subject to approval by the Secretary, that a State employ such full and part-time LVERs as the State determines appropriate and efficient to carry out employment, training and placement services. It would require, to the maximum extent practicable, that such employees be qualified veterans.

This section would require that each LVER be administratively responsible to the manager of the employment service delivery system. Under this section, the LVER would provide reports, not less frequently than quarterly, to the manager of such office and to the DVET for the State regarding compliance with Federal law and regulations with respect to special services and priorities for eligible veterans and eligible persons.

National Veterans' Employment and Training Services Institute. Additionally, section 4 would amend current section 4109 of title 38, United States Code, to clarify the authority of the NVETSI to enter into contracts or agreements with departments or agencies of the United States or of a State, or with other organizations, to carry out training in providing veterans' employment, training, and placement services. Further, it would require that each annual budget submission include a separate listing of the amount of funding proposed for NVETSI.

Finally, section 4 would require that the Secretary, within 18 months of enactment, enhance the delivery of services by providing "one-stop" services and assistance to covered persons by way of the Internet and by other electronic means.

COMPROMISE AGREEMENT

Section 4 of the Compromise Agreement follows the House language with amendments.

Under this section, the individual appointed as DASVET would be required to have at least five years of service in a management position as a Federal civil service employee or comparable service in a management position in the Armed Forces preceding appointment as DASVET.

The annual grant application plan submitted by the States would have an additional requirement to describe the manner in which the respective States would administer the performance incentives established in section 3. The Committees note that other aspects of the State plan and grant application requirements contained in the House-passed bill, such as describing DVOP and LVER duties, are retained.

The Compromise Agreement clarifies that State corrective action plans would be submitted to the Secretary for approval, and if approved, would be expeditiously implemented. If the Secretary disapproved a corrective action plan, the Secretary would be required to take such steps as would be necessary for the State to implement corrective actions.

The Secretary would also be required to identify and assign one percent of the funding grant to each State to establish financial performance incentive awards. Further, the Secretary would have on-going authority to furnish technical assistance to any State that the Secretary determines has, or may have, a deficient entered-employment rate, including assistance in developing a corrective action plan.

The Committees intend that the Secretary should offer technical assistance in an anticipatory way, so as to avoid deficient performance.

The Compromise Agreement would require that the DVET be a bona fide resident of the State for two years to qualify for such a position.

Lastly, the Compromise Agreement does not require that the ASVET, DASVET, RVET, DVET, or ADVET be veterans. The Committees encourage the appointment of veterans to these positions, but do not believe a statutory requirement is necessary.

The amendments made by subsection (a) revising department level senior officials and functions, and subsection (b) revising statutorily-defined duties of DVOP and LVERs, would take effect on the date of enactment of this Act, and apply to program and fiscal years under chapter 41 of title 38, United States Code, beginning on or after such date.

ADDITIONAL IMPROVEMENTS IN VETERANS' EMPLOYMENT AND TRAINING SERVICES

CURRENT LAW

Sections 4102, 4106(a), 4107(a), 4107(c)(1), and section 4109(a) of title 38, United States Code, refer to terms such as "job and job training counseling service program," "proper counseling," "employment counseling services," "the number counseled," and "counseling," respectively, in describing services available to veterans and eligible persons under this chapter.

Section 4101(7) of title 38, United States Code, defines the term "local employment service office" as a service delivery point which has an intrinsic management structure and at which employment services are offered in accordance with the Wagner-Peyser Act.

Section 4107(c)(1) of title 38, United States Code, defines "veterans of the Vietnam era" as a group which the Secretary must address with respect to various employment and training services in the annual report to the Committees on Veterans' Affairs. Section 4107(c)92) requires submission in the report of data on the "job placement rate" for veterans and eligible persons.

HOUSE BILL

Section 5 of H.R. 4015 would substitute the words "intensive services" for the word "counseling" throughout chapter 41 of title 38, United States Code, so as to make the chapter consistent with section 134(d)(3) of the Workforce Investment Act of 1998, Public Law 105–220. This section would also add programs carried out by the VETS to ease transition of servicemembers to civilian careers as a new program the Secretary would administer.

This section of the bill would make a definitional change so as to replace "local employment service office" and its current-law definition with "employment service delivery system." The latter term would be redefined as a service delivery system at which or through which labor exchange services, including employment, training, and placement services, are offered in accordance with the Wagner-Peyser Act.

This section also would replace "job placement rate" with "the rate of entered employment (as determined in a manner consistent with State performance measure applicable under section 136(b) of the Workforce Investment Act of 1998)." Further, with respect to the Secretary's annual report, it would replace "veterans of the Vietnam era" and "eligible persons registered for assistance" with "eligible persons, recently separated veterans (as defined in section 4211(6) of title 38), and servicemembers transitioning to civilian careers who are registered for assistance,"Lastly, section 5 would add two additional requirements to the Secretary's annual report submitted to the Committees on Veterans' Affairs of the House and Senate. First, the report must include information on the operation during the preceding program year of the program of performance incentive awards for quality employment services under section 4112 of this title, including an analysis of the amount of incentives distributed to each State and the rational for such distribution. Second, a report would be required on the "performance of States and organizations and entities carrying out employment, training, and placement services under this chapter, as measured by revised performance criteria. In the case of a State that the Secretary determines has not met the minimum standard of performance established by the Secretary, the Secretary would be required to include an analysis of the extent and reasons for the State's failure to meet that minimum standard, together with the State's plan for corrective action during the succeeding year."

COMPROMISE AGREEMENT

Section 5 of the Compromise Agreement follows the House language with an amendment. The Secretary's annual report to the Committees on Veterans' Affairs of the House and Senate would be required to include information on the operation during the preceding program year of performance incentive awards for quality employment services administered through the States. The report would not require an analysis of the amount of incentives distributed to each State and the rationale for such distribution because each State's DVOP/LVER grant would identify and assign one percent of the grant for use by the State for the financial incentive awards.

COMMITTEE TO RAISE EMPLOYER AWARENESS OF SKILLS OF VETERANS AND BENEFITS OR HIRING VETERANS

CURRENT LAW

No provision.

HOUSE BILL

Section 6 of H.R. 4015 would authorize $3 million to be appropriated to the Secretary of labor from the Employment Security Administration account in the Unemployment Trust Fund for each of fiscal years 2003 through 2005 to establish within the Department of Labor the President's National Hire Veterans Committee. The Committee would furnish information to employers with respect to the training and skills of veterans and disabled veterans, and with respect to the advantages afforded employers by hiring veterans. The Secretary of Labor would provide staff and administrative support to the Committee to assist it in carrying out its duties under this section. Upon request of the Committee, the head of any Federal department or agency would be authorized to detail staff on a non-reimbursable basis. The Committee would also have the authority to contract with government and private agencies to furnish information to employers. The Committee would terminate on December 31, 2005.

COMPROMISE AGREEMENT

Section 6 of the Compromise Agreement contains the House language.

SENSE OF CONGRESS COMMENDING VETERANS AND MILITARY SERVICE ORGANIZATIONS

CURRENT LAW

No provision.

HOUSE BILL

Section 7 of H.R. 4015 would express the sense of Congress commending veterans and military service organizations, and encouraging them to provide job placement assistance to veterans who are job-ready by making personal computers available to them with access to electronic job placement services and programs.

COMPROMISE AGREEMENT

The Compromise Agreement does not include this section.

REPORT ON IMPLEMENTATION OF EMPLOYMENT REFORMS

CURRENT LAW

No provision.

HOUSE BILL

Section 8 of H.R. 4015 would authorize $1 million for the Secretary of Labor to enter into a contract with an appropriate organization or entity to conduct an 18-month study to quantify the economic benefit to the United States attributable to the provision of employment and training services provided under chapter 41 of title 38, United States Code, in helping veterans to attain long-term, sustained employment.

COMPROMISE AGREEMENT

Section 7 of the compromise Agreement would direct the Comptroller General of the United States to conduct a study on the implementation by the Secretary of Labor of the provisions of this title during the program years that begin during fiscal years 2003 and 2004. The study would include an assessment of the effect of this title on employment, training, and placement services furnished to veterans. Not later than six months after the conclusion of the program year that begins during fiscal year 2004, the Comptroller General would submit to Congress a report on the conducted study. Under this section, the report would include recommendations for legislation or administrative action.

This is a bipartisan bill, and I urge Members to support it.

CONCURRED IN SENATE AMENDMENT TO HOUSE AMENDMENT TO SENATE AMENDMENTS

H.R. 3253, to amend title 38, United States Code, to provide for the establishment within the Department of Veterans Affairs of improved emergency medical preparedness, research, and education programs to combat terrorism, and for other purposes.

Senate amendment to House amendment to Senate amendments:

In lieu of the matter proposed to be inserted by the House amendment to the text of the bill, insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Department of Veterans Affairs Emergency Preparedness Act of 2002".

SEC. 2. ESTABLISHMENT OF MEDICAL EMERGENCY PREPAREDNESS CENTERS AT DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTERS.

(a) IN GENERAL.—(1) Subchapter II of chapter 73 of title 38, United States Code, is amended by adding at the end the following new section:

"§ 7325. Medical emergency preparedness centers

"(a) ESTABLISHMENT OF CENTERS.—(1) The Secretary shall establish four medical emergency preparedness centers in accordance with this section. Each such center shall be established at a Department medical center and shall be staffed by Department employees.

"(2) The Under Secretary for Health shall be responsible for supervising the operation of the centers established under this section. The Under Secretary shall provide for ongoing evaluation of the centers and their compliance with the requirements of this section.

"(3) The Under Secretary shall carry out the Under Secretary's functions under paragraph (2) in consultation with the Assistant Secretary of Veterans Affairs with responsibility for operations, preparedness, security, and law enforcement functions.

"(b) MISSION.—The mission of the centers shall be as follows:

"(1) To carry out research on, and to develop methods of detection, diagnosis, prevention, and treatment of injuries, diseases, and illnesses arising from the use of chemical, biological, radiological, incendiary or other explosive weapons or devices posing threats to the public health and safety.

"(2) To provide education, training, and advice to health care professionals, including health care professionals outside the Veterans Health Administration, through the National Disaster Medical System established pursuant to section 2811(b) of the Public Health Service Act (42 U.S.C. 300hh-11(b)) or through interagency agreements entered into by the Secretary for that purpose.

"(3) In the event of a disaster or emergency referred to in section 1785(b) of this title, to provide such laboratory, epidemiological, medical, or other assistance as the Secretary considers appropriate to Federal, State, and local health care agencies and personnel involved in or responding to the disaster or emergency.

"(c) SELECTION OF CENTERS.—(1) The Secretary shall select the sites for the centers on the basis of a competitive selection process. The Secretary may not designate a site as a location for a center under this section unless the Secretary makes a finding under paragraph (2) with respect to the proposal for the designation of such site. To the maximum extent practicable, the Secretary shall ensure the geographic dispersal of the sites throughout the United States. Any such center may be a consortium of efforts of more than one medical center.

"(2) A finding by the Secretary referred to in paragraph (1) with respect to a proposal for designation of a site as a location of a center under this section is a finding by the Secretary, upon the recommendations of the Under Secretary for Health and the Assistant Secretary with responsibility for operations, preparedness, security, and law enforcement functions, that the facility or facilities submitting the proposal have developed (or may reasonably be anticipated to develop) each of the following:

"(A) An arrangement with a qualifying medical school and a qualifying school of public health (or a consortium of such schools) under which physicians and other persons in the health field receive education and training through the participating Department medical facilities so as to provide those persons with training in the detection, diagnosis, prevention, and treatment of injuries, diseases, and illnesses induced by exposures to chemical and biological substances, radiation, and incendiary or other explosive weapons or devices.

"(B) An arrangement with a graduate school specializing in epidemiology under which students receive education and training in epidemiology through the participating Department facilities so as to provide such students with training in the epidemiology of contagious and infectious diseases and chemical and radiation poisoning in an exposed population.

"(C) An arrangement under which nursing, social work, counseling, or allied health personnel and students receive training and education in recognizing and caring for conditions associated with exposures to toxins through the participating Department facilities.

"(D) The ability to attract scientists who have made significant contributions to the development of innovative approaches to the detection, diagnosis, prevention, or treatment of injuries, diseases, and illnesses arising from the use of chemical, biological, radiological, incendiary or other explosive weapons or devices posing threats to the public health and safety.

"(3) For purposes of paragraph (2)(A)—

"(A) a qualifying medical school is an accredited medical school that provides education and training in toxicology and environmental health hazards and with which one or more of the participating Department medical centers is affiliated; and

"(B) a qualifying school of public health is an accredited school of public health that provides education and training in toxicology and environmental health hazards and with which one or more of the participating Department medical centers is affiliated.

"(d) RESEARCH ACTIVITIES.—Each center shall conduct research on improved medical preparedness to protect the Nation from threats in the area of that center's expertise. Each center may seek research funds from public and private sources for such purpose.

"(e) DISSEMINATION OF RESEARCH PRODUCTS.—(1) The Under Secretary for Health and the Assistant Secretary with responsibility for operations, preparedness, security, and law enforcement functions shall ensure that information produced by the research, education and training, and clinical activities of centers established under this section is made available, as appropriate, to health-care providers in the United States. Dissemination of such information shall be made through publications, through programs of continuing medical and related education provided through regional medical education centers under subchapter VI of chapter 74 of this title, and through other means. Such programs of continuing medical education shall receive priority in the award of funding.

"(2) The Secretary shall ensure that the work of the centers is conducted in close coordination with other Federal departments and agencies and that research products or other information of the centers shall be coordinated and shared with other Federal departments and agencies.

"(f) COORDINATION OF ACTIVITIES.—The Secretary shall take appropriate actions to ensure that the work of each center is carried out—

"(1) in close coordination with the Department of Defense, the Department of Health and Human Services, and other departments, agencies, and elements of the Government charged with coordination of plans for United States homeland security; and

"(2) after taking into consideration applicable recommendations of the working group on the prevention, preparedness, and response to bioterrorism and other public health emergencies established under section 319F(a) of the Public Health Service Act (42 U.S.C. 247d–6(a)) or any other joint interagency advisory group or committee designated by the President or the President's designee to coordinate Federal research on weapons of mass destruction.

"(g) ASSISTANCE TO OTHER AGENCIES.—The Secretary may provide assistance requested by appropriate Federal, State, and local civil and criminal authorities in investigations, inquiries, and data analyses as necessary to protect the public safety and prevent or obviate biological, chemical, or radiological threats.

"(h) DETAIL OF EMPLOYEES FROM OTHER AGENCIES.—Upon approval by the Secretary, the Director of a center may request the temporary assignment or detail to the center, on a nonreimbursable basis, of employees from other departments and agencies of the United States who have expertise that would further the mission of the center. Any such employee may be so assigned or detailed on a nonreimbursable basis pursuant to such a request.

"(i) FUNDING.—(1) Amounts appropriated for the activities of the centers under this section shall be appropriated separately from amounts appropriated for the Department for medical care.

"(2) In addition to funds appropriated for a fiscal year specifically for the activities of the centers pursuant to paragraph (1), the Under Secretary for Health shall allocate to such centers from other funds appropriated for that fiscal year generally for the Department medical care account and the Department medical and prosthetics research account such amounts as the Under Secretary determines appropriate to carry out the purposes of this section. Any determination by the Under Secretary under the preceding sentence shall be made in consultation with the Assistant Secretary with responsibility for operations, preparedness, security, and law enforcement functions.

"(3) There are authorized to be appropriated for the centers under this section $20,000,000 for each of fiscal years 2003 through 2007.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 7324 the following new item:

"7325. Medical emergency preparedness centers.".

(b) PEER REVIEW FOR DESIGNATION OF CENTERS.—(1) In order to assist the Secretary of Veterans Affairs and the Under Secretary of Veterans Affairs for Health in selecting sites for centers under section 7325 of title 38, United States Code, as added by subsection (a), the Under Secretary shall establish a peer review panel to assess the scientific and clinical merit of proposals that are submitted to the Secretary for the designation of such centers. The peer review panel shall be established in consultation with the Assistant Secretary of Veterans Affairs with responsibility for operations, preparedness, security, and law enforcement functions.

(2) The peer review panel shall include experts in the fields of toxicological research, infectious diseases, radiology, clinical care of patients exposed to such hazards, and other persons as determined appropriate by the Secretary. Members of the panel shall serve as consultants to the Department of Veterans Affairs.

(3) The panel shall review each proposal submitted to the panel by the officials referred to in paragraph (1) and shall submit to the Under Secretary for Health its views on the relative scientific and clinical merit of each such proposal. The panel shall specifically determine with respect to each such proposal whether that proposal is among those proposals which have met the highest competitive standards of scientific and clinical merit.

(4) The panel shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

SEC. 3. EDUCATION AND TRAINING PROGRAMS ON MEDICAL RESPONSES TO CONSEQUENCES OF TERRORIST ACTIVITIES.

(a) IN GENERAL.—(1) Subchapter II of chapter 73 of title 38, United States Code, is amended by adding after section 7325, as added by section 2(a)(1), the following new section:

"§ 7326. Education and training programs on medical response to consequences of terrorist activities

"(a) EDUCATION PROGRAM.—The Secretary shall carry out a program to develop and disseminate a series of model education and training programs on the medical responses to the consequences of terrorist activities.

"(b) IMPLEMENTING OFFICIAL.—The program shall be carried out through the Under Secretary for Health, in consultation with the Assistant Secretary of Veterans Affairs with responsibility for operations, preparedness, security, and law enforcement functions.

"(c) CONTENT OF PROGRAMS.—The education and training programs developed under the program shall be modelled after programs established at the F. Edward Hebért School of Medicine of the Uniformed Services University of the Health Sciences and shall include, at a minimum, training for health care professionals in the following:

"(1) Recognition of chemical, biological, radiological, incendiary, or other explosive agents, weapons, or devices that may be used in terrorist activities.

"(2) Identification of the potential symptoms of exposure to those agents.

"(3) Understanding of the potential long-term health consequences, including psychological effects, resulting from exposure to those agents, weapons, or devices.

"(4) Emergency treatment for exposure to those agents, weapons, or devices.

"(5) An appropriate course of followup treatment, supportive care, and referral.

"(6) Actions that can be taken while providing care for exposure to those agents, weapons, or devices to protect against contamination, injury, or other hazards from such exposure.

"(7) Information on how to seek consultative support and to report suspected or actual use of those agents.

"(d) POTENTIAL TRAINEES.—In designing the education and training programs under this section, the Secretary shall ensure that different programs are designed for health-care professionals in Department medical centers. The programs shall be designed to be disseminated to health professions students, graduate health and medical education trainees, and health practitioners in a variety of fields.

"(e) CONSULTATION.—In establishing education and training programs under this section, the Secretary shall consult with appropriate representatives of accrediting, certifying, and coordinating organizations in the field of health professions education.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 7326, as added by section 2(a)(2), the following new item:

"7326. Education and training programs on medical response to consequences of terrorist activities.".

(b) EFFECTIVE DATE.—The Secretary of Veterans Affairs shall implement section 7326 of title 38, United States Code, as added by subsection (a), not later than the end of the 90-day period beginning on the date of the enactment of this Act.

SEC. 4. AUTHORITY TO FURNISH HEALTH CARE DURING MAJOR DISASTERS AND MEDICAL EMERGENCIES.

(a) IN GENERAL.—(1) Subchapter VIII of chapter 17 of title 38, United States Code, is amended by adding at the end the following new section:

"§ 1785. Care and services during certain disasters and emergencies

"(a) AUTHORITY TO PROVIDE HOSPITAL CARE AND MEDICAL SERVICES.—During and immediately following a disaster or emergency referred to in subsection (b), the Secretary may furnish hospital care and medical services to individuals responding to, involved in, or otherwise affected by that disaster or emergency.

"(b) COVERED DISASTERS AND EMERGENCIES.—A disaster or emergency referred to in this subsection is any disaster or emergency as follows:

"(1) A major disaster or emergency declared by the President under the Robert B. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

"(2) A disaster or emergency in which the National Disaster Medical System established pursuant to section 2811(b) of the Public Health Service Act (42 U.S.C. 300hh–11(b)) is activated by the Secretary of Health and Human Services under paragraph (3)(A) of that section or as otherwise authorized by law.

"(c) APPLICABILITY TO ELIGIBLE INDIVIDUALS WHO ARE VETERANS.—The Secretary may furnish care and services under this section to an individual described in subsection (a) who is a veteran without regard to whether that individual is enrolled in the system of patient enrollment under section 1705 of this title.

"(d) REIMBURSEMENT FROM OTHER FEDERAL DEPARTMENTS AND AGENCIES.—(1) The cost of any care or services furnished under this section to an officer or employee of a department or agency of the United States other than the Department or to a member of the Armed Forces shall be reimbursed at such rates as may be agreed upon by the Secretary and the head of such department or agency or the Secretary concerned, in the case of a member of the Armed Forces, based on the cost of the care or service furnished.

"(2) Amounts received by the Department under this subsection shall be credited to the Medical Care Collections Fund under section 1729A of this title.

"(e) REPORT TO CONGRESSIONAL COMMITTEES.—Within 60 days of the commencement of a disaster or emergency referred to in subsection (b) in which the Secretary furnishes care and services under this section (or as soon thereafter as is practicable), the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report on the Secretary's allocation of facilities and personnel in order to furnish such care and services.

"(f) REGULATIONS.—The Secretary shall prescribe regulations governing the exercise of the authority of the Secretary under this section.".

(2) The table of sections at the beginning of that chapter is amended by adding at the end the following new item:

"1785. Care and services during certain disasters and emergencies.".

(b) MEMBERS OF THE ARMED FORCES ON ACTIVE DUTY.—Section 8111A(a) of such title is amended—

(1) by redesignating paragraph (2) as paragraph (4);

(2) by designating the second sentence of paragraph (1) as paragraph (3); and

(3) by inserting between paragraph (1) and paragraph (3), as designated by paragraph (2) of this subsection, the following new paragraph:

"(2)(A) During and immediately following a disaster or emergency referred to in subparagraph (B), the Secretary may furnish hospital care and medical services to members of the Armed Forces on active duty responding to or involved in that disaster or emergency.

"(B) A disaster or emergency referred to in this subparagraph is any disaster or emergency as follows:

"(i) A major disaster or emergency declared by the President under the Robert B. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

"(ii) A disaster or emergency in which the National Disaster Medical System established pursuant to section 2811(b) of the Public Health Service Act (42 U.S.C. 300hh–11(b)) is activated by the Secretary of Health and Human Services under paragraph (3)(A) of that section or as otherwise authorized by law.".

SEC. 5. INCREASE IN NUMBER OF ASSISTANT SECRETARIES OF VETERANS AFFAIRS.

(a) INCREASE.—Subsection (a) of section 308 of title 38, United States Code, is amended by striking "six" in the first sentence and inserting "seven".

(b) FUNCTIONS.—Subsection (b) of such section is amended by adding at the end the following new paragraph:

"(11) Operations, preparedness, security, and law enforcement functions.".

(c) NUMBER OF DEPUTY ASSISTANT SECRETARIES.—Subsection (d)(1) of such section is amended by striking "18" and inserting "19".

(d) CONFORMING AMENDMENT.—Section 5315 of title 5, United States Code, is amended by striking "(6)" after "Assistant Secretaries, Department of Veterans Affairs" and inserting "(7)".

SEC. 6. CODIFICATION OF DUTIES OF SECRETARY OF VETERANS AFFAIRS RELATING TO EMERGENCY PREPAREDNESS.

(a) IN GENERAL.—(1) Subchapter I of chapter 81 of title 38, United States Code, is amended by adding at the end the following new section:

"§8117. Emergency preparedness

"(a) READINESS OF DEPARTMENT MEDICAL CENTERS.—(1) The Secretary shall take appropriate actions to provide for the readiness of Department medical centers to protect the patients and staff of such centers from chemical or biological attack or otherwise to respond to such an attack so as to enable such centers to fulfill their obligations as part of the Federal response to public health emergencies.

"(2) Actions under paragraph (1) shall include—

"(A) the provision of decontamination equipment and personal protection equipment at Department medical centers; and

"(B) the provision of training in the use of such equipment to staff of such centers.

"(b) SECURITY AT DEPARTMENT MEDICAL AND RESEARCH FACILITIES.—(1) The Secretary shall take appropriate actions to provide for the security of Department medical centers and research facilities, including staff and patients at such centers and facilities.

"(2) In taking actions under paragraph (1), the Secretary shall take into account the results of the evaluation of the security needs at Department medical centers and research facilities required by section 154(b)(1) of the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 (Public Law 107–188; 116 Stat. 631), including the results of such evaluation relating to the following needs:

"(A) Needs for the protection of patients and medical staff during emergencies, including a chemical or biological attack or other terrorist attack.

"(B) Needs, if any, for screening personnel engaged in research relating to biological pathogens or agents, including work associated with such research.

"(C) Needs for securing laboratories or other facilities engaged in research relating to biological pathogens or agents.

"(c) TRACKING OF PHARMACEUTICALS AND MEDICAL SUPPLIES AND EQUIPMENT.—The Secretary shall develop and maintain a centralized system for tracking the current location and availability of pharmaceuticals, medical supplies, and medical equipment throughout the Department health care system in order to permit the ready identification and utilization of such pharmaceuticals, supplies, and equipment for a variety of purposes, including response to a chemical or biological attack or other terrorist attack.

"(d) TRAINING.—The Secretary shall ensure that the Department medical centers, in consultation with the accredited medical school affiliates of such medical centers, develop and implement curricula to train resident physicians and health care personnel in medical matters relating to biological, chemical, or radiological attacks or attacks from an incendiary or other explosive weapon.

"(e) PARTICIPATION IN NATIONAL DISASTER MEDICAL SYSTEM.—(1) The Secretary shall establish and maintain a training program to facilitate the participation of the staff of Department medical centers, and of the community partners of such centers, in the National Disaster Medical System established pursuant to section 2811(b) of the Public Health Service Act (42 U.S.C. 300hh–11(b)).

"(2) The Secretary shall establish and maintain the training program under paragraph (1) in accordance with the recommendations of the working group on the prevention, preparedness, and response to bioterrorism and other public health emergencies established under section 319F(a) of the Public Health Service Act (42 U.S.C. 247d–6(a)).

"(3) The Secretary shall establish and maintain the training program under paragraph (1) in consultation with the following:

"(A) The Secretary of Defense.

"(B) The Secretary of Health and Human Services.

"(C) The Director of the Federal Emergency Management Agency.

"(f) MENTAL HEALTH COUNSELING.—(1) With respect to activities conducted by personnel serving at Department medical centers, the Secretary shall develop and maintain various strategies for providing mental health counseling and assistance, including counseling and assistance for post-traumatic stress disorder, following a bioterrorist attack or other public health emergency to the following persons:

"(A) Veterans.

"(B) Local and community emergency response providers.

"(C) Active duty military personnel.

"(D) Individuals seeking care at Department medical centers.

"(2) The strategies under paragraph (1) shall include the following:

"(A) Training and certification of providers of mental health counseling and assistance.

"(B) Mechanisms for coordinating the provision of mental health counseling and assistance to emergency response providers referred to in paragraph (1).

"(3) The Secretary shall develop and maintain the strategies under paragraph (1) in consultation with the Secretary of Health and Human Services, the American Red Cross, and the working group referred to in subsection (e)(2).".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 8116 the following new item:

"8117. Emergency preparedness.".

(b) REPEAL OF CODIFIED PROVISIONS.—Subsections (a), (b)(2), (c), (d), (e), and (f) of section 154 of the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 (Public Law 107–188; 38 U.S.C. note prec. 8101) are repealed.

(c) CONFORMING AMENDMENTS.—Subsection (g) of such section is amended—

(1) in paragraph (1), by inserting "of section 8117 of title 38, United States Code" after "subsection (a)"; and

(2) in paragraph (2), by striking "subsections (b) through (f)" and inserting "subsection (b)(1) of this section and subsections (b) through (f) of section 8117 of title 38, United States Code".

Mr. SMITH of New Jersey. Mr. Speaker, I rise to urge my colleagues to support H.R. 3253, as amended, the "Department of Veterans Affairs Emergency Preparedness Act of 2002." H.R. 3253 will provide the federal government with another tool to prevent, or if necessary, respond to future acts of terrorism against the United States. This legislation will mobilize the strength of the VA heath care infrastructure in defending our nation against future acts of terrorism.

Almost exactly one year ago today, on October 15, 2001, I chaired a hearing of the Veterans' Affairs Committee to examine the role of the Department of Veterans Affairs in homeland security. At that hearing, I proposed to use VA's expertise in biomedical research to help in finding treatments and vaccines against deadly chemical and biological threats posed by terrorists. Just two days later, Congress was itself facing anthrax attacks from letters that had been sent through the main post office in my congressional district in Hamilton, New Jersey.

Mr. Speaker, I know from my own experience during these anthrax attacks that our nation needs to quickly develop new tests and treatments for anthrax and other dangerous biological and chemical agents that could be used by terrorists. When anthrax was discovered in the Hamilton Post Office, I was astounded to discover that there were no existing protocols to test, quarantine, or threat victims. The confusion that followed discovery of anthrax made a bad situation even worse. We must learn from that experience.

H.R. 3253 will marshal some of our nation's best and brightest scientists in a focused effort to develop new protocols for testing, vaccinating and treatment our citizens who may be victims of biological, chemical and radiological terrorism.

Although it may come as a surprise to many, the Department of Veterans Affairs operates our nation's largest integrated health care network, with over 200,000 health care practitioners, 163 medical centers, more than 800 outpatient clinics, 115 medical research programs, affiliations with over 100 schools of medicine and a $25 billion annual budget, including over $1 billion for its research programs.

The VA health care system must be an integral component of any homeland security strategy. In fact, VA already does have defined roles in both the National Disaster Medical System (NDMS) and the Federal Response Plan (FRP) in the event of national emergencies.

Among VA's current specialized duties are: conducting and evaluating disaster and terrorist attack simulation exercises; managing the nation's stockpile of drugs to counter the effects of biological and chemical poisons; maintaining a rapid response team for radioactive releases; and training public and private NDMS medical center personnel around the country in properly responding to biological, chemical, or radiological disasters.

H.R. 3253 was developed in order to apply the existing experience and expertise of VA's health care research programs as a defensive tool in the war on terrorism.

As amended, H.R. 3253 will authorize VA to establish four National Medical Preparedness Centers. These centers would undertake research and develop new protocols for detecting, diagnosing, vaccinating and treating potential victims of terrorism. In particular, the Centers would focus on ways to prevent and treat victims of biological, chemical, radiological or other explosive terrorist acts.

The new centers would conduct direct research and coordinate ongoing and promising new research with affiliated universities and other government agencies. These Centers would serve as training resources for thousands of community hospital staffs, hazardous materials "HAZMAT" teams, Emergency Medical Technicians, firefighters and police officers, who must be first medical responders in the event of terrorist attacks.

The emergency preparedness centers would also be charged with establishing state-of-the-art laboratories to help local health authorities detect the presence of dangerous biological and chemical poisons. The funding to support these centers would come from the additional funds provided for combating terrorism and would not use or otherwise reduce funding for veterans' health care.

Under the compromise agreement reached with the Senate, VA's authority to provide emergency medical treatment would be expanded to include first responders, other Federal agencies, veterans not enrolled in the VA health care system, active duty service members and other persons receiving VA care in declared domestic emergencies. Reimbursements collected for the cost of care, whether coming from FEMA, the Defense Department or an insurance company, would be credited to the VA's Medical Care Collections Fund, the same as in other VA collections efforts.

In addition, a new assistant secretary for preparedness, security and law enforcement would be established at VA. Finally, Mr. Speaker, the compromise bill would codify in title 38 of the United States Code various provisions from Public Law 107–188, the "Public Health Security and Bioterrorism Preparedness and Response Act of 2002", that pertain to the Department of Veterans Affairs.

Mr. Speaker, I ask unanimous consent to revise and extended my remarks and that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous material on H.R. 3253, as amended.

Mr. Speaker, with our approval today, H.R. 3253 will go to the President for his signature and enactment. I urge all Members to support this vital legislation.

Mr. MORAN of Virginia. Mr. Speaker, a little more than a year after the assaults on New York and Washington, we are still in a heightened state of concern about the safety of our Nation.

With the bill we pass today, H.R. 3253, the Department of Veterans Affairs Emergency Preparedness Act of 2002, strengthens the role of the Department of Veterans Affairs to protect the people of the United States from terrorists, particularly bio-terrorism threats such as last year's anthrax attacks in Washington, New York, New Jersey and Florida. We must be proactive in preparing the United States for a future terrorist attack. As Vice President CHENEY cautioned this year, "The prospects of a future attack against the United States are almost certain. Not a matter of it, but when. It could happen tomorrow, it could happen next week, it could happen next year, but they will keep trying." We must respond in an effective and comprehensive manner to protect the American people when an attack occurs. This bill would help do just that.

Under this bill, four geographically separated National Medical Emergency Preparedness Centers would be established. Each center would study and develop treatments for human exposure to chemical, biological, explosive and nuclear substances that may be used as weapons of mass destruction.

The Department of Veterans Affairs is a good host for such a new and important mission. In addition to its medical care mission to care for millions of veterans, the veterans health care system is the nation's largest provider of graduate medical education and is a major contributor to biomedical and other scientific research. Because of its widely dispersed, integrated health care system, VA is an essential asset in responding to national, regional and local emergencies. The VA is an integral part of the Federal Response Plan, and an important local resource in natural disasters. This bill strengthens VA's role as a helping agency in such events, and particularly those that may be caused in the future by those bent on destruction of freedom and the American way of life.

Not only would the four emergency preparedness centers conduct research and develop detection, diagnosis, prevention, and treatment methods; but they would also be charged as clearinghouses to disseminate the information to other public and private health care providers, to improve the quality of care for patients who may be exposed to deadly chemicals or radiation.

In addition, our bill would also require the Secretary of Veterans Affairs to carry out a program to develop and disseminate model education and training programs for medical response to terrorist activities. VA's infrastructure, which includes affiliations with over 107 medical schools, and other schools of health professions, would prepare current and future medical professionals in this country to be knowledgeable and medically competent in the treatment of casualties from terrorist attacks. In my home state, the University of Kansas School of Medicine currently partners with 4 Veterans Medical Centers and educates over 700 medical students and more than 390 resident physicians in training.

This bill also provides the VA a formal role in the national disaster medical system, and authorizes the VA to treat first responders, active-duty military forces deployed in domestic deployments, fire fighters, police officers and members of the general public who may fall victim to terrorism or mass casualty disasters. Another important part of this bill is the establishment of a centralized office at VA headquarters to manage all emergency preparedness, security and law enforcement activities, and to organize the VA's resources for maximum efficiency and effectiveness in protecting the security of VA's patients, staff, and infrastructure from the risk and threat of terrorism.

Mr. Speaker, this is a good bill for the American people. The professionals who need to be trained in saving lives will be properly armed with information, education and expertise to provide health care. Mechanisms will be put in place to study the likely avenues and methods of chemical, biological, and radiological poisoning. The VA will also be a part of a national presence for rapid response by local and Federal officials in types of emergencies that only a year ago we could scarcely imagine.

H.R. 3253 is a bipartisan and bicameral compromise, Mr. Speaker. As Chairman of the Subcommittee on Health of the Committee on Veterans Affairs, I am very pleased that the long journey of this legislation concludes today and that we shall send the bill to the President. I want to commend my Chairman, the gentleman from New Jersey, Mr. SMITH, for his leadership and advocacy on this measure, as well as our colleagues, the Ranking Member of the full Committee, the gentleman from Illinois, Mr. EVANS, and the Ranking Member of my Subcommittee, the gentleman from California, Mr. FILNER, for their work. As my Chairman has said previously on the floor of this Chamber, he feels a personal obligation, from events in his own district in the anthrax incidents, that Congress act to improve our safety and prevent such future travesites. I commend him for his dedication and agree that this measure aids in that respect.

I also thank our colleagues in the Senate for their cooperation, contributions and comity.

This bill may be seen as only a small effort today, Mr. Speaker, but it could pay large dividends down the road in America's war on terrorism. I urge its adoption by the House.

Mr. EVANS. Mr. Speaker, I rise in strong support of H.R. 3253, the Department of Veterans Affairs Emergency Preparedness Act of 2002, as amended.

After the tragic events of September 11th last year, our Chairman, CHRIS SMITH, again demonstrated his leadership. He authored and introduced legislation authorizing an important role for the Department of Veterans Affairs in our national fight against terrorism. This is the primary purpose of the measure before us.

VA provides medical care to millions of veterans each year. It conducts ground-breaking health care research. It also provides educational opportunities to many of our nation's health care providers. VA is truly an unparalleled national resource.

This legislation provides the structure and authority for VA to leverage its expertise to combat terrorism. For VA to achieve this goal it must have adequate resources.

Today, VA does not have enough resources. This is not my judgment. This is the judgment of the Task Force to Improve Health Care Delivery to Veterans established by President Bush. I call on the President to fully fund the VA, to provide all funding needed by VA to deliver timely and quality care to our veterans. Mr. President, provide VA the resources it requires to combat terrorism.

I am pleased H.R. 3253, as amended, has been approved by the other body. I urge all Members to support this important legislation so it can be sent to the White House for action by the President.

Mr. Speaker, I urge my colleagues to support passage of this legislation.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER pro tempore. Without objection, the various amendments to the titles are agreed to.

There was no objection.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF VARIOUS LEGISLATIVE MEASURES

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that, in the engrossment of the measures just passed, the Clerk be authorized to correct spelling, punctuation, numbering, and cross-references, and to make such other changes as may be necessary to reflect the actions of the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

GENERAL LEAVE

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the measures just passed and to insert extraneous material thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

RELATING TO EARLY ORGANIZATION OF THE HOUSE OF REPRESENTATIVES FOR THE 108TH CONGRESS

Mr. ARMEY. Mr. Speaker, I offer a resolution (H. Res. 590), and I ask unanimous consent for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 590

Resolved, That any organizational caucus or conference in the House of Representatives for the One Hundred Eighth Congress may begin on or after November 1, 2002.

SEC. 2. (a) With the approval of the majority leader (in the case of a Member or Member-elect of the majority party) or the minority leader (in the case of a Member or Member-elect of the minority party), the provisions of law described in subsection (b) shall apply with respect to the attendance of a Member or Member-elect at a program conducted by the Committee on House Administration for the orientation of new members of the One Hundred Eighth Congress in the same manner as such provisions apply to the attendance of the Member or Member-elect at the organizational caucus or conference.

(b) The provisions of law described in this subsection are as follows:

(1) Subsections (b) and (c) of section 202 of House Resolution 988, Ninety-third Congress, agreed to on October 8, 1974, and enacted into permanent law by chapter III of title I of the Supplemental Appropriations Act, 1975 (2 U.S.C. 29a).

(2) Section 1 of House Resolution 10, Ninety-fourth Congress, agreed to on January 14, 1975, and enacted into permanent law by section 201 of the Legislative Branch Appropriations Act, 1976 (2 U.S.C. 43b–2).

SEC. 3. As used in this resolution, the term "organizational caucus or conference" means a party caucus or conference authorized to be called under section 202(a) of House Resolution 988, Ninety-third Congress, agreed to on October 8, 1974, and enacted into permanent law by chapter III of title I of the Supplemental Appropriations Act, 1975 (2 U.S.C. 29a(a)).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ELIMINATING NOTIFICATION AND RETURN REQUIREMENTS FOR STATE AND LOCAL PARTY COMMITTEES AND CANDIDATE COMMITTEES

Mr. BRADY of Texas. Mr. Speaker, I ask unanimous consent that the Committee on Ways and Means be discharged from further consideration of the bill (H.R. 5596) to amend section 527 of the Internal Revenue Code of 1986 to eliminate notification and return requirements for State and local party committees and candidate committees and avoid duplicate reporting by certain State and local political committees of information required to be reported and made publicly available under State law, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. DOGGETT. Mr. Speaker, reserving the right to object, I do find most objectionable a procedure that brings up important legislation after many Members have departed.

It is particularly ironic that this bill which has not been before any committee of the House or voted upon by any Member of the House up until tonight and which deals with open government should be brought up in this manner. A genuine commitment to openness and public participation requires applying these concepts to more than just the bills that one may not like or be opposed to. The need for a more complete discussion of this particular bill is all the more apparent because of the extended history surrounding it.

This bill seeks to correct a problem that was produced by a process not unlike that we are having tonight. In other words, the error that this bill seeks to address is the result of a hurried-up process that did not involve full participation by all in this House. This measure concerns the first substantive reform of our campaign laws that occurred during the period from 1979 all the way up until the year 2000. And in the spring of 2000 it became apparent that the use of stealth PACS, that is, a form of political action committee in which the donors and the expenditures would not be known, so-called 527 committees, might become a significant factor in the political activity of that year.

Accordingly, I have introduced legislation in the spring of 2000 to put a stop to this, and sought unsuccessfully on at least two occasions in the Committee on Ways and Means and here on the floor of the House to correct this problem but was blocked on the floor at least by fairly narrow efforts in getting those reforms adopted.

Finally, after months of delay, the House Republican leadership reversed course and brought up a 527 bill for consideration in this House, but it did so late at night, even later than tonight here in Washington, with the bill text presented essentially as the floor consideration got under way. No amendments were permitted and the debate was truncated.

Because this process occurred in this way and because the bill was presented rapidly, it was also presented sloppily. And as a result of the sloppy way in which it was presented, some problems were created. During the full Committee on Ways and Means consideration of this issue, the gentleman from Pennsylvania (Mr. COYNE) and I had offered a comprehensive alternative. That was an alternative that recognized that State and local elected officials were already filing some of these reports and that they ought not to have to pay the price for the need to reform at the Federal level by having to make duplicative filings. None of that language that the gentleman from Pennsylvania (Mr. COYNE) and I proposed was included in the bill that was rushed through the House late one evening in an effort to prevent broader 527 reform.

The bill was quickly signed into law and by September of the year 2000 it became apparent that there was a problem for State and local officials. More and more of them recognized they were now going to have burdensome and in some cases conflicting reporting requirements at the Federal level, in addition to the reports that they were already filing at the State or local level.

Accordingly, I introduced legislation in September of the year 2000 to correct the problem that I had not created. I recognized then that while this was not a bipartisan problem, it did deserve a bipartisan solution. Unfortunately, the same people who created the problem refused to correct it in the year 2000.

In the new Congress of 2001 I refiled legislation to address this problem and indeed even tried to move it on the Corrections Calendar of this House; but, again, the same crowds expressed their objection to doing so and to correcting a problem for which our State and local officials have had to file duplicative reports during all this time.

Finally, in April of this year, almost two years after this problem had been created, one got an indication of why it had never been corrected when H.R. 3391 was offered. That was the Taxpayer Protection and IRS Accountability Act to which at the last minute provisions dealing with 527s were added in the Committee on Ways and Means. I referred then in committee and on the floor to that as a loophole exploitation act because it attempted to undermine the bipartisan campaign finance law called the Shays-Meehan Act even before that law could take effect.

In the committee, I offered as an alternative language that Senator HUTCHINSON from Texas and Senator LIEBERMAN had proposed in the Senate, offered it verbatim to deal with this issue of duplicative reporting without opening new loopholes. That was also rejected in the committee on the same basis that earlier legislation had been rejected on a party line vote.

Fortunately, this House on a bipartisan basis rejected H.R. 3391, what I would refer to as the loophole exploitation act. And it is only that action of the House in rejecting that measure that presents us this opportunity tonight. Because as I read it, H.R. 5596 basically takes the language that I offered in the Committee on Ways and Means earlier in the year, language that sought to offer a bipartisan approach to this and builds on it in a couple of ways.

It first adds a provision that the public should be made fully aware of that will exempt Members of this House, Members of the House and Senate, Federal, State and local candidate committees and national party committees from filing what is known as the 990 information form. That is information that we would not been required to file in the past. It is information that is really designed for charities, nonprofits, to file. And it is most cumbersome and awkward, as all Members have found when they prepared their 990 forms this year, to apply it to Members of Congress because the IRS has not changed the form to reflect the fact that we are in a different situation and there are different needs for information and the filing of forms for individuals in a political situation than occurs for nonprofits around the country. So many of the questions are inapplicable.

It has been a problem for many to complete that form. I suppose that changing this provision is not a great loss, but it is clear that less information will be available than exists under the current law there. And in return for that change made, there are some other changes that I think are positive. These are modest changes, but they are changes that will make more accessible the access to information on Web sites. So that the information as I proposed back in the year 2000 for electronic filing would occur but there would be a searchable Web site.

And it is because these provisions seem to have merit and because I have been advised by my colleague from Texas (Mr. BRADY) who I know has worked diligently to try to bring people together behind this proposal, that I am advised by him that the Senate is ready if we act on this measure tonight in this unusual way to approve it immediately without any language changes before the recess, and that this process will assure that the measure gets signed into law immediately and will accelerate the pace at which this modest improvement in public access to the 527 data begins to occur, that I agree, and only because of that, to this very extraordinary process.

Mr. Speaker, I yield to my colleague from Texas (Mr. BRADY) who I am sure has some words he wants to say about this process.

Mr. BRADY of Texas. Mr. Speaker, I thank my colleague from Texas for yielding.

Mr. Speaker, the legislation before us is a necessary and timely piece of legislation introduced with the leadership from my colleague from Texas (Mr. DOGGETT), my other colleagues, the gentleman from Louisiana (Mr. VITTER), the gentleman from North Dakota (Mr. POMEROY), the gentleman from Connecticut (Mr. SHAYS), and the gentleman from Massachusetts (Mr. MEEHAN) to correct some of the duplicate reporting requirements that many State and local candidate committees and State and local political action committees face under the current section 527 disclosure requirements.

In short, as my colleague has stated, this legislation eliminates most of the duplicative reporting burdens that State and local candidate committees now face. That allows us to focus on the true intent of the legislation, those stealth Federal PACS, and for those organizations that monitor campaign activity, the bill requires the Internal Revenue Service to help upgrade their Web site to improve the searchability of the public data provided to the IRS.

This legislation was negotiated on a bipartisan, bicameral basis. It has support from groups such as Common Cause and Public Citizen, Campaign Finance Institute, the National Council of State Legislatures, the American Society of Association Executives, as well as our Senate leaders, the Senator from Connecticut, Mr. LIEBERMAN, the Senator from Texas, Mrs. HUTCHISON. It addresses most of the concerns the parties have.

Is it a perfect bill? No. There are areas I personally would like to see changed but I think it is an excellent compromise. It is a solid, solid improvement over the current law for everyone, and I think the broad range of support demonstrates it is a fair bill.

Mr. Speaker, I want to thank my colleague from Texas (Mr. DOGGETT) for his passion and dedication and leadership on campaign finance issues.

Mr. Speaker, I rise today in support of H.R. 5596. I introduced this legislation with my colleagues LLOYD DOGGETT, DAVID VITTER, EARL POMEROY, CHRIS SHAYS, and MARTY MEEHAN to correct some of the duplicate reporting requirements that many state/local candidate committees and state/local PACs face under the current Section 527 disclosure requirements.

This legislation was negotiated on a bipartisan, bicameral basis and I believe is a good compromise at addressing most of the concerns had by all the parties interested in this issue. Is it a perfect bill, no. But, it will improve the current law for everyone and I think the broad range of support demonstrates it is a fair bill and a win-win for everyone.

In short, this legislation the bill eliminates most of the duplicative reporting burdens state and local campaign committees now face. And for those organizations that monitor campaign activity, the bill requires the IRS to upgrade their website to improve the searchability of the public data provided to the IRS.

Under current law, within 24 hours of establishment, virtually all 527s must file a short form (Form 8871) notifying the IRS of their existence and providing information about who they are, the top people who work for them, where the organization is located and how it can be contacted.

This bill removes state/local candidates and state/local party committees from filing this form. Federal candidates and committees already reported to FEC never had file Form 8871. So now, the only filers of Form 8871 will be state/local PACs and non-FEC filing groups active in federal elections. The bill will now also require these groups to update form if they move or if some material change occurs, etc.

Additionally, 527 organizations must file reports (Form 8872) identifying contributors who give them more than $200 and expenditures of over $500. H.R. 5596 exempts "qualified" state/local groups that engage in only state or local activity and that are subject to a state reporting regime. It also places restrictions on federal candidates or office holders from materially participating in a 527 group that receives an exemption.

Regarding Form 8872, the bill requires a 527 group to add the date and purpose of expenditures and the date of contributions as required information on the Form 8872. And, 527 groups with contributions over $50,000 will be required to file electronically.

The 2000 law added Section 527 organizations to the list of tax-exempt organizations that have to file annual, public information returns to the IRS—so-called 990 forms. 990s contain aggregate information about the filing organization's income and expenditures, among other things. The law also directed most 527s to file Form 1120 tax returns, even if they did not have taxable income. The bill removes the filing requirement for organizations with gross receipts of $25,000 or more.

With respect to Form 990, H.R. 5696 exempts all PACS that report to FEC from filing Form 990. It exempts all state/local candidate and party committees, as well as qualified state/local PACS, except those with over $100,000 in annual receipts from filing Form 990.

But to make all this information more user friendly, the bill requires the Internal Revenue Service to upgrade their website to improve the searchability of data.

H.R. 5596—LEGISLATION TO REFORM SECTION 527 POLITICAL ORGANIZATION DISCLOSURE

Purpose: To amend section 527 of the Internal Revenue Code of 1986 to eliminate notification and return requirements for State and local party committees and candidate committees and avoid duplicate reporting by certain State and local political committees of information required to be reported and made publicly available under State law, and for other purposes, the bill makes the following changes to current law:

INITIAL REGISTRATION (FORM 8871)

The bill removes state/local candidates and state/local party committees from filing. Federal candidates and committees already reported to FEC never had file Form 8871.

The only filers will be state/local PACs and non-FEC filing groups active in federal elections. The bill will now require these groups to update form if they move or if some material change occurs, etc.

PERIODIC REPORTING (FORM 8872)

The bill exempts "qualified" state/local groups that engage in only state or local activity and that are subject to a state reporting regime. The bill places restrictions on federal candidates or office holders from materially participating in a 527 group that receives an exemption.

The bill requires a 527 group to add the date and purpose of expenditures and the date of contributions as required information on the Form 8872.

The bill requires 527 groups with contributions over $25,000 to file Form 8872. Those with contributions over $50,000 are required to file electronically.

ANNUAL INCOME TAX FILLING (FORM 1120–POL)

The bill removes the filing requirement for organizations with gross receipts of $25,000 or more.

INFORMATION REPORTING (FORM 990)

The bill exempts all PACs that report to FEC from filing Form 990

The bill exempts all state/local candidate and party committees from filing Form 990

The bill exempts qualified state/local PACs, except those with over $100,000 in annual receipts from filing Form 990.

The bill requires the IRS to modify Form 990 to make it more useful.

OTHER NEW PROVISIONS

The bill requires the Internal Revenue Service to upgrade their website to improve the searchability of data.

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Mr. DOGGETT. Mr. Speaker, hoping that the gentleman from Texas is correct about all aspects of the bill and appreciative of his comments, I remove my reservation.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the bill, as follows:

H.R. 5597

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXEMPTION FOR CERTAIN STATE AND LOCAL POLITICAL COMMITTEES FROM NOTIFICATION REQUIREMENTS.

(a) EXEMPTION FROM NOTIFICATION REQUIREMENTS.—Paragraph (5) of section 527(i) of the Internal Revenue Code of 1986 (relating to organizations must notify Secretary that they are section 527 organizations) is amended by striking "or" at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting ", or", and by adding at the end the following:

"(C) which is a political committee of a State or local candidate or which is a State or local committee of a political party.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if included in the amendments made by Public Law 106–230.

SEC. 2. EXEMPTION FOR CERTAIN STATE AND LOCAL POLITICAL COMMITTEES FROM REPORTING REQUIREMENTS.

(a) IN GENERAL.—Section 527(j)(5) of the Internal Revenue Code of 1986 (relating to coordination with other requirements) is amended by redesignating subparagraphs (C), (D), and (E) as subparagraphs (D), (E), and (F), respectively, and by inserting after subparagraph (B) the following new subparagraph:

"(C) to any organization which is a qualified State or local political organization,".

(b) QUALIFIED STATE OR LOCAL POLITICAL ORGANIZATION.—Subsection (e) of section 527 of the Internal Revenue Code of 1986 (relating to other definitions) is amended by adding at the end the following new paragraph:

"(5) QUALIFIED STATE OR LOCAL POLITICAL ORGANIZATION.—

"(A) IN GENERAL.—The term 'qualified State or local political organization' means a political organization—

"(i) all the exempt functions of which are solely for the purposes of influencing or attempting to influence the selection, nomination, election, or appointment of any individual to any State or local public office or office in a State or local political organization,

"(ii) which is subject to State law that requires the organization to report (and it so reports)—

"(I) information regarding each separate expenditure from and contribution to such organization, and

"(II) information regarding the person who makes such contribution or receives such expenditure,

which would otherwise be required to be reported under this section, and

"(iii) with respect to which the reports referred to in clause (ii) are (I) made public by the agency with which such reports are filed, and (II) made publicly available for inspection by the organization in the manner described in section 6104(d).

"(B) CERTAIN STATE LAW DIFFERENCES DISREGARDED.—An organization shall not be treated as failing to meet the requirements of subparagraph (A)(ii) solely by reason of 1 or more of the following:

"(i) The minimum amount of any expenditure or contribution required to be reported under State law is not more than $300 greater than the minimum amount required to be reported under subsection (j).

"(ii) The State law does not require the organization to identify 1 or more of the following:

"(I) The employer of any person who makes contributions to the organization.

"(II) The occupation of any person who makes contributions to the organization.

"(III) The employer of any person who receives expenditures from the organization.

"(IV) The occupation of any person who receives expenditures from the organization.

"(V) The purpose of any expenditure of the organization.

"(VI) The date any contribution was made to the organization.

"(VII) The date of any expenditure of the organization.

"(C) DE MINIMIS ERRORS.—An organization shall not fail to be treated as a qualified State or local political organization solely because such organization makes de minimis errors in complying with the State reporting requirements and the public inspection requirements described in subparagraph (A) as long as the organization corrects such errors within a reasonable period after the organization becomes aware of such errors.

"(D) PARTICIPATION OF FEDERAL CANDIDATE OR OFFICE HOLDER.—The term 'qualified State or local political organization' shall not include any organization otherwise described in subparagraph (A) if a candidate for nomination or election to Federal elective public office or an individual who holds such office—

"(i) controls or materially participates in the direction of the organization,

"(ii) solicits contributions to the organization (unless the Secretary determines that such solicitations resulted in de minimis contributions and were made without the prior knowledge and consent, whether explicit or implicit, of the organization or its officers, directors, agents, or employees), or

"(iii) directs, in whole or in part, disbursements by the organization.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the amendments made by Public Law 106–230.

SEC. 3. EXEMPTION FROM ANNUAL RETURN REQUIREMENTS.

(a) INCOME TAX RETURNS REQUIRED ONLY FOR POLITICAL ORGANIZATION TAXABLE INCOME.—Paragraph (6) of section 6012(a) of the Internal Revenue Code of 1986 (relating to persons required to make returns of income) is amended by striking "or which has" and all that follows through "section)".

(b) INCOME TAX RETURNS NOT SUBJECT TO DISCLOSURE.—

(1) DISCLOSURE BY THE SECRETARY.—Subsection (b) of section 6104 of such Code (relating to disclosure by the Secretary of annual information returns) is amended by striking "6012(a)(6),".

(2) PUBLIC INSPECTION.—Subsection (d) of section 6104 of such Code (relating to public inspection of certain annual returns) is amended—

(A) in paragraph (1)(A)(i) by striking "or section 6012(a)(6) (relating to returns by political organizations)", and

(B) in subparagraph (2) by striking "or section 6012(a)(6)".

(c) INFORMATION RETURNS.—Subsection (g) of section 6033 of such Code (relating to returns required by political organizations) is amended to read as follows:

"(g) RETURNS REQUIRED BY POLITICAL ORGANIZATIONS.—

"(1) IN GENERAL.—This section shall apply to a political organization (as defined by section 527(e)(1)) which has gross receipts of $25,000 or more for the taxable year. In the case of a political organization which is a qualified State or local political organization (as defined in section 527(e)(5)), the preceding sentence shall be applied by substituting '$100,000' for '$25,000'.

"(2) ANNUAL RETURNS.—Political organizations described in paragraph (1) shall file an annual return—

"(A) containing the information required, and complying with the other requirements, under subsection (a)(1) for organizations exempt from taxation under section 501(a), with such modifications as the Secretary considers appropriate to require only information which is necessary for the purposes of carrying out section 527, and

"(B) containing such other information as the Secretary deems necessary to carry out the provisions of this subsection.

"(3) MANDATORY EXCEPTIONS FROM FILING.—Paragraph (2) shall not apply to an organization—

"(A) which is a State or local committee of a political party, or political committee of a State or local candidate,

"(B) which is a caucus or association of State or local officials,

"(C) which is an authorized committee (as defined in section 301(6) of the Federal Election Campaign Act of 1971) of a candidate for Federal office,

"(D) which is a national committee (as defined in section 301(14) of the Federal Election Campaign Act of 1971) of a political party,

"(E) which is a United States House of Representatives or United States Senate campaign committee of a political party committee,

"(F) which is required to report under the Federal Election Campaign Act of 1971 as a political committee (as defined in section 301(4) of such Act), or

"(G) to which section 527 applies for the taxable year solely by reason of subsection (f)(1) of such section.

"(4) DISCRETIONARY EXCEPTION.—The Secretary may relieve any organization required under paragraph (2) to file an information return from filing such a return if the Secretary determines that such filing is not necessary to the efficient administration of the internal revenue laws.".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the amendments made by Public Law 106–230.

SEC. 4. NOTIFICATION OF INTERACTION OF REPORTING REQUIREMENTS.

(a) IN GENERAL.—The Secretary of the Treasury, in consultation with the Federal Election Commission, shall publicize—

(1) the effect of the amendments made by this Act, and

(2) the interaction of requirements to file a notification or report under section 527 of the Internal Revenue Code of 1986 and reports under the Federal Election Campaign Act of 1971.

(b) INFORMATION.—Information provided under subsection (a) shall be included in any appropriate form, instruction, notice, or other guidance issued to the public by the Secretary of the Treasury or the Federal Election Commission regarding reporting requirements of political organizations (as defined in section 527 of the Internal Revenue Code of 1986) or reporting requirements under the Federal Election Campaign Act of 1971.

SEC. 5. WAIVER OF FILING AMOUNTS.

(a) WAIVER OF FILING AMOUNTS.—Section 527 of the Internal Revenue Code of 1986 is amended by adding at the end the following:

"(k) AUTHORITY TO WAIVE.—The Secretary may waive all or any portion of the—

"(1) tax assessed on an organization by reason of the failure of the organization to comply with the requirements of subsection (i), or

"(2) amount imposed under subsection (j) for a failure to comply with the requirements thereof,

on a showing that such failure was due to reasonable cause and not due to willful neglect.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to any tax assessed or amount imposed after June 30, 2000.

SEC. 6. MODIFICATIONS TO SECTION 527 ORGANIZATION DISCLOSURE PROVISIONS.

(a) UNSEGREGATED FUNDS NOT TO AVOID TAX.—Paragraph (4) of section 527(i) of the Internal Revenue Code of 1986 (relating to failure to notify) is amended by adding at the end the following new sentence: "For purposes of the preceding sentence, the term 'exempt function income' means any amount described in a subparagraph of subsection (c)(3), whether or not segregated for use for an exempt function.".

(b) PROCEDURES FOR ASSESSMENT AND COLLECTION OF AMOUNTS.—Paragraph (1) of section 527(j) of the Internal Revenue Code of 1986 (relating to required disclosure of expenditures and contributions) is amended by adding at the end the following new sentence: "For purposes of subtitle F, the amount imposed by this paragraph shall be assessed and collected in the same manner as penalties imposed by section 6652(c).".

(c) DUPLICATE WRITTEN FILINGS NOT REQUIRED.—Subparagraph (A) of section 527(i)(1) of the Internal Revenue Code of 1986 is amended by striking ", electronically and in writing," and inserting "electronically".

(d) APPLICATION OF FRAUD PENALTY.—Section 7207 of the Internal Revenue Code of 1986 (relating to fraudulent returns, statements, and other documents) is amended by striking "pursuant to subsection (b) of section 6047 or pursuant to subsection (d) of section 6104" and inserting "pursuant to section 6047(b), section 6104(d), or subsection (i) or (j) of section 527".

(e) CONTENTS AND FILING OF REPORT.—

(1) CONTENTS.—Section 527(j)(3) of the Internal Revenue Code of 1986 (relating to contents of report) is amended—

(A) by inserting ", date, and purpose" after "The amount" in subparagraph (A), and

(B) by inserting "and date" after "the amount" in subparagraph (B).

(2) ELECTRONIC FILING.—Section 527(j) of such Code is amended by adding at the end the following new paragraph:

"(7) ELECTRONIC FILING.—Any report required under paragraph (2) with respect to any calendar year shall be filed in electronic form if the organization has, or has reason to expect to have, contributions exceeding $50,000 or expenditures exceeding $50,000 in such calendar year.".

(3) ELECTRONIC FILING AND ACCESS OF REQUIRED DISCLOSURES.—Section 527 of such Code, as amended by section 5(a), is amended by redesignating subsection (k) as subsection (l) and by inserting after subsection (j) the following new subsection:

"(k) PUBLIC AVAILABILITY OF NOTICES AND REPORTS.—

"(1) IN GENERAL.—The Secretary shall make any notice described in subsection (i)(1) or report described in subsection (j)(7) available for public inspection on the Internet not later than 48 hours after such notice or report has been filed (in addition to such public availability as may be made under section 6104(d)(7)).

"(2) ACCESS.—The Secretary shall make the entire database of notices and reports which are made available to the public under paragraph (1) searchable by the following items (to the extent the items are required to be included in the notices and reports):

"(A) Names, States, zip codes, custodians of records, directors, and general purposes of the organizations.

"(B) Entities related to the organizations.

"(C) Contributors to the organizations.

"(D) Employers of such contributors.

"(E) Recipients of expenditures by the organizations.

"(F) Ranges of contributions and expenditures.

"(G) Time periods of the notices and reports.

Such database shall be downloadable.".

(f) Contents of Notice.—Section 527(i)(3) of the Internal Revenue Code of 1986 (relating to contents of notice) is amended by striking "and" at the end of subparagraph (D), by redesignating subparagraph (E) as subparagraph (F), and by inserting after subparagraph (D) the following new subparagraph:

"(E) whether the organization intends to claim an exemption from the requirements of subsection (j) or section 6033, and".

(g) Timing of Notice in Case of Material Change.—

(1) In general.—Subparagraph (B) of section 527(i)(1) of the Internal Revenue Code of 1986 (relating to general notification requirement) is amended by inserting "or, in the case of any material change in the information required under paragraph (3), for the period beginning on the date on which the material change occurs and ending on the date on which such notice is given" after "given".

(2) Time to give notice.—Section 527(i)(2) of the Internal Revenue Code of 1986 (relating to time to give notice) is amended by inserting "or, in the case of any material change in the information required under paragraph (3), not later than 30 days after such material change" after "established".

(3) Effect of failure.—Paragraph (4) of section 527(i) of the Internal Revenue Code of 1986 (relating to effect of failure) is amended by inserting before the period at the end the following: "or, in the case of a failure relating to a material change, by taking into account such income and deductions only during the period beginning on the date on which the material change occurs and ending on the date on which notice is given under this subsection".

(h) Effective Dates.—

(1) Subsections (a) and (b).—The amendments made by subsections (a) and (b) shall apply to failures occurring on or after the date of the enactment of this Act.

(2) Subsection (c).—The amendments made by subsection (c) shall take effect as if included in the amendments made by Public Law 106–230.

(3) Subsection (d).—The amendment made by subsection (d) shall apply to reports and notices required to be filed on or after the date of the enactment of this Act.

(4) Subsections (e)(1) and (f).—The amendments made by subsections (e)(1) and (f) shall apply to reports and notices required to be filed more than 30 days after the date of the enactment of this Act.

(5) Subsections (e)(2) and (e)(3).—The amendments made by subsections (e)(2) and (e)(3) shall apply to reports required to be filed on or after June 30, 2003.

(6) Subsection (g).—

(A) In general.—The amendments made by subsection (g) shall apply to material changes on or after the date of the enactment of this Act.

(B) Transition rule.—In the case of a material change occurring during the 30-day period beginning on the date of the enactment of this Act, a notice under section 527(i) of the Internal Revenue Code of 1986 (as amended by this Act) shall not be required to be filed under such section before the later of—

(i) 30 days after the date of such material change, or

(ii) 45 days after the date of the enactment of this Act.

SEC. 7. EFFECT OF AMENDMENTS ON EXISTING DISCLOSURES.

Notices, reports, or returns that were required to be filed with the Secretary of the Treasury before the date of the enactment of the amendments made by this Act and that were disclosed by the Secretary of the Treasury consistent with the law in effect at the time of disclosure shall remain subject on and after such date to the disclosure provisions of section 6104 of the Internal Revenue Code of 1986.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BRADY of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

CONTINUATION OF NATIONAL EMERGENCY WITH RESPECT TO SIGNIFICANT NARCOTICS TRAFFICKERS CENTERED IN COLOMBIA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 107–274)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act, 50 U.S.C. 1622(d) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice, stating that the emergency declared with respect to significant narcotics traffickers centered in Colombia is to continue in effect beyond October 21, 2002, to the *Federal Register* for publication. The most recent notice continuing this emergency was published in the *Federal Register* on October 19, 2001 (66 Fed. Reg. 3073).

The circumstances that led to the declaration on October 21, 1995, of a national emergency have not been resolved. The actions of significant narcotics traffickers centered in Colombia continue to pose an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States and to cause unparalleled violence, corruption, and harm in the United States and abroad. For these reasons, I have determined that it is necessary to maintain economic pressure on significant narcotics traffickers centered in Colombia by blocking their property or interests in property that are in the United States or within the possession or control of United States persons and by depriving them of access to the United States market and financial system.

George W. Bush.

The White House, *October 16, 2002.*

PERIODIC REPORT ON NATIONAL EMERGENCY WITH RESPECT TO SIGNIFICANT NARCOTICS TRAFFICKERS CENTERED IN COLOMBIA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 107–273)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), I transmit herewith a 6-month periodic report that my Administration has prepared on the national emergency with respect to significant narcotics traffickers centered in Colombia that was declared in Executive Order 12978 of October 21, 1995.

George W. Bush.

The White House, *October 16, 2002.*

PERMISSION TO FILE SUPPLEMENTAL REPORT ON H.R. 3215, COMBATING ILLEGAL GAMBLING REFORM AND MODERNIZATION ACT

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary have permission to file a supplemental report on the bill (H.R. 3215) to amend title 18, United States Code, to expand and modernize the prohibition against interstate gambling, and for other purposes.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

HONORING AMERICAN CANCER SOCIETY HISPANIC ADVISORY BOARD, MIAMI BRIDGE YOUTH AND FAMILY SERVICES, RABBI KATSOF WITH WORDS CAN HEAL, MIAMI-DADE COUNTY PUBLIC SCHOOLS, AND MATTHEW KRAWCHECK

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

Ms. ROS-LEHTINEN. Mr. Speaker, I rise today to honor several organizations and individuals in my congressional district who have done an extraordinary job of serving their communities.

It is my pleasure to recognize the American Cancer Society Hispanic Advisory Board, the Miami Bridge Youth and Family Services, Rabbi Katsof with Words Can Heal, and Miami-Dade County Public Schools, and last but not least, Matthew Krawcheck, all wonderful examples of the organizations and people who display true selflessness and dedication to our community.

Evidence of such altruistic acts is demonstrated by Armando Rodriguez, Harold Robaina, Remedios Diaz-Oliver, and Liliam Sanchez-Martinez who have worked hard for the American Cancer Society Hispanic Advisory Board to successfully launch the Mi Vida Cancer Awareness Campaign for the Hispanic community for my area in Miami-Dade. The Mi Vida campaign promotes early detection by informing the Hispanic community of the various Spanish-speaking educational materials and a 24-hour Spanish toll-free phone numbers. The American Cancer Society's continued commitment to the cure for cancer in the Hispanic area serves as an inspiration to us all.

I am also happy to recognize these efforts, just as I am pleased to also honor the compassionate efforts of the Miami Bridge Youth and Family Services and my good friend Judy Reinach. This great organization has provided emergency shelter for the south Florida youth for the past 27 years. By keeping its doors open 24 hours per day, Miami Bridge provides safe haven for over 1,000 at-risk adolescents each year. Its tireless efforts provide a continuum of nonresidential and residential services that are designed to empower teenagers and turn their lives around.

Another exceptional group that demonstrates true commitment to the improvement of our lives is the Words Can Heal organization. Rabbi Katsof and Words Can Heal have dedicated their efforts in reducing verbal violence and gossip. At a time when dialogue is so needed in our communities, Words Can Heal and Rabbi Katsof have been the motivational and organizational force behind educating the public.

In its short history, Words Can Heal has effectively mobilized its efforts to reach an influential and growing audience such as the clergy, actors, musicians and elected officials who have all become actively involved in the organization's efforts.

As a former educator, it is also my pleasure to honor another very important contributor to the cause of education, the Miami-Dade County Public Schools. Through the efforts of John Doyle, Lilian Citarella-Polit, Charles Murray, Sharon Shelley and Maria Elena Keenan, the Miami-Dade Public Schools plans to hold a fantastic competition this upcoming December 6.

The We, the People, The Citizen and the Constitution competition is a national contest that encourages civic competence and responsibility among our Nation's students. This extraordinary competition, now in its 15th year, teaches our community's youth the philosophical and historical foundations of our great Constitution and our Bill of Rights.

I cannot conclude my statement without also congratulating Matthew Krawcheck, a constituent from my congressional district and a grand prize winner of the Expressing Freedom arts competition. Matthew's awesome painting "Three Self-Portraits" was displayed at the awards ceremony in the Rayburn foyer recently.

Expressing Freedom is a contest for young artists with disabilities between the ages of 16 and 25 that is supported by VSA Arts and Volkswagen of America. I would like to send special thanks to Soula Antoniou from VSA Arts and Joseph Kennebeck from Volkswagen of America for their commitment to America's disabled people.

I wish to give my sincerest congratulations to Matthew and all of the young people who participated in this competition.

Mr. Speaker, it is such a pleasure tonight for me to commend these individuals for they are shining examples of what this country is all about, and they are an inspiration to us all.

CLOCKING THE RAID ON SOCIAL SECURITY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, I rise tonight to talk about Social Security, a program that will affect or is affecting every single American, the premier program initiated in the last century by the Democratic Party which has helped to raise a generation of our seniors out of poverty and keeps the current generation out of poverty.

Most seniors in America receive upwards of around $580 per month. For them Social Security is a lifeline. Without Social Security and Medicare, they simply could not survive.

Because the Bush administration and its allies inside this Chamber cannot afford to pay for the extravagant tax giveaways, especially to the superrich in this country like Kenneth Lay from Enron, who will get $245 million in a rebate this year, and because our country is moving into deficit, the Republicans in this Chamber are raiding Social Security every day, the Social Security trust fund, to try to make up that shortfall.

Back in June when I started clocking the Republican raid on Social Security, at that point they had raided over $207 billion out of the Social Security trust fund after us having taken seven votes here that said we would protect the lockbox and not permit that kind of borrowing against the Social Security and Medicare trust fund; but to date, they have now, as of this week, October 16, they have now raided $318,369,863,013 from the Social Security trust fund. That averages out per American over $1,100 out of their pocket. To be exact, $1,104.36 out of the funds that are deserved by every single American who has paid into this fund.

As long as Republicans continue to raid the Social Security trust fund in violation of the promises we have made and passed here in this Congress, it is my intention to be here on this floor, clocking their raid with this debt clock. I also will be reviewing the history of those who created Social Security for our country and who historically opposed it, the Republican Party.

In fact, in 1935 in the deliberations in the Committee on Ways and Means right outside this room here, the Republican Members of the House Committee on Ways and Means voted to kill the original bill that created the Social Security program that our parents, our grandparents, and great-grandparents had benefited from since the mid-1930s.

When that bill moved to the floor, it was the Democratic Party that passed that bill, and I think it is very important that history be recorded for the present generation because if we look at what has been happening with the accumulation of additional debt in our country, and I would like to just put up an additional chart here, as we look back during more modern times to the early chart here focuses on the Johnson administration and the Nixon and Ford administration and the Carter administration. And we begin to look at when did this Social Security trust fund really start going into the red. It was during the Reagan-Bush administration and now during the George W. Bush administration, billions and billions and billions of dollars. It was only during the administration of Bill Clinton and Al Gore that we began to move the Social Security trust fund back into surplus again.

We have over $6 trillion of debt that we are financing in this country, much of it due to the giveaways that this administration has promoted. As an example, with the inheritance tax, Gary

Winnick of Global Crossing, with assets of over three quarters of a billion dollars, will get $366 million in a tax windfall. And where do my colleagues think that money is going to come from? It comes right out of here, the Social Security trust fund. Or Dennis Kozlowski from Tyco Corporation, the one that is in all that trouble, he is going to get $149 million. And where do my colleagues think that money is going to come from?

This administration and House Republicans should put seniors first. They have earned it. They have earned it, and reverse this raid. We should continue to commit the savings in the Social Security trust fund as we have promised. It is important for us to tell the truth to the American people using these red numbers and this debt clock to demonstrate and remind ourselves what is really going on.

The Democratic Party historically has been the party that believed in and supported Social Security as an insurance and disability fund for every single American. It is a condition of living in this country. It is not a privilege. It is a right.

Mr. Speaker, we do not need to be borrowing from the trust fund in order to give benefits to the superrich. I hope as the elections approach, the public will remember and vote for the Democratic Party which has always supported Social Security.

STATUS REPORT ON CURRENT SPENDING LEVELS OF ON-BUDGET SPENDING AND REVENUES FOR FY 2003 AND THE 5-YEAR PERIOD FY 2003 THROUGH 2007

Mr. NUSSLE. Mr. Speaker, I am transmitting a status report on the current levels of on-budget spending and revenues for fiscal year 2003 and for the five-year period of fiscal years 2003 through 2007. This report is necessary to facilitate the application of sections 302 and 311 of the Congressional Budget Act and section 301 of House Concurrent Resolution 353, which is currently in effect as a concurrent resolution on the budget in the House. This status report is current through October 11, 2002.

The term "current level" refers to the amounts of spending and revenues estimated for each fiscal year based on laws enacted or awaiting the President's signature.

The first table in the report compares the current levels of total budget authority, outlays, and revenues with the aggregate levels set forth by H. Con. Res. 353. This comparison is needed to enforce section 311(a) of the Budget Act, which creates a point of order against measures that would breach the budget resolution's aggregate levels. The table does not show budget authority and outlays for years after fiscal year 2003 because appropriations for those years have not yet been considered.

The second table compares the current levels of budget authority and outlays for discretionary action by each authorizing committee with the "section 302(a)" allocations made under H. Con. Res. 353 for fiscal year 2003 and fiscal years 2003 through 2007. "Discretionary action" refers to legislation enacted after the adoption of the budget resolution. A separate allocation for the Medicare program, as established under section 231(d) of the budget resolution, is shown for fiscal year 2003 and fiscal years 2003 through 2012. This comparison is needed to enforce section 302(f) of the Budget Act, which creates a point of order against measures that would breach the section 302(a) discretionary action allocation of new budget authority for the committee that reported the measure. It is also needed to implement section 311(b), which exempts committees that comply with their allocations from the point of order under section 311(a).

The third table compares the current levels of discretionary appropriations for fiscal year 2003 with the "section 302(b)" suballocations of discretionary budget authority and outlays among Appropriations subcommittees. The comparison is also needed to enforce section 302(f) of the Budget Act because the point of order under that section equally applies to measures that would breach the applicable section 302(b) suballocation.

The fourth table gives the current level for 2004 of accounts identified for advance appropriations under section 301 H. Con. Res. 353 printed in the Congressional Record on May 22, 2002. This list is needed to enforce section 301 of the budget resolution, which creates a point of order against appropriation bills that contain advance appropriations that are (i) not identified in the statement of managers or (ii) would cause the aggregate amount of such appropriations to exceed the level specified in the resolution.

STATUS OF THE FISCAL YEAR 2003 CONGRESSIONAL BUDGET ADOPTED IN H. CON. RES. 353 REFLECTING ACTION COMPLETED AS OF OCTOBER 11, 2002

[On-budget amounts, in millions of dollars]

	Fiscal year 2003	Fiscal years 2003–2007
Appropriate Level:		
Budget Authority	1,784,073	n.a.
Outlays	1,765,225	n.a.
Revenues	1,531,893	8,671,656
Current Level:		
Budget Authority	1,747,793	n.a.
Outlays	1,741,988	n.a.
Revenues	1,535,614	8,695,877
Current Level over (+)/under (−) Appropriate Level:		
Budget Authority	−36,280	n.a.
Outlays	−23,237	n.a.
Revenues	3,721	24,221

n.a.= Not applicable because annual appropriations Acts for fiscal years 2004 through 2007 will not be considered until future sessions of Congress.

Budget authority

Enactment of measures providing new budget authority for FY 2003 in excess of $36,280,000,000 (if not already included in the current level estimate) would cause FY 2003 budget authority to exceed the appropriate level set by H. Con. Res. 353.

Outlays

Enactment of measures providing new outlays for FY 2003 in excess of $23,237,000,000 (if not already included in the current level estimate) would cause FY 2003 outlays to exceed the appropriate level set by H. Con. Res. 353.

Revenues

Enactment of measures providing new revenue reduction for FY 2003 in excess of $3,721,000,000 (if not already included in the current level estimate) would cause revenues to fall below the appropriate level set by H. Con. Res. 353.

Enactment of measures providing new revenue reduction for the period FY 2003 through 2007 in excess of $24,221,000,000 (if not already included in the current level estimate) would cause revenues to fall below the appropriate level set by H. Con. Res. 353.

DIRECT SPENDING LEGISLATION—COMPARISON OF CURRENT LEVEL WITH AUTHORIZING COMMITTEE 302(a) ALLOCATIONS FOR DISCRETIONARY ACTION REFLECTING ACTION COMPLETED AS OF OCTOBER 11, 2002

[Fiscal years, in millions of dollars]

House Committee	2003		2003–2007 total		2003–2012 total	
	BA	Outlays	BA	Outlays	BA	Outlays
Agriculture:						
Allocation	7,825	7,271	37,017	43,479	n.a.	n.a.
Current Level[1]	8,532	8,406	49,206	47,592	n.a.	n.a.
Difference	707	1,135	12,189	13,113	n.a.	n.a.
Armed Services:						
Allocation	516	516	5,804	5,804	n.a.	n.a.

DIRECT SPENDING LEGISLATION—COMPARISON OF CURRENT LEVEL WITH AUTHORIZING COMMITTEE 302(a) ALLOCATIONS FOR DISCRETIONARY ACTION REFLECTING ACTION COMPLETED AS OF OCTOBER 11, 2002—Continued

[Fiscal years, in millions of dollars]

House Committee	2003		2003–2007 total		2003–2012 total	
	BA	Outlays	BA	Outlays	BA	Outlays
Current Level	0	0	0	0	n.a.	n.a.
Difference	–516	–516	–5,804	–5,804	n.a.	n.a.
Education and the Workforce:						
Allocation	0	0	0	0	n.a.	n.a.
Current Level	0	0	0	0	n.a.	n.a.
Difference	0	0	0	0	n.a.	n.a.
Energy and Commerce:						
Allocation	95	59	2,709	2,649	n.a.	n.a.
Current Level	776	776	–795	–795	n.a.	n.a.
Difference	681	717	–3,504	–3,444	n.a.	n.a.
Financial Services:						
Allocation	0	0	0	0	n.a.	n.a.
Current Level	40	36	404	395	n.a.	n.a.
Difference	40	36	404	395	n.a.	n.a.
Government Reform:						
Allocation	0	0	0	0	n.a.	n.a.
Current Level	0	0	0	0	n.a.	n.a.
Difference	0	0	0	0	n.a.	n.a.
House Administration:						
Allocation	0	0	0	0	n.a.	n.a.
Current Level	0	0	0	0	n.a.	n.a.
Difference	0	0	0	0	n.a.	n.a.
International Relations:						
Allocation	0	0	0	0	n.a.	n.a.
Current Level	13	365	75	327	n.a.	n.a.
Difference	13	265	75	3287	n.a.	n.a.
Judiciary:						
Allocation	0	0	0	0	n.a.	n.a.
Current Level	7	7	11	11	n.a.	n.a.
Difference	7	7	11	11	n.a.	n.a.
Resources:						
Allocation	0	0	700	700	n.a.	n.a.
Current Level	0	0	0	0	n.a.	n.a.
Difference	0	0	–700	–700	n.a.	n.a.
Science:						
Allocation	0	0	0	0	n.a.	n.a.
Current Level	0	0	0	0	n.a.	n.a.
Difference	0	0	0	0	n.a.	n.a.
Small Busines:						
Allocation	0	0	0	0	n.a.	n.a.
Current Level	0	0	0	0	n.a.	n.a.
Difference	0	0	0	0	n.a.	n.a.
Transportation and Infrastructure:						
Allocation	0	0	17,476	0	n.a.	n.a.
Current Level	0	0	0	0	n.a.	n.a.
Difference	0	0	–17,476	0	n.a.	n.a.
Veterans' Affairs:						
Allocation	0	0	0	0	n.a.	n.a.
Current Level	0	0	0	0	n.a.	n.a.
Difference	0	0	0	0	n.a.	n.a.
Ways and Means:						
Allocation	2,203	174	7,855	5,861	n.a.	n.a.
Current Level	534	406	3,184	3,039	n.a.	n.a.
Difference	–1,669	232	–4,671	–2,822	n.a.	n.a.
Medicare:						
Allocation	4,650	4,575	n.a.	n.a.	347,270	347,270
Current Level	0	0	n.a.	n.a.	0	0
Difference	–4,650	–4,575	n.a.	n.a.	–347,270	–347,270

[1] HR 2646, the Farm Security and Rural Investment Act of 2002, was enacted May 13, 2002, prior to the adoption of the FY2003 House Budget Resolution on May 22, 2002.

DISCRETIONARY APPROPRIATIONS FOR FISCAL YEAR 2003—COMPARISON OF CURRENT LEVEL WITH APPROPRIATIONS SUBCOMMITTEE 302(b) SUBALLOCATIONS

[In millions of dollars]

Appropriations Subcommittee	Revised 302(b) suballocations as of October 10, 2002 (H. Rpt. 107-738)		Current level reflecting action completed as of October 11, 2002		Current level minus suballocations	
	BA	OT	BA	OT	BA	OT
Agriculture, Rural Development	17,601	17,688	17,068	17,316	–533	–372
Commerce, Justice, State	41,119	42,975	43,298	42,310	2,179	–665
National Defense	354,830	345,411	341,184	339,634	–13,646	–5,777
District of Columbia	517	583	407	463	–110	–120
Energy & Water Development	26,027	25,642	25,344	25,176	–683	–466
Foreign Operations	16,550	16,571	16,607	16,535	57	–36
Interior	19,730	19,333	19,200	18,491	–530	–842
Labor, HHS & Education	129,902	125,497	127,088	123,103	–2,814	–2,394
Legislative Branch	3,413	3,470	3,262	3,247	–151	–223
Military Construction	10,500	10,120	10,499	10,071	–1	–49
Transportation[1]	19,413	62,368	20,428	62,293	1,015	–75
Treasury-Postal Service	18,501	17,953	17,955	17,601	–546	–352
VA-HUD-Independent Agencies	90,993	97,580	85,885	93,905	–5,108	–3,675
Unassigned	0	0	0	–277	0	–277
GRAND TOTAL	749,096	785,191	728,225	769,918	–20,871	–15,273

[1] Does not include mass transit BA.

Statement of FY2004 Advance Appropriations Under Section 301 of H. Con. Res. 353 Reflecting Action Completed as of October 11, 2002

(In millions of dollars)

	Budget Authority
Appropriate Level	23,178
Current Level:	
Labor, Health and Human Services, Education Subcommittee:	
Employment and Training Administration	0
Education for the Disadvantaged	0
School Improvement	0
Children and Family Services (head start)	0
Special Education	0
Vocational and Adult Education	0
Transportation Subcommittee:	
Transportation (highways; transit; Farley Building)	0
Treasury, General Government Subcommittee:	
Payment to Postal Service	
Veterans, Housing and Urban Development Subcommittee:	
Section 8 Renewals	0
Total	0
Current Level over (+)/ under (−) Appropriate Level	−23,178

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, October 16, 2002.

Hon. JIM NUSSLE,
Chairman, Committee on the Budget, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The attached report shows the effects of Congressional action on the fiscal year 2003 budget and is current through October 11, 2002. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of H. Con. Res. 353, the Concurrent Resolution on the Budget for Fiscal Year 2003. The budget resolution figures incorporate revisions submitted by the Committee on the Budget to the House to reflect funding for emergency requirements. These revisions are required by section 314 of the Congressional Budget Act, as amended.

Since my last letter dated September 9, 2002, the Congress has cleared and the President has signed the following acts that changed budget authority, outlays, or revenues for 2003: the Foreign Relations Authorization Act, 2003 (Public Law 107-228), an act for the relief of Barbara Makuch (Private Law 107-3), an act for the relief of Eugene Makuch (Private Law 107-4), an act making continuing appropriations for fiscal year 2003 (Public Law 107-229), and an act making further continuing appropriations for fiscal year 2003 (Public Law 107-240). In addition, the Congress has cleared for the President's signature the 21st Century Department of Justice Authorization Act (H.R. 2215) and the Military Construction Appropriations Act, 2003 (H.R. 5011). The effects of these new laws are identified in the enclosed table.

Sincerely,

BARRY B. ANDERSON,
(For Dan L. Crippen, Director).

Attachment.

FISCAL YEAR 2003 HOUSE CURRENT LEVEL REPORT AS OF OCTOBER 11, 2002

[In millions of dollars]

	Budget authority	Outlays	Revenues
Enacted in previous sessions:			
Revenues	0	0	1,536,324
Permanents and other spending legislation	1,086,964	1,035,176	0
Appropriation legislation	0	313,591	0
Offsetting receipts	−346,866	−346,866	0
Total, previously enacted	740,098	1,001,901	1,536,324
Enacted this session:			
Job Creation and worker Assistance Act of 2002 (P.L. 107–147)	3,524	3,587	0
Farm Security and Rural Investment Act of 2002 (P.L. 107–171)	8,532	8,406	0
Public Health Security and Bioterrorism Preparedness and Response Act of 2002 (P.L. 107–188)	1	1	0
Auction Reform Act of 2002 (P.L. 107–195)	775	775	0
Sarbanes-Oxley Act of 2002 (P.L. 107–204)	40	36	43
2002 Supplemental Appropriations Act for Further Recovery from and Response to Terrorist Acts on the United States (P.L. 107–206)	0	8,342	−60
Trade Act of 2002 (P.L. 107–210)	388	312	−669
Foreign Relations Authorization Act, 2003 (P.L. 107–228)	13	265	1
An act making continuing appropriations, 2003 (P.L. 107–229	146	94	0
An act for the relief of Barbara Makuch (Pvt. L. 107–3)	1	1	0
An act for the relief of Barbara Makuch (Pvt. L. 107–4)	1	1	0
Total, enacted this session	13,421	21,820	−685
Cleared, pending signature:			
21st Century Department of Justice Authorization Act (H.R. 2215)	−1,105	−255	0
Military Construction Appropriations Act, 2003 (H.R. 5011)	10,499	2,722	0
Total, cleared, pending signature	9,394	2,467	0
Continuing Resolution:			
An act making further continuing appropriations, 2003 (P.L. 107–240)	697,495	428,832	−25
Entitlements and Mandatories:			
Budget resolution baseline estimates of appropriated entitlements and other mandatory programs not yet enacted	288,733	286,968	0
Total Current Level [1],[2],[3]	1,747,793	1,741,988	1,535,614
Total Budget Resolution	1,784,073	1,765,225	1,531,893
Current Level Over Budget Resolution	0	0	3,721
Current Level Under Budget Resolution	−36,280	−23,237	0
Memorandum:			
Revenues, 2003–2007:			
House Current Level	0	0	8,695,877
House Budget Resolution	0	0	8,671,656
Current Level Over Budget Resolution	0	0	24,221

Source: Congressional Budget Office.

Notes: P.L. = Public Law.

[1] Section 314 of the Congressional Budget Act, as amended, requires that the House Budget Committee revise the budget resolution to reflect funding provided in bills reported by the House for emergency requirements. To date, the Budget Committee has increased the outlay allocation in the budget resolution by $8,793 million for this purpose. Of this amount, $400 million is not included in the current level because the funding has not yet been enacted.

[2] For purposes of enforcing section 311 of the Congressional Budget Act in the House, the budget resolution does not include budget authority or outlays for Social Security administrative expenses. As a result, current level excludes these items.

[3] For comparability purposes, current level budget authority excludes $1,348 million for mass transit that is included in the continuing resolution total. The budget authority for mass transit, which is exempt from the allocations made for the discretionary categories pursuant to sections 302(a)(1) and 302(b)(1) of the Congressional Budget Act is not included in H. Con. Res. 353. Total budget authority including mass transit is $1,749,141 million.

TRIBUTE TO CHINATOWN COMMUNITY OF CHICAGO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

Mr. DAVIS of Illinois. Mr. Speaker, on Sunday, October 6, I participated in a ribbon-cutting ceremony for the Dr. Sun Yat-Sen Museum in what in Chicago is fondly called Chinatown. Dr. Sun Yat-Sen is known to many as the Father of the Chinese Revolution and the Father of the Republic of China because it was he who masterminded the plan to restore China to the common people which led to what is called the Republic of China today.

□ 2045

Dr. Sun Yat-Sen was born on November 12, 1866, in Hsiangshan County near the city of Canton in southern China where he had local schooling in traditional Chinese texts until he was 13 years old, when he then went to join his brother in Hawaii. In Hawaii, he studied at the missionary school and graduated from Oahu College. He then returned to China and began his medical studies at the College of Medicine for Chinese in Hong Kong and received his medical degree in 1892.

Dr. Sun Yat-Sen practiced medicine briefly in Hong Kong in 1893, after which he became strongly involved in the political scene of China. It was in the midst of the war between the Boxer Rebellion and Europeans that Dr. Sun Yat-Sen started plans for his own revolution. In 1894, when he went to Beijing and discovered that the government had done little for the good of the people, he returned to Hawaii where he organized the Review China Society for his revolutionary purpose. A branch was established in Hong Kong as an agricultural study society; when plans were made to seize control of the government.

Unfortunately, the plans failed, which led to Dr. Sun's flight to Japan and later to London in 1896, where he was arrested and imprisoned for 12 days by the Chinese and later released. Dr. Sun did not let this stop him. He used his educational knowledge by spending time at the British Museum Library where he invented the "Three People's Principles," his most important work, which later became the fundamental basis for the government in China.

He also advocated a "five power constitution," which included the examination of unsorial branches in addition to the executive, legislative and judicial branches for purposes of control. When he returned to Japan from Europe in 1905, he formed another revolutionary society called the Tong Meng Hui, the "Chinese Revolutionary League," which consisted of his former revolutionaries in Japan and young Chinese intellectuals studying in China at that time.

Dr. Sun's league's uprising of rebels and encouraging of people to speak out in Hunan Province led to political unrest in the Ching Dynasty under the control of the Emperor Pu Yi. Also, in the fall of 1911, his Tong Meng Hui League was involved in the important uprising in the Wuchang, where rebels seized control of the government, which led to that day being called the "Double Ten Day," and led to the name change of China to the Republic of China.

In January of 1912, Dr. Sun returned to China where he was elected provisional President of the New Republic. It was during his reign that he transformed his revolutionary organization into a political party called the Nationalist Party, or Kuomintang. In early 1913, his party won more seats than any rivals since China's first-ever national elections. Later that year he was forced into exile and married his second wife Soong Ching-Ling in 1914 in Japan.

Nevertheless, Dr. Sun never gave up hope for China because he assembled a government made up of his old party when he settled in Canton. He later allied with the Communist International of Moscow due to the need for military supplies and advisers to strengthen his political organization, so that he would be able to break the hold of individual military leaders in south China and create a new unified government with forces in north China.

It was on his way to meet with the northern militarists that he fell ill and died in Beijing in March of 1925 due to an inoperable liver cancer. Dr. Sun Yat-Sen's corpse became a complex political symbol, with his body being preserved and kept at a temple on the outskirts of Beijing, where people from all walks of life, including generals and political figures, came to pay homage to him.

His Kuomintang Party, after their victory about 20 years later, honored him by building a gigantic mausoleum near the capital of Nanjig, where they buried him, which made his burial an event of political enshrinement.

Mr. Speaker, I commend the community of Chinese-Americans in Chicago for establishing the Sun Yat-Sen Museum at 2245 South Wentworth Avenue.

UPDATE ON EFFORTS TO BRING ABOUT DEMOCRATIC REFORM IN CUBA; AND HALTING OF NORTHERN IRELAND ASSEMBLY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from New Jersey (Mr. PALLONE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, I only plan to take about 10 minutes of the hour this evening, and I rise to discuss matters in two foreign countries. The matters are unrelated but are of a great deal of concern to me. First, I would like to turn to Cuba and then, later, to Northern Ireland.

Mr. Speaker, I wanted to draw attention once again to the continued denial of peaceable efforts to bring Democratic reforms on the Island of Cuba. Early this year, over 11,000 citizens of Cuba took a courageous stand and petitioned the Cuban National Assembly to hold a nationwide referendum vote on guarantees of human rights and civil liberties. Named for the 19th century priest and Cuban independence hero, Padre Felix Varela, the Varela Project was the first ever peaceful challenge to Castro's four-decade-long control of the island.

During his visit to the island, former President and now Nobel Peace prize winner Jimmy Carter spoke about the Project on Cuban television. Because Varela received no attention from the Castro government press, this marked the first time many on the island heard of the Project.

Shortly after Carter's speech, Castro organized mass island-wide demonstrations as a sign of "so-called" support for the Cuban socialist system of government. Castro then started his own "petition," forcing almost all of Cuba's voting population to sign in support of an amendment to the Cuban constitution mandating the current government structure as "untouchable."

And yet Cuban officials, in the very few times they have responded to questions about Varela, called Oswaldo Paya and other organizers insignificant and have ignored their constitutional duty to respond to the petition.

In a recent article in the New York Times, Paya responded by saying, "This may not be of statistical importance, and it may not be understood well outside Cuba, but as a sign it had great value and the government understood that well. The key to the Varela Project is the personal and spiritual liberation of people. No more masks. The regime did not respond, it fled."

Mr. Speaker, despite receiving extensive international attention for his efforts, life in Cuba has not been easy for Paya. Paya has received numerous obscene phone calls and has been subject to government surveillance. He was denied permission to travel to the United States to receive an award from the National Democratic Institute in Washington. And during the week he would have traveled, someone defaced his front door with red paint.

Other human rights leaders in Cuba connected to the Project have fared even worse. The president of the Human Rights Foundation, Juan Carlos Gonzalez Leyva, is in jail and faces a possible 6-year sentence for official disrespect and resisting arrest, among other charges, after protesting the arrest of an independent journalist in March. His group had been active in collecting signatures for the Varela Project petition.

Guillermo Farinas Hernandez, a psychologist in Santa Clara, said this week he expected he might face criminal charges for his endorsing the Varela Project at a local meeting last month where officials discussed scheduled National Assembly elections.

Paya has said the government's referendum, as well as the harassment of the Project's supporters, only further reflect the need for change in Cuba. To that end, Paya and other opposition figures continue to collect signatures and have formed a civic committee to direct the drive, stating that they wanted it to be a nonpartisan project to demand fundamental rights like freedom of expression, the right to own private businesses, electoral reform, and amnesty for political prisoners.

Mr. Speaker, I would like to conclude talking about Cuba tonight and the Varela Project with one final note from the New York Times article I mentioned earlier. In response to foreign visitors that have suggested that things in Cuba were not as bad as in other Latin American countries that are plagued by poverty, corruption, and violence, Paya said only this, and I quote: "They ask if we are ready for change. What people are never ready for is oppression."

Once again I commend all those involved in the Varela Project, and I will continue to speak out in favor of the Project until the Cuban government responds in some way.

Now, Mr. Speaker, I would also like to turn briefly to Northern Ireland this evening because of my great concern about events over the last 2 weeks. I would like to initially urge British Prime Minister Tony Blair to take serious steps in preserving the peace in Northern Ireland. Mr. Blair must take immediate actions to ensure that the Good Friday Agreement does not fall apart.

Mr. Speaker, as you may know, on Monday, October 14, Prime Minister Blair suspended the power-sharing government of Northern Ireland. It is important that the agreement and the devolved institutions are reinstituted as soon as possible. The Good Friday Accords, and more specifically the participation of all parties in the Belfast assembly power-sharing government, are the only real solution to lasting peace in Northern Ireland.

The only way for the agreements and power-sharing institutions to succeed, however, is for the Unionists to immediately accept equality amongst all citizens and parties in the north. The Protestant ruling parties must cease their stall tactics and work within the confines of the agreement to create a government that will be representative of all residents of Northern Ireland.

Northern Ireland must also immediately implement all the Patten Commission's recommendations. The north must provide its citizens with a full, fair, and just reform of their police service. The PSNI, Police Service of Northern Ireland, must be representative of all ethnic, religious, and political groups in Northern Ireland. Prime Minister Blair should immediately demand the full implementation of the Patten police recommendations and ensure that Northern Ireland has a police service that is representative of all parties involved.

Mr. Speaker, I am quite worried that the Good Friday Agreement is hanging by a thread. These historic accords, which have shown the world that two parties which have battled for centuries can come up with an agreed-upon solution, are the only real way to preserve peace in Northern Ireland. And I once again urge Prime Minister Blair to reinstitute the Belfast Assembly and take immediate action on the Patten Commission's recommendations on policing.

It is my hope these historic accords can be salvaged and a real and lasting peace will be preserved.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. UNDERWOOD (at the request of Mr. GEPHARDT) for today and the balance of the week on account of activities in the district.

Mr. MANZULLO (at the request of Mr. ARMEY) for today and the balance of the week on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. KAPTUR) to revise and extend their remarks and include extraneous material:)

Mr. ETHERIDGE, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. BENTSEN, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. STRICKLAND, for 5 minutes, today.

(The following Members (at the request of Ms. ROS-LEHTINEN) to revise and extend their remarks and include extraneous material:)

Mr. WELDON of Pennsylvania, for 5 minutes, today.

Mr. NUSSLE, for 5 minutes, today.

ENROLLED BILLS SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled joint resolutions of the House of the following titles, which were thereupon signed by the Speaker:

H.J. Res. 113. Joint resolution recognizing the contributions of Patsy Takemoto Mink.

H.J. Res. 114. Joint resolution to authorize the use of United States Armed Forces against Iraq.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 1339. An act to amend the Bring Them Home Alive Act of 2000 to provide an asylum program with regard to American Persian Gulf War POW/MIAs and for other purposes.

S. 2558. An act to amend Public Health Service Act to provide for the collection of data on benign brain-related tumor through the national program of cancer registries.

BILL PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on October 15, 2002 he presented to the President of the United States, for his approval, the following bill.

H.J. Res. 114. To authorize the use of United States Armed forces against Iraq.

ADJOURNMENT

Mr. PALLONE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 57 minutes p.m.), the House adjourned until tomorrow, Thursday, October 17, 2002, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

9650. A letter from the Administrator, Farm Service Agency, Department of Agriculture, transmitting the Department's final rule — 2002 Farm Security and Rural Investment Act of 2002 Sugar Programs and Farm Facility Storage Loan Program (RIN: 0560-AG73) received October 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9651. A letter from the Administrator, Farm Service Agency, Department of Agriculture, transmitting the Department's final rule — Apple Market Loss Assistance Program Cost-Benefit Assessment (RIN: 0560-AG63) received October 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9652. A letter from the Chief Justice, Supreme Court of the United States, transmitting the Court's request that Congress take action prior to the upcoming elections to pass a full-year FY 2003 funding bill for the Judiciary; to the Committee on Appropriations.

9653. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule — Food Labeling: Health Claims; Soluble Dietary Fiber From Certain Foods and Coronary Heart Disease [Docket No. 01Q-0313] received October 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9654. A letter from the Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Navy's Proposed Letter(s) of Offer and Acceptance (LOA) to Australia for defense articles and services (Transmittal No. 03-04), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

9655. A letter from the Director, Defense Security Cooperation Agency, transmitting notification concerning the Defense Information Systems Agency's proposed Letter(s) of Offer and Acceptance (LOA) to North Atlantic Treaty Organization Consultation, Command, and Control Agency for defense articles and services (Transmittal No. 03-05), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

9656. A letter from the Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance (LOA) to the United Kingdom for defense articles and services (Transmittal No. 03-06), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

9657. A letter from the Director, Defense Security Cooperation Agency, transmitting a report of enhancement or upgrade of sensitivity of technology or capability for Saudi Arabia (Transmittal No. 0A-03), pursuant to 22 U.S.C. 2776(b)(5)(A); to the Committee on International Relations.

9658. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to France [Transmittal No. DTC 208-02], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

9659. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to the United Kingdom [Transmittal No. DTC 244-02], pursuant to 22 U.S.C. 2776(c)and 22 U.S.C. 2776(d); to the Committee on International Relations.

9660. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's report entitled, "Report of U.S. Citizen Expropriation Claims and Certain Other Commercial and Investment Disputes"; to the Committee on International Relations.

9661. A letter from the Deputy Archivist of the United States, National Archives and Records Administration, transmitting the Administration's final rule — Debt Collection (RIN: 3095-AA77) received October 15, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

9662. A letter from the Assistant Secretary of the Interior, Department of the Interior, transmitting the Department's final rule — Coal Management: Noncompetitive Leases; Coal Management Provisions and Limitations [WO-320-1430-PB-24 1A] (RIN: 1004-AD43) received October 15, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9663. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Highly Migratory Species Fisheries; Atlantic Bluefin Tuna [I.D. 091302A] received October 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9664. A letter from the Director, Regulations and Forms Services Division, INS, Department of Justice, transmitting the Department's final rule — Passenger Data Elements for the Visa Waiver Program [INS No. 2219-02] (RIN: 1115-AG73) received October 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

9665. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule — Visas: Removal of Visa and Passport Waiver for Certain Permanent Residents of Canada and Bermuda (RIN: 1400-AB43) received October 15, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

9666. A letter from the Regulations, FHA, Department of Transportation, transmitting the Department's final rule — Metropolitan Transportation Planning and Programming [FHWA Docket No. FHWA-2001-10886] (RIN: 2125-AE92) received October 15, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9667. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Drawbridge Operation Regulations: Harlem River, Newton Creek, NY [CGD01-02-113] (RIN: 2115-AE47) October 15, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9668. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Special Local Regulations; Columbus Day Regatta, Biscayne Bay, Miami, Florida [CGD07-02-117] (RIN: 2115-AE46) received October 15, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9669. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Drawbridge Operation Regulations: Mystic River, MA [CGD01-02-020] (RIN: 2115-AE47) received October 15, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9670. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Drawbridge Operation Regulations; Miami River, Miami-Dade County, Florida [CGD07-02-091] (RIN: 2115-AE47) received October 15, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9671. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bell Helicopter Textron, A Division of Textron Canada Model 222, 222B, 222U, 230, and 430 Helicopters [Docket No. 2001-SW-73-AD; Amendment 39-12897; AD 2002-20-02] (RIN: 2120-AA64) received October 15, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9672. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter France Model AS332C, L, L1, and L2; AS350B, BA, B1, B2, B3, and D; AS355E, F, F1, F2, and N; AS-365N2; AS 365 N3; SA330F, G, and J; SA-360C; SA-365C, C-1, and C2;SA.316B and C; and SA.319B Helicopters [Docket No. 2000-SW-55-AD; Amendment 39-12898; AD 2002-20-03] (RIN: 2120-AA64) received October 15, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9673. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Air Tractor, Inc. Models AT-402, AT-402A, AT-402B, AT-602, AT-802, and AT-802A Airplanes [Docket No. 2002-CE-03-AD; Amendment 39-12890; AD 2002-19-10] (RIN: 2120-AA64) received October 15, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9674. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Model HH-1K, TH- 1F, TH-1L, UH-1A, UH-1B, UH-1E, UH-1F, UH-1H, UH-1L, and UH-1P; and Southwest Florida Aviation Model SW204, SW204HP, SW205, and SW205A-1 Helicopters, Manufactured by Bell Helicopter Textron, Inc. for the Armed Forces of the United States [Docket No. 2001-SW-41-AD; Amendment 39-12895; AD 2002-20-01] (RIN: 2120-AA64) received October 15, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9675. A letter from the Chief Counsel, Bureau of the Public Debt, Department of the Treasury, transmitting the Department's final rule — Regulations Governing Treasury Securities — received October 15, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9676. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a Memorandum of Understanding between the Government of the United States of America and the Government of the Republic of Cyprus concerning the imposition of import restrictions on pre-classical and classical archaeological objects; to the Committee on Ways and Means.

9677. A letter from the United States Trade Representative, Executive Office of the President, transmitting notification that the President intends to initiate negotiations for a free trade agreement with Morocco; to the Committee on Ways and Means.

9678. A letter from the United States Trade Representative, Executive Office of the President, transmitting notification of the President's ongoing negotiations with Singapore on a free trade agreement; to the Committee on Ways and Means.

9679. A letter from the United States Trade Representative, Executive Office of the President, transmitting notification that the President intends to initiate negotiations for a free trade agreement with the five member countries of the Central American Economic Integration System (Costa Rica, El Salvador, Guatemala, Honduras, and Nicaragua); to the Committee on Ways and Means.

9680. A letter from the United States Trade Representative, Executive Office of the President, transmitting notification of the President's ongoing negotiations with Chile on a free trade agreement; to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SENSENBRENNER: Committee on the Judiciary. Supplemental report on H.R. 3215. A bill to amend title 18, United States Code, to expand and modernize the prohibition against interstate gambling, and for other purposes (Rept. 107–591 Pt. 2).

Mr. HANSEN: Committee on Resources. H.R. 2202. A bill to convey the Lower Yellowstone Irrigation Project, the Savage Unit of the Pick-Sloan Missouri Basin Program, and the Intake Irrigation Project to the pertinent irrigation districts; with an amendment (Rept. 107–760). Referred to the Committee of the Whole House on the State of the Union.

Mr. HANSEN: Committee on Resources. H.R. 4601. A bill to provide for the conveyance of a small parcel of Bureau of Land Management land in Douglas County, Oregon, to the county to improve management of and recreational access to the Oregon Dunes National Recreation Area, and for other purposes (Rept. 107–761). Referred to the Committee of the Whole House on the State of the Union.

Mr. HANSEN: Committee on Resources. H.R. 5399. A bill to authorize the Secretary of the Interior to convey certain water distribution systems of the Cachuma Project, California, to the Carpinteria Valley Water District and the Montecito Water District

(Rept. 107-762). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. KUCINICH (for himself, Mr. GEORGE MILLER of California, Mr. OWENS, Mr. ANDREWS, Mr. SANDERS, Mr. PAYNE, and Mr. STARK):

H.R. 5644. A bill to repeal certain provisions of the Labor Management Relations Act, 1947 (commonly known as the Taft-Hartley Act) that permit the President to intervene in strikes and lock-outs; to the Committee on Education and the Workforce.

By Mr. MANZULLO (for himself and Mr. NUSSLE):

H.R. 5645. A bill to improve the calculation of the subsidy rate with respect to certain small business loans and certain development company debentures; to the Committee on the Budget, and in addition to the Committee on Small Business, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MARKEY (for himself, Mr. WAXMAN, Mr. DINGELL, Mr. BERMAN, and Mr. CAPUANO):

H.R. 5646. A bill to restore standards to protect the privacy of individually identifiable health information that were weakened by the August 2002 modifications, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TOM DAVIS of Virginia (for himself, Mr. MORAN of Virginia, Mr. LARSEN of Washington, Mr. KIND, Mr. TURNER, Mr. SMITH of Washington, and Mr. FROST):

H.R. 5647. A bill to authorize the duration of the base contract of the Navy-Marine Corps Intranet contract to be more than five years but not more than seven years; to the Committee on Armed Services. Considered and passed.

By Mr. PASCRELL (for himself, Ms. BROWN of Florida, Ms. NORTON, and Mrs. CHRISTENSEN):

H.R. 5648. A bill to establish a grant program to provide comprehensive eye examinations to children, and for other purposes; to the Committee on Energy and Commerce.

By Mr. HYDE (for himself, Mr. LEACH, Mr. SMITH of New Jersey, Mr. KIRK, and Mr. FALEOMAVAEGA):

H.R. 5649. A bill to allow North Koreans to apply for refugee status or asylum; to the Committee on the Judiciary.

By Mr. GILMAN:

H.R. 5650. A bill to expand certain preferential trade treatment for Haiti; to the Committee on Ways and Means.

By Mr. GREENWOOD (for himself and Ms. ESHOO):

H.R. 5651. A bill to amend the Federal Food, Drug, and Cosmetic Act to make improvements in the regulation of medical devices, and for other purposes; to the Committee on Energy and Commerce. Considered and passed.

By Mr. BACA (for himself, Mr. CARSON of Oklahoma, and Mr. KILDEE):

H.R. 5652. A bill to designate a paid legal public holiday in honor of Native Americans; to the Committee on Government Reform.

By Mr. BOEHNER (for himself, Mr. SAM JOHNSON of Texas, Mr. ANDREWS, and Mr. PORTMAN):

H.R. 5653. A bill to amend title I of the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to provide a reasonable correction period for certain security and commodity transactions under the prohibited transaction rules; to the Committee on Education and the Workforce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BONILLA (for himself, Mr. PASTOR, and Mr. ORTIZ):

H.R. 5654. A bill to enhance the capacity of organizations working in the United States-Mexico border region to develop affordable housing and infrastructure and to foster economic opportunity in the colonias; to the Committee on Financial Services, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. JACKSON-LEE of Texas (for herself, Mr. HALL of Texas, Mr. BARTON of Texas, Mr. BENTSEN, Mr. EVANS, Mr. WELDON of Florida, Mr. STENHOLM, Mr. TURNER, Mr. DOGGETT, Mr. FROST, and Mr. ARMEY):

H.R. 5655. A bill to name the Department of Veterans Affairs in Houston, Texas, as the "Michael E. DeBakey Department of Veterans Affairs Medical Center"; to the Committee on Veterans' Affairs.

By Mr. BENTSEN:

H.R. 5656. A bill to amend title XXI of the Social Security Act to permit the use of unexpended allotments under the State children's health care program through fiscal year 2006; to the Committee on Energy and Commerce.

By Mr. BURR of North Carolina (for himself, Mr. TOWNS, Mr. TAUZIN, Mr. DINGELL, Mr. NORWOOD, Mr. WAXMAN, and Mr. STARK):

H.R. 5657. A bill to provide for availability of contact lens prescriptions to patients, and for other purposes; to the Committee on Energy and Commerce.

By Mr. CAMP (for himself and Mr. CARDIN):

H.R. 5658. A bill to amend the Internal Revenue Code of 1986 to provide an alternative simplified credit for qualified research expenses; to the Committee on Ways and Means.

By Mr. CASTLE:

H.R. 5659. A bill to establish a comprehensive program for the prevention of obesity; to the Committee on Education and the Workforce, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COLLINS:

H.R. 5660. A bill to amend the Internal Revenue Code of 1986 to reduce the tax on aviation fuel; to the Committee on Ways and Means.

By Ms. DELAURO (for herself and Mr. OWENS):

H.R. 5661. A bill to amend the Internal Revenue Code of 1986 to increase tax incentives for higher education; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. DUNN (for herself, Mrs. WILSON of New Mexico, Mr. HASTINGS of Washington, Mr. LARSEN of Washington, Mr. SMITH of Washington, Mr. MCDERMOTT, Mr. NETHERCUTT, and Mr. DICKS):

H.R. 5662. A bill to amend title XXI of the Social Security Act to permit the use of unexpended allotments under the State children's health care program for an additional fiscal year, and for other purposes; to the Committee on Energy and Commerce.

By Ms. ESHOO (for herself and Mr. CONYERS):

H.R. 5663. A bill to amend chapter 44 of title 18, United States Code, to require ballistics testing of all firearms manufactured and all firearms in custody of Federal agencies; to the Committee on the Judiciary.

By Mr. FORD:

H.R. 5664. A bill to amend title 11 of the United States Code to provide fair treatment of employee benefits; to the Committee on the Judiciary.

By Mr. GIBBONS:

H.R. 5665. A bill to provide for the sale of certain real property in Washoe County, Nevada, to the Board of Regents of the University and Community College System of Nevada; to the Committee on Resources.

By Mr. GREEN of Texas (for himself, Ms. WATSON, and Ms. DEGETTE):

H.R. 5666. A bill to amend title XVIII of the Social Security Act to provide coverage under the Medicare Program for diabetes laboratory diagnostic tests and other services to screen for diabetes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GREEN of Texas:

H.R. 5667. A bill to amend title II of the Social Security Act to eliminate the 24-month waiting period for disabled individuals to become eligible for Medicare benefits; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GUTIERREZ (for himself, Mrs. CAPPS, Mr. FRANK, Mr. CROWLEY, Mr. SERRANO, Mr. PAYNE, Mr. EVANS, Ms. BROWN of Florida, Ms. NORTON, Mr. WAXMAN, Mrs. CHRISTENSEN, Ms. LEE, Mr. PASTOR, Mrs. JONES of Ohio, Mr. DAVIS of Illinois, Mr. HONDA, and Ms. RIVERS):

H.R. 5668. A bill to amend the Elementary and Secondary Education Act of 1965 to require medically accurate and objective factual information as part of any sex education course, and for other purposes; to the Committee on Education and the Workforce.

By Mr. HONDA:

H.R. 5669. A bill to establish the Nanoscience and Nanotechnology Advisory Board; to the Committee on Science.

By Mr. HOUGHTON (for himself and Mr. BAKER):

H.R. 5670. A bill to amend the Internal Revenue Code of 1986 to allow bonds guaranteed by the Federal home loan banks to be treated as tax exempt bonds; to the Committee on Ways and Means.

By Mr. JOHN:

H.R. 5671. A bill to promote the secure sharing of information and communications within the Department of Homeland Security; to the Committee on Government Reform.

By Mr. KANJORSKI:

H.R. 5672. A bill to direct the Director of the Office of Management and Budget to reduce preexisting balances on the paygo scorecard for fiscal years 2002 and 2003 to zero and to extend the statutory budget disciplines through fiscal year 2007; to the Committee on the Budget.

By Mr. KENNEDY of Rhode Island:

H.R. 5673. A bill to improve access by working families to affordable early education programs, to increase the number of employers offering an early education benefit to employees, and to develop innovative models of public-private partnerships in the provision of affordable early education; to the Committee on Education and the Workforce.

By Mr. KENNEDY of Rhode Island:

H.R. 5674. A bill to amend the Public Health Service Act to authorize formula grants to States to provide access to affordable health insurance for certain child care providers and staff, and for other purposes; to the Committee on Energy and Commerce.

By Mr. LARSON of Connecticut:

H.R. 5675. A bill to amend title 38, United States Code, to provide for a more equitable geographic allocation of funds appropriated to the Department of Veterans Affairs for medical care; to the Committee on Veterans' Affairs.

By Mrs. MALONEY of New York (for herself, Mr. Serrano, Mr. Towns, and Mr. Frost):

H.R. 5676. A bill to authorize the Secretary of Education to make grants to local educational agencies for disaster relief; to the Committee on Education and the Workforce.

By Ms. McKINNEY:

H.R. 5677. A bill to allow suits to be filed against foreign states or other persons for damages arising from the terrorist attacks of September 11, 2001, regardless of whether a claim has been filed under the September 11th Victims Compensation Fund of 2001, and for other purposes; to the Committee on the Judiciary.

By Mr. OBERSTAR (for himself, Mr. Lipinski, Mr. Larsen of Washington, Mr. Honda, Ms. Millender-McDonald, Ms. Eddie Bernice Johnson of Texas, Mr. Pascrell, Mr. Cummings, Mr. Mascara, Ms. Norton, Mr. Carson of Oklahoma, Ms. Brown of Florida, Mr. DeFazio, Mr. Rahall, Mr. Costello, Mr. Holden, Mr. Blumenauer, Mr. Nadler, Mr. Berry, Mr. Capuano, Mr. Menendez, Mr. Boswell, Mr. Borski, Mr. Sandlin, Ms. Berkley, Mr. Baird, Mr. Matheson, Mr. Lampson, and Mr. Filner):

H.R. 5678. A bill to provide assistance for employees who are separated from employment as a result of reductions in service by air carriers, and closures of airports, caused by terrorist actions, security measures, or a military conflict with Iraq; to the Committee on Education and the Workforce, and in addition to the Committees on Ways and Means, Energy and Commerce, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. OWENS (for himself, Ms. Watson, and Ms. Jackson-Lee of Texas):

H.R. 5679. A bill to direct the Architect of the Capitol to enter into a contract to revise the statue commemorating women's suffrage located in the rotunda of the United States Capitol to include a likeness of Sojourner Truth; to the Committee on House Administration.

By Mr. PITTS:

H.R. 5680. A bill to establish a pilot program of Central Asian scholarships for undergraduate and graduate level public policy internships in the United States; to the Committee on International Relations.

By Mr. PITTS:

H.R. 5681. A bill to amend the Foreign Assistance Act of 1961 to provide assistance for the prevention, treatment, and control of HIV/AIDS, tuberculosis, malaria, polio, and other infectious diseases as such diseases affect children in the countries of Central Asia; to the Committee on International Relations.

By Mr. POMEROY:

H.R. 5682. A bill to amend the Public Health Service Act to ensure the guaranteed renewability of individual health insurance coverage regardless of the health status-related factors of an enrollee; to the Committee on Energy and Commerce.

By Ms. SCHAKOWSKY:

H.R. 5683. A bill to require all newly constructed, federally assisted single-family houses and town houses to meet minimum standards of visitability for persons with disabilities; to the Committee on Financial Services, and in addition to the Committees on Agriculture, and Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SCHIFF:

H.R. 5684. A bill to authorize the President to detain an enemy combatant who is a United States person or resident if the person or resident is a member of al Qaeda, or knowingly cooperated with members of al Qaeda in the planning, authorizing, committing, aiding, or abetting of one or more terrorist acts against the United States, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SENSENBRENNER:

H.R. 5685. A bill to prohibit the Federal Communications Commission from requiring digitial television tuners in television receivers; to the Committee on Energy and Commerce.

By Mr. STUPAK:

H.R. 5686. A bill to enable the Great Lakes Fishery Commission to investigate effects of migratory birds on sustained productivity of stocks of fish of common concern in the Great Lakes; to the Committee on Resources.

By Mr. THUNE:

H.R. 5687. A bill to direct the Secretary of the Interior to convey certain parcels of land acquired for the Blunt Reservoir and Pierre Canal features of the Oahe Unit, James Division, South Dakota, to the State of South Dakota for the purpose of mitigating lost wildlife habitat, on the condition that the current preferential leaseholders shall have an option to purchase the parcels, and for other purposes; to the Committee on Resources.

By Mr. UDALL of Colorado:

H.R. 5688. A bill to promote and coordinate global change research, and for other purposes; to the Committee on Science, and in addition to the Committees on the Budget, and International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. WATSON:

H.R. 5689. A bill to authorize the appropriation of $1,000,000 for a contribution to the World Intellectual Property Organization for projects intended to promote the integration of developing countries into the global intellectual property system; to the Committee on International Relations.

By Mr. WAXMAN (for himself and Mr. Sherman):

H.R. 5690. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to make private, nonprofit medical facilities that serve industry specific clients eligible for hazard mitigation and disaster assistance; to the Committee on Transportation and Infrastructure.

By Mr. TOWNS:

H. Con. Res. 511. Concurrent resolution congratulating the people and Government of the Republic of Kazakhstan on the eleventh anniversary of the independence of the Republic of Kazakhstan and praising long-standing and growing friendship between the United States and Kazakhstan; to the Committee on International Relations, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BROWN of Ohio (for himself and Mr. Pallone):

H. Con. Res. 512. Concurrent resolution recognizing the 50th anniversary of the first national elections in the Republic of India and commending the Government and people of India for maintaining a commitment to democracy for half a century; to the Committee on International Relations.

By Mr. HASTINGS of Florida:

H. Res. 589. A resolution condemning the recent violent bombing in Indonesia and urging renewed effort for the international war on terrorism; to the Committee on International Relations.

By Mr. ARMEY:

H. Res. 590. A resolution relating to early organization of the House of Representatives for the One Hundred Eighth Congress; considered and agreed to.

By Mr. BLUNT (for himself, Mr. Clay, Mr. Graves, Mr. Hulshof, and Mr. Skelton):

H. Res. 591. A resolution expressing the sense of the House of Representatives that the National Park Service should form a committee for the purpose of establishing guidelines to launch a national design competition; to the Committee on Resources.

By Mrs. MALONEY of New York (for herself, Mr. Bilirakis, Mr. Pallone, Mr. Israel, Mr. Rush, Mr. Gekas, Ms. Watson, Mr. Doyle, Mr. Payne, and Mr. Holden):

H. Res. 592. A resolution to recognize and appreciate the historical significance and the heroic human endeavor and sacrifice of the people of Crete during World War II and commend the PanCretan Association of America; to the Committee on International Relations.

By Mr. SMITH of Texas:

H. Res. 593. A resolution commemorating the 90th birthday of former First Lady Lady Bird Johnson; to the Committee on Government Reform.

By Mr. WEXLER (for himself, Mr. Whitfield, and Mr. Lantos):

H. Res. 594. A resolution supporting the efforts of the Republic of Turkey to join the European Union; to the Committee on International Relations.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. BACHUS:

H.R. 5691. A bill for the relief of Natasha Oligovna Russo and Anya Oligovna; to the Committee on the Judiciary.

By Ms. PELOSI:

H.R. 5692. A bill for the relief of Mounir Adel Hajjar; to the Committee on the Judiciary.

By Ms. PELOSI:

H.R. 5693. A bill for the relief of Oleg Rasulyevich Rafikov, Alfia Fanilevna Rafikova, Evgenia Olegovna Rafikova, and Ruslan Khamitovich Yagudin; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under Clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 122: Mr. Cox and Mr. Nethercutt.

H.R. 218: Mr. Weiner.

H.R. 267: Mr. Hunter.

H.R. 285: Mr. Blumenauer.

H.R. 408: Mr. Pascrell, Ms. Brown of Florida, and Mr. Payne.

H.R. 454: Mr. Blunt and Mr. Gary G. Miller of California.

H.R. 529: Mr. Bonior.

H.R. 530: Mr. Bonior.

H.R. 536: Mr. Lipinski.

H.R. 632: Mr. Skeen and Mr. Rothman.

H.R. 647: Mr. Wolf.

H.R. 840: Ms. Veláquez, Ms. Solis, Ms. Berkley, Mr. Ackerman, and Mr. Blagojevich.

H.R. 950: Mrs. Jo Ann Davis of Virginia.

H.R. 959: Mr. Dooley of California.

H.R. 1086: Mr. Frost and Mrs. Christensen.

H.R. 1360: Mr. Levin.

H.R. 1431: Mr. Kanjorski.

H.R. 1581: Mr. Shaw.

H.R. 1626: Mr. Weldon of Pennsylvania.

H.R. 1724: Mr. Capuano.

H.R. 1734: Mrs. Christensen.

H.R. 1903: Mr. Thompson of Mississippi.

H.R. 1931: Ms. Harman.

H.R. 2125: Mr. Riley.

H.R. 2179: Mr. Bonior.

H.R. 2184: Mr. Bonior.

H.R. 2484: Mr. Deutsch and Mr. Hinojosa.

H.R. 2573: Mr. Davis of Florida and Ms. Watson.

H.R. 2598: Mr. McDermott.

H.R. 2641: Mr. McDermott.

H.R. 2693: Mr. Ackerman.

H.R. 2770: Mr. Knollenberg.

H.R. 2799: Mr. Shows.

H.R. 2874: Mr. Doyle and Mr. Udall of Colorado.

H.R. 3027: Mr. Blumenauer.

H.R. 3132: Mr. Nadler and Mr. Duncan.

H.R. 3193: Mr. Bentsen.

H.R. 3283: Ms. Millender-McDonald.

H.R. 3363: Mrs. McCarthy of New York, Mr. Farr of California, Mr. Delahunt, Mr. Luther, Mr. Boswell, and Mr. Abercrombie.

H.R. 3397: Mr. Ehrlich and Mr. George Miller of California.

H.R. 3464: Mr. Bonior.

H.R. 3469: Mr. Serrano.

H.R. 3594: Mr. Udall of Colorado and Mr. Meehan.

H.R. 3634: Mr. Bonior.

H.R. 3752: Ms. Rivers and Mr. Hoeffel.

H.R. 3770: Mr. Allen.

H.R. 3782: Mr. Rangel and Mr. Filner.

H.R. 3794: Mr. Serrano, Mr. Blagojevich, and Mr. Thompson of California.

H.R. 3804: Mr. Baldacci.

H.R. 3814: Mr. Engel.

H.R. 3828: Mr. Rothman and Mr. Fattah.

H.R. 3834: Mr. Ferguson.

H.R. 3974: Mr. Thune.

H.R. 3992: Mr. Goodlatte and Mr. Olver.

H.R. 4060: Mr. Smith of Washington.

H.R. 4075: Ms. Norton.

H.R. 4078: Mr. Andrews.

H.R. 4089: Mr. Hastings of Florida, Ms. Lofgren, and Mr. Capuano.

H.R. 4091: Mr. Hastings of Florida.

H.R. 4099: Mr. Vitter.

H.R. 4483: Mr. Skelton.

H.R. 4668: Mr. Bonior.

H.R. 4706: Mr. Jefferson.

H.R. 4718: Mr. McInnis.

H.R. 4728: Mr. Allen.

H.R. 4760: Mr. Shuster and Ms. Ros-Lehtinen.

H.R. 4774; Mr. Hastings of Florida and Mr. Etheridge.

H.R. 4790: Mr. Grucci.

H.R. 4843: Mr. Rothman, Mr. Pickering, Mr. Jackson of Illinois, and Mr. Shows.

H.R. 4956: Mr. Souder.

H.R. 4974: Mr. Souder and Ms. Lofgren.

H.R. 4979: Mr. Wexler, Ms. Millender-McDonald, and Mr. Crowley.

H.R. 4983: Mr. Owens.

H.R. 5013: Mr. Mica and Mr. Herger.

H.R. 5037: Mr. McDermott.

H.R. 5052: Mr. Paul.

H.R. 5173: Mr. Paul..

H.R. 5174: Mr. McInnis.

H.R. 5182: Mr. Sensenbrenner and Mr. Crowley.

H.R. 5241: Mr. Acevedo-Vilá and Mr. Hoeffel.

H.R. 5250: Mr. Strickland, Mrs. McCarthy of New York, Mr. Blagojevich, and Mr. Johnson of Illinois.

H.R. 5252: Ms. Solis, Mr. Strickland, and Mr. Wexler.

H.R. 5285: Mr. McIntyre.

H.R. 5293: Mr. Gutierrez.

H.R. 5311: Mr. Ramstad.

H.R. 5326: Ms. McCollum.

H.R. 5334: Mrs. Clayton, Mrs. Jo Ann Davis of Virginia, Mr. Gekas, Mr. Holden, Ms. Lofgren, Mr. Lynch, Ms. McCollum, Ms. McKinney, Ms. Millender-McDonald, Mr. Owens, Mr. Phelps, Mr. Pomeroy, Mr. Quinn, Mr. Rothman, Mr. Shows, Ms. Solis, and Mr. Towns.

H.R. 5339: Mr. McHugh.

H.R. 5350: Mr. Allen.

H.R. 5383: Ms. McCollum, Mr. Watkins, Mr. Boehlert, Mr. Udall of New Mexico, Mr. Price of North Carolina, Mr. McIntyre, Mrs. Emerson, Mr. Peterson of Pennsylvania, Mr. Jackson of Illinois, and Mr. Walsh.

H.R. 5389: Mr. Wexler.

H.R. 5397: Ms. Brown of Florida, Ms. Millender-McDonald, and Mr. Grucci.

H.R. 5412: Mr. Owens.

H.R. 5414: Mr. Jones of North Carolina, Mr. Toomey, and Mr. Crowley.

H.R. 5416: Mr. Langevin.

H.R. 5450: Mr. Foley.

H.R. 5457: Mr. Gonzalez.

H.R. 5458: Mrs. Kelly, Mr. Wilson of South Carolina, Mr. Frost, Mr. Towns, Mr. Deutsch, Mr. Gordon, Mr. Jenkins, Mr. Coyne, Mrs. Morella, Mr. Waxman, Mr. Payne, Mr. Greenwood, Mr. King, Mr. Green of Texas, Mr. McNulty, Mr. Serrano, Mr. Kildee, Ms. Norton, Ms. Rivers, Mr. Capuano, and Mrs. Christensen.

H.R. 5462: Mr. Frost, Mr. Owens, Mrs. Morella, and Mrs. Christensen.

H.R. 5466: Mr. Grucci.

H.R. 5479: Mr. Rehberg.

H.R. 5491: Mr. McIntyre, Mr. Etheridge, Mr. Olver, Mr. Langevin, Mr. Hastings of Florida, Mr. Blumenauer, Mrs. Maloney of New York, and Mr. Inslee.

H.R. 5493: Mr. Frost.

H.R. 5499: Mrs. Myrick, Ms. Millender-McDonald, and Ms. Lofgren.

H.R. 5502: Mr. Bentsen, Mr. Frost, Mrs. Capps, Mr. Hoeffel, Mrs. McCarthy of New York, Ms. Lofgren, Mr. Doggett, and Ms. Berkley.

H.R. 5511: Mrs. Maloney of New York, Mr. McDermott, and Mr. Frank.

H.R. 5519: Mr. Vitter.

H.R. 5528: Mr. Slaughter, Mr. Horn, Mr. Rehberg, Mrs. Bono, Mr. Pascrell, Mr. Langevin, Mr. Duncan, Mrs. Lowey, and Mr. Sanders.

H.R. 5554: Mr. Peterson of Pennsylvania and Mrs. Jo Ann Davis of Virginia.

H.R. 5562: Mr. Bonior and Mr. Kildee.

H.R. 5566: Mrs. Jones of Ohio.

H.R. 5573: Mr. Rangel.

H.R. 5575: Mr. McKeon and Mr. Hefley.

H.R. 5606: Mr. Hinojosa, Mr. Acevedo-Vilá, and Ms. Woolsey.

H.R. 5608: Mr. Ryan of Wisconsin, Mr. Barrett, and Mr. Kennedy of Minnesota.

H.R. 5609: Mr. Bishop, Mr. Chambliss, Mr. Collins, Mr. Deal of Georgia, Mr. Isakson, Mr. Kingston, Mr. Lewis of Georgia, Mr. Linder, Ms. McKinney, and Mr. Norwood.

H.R. 5613: Mr. Serrano, Mrs. Meek of Florida, Mr. Owens, Ms. Millender-McDonald, Ms. Jackson-Lee of Texas, Mr. Evans, Mrs. Clayton, Mr. Gutierrez, Mr. Berman, Ms. Norton, Mrs. Christensen, Ms. Roybal-Allard, Mr. McDermott, Mr. Inslee, Ms. Rivers, Mr. Stark, and Ms. Woolsey.

H.R. 5624: Mrs. McCarthy of New York, Mr. Israel, and Mr. Sweeney.

H.R. 5635: Ms. Lofgren, Mr. Lipinski, and Mrs. Jones of Ohio.

H.J. Res. 31: Mr. Lantos and Mr. Watt of North Carolina.

H.J. Res. 106: Mr. Isakson.

H. Con. Res. 86: Mrs. Jones of Ohio, Mr. Boyd, Ms. Brown of Florida, and Ms. Millender-McDonald.

H. Con. Res. 336: Ms. Lofgren.

H. Con. Res. 351: Mr. Hall of Texas, Mr. Waxman, and Mr. Price of North Carolina.

H. Con. Res. 362: Mrs. Jones of Ohio.

H. Con. Res. 421: Mrs. Lowey.

H. Con. Res. 422: Mr. Meehan.

H. Con. Res. 445: Mrs. Myrick, Mr. Chabot, Mr. Brady of Texas, Mr. Johnson of Illinois, and Mr. Collins.

H. Con. Res. 450: Ms. McCollum.

H. Con. Res. 466: Mrs. Cubin, Mr. Doolittle, and Mr. Price of North Carolina.

H. Con. Res. 479: Mr. Deutsch, Mr. Kleczka, Mr. Brown of Ohio, Ms. Solis, Mrs. Lowey, and Mr. Abercrombie.

H. Con. Res. 497: Mr. Nethercutt, Ms. Kaptur, and Mr. Davis of Illinois.

H. Con. Res. 502: Mr. Doolittle, Mr. Ney, Mrs. Christensen, Mr. Cooksey, Ms. Hooley of Oregon, and Mr. Burton of Indiana.

H. Con. Res. 507: Mr. HOBSON, Mr. RILEY, Mrs. JONES of Ohio, and Mr. HOEKSTRA.

H. Res. 115: Mr. WOLF.

H. Res. 117: Mr. BONIOR.

H. Res. 429: Mr. BILIRAKIS.

H. Res. 484: Ms. MCCOLLUM.

H. Res. 560: Mr. SMITH of Michigan.

H. Res. 563: Mr. WATT of North Carolina, Mr. LEVIN, Mr. FROST, Mrs. CHRISTENSEN, and Mr. ISRAEL.

H. Res. 588: Mr. BLUMENAUER, Mr. DELAHUNT, Ms. LEE, Mrs. TAUSCHER, Mr. LAFALCE, Mr. FROST, Mr. SABO, Mr. HOEFFEL, and Mr. KINGSTON.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1433: Mr. BAKER.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

75. The SPEAKER presented a petition of the Junior Order United American Mechanics, relative to Resolution No. 4 petitioning the United States Congress that all American's hearts go out to the victims their families and friends and to our troops and their families and our thoughts are prayers are with them constantly; to the Committee on Armed Services.

76. Also, a petition of the Legislature of Orange County, New York, relative to Resolution No. 217 petitioning the United States Congress to enact the Younger Americans Act; to the Committee on Education and the Workforce.

77. Also, a petition of the Junior Order United American Mechanics; relative to Resolution No. 3 petitioning the United States Congress to oppose abortion, for any reason, except rape, incest, or endangering the life of the expectant mother; to the Committee on Energy and Commerce.

78. Also, a petition of the Junior Order United American Mechanics, relative to Resolution No. 6 petitioning the United States Congress that since our country and our freedoms were granted by God we should acknowledge his Divine Providence and leave the words "Under God" in our Pledge of Allegiance to the flag and encourage all Americans to fervently honor our flag and the Republic for which it stands; to the Committee on the Judiciary.

79. Also, a petition of the Junior Order United American Mechanics, relative to Resolution No. 7 petitioning the United States Congress to provide the necessary funding to the agencies responsible fro the enforcement of immigration policies and laws to attempt to eliminate illegal entry to the United States and to deport the masses of illegal aliens already in the United States immediately; to the Committee on the Judiciary.

80. Also, a petition of the Junior Order United American Mechanics, relative to Resolution No. 8 petitioning the United States Congress to take all necessary actions to remove anyone who is anti-American or promotes terrorism from America or United States Territories where we have the legal authority to do so; to the Committee on the Judiciary.

81. Also, a petition of the City of Chicago, relative to a Resolution petitioning the United States Congress to support the inclusion of the Department of Housing and Urban Development's Public Housing Drug Elimination Program funding in the FY 2003 VA/HUD Appropriations legislation; jointly to the Committees on the Judiciary and Financial Services.

SENATE—*Wednesday, October 16, 2002*

The Senate met at 10:40 a.m. and was called to order by the Honorable ZELL MILLER, a Senator from the State of Georgia.

PRAYER

The guest Chaplain, Father Daniel P. Coughlin, Chaplain of the U.S. House of Representatives, offered the following prayer:

Lord in whom all place their trust, great Healer of souls and nations, we come before You bent by responsibilities and often weakened by years, yet strong in faith and commitment.

A year ago, this Congress battled not only the threat to humanity, terrorists; within the walls of duty Your people fought against the deadly foe called anthrax. But by Your grace and divine Providence not one life was lost here on Capitol Hill. Today we bless You and thank You for Your care and protection. We ask Your continued blessings on the Office of the Attending Physician and its entire staff who proved to be Your instrument in this victory.

At this time, strengthen once again the Members of the Senate and all who serve this Chamber, that they may lead Your people and accomplish great tasks for the good of this Nation and in the name of justice.

Deliver from illness all relatives and friends who are of concern to Your people today, that freed from their infirmities they may be restored to full potential in Your service and come to the fullness of life in Your presence now and forever. Amen.

PLEDGE OF ALLEGIANCE

The Honorable ZELL MILLER led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, October 16, 2002.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable ZELL MILLER, a Senator from the State of Georgia, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. MILLER thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The acting majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, at 11:40 today the Senate will resume consideration of the election reform conference report with 20 minutes of debate prior to a rollcall vote on adoption of the report. Senators DODD and MCCONNELL will speak at that time.

The Senate will recess from 12:30 to 2:15 today for the weekly party conferences.

At 2:15 p.m. the Senate will consider the Department of Defense appropriations conference report with 15 minutes of debate prior to a rollcall vote on adoption of that report. That debate will be controlled by Senators STEVENS and INOUYE, who will manage that bill.

Following the disposition of the DOD report, the Senate will begin consideration of S. Res. 304 regarding budget points of order.

Mr. President, we have votes then scheduled at noon and at 2:30. We hope we can resolve S. Res. 304 on the budget issue today. We hope we can do that.

We hope there are no more votes after 2:30, but that has not yet been determined by the majority leader; depending on what happens on S. Res. 304.

PRAYING FOR MRS. OGILVIE

Mr. REID. Mr. President, I want to mention very briefly that we are all very concerned about the Chaplain's wife. As some know, she has been extremely ill for a long time, and it is my understanding she took a turn for the worse in recent days. The Chaplain is with her. They moved her to another facility in another part of the country; she is very sick.

The Chaplain prays for us, prays for our families and friends and anyone we make known to him about whom he should be praying about. He is a very fine man. He is very concerned about the welfare of the Senate, and I hope the Senate would be concerned about his welfare and that of his wife, and that we mention Mrs. Ogilvie in our prayers.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEFENSE AUTHORIZATION CONFERENCE

Mr. REID. Mr. President, there are a number of issues I want to speak about briefly this morning. First of all, there is a conference report that has not yet been completed—there are many, but I will talk about the defense authorization conference today. There is one issue holding that up.

I have had the good fortune of having the acting chairman of the House Armed Services Committee come and speak to me on this issue. There is an amendment I offered with a number of other Senators that would allow our veterans who are disabled and who have retirement benefits from the U.S. military to draw both of their benefits. Right now, they cannot; they have to make a choice. I have explained this to people at home, and they are dumbfounded that people who have been declared to have a disability in the military, and following the declaration and retirement, they cannot draw both pensions. That is holding up a $400 billion conference because the President of the United States—I used to say people around him, but that is clearly gone now; the President makes the decision—has said he will veto the $400 billion bill. He is going to veto it because of veterans who are disabled and drawing unemployment. He has said it would be something that is not good for the country. I don't think that is true.

I will talk about that more throughout the day. I see my friend from Minnesota. The conference is not closed. I dare the President to veto the bill. The conference should get that report out here. We should pass it and send it to the President and let him veto that. There isn't a veteran in the United States who would not be dumbfounded that the Commander in Chief would veto a bill that gives benefits to somebody who is disabled and retired from the military. It is unfair, inequitable, and wrong. I dare the President to veto that. If there were ever an opportunity

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

to override a veto, this is it. I think the President would make a mistake doing this.

The second thing I want to talk about is, I wrote a letter to Mitch Daniels. I said—generalizing—reading all the press accounts, the President is campaigning more than he is working on policy for this country. He is trying to show the trips he takes, where he makes campaign stops, are really trips where he is doing something of a policy nature, so that trip will be paid for by the taxpayers. I have asked Mitch Daniels, how do you justify that? No response.

Well, I think we have to do something to make the taxpayers free of the obligation of paying for campaign expenses. When we campaign, we have to pay those expenses out of our campaign funds. The President should do that. The Republican National Committee should pay for those trips, and taxpayers should not. I will have more to say about that later in the day.

I see my friend from Minnesota. His plane was a little late, and this is his assigned time.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

UNANIMOUS CONSENT REQUEST—S. 3009

Mr. WELLSTONE. I thank the Senator from Nevada.

Mr. President, I come to the floor for now the sixth time with a piece of legislation I have introduced. At other times, Senator KENNEDY has spoken about this, Senator CLINTON has spoken about this, and Senator DURBIN has spoken about this. Many have. I come to the floor to ask that the Senate proceed—I will not make the unanimous consent request yet; I don't see colleagues from the other side of the aisle here yet—that we pass calendar No. 619, S. 3009. This is a bill to extend unemployment benefits for an additional 13 weeks for workers in every State, plus 7 weeks in additional benefits for workers in States with the highest levels of unemployment. This extends the expiration date of the temporary benefits program we passed last March, which otherwise would terminate December 31.

Every time we have tried to do this, my colleagues on the other side—usually it has been the Senator from Oklahoma—have come out and objected. What I have heard my Republican colleagues on the other side of the aisle say is that they need more time to look at this. It is seven pages long. We have been at this now for well over, I think, 2 weeks and, really, one page a day certainly can be read.

I have also heard from my colleagues on the other side of the aisle that they want to work with us. We have been trying to sit down with staff on the other side because we believe we should not leave until we get this done.

One of the points my colleague from Oklahoma has been making is that we are talking about 26 weeks; in other words, if we take what we did in March—people then had 13 weeks of benefits—and they now get an additional 13 weeks of benefits, that is 26 weeks.

I say to my colleague from Oklahoma and other Republicans that we have about 900,000 men and women who have run out of unemployment benefits in the country—20,000 in Minnesota; 50,000 in Minnesota in February; close to 2 million in February of next year—and extending 13 weeks of benefits for people who have utilized the 13 weeks we gave them earlier is exactly what we did in the early 1990s on a 97-to-3 vote, with my colleague from Oklahoma, among others, supporting it.

I do not understand what the problem is. Having been back home and traveled the State a lot, I am not going to make an argument that I would consider to be a false dichotomy; that is to say, people are just focused on the economy and nothing else. I say people are worried about a lot of issues. They are worried about Iraq and what is the right thing to do, they are worried about terrorism, and they are worried about the economy. People want us to focus on the economy, and they want us to put people first. They want us to focus on people, and there are a lot of actions we could take. We could raise the minimum wage. We could invest in education and job training because a lot of workers are trying to go from one job to another, and they need to have that opportunity.

At the very minimum, could we not at least have enough of a sense of compassion and extend unemployment benefits to people who are out of work, through no fault of their own, and have run out of these benefits? This is the sixth time I have asked consent to move forward and pass this legislation.

Mr. REID. Mr. President, will the Senator yield for a question?

Mr. WELLSTONE. I will be pleased to yield for a question.

Mr. REID. Has the Senator found at home what I found at home this past Monday? I had a group of veterans with whom I met at 8 o'clock in the morning in Henderson, NV. For the first time I can remember, an elderly World War II veteran came up to me and said: Would you speak to my grandson? His grandson was a graduate of the University of Pittsburgh, had a grade point average of 3.7, and could not find a job. At that meeting, I had two young men come up to me, both of whom are college graduates and could not find jobs.

Has the Senator found that not only those people seeking entry-level jobs are having trouble, but people who have been laid off at factories and other industries and recent college graduates cannot find work? Has the Senator found that?

Mr. WELLSTONE. Mr. President, I say to my colleague from Nevada, in Minnesota and around the country there are about twice as many people looking for jobs as are jobs available. This economy is flat and, having turned downward, cuts across a broad section of population, and this does include college graduates.

As the Presiding Officer knows, given his work with the Joint Economic Committee, chairing that committee, it is also true that many of the people who are out of work right now actually come from skilled professions, skilled work, middle-income jobs.

I think this administration is sleepwalking through history. We ought to be paying more attention to the economy. We need to get this economy going again. We need to start putting people first again. We need to start investing in people. All of that is true, but at the least what we ought to do is what we did over and over in the early 1990s, which was to pass this legislation I have introduced, which is very simple and straightforward. It will extend unemployment benefits for 13 weeks. We ought to do that. We have done it before. It is the right thing to do. We can help a lot of people, and, in addition—I have said it before—it also provides some economic stimulus because, believe me, whether it is the 9,000 Oklahoma workers who have run out of the benefits we extended in March or whether it is the 20,000 people in Minnesota, people will buy. Right now, they cannot meet their needs month by month.

This is a matter of compassion, of doing what is right. Frankly—I will say it one more time, and then I will propound my unanimous consent request—it is absolutely unforgivable that this is being blocked over and over when this is exactly what we did in the early 1990s.

Before my colleague from Oklahoma came to the Chamber, I said I keep hearing about 26 weeks. This is what we did before. In March, we gave 13 weeks of additional benefits, and they have run out, and now we are talking about an additional 13 weeks. We have always helped people. We have always provided this help to people. We have always moved forward with this kind of legislation.

This is now the sixth time. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 619, S. 3009, a bill to provide economic security for America's workers; that the bill be read the third time, passed, and the motion to reconsider be laid upon the table. This is the sixth time we have propounded this request.

The PRESIDING OFFICER. Is there objection?

Mr. NICKLES. Mr. President, reserving the right to object.

Mr. REID. Regular order, Mr. President.

The PRESIDING OFFICER. Is there objection?

Mr. NICKLES. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I came back today from Minnesota. There is a lot of work to be done. At the minimum, we ought to extend unemployment benefits. We have 20,000 people in Minnesota who have run out of unemployment benefits. It is going to be 50,000 in February. We have 900,000 people in the country, 9,000 in Oklahoma. We are going to have 2 million men and women in the country who will run out of benefits by February of next year. We have two times as many people looking for jobs as jobs available.

As my colleague from Nevada said, we have college graduates who cannot find work. We have people who were in middle-income jobs, professional jobs, highly trained, looking for work. They cannot find jobs. At the very minimum, should we not extend unemployment benefits? This is exactly what we did in the early 1990s. We extended an additional 13 weeks of benefits in March of this year, and now people have exhausted their benefits. We are trying to extend an additional 13 weeks of unemployment compensation, 20 weeks in States with high levels of unemployment.

This is exactly the same—I want everybody in the country to know this—this is exactly the same legislation we passed with an overwhelming vote in the early 1990s. Why is this being blocked? Why do my colleagues on the other side of the aisle, every time I come out here or come out here with other Senators, say: We need more time to read it? My gosh, they have had plenty of time to read it. We need more time to negotiate. Have we not been involved in negotiation? This is nothing but stall, stall, stall, block, block, block, put up roadblocks, put up roadblocks, put up roadblocks.

What is so tragic about this situation is it is people's lives.

Mr. REID. Mr. President, will my friend answer a question without losing his right to the floor?

Mr. WELLSTONE. I will be pleased to.

Mr. REID. I do not know if the Senator from Minnesota had an opportunity to hear me earlier today. The Senator was in the Chamber but was communicating with his staff. The Defense authorization bill is in conference. There are about $400 billion in programs in that legislation that affect the military men and women in this country. There is only one provision holding up the conference committee from reporting that bill out, and that is what is called concurrent receipts.

Can the Senator from Minnesota find any justification that a person, who has a disability from the U.S. military and is retired from the military, should not be able to draw both benefits? Is there a reason the Senator can come up with that they should not be able to draw both benefits?

Mr. WELLSTONE. I say to my colleague from Nevada I will talk about this in the same way I talked about the State unemployment benefits. I was proud to be an original cosponsor.

When I was home over this last week, veterans were talking to me about the concurrent receipt, and they were saying they served their country and should get a disability payment when they served our country. And then dollar for dollar it is subtracted from their retirement pay? And they cannot believe there are Members of Congress, be it House or Senate, and the administration, who are trying to block this, keep it out of the Defense appropriations bill; nor can anybody in Minnesota believe there are Senators—and I gather it is the White House as well—who want to block the extension of unemployment benefits. It is the same mentality. It is like they do not want to count people. We are supposed to be helping people. Our work is supposed to be connected to people's lives.

I say to the Senator from Nevada, the Senators and Representatives who are trying to hold up concurrent receipt—and the White House, I gather, is threatening a veto—they better watch themselves because the veterans community is not going to accept this. The veterans community is going to say, in all due respect, this is no way to say thank you. It is no way to say thank you to those who have served our country. It is no way to say thank you to tell them that they cannot get a disability payment without having that money taken out of their retirement pay.

This is a huge issue in the veterans community, and if my colleague does not mind, I am going to speak a little while longer about this because I do not know what has happened. We are nearing the end of the session. There are all these elections, but these two issues we are now talking about—I want to join the two of them—should not have very much to do with politics. They really should not. We have always extended unemployment benefits to people who are flat on their backs through no fault of their own. That is exactly the same thing that is in my legislation that is being blocked over and again on the other side.

What are people who cannot find jobs, who are out of work, who are struggling to put food on the table supposed to do?

Mr. REID. Will the Senator yield for a question?

Mr. WELLSTONE. In one second. What are they supposed to do, wait around for Senators and the White House to continue to play this game of blocking? What is the problem? And what are veterans supposed to do? How are veterans supposed to feel when they hear the White House is threatening a veto because concurrent receipt is in?

Then the argument is, well, we cannot afford it, or this will cost more money. Tell that to people who served our country. Tell them we cannot afford to live up to our commitment to them. Tell them we do not really believe they have made a valid claim; that it is wrong to take away from retirement pay just because we are giving people a disability payment, a disability payment coming from a disability while serving our country. What in the world is going on? What has happened to our humanity? Why are Senators blocking these initiatives?

I have the floor, but I am pleased to yield for a question.

Mr. REID. Does the Senator also acknowledge that these unemployment benefits help more than the unemployed in that this generates money into the economy, helps small businesses, people can buy gasoline they could not afford otherwise, they might be able to buy some additional groceries? Would the Senator acknowledge that part of the reason extended unemployment benefits were originally passed was to help the economy?

Mr. WELLSTONE. I thank my colleague for his question because he is trying to help me. I view it first as an issue of compassion. Call me a softy, but honest to God, when people have run out of unemployment benefits and they are out of work through no fault of their own, it would seem to me we could provide a helping hand.

My colleague from Nevada is absolutely right. There is not an economist in the Nation who would not make the argument that this is also economic stimulus, as opposed to these Robin-Hood-in-reverse tax cuts with 40 percent of the benefits going to the top 1 percent, and proposals on the part of my Republican colleagues to eliminate the alternative minimum tax so big corporations do not have to pay anything. This is real economic stimulus because the families in Minnesota that would get the additional benefits, much less in Oklahoma, Nevada, and Rhode Island, will consume. They have to consume because right now they cannot make ends meet month by month. They will buy food. They will go out and buy a washing machine if it is broken down because they need it. They will consume. Therefore, it is a win/win.

What puzzles me is that in the early 1990s, five times we passed almost the identical legislation.

Mr. NICKLES. Will the Senator from Minnesota yield?

Mr. WELLSTONE. I would be pleased to yield if I could make one final point, and that is it is amazing the disconnect between what is going on with this effort to block the extension of unemployment benefits and also with this effort to block concurrent receipt and live up to our contract for veterans. Senator REID has taken the lead. I feel as strongly about concurrent receipt as I do about unemployment benefits. It has been a labor of love for me working with veterans.

There is a disconnect between what is going on, blocking this help for people, blocking living up to our commitment to veterans, blocking getting unemployment benefits to families that have run out and what people in Minnesota are saying because what people in Minnesota and the country are saying is focus on the economy. How about unemployment benefits? How about investing in job training and education for people who are working and now trying to look for other jobs or work their way up to better jobs? How about raising the minimum wage? How about making sure that as opposed to a Harvey Pitt, there is somebody at SEC we can count on so when there is an oversight board they are really going to be a watchdog so us little investors can finally count on investing in companies and know that they have not cooked their books?

How about doing away with these egregious rip-offs where companies go to Bermuda, renounce their citizenship and do not pay their taxes? How about not telling big corporations they do not have to pay anything? How about more tax credits for higher education? How about refundable tax credits for tuition? How about applying tax credits to other costs students have like books and other living expenses? How about investing in people? How about helping us? How about thinking about the economy? Every single time we come to the floor, we are not able to get this done.

Mr. NICKLES. Will the Senator from Minnesota yield for a question?

Mr. WELLSTONE. I would be pleased to do so.

Mr. NICKLES. I almost forgot the question, but I think it is coming back to me now. I am almost amused, but not quite, on the bill that the Senator is trying to pass by unanimous consent. Correct me if I am wrong, but did it go through the Finance Committee? Has it been reported out of any committee?

Mr. WELLSTONE. We have been down this road—let me answer the question. I say to my colleague from Oklahoma, in the last 2 weeks we have had this conversation six or seven times. Every time, I say no, and then my colleague says he has not had time to read it, and I say it is seven pages and I know the Senator is a quick reader. That is one page a day. Then my colleague says, let's us work together. We are waiting, and so far the only thing I have seen from the Senator is obstruction. That is my answer.

Mr. NICKLES. I admonish my colleague—that is a strong word—I inform my colleague that a person could exhaust their benefits, find a job and still would be counted as being unemployed.

Mr. WELLSTONE. I am sorry?

Mr. NICKLES. The current law is a 13-week Federal program, which is what we have done most of the time. The Senator has gone back to 1990. At one time there was a 26-week extension.

The PRESIDING OFFICER. The time of the Senator from Minnesota has expired.

Mr. NICKLES. I ask unanimous consent to continue for 4 additional minutes.

Mr. DODD. Reserving the right to object, I hesitate to interfere with my colleagues from Oklahoma and Minnesota who are engaged in a very important discussion.

Mr. NICKLES. We will be done in 4 minutes.

Mr. DODD. I ask unanimous consent to revise your unanimous consent request to provide an additional 4 minutes for Senator BOND and myself to talk about the election. I know that is not as compelling to some, but we think it is very important, and we want to say some things about it before the vote. After the 4 minutes is up, I will object to an extension of time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NICKLES. Just to inform my colleague from Minnesota, that current law is a 26-week State program and a 13-week Federal program, with some high unemployment States getting an additional 13 weeks. You are trying to modify the original 13 weeks and make it 26 weeks. That is very expensive.

Just to inform my colleague, if you did not try to change the trigger, or use the adjusted insured unemployment rate which costs a lot of money, and just looked at a clean, straight extension which would cost about $7 billion instead of $17.1 billion, the probability of success would go up dramatically. I mention that. To draft a bill, put it directly on the calendar, and say we expect you to pass it without any modification, is not going to happen.

I wanted to make that point. I thank my colleague from Connecticut.

Mr. WELLSTONE. Mr. President, let me say to my colleague from Oklahoma in a sincere and emphatic way, he knows a straight extension is not enough. We need an additional 13 weeks. That is the whole point. It is not a straight extension. It is adding 13 weeks for people who have run out of unemployment benefits, 900,000 men and women in the country. The trigger is the exact same trigger we used in the early 1990s. This is $10.6 billion over 10 years, all of which is in the trust fund to provide the help to people who have run out of benefits.

My colleague has blocked the very legislation we passed in the 1990s to help people. For the people in Minnesota, and the people in the country, the straight extension is not what this is about. This is an additional 13 weeks. That is what we did in the early 1990s, many times over, and what we should do today. It is simply wrong, after almost 2 weeks, that my colleague has been blocking this over and over and over again.

I yield the floor.

Mr. NICKLES. I know the Senator wants to be factually correct. I believe the trigger is different from the one in the early 1990s. The fact is, if you want to help people, consider a straight extension of the program we have in current law.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

HELP AMERICA VOTE ACT OF 2002—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of the conference report accompanying H.R. 3295, which the clerk will report.

The legislative clerk read as follows:

Conference report to accompany (H.R. 3295), a bill to establish a program to provide funds to States to replace punchcard voting systems, to establish the Election Assistance Commission to assist in the administration of Federal elections and to otherwise provide assistance with the administration of certain Federal election laws and programs, to establish minimum election administration standards for States and units of local government with responsibility for the administration of Federal elections, and for other purposes.

Mr. DODD. I ask unanimous consent the conference report be considered as read.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous order, there will now be 20 minutes of debate on the conference report.

Mr. DODD. I presume that time is equally divided between Senator MCCONNELL and myself.

The PRESIDING OFFICER. That is correct.

Mr. DODD. We spoke at some length yesterday, and my colleague from Missouri was very involved. I am prepared to reserve my time until Senator BOND and Senator MCCONNELL have time to talk about this report.

Mr. MCCONNELL. I yield 8 minutes to the distinguished Senator from Missouri.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I rise today with a sense of relief and satisfaction that we have come to the end of this marathon to do something I believe everybody in this body and in the other body believe is vitally important. We need to change the system to make it easier to vote and tougher to cheat. I begin by offering my sincere thanks and congratulations to Senator DODD, to Senator MCCONNELL on our side, for their great work, to our good friends on the House side, Chairman NEY and Congressman HOYER. We have gotten to know them much better over the last months as we have worked together. This has been truly an heroic effort.

The 2000 election opened the eyes of many Americans to the flaws and failures of our election machinery, our voting systems, and even how we determine what a vote is.

We learned of hanging chads and inactive lists. We discovered our military's votes were mishandled and lost. We learned of legal voters turned away, while dead voters cast ballots. We discovered that many people voted twice, while too many weren't even counted once.

This final compromise bill—and it is a compromise in the truest sense of the word—tries to address each of the fundamental problems we have discovered.

For starters, this bill provides $3.9 billion in funding over the next 5 years to help States and localities improve and update their voting systems. In addition to providing this financial help, we also provide specific minimum requirements for the voting systems so that we can be assured that the machinery meets minimum error rates and that voters are given the opportunity to correct any errors that they have made prior to their vote being cast.

This bill also provides funding to help ensure the disabled have access to the polling place and that the voting system is fully accessible to those with disabilities. A very special thanks to the Senator from Connecticut for this unwavering commitment to those goals.

We also create a new Election Administration Commission to be a clearinghouse for the latest technologies and improvements, as well as the agency who will be responsible for funneling the federal funds to States and localities. This reflects a great deal of effort by the distinguished Senator from Kentucky.

Then the bill attempts to address one of my key concerns, and that of course is the issue of vote fraud.

Now, I like dogs and I have respect for the dearly departed, but I do not think we should allow them to vote. Protecting the integrity of the ballot box is important to all Americans, but especially to Missouri because of our State's sad history of widespread vote fraud. This legislation recognizes that illegal votes dilute the value of legally cast votes—a kind of disenfranchisement no less serious than not being able to cast a ballot.

If your vote is canceled by the vote of a dog or a dead person, it is as if you did not have a right to vote. Much has been said about this. We have even heard from some colleagues in groups that vote fraud does not really exist. We have been told by professors and other learned folks in ivory towers that vote fraud really only exists in movies. Well, gang, come down out of your ivory towers. We can explain it to you. We know better.

In just the past month we learned of voter scams in Pennsylvania, and now we are learning of an ongoing FBI investigation in South Dakota where the media reports:

> Every vote counts—unless ballots are being cast by people who don't exist, are dead, or who don't even live in South Dakota. A major case involving those voter fraud issues has been under investigation by the FBI for the past month.

If vote fraud is happening in South Dakota, it could be happening everywhere. In fact, in a report just released, which reviewed voter file information across State lines, nearly 700,000 people were registered in more than one State and over 3,000 double-voted in the 2000 election. That is 3,000 vote fraud penalties, felonies, waiting to be prosecuted. I hope local, State, and Federal officials involved will aggressively pursue these crimes.

But, as I have said numerous times since I began this quest with Senators DODD and MCCONNELL many months ago, I believe that an election reform bill must have two goals—make it easier to vote but tougher to cheat.

Lets discuss for a moment a few of our registered voters: Barnabas Miller of California, Parker Carroll of North Carolina, Packie Lamont of Washington, D.C., Cocoa Fernandez of Florida, Holly Briscoe of Maryland, Maria Princess Salas of Texas and Ritzy Mekler of Missouri.

They are a new breed of American voter. Barnabas and Cocoa are poodles. Parker is a Labrador. Maria Princess is a Chihuahua, Holly is a Jack Russell Terrier, and Ritzy is a Springer-Spaniel.

So has our voting system really gone to the dogs? And what can we do about it? This final bill takes this issue square on, and I am very pleased that this final agreement retains and strengthens the anti-vote fraud provisions we spend so much time fighting to include:

New voters who choose to register by mail must provide proof of identity at some point in the process, whether at initial registration, when they vote in person or by mail. Among the kinds of acceptable forms of identification: utility bill, government check, bank statement, or drivers license—no dog licenses, please. In lieu of the individual providing proof of identity, States may also electronically verify an individual's identity against existing State databases. This should go a long way toward solving the fraud occuring in South Dakota.

States will be required to maintain a statewide voter registration list.

Mail-in registration cards will now require applicants specifically to affirm their American citizenship.

The bill makes it a Federal crime to conspire to commit voter fraud. Those behind illegal vote fraud activities will be subject to penalties, not just the poor operatives who signed the fraudulent applications.

Voters who do not appear on a registration list must be allowed to cast a provisional ballot. Voters without proper identification are also allowed to vote provisionally, but no provisional ballot will be counted until it is properly verified as a legal vote under state law.

If a poll is held open beyond the time provided by State law, votes cast after that time would be provisional and held separately.

Finally, voters will be required to include either their driver's license number or the last four digits of their social security number on their voter registration form. Again, this reform will also help in uncovering the fraud that is occuring in South Dakota.

I believe that these meaningful reforms will go a long way to helping states clean up voter rolls, and thus clean-up elections.

Will Rogers once said, "I love a dog. He does nothing for political reasons." Our election laws should keep it that way.

Mr. President, the Help America Vote Act contains many important provisions that will improve the equipment voters use to cast ballots at the polls. It also will take major steps to prevent fraud, which disenfranchises voters by cancelling the votes of legal voters with illegal votes. This bill follows in the path of the Voting Rights Act, the National Voter Registration Act and other Federal voting statutes that enhance the voting rights of all Americans and protect the exercise of their franchise. These important provisions deserve further review so their meaning and the intent of Congress in including the provisions in the bill is clearly understood.

By passage of this legislation, Congress has made a statement that vote fraud exists in this country. The many reported cases and incidents of registration and vote fraud revealed in testimony before Congress, in our debates and in the press make it imperative that we implement such standards that are clearly within the Constitutional power and prerogatives of Congress.

A principle concern of Congress addressed in this bill is the abuse of mail registration cards, created by Congress as part of the National Voter Registration Act, for the purpose of committing vote fraud. The creation by Congress of the mail registration cards opened an new avenue for vote fraud in many States. NVRA requires States and localities to accept registration cards through the mail while limiting the ability of states and localities to authenticate or verify the registrations. Accordingly, the mail-in registration cards have become a means of unscrupulous individuals to register the names of deceased, ineligible or simply non-existent people to vote.

In my home State of Missouri, there is abundant evidence of these cards being used for the purpose of getting phony names, the names of the deceased and even the names of pets on voter rolls. Someone even registered the deceased mother of the prosecuting attorney of the City of St. Louis. Names have been registered to drop-houses, businesses, union halls, Mailbox Etc. and vacant lots. From there the people behind the fraud can request an absentee ballot in the name of the voter or attempt to go to the polls and cast a vote under the assumed name.

Congress agreed that while the mail-in cards have made registration more accessible, the policy has also created increased opportunities for fraud. To address this, we created an identification requirement for first-time voters who register by mail. The security of the registration and voting process is of paramount concern to Congress and the identification provision and the fraud provisions in this bill are necessary to guarantee the integrity of our public elections and to protect the vote of individual citizens from being devalued by fraud. Every false registration and every fraudulent ballot cast harms the system by cancelling votes cast by legitimate voters. It undermines the confidence of the public that their vote counts and therefore undermines public confidence in the integrity of the electoral process.

Under this new Federal requirement, those who choose to register by mail will have to show identification before the first time they vote in that jurisdiction. If the voter is registering to vote in a State that has a statewide voter registration system complying with the requirements of this bill, the voter will have to show identification before the first time they vote in that state. The voter has to show identification at some point between the time they register and the time they vote. To comply with the identification requirement, the voter can include a copy of the identification with their registration card, a copy of the identification can be included with an absentee ballot or it can be shown when the voter goes to the polling place. The option of the voter to vote absentee or to vote at the polls is not limited but the objective of Congress is fulfilled by voters who register by mail verifying the identify of the voter at some point before they cast their first vote.

It must be noted, that in drafting the bill, the authors of the Senate bill conducted extensive research. It was the conclusion of the authors based on the research that it is in the capacity of the chief state election official and the overwhelming majority of election jurisdictions to track the names of those who register by mail. With that information, the election jurisdictions will have accurate and ample information to determine which voters will be required under the terms of this statute to present identification at the polls. It has been argued that there is likely to be confusion at the polls because states will not have the information as to first time voters. This concern was carefully weighed by the bill's authors and the conferees and it was agreed that the evidence does not support the assertion.

Regarding the numerous criticisms of this section: this provision will not result in voters being denied the right to vote. Voters who do not have the identification required will be given the opportunity to cast a fail safe ballot. Voters who are at the polls will cast a provisional ballot and those who vote by mail will have their ballots subject to additional review to determine validity of the registration.

This provision does not single out those who register by mail in an improper manner, rather it builds on the existing structure Congress created in the National Voter Registration Act. When creating mail registration, Congress recognized the potential for fraud and authorized states to require mail registrants to vote in person the first time they vote. The approach proved to be inadequate so in this bill we took additional steps. The approach we took, however, was already paved in the passage of the National Voter Registration Act.

This provision is not discriminatory; the documents required for identification are widely available. The Department of Transportation statistics report that more than 90 percent of Americans of voting age have a drivers license. But to be certain no one will be negatively impacted, the conferees included carefully crafted and balanced identification requirements. The required pieces of identification include items widely available to all citizens, including the disabled, the poor, new citizens, students and minorities.

For example, positive identification is required to apply and receive food stamps. When applying for food stamps, the required identification is very similar to that required in this bill, including a driver's license or some other identification that allows the state to verify the identify of the applicant for the purpose of preventing fraud. Provision and verification of an existing social security number is required before a person can qualify for Federal temporary assistance. The steps taken in this bill are in line with the steps taken by the Federal Government to prevent fraud in welfare assistance. Surely clean elections, accurate results and faith in the election process is as an important of an objective as preventing welfare fraud. The conferees also agree that the provision is something that can be readily complied with by the disabled. As we know, many of the disabled are in the work environment, therefore will be in possession of a paycheck or tax return or other government document bearing the name and address of the voter. As stated, Federal benefits require an identification. For those who use state or federal services, they again will have identification or another government document related to the provision of the service. Again, great steps have been taken to ensure that all Americans can comply with this provision.

The aged, disabled, the poor and members of minority groups are most often the target of fraudulent registration and absentee ballot fraud schemes that take advantage of the lack of security in the system, their ability to register to vote and cast a ballot will be enhanced most by this legislation.

The identification requirements do not run afoul of the Voting Rights Act. In fact, Assistant Attorney General for Civil Rights Ralph Boyd in a letter to the Senate stated that the identification provision does not violate the Voting Rights Act. The identification requirement gives the voter choices as to where and at what point in the process to produce identification. The ability of the states to apply this provision in an arbitrary or discriminatory manner is limited by giving the choice to the voter. Furthermore, Congress explicitly provided that the identification requirements are to be administered in a uniform and nondiscriminatory manner. Election officials must ask all people for identification when the legislation calls for it.

The first time voter ID requirements for those who register by mail are obviously not discriminatory since they apply to all voters regardless of race, color or ethnic origin and must be applied in a uniform and nondiscriminatory manner.

It must be noted that one form of identification required is a current valid photo identification. It is the intent of the conferees that this identification be issued by a government entity or a legitimate recognized employer. The conferees agree that the identification should not be that of a party organization, a political organization, a club or a retail establishment. The conferees intend that the photo identification be something that is extremely difficult to falsify or procure under false pretenses.

Congress intends the Help America Vote Act to work along side the National Voter Registration Act. However, the identification provision, section 303(b) Requirements for Voters Who Register By Mail, may be read by some courts or other parties to require action or conduct prohibited by NVRA.

It is the intent of Congress that voters who register by mail show identification. If a court reads this obligation to conflict with any other statute, it is the intent of Congress that section 303(b) of the Help America Vote Act control in such a situation. Congressional intent is reflected by the presence of section 906, which clearly states that this section will be controlling.

The conferees recognize that many States have taken steps to address fraud. A number of those steps may go beyond that set in this bill. It is the agreement of the conferees that this bill in no way limits the ability of the states from taking steps beyond those required in this bill. For instance, several States require those who register by mail to vote in person the first time they vote. This bill does not limit a State from taking this additional step to address fraud. Each of the steps taken in this bill to address fraud shall be considered to be a minimum standard.

This legislation sets an additional Federal mandate. All people registering to vote for a Federal election will be required to provide a driver's license number or the last four digits of their social security number on the registration card when they register to vote. If an applicant has neither, the registrant should indicate so and the State will provide a number at the time the application is processed. No registration can be processed unless this information is included.

The authors of this bill found that voter rolls across the country are inaccurate or in very poor order, the condition in many jurisdictions, particularly the large jurisdictions, are in a state of crisis. Voter lists are swollen with the names of people who are no longer eligible to vote in that jurisdiction, are deceased or are disqualified from voting for another reason. It has been found that 650,000 in this country are registered in more than one State. As of October of 2002, 60,000 people were registered in Florida and at least one other state. In St. Louis County, some 30,000 people were registered to vote in the county and at least one other county in the State.

The conferees agree that a unique identification number attributed to each registered voter will be an extremely useful tool for State and local election officials in managing and maintaining clean and accurate voter lists. It is the agreement of the conferees that election officials must have such a tool. The conferees want the number to be truly unique and something election officials can use to determine on a periodic basis if a voter is still eligible to vote in that jurisdiction. The social security number and driver's license number are issued by government entities and are truly unique to the voter. They are the most unique numbers available, that is why the conferees require the voter to give the number.

Again, it is the intent of the conferees to impose a new Federal mandate for voter registration.

Under this bill, the use of the full social security number is not required, a partial social security number is required. That requirement does not conflict with the terms of the Federal privacy act. The privacy act states that people cannot be required to give their social security number except for limited purposes. Registering to vote is not one of the exceptions. But the privacy act protection is limited to the full social security number, there.

The conferees do not want this requirement to conflict with the privacy act, therefore, language was included in the bill to clarify the privacy act with regard to the partial social security number. The bill clarifies that the partial social security number is not covered by the privacy act, so asking for four digits will not conflict in any way.

Finally, it is important to note that states that utilize full social security numbers for voter registration applicants can continue to do so after passage of this legislation. This new registration requirement is a minimum standard. If a state requires applicants to provide more information—such as their entire nine-digit social security number—this legislation will not override that state requirement.

Section three of the legislation is known as the minimum standards section. It includes minimum standards for federal election to be adopted by the states. The first of the mandates concerns the voting system, which includes the type of voting machine or method used by a jurisdiction. This section will require the voting system to meet minimum standards. However, the legislation does not seek to ban the use of a particular type of system and it does not instruct a jurisdiction as to what type of system to use. The intent of the bill is to improve the system used; it is not the intent of the legislation to prohibit a jurisdiction from using any type of system or to ban a voting system.

Under this minimum standard, the voting system in every jurisdiction will have three requirements. First, the voter has to be permitted to verify the votes they cast. This requirement gives the voter the opportunity to review the ballot after it is filled out and before it is cast so that the voter himself can determine if he made a mistake in filling out the ballot. The second requirement gives the voter the right to a replacement ballot. The intent of this provision follows on the verification provisions; if a voter finds that he has made a mistake he can ask a poll worker for a replacement ballot for the voter to fill out and cast. The first ballot, of course, will be invalidated by the poll workers. This provision also applies to mail-in voting and absentee voting. It does not require a state or jurisdiction to do anything other than provide a voter the opportunity to get a replacement ballot. It is incumbent upon the voter to do so before any deadline for submitting the absentee or mail ballot.

The next voting machine related requirement has to do with over votes, voters who cast more than one vote in a single race and spoil their ballot. Certain voting technologies, such as the DRE, precinct-based opti-scan and lever machines, notify the voter that they have voted more than once in a single race. If the technology can notify the voter, this section requires that it is employed and voters be notified. There are certain technologies that do not notify the voters of overvoters, such as paper ballots, central count systems, punch-card systems and absentee ballots. To satisfy the requirement, jurisdictions that use this system will be required to have in place a voter education system to inform the voter of the consequences of overvoting and the remedies that are available should they overvote. This is a compromise and it is consistent with the clear intent of the authors of this bill not to eliminate any type of voting system and allow jurisdictions to choose the system that is best for that jurisdiction.

The legislation also requires every jurisdiction in every State to offer voters who claim to be registered in a jurisdiction but do not appear on the voter rolls for that jurisdiction the right to cast a provisional ballot. If the voter provides the required information and attests to their belief of being properly registered, the voter will be given a provisional ballot. No voter will be turned away from the polls because of a mistake or oversight at the administrative level.

There are several points I want to make as to how the provisional vote is to operate. I also want to clarify the intent of the authors as to the extent and limit of the right conferred on the voter by this section.

The provisional ballot will be extended to those who arrive at the polls to find that their name does not appear on the register of voters. The statute states that the poll worker shall inform the voter of the right to vote by provisional ballot. That right, however, is extended to those who believe that they are registered to vote and are registered to vote in that particular jurisdiction.

It is not the intent of the authors of this bill to extend the right to vote by provisional ballot to everyone who shows up at the polls and is not registered or for those who are not eligible to vote in the election. The intent is to provide protection to those who in fact registered but do not appear on the register because of an administrative mistake or oversight.

Before one can get a provisional ballot, the voter must sign an affidavit attesting to the fact that he believes he registered to vote in that jurisdiction and that he is eligible to vote in that election. So in addition to the registration question, the voter must also state that he is not disqualified from voting in the election, such a reason may include felony status or the voter has already cast an absentee vote in the race.

Once the voter turns over his ballot, it will not be tabulated until the information provided by the voter as to his registration status is verified. In verifying the information about the voter, the language of the statute states that the information provided shall be transmitted to a state or local election official for verification of the information. This language reflects the intent of the authors of the bill that the registration and eligibility of the voter be verified by an election official before the ballot is counted. It is also the intent of the authors that the verification be done by someone other than the poll workers and that the ballot be segregated from other ballots until that information is verified. The authors went to lengths to ensure that the ballot is not simply counted once cast, rather a review of the information is to be conducted on the status of the voter.

Furthermore, ballots will be counted according to state law. If it is determined that the voter is registered in a neighboring jurisdiction and state law requires the voter to vote in the jurisdiction in which he is registered, meaning the vote was not cast in accordance with State law, the vote will not count. It was contemplated by the authors of the statute that under such circumstances, the vote will not count. It is not the intent of the authors to overturn State laws regarding registration or state laws regarding the jurisdiction in which a ballot must be cast to be counted.

Additionally, it is inevitable that voters will mistakenly arrive at the wrong polling place. If it is determined by the poll workers that the voter is registered but has been assigned to a different polling place, it is the intent of the authors of this bill that the poll worker can direct the voter to the correct polling place. In most States, the law is specific on the polling place where the voter is to cast his ballot. Again, this bill upholds state law on that subject.

The legislation also speaks to efforts, through litigation or otherwise, to extend polling hours beyond those set by law. Under this bill, those who vote in an election as a result of an order extending polling hours, they will be required to cast a provisional ballot. This section only covers those who vote as a result of the order, it does not cover those who are in line before the polls close but cast their ballot after the closing time.

Those who vote as a result of the order will cast a provisional ballot and the ballots are to be held separately from other provisional ballots cast in that race.

As we have seen before in elections, lower courts have issued orders to extend polling hours only to have their order overturned later in the day. But prior to passage of this bill, once ballots are cast, we have no way of retrieving those ballots and candidates will be credited with votes that should never have been cast. With the method required by this legislation, the ballots of those voting based on the order will be segregated and identifiable. If the order is overturned, the parties involved in the election and perhaps the courts can then determine how to reconcile those ballots. It only seems fair that if the order is overturned and a higher court decides that the polling hours should not have been extended, then the ballots cast as a result of that order should not count for or against any of the candidates.

The legislation also requires states to set up a computerized, statewide voter registration system to maintain the names of all registered, eligible voters. It has been discovered that in states across the country, registration lists contains the names of people who have left the jurisdiction, who are not eligible to vote because of their status as a felon, who are deceased or who are not eligible to vote in that jurisdiction for any number of reasons.

As I prepared to draft this legislation, I reviewed the voting lists in two jurisdictions in my State, St. Louis City and St. Louis County. In the city, I found that one in ten voters were also registered somewhere else in the State and at the time of the November 2000 election, there were more registered voters than there were city residents of voting age. In St. Louis County, I found nearly 35,000 people who were registered somewhere else in the State. It was not unusual to find people who were registered four times in the state.

It is well documented that registration lists around the country as in disarray; they are bloated and contain the names of thousands of people that no longer belong on the list. In part, this is because we live in an increasingly mobile society. It is also because Congress made it more difficult for localities to maintain clean lists when Motor Voter was passed.

Under this law, States will be required to maintain a State system and therefore the central database of information containing the names of all registered voters in the state.

In most States, registration will be maintained for the first time on a statewide basis rather than jurisdiction by jurisdiction. This will not affect the obligation on the States to conduct list maintenance according to the provisions of the National Voter Registration Act. First, for those States who are exempt from motor voter, this will not affect that exemption and it will not affect the way they maintain their voter lists. All other States must comply with NVRA maintenance provisions. This legislation does not limit the circumstances under which States can remove names from voter lists. The notice provisions must still be complied with, although they have been altered by the terms of this legislation.

The requirement for a state-wide registration system will enhance the integrity of our election process, making it easier for citizens to vote and have their ballots counted, while clearing ineligible and false registrations from the voter rolls.

The Help America Vote Act also includes two new crimes directed at those who commit vote fraud. This should be taken as further evidence of the extent of the concern of the conferees and Congress at large about voter fraud and the lengths that should be gone to stop voter fraud. One section in particular section, 905(a), requires additional clarification.

This section is as well intended to work with NVRA. Under NVRA, people who use the mail registration card for the purpose of committing vote fraud are subject to a criminal penalty. The reading of NVRA appears to limit that to the person who actually commits the act, whether it be sign the false card, mail the false card or turn it in to the election officials. Section 905(a) of the Help America Vote Act, is intended to extend that reach of the statute to cover those who organize the fraudulent use of mail registration cards or who conspire with others to use the mail registration cards to commit vote fraud. Therefore, it is clear it is the intent of Congress to extend the reach of the law to get the conspirators and the ring leaders in committing vote fraud.

Mr. President, I close expressing my sincere appreciation to the staff. On Senator DODD's staff: Shawn Maher, Kennie Gill, and Ronnie Gillespie. On Senator MCCONNELL's staff: Brian Lewis, Leon Sequeira, and Chris Moore. On the staff of Congressman NEY: Paul Vinovich, Chet Kalis, Roman Buhler, Matt Peterson, Pat Leahy. On Congressman HOYER's staff: Keith

Abouchar, Lennie Shambon, and Bill Cable.

Mr. McCONNELL. Mr. President, I thank Senator BOND for that statement which clearly reflects the intent of the authors of the bill on these important sections. If the Senator would yield, I would like to ask him some questions regarding various sections of this bill.

This conference report has a section on alternative language accessibility of voting systems, but the bill does not expand the language accessibility beyond what is already required under the Voting Rights Act. Is that the understanding of the conferees on alternate language accessibility?

Mr. BOND. That is correct. The Voting Rights Act requires certain voting materials to be available to the language groups delineated in the Voting Rights Act statute. The language in the bill simply States that the statute should be enforced. It is the intent of the authors to display our belief that enforcement of the Voting Rights Act is important but it is not the intent of the authors to expand that right.

Mr. McCONNELL. If the Senator would yield, I have a few more questions.

This bill makes significant changes in the voter registration process for Federal elections. These changes are designed to clean up our Nation's voter registration lists and reduce fraudulent registrations and voting. Congress has a compelling interest in protecting the integrity of the Federal election process. This legislation will further that interest by helping to ensure accurate voter rolls, which is the first step in ensuring fair elections. The senior Senator from Missouri was a conferee on this bill and he has seen many instances of duplicate voter registrations and voter fraud in his State. I would like to ask the Senator from Missouri if his understanding of the function and purpose of these new provisions is consistent with my understanding and the intent of the conferees on this conference report.

The conference report on H.R. 3295 requires that individuals who register to vote on or after January 1, 2004, for Federal elections must provide their driver's license number on the registration form. If the individual has not been issued a valid driver's license number, then that individual must provide the last four digits of his or her social security number on the registration form. In the unlikely event that an individual has neither been issued a driver's license number, nor a social security number, the State shall issue that individual a random registration number.

The State will then verify the registration information provided by the individual with information in the State's department of motor vehicle database. The State's department of motor vehicle database will be also be cross-checked against Social Security Administration records. It is important to note that States that utilize full social security numbers for voter registration applicants can continue to do so after passage of this legislation. This new registration requirement is a minimum standard. If a State requires applicants to provide more information—such as their entire nine-digit social security number—this legislation will not override that State requirement.

Furthermore, the new computerized statewide registration systems that we require States to implement will also help safeguard voter registration lists against fraud. A State's use of a statewide voter registration list will not, however, override State registration requirements. Thus, even though a voter's registration information has been entered into the statewide list that does not mean a voter will never have to re-register if that voter moves to a different jurisdiction within the State. The intent of the conferees is to provide a centralized list of registered voters to help guard against fraud. The intent is not to create one-time registration for voters and force States to let individuals vote from locations other than the precinct in which the voter is registered.

I ask the Senator from Missouri if my explanation of these provisions reflects the intent of the conferees on this legislation?

Mr. BOND. I agree with the Senator from Kentucky. His understanding of these new voter registration provisions is correct. These provisions were designed to create more accurate voter lists and help ensure the integrity of elections. Recent studies have found that there are more than 720,000 people registered in more than one State. Duplicate registrations provide the opportunity for unscrupulous people to commit fraud and undermine honest elections by, in effect, invalidating legally cast ballots.

Voter fraud can occur in many ways: submitting registration forms in the name of deceased or fictitious people is one of the most common. But some folks even fill out registration cards in the name of their pet. In my home State of Missouri and in several other States and localities across the country, we have seen serious documented cases of fraudulent voter registrations. I have spoken many times of the fraud in St. Louis in the 2000 election and this is an ongoing and indeed, a nationwide, problem. Just last week, we learned that the FBI is investigating widespread voter fraud in South Dakota and Pennsylvania.

Based on the extensive documentation we have seen, there can be no doubt that voter fraud is a serious and real problem in Federal elections. The use of driver's license numbers and full or partial social security numbers will help elections officials to verify the identity and eligibility of individuals and reduce fraudulent voter registrations from being added to our voter rolls.

I should also note that these provisions apply to all registrants for Federal elections regardless of the registrant's race, color or ethnic origin. It is not a burdensome or discriminatory requirement in any way. In fact, several States already require individuals to provide this type of information on voter registration applications. Some States require even more information from applicants, such as their full nine-digit social security number. We have seen that States that require additional identifying information from registrants have substantially fewer duplicate and fraudulent registrations on their voter rolls.

So, again, I agree with the Senator of Kentucky and am pleased to report the conferees agreed that voter fraud is a serious problem and included these provisions to help reduce that fraud and clean up the Nation's voter rolls.

Mr. McCONNELL. I would also like to ask my fellow conferee, the Senator from Missouri, about another voter registration provision in this legislation. It is my understanding that some voter registration applications currently in use are ambiguous with regard to questions about an applicant's citizenship status. Because of these ambiguous questions and instructions for answering the questions, the conferees concluded that registration forms should provide additional guidance to registration applicants and election officials who process voter registrations.

This legislation requires that voter registration applications contain a question asking whether the applicant is a U.S. citizen and boxes for the applicant to answer the question by checking "yes" or "no." If neither box is checked, the election official must return the application to the individual with instructions to complete the form. In effect, we have created a second-chance registration opportunity. The individual's registration application cannot be processed and the individual cannot be registered unless the citizenship question is answered—and answered affirmatively. The registration form shall also inform the applicant of this procedure I have just described.

Mr. BOND. The Senator from Kentucky has accurately described the intent and effect of this provision. I would also add, as I am sure the Senator from Kentucky recalls, we learned that many jurisdictions in this country have experienced continual confusion over citizenship questions on registration forms. Some jurisdictions simply discard registration applications or do not process the application when an individual does not answer the citizenship question. Other jurisdictions register individuals even though the individual did not answer the citizenship question. Both of these scenarios threaten the integrity of Federal elections. By requiring that incomplete registration cards be returned to applicants, we help ensure that those who innocently overlooked part of the registration form will be provided a second opportunity to complete it.

As previously Stated, Congress has a compelling interest in protecting the integrity of the Federal election process. The conferees on H.R. 3295 believe that through this additional instruction about the citizenship question, both voter registration applicants and elections officials will take the appropriate actions to ensure those who are entitled to register are actually registered. Through this clarification and requirement that individuals affirmatively declare their U.S. citizenship, we help ensure that only eligible voters vote in Federal elections.

Mr. McCONNELL. I would also like to ask the senior Senator from Missouri about language in section 301 of the conference report. Section 301(a)(1), regarding Voting System Standards, says a voting system shall permit a voter to verify in a private and independent manner the votes selected. Section 301(a)(1) also says a voting system shall provide a voter an opportunity in a private and independent manner to change his or her ballot before the ballot is cast and counted.

Am I correct that the conferees included the language "in a private and independent manner" to ensure that individuals can verify and change their votes free from intimidation or coercion from poll workers, election officials or others?

Mr. BOND. The Senator from Kentucky is correct. The language "in a private and independent manner" was added to the Voting System Standards requirements to underscore the conferees' belief that voters should not be harassed or intimidated at the polling place. Section 301(a)(1)(C) of the conference report also emphasizes that the privacy of the voter and confidentiality of the ballot is paramount. If a voter chooses to review his ballot and or make changes to his ballot, he should be able to do so free from the interference of others.

Mr. McCONNELL. I have a couple of more questions for the Senator from Missouri. The Conference Report on H.R. 3295 contains a new requirement that voters in Federal elections have the opportunity to cast a provisional ballot in cases where that person's name does not appear on the list of eligible voters at a polling site and the voter declares that he or she is properly registered to vote at that polling site. I would like to ask the senior Senator from Missouri about the provisional ballot requirement.

Am I correct that this legislation does not require a State or locality to count a provisional ballot cast by an individual who is not properly registered in the jurisdiction where the individual attempts to vote? And furthermore, this legislation does not require a State or locality to permit a voter who is not registered in a jurisdiction to vote from that jurisdiction?

And am I also correct that a provisional ballot will be provided to a voter if a poll worker or other individual, pursuant to State law, challenges a voter's eligibility to cast a ballot?

Mr. BOND. I agree completely with the Senator's description of this provision. Congress has said only that voters in Federal elections should be given a provisional ballot if they claim to be registered in a particular jurisdiction and that jurisdiction does not have the voter's name on the list of registered voters. The voter's ballot will be counted only if it is subsequently determined that the voter was in fact properly registered and eligible to vote in that jurisdiction.

In other words, the provisional ballot will be counted only if it is determined that the voter was properly registered, but the voter's name was erroneously absent from the list of registered voters. This provision is in no way intended to require any State or locality to allow voters to vote from any place other than the polling site where the voter is registered.

Further, as the Senator from Kentucky correctly pointed out, if State law permits the challenge of provisional voters by someone other than election officials, this legislation does not prevent that particular State practice.

Mr. McCONNELL. I thank the distinguished Senator from Missouri for his insightful answers to my questions and for his tireless work on this conference report. I urge my colleagues to vote for the conference report.

Today is a monumental day for the United States Senate. After 22 months of hard work, we are finally ready to vote, and hopefully overwhelmingly approve, election reform legislation. The House-Senate conference committee has presented this body with an outstanding piece of legislation.

This conference report will usher in tremendous improvements to the elections process across this country and the Federal Government will share the costs. Through the establishment of an independent bipartisan commission, States will receive the best objective information on improving election systems.

The conference report will ensure that those who are legally registered and eligible to vote are able to do so, and do so only once. The new requirements for the creation of statewide voter registration databases, voter registration and mail-in registrants voting for the first times are the core of the new protections against fraudulent registration and fraudulent voting.

I thank the State and local organizations that have been there with us from the beginning and a special thank you to Doug Lewis from the Election Center. Mr. President, I ask unanimous consent to have printed in the RECORD a list of those organizations whose expertise and support was invaluable throughout the process.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. McCONNELL. Once again I would like to thank and congratulate Senators' DODD and BOND and Congressmen NEY and HOYER and the rest of the election reform conferees.

I strongly urge my colleagues to join me in supporting this historic conference report.

In my remarks yesterday I thanked the various staff members on both sides of the aisle for their outstanding work.

Also I ask unanimous consent an editorial in today's Wall Street Journal called "Dead Men Voting" about the scandal unfolding in South Dakota be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Oct. 16, 2002]

VOTER FRAUD WANDERS OFF THE RESERVATION

(By John H. Fund)

Today the Senate will approve and send to President Bush a landmark bill that will upgrade voting machines and begin to curb the voter fraud that is creeping into too many close elections. It can't come soon enough. Last week, a massive vote-fraud scandal broke out in a Senate race in Tom Daschel's home state of South Dakota that could determine control of that body.

The FBI and state authorities are investigating hundreds of possible cases of voter registration and absentee ballot fraud. Attorney General Mark Barnett, a Republican, says the probe centers on or near Indian reservations. "All of those counties are being flooded with new voters, "says Adele Enright, the Democratic auditor of Dewey County. "We just got a huge envelope of 350 absentee ballot applications postmarked from the Sioux Falls office of the Democratic Party."

Steve Aberle, the Dewey County state's attorney, says, many of the applications are in the same handwriting. At least one voter, Richard Maxon, says his signature was forged. Mr. Aberle, a Democrat with relatives in the Cheyenne River Tribe, says many Native Americans have wanted little to do with "the white man's government." But this year many tribal elections have been scheduled for Nov. 5, the same day as the critical election for Democrat Tim Johnson's Senate seat. A Democratic Senatorial Campaign Committee memo last month noted that the "party has been working closely with the Native population to register voters and Senator Johnson has set up campaign offices on every reservation."

More and more counties are uncovering fraud. Rapid City officials are investigating two brothers who may have forged registrations. Denise Red Horse of Ziebach County died Sept. 3 in a car crash. But both Ziebach and Dewey counties found separate absentee-ballot applications from her dated Sept. 21 in bundles of applications mailed from Democratic headquarters. Maka Duta, who worked for the Democratic Party collecting registrations in Ziebach, bought a county history book that contains many local names. Some are turning up in the pile of new registrations. At least nine absentee ballot requests have been returned by the post office. Mable Romero says she receive a registration card for her three-year-old granddaughter, Ashley. Some voters claim to have been offered cash to register to vote. In both Dewey and Ziebach counties, the number of registered voters easily exceeds the number of residents over 18 counted by the 2000 census.

Renee Dross, an election clerk for Shannon County, says her office has received some 1,100 new voter registrations in a county with only 10,000 people. "Many were clearly signed by the same person," she says. Some registrants actually live in neighboring Nebraska. As in most states, South Dakotans are on an "honor system" and don't show photo ID to register or vote. Only the unprecedented flood of applications raised any suspicions.

State Democrats told the Christian Science Monitor they expect 10,000 new votes from the Indian reservations this year. In 1996, Sen. Johnson won by only 8,600 votes. Russell LaFountain, the director of Native Vote 2008, says his organizers are encouraging "strong absentee balloting." Pine Ridge Reservation residents told me that 11 workers are being paid $14 an hour to contact voters. The statewide Indian voter project is run by Brian Drapeaux and Rich Gordon, two former staffers for Sen. Daschle. Democratic officials say they've fired Ms. Duta and claim they were the first to bring the fraud to light. Ms. Enright, the Dewey County auditor, says that claim isn't true and is "pure spin."

Voter fraud isn't unknown on reservations. Democrats have often given out free tickets to Election Day picnics for voters on the Pine Ridge Reservation, where 63% of people live below the poverty level. In 1998, that prompted U.S. Attorney Karen Schreier, a Democrat, and Attorney General Barnett, a Republican, to write an unusual joint letter to county auditors noting that "simply offering to provide" food or gifts "in exchange for showing up to vote is clearly against the law." Amazingly, Kate Looby, the Democratic candidate for secretary of state this year, has criticized laws barring the holding of picnics for those who vote. She also wants to drop restrictions on absentee voting.

Making voting easy is desirable, but only if legitimate voters don't have their civil right cancelled out by those who shouldn't vote. In 1980, only about 5% of voters nationwide cast absentee or early ballots. Now nearly 20% do. "Absentee voting is the preferred choice of those who commit voter fraud," says Larry Sabato, a professor at the University of Virginia. He suggests media outlets set up "campaign corruption hotlines" and begin taking voter fraud seriously. The Miami Herald won a Pulitzer Prize in 1998 after its stories on how 56 absentee-ballot "vote brokers" forged ballots in a Miami election. The sitting mayor was removed from office.

In Texas, Democrat state Rep. Debra Danburg, who chairs the state House elections panel, has tried without success to reform absentee-ballot laws that are so loose she says they make "elderly voters a target group for fraud." Eric Mountain of the Dallas County district attorney's office says some campaigns have paid vote brokers $10 to $15 a ballot. Many seniors are visited at home and persuaded to have someone mark an absentee ballot for them. Others have absentee ballots stolen from their mailboxes.

The law Congress is passing addresses some of the problems the federal government created with the 1994 Motor Voter Law. Let's hope the latest scandal in South Dakota—uncovered only due to incredibly sloppy cheating—prompts states to examine their own absentee-ballot laws so they will stop being treated as an engraved invitation to fraud.

EXHIBIT 1

Thank you to the following organizations for their significant contributions and steadfast support:

Election Center;

National Association of Secretaries of State;

National Association of Counties;

National Conference of State Legislatures;

National Association of State Election Directors; and

National Association of County Recorders, Election Officials and Clerks.

CHALLENGE BALLOTS

Ms. COLLINS. Maine has same day registration so a voter can register at the polls or at a public office nearby and vote on the same day. If someone challenges the voter's right on that day, the ballot is marked as a challenged ballot. If a voter goes to the polls to vote and does not have identification or does not appear on the voting rolls, the presiding election official will challenge the voter, and his or her ballot will be treated as a challenged vote. The presiding election official keeps a list of voters challenged and the reason why they were challenged. After the time for voting expires, the presiding election official seals the list. The challenged votes are counted on election day. In the even of a recount, and if the challenged ballots could make a difference in the outcome of the election, the ballots and list are examined by the appropriate authority. The distinguished Chairman and Ranking Member of the Senate Committee on Rules have done excellent work crafting the important bill before us. I would ask them whether, then, Maine's system complies with this Election Reform Act?

Mr. DODD. I thank the Senator from Maine for her excellent question and for her steadfast support for election reform efforts. Let me assure her that Maine's system does comply with the Election Reform Act. Senator MCCONNELL, the distinguished Ranking Member of the Rules Committee, do you agree?

Mr. MCCONNELL. I thank the distinguished Chairman, and I also thank Senator COLLINS for her excellent question and for her steadfast support for election reform efforts. Let me also assure her that I agree with Senator DODD that Maine's system does comply with the Election Reform Act.

Ms. COLLINS. I want to thank the Senior Senator from Connecticut and the Senior Senator from Kentucky for their assistance and congratulate them on the impending passage of this bill.

ELECTION REFORM REIMBURSEMENT

Mr. ALLEN. Mr. President, I have a question about the impact of provisions of this bill for the Ranking Member of the Rules Committee, the Senator from Kentucky, Mr. MCCONNELL and the Senator from Missouri, Mr. BOND, who has been involved in the conference committee that reconciled the House and Senate versions of H.R. 3295.

I understand that this bill does allow localities that have upgraded voting equipment in the past two years to be reimbursed retroactively, and I support this decision. We ought to reward, rather than penalize, those States and localities that have aggressively moved ahead since November 2000 to improve the processes and procedures for voting and elections.

In Sections 261–263, having to do with payments to States and units of local government to assure accessibility for individuals with disabilities, however, it is not clear whether the payments made may be made retroactively, and this concerns me. I expect that this was the intent. This is important, however, because in Virginia, and, I believe in several other States such as North Carolina and Rhode Island, the State Board of Elections and the localities have made a concerted effort to improve polling place accessibility over the past two years. And I believe that for this November's elections Virginia will be very close to 100 percent of all polling places being 100 percent accessible. I would hate to have to tell my State and local officials that because they have stepped up to the plate and already made these polling places accessible over the past two years that they are ineligible to receive payment for the improvements they have made. So, I ask the Senators from Kentucky and Missouri if they can assure me that States such as Virginia, which have made polling place accessibility improvements during the past 24 months, are eligible for payment from the Secretary of Health and Human Services for their costs of making polling places accessible for individuals with disabilities that were incurred during that 24-month period?

Mr. MCCONNELL. The Senator from Virginia is correct. States are eligible for reimbursement from the Secretary of Health and Human Services for costs incurred during the 24 months prior to the enactment of this bill of making polling places accessible to individuals with disabilities.

Mr. BOND. I agree with the Senator from Kentucky, Mr. MCCONNELL.

Mr. HATCH. Mr. President, I rise today to speak in support of the conference report to the "Help American Vote Act of 2002."

First of all, I'd like to thank Chairman DODD and Senator MCCONNELL, for their leadership and extraordinary efforts that have led us to final consideration of this legislation today. Also, I'd like to note that arriving at this point has not been easy for the members of the Conference, nor for their staffs, and I appreciate the hard work by everyone that led to this compromise.

That being said, I would be remiss if I failed to mention my concern about the impact that enactment of this legislation could have on States and localities, most of whom are experiencing extreme budget shortfalls. I raised this issue when we first debated this legislation in the Senate and I am disappointed that it has not been addressed in the conference report.

Title III of the Help America Vote Act of 2002 includes a series of new uniform and nondiscriminatory requirements for election technology and administration. These requirements include voter verification of votes cast, a paper record for auditability and recounts, and accessibility for invividuals with disabilities. If enacted, these requirements would apply to each voting system used in an election for Federal office. There is no question that these provisions have far-reaching consequences.

Mr. President, I appreciate the intent underlying this legislation, which is that the system must be uniform in nature across the entire country, if it is to be successful in accomplishing the goal of election reform.

I also appreciate the Conference Committee's stated desire that the program be fully funded. That being said, I must ask my colleagues the difficult question: What if it isn't fully funded? We must consider the consequences if a future Congress fails to provide adequate funding for this legislation.

Mr. President, I stated my objections to the unfunded mandates in this conference report back in February when we first considered this legislation. Today, I am once again stating my strong objection to even the mere possibility that the burden of funding these mandates might fall upon the States.

Having expressed this concern, I also want to mention that this conference report makes several necessary and important changes to our current system of voting, which is burdened with problems ranging from claims of voter fraud to a lack of accessible voting devices for many disabled Americans. This conference report also includes an important Hatch-Leahy Internet voting study that will lay the groundwork for integrating new technology into the political process.

As Americans, we have the right to participate in the greatest democracy in the world, and most will agree that the act of voting is the bedrock of our democratic society. Americans take pride in the role they play in shaping issues and determining their leaders, and yet, we see that voter participation in recent years has decreased among people of every age, race, and gender. I find these statistics both disappointing and tragic because, as Thomas Jefferson stated, "that government is the strongest of which every man himself feels a part."

Why is voter turnout so low? Of the 21.3 million people who registered but did not vote in the 1996 election, more than one in five reported that they did not vote because they could not take time off of work or school or because they were too busy. Can technological advances, like the Internet, increase participation in the electoral process by making voter registration easier or by simplifying the method of voting itself? As the elected representatives of the people, we should consider every option available that might help involve more of our country's citizens in America's democratic process. Federal, State and local governments are duty bound to encourage all eligible Americans to exercise their right to vote.

In the past, attempts have been made to increase voter registration and turnout. Unfortunately, these attempts have met with limited success. The Motor Voter Act of 1993, for example, attempted to increase voter participation by permitting the registration of voters in conjunction with the issuance of driver's licenses. According to recent U.S. Census Bureau reports, 28 percent of the 19.5 million people who have registered to vote since 1995 have done so at their local Department of Motor Vehicles. Notwithstanding this simplified voter registration procedure, voter participation continues to decline. Although registering to vote at the DMV generally is more convenient than other methods of registration, a substantial portion of registered voters nevertheless continue to fail to register to vote and fail to go to the polls on election day.

Voting via the Internet has been suggested as one possible solution to the problem. The Internet has revolutionized the way people communicate and conduct business by permitting millions of people to access the world instantaneously, at the click of a mouse. The Internet has already increased voter awareness on issues of public policy as well as on candidates and their views. In the future, the Internet may very well increase voter registration and participation, and thereby strengthen our country's electoral process.

Mr. President, as many of us have seen in the recent past, more and more States are looking at ways to utilize the Internet in the political process. Proposals include online voter registration, online access to voter information, and online voting. State and local officials around the country are anxious to use the Internet to foster civic action. I think that this is a positive step. In fact, today many States already allow for portions of the voter registration process to be completed online. For example, the Arizona State Democratic Party allowed online voting in the 2000 presidential primary and nearly 36,000 Arizona Democrats took advantage of this opportunity. We can anticipate that this trend toward online voting will continue.

Real questions remain, however, as to the feasibility of securely using the Internet for these functions. How can we be sure that the person who registers to vote online is whom he or she claims to be? How can we ensure that an Internet voting process is free from fraud? How much will this technology cost? There are also important sociological and political questions to consider. For example, will options like online registration and voting increase political participation? Can the Internet be equitably used in the political process?

We must carefully evaluate the issues that will arise as the civic privilege of voting meets with technological advances. The original study I proposed would have created a special commission to conduct the study, which would have comprised of various experts ranging from First Amendment and election law experts to technical experts on the Internet and cyber-security. While this type of Commission in not part of this final conference report, it is my hope that the Commission will nonetheless call upon advisors with special expertise in these areas.

Proponents of "electronic voting" (so-called e-voting") contend that there are numerous advantages to the emerging "cyber" political participation, including the immediate disclosure of campaign contributions, an increase in the number of grassroots volunteers, and the creation of a more accessible forum for political advertising.

Skeptics assert, to the contrary, that e-voting would only serve to decrease "real" electoral participation, place personal privacy at risk, and pave the way for election fraud. The late Senator Sam Ervin opposed simplifying voter registration and voting, stating that he did not "believe [in] making is easy for apathetic, lazy people" to vote.

As we seek to ensure equal access to the voting place and integrity of the voting process, it would be irresponsible for us to ignore the potential effects, both good and bad, that new technology may have on the political process. As I stand before you today, Mr. President, I do not know whether online voter registration and e-voting will halt the decline in voter participation. I do not know whether online voting registration and e-voting even is wise. I firmly believe, however, that these issues deserve serious examination as we seek to ensure that our democratic republic engages as many citizens as is possible. I am pleased that the Hatch-Leahy provision will enable the study of forward-looking measures that will ensure our ability to properly integrate new technology in the political process.

In closing, Mr. President, I reiterate my concern that this Conference Report is an unfunded mandate on already overburdened states. However, I must look past that serious concern, and vote for this conference report because of the important changes it makes to our current system.

No American who has exercised the right to vote should ever have to wonder if his or her properly cast vote will be counted. We must preserve the integrity of the voting process and I, again, commend the efforts of those who worked this compromise. Further, I believe that the Hatch-Leahy Internet voting study is an important step forward in ensuring the legitimacy of the voting process, and serves as a major enhancement to the conference report.

I urge my colleagues to join me in voting for this measure.

Mr. DURBIN. Mr. President, I would like to commend the Senate for passing the Help America Vote Act of 2002 today. This landmark legislation will help the Nation avoid another debacle like the one that occurred during the Presidential election in November of 2000. In that election, thousands of ballots in Florida and in my home State of Illinois went uncounted for a variety of reasons. In fact, over 120,000 voters in Cook County and thousands more throughout the rest of the State did their civic duty and cast a vote during the last Federal election, only to have their ballots discounted because of problems with machinery and inaccuracies on the rolls of registered voters. This is unacceptable in the United States of America, where we take pride in our freedom to cast a vote for our leaders.

With the Help America Vote Act of 2002, Congress has finally agreed on a bipartisan solution to these problems. The conference report contains several items to improve the administration of elections for Federal office. First, it requires that voting systems meet certain minimum requirements, including notifying voters of overvotes, allowing voters the opportunity to correct their ballots, and having a manual audit capacity. The voting system must give disabled voters the ability to vote "in a manner that provides the same opportunity for access and participation, including privacy and independence, as for other voters." In addition, voting systems must operate under a maximum error rate as currently established by the Federal Election Commission. These national requirements for voting systems should significantly improve the ability of all voters to cast ballots that accurately reflect their intentions.

Next, the legislation provides a fail-safe mechanism for voting on election day. It requires that all states allow voters to cast a provisional ballot at their chosen polling place if the voter's name isn't on the list of eligible voters, or an election official, for whatever reason, declares a voter ineligible. Included in the right to vote provisionally is the right to have one's eligibility to vote promptly verified by the State and then to have one's ballot counted in that election, according to State law. Finally, provisional voters have the right to know whether their vote was in fact counted, and if not, why it wasn't. These measures seem dictated by common sense and fairness. Yet, many States, including Illinois, do not guarantee voters such rights today.

To secure the rights afforded by this legislation, the Department of Justice can ask the Federal courts to act. In addition, States are required to establish an administrative procedure open to any person who believes a violation of any of the requirements has occurred, is occurring or will occur. States are free to add additional safeguards to protect these rights and are encouraged to provide the most effective remedy available to enforce them.

Another key component of this legislation is the requirement that States implement an up-to-date, computerized, interactive, statewide list of all registered voters that is accessible to election officials in every jurisdiction. This list is intended to help keep voter rolls current and accurate and to reduce, if not eliminate, confusion about a voter's registration and identification when a voter arrives at the polling place. This section also provides safeguards to preserve the confidentiality of voter identification information and to protect against improper purging of names from the list. Make no mistake: In order to remove a voter's name from the list of registered voters, for any reason, election officials must comply with all of the preexisting requirements of the National Voter Registration Act of 1993. This act doesn't change that.

To further the study and improvement of voting and the conduct of elections nationwide, the legislation creates an Election Assistance Commission, which will serve as a central clearinghouse on election administration issues. Advised by State and local officials, this commission will, among other things, provide for the testing and certification of voting systems. Ultimately, the commission should identify and report to Congress on continuing problems with election administration and potential solutions.

To facilitate voting by Americans living abroad, particularly those serving their country in the Armed Forces, the Act enhances the provision of election information, extends the duration of an application for an absentee ballot, and requires states to accept early submissions of ballots by such voters.

Finally, the conference report authorizes $3.9 billion in Federal funding over the next few years to replace antiquated voting systems, to educate voters on procedures and on their rights, to train election officials, poll workers and volunteers, to improve polling place accessibility for individuals with disabilities, to promote research on voting technology, and to otherwise comply with the requirements of the act. Of this amount, $650 million is to be made available on an expedited basis, in part for the immediate replacement of punchcard voting systems, the bane of the 2000 Presidential election. This should be particularly helpful for Illinois, where the overwhelming majority of voters still vote by means of this troublesome technology. In fact, Illinois will be eligible for up to $45 million of this early money. The bulk of funds—$3 billion over the next 3 years—is authorized specifically to help States meet the requirements set forth in this act. Illinois stands to receive up to $155 million under this section. When these sums are appropriated, states will at long last have the resources to provide citizens with the best means available to exercise their right to vote.

Still, this legislation is not without its shortcomings. These include new limitations on the way first-time and newly registering voters are permitted to identify themselves, which could create obstacles for some groups; the lack of an explicit, strong federal remedy through which voters can individually vindicate the rights granted them in this legislation; and the absence of a guarantee that the funds authorized by this legislation will actually be appropriated by Congress and the President. Thus, Congress has an ongoing responsibility to provide the funds called for in this Act and to monitor the implementation of its provisions over the next several years.

Nonetheless, on balance, this legislation embodies a good faith, bipartisan attempt to ensure that every eligible vote in an election for Federal office is accurately cast and counted and I support its worthy goals.

Mr. KENNEDY. The "Help America Vote Act" is timely and important bipartisan legislation to strengthen our Nation's election system and I urge the Senate to approve it.

The right to vote is the cornerstone of our democracy. As Chief Justice Earl Warren said in 1964: "The right to vote freely for the candidate of one's choice is the essence of a democratic society, and any restrictions on that right strike at the heart of representative government."

Over the past century and a half, a number of constitutional amendments and major laws have been acted to expand and help protect this fundamental right, including the 15th Amendment in 1870 prohibiting voting discrimination because of race; the 19th Amendment in 1920 prohibiting voting discrimination because of gender; the Voting Rights Act of 1965 outlawing racially discriminatory voting practices; the 26th Amendment in 1971 lowering the voting age to 18; the Voting Rights Act Amendments of 1982 which expanded the protections against racial discrimination in the Voting Rights Act; and, the National Voter Registration Act of 1993—the "Motor Voter" law—which simplified voter registration procedures.

Now, the passage of the "Help America Vote Act" will add another important chapter to our continuing efforts to protect and strengthen the right to vote.

The 2000 election taught the entire nation a valuable lesson. We learned that every vote does matter—but that every vote is not always counted. Too often and in too many communities across the nation, individuals who went to the polls on election day were denied the right to vote or did not have their votes counted. The reasons varied—such as confusing ballots, outdated or malfunctioning equipment, inadequately trained poll workers, and the lack of access for the disabled. But the outcome was the same—the voices of well over one million Americans were not heard. The legislation before us today will help to ensure that this unacceptable result does not happen again.

The bill includes three core components. It establishes uniform requirements for voting systems, provisional voting, and computerized voter registration lists, which all States must meet in Federal elections. It creates a new four-member, bi-partisan, independent Federal agency—the Election Administration Commission—to provide guidance to the States, conduct studies and issue reports on Federal election issues, and administer a new Federal grant program. Third, it authorizes $3.9 billion in grants over the next three years to assist States and localities in meeting the new requirements, modernizing their voting systems, and making polling places accessible to the disabled.

These are all important and needed reforms and I strongly support them. Their effectiveness will depend on the participation of all levels of government, including adequate appropriations by Congress, and vigorous implementation of the reforms at the State and local level.

At the same time, however, I have serious concerns that some provisions of this legislation create new Federal requirements that could make it more difficult for certain groups, particularly racial and ethnic minorities, the poor, the elderly, and people with disabilities to register and to exercise their right to vote.

The bill requires first time-voters who register by mail to provide specific forms of identification. It requires the invalidation of a registration when a voter inadvertently forgets to check off a duplicative "citizenship box." It requires that, when registering to vote, voters must either provide their driver's license number, or, if they lack one, the last four digits of their Social Security number. We all have a strong interest in preventing voter fraud, but these requirements may not be an effective way to verify voter identity and, at the same time, they are very likely to create unnecessary barriers for voters.

Congress, the new Election Administration Commission created by the bill, and the Department of Justice must be vigilant in ensuring that these provisions do not restrict voting by certain groups and that they are enforced in a "uniform and nondiscriminatory manner," as the legislation requires. We know the potential harsh impact of these provisions on those groups who have historically been denied full participation in elections, and we must do all we can to prevent any such impact. To implement the bill in good faith, Congress and the Bush Administration should see that individuals who respect these basic voting rights concerns are named to the new Commission.

With proper support and enforcement, the "Help America Vote Act" can significantly increase political participation for every American. We all share the great goal of protecting the most fundamental of all rights in our democracy—the right to vote.

Mr. KERRY. Mr. President, it has been nearly 2 years since the presidential election left many Americans disenfranchised. In that time, this country has faced other tremendous crises, and perhaps the fervor with which people supported election reform two years ago has waned somewhat. But I believe that after all we have faced as a country, it is even more important that we preserve and improve the integrity of our democracy by ensuring that every eligible voter who wants to vote is able to vote.

We can be thankful that we are past the days of poll taxes, literacy tests, and other discriminatory practices that kept voters away from the polls. But if there is even an inadvertent flaw in the design or administration of our voting systems that prevents Americans from having their votes counted, it is our utmost responsibility to ensure that we remedy the situation.

There is simply no excuse for the most technologically savvy Nation in the world to be using voting equipment that is 30 years old. And it is disturbing, to say the least, that much of the oldest and least reliable equipment is found in the poorest counties across the country. Often, people of color make up the majority of the population in those counties. None of us should ever again be in the position of having to explain to urban, minority voters why a portion of their votes didn't get counted, while their white suburban neighbors, using better equipment, could rest assured that there were no voting irregularities in their precincts that would have caused their votes to be discarded.

If we can't promise all of our citizens that their votes will count equally, then all of the past work this Nation has done to guarantee the right to vote to women, people of color and the poor will have been squandered.

I have some serious concerns about a number of provisions in this legislation. But, because I believe we must use every tool available to us to uphold our citizens' right to vote, I have decided to support this conference report. On balance, I believe this bill will enable more people to exercise their fundamental right to vote by setting uniform, minimum standards for Federal elections, by providing voters with a chance to check for and correct ballot errors, and by providing for provisional ballots. These provisions, along with funding to replace outmoded voting systems, provide substantial improvements to the current system.

Unfortunately, the compromise has significant shortcomings that my colleagues on the other side of the aisle insisted upon, ostensibly to reduce voter fraud, but which may make registration and voting difficult for first-time voters. The bill's requirement that first-time voters who register by mail provide specified forms of identification at the polls may disenfranchise a large number of voters, especially people with disabilities, racial and ethnic minorities, students, and the poor, who are far less likely to have photo identification than other voters.

I am also concerned about new language that will invalidate an individual's registration if the person registering forgets to check off a box declaring that he or she is a U.S. citizen. Because voters already must affirm their citizenship when they sign the registration form, it is unnecessary to require that this box be checked for registration. Many elderly voters, visually impaired voters and voters with low levels of literacy may inadvertently fail to check the box and will, as a result, disproportionately be kept off the registration rolls. This legislation is supposed to be an effort to make voting easier for qualified voters, and this provision adds an unnecessary, complicating step.

This bill also requires that, in order to register, voters provide a driver's license number or the last four digits of their Social Security number, and those numbers must be verified. This provision directly conflicts with the protections of the National Voter Registration Act, which prohibit the use of a driver's license or Social Security number to authenticate a voter's registration. Although I understand the desire to reduce instances of voter fraud, I believe these provisions are overly burdensome and unfair to many voters. This provision also has serious privacy implications.

I hope that the problems with the conference report are fixed in the very near future, and I would strongly support efforts to rectify these disenfranchising provisions before the next election. However, as a whole, this bill solves more election-related problems than it creates. If it is properly implemented by state elections agencies, Congress's intent to improve the voting system will be satisfied. This is an important piece of legislation that must be enacted now if we are to have any improvements in place before the next national election.

Mr. McCAIN. Mr. President, I would like to urge my colleagues to support the conference report to H.R. 3295, the "Help America Vote Act of 2002." I congratulate the conferees on their dedicated and persistent effort in reaching a compromise agreement on this issue. I believe that this historic legislation will play a major role in correcting many of the problems that the country suffered during the Year 2000 elections.

In my judgment, this legislation is inextricably linked with the campaign finance reform bill that became law earlier this year. Both of these pieces of legislation are aimed at the heart of any successful democracy: restoring the voters' trust in their government. The new campaign finance reform law is intended to reduce the influences of special interests by eliminating the large flow of unregulated soft money. This election reform legislation is designed to assure voters that votes will be counted accurately, and that legally registered voters will not be disenfranchised. I am especially proud that this legislation will ensure for the first time in history that voters who are blind or visually-impaired will be able to cast a vote privately and confidentially.

However, I would urge my colleagues not to treat this legislation as the conclusion of our work on the issue of election reform. The Congress must ensure that this legislation is implemented fairly and effectively. I know that concerns have been raised about the identification requirements for first-time voters who have registered by mail. While I applaud the goal of eliminating instances of fraud, it is important that these provisions be implemented equitably to prevent the disenfranchisement of minority or disabled voters.

In addition, I also would like to make a few recommendations regarding the implementation of this legislation. As the states develop their plans for meeting the new federal voting requirements and receiving grant funding, I would urge them to solicit advice on solutions to address the needs of disabled voters and others who have historically faced impediments at polling places. I also urge the Secretary of Health and Human Services to consult closely with the Election Assistance Commission on the grant program to help states making polling places accessible to disabled voters. The applications for grant funding and reports on the uses of these funds may be helpful to the Commission as it studies accessibility-related issues and develops voluntary voting system guidelines. It is also important to emphasize that concerns have been raised about the legislation's enforcement provisions. I appreciate that the Department of Justice has a role in bringing civil actions against states that are not in compliance with the mandatory requirements. We will have to be diligent in ensuring that these enforcement provisions are implemented.

On this historic day, I look forward to passage of this significant piece of legislation. As the recent events in Florida show, our voters still face major challenges in getting their votes counted at the polling place. This legislation will present solutions to these problems and reassure the American public that the best system of government ever created continues to function in its 226th year.

Mr. BYRD. Mr. President, the right to vote is one of the fundamental components of our Republic. It is the central means by which the American people can influence the direction of government, and thereby the future of the nation. But, as we saw in the 2000 Presidential election, just casting one's ballot is not the end of the process. Votes must be verified and counted, and done so quickly and accurately so that the American people have confidence in our elections. Preserving the integrity of our voting system is critical to preserving our representative form of government.

Over the years, I have watched as the percentage of eligible voters who actually take the time to go to the polls and cast votes has declined. I find it beyond disappointing that American citizens would fail to exercise this precious right—in fact, this important responsibility. Yet, I well understand how the spectacle of last year's elections and the irregularities that were widely reported can exacerbate a common misconception that one's vote does not count, a belief that has permitted far too many minds in our nation. The federal government can do more to reignite a passion for citizen participation; and we must do so if we are to ensure that our Constitutional form of government will survive for future generations.

This bill establishes grant programs that will provide states with the resources to replace outdated voting machines and train poll workers. It establishes minimum federal voting standards for states, but leaves responsibility for election administration at the local level.

The bill includes a number of safeguards designed to improve voter access, including provisional ballot requirements, being able to correct improperly marked ballots, and funding for equipment to allow a disabled voter to cast a private vote without assistance. In an effort to avoid a repeat of the Florida debacle of 2000, this bill mandates that states create uniform standards for counting ballots.

I congratulate the members of the conference committee for their efforts to bring this bill to conclusion. I support this reform because it is an important first step in restoring confidence in our election process.

● Mr. ALLARD. Mr. President, I want to show my support for the election reform proposal that will shortly be approved. There are a litany of provisions too numerous to outline that are extremely positive steps toward ironing out very serious problems in our current voting system. My thanks go out to Senators McCONNELL and DODD, their counterparts in the House, and all of the other conferees who fought long and hard during the last few months to help ensure the electorates' right to vote.

Secondly, and with much more remorse, I believe that many of the shortcomings that our men and women in the military face as potential overseas voters have not been fully addressed in the underlying conference proposal. I have stood in this body many times since the 2000 election and have pushed for election reforms that would show those who defend our way of life that their vote will not be cast-off for technicalities through no fault of their own. Of course, I would be remiss if I failed to mention that some focus was paid to military voters in this bill. I am pleased that early submission will no longer be grounds for refusal of registration or absentee ballots. The focus on requiring the Department of Defense to have more support for Voting Assistance Officers and emphasis on including postmarks on all ballots mailed is also favorably noted. However, the House has thrown up roadblocks to other important overseas voter measures, while the Senate as an institution has continued to show leadership in this effort. I hope that we will continue to do so in the future.

That being said, it is time now to look ahead. My support for the election reform bill will not sway my feelings that there are still many egregious errors in the process of overseas military voting. I promise to continue the fight and protect the rights of those men and women who would give their lives for the country that they dearly love. The underlying election reform bill is a step in the right direction, and I hope that congress can continue to follow that path.●

Mr. WELLSTONE. Mr. President, I am pleased that today Congress addressed the debacle that occurred to diminish democracy during our last Presidential election in Florida and other States. Access to the polls is a fundamental right; it is essential to our democracy. The 2000 elections raised to the national stage problems that have been all too common and all too familiar to many voters around the country. Systems of administering elections are in many places flawed, arbitrary, and discriminatory. I believe it is appropriate, even necessary, for Congress to impose high voter participation standards on States while providing the resources to meet those standards.

The Help America Vote Act contains a number of important reforms of America's elections. The conference report authorizes funds to States to reform their election systems. It sets uniform, minimum standards for Federal elections. It will ensure the accuracy of state voter registration databases. It requires provisional balloting so registered voters are not turned away from polling places. And it will help ensure that disabled voters may cast their ballots independently and privately. The legislation is an important step forward, and I support it.

However, I have reservations about provisions which have the potential, if not monitored and implemented carefully, to make voter registration more onerous for some voters. In particular, provisions that require voters to register using a driver's license number or Social Security number could cause problems. While the act would require States to assign voters a number if they do not have either of these forms of identification, I worry that some States may abuse this provision to make it harder for certain citizens, particularly new citizens and low income voters, to become registered.

One technical clarification I want to make about that provision: In Minnesota we have same day voter registration. It is my understanding that this act would require the State to issue a voter ID number to a nonregistered voter who seeks to register on the day of the election, if the voter has a Social Security number or driver's license but does not have either number physically with him or her at the polling place on election day.

The act requires new voters to check a box on the voter registration form to indicate they are a citizen. Since new voters are already required to attest that they are citizens on voter registration forms under current law, this seems to be a needless, redundant requirement which puts a hurdle, however small, in the way of new voters especially new citizens. These provisions are probably unnecessary.

Finally, this legislation will only be fully effective if Congress and the administration step up the plate to fund it. I will urge my colleagues to fully fund this program.

On balance, this bill is a step forward. I hope reality lives up to its promise.

Mrs. CLINTON. Mr. President, I want to express my views on the Help America Vote Act of 2002.

The Help America Vote Act of 2002 has many strong provisions that will improve our Federal election system. This legislation requires that election districts across the nation provide provisional voting and post sample ballots and other voter information. It allows voters the opportunity to verify and change their vote before casting their vote. The act implements a statewide voter registration system to help reduce fraud and ensures that individuals are not wrongly refused the right to vote. It authorizes $3.9 billion in Federal funding to help states improve voting systems, make the polls more accessible to the disabled, train poll workers, and educate the electorate.

Despite these positive provisions, however, I cannot vote for this bill because the voting rights of New Yorkers will be negatively affected by this legislation.

For many years, the State of New York has had provisional voting and what is called signature verification. In the 1980s, New York City put in place a digitized signature verification system. When a New Yorker registers to vote, his or her signature is scanned into a computer and placed in the election board's files. Then on election day, the voter signs the book of registered voters in that election district. If the signatures do not match, the poll worker has the right to prevent the voter from casting a ballot on the machine, but the voter is permitted to cast a provisional ballot. The board of elections later determines whether the provisional ballot is valid and should therefore be counted.

Because of New York State's system, there is no need for a voter to present a form of identification at the poll. In fact, the poll worker manual in New York explicitly states that poll workers cannot ask prospective voters for identification. This system was implemented in New York City and across the State of New York more than a decade ago. This system has worked in New York and should be a model for the Nation.

Unfortunately, the Help America Vote Act would reduce the rights of New Yorkers who are first-time voters in a federal election by requiring them to present a valid photo identification, utility bill, bank statement or government identification that verifies the name and address of the voter. If a first-time voter filled out a registration form and included either her driver's license number or the last four digits of her Social Security number, then she would not have to present a form of identification to a poll worker before voting. While this may serve as a step in the right direction for other States, this is a new restriction for New York.

This provision will repress voter participation among those New Yorkers who are in fact eligible to vote. Moreover, it will disproportionately affect ethnic and racial minorities, recently naturalized American citizens, language minorities, the poor, the homeless, the millions of eligible New York voters who do not have a driver's license, and those individuals who otherwise would have exercised their right to vote without these new provisions.

Many civil rights groups who oppose this legislation have compared these provisions to poll taxes and literacy tests that were used to repress voter participation in the past. I do not believe this is an unfair analog because I believe this bill may indeed reduce voter participation. When voter participation numbers hover at 50 percent, I believe that we should make every effort to increase voter participation, not reduce it.

I know this bill will pass the Senate today and will shortly become law, no matter what I do. But despite the many provisions in the bill that may increase voter participation in some states across the country who do not currently have provisional voting, I cannot support this legislation because it will negatively affect the rights of voters in the state that I am proud to represent—the State of New York.

New York is a state with 19 million people and 11 million voters; a state that is home to the world's cultural and financial capitals. It is the gateway for millions of people from different countries and ethnicities. New York represents one of the best things about our country—it's diversity. In America, the birthplace of modern democracy, we should do all we can to ensure that the right of every voter is not unduly hindered unnecessarily. Unfortunately, I believe the provisions in the Help America Vote Act will do just that.

I applaud the work of Senator DODD, as chairman of the Senate Committee on Rules and Administration, for all of his work on the bill, and the other members of the election reform conference committee. I also want to give a special thanks to the Rules Committee staff of Senator DODD, especially Kennie Gill and Veronica Gillespie, who have worked from the first inception of the Senate's election reform bill to the final words in this election reform conference report. I know many members of the conference committee and their staffs have done their best to produce legislation that will try to improve our federal election system.

I am also proud to have worked with Senator DODD on a provision included in the conference report that calls upon the new Election Assistance Commission to study and report to Congress on the extent of residual votes. These are over votes, under votes, or "spoiled" votes that are created when a voter, unintentionally, makes a mistake in casting her ballot, either because she doesn't understand the ballot or the voting machinery. I have fought hard to support the voting rights of the disenfranchised voter. But I cannot in good conscience, representing the State of New York, support legislation I believe will hurt the voting rights of New Yorkers. I will continue, however, to do all I can to ensure that our Federal election system and our democracy will be as strong as possible.

Mr. NELSON of Florida. Mr. President, Federal election reform is long overdue.

Two years ago, the election system's collapse became a public shame in my State. A lot of high-minded debate about the need to reform the system immediately followed the election, but since then this legislation has moved at a snail's pace.

Only now, three weeks before the next election, are we poised to send a reform bill to the President to upgrade voting equipment, require provisional balloting and improve election administration. It's a shame that it has taken so long to remedy such a serious failure. A failure which cast into doubt the winner of the most important elected office in the world.

As a result of the delays, these desperately needed improvements will come too late for the upcoming election. That's unfortunate, because in spite of the positive reforms made at the state level in Florida, some precincts experienced problems during the August primary election that might have been avoided, or at least mitigated, under the federal reforms.

Similar problems could occur again and the failures are not likely to be isolated to Florida when the general election is held in November. Our goal now must be to implement the changes in time for the 2004 elections.

Unfortunately, the administration has already chosen to slow down the reform process by rejecting a $600 million appropriation passed by Congress earlier this year in anticipation of final passage of the authorizing legislation.

The administration unforgivably failed to accept the funds and the money must now be appropriated again. That process could take precious months that would otherwise be used by the States to prepare for the 2004 elections.

There's no excuse for the administration's failure to accept Congress' down payment, especially after promising to support these reforms.

I hope President Bush will reaffirm his support for election reform by asking Congress to include the full $3.8 billion authorized by this bill in the next continuing resolution or, at the latest, as part of a supplemental appropriation early next year. We shouldn't hesitate another day to send this money to the States so that they have every minute possible to prepare for 2004.

A strong election system requires top-notch equipment, informed and able poll workers, a provisional voting system and outstanding voter education programs. But it also requires sensible registration and voting procedures that prevent fraud without disenfranchising voters.

Despite my support for this legislation, I am concerned that the bill's anti-fraud provisions may unfairly burden minority, elderly and disabled voters. Eliminating voting fraud is absolutely essential, but the mechanisms used to prevent fraud should not be so complicated, or intrusive, that they discourage or prevent voting by qualified people who may not, as a consequence of their lifestyle, have the specific documentation required by this bill.

I support modifying these provisions to allow potential registrants or voters to use additional documentation to prove their identity or to attest, under penalty of perjury, that they are in fact who they say there are. I understand that the conference committee would not approve such a change and I do not believe the entire bill should be sacrificed.

In light of this problem, I intend to follow closely this legislation's implementation with a specific eye on how the anti-fraud provisions work in practice. If the photo identification requirements and registration procedures set out by this legislation cause more harm than good I will support their repeal.

The PRESIDING OFFICER. Who yields time?

Mr. McCONNELL. How much time do I have remaining?

The PRESIDING OFFICER. The Senator from Kentucky controls 1 minute 30 seconds.

Mr. McCONNELL. I thank the Senator from Missouri for his solid work. Disenfranchised by this bill are dogs such as Gidget—Salish's Potomac Fervour—pictured here in front of the Capitol. A solid Republican, Gidget will nevertheless never know the joy of participating in the election process. I am advised she could have been a fine voter—with a vigorous appetite for punchcards and aptitude for touchscreens. These skills will now have to be channeled into canine agility trials, instead of the election process. I congratulate the Senator from Missouri for that. That is one of the many fine results of this outstanding piece of legislation which, regretfully, is one of the few pieces of legislation the second session of the 107 Congress has passed.

We will have passed only 2 of our 13 appropriations bills. We have no budget and no terrorism reinsurance bill. It has really been a dismal record. But we do have something to be thankful for today, which is that we are about to pass an extraordinarily important piece of legislation on an overwhelmingly bipartisan basis. This is, indeed, the way the Senate should work.

The PRESIDING OFFICER. The time of the Senator has expired.

Who yields time? The Senator from Connecticut.

Mr. DODD. Mr. President, in my remarks yesterday I commended my colleagues who have been involved in this. I want to do so again, Senator McCONNELL and Senator BOND.

I also commended my new found friend from the House, BOB NEY, who did a remarkable job as the Chairman of the House Administration Committee. STENY HOYER has been involved in these issues for a long time, and I have known him for a long time. I will not take the time today, as I did yesterday, to thank him as profusely—but it is deeply felt. We would not have arrived here without a lot of people working very hard on this. I thank all of them, the leadership here and others who brought us to this particular point.

I mentioned yesterday the juxtaposition of the events that unfolded on November 7, 2000, and the events as they are unfolding today on October 16, 2002. When you consider the scenes that dominated the news media for days and days after the November 7 elections, with bulging eyeballs glaring and butterfly ballots and hanging chads and people bellowing at each other and outside auditors at registrars of voters offices in Florida, here we are today in the relative calm of this institution, about to adopt, I hope overwhelmingly, legislation that addresses many of the concerns that were raised as a result of the events in Florida.

But they were not just in Florida, as I said. There were other States as well, and it has been going on for some time. So this is an important day, one that will not demand or receive the kind of attention, obviously, that the events that provoked it did, almost 2 years ago shy 3 weeks in November-December of the year 2000.

So it is an important landmark. We are breaking new ground. This is the first time in more than 200 years that the Federal Government is going to take a very protective involvement in the conduct of elections. The Constitution insisted that both States and the Federal Government be involved in the election process in this country, but we have only been involved marginally at best. In the 1965 Voting Rights Act, of course, we prohibited certain activities in the States such as poll taxes and literacy tests. But over 213 years have gone by since we have had a proactive involvement in terms of what also must be done. This legislation lays that out and asserts new rights.

As I said before, this is truly the first civil rights act of the 21st century, insisting that all people who show up to vote will have a chance to do so, if only provisionally. My colleagues have had fun talking about dogs who may have voted. There were human beings who were not allowed to vote, between 4 million and 6 million of them in the last election. While it is humorous to talk about the dogs who may have voted, it is not very funny to talk about the people who showed up and didn't and were denied the opportunity to do so.

This legislation, we hope, is going to solve at least part of that problem beginning in the year 2004, where every person who shows up to cast a ballot in every precinct in America is going to be allowed to cast a ballot and never again be asked to step out of line and go home. That ballot will be cast provisionally where there is a debate about whether or not they have a right to do so, but the right to cast a ballot is never again going to be denied to a person who shows up—the right to cast a ballot in America.

That is not an insignificant achievement. We also said for those who are blind and disabled, some 20 million who never showed up the last time to vote because they have not been able to cast a ballot independently and privately, those days are over with. Henceforth, beginning in 2006 or before, if the States can get it done earlier, people are going to be allowed to cast a ballot privately and independently. The idea in this country that you could use Braille and have sidewalks accessible to the handicapped, but ballots in America were not—the only State in the country that has made a difference in that is the State represented by the present Presiding Officer, the State of Rhode Island. As a result of your former secretary of state, who himself suffers from a disability as a result of having been injured, he understood it and went out and did it. The other States are now going to do it in this country.

There are new rights here: The right to look at your ballot, correct your ballot before it is finally cast. I know these are radical ideas, but these are important provisions. No longer will you have to leave a voting place wondering whether you might have voted twice—two people for the same office, as happened in butterfly ballots in Florida. You are going to be able to go back and check your ballot before it is actually cast. So those rights in here are important.

Statewide voter registration will be facilitated for the first time. If you move within a State—say from Lexington to Frankfurt, or if you move from Hartford to Bridgeport, or if you move from some county in Missouri to another, you are not going to have to register again if you are in the same State and the State has statewide voter registration. Statewide voter registration will do an awful lot to relieve a lot of burdens on voters as they move. And many people do in this country. We are a mobile society today.

We also include provisions which Senator BOND insisted on in terms of responsibility. We are going to make sure we do our best to see to it that people who register to vote are who they say they are, so we don't have people registering fictitious people and casting ballots for them. To Senator BOND's credit, we worked very hard on that.

There will be for the first time a permanent Federal Election Assistance Commission, so we don't have to wait for another disaster in some State and then occupy the time and attention of this institution responding to it. On an ongoing basis, it will be a place where the States, counties, municipalities, and the Federal Government can work together when it comes to election issues.

Of the $3.9 billion, 95 percent of the improvements will be borne by the Federal Government because we are requiring it to be done. I don't believe in unfunded mandates. I wanted 100 percent. We had to compromise at 95. We are now going to participate and support our States and localities in making the changes they need to make in order to make our system work that much better.

I am thankful to all of our colleagues for their support and help during the debate yesterday, I inserted a number of letters into the RECORD which expressed support for this conference report. Today I ask unanimous consent to include in the RECORD letters which express concerns about specific provisions of this legislation, including letters from the National Council of La Raza, the League of Women Voters, the American Civil Liberties Union, the Leadership Conference on Civil Rights, and People for the American Way.

There being no objection, the material was ordered to be printed in RECORD, as follows:

NATIONAL COUNCIL OF LA RAZA,
Washington, DC, October 9, 2002.

NCLR URGES CONGRESS TO VOTE NO ON THE "HELP AMERICA VOTE ACT" (H.R. 3295)

DEAR MEMBER OF CONGRESS: The National Council of La Raza (NCLR), the largest national Latino civil rights organization, opposes the "Help America Vote Act" (H.R. 3295), because it will disproportionately affect Latino voters, suppresses voter registration and turnout, and in some instances will roll back civil rights laws.

Furthermore, we note with concern the continuing uncertainty of the appropriations process, which means that no one, including the authors of the compromise bill, can guarantee funding sufficient to implement the bill.

NCLR is an umbrella organization with over 280 local affiliated community-based organizations and a broader network of 33,000 individual associate members. In addition to providing capacity-building assistance to our affiliates and essential information to our individual associates, NCLR serves as a voice for all Hispanic subgroups in all regions of the country.

NCLR urges you to join us in opposing the "Help America Vote Act" (H.R. 3295) because the "compromise" bill:

Requires first-time voters who register by mail to provide specific forms of identification at the polls. This provision will have a discriminatory impact on a large number of voters, especially people with disabilities, racial and ethnic minorities, students, the elderly, and the poor, who are substantially less likely to have photo identification than other voters. Additionally, having states implement this requirement prior to the 2004 presidential election, without the statewide list in place, is a dangerous experiment that runs the risk of creating additional chaos at the polls.

Contains weak enforcement provisions. Voters who are denied their right to vote because of this law cannot turn to the federal courts for a remedy. Rather, disenfranchised voters must either wait for the Department of Justice to take action or ask the same state election system that disenfranchised them to determine that there is a violation and provide a remedy for the problem.

Contains new language that will require any registration to be invalidated if the person registering forgets to check off boxes declaring that he or she is a U.S. citizen. Because voters already must affirm their citizenship when they sign the registration form, it is unnecessary to require that this box be checked for registration. Many elderly and low-income voters, as well as voters with low levels of literacy, who find filling out forms difficult, may inadvertently make the mistake of failing to check the box and will, as a result, disproportionately be kept off the registration rolls; and

Contains an intrusive, error-prone requirement that voters provide a driver's license Number or, in the event they do not have one, the last four digits of their Social Security number. Election officials must independently verify the number before registering someone, and any individual who has either number but fails to provide it will not be registered. This provision directly conflicts with the protections of the National Voter Registration Act, which prohibits the use of a driver's license or Social Security Number to authenticate a voter's registration.

For almost two years NCLR worked diligently with both Republicans and Democrats in the House and in the Senate on election reform legislation, to address the need for good election reform legislation. Today we oppose this bill because the Latino community cannot accept a bill that does more harm than good, and urge you to vote against it. Please be advised that NCLR will recommend that votes related to this bill and final passage be included in the National Hispanic Leadership Agenda Scorecard.

Sincerely,

RAUL YZAGUIRRE,
President.

THE LEAGUE OF WOMEN VOTERS,
Washington, DC, October 9, 2002.

ELECTION REFORM LEGISLATION IN U.S. CONGRESS—LEAGUE CAUTIONS: LEGISLATION IS A GAMBLE, IMPLEMENTATION KEY

WASHINGTON, DC.—"The compromise election reform legislation being considered this week by the U.S. Congress makes important reforms in the voting process but erects new bureaucratic hurdles for voters," stated Kay J. Maxwell, president of the league of Women Voters of the United States. "The Help America Vote bill is a tradeoff, providing stronger protections in our voting systems while taking away safeguards in voter registration."

"There are many good things in this bill, but it also undermines existing voter protections," Maxwell noted. "On the positive side, lawmakers are creating new federal standards and providing the states with funds to buy new voting machines that work, to better train and recruit poll workers, to create statewide voter registration databases, and put provisional balloting systems in place," said Maxwell.

"But the League cannot overlook the fact that this bill places voter protections at risk by cutting back existing federal standards for voter registration. It weakens and undercuts several of the hard-fought voter protections established in current law," Maxwell stated. "We are also concerned that the discriminatory identification provision in this legislation will erect barriers to voting. The identification requirements place additional burdens on poll workers and may create a mess at the polls in 2004," cautioned Maxwell.

"This bill is a gamble," said Maxwell, "and implementation will be the key in determining whether it succeeds or fails. We hope that states take seriously the larger role they now have in administering federal elections. They must step up to their constitutional responsibility to run elections effectively," stated Maxwell. "The League at the national, state and local levels will work closely with state and local election officials and citizens across this country to ensure that all the provisions of this bill are carried out to enfranchise rather than disenfranchise voters," concluded Maxwell.

AMERICAN CIVIL LIBERTIES UNION,
WASHINGTON NATIONAL OFFICE,
Washington, DC, October 9, 2002.

Re H.R. 3295/Help America Vote Act.

DEAR MEMBER OF CONGRESS: The American Civil Liberties Union (ACLU) urges you to oppose the conference report on HR 3295, Help America Vote Act, because the agreement contains provisions that would lead to discrimination and ultimately result in disenfranchising many voters. This legislative cure to the severe voting rights problems seen in the 2000 Presidential election could be even worse than the disease.

In many respects, the conference report rolls back many of the voting rights victories achieved over the past three decades through the Voting Rights Act of 1965 and the National Voting Registration Act of 1993. Instead of making sure that the voting process is as inclusive as possible, this agreement would exclude people, negatively impacting the elderly, the disabled, racial and ethnic minorities, students, and the poor. Not only would this bill make it more difficult to vote, it would make it more difficult to register to vote.

While the conference report purports to address the voting problems apparent during the 2000 Presidential election, its solutions are illusory. For example, the legislation establishes minimum standards for the performance of voting machinery, but provides an exemption for punch card machines, the most controversial and problematic technology used during the 2000 presidential election, for over-vote notification. Although this legislation requires election officials to permit voters whose name does not appear on the voter registration list to cast a provisional ballot, it gives complete discretion to the state to decide when and if provisional ballots will be counted, even in federal elections. As we have seen in the past, these ballots can determine the outcome of an election.

This election reform legislation is the only major piece of civil rights legislation the Senate and House have taken up in the 107th Congress. We urge you to carefully consider the negative implications associated with the provisions that will undermine critical advances the United States has made in voting rights. While this legislation would authorize much needed funding to states and local governments to improve their election systems, it simultaneously imposes requirements that will effectively suppress voter participation. New machines are meaningless if policies are enacted that prevent people from voting on them.

Outlined below are two problematic provisions contained within the conference report that threaten to exacerbate the very problems that the legislation is intended to correct, to ensure that every citizen eligible to vote can vote. They are the driver's license and social security number requirement to register to vote and the photo identification requirement to vote.

DRIVER'S LICENSE AND SOCIAL SECURITY REQUIRED TO REGISTER TO VOTE

The conference report imposes additional requirements in order for citizens to register to vote. Under this legislation, the voter would be required to provide a driver's license number or, in the event they do not have one, the last four digits of their social security number. Any voter who has either number but does not provide it—even for privacy reasons—would not be registered.

When the voter provides either their driver's license number or the last four digits of their social security number, the state must verify the accuracy of the data provided. This includes checking data against state motor vehicle and Social Security Administration (SSA) databases, to verify the voter's name, date of birth and social security number. But, there are many reasons why the data provided by an eligible voter may not match the data in a motor vehicle or SSA database, even though it is the same person. For example, women may have married or divorced without changing their name in the SSA database. Many Latinos use both their mother and father's surname, or both their father's and spouse's surnames, which SSA may list incorrectly—resulting in a false "no-match." A simple juxtaposition of a number could result in a "no-match," whether due to the fault of the applicant, or an SSA employee who enters the number into the database incorrectly. This could result in either purging or the invalidation of a voter's registration application.

Also, this conference report would remove social security number disclosure (last four digits) from the protection of the Privacy Act of 1974, which makes it unlawful for local, state or federal agencies to deny someone a right provided by law for refusing to disclose their social security number. Congress did not limit the protection in Sec 7(a) of the Privacy Act to parts of the social security number. All nine digits of the social security number are part of the "social security account number" and are therefore protected. It was the use of the social security number for identification purposes that Congress was restricting. There can be no doubt that the requirement that voters disclose the last four digits of their social security in order to register to vote is an attempt to use the numbers as an identifier. If Congress intended to protect only five (5) of the nine (9) digits it would have written legislation that explicitly did so. Permitting a state to require parts of the social security account number creates an exception that would frustrate the intent of Congress. Furthermore, it is incorrect to suggest that by merely requiring a voter to disclose the last four digits of their social security number that their privacy is somehow protected.

In addition, forced disclosure of social security numbers threatens a citizens' privacy and could lead to identity fraud, where imposters armed with a person's name and social security number can raid back accounts, establish fraudulent credit cards and even ruin a voter's credit. The Social Security Administration Office of Inspector General has registered a 500 percent increase in allegations of Social Security fraud in the past several years—from 11,000 in 1998 to 65,000 in fiscal year 2001.

PHOTO IDENTIFICATION REQUIRED TO VOTE

The second major setback in the conference report is the photo identification requirement. As with the other methods of disenfranchisement in American history, such as literacy tests and poll taxes, the photo identification requirement would present barriers to voting and have a chilling effect on voter participation. There are voters who simply do not have identification and requiring them to purchase photo identification would be tantamount to requiring them to pay a poll tax. As a disproportionate number of racial and ethnic minority voters, the homeless, as well as voters with disabilities and certain religious objectors, do not have photo identification nor the financial means to acquire it, the burden of this requirement would fall disproportionately and unfairly upon them, perhaps even violating the Voting Rights Act, 42 U.S.C. §1973.

Further, the limited alternatives to photo identification provided in the bill—including a government check or government document, utility bill, or bank statement that shows the name and address of the voter—place the poor in no better position. Certain populations of battered women and homeless people, for example, cannot produce any of the required documents, because they often do not live in a house or apartment and if they do, the utility bills are not in their name, they do not have a bank account, and they may not receive a government check. American citizens should not be denied their constitutional right to vote because they do not have these documents, particularly when there are other alternatives to these requirements such as attestation or signature clauses which are currently used effectively by many states to prevent fraud.

The Department of Justice (DOJ) has consistently raised objections to imposing photo identification as a prerequisite for voting because such requirements are likely to have a disproportionately adverse impact on black voters and will lessen their political participation opportunities. In 1994, DOJ found that African-American persons in Louisiana were four to five times less likely than white persons to have driver's licenses or other picture identification cards. In addition, the

Federal Elections Commission noted in its 1997 report to Congress that photo identification entails major expenses, both initially and in maintenance, and presents an undue and potentially discriminatory burden on citizens in exercising their basic right to vote.

Effective federal legislation should not erect new obstacles or weaken existing voting rights laws. Eliminating these discriminatory provisions is the most certain and complete way to guarantee that all states meet the requirements outlined by the Supreme Court in *Bush* v. *Gore*, 121 S. Ct. 525 (2000). Voters should not have to resort to the courts to ensure compliance with the "one person-one vote" rule.

We recognize that reform of our nation's electoral systems is critical. But it cannot be done in a manner that unduly prevents legitimate voters from exercising their constitutional right to vote. For the reasons indicated above, we urge you to vote "no" on final passage and will score a vote in favor of this legislation as a vote against voting rights. If you have questions, please contact ACLU Legislative Counsel LaShawn Warren.

Sincerely,

LAURA W. MURPHY,
Director.
LASHAWN Y. WARREN,
Legislative Counsel.

LEADERSHIP CONFERENCE ON
CIVIL RIGHTS,
Washington, DC, October 9, 2002.

DEAR SENATOR: On behalf of the Leadership Conference on Civil Rights, nation's oldest, largest and most diverse civil rights coalition, we write to provide our assessment of the final conference report on H.R. 3295, the "Help America Vote Act of 2002." In a number of significant respects, the House-Senate election reform agreement is an important step forward in improving election procedures and administration throughout the nation. However, we do have several remaining concerns about the report language that prevent us from being able to endorse the final package.

Given the fact the millions of American citizens were denied their basic right to cast a vote and to have that vote counted in the 2000 election, the enactment of meaningful election reform has been the Leadership Conference's highest legislative priority. We greatly appreciate the efforts of Sens. Christopher Dodd (D–CT), Richard Durbin (D–IL), Charles Schumer (D–NY) as well as Reps. Bob Ney (R–OH), Steny Hoyer (D–MD), John Conyers (D–MI), Charlie Gonzalez (D–TX) and others to reach a bipartisan agreement on comprehensive election reform. Among its beneficial provisions, the conference agreement will:

Set uniform, minimum standards for federal elections nationwide, including providing voters with a chance to check for and correct ballot errors;

Ensure accuracy of state voter registration databases by implementing uniform, statewide computerized lists;

Provide provisional ballots, which allow voters who are erroneously left off the voter registration lists to vote and be counted once eligibility can be verified;

Help eliminate outmoded punch-card and lever voting systems, and upgrade voting systems and equipment in every state; and

Provide funding to ensure that voters with disabilities are able to cast ballots privately and independently.

The conference report language, however, does contain several troubling provisions:

First, the report contains a requirement that all persons seeking to register must provide the state with a drivers license number or, in the event they do not have one, the last four digits of their social security number. Any person who has either number but does not provide it—even for privacy reasons—will not be registered. Once a voter provides either number, the state must verify the accuracy of the data provided by checking it against state motor vehicle or Social Security Administration (SSA) databases. This system set out by the conference report is both cumbersome and prone to error. There are many legitimate reasons why the data provided by an eligible voter may not match the data in a motor vehicle or SSA database. For example, a woman may marry or divorce without updating her last name in the database; many Latinos use two last names, which the SSA may list incorrectly; some Asians list their last name first; and in entering their date of birth, some people enter the date followed by the month, the opposite of U.S. customs. Even a simpler juxtaposition of a number could result in a "nomatch."

Second, amendments that have been made to the ID requirement fail to reduce its disenfranchising impact upon first-time voters. While the conference report includes minor improvements, these provisions fall far short of reducing the disproportionate negative impact of the ID provision.

In order to reduce its harmful impact on first-time voters, the ID requirement should have been linked to the requirement that a state have a computerized voter list in place. Instead, while the compromise bill requires mail-in registrants to meet the ID requirements in the 2004 election-cycle, it gives states a waiver until 2006 to create the statewide computerized lists. As a result, voters in states without state-wide lists will have to comply with the ID provision anytime they move within the state. Thus, the burden of the ID requirement will fall more heavily on renters, who change residences more often than homeowners, and who generally have lower incomes.

Third, the conference report would invalidate the registration of any voter who does not check off a new box on the registration form declaring that he or she is a U.S. citizen. Many elderly voters and voters with low levels of literacy, who find filling out forms difficult, will be likely to inadvertently fail to check the boxes and will, as a result, disproportionately be kept off the registration rolls.

Provisional ballots will not solve the above problems. Even if a voter is allowed to file a provisional ballot, it will not be counted because he or she was never "properly" registered, due to these onerous registration and verification requirements.

We hope you will keep the above issues in mind when deciding how you will vote on the conference report to H.R. 3295. If you have any questions, please feel free to contact Rob Randhava, LCCR Policy Analyst, at 202/466-6058 or Nancy Zirkin, LCCR Deputy Director/Director of Public Policy. Thank you for your consideration.

Sincerely,

DR. DOROTHY I. HEIGHT,
Chairperson.
WADE HENDERSON,
Executive Director.

PEOPLE FOR THE AMERICAN WAY,
Washington, DC, October 10, 2002.

DEAR MEMBER OF CONGRESS: On behalf of the 600,000 members and supporters of People For the American Way (PFAW), we are writing to express our views on the conference report to HR 3295, the Help America Vote Act.

We are pleased by many of the bill's provisions, which we believe will significantly improve our nation's election system. The legislation will allow registered individuals to cast provisional ballots even if their names are mistakenly excluded from voter registration lists at their polling places. It will require states to develop centralized, statewide voter registration list to ensure the accuracy of their voter registration records. It will also require states to provide at least one voting machine per polling place that is accessible to the disabled, and ensure that their voting machines allow voters to verify and correct their votes before casting them. Finally, the legislation authorizes $3.8 billion in critically needed funds to fix antiquated voting systems and to meet the minimum standards set forth in the bill.

At the same time, we are concerned by other provisions that may erect new barriers to voting. These provisions include the identification requirements for first time voters who register by mail and the provision (added by the conference committee) that allows election officials to return voter registration forms as incomplete if the "citizenship box" is left blank by the voter.

Since the effectiveness of this legislation depends on uniform and non-discriminatory enforcement, PFAW will be vigilant in our efforts to educate the public about new requirements and will monitor the application of these provisions in the states. We will be advocating for full funding of programs authorized by the bill in order to ensure that the bill does not contain empty promises. Concurrently, we will begin to identify areas where we can strengthen the progress made by this bill, and work with our allies on legislation to correct deficiencies.

Finally, through PFAW Foundation's election protection program, now operating in six states, we will intensify efforts to educate voters to ensure that individuals know and understand their new rights and responsibilities. People For the American Way Foundation will also take other action as appropriate to protect voters' rights.

Sincerely,

RALPH G. NEAS,
President.
STEPHENIE FOSTER,
Director of Public Policy.

Mr. DODD. The concerns of these groups are reflected in three of the provisions of the conference report: (1) the first-time mail registration requirements of section 303(b); (2) the requirement that the drivers license, or last 4 digits of the voter's Social Security number, be provided on the registration form under section 303(a)(5); and (3) the citizenship check-off box requirements of section 303(b)(4). I intend to address each of these issues in turn.

Let me state from the start that each of these groups was significantly involved in the development of the original Dodd-Conyers legislation, and all continued to provide valuable input and comments as we worked to develop a bipartisan compromise in the Senate last December and then perfect that compromise in conference with the House this summer and fall. Many of these same groups expressed reservations at the time about the Senate compromise and withheld support for the bill when it passed the Senate. Each of these organizations played a pivotal role in the formation of this legislation and I continue to personally value their perspective and input.

Let me state for the record, that as the principal Senate author of this conference report, it has consistently been my goal and position that this legislation be uniform and nondiscriminatory in both intent and result without regard to color or class, gender or age, disability or native language, party or precinct. While I understand the collective, and individual, concerns of these organizations, the ultimate test of this legislation will be in its implementation by the States and I am confident that a fair reading of its provisions will produce the desired result. With that, let me offer my perspective on several issues raised by these organizations.

First, with regard to the anti-fraud provisions, I share the concern that the hearings and studies by numerous organizations, including the Senate Rules Committee, over the past two years did not unearth any evidence of widespread voter fraud. However, even the anecdotal evidence of dogs and deceased persons registering, and perhaps even voting, and registration lists with duplicate names in several different jurisdictions illustrate the frailties of current registration procedures. While I continue to believe that the most effective anti-fraud provision in the Senate-passed bill, and in this conference report, remains the requirement that States establish a centralized computerized registration list, I also recognize that but for the provision of section 303(b) affecting first-time voters who register by mail, this legislation and all the good it contains would not have made it this far.

While I appreciate the sensitivities of these organizations to the potential that the first-time mail registrant voter requirement of section 303(b) will fall disproportionately on minorities and low income individuals, I am not convinced that the sound interpretation of this legislation will ultimately result in the disenfranchisement of such voters. In order to better establish empirical data on the prevalence of such fraud, the conference report directs the new Commission to make periodic studies and reports, with recommendations to Congress, on nationwide statistics on voter fraud and methods of identifying, deterring and investigating such fraud.

More importantly, the Commission is directed to conduct a special study, to be completed within 18 months of the effective date of the first-time voter provision, on the impact such requirement has on these voters and voter registration in general. The Commission is directed to also study the additional requirement that new registrants provide the last four digits of their Social Security number at registration if they do not have a valid drivers license number. If the results of these studies indicate either a lack of empirical evidence that widespread voter fraud exists, or that these new anti-fraud provisions are disenfranchising voters, particularly minority and low-income voters, Congress will be in a position to modify or repeal these provisions.

In the meantime, changes made to the conference report will work to mitigate, and perhaps even obviate, the need for States to implement the first-time mail registrant voter requirement.

To make clear that Congress intends that the first-time voter provision of section 303(b) must not result in a disparate impact on minority voters, the conferees agreed to add language to this section to require that it be implemented in a uniform and nondiscriminatory manner. The conference report also contains a new notice provision, section 303(b)(4)(iv), which requires that the NVRA registration form contain a statement informing the applicant that if they register by mail, appropriate information must be included in order to avoid the additional identification requirements upon voting for the first time. As in the Senate-passed bill, if any voter is challenged as not being eligible to vote, including for reasons that he or she is a first-time mail registrant voter without proper identification, such voter is entitled to vote by provisional ballot, and that ballot is counted according to State law.

As I stated yesterday, nothing in this bill establishes a Federal definition of when a voter is registered or how a vote is counted. If a challenged voter submits a provisional ballot, the State may still determine that the voter is eligible to vote and so count that ballot, notwithstanding that the first-time mail registrant voter did not provide additional identification required under section 303(b). Whether a provisional ballot is counted or not depends solely on State law, and the conferees clarified this by adding language in section 302(a)(4) stating that a voter's eligibility to vote is determined under State law.

More importantly, however, is the combination of the existing language in the Senate-passed bill (offered by Senator WYDEN) and the provision, modified from the Senate-passed bill, which requires new registrants to provide a drivers license number upon registration, or the last 4 digits of their Social Security number if they do not have a drivers license number.

The Wyden amendment included in the Senate-passed bill, and retained without modification in the conference report, provides a means by which first-time mail registrant voters can avoid the additional verification requirements of section 303(b) altogether. At the choice of the individual, under section 303(b)(3), a first-time mail registrant voter can opt to submit their drivers license number, or at least the last 4 digits of their Social Security number, on the mail-in voter registration form in order for the State to match the information against a State database, such as the motor vehicle authority database. If such information matches, the additional identification requirements of section 303(b)(1) do not apply to that individual.

Under the new requirements added in conference as section 303(a)(5), effective in 2004 (unless waived until 2006), all new applicants must provide at the time of registration, a valid drivers license number, or if the individual does not have such, the last 4 digits of their Social Security number (or if they have neither, the State shall assign them a unique identifying number). States must then attempt to match such information, thereby satisfying the provisions of section 303(b)(3) which renders the first-time mail applicant provisions of section 303(b)(1) inapplicable. By operation of section 303(a)(5) added in conference, in conjunction with the existing language of the Senate-passed bill (as added by Senator WYDEN) in section 303(b)(3), the first-time voter identification requirement is obviated and essentially rendered moot, thereby avoiding the potential disenfranchisement of minority voters.

Secondly, with respect to the provisions of section 303(a)(5) which require verification of voter registration information, it is important to remember that nothing in this conference report establishes a Federal definition, or standard, for when a voter is duly registered. That authority continues to reside solely with State and local election officials pursuant to State law. Nor does this conference report require States to enact legislation changing voter eligibility requirements to conform to the Act. As I pointed out yesterday, Chairman NEY, the principal author of this conference report on behalf of the House, stated last week that this bill provides for basic requirements that States shall meet, but leaves to the discretion of the States how they meet those requirements in order to tailor solutions to their own unique problems. This section is not an exception to that rule.

Section 303(a)(5) is a modification to provisions added to the Senate bill during floor debate which authorized States to request a voter's 9 digit Social Security number. Concerns had been expressed, which I shared, that even allowing States the discretion to require the full Social Security number potentially ran afoul of Privacy Act protections. While this provision goes further than I would have wished, it is simply not an accurate reading of this section to conclude that a lack of a match—or a "no-match" will result in the invalidation of a voter's registration application or the purging of the voter's name.

First, with respect to purging, this provision applies only prospectively to new applicants and as such cannot be used to purge names of existing voters from the rolls. More importantly, however, the language of the conference report, and the Statement of Managers on this point specifically, make it abundantly clear that any purging of names must conform to existing NVRA requirements. There is no provision in the current NVRA which would authorize purging for lack of a match of either a drivers license number or the last 4 digits of a Social Security number.

As for the argument that this provision will result in the invalidation of a voter's application, that conclusion is simply not supported by a reading of all the relevant provisions. Effective in 2004 (or 2006 if a waiver of section 303(a) is requested by the State), this section prohibits States from accepting or processing a voter registration application unless it contains the voter's drivers license number. However, there is no similar prohibition on local election officials who presumably will continue to have the authority to process voter applications until the State implements the centralized computerized registration list and becomes responsible for maintaining the official list of eligible voters under section 303(a)(1).

In the meantime, if an applicant has not been issued a current and valid drivers license, then the applicant must provide the last 4 digits of his or her Social Security number. If the applicant has neither number, the State shall issue the individual a number which becomes the voter's unique identifier (as required for the centralized computerize registration list). The chief state election official must also enter into agreements with the State motor vehicle authority and the Commissioner of Social Security in order to match information supplied by the voter with these databases.

However, nothing in this section prohibits a State from accepting or processing an application with incomplete or inaccurate information. Section 303(a)(5)(A)(iii) specifically reserves to the States the determination as to whether the information supplied by the voter is sufficient to meet the disclosure requirements of this provision. So, for example, if a voter transposes his or her Social Security number, or provides less than a full drivers license number, the State can nonetheless determine that such information is sufficient to meet the verification requirements, in accordance with State law. Consequently, a State may establish what information is sufficient for verification, preserving the sole authority of the State to determine eligibility requirements for voters. Furthermore, nothing in this conference report requires a State to enact any specific legislation for determining eligibility to vote.

Moreover, nothing in this section prohibits a State from registering an applicant once the verification process takes place, notwithstanding that the applicant provided inaccurate or incomplete information at the time of registration (as anticipated by section 303(a)(5)(A)(iii)) or that the matching process did not verify the information. The provision requires only that a verification process be established but it does not define when an applicant is a duly registered voter. Again, this conference report does not establish Federal registration eligibility requirements those are found only in the U.S. Constitution. Section 303(a)(5)(A)(iii) makes it clear that State law is the ultimate determinant of whether the information supplied under this section is sufficient for determining if an applicant is duly registered under State law.

Finally, with respect to the issue of the citizenship check-off box on the voter application form under section 303(b)(4), the Senate-passed bill contained the requirement that the NVRA registration form include two new questions and a check-off box for voters to mark to indicate their answers to questions regarding age and citizenship eligibility. The conference agreement added a new provision in section 303(b)(4)(B) which requires that if a voter does not check-off the citizenship box, the appropriate election official must notify the applicant of the omission and provide the applicant an opportunity to complete the form in time for processing to be completed to allow the voter to participate in the next Federal election.

It is simply inaccurate to state that any registration application is required to be invalidated under this section if an applicant forgets to check-off the citizenship box. Nothing in this provision makes the completion of the check-off box a condition of Federal eligibility. The conference report does not establish Federal eligibility requirements for voting. NVRA only requires that an applicant sign the registration form attesting to his or her eligibility, including citizenship. The check-off box is a tool for registrars to use to verify citizenship, but nothing in the conference report requires a check-off or invalidates the form if the box is left blank.

In fact, this provision will ensure that if a voter did not check-off the citizenship box, his or her registration form cannot be discarded as invalid on its face. Ultimately, the registrar determines whether or not the voter has met the citizenship requirement notwithstanding whether or not the box is checked. A signed attestation as to citizenship eligibility is still sufficient under NVRA. Jurisdictions that currently use citizenship check-off boxes may continue to process such information pursuant to State law, but in fact will not be able to invalidate a form based on the lack of a check-off without notification to the voter first.

With respect to each of these three issues, it is important to note that each of these provisions will likely require some adjustment to the NVRA registration form. The new Election Assistance Commission specifically does not have rulemaking authority with the exception of the authority permitted, and currently exercised by the Federal Election Commission, under section 9(a) of the NVRA (42 U.S.C. 1973gg–7(a)) to prescribe such regulations necessary to develop the mail registration form used in Federal elections. Consequently, it is anticipated that the new Commission will be required to revise the current NVRA registration form in order to effectuate the requirements under this Act, including: notice requirements for first-time voters under section 303(b)(4)(iv); the collection of a drivers license number or last 4 digits of a Social Security number under sections 303(a)(5) and 303(b)(3); and the age and citizenship check-off boxes under section 303(b)(4), in addition to any other changes in the Federal registration application form that the Commission views as necessary to implement this Act. This exercise will afford interested parties an opportunity to ensure that these requirements do not result in the disenfranchisement of applicant voters.

As a final observation, let me state that while the enforcement provisions of the Senate-passed bill included tough preclearance-type reviews of grant applications by the Department of Justice, the conference report contains an important new administrative grievance procedure intended to provide voters, and others aggrieved by violation of the requirements of this Act, a timely and convenient means of redressing alleged violations. Each State that receives funds under Title I must establish a state-based administrative procedure for reviewing alleged grievances under Title III of this Act. If the State does not render a decision within 90 days of receiving a complaint, the proceeding is moved to an alternative dispute resolution process which must resolved the issue within 60 days.

While I would have preferred that we extend the private right of action afforded private parties under NVRA, the House simply would not entertain such an enforcement provisions. Nor would they accept Federal judicial review of any adverse decision by a State administrative body. However, the state-based administrative procedure must meet basic due process requirements and afford an aggrieved party a hearing on the record if they so choose.

It is important to note that this state-based administrative proceeding is in addition to any other rights the aggrieved has and is limited only to the adjudication of violations of the requirements under Title III of this Act. This enforcement scheme in no ways replaces or alters the adjudication provisions of any other civil rights or voting rights law.

As with all provisions of this legislation, the proof is in the implementation of these requirements by the States. But nothing in this conference report requires States or localities to change any voter eligibility requirements nor does this Act in any way infringe upon the sole authority of State and local election officials to determine who is a duly registered voter. I agree that it will require diligence and education of State and local election officials to ensure that these provisions do not serve to disenfranchise voters and I stand ready to monitor actions by the States to ensure that they do not undermine the purposes of this Act: to make it easier to vote, but harder to defraud the system.

Mr. President, the conference report that we are about to adopt is a true compromise. It is a melding of the House-passed and Senate-passed bills. While there was much in common in the legislation that passed each House, there were significant differences also. I commend my House counterparts, Chairman BOB NEY and Congressman STENY HOYER, for their willingness to spend countless hours and several long nights to hammer out the differences in these two approaches in order to reach the conference report we present to the Senate for adoption today.

On at least one occasion, Chairman NEY, Congressman HOYER and I, along with our staff, worked literally around the clock for twelve hours in order to reach consensus, with the final agreement being reached long after the midnight hour. Such effort is just one indication of the level of commitment that the House conferees demonstrated in reaching a consensus on this historic legislation, and I thank them for their dedication to seeing this process through to a satisfactory conclusion. The American people owe them a debt of gratitude for their efforts to ensure that henceforth, in Federal elections, every eligible voter will be able to vote and have their vote counted.

The original House and Senate bills addressed the problems that came to light in the November 2000 presidential election in similar ways. While the Senate bill set out minimum requirements of the States to meet over the next four years, and funded those requirements at 100 percent of costs, the House bill used Federal funds as an incentive to encourage States to take preferred action, either by following Federal standards or by adopting standards of their own. Both bills however, preserved the traditional authority of State and local election officials to determine the specific means of meeting those requirements or standards. Both bills also preserved the authority of State and local election officials to be the sole determinants of whether an applicant is a duly registered voter. And both bills preserved the authority of State law to determine when a vote has been cast and whether a vote, once cast, will ultimately be counted.

My counterpart in the House, Chairman NEY, said it best last week during the House debate on the conference report, and I agree with his assessment. Let me quote Chairman NEY:

> One size fits all solutions do not work and only lead to inefficiencies. States and locales must retain the power and the flexibility to tailor solutions to their own unique problems. This legislation will pose certain basic requirements that all jurisdictions will have to meet, but they will retain the flexibility to meet the requirements in the most effective manner.

That is the hallmark of this legislation, it requires that States and localities meet basic requirements in the type of voting system they use in Federal elections, in the offering of provisional ballots, in the creation of a centralized computerized registration list and the collection of data for that list, and in the verification of identification for new registrants. But in the implementation of these requirements, the sole determination is left to the State as to what type of voting system a jurisdiction chooses to use, and whether a provisional ballot is ultimately counted pursuant to State law, and whether an individual registrant is determined under State law to be duly registered and entered into the centralized registration list.

I am gratified that the conferees agreed to include in this conference report what this Senator believes are the most important provisions of the Senate bill: the requirements for voting system standards, provisional balloting, and the creation of statewide computerized registration lists. The conference report retains the core requirements and language of the Senate-passed bill, most of which were contained in the original bill reported by the Senate Rules Committee just fourteen months ago in August of 2001 as S. 565. These requirements were the fundamental elements of the Senate-passed bill and are an equally integral component of the conference report. These provisions include required standards that all voting systems used in Federal elections must meet; the offering of provisional ballots so that no voter is ever turned away from the polls again; and the creation of an official centralized computerized registration list to include the names of all eligible voters and procedures for ensuring the accuracy of that list, as well as provisions for verifying the identity of certain new registrants.

Title III of the conference report contains the three basic requirements for voting system standards and administrative procedures to be used in Federal elections.

Section 301 establishes six standards that all voting systems used in Federal elections after January 1, 2006 must meet:

(1) While maintaining voter privacy and ballot confidentiality, permit voters to verify their selections on the ballot, notify voters of over-votes, and permit voters to change their votes and correct any errors before casting the ballot. The conference report retains the provisions of section 101 of the Senate-passed bill that created an alternative means of notifying voters of over-votes for jurisdictions using paper ballots, punch card, or central-count voting systems (including absentee and mail-in ballots). Such jurisdictions may instead use voter education and instruction programs for notification of over-votes only. However, all voting systems, including these paper ballot systems, must provide voters with so-called "second-chance" voting, i.e., the ability to verify the voter's selection and the ability to correct or change the ballot prior to it being cast. The conference report also clarifies that this requirement cannot be used to render a paper ballot invalid or unable to be modified in order to meet the requirements.

Notification to the voter of an over-vote is essential because it provides an eligible voter a "second chance" opportunity to correct his or her ballot before it is cast and tabulated. Any such notification must be accomplished in a private and independent manner. With regard to the notification, it is the voting system itself, or the educational document, and not a poll worker or election official, which notifies the voter of an over-vote. The sanctity of a private ballot is so fundamental to our system of elections, that the language of this compromise contains a specific requirement that any notification under this section preserve the privacy of the voter and the confidentiality of the ballot. The Caltech-MIT study noted that secrecy and anonymity of the ballot provide important checks on coercion and fraud in the form of widespread vote buying.

Paper ballot systems include those systems where the individual votes a paper ballot that is tabulated by hand. Central count systems include mail-in absentee ballots and mail-in balloting, such as that used extensively in Oregon and Washington state, and other states where a paper ballot is voted and then sent off to a central location to be tabulated by an optical scanning or punch card system. A mail-in ballot or mail-in absentee ballot is treated as a paper ballot for purposes of notification of an over-vote under section 301 of the conference report, as is a ballot counted on a central count voting system. However, if an individual votes in person on a central count system, as is used in some states that allow early voting or in-person absentee voting, for that voter, such system is required to actually notify the voter of the over-vote.

As for the other types of voting systems, namely lever machines, precinct-based optical scanning systems, and direct recording electronic systems, or DREs, the voting system itself must meet the standard. Specifically, the functionality of the voting system shall permit the voter to verify the votes selected, provide the voter with an opportunity to change or correct the ballot before it is cast or tabulated, and actually notify the voter if he or she casts more than one vote for a single-candidate office.

The conference report recognizes the inherent differences between paper ballot systems and mechanical or electronic voting systems. The conferees retained the reasonable balance struck in the Senate-passed bill between ensuring that no voting system is eliminated as long as the requirement that all voters have the opportunity to verify their ballot and a "second-chance" to correct any error on the ballot or change the ballot, before it is cast and counted. Although this compromise provides an alternative method of notifying voters of over-votes for punch card and paper ballot systems, nothing in this legislation precludes jurisdictions from going beyond what is required, so long as such methods are not inconsistent with the Federal requirements under Title III or any law described in section 906 of Title IX of this Act.

The conference report is silent on the issue of notification to the voter of an under-vote and neither requires nor prohibits such notification. However, the Election Assistance Commission is charged with studying the feasibility of notifying voters of under-votes.

(2) Each voting system must produce a permanent paper record for the voting system that can be manually audited. Such record must be available as an official record for recounts, however, there is no intent to mandate that the paper record serve as the official record. Whether this record becomes the official record is left to the discretion of the States. As the Chairman of the Rules Committee, let me advise my colleagues of the importance of this feature in the unlikely event that a petition of election contest is filed with the Senate. Often, in order to resolve such contests, the Rules Committee must have access to an audit trail in order to determine which candidate received the most votes. This standard will ensure that the Senate and the House will have access to reliable records in the case of election contests.

(3) Consistent with the Senate-passed provision, each voting system must provide to individuals with disabilities, including the blind and visually impaired, the same accessibility to voting as other voters. Jurisdictions may meet this standard through the use of at least one DRE, or other properly equipped voting system, at each polling place. However, any system purchased on or after January 1, 2007, if purchased with Federal funds made available under Title II of the Act, must meet the accessibility standard.

The accessibility standard for individuals with disabilities is perhaps one of the most important provisions of this legislation. Ten million blind voters did not vote in the 2000 elections in part because they cannot read the ballots used in their jurisdiction. With 21st century technology, this is simply unacceptable.

The Senate Rules Committee received a great deal of disturbing testimony regarding the disenfranchisement of Americans with disabilities. Mr. James Dickson, Vice President of the American Association of People with Disabilities, testified that our nation has a ". . . crisis of access to the polling places." Twenty-one million Americans with disabilities did not vote in the last election—the single largest demographic groups of non-voters.

To statutorily address this "crisis of access," the conference report contains the provisions of the Senate-passed bill requiring that by the Federal elections of 2006, all voting systems must be accessible for individuals with disabilities, including nonvisual accessibility for the blind and visually impaired. Most importantly, that accommodation must be provided in a manner that provides the same opportunity for access and participation, including privacy and independence, as for other voters. Accessibility is required for individuals with all disabilities, not just physical disabilities.

In order to assist the States and localities in meeting this standard by 2006, the conference report retains the Senate-passed provision that allows jurisdictions to satisfy this standard through the use of at least one direct recording electronic (DRE) voting system, or any other voting system that is equipped to accommodate individuals with disabilities, in every polling place. It must be noted, moreover, that the compromise does not require that a jurisdiction purchase a DRE to meet the accessibility requirement since jurisdictions may also choose to modify existing systems to meet the needs of the disabled voter.

A DRE used to meet the accessibility standard under this requirement is not intended to be used solely by individuals with disabilities. Obviously, any eligible voter should have access to such a machine, and in fact, may find voting on such a system to be preferable to other systems used in that polling place. Nothing in this conference report is intended to suggest that because each polling place must have an accessible machine, that machine is for the exclusive use of individuals with disabilities, nor that such machine, or individuals who use such system, should be separated from other voters. Such treatment would be contrary to the requirement in section 301(a)(3)(A) that such individuals be given the same opportunity for access and participation (including privacy and independence).

In addition, the Caltech-MIT study suggests that DREs have the potential to allow for more flexible user interface to accommodate multiple language ballots. Consequently, such DRE voting systems can also be used to meet the accessibility requirements for language minorities under the Voting Rights Act, and this conference report, as well.

It has been suggested that this may be a wasteful requirement for jurisdictions that have no known disabled voters. Let me make clear that the purpose of this requirement is to ensure that the disabled have an equal opportunity to cast a vote and have that vote counted, just as all other non-disabled Americans, with privacy and independence. It is simply not acceptable that individuals with disabilities should have to hide in their homes and not participate with other Americans on election day simply because no one knows that they exist. It is equally unacceptable to suggest that individuals with disabilities must come forward and declare their disability in order to participate in democracy through the polling place.

(4) Each voting system must provide alternative language accessibility as required by law. This is a slight modification to the Senate-passed bill in order to make clear that the alternative language requirements must conform to existing Voting Rights Act requirements.

The Voting Rights Act mandates that covered jurisdictions must provide translated voting materials, such as bilingual ballots, voter registration forms, voting instructions, other voting materials, oral translation services and interpreters to ensure accessibility to the right to cast a vote and have that vote counted. Nothing in this Act overturns or undermines the Voting Rights Act.

The alternative language accessibility standard follows the procedures for determining when a language minority (e.g., only the four general groups currently recognized by VRA: Asian Americans, people of Spanish heritage, Native Americans and native

Alaskans) must be accommodated under section 203 of the Voting Rights Act. This conference report leaves in place the numerical triggers under the Voting Rights Act, which require states and political subdivisions that meet the triggers of non-English speaking citizens of voting age to provide language assistance services at the polls for American voters. On July 26, 2002, the Department of Justice released new jurisdictions and languages covered under the language assistance provisions of the Voting Rights Act based on Census 2000 figures.

The conference report provides safeguards to ensure an equal opportunity for all eligible language minorities to cast a vote and have that vote counted. This is accomplished with uniform and nondiscriminatory requirements that ensure alternative language accessibility to voting systems, provisional balloting, and inclusion as a registered voter in the statewide voter registration lists. In addition, this compromise provides for the Election Assistance Commission to study and make recommendations as to whether the voting systems are, in fact, capable of accommodating all voters with a limited proficiency in the English language.

(5) Each voting system must comply with an "out-of-the-box" error rate standard as established in section 3.2.1 of the Federal voting system standards issued by the Federal Election Commission and in effect on the date of enactment. While the specific error rate will not change, it is anticipated that over time, should technology provide for an improved error rate, Congress will amend this provision to reflect changing technology. Neither the conference report, nor the Senate-passed bill, establishes performance error rates, or residual error rates, for particular types of voting systems, as recommended by the Carter-Ford Commission. However, the conference report does require that the new Commission study the best methods for establishing voting system performance benchmarks, expressed as a percentage of residual vote in the Federal contest at the top of the ballot. If such benchmarks can be established with reliability, a future Congress may decide to add a performance benchmark, or performance error rate, to the voting system standards.

Finally, (6) the conference report contains an additional standard, taken from the House-passed bill, requiring each State to adopt uniform standards defining what constitutes a vote and what will be counted as a vote for each certified voting system. This provision is an improvement over the Senate bill and will ensure that voters using similar machines will have their votes counted in a uniform and nondiscriminatory manner within a State.

Under this additional standard, States must define what constitutes a "legal" vote on a specific voting system with a companion definition of when that "legal" vote will be counted on that specific voting system. These two state-based definitions will provide another incremental step toward ensuring that votes are cast and counted in a uniform, non-discriminatory manner and should help ensure against a repeat of the 4-6 million votes that were cast but not counted in the 2000 general election according to the Caltech-MIT study. Such state-based definitions will erase the inconsistent standards, practices, or procedures within states and localities that have diluted votes cast in certain communities. Now, no matter where the voter lives and votes, that voter will have an equal opportunity to cast his or her vote and an equal opportunity to have his or her vote counted.

The effective date for the voting system standards remains for any Federal election held in a jurisdiction after January 1, 2006. It is important to note, that with regard to effective dates, the actual date on which the standards under the voting system requirement must be implemented will vary from jurisdiction to jurisdiction depending upon when the first Federal election occurs in 2006. A federal election includes a general, primary, special, or runoff election for federal office.

Section 302 establishes the second requirement that all States and jurisdictions must meet beginning for Federal elections after January 1, 2004: the requirement that jurisdictions provide for provisional voting for any voter who is challenged as ineligible but who attests, in writing, that they are registered and eligible to vote. This provision ensures that never again can a voter who appears at the polls in order to vote and desires to vote can be turned away, for any reason. The conference report follows the Senate bill in laying out the steps that such provisional balloting must follow.

First, any voter who declares that they are registered to vote in a Federal election in a jurisdiction but are not on the official list of registered voters or are otherwise alleged to be ineligible, must be offered and permitted to cast a provisional ballot. Any challenge to the voter's eligibility qualifies the voter for a provisional ballot, including, but not limited to:

The voter's name does not appear on the official registration list; or

The voter's name, or other registration information, appears inaccurately on the registration list; or

The voter does not meet the requirements of section 303(a) because there is a question about, or they cannot provide, the number on their drivers license or the last 4-digits of their Social Security number, or the State/jurisdiction refuses to assign a unique identifier number that the voter could use for voter registration purposes; or

A voter is a first time voter who registered by mail and does not meet the requirements of section 303(b) because they do not have any of the specified identification, such as a photo-ID, utility bill, bank statement, paycheck or other government document required to be shown under this Act; or

There are questions about the voter's eligibility to vote, even if their name appears on the official registration list; or

The voter believes he or she has registered within the States' registration deadline but their names does not appear on the official registration list; or

The voter has recently moved but his or her name does not appear on the official registration list; or

There are questions about the voters' eligibility to vote based upon section 303(c) that requires if polling hours are extended as a result of a court order, any ballot cast in a federal election during that extension be provisional and be held separately from other provisional ballots; or

There are questions about the voters' eligibility to vote based upon reassignment pursuant to state re-districting laws; or for any other reason.

Any and all of the above voters may, under the conference report, cast a provisional ballot. Not only must the State provide access to the provisional ballot, but the State or local election official has a legal obligation under this Act to provide notice to each individual voter, who has had his or her ability to cast a regular ballot questioned, that they may cast a provisional ballot in that Federal election at that polling place.

To receive and cast a provisional ballot, all the individual must do is execute a written affirmation that he or she is a registered voter in that jurisdiction and is eligible to vote in that election. If an individual is motivated enough to go to the polls and sign an affidavit, under perjury of law, that he or she is eligible to vote in that election, then the state or local election official shall protect that individual's right to cast a provisional ballot. That right is so fundamental, as is evidenced by its widespread use across this Nation, that we must ensure that it is offered to all Americans, not in an identical process, but in a uniform and nondiscriminatory manner.

Once executed, the affidavit is handed over to the appropriate election official who must promptly verify the information and issue a provisional ballot. It is important to note that in some jurisdictions, the verification of voter eligibility will take place prior to the issuance of a ballot based upon the information in the written affidavit. In other jurisdictions, the ballot will be issued and then laid aside for verification later. Both procedures are equally valid under this compromise, which provides flexibility to states to meet the needs of their communities in slightly differing ways. States that offer same-day registration procedures similarly meet the requirements of section 302 provided the individual attests, in writing, to their eligibility and the State otherwise determines, pursuant to State law, that the voter is eligible to vote.

Any provisional ballot must be promptly verified and counted if the individual is eligible under State law to vote in the jurisdiction. Nothing in this conference report establishes a rule for when a provisional ballot is counted or not counted. Once a provisional ballot is cast, it is within the sole authority of the State or local election official to determine whether or not that ballot should be counted, according to State law. Consequently, even if a voter does not meet the new Federal requirements for first-time voters to verify their identity, or for new registrants to provide their drivers license number, or the last four digits of their Social Security number, if that voter otherwise meets the requirements as set out in State law for eligibility, the State shall count that ballot pursuant to State law.

Finally, at the time that the voter casts a provisional ballot, the appropriate State or local election official shall give the individual written notice of how that voter can ascertain whether or not his or her ballot was counted through a free access system (such as a web site or toll-free telephone number). This is a particularly important provision as it ensures that a provisional voter will be able to cure any registration defect in time to become a regular voter in the next election. This provision, combined with the requirement in section 303 for establishing a centralized computerized registration list, will ensure that no eligible voter will be denied the right to vote and that State and local election officials will have access to accurate and up-to-date voting records.

All States must meet this requirement on provisional ballots for Federal elections in order to comply with this Act. However, those States which are described in section 4(b) of the National Voter Registration Act of 1993 (NVRA) and are currently exempt from the provisions of the NVRA or those States that permit same-day registration or require no registration may meet the requirements for provisional balloting through their current registration systems.

The Caltech-MIT report estimates that the aggressive use of provisional ballots could cut the lost votes due to registration problems in half. The Carter-Ford Commission recommended going even farther than this legislation in less time, recommending state-wide voter registration. The Commission noted, "No American qualified to vote anywhere in her or his State should be turned away from a polling place in that State." While the conference report does not require state-wide registration, nothing in the conference report prohibits, or is intended to discourage, States from enacting such a provision.

In addition to the provisions requiring provisional balloting, section 302 also contains the requirement in the Senate-passed bill that a sample ballot and other voter information be posted at polling places on election day. In order to ensure that voters are aware of the provisional balloting process, the registration and voting requirements for first-time voters who register by mail, including the option of providing a drivers license number or at least the last four digits of a Social Security number, along with other new state standards, practices and procedures, such notice and information are required to be posted at polling places on election day. In this information age, the expectation is that targeted state education programs will compliment any required posted information to best educate the voters and train poll workers, volunteers, and election officials

Finally, the conference report contains a modified version of the requirement that, if polling hours are extended as a result of a court order, any ballot cast in a Federal election during that extension be by provisional ballot. The Senate-passed bill could have been read to apply to any voter who votes after the polls close, and not just voters who vote pursuant to a court or other order. Consequently, the conference report clarifies that only voters who vote pursuant to such order vote by provisional ballot and such provisional ballots shall be held separately from other provisional ballots.

Section 303 of the conference report includes the provisions of the Senate-passed bill requiring that all States establish a centralized computerized registration list of all eligible voters. This requirement is the single greatest deterrent to election fraud, whether by unscrupulous poll workers or officials, voters, or outside individuals and organizations. The ability to capture every eligible voter in one centrally managed database with requirements for privacy and security of the information will help ensure the integrity of registration lists and ensure both the accuracy and authenticity of those lists.

The Carter-Ford Commission explicitly recommended that every state adopt a system of statewide voter registration. The Caltech-MIT report similarly recommended the development of better databases with a numerical identifier for each voter. The Constitution Project also called for the development of a state-wide computerized voter registration system that can be routinely updated and is accessible at polling places on election day.

The conference report contains much of the Senate-passed language on this provision with important additions to highlight the official, centrally managed nature of this list. Once implemented in 2004 (or 2006 if the State seeks a waiver for good cause), voters should never again have to be turned away from the polls because their name was not updated on the list. Never again should poll workers have to wait hours to get through a central phone line in order to verify a voter's registration. And once such a list is in place, every first-time mail registrant voter should be able to verify their identity through the matching of a drivers license number or at least the last 4 digits of a Social Security number.

The conference report retains the Senate-passed provisions of section 303(a)(2) regarding list maintenance of the computerized list. Those provisions provide that any name that is removed from the list must be removed in accordance with provision of the National Voter Registration Act (NVRA), the so-called "Motor-Voter" law. This requirement will ensure that voters cannot be purged from the list unless they have not responded to a notice mailed by the appropriate election official and then have not voted in the subsequent two Federal general elections. Moreover, this provision ensures that voters who appear at the polls during this period and wish to vote will be allowed to as provided for in section 8(3) of the Motor-Voter law (42 U.S.C. 1973gg-6).

As a practical matter, once the computerized list has been developed and implemented, list maintenance will be almost automatic. While many of us have read of allegations of massive duplicate registrations, the fact is that even though alleged duplicate names appear on more than one jurisdiction's list, the vast majority of voters only live in one place and only vote in one place. In a highly mobile society likes ours, voters move constantly. And while voters may remember to change their mailing address with the post office, with utility companies, and with the bank and credit card companies, they may not even think about changing their address with the local election official until it comes time to vote. At the end of the day, this conference report ensures that mobile voters are not disenfranchised.

The conference report also added a new minimum standard for ensuring the accuracy of the centralized computerized registration list. That provision, section 303(a)(4), was drawn from a provision contained in the House-passed measure, but with an important clarification. Consistent with section 303(a)(2), this provision parallels language in the NVRA that requires States to make a reasonable effort to remove registrants who are ineligible to vote, consistent with the provisions of NVRA, specifically the requirement that such voters fail to respond to a notice and then fail to vote in the subsequent two general Federal elections. Further, no voter may be removed from the list solely by reason of a failure to vote. As is stated in the Statement of Managers, this provision is completely consistent with NVRA.

Section 303(a)(5) of the conference report is a new provision that is a modification to provisions added to the Senate bill during floor debate that authorized States to request a voter's 9 digit Social Security number. Effective in 2004 (or 2006 if a waiver of section 303(a) is requested by the State), this section prohibits States from accepting or processing a voter registration application unless it contains the voter's drivers license number. However, there is no similar prohibition on local election officials who presumably will continue to have the authority to process voter applications until the State implements the centralized computerized registration list and becomes responsible for maintaining the official list of eligible voters under section 303(a)(1).

In the meantime, if an applicant has not been issued a current and valid drivers license, then the applicant must provide the last 4 digits of his or her Social Security number. If the applicant has neither number, the State shall issue the individual a number that becomes the voter's unique identifier (as required for the centralized computerize registration list). The chief state election official must also enter into agreements with the State motor vehicle authority and the Commissioner of Social Security in order to match information supplied by the voter with these databases.

However, nothing in this section prohibits a State from accepting or processing an application with incomplete or inaccurate information. Section 303(a)(5)(A)(iii) specifically reserves to the States the determination as to whether the information supplied by the voter is sufficient to meet the disclosure requirements of this provision. So, for example, if a voter transposes his or her Social Security number, or provides less than a full drivers license number, the State can nonetheless determine that such information is sufficient to meet the verification requirements based on whatever information they already possess, in accordance with State law. Consequently, a State may establish what information is sufficient for verification, preserving the sole authority of the State to determine eligibility requirements for voters. Furthermore, nothing in this conference report requires a State to enact any specific legislation for determining eligibility to vote. In fact, State motor vehicle records are generally accurate and current and State and local election officials should affirmatively use these records to correct or complete the information wherever possible.

Moreover, nothing in this section prohibits a State from registering an applicant once the verification process takes place, notwithstanding that the applicant provided inaccurate or incomplete information at the time of registration (as anticipated by section 303(a)(5)(A)(iii)) or that the matching process did not verify the information. The provision requires only that a verification process be established but it does not define when an applicant is a duly registered voter. Again, this conference report does not establish Federal registration eligibility requirements those are found only in the U.S. Constitution. Section 303(a)(5)(A)(iii) makes it clear that State law is the ultimate determinant of whether the information supplied under this section is sufficient for determining if an applicant is duly registered under State law.

The conference report also retains the provision championed by Senator BOND which will require that voters who register by mail must provide additional verification of their identity the first time that they appear to vote in person or by absentee ballot. To make clear that Congress intends that the first-time voter provision of section 303(b) must not result in a disparate impact on minority voters, the conferees agreed to add language to this section to require that it be implemented in a uniform and nondiscriminatory manner. The conference report also contains a new notice provision, section 303(b)(4)(iv), which requires that the NVRA registration form contain a statement informing the applicant that if they register by mail, appropriate information must be included in order to avoid the additional identification requirements upon voting for the first time. As in the Senate-passed bill, if any voter is challenged as not being eligible to vote, including for reasons that he or she is a first-time mail registrant voter without proper identification, such voter is entitled to vote by provisional ballot, and that ballot is counted according to State law.

In the case of an individual who registers by mail, the first time the individual goes to vote in person in a jurisdiction, he or she must present to the appropriate election official one of the following pieces of identification: a current valid photo-ID; or a copy of any of the following documents: a current utility bill; a bank statement; a government check; a paycheck; or another government document with the voter's name and address. This compromise does not specify any particular type of acceptable photo identification. It is clear, however, that a driver's license, a photo-ID issued by the a DMV, a student ID, or a work ID that has a photograph of the individual would be sufficient. Additionally, states may continue to define its own form of acceptable photo-ID so long as such definitions are inclusive and not have the unintended consequences of targeting the persons with disabilities, poor, elderly, students, racial and ethnic minorities and otherwise legitimate voters.

The conference report also preserves the existing exemptions under the NVRA law under section 1973gg-4(c)(2) of title 42 in the implementation of this compromise. A state may not by law require a person to vote in-person if that first-time voter is: (1) entitled to vote by absentee ballot under section 1973ff-1 of title 42 of the Uniformed and Overseas Citizens Absentee Voting Act; (2) provided the right to vote otherwise than in-person under section 1973ee-1(b)(2)(b)(ii) and 1973ee-3(b)(2)(b)(ii) of the Voting Accessibility for the Elderly and Handicapped act; and (3) entitled to vote otherwise than in-person under any other federal law. These exemptions have the practical affect of preserving existing laws that provide the long-standing practice of states permitting eligible uniform service and overseas voters to continue to vote by absentee ballot without this first-time voters requirement attaching. Similarly, these exemptions have the practical affect of preserving the rights of persons with disabilities not to be required to show-up in-person to vote or to be required to provide copies of photo-IDs or documents by mail.

As I stated yesterday, nothing in this bill establishes a Federal definition of when a voter is registered or how a vote is counted. If a challenged voter submits a provisional ballot, the State may still determine that the voter is eligible to vote and so count that ballot, notwithstanding that the first-time mail registrant voter did not provide additional identification required under section 303(b). Whether a provisional ballot is counted or not depends solely on State law, and the conferees clarified this by adding language in section 302(a)(4) stating that a voter's eligibility to vote is determined under State law.

More importantly, however, is the combination of the existing language in the Senate-passed bill (offered by Senator WYDEN) and the provision, modified from the Senate-passed bill, which requires new registrants to provide a drivers license number upon registration, or the last 4 digits of their Social Security number if they do not have a drivers license number.

The Wyden amendment included in the Senate-passed bill, and retained without modification in the conference report, provides a means by which first-time mail registrant voters can avoid the additional verification requirements of section 303(b) altogether. At the choice of the individual, under section 303(b)(3), a first-time mail registrant voter can opt to submit their drivers license number, or at least the last 4 digits of their Social Security number, on the mail-in voter registration form in order for the State to match the information against a State database, such as the motor vehicle authority database. If such information matches, the additional identification requirements of section 303(b)(1) do not apply to that individual.

Under the new requirements added in conference as section 303(a)(5), effective in 2004 (unless waived until 2006), all new applicants must provide at the time of registration, a valid drivers license number, or if the individual does not have such, the last 4 digits of their Social Security number (or if they have neither, the State shall assign them a unique identifying number). States must then attempt to match such information, thereby satisfying the provisions of section 303(b)(3) which renders the first-time mail applicant provisions of section 303(b)(1) inapplicable. By operation of section 303(a)(5) added in conference, in conjunction with the existing language of the Senate-passed bill (as added by Senator WYDEN) in section 303(b)(3), the first-time voter identification requirement is obviated and essentially rendered moot, thereby avoiding the potential disenfranchisement of minority voters.

The conference report also retains the Senate-passed provision that adds questions and check-off boxes to the NVRA registration form regarding age and citizenship. Under section 303(b)(4), the Senate-passed bill contained the requirement that the NVRA registration form include two new questions and a check-off box for voters to mark to indicate their answers to questions regarding age and citizenship eligibility. The Senate-passed bill was silent as to the result of an unmarked box and left to States to determine whether such an omission was a fatal defect in the registration form.

In order to clarify that States may not just summarily discard such incomplete forms, the conferees agreed to include language requiring that the registrar notify the voter of an incomplete form. Such notice must be provided in time for the registration application to be completed and processed prior to the next Federal election. However, nothing in this provision requires that the application be invalidated under this section if an applicant forgets to check-off the citizenship box. Nor does anything in this provision make the completion of the check-off box a condition of Federal eligibility. The conference report does not establish Federal eligibility requirements for voting. NVRA only requires that an applicant sign the registration form attesting to his or her eligibility, including citizenship. The check-off box is a tool for registrars to use to verify citizenship, but nothing in the conference report requires the check-off to be complete to process the registration form or invalidates the form if the box is left blank.

In fact, this provision will ensure that if a voter did not check-off the citizenship box, his or her registration form cannot be discarded as invalid on its face. Ultimately, the registrar determines whether or not the voter has met the citizenship requirement notwithstanding whether or not the box is checked. A signed attestation as to citizenship eligibility is still sufficient under NVRA. Jurisdictions that currently use citizenship check-off boxes may continue to process such information pursuant to State law, but in fact will not be able to invalidate a form based on the lack of a check-off without notification to the voter first.

This compromise provides state and local election officials with the necessary additional tools to make the ultimate decision regarding eligibility of voters to register to vote, eligibility of the voter to cast a regular vote and the eligibility of vote to be counted. Nothing in this compromise usurps the state or local election official's sole authority to make the final determination with respect to whether or not an applicant is duly registered, whether the voter can cast a regular vote, or whether that vote is duly counted.

In the case of any missing information on a mail-in registration form, the election official may process it as he or she determines is appropriate under State law. That applies equally to the requirement for the citizenship check-off box, the requirement to provide one's drivers license number or the last 4 digit of the Social Security number, or any other provision of this Act. This means that State law governs whether the form is returned, whether and how the voter is contacted regarding the omission or whether the form is discarded. Current law under the NVRA does not require that voters be registered—only that the voter be given the opportunity to register through a wider variety of State and local offices, including the DMV (thus the title, "Motor-Voter"). Current law under the NVRA does not supercede the sole authority of State and local election officials to determine whether or not an applicant is duly registered. Similarly, this compromise does not supercede state law with respect to registration. After this law is enacted, there will still be no Federal law that overrides state law and preempts the field with respect to voter registration.

Again, as with almost every aspect of this compromise, state implementation of the individual provisions of this compromise is key and will determine if the franchise is preserved and protected for all eligible American voters and if the integrity and security of the elections system is protected from corruption. Once again almost all the civil rights organizations and civil liberties coalitions, but particularly our language minority communities, raised legitimate concerns about the potential discriminatory solution to the check-off questions. At the end of the day, it will be the State and local election officials who will interpret what the omission on a citizenship box and an age box mean with respect to registration, consistent with State law, standards, practices or procedures. These State laws must implement all of these requirements in a uniform and nondiscriminatory manner. There is no cover of law under this compromise for any State or locality to establish a standard, practice or procedure that permits the check-off boxes to act as anti-registration vehicles by voiding otherwise legal registrations under state law.

In implementing these requirements, the States will have to rely on voluntary guidelines and voluntary guidance issued by the new Federal Election Assistance Commission. While the conference report includes the House prohibition on rule making authority for the new Commission, the conferees included an important modification to this language. Section 209 provides an exception to the no rule making authority to the extent permitted under section 9(a) of NVRA (42 U.S.C. 1973gg-7(a)).

With respect to the provisions of the requirements affecting notification to first-time mail registrant voters, the submission of a drivers license number or the last 4 digits of a Social Security number, or the change in the citizenship check-off box, some adjustment to the NVRA registration form will be necessary. The exception provided to the no rule making authority would allow the new Commission to proscribe such regulations necessary to develop the mail registration form used in Federal elections.

Consequently, it is anticipated that the new Commission will be required to revise the current NVRA registration form in order to effectuate the requirements under this Act, including: notice requirements for first-time voters under section 303(b)(4)(iv); the collection of a drivers license number or last 4 digits of a Social Security number under sections 303(a)(5) and 303(b)(3); and the age and citizenship check-off boxes under section 303(b)(4), in addition to any other changes in the Federal registration application form that the Commission views as necessary to implement this Act. This exercise will afford interested parties an opportunity to ensure that these requirements do not result in the disenfranchisement of applicant voters.

With regard to effective dates, the conference report continues to harmonize the effective date of the computerized registration list with the 2004 effective date for provisional balloting.

However, since it was widely acknowledged that some States may have legitimate difficulty in implementing the statewide registration list by January 1, 2004, a certification of good cause will be sufficient to request a waiver of the effective date until January 1, 2006. This waiver recognizes the administrative burden of the provision on both States and voters and so provides adequate time for jurisdictions to come into compliance and educate voters. This compromise also establishes a uniform effective date of January 1, 2003 for first-time voter registration subject to the first-time voter provision. This assures that all eligible voters, regardless of where they live or vote, will know that if they register to vote after that date, they will have to meet the new requirements for first-time mail-registrant voters.

Finally, the conference report strikes a middle ground between the House-passed and Senate-passed bills with regard to how funds will be directed to the States to meet the requirements and fund other election reform initiatives. The conference report provides initial funds by means of a combination of targeted buy-outs of punch cards and lever systems, as well as a formula grant program, with a guaranteed $5 million payment per each State. The requirements payments are similarly disbursed through a formula based on the relative voting age population of the State, with a minimum guaranteed payment of one-half of one percent per fiscal year.

Borrowing from the Senate-passed bill, in order to receive requirements payments, States must first submit a State plan outlining how they will spend such funds to meet the requirements of Title III and otherwise meet the requirements of the Act. Such a plan is developed by a committee headed by the chief state election official, with community input and public review for a 30 day comment period. Once the plan is submitted to the Commission, it is published in the Federal Register and a State must wait 45 days after submitting the initial plan before it can apply for a requirements payment.

While the enforcement provisions of the Senate-passed bill included tough pre-clearance reviews of grant applications by the Department of Justice, the conference report contains an important new administrative grievance procedure intended to provide voters, and others aggrieved by violation of the requirements of this Act, a timely and convenient means of redressing alleged violations. Each State that receives funds under Title I must establish a state-based administrative procedure for reviewing alleged grievances under Title III of this Act. Such procedure must allow for a party to request a hearing on the record and if the State does not render a decision within 90 days of receiving a complaint, the proceeding is moved to an alternative dispute resolution process that must resolve the issue within 60 days.

Voters have the legal right to turn to their State to seek a remedy if their right to register or vote or have their vote counted has been violated. Aggrieved persons have a legal right to file the complaint and are entitled to a hearing on the record. If the State determines that there is a violation, then the State is required to order a remedy. If the State does not make a final determination within 90 days of the date that the complaint is filed, then the complainant may seek to initiate the alternative dispute resolution procedures (ADR). Under the enforcement provisions of this compromise, the State shall create a procedure to use ADR if they fail to meet the 90 day deadline for resolution of the complaint. The ADR procedure is an important guarantee within the state complaint process. However, the ADR procedure shall not be implemented to supplant any administrative judicial review which States already provide under State law.

The complaint procedures, set up under this conference report, are in addition to, and are not intended to override or preempt, the procedures by which a State guarantees judicial review of state administrative procedures. The determination made by the State under this conference report shall be subject to the existing State laws which may, or may not, allow for judicial review of administrative decision making. Furthermore, this conference report is not intended to in any way limit or prohibit a state from creating, if they do not already have one, a provision to allow state courts to review the administrative decisions made in accordance with this bill.

Most importantly, this conference report preserves and protects existing voting rights laws, which provide for enforcement by private individuals who have either been denied the right to vote or had that right infringed. The conference report is designed to protect the enforcement provisions of many laws, including the Voting Rights Act and the National Voter Registration Act. Therefore, nothing in this legislation limits the enforcement measures or avenues of redress available to persons under those critical civil rights laws enumerated in Section 906 of Title IX of this Act.

While I would have preferred that we extend the private right of action afforded private parties under the NVRA, the House simply would not entertain such an enforcement provisions. Nor would they accept Federal judicial review of any adverse decision by a State administrative body. However, the state-based administrative procedure must meet basic due process requirements, including a hearing on the record if the aggrieved individual so chooses.

It is important to note that this state-based administrative proceeding is in addition to any other rights the aggrieved has and is limited only to the adjudication of violations of the requirements under Title III of this Act. This enforcement scheme in no ways replaces or alters the adjudication or enforcement provisions of any other civil rights or voting rights law.

As with all provisions of this legislation, the proof is in the implementation of these requirements by the States. But nothing in this conference report requires States or localities to change any voter eligibility requirements nor does this Act in any way infringe upon the sole authority of State and local election officials to determine who is a duly registered voter. It will require diligence and education of State and local election officials to ensure that these provisions do not serve to disenfranchise voters undermine the purposes of this Act: to make it easier to vote, but harder to defraud the system.

As is the case with any historic legislation that goes to the core of our democracy, a number of organizations participated in this effort. Yesterday, I recognized the efforts of over 60 staff members who participated in this effort. As is often the case when trying to develop a comprehensive list, there is a danger that someone's name will be inadvertently omitted. Unfortunately, that did occur and I would be remiss in not recognizing the significant efforts of Stuart Gottlieb of my staff. In addition to staff, I want to list the numerous organizations that have assisted in the development of this legislation. While not every organization supported every provision in this measure, each organization provided us with thoughtful input and suggestions and were of considerable help in the formation of this legislation over. The list of organizations that have provided invaluable assistance to this effort over the last 23 months is almost too lengthy to include here. But it is important to note the breadth and depth of the input that went into crafting this historic legislation. At the risk of again inadvertently leaving someone out, I want to recognize and thank the following organizations which have provided their expertise to this effort:

American Association for People With Disabilities.
American Association of Retired Persons (AARP).
American Civil Liberties Union.
American Federation of State, County and Municipal Employees.
American Foundation for the Blind.
American Institute of Graphic Arts.
Asian American Legal Defense and Education Fund.
Brennan Center for Justice.
Center for Constitutional Rights.
Common Cause.

Commission on Civil Rights.
Caltech-MIT Voting Technology Project.
Constitution Project.
Disability Rights Education Defense Fund, Inc.
Election Center.
International Union, United Automobile, Aerospace & Agricultural Implement Workers of America.
Judge David L. Bazelon Center for Mental Health Law.
Lawyers Committee for Civil Rights Under Law.
Leadership Conference on Civil Rights.
League of Women Voters.
Mexican American Legal Defense & Education Fund.
National Asian Pacific American Legal Consortium.
National Association for the Advancement of Colored People.
National Association for the Advancement of Colored People(NAACP) Legal Defense & Education Fund, Inc.
National Association of Counties.
National Association of Latino Elected and Appointed Officials (NALEO) Education Fund.
National Association of Protection & Advocacy Systems.
National Association of Secretaries of State.
National Association of State Election Directors.
National Coalition on Black Civic Participation.
National Commission on Federal Election Reform (Carter-Ford Commission).
National Congress of American Indians.
National Conference of State Legislatures.
National Council of La Raza.
National Federation of the Blind.
National Puerto Rican Coalition, Inc.
Paralyzed Veterans of America.
People for the American Way.
Public Citizen.
Puerto Rican Legal Defense and Education Fund.
United Cerebral Palsy Associations.
United States Public Interest Research Group.

On balance, this is a good bill. It is an historic bill. It is landmark legislation. Members of the House of Representatives referred to this legislation last week as the first civil rights bill of the 21st century. It is worthy of such a title and I am honored to have been able to be a part of the effort to bring this important legislation to pass. In the view of this Senator, at the end of this historic process, the Congress will have made a lasting contribution to the continued health and stability of this democracy for the people, by the people and of the people. I urge my colleagues to vote for the conference report.

I ask unanimous consent that a series of editorials from Greensboro, as well as from Sarasota, the New York Times, Wall Street Journal, Hartford Courant, New Haven Register, and others be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Hartford Courant, Oct. 16, 2002]

SCORE ONE FOR SEN. DODD

Congress' accomplishments have been few and far between over the past year. But count as one of them the imminent passage of bipartisan election reform legislation that chief sponsor Sen. Christopher J. Dodd of Connecticut calls "the first civil rights act of the 21st century."

Mr. Dodd is proud of this measure, and rightly so.

It addresses many of the procedural and technological flaws that cast a cloud over the 2000 presidential election in Florida and other states. Badly designed ballots that confused voters, punch-card ballots that were difficult to count, eligible voters who were turned away from the polls and other problems disenfranchised many voters in Florida and elsewhere.

Congress promised to act quickly to address the irregularities, but Senate and House versions ran aground in the conference committee for months.

But earlier this month, after intense negotiations between House and Senate conferees of both parties, Mr. Dodd announced agreement on a bill that is expected to pass and be signed by President Bush, Senate action is scheduled today. Here, in part, is what the legislation will do:

The federal government is authorized to spend $3.8 billion over the next three years to help states replace and renovate voting equipment, train poll workers, educate voters, upgrade voter lists and make polling places more accessible to the disabled. Connecticut will be able to tap some of that money, perhaps to complete its statewide voter registration list and to buy new equipment if state officials decide to replace the ancient mechanical voting machines.

A voter who does not appear on a registration list cannot be turned away from the polls, but must be allowed to cast a provisional ballot. The ballot would be counted if election officials later confirmed that the voter was eligible.

Voters must be given a chance to correct any errors on their ballots before they are finally cast.

States will be required to develop uniform standards for counting ballots so that procedures don't vary from county to county or precinct to precinct.

Anyone registering to vote after January 2004 must provide a driver's license number or the last four digits of his or her Social Security number for verification.

Some Democrats were uncomfortable with the identification requirements, saying they would discourage first-time voters, the poor and immigrants. Requiring ID's to cut down on fraud is sensible, however. Some Republicans were opposed to Washington interfering in local elections. But clearly, minimum statewide standards are needed. This is an acceptable compromise.

[From the Washington Post, Oct. 10, 2002]

FIXING DEMOCRACY'S MACHINERY

As recently as a month ago, hope of fixing serious flaws in the nation's creaky voting system appeared doomed on Capitol Hill. House and Senate negotiators, stalled over some seemingly modest sticking points, appeared to have lost their stamina for repairing glitches that have kept thousands of Americans from exercising their right to participate in the political process. Election reform was poised to become one more casualty of the partisan gridlock that has stymied this Congress for much of the year. But last month's chaotic Florida primary was a bracing reminder that the nation's damaged election system poses a continuing threat to our form of democracy. It was, fortunately, the spark that ignited renewed fervor for election reform and the event that galvanized congressional negotiators to produce a compromise bill the president has said he will sign.

If the bill is enacted this week, as House and Senate leaders anticipate, the 2004 presidential election could be a far cry from the 2000 Florida debacle. The days of antiquated punch-card voting machines, voter registration roll confusion and botched elections may be numbered. The bill adopted by the House and Senate negotiators would, for the first time, impose minimum federal standards meant to guarantee the basic quality of elections; allow voters to check their ballots and correct errors; improve polling place access for the disabled; discourage fraud by requiring new voters to provide a driver's license number or the last four digits of their Social Security number and, if they apply by mail, a current photo ID card or utility bill; and require states to have a computerized, statewide voter registration database to prevent a person from voting in multiple jurisdictions. To help states upgrade their voting machinery and train poll workers, the bill calls for $3.9 billion in federal money over three years—$1 billion of which congressional leaders believe can be appropriated during the current fiscal year to jump-start the reform effort.

While the election reform bill is every bill the "historic" federal response to Election Day flaws that sponsors claim it to be, it would not supplant the functions of state and local election officials. Their roles would remain essential. The legislation would, however, substantially fund the new requirements imposed on the states, with the federal government shouldering 95 percent of the costs. That the final measure has drawn bipartisan congressional backing is testimony to the broad support across the nation for revamping America's election system.

[From the New York Times, Oct. 8, 2002]

UPGRADING THE WAY WE VOTE

Congress now seems on the verge, at long last, of passing meaningful legislation to improve the reliability of American elections.

The House and Senate had earlier passed bills addressing the flaws in voting equipment and procedures that were so manifest in the 2000 presidential vote. The sense of urgency, however, seemed to erode as negotiators sought to reconcile the two measures. Democrats had second thoughts about signing on to anti-fraud provisions, while Republicans had qualms about expanding the federal government's role in running elections. Then last month, Florida's chaotic Congressional primaries provided a fresh reminder of the price of inaction. Last week the conferees struck a deal that the full Congress is expected to approve within days and that President Bush is expected to sign into law. The legislation calls for a big infusion of federal resources into the administration of elections—$3.9 billion over three years. Until Congress actually appropriates the money, however, this amounts to little more than a promise—one on which Mr. Bush and the Congressional leadership are obliged to deliver.

The funds will enable states to upgrade their equipment, train poll workers and otherwise improve how elections are administered. The legislation also imposes federal standards, starting in 2004. States must offer "provisional balloting" for voters whose eligibility is questioned at the polls, and a means of allowing voters who have made mistakes in casting their ballots a chance to rectify them. States must also ensure access to disabled voters, establish uniform vote-counting standards and create computerized registration lists.

The legislation requires first-time voters who register by mail to verify their identity when they vote. Some argue that this imposes too onerous a burden on minority voters. We disagree, although the Justice Department will have to be vigilant to ensure that this anti-fraud provision is not abused. The final draft of the legislation should also spell out that this provision will not take effect until the full $3.9 billion is appropriated.

More might have been done to nationalize election procedures, but in the context of America's federalism, this legislation is a sound accomplishment.

[From the Wall Street Journal, Oct. 7, 2002]

Cleaning Up Elections

One of the most underreported stories in recent American politics has been the growth in election fraud. We'd even say that the politicians have been far ahead of the press corps on this problem, perhaps because their future depends on honest vote counting.

Two useful cases in point are now coming out of Washington, of all unlikely places. One is the election reform bill that finally looks ready to emerge from House-Senate conference. The other is Attorney General John Ashcroft's effort this week to mobilize his department to counter fraud from now through this Election Day of November 5.

Mr. Ashcroft has summoned assistant U.S. attorneys from around the country to a day-long seminar tomorrow to focus on elections crimes. There are plenty of anti-vote fraud laws on the books, but rarely if ever are allegations of fraud investigated, much less prosecuted. Mr. Ashcroft has invited three assistant U.S. attorneys with experience in election crimes—from the ripe climates of Kentucky, Alabama and New York—to share their lessons and case studies.

The Chihuahuas of the Beltway press corps will be inclined to treat this as little more than political public relations. But that's why they miss so many stories, including the outbreak of voting fraud in places like Philadelphia, San Francisco and St. Louis. In the latter, the dead and pets cast ballots in 2000; only last year the voter rolls in St. Louis included 13,000 more names than the U.S. Census lists as the total number of adults over age 18. In New York City earlier this year, the name of a candidate for lieutenant governor was discovered to have voted twice in a previous election. He dropped out after the New York Post broke the story.

It's helpful for Mr. Ashcroft to draw public attention to this before Election Day, both to mobilize his own department and perhaps to deter those looking to commit fraud. He's asking each of his U.S. Attorneys to meet with state election and law enforcement officials in the next month, says a recent internal memo, to find ways to "work together to deter electoral corruption and bring violators to justice."

The election reform bill compromise also includes much-needed attention to ballot integrity. The heart of the bill is of course aimed at avoiding another Florida butterfly-ballot fiasco, by sending $3.9 billion to the states to upgrade their voting equipment and train poll workers, as if the job were all that difficult.

But the best provisions are those aimed at cleaning up voter lists. Beginning this January 1, new voters who register by mail will have to provide a photo ID or another document, such as a utility bill, that shows a name and address. States will also have to maintain a statewide voter registration list. And voters who do not appear on a registration list will be able to cast a provisional ballot, to be counted only if its data can be later verified.

Our own view is that if a citizen is too lazy to register before an election, he's disqualified himself from voting. But these reforms will at least address some of the problems created by the disastrous "motor voter law" of 1994 that was supposed to increase voter turnout; instead it created many more opportunities for cheating.

The people who pushed motor voter are also the same folks now raising public doubts about the anti-fraud provisions of this election reform. They are liberal lobbies who like to shout about the "possible disenfranchisement of voters," as Kay Maxwell of the increasingly ideological League of Women Voters put it to the Los Angeles Times. This is a subtle race-card play, suggesting that the U.S. in 2002 resembles Birmingham, Alabama circa 1956.

Even in the contested Florida election of 2000, the black share of the total vote was a record high, which is hard to square with allegations of voter intimidation. Connecticut Senator Chris Dodd and other Democrats deserve credit for overruling their staffs and the liberal lobbies to cut a reform deal with Republicans.

With American politics now closely divided, many elections are bound to be close and the temptation on both sides will be to shout fraud whenever they lose. That's all the more reason to attempt to deter fraud before Election Day.

[From Newsday, Oct. 8, 2002]

Enact Balloting Reforms But Only If Money's Attached

In resuscitating a bill to reform the nation's voting procedures, House and Senate negotiators have crafted a solid approach to reduce the likelihood of future voting fiascoes like those that roiled the 2000 presidential election, whose results were unclear for more than a month.

Congress dawdled too long for its reform to have any impact Nov. 5. But the next presidential race is just two years away, so lawmakers should pass the bill—but only if the money to fund it is assured. The bill sets minimum federal standards for voting, including error rates, and authorizes $3.9 billion to help states cover the cost of compliance. Without that money, reform would be a sham; change would come slowly, if at all.

That would be a shame as the bill strikes a pretty good balance between autonomy and accountability. Washington would monitor performance and offer guidance on equipment procedural changes, but its recommendations would not have the force of law. State and local officials would have wide discretion on how to meet the standards, for instance, in choosing types of voting machines. The Justice Department could sue to enforce the new standards. But election reform wouldn't be micromanaged from Washington.

Election-reform bills passed the House and Senate months ago, but the effort to reconcile the two versions ran aground. Republicans sought safeguards against fraud; Democrats wanted to make sure that new identification requirements would not disenfranchise voters.

Under the current agreement, people registering to vote would have to provide a driver's license number or Social Security number. First-time voters who register by mail would have to present one of those documents to poll workers before casting their ballots.

Civil rights advocates worry that poor or minority voters would be deterred by those requirements and by poll workers who might not apply them fairly and consistently. Those concerns are important and should be closely monitored. But they should not derail reform.

Voting is too fundamental to democracy for the nation not to get it right.

[From the Pittsburgh Post-Gazette, Oct. 10, 2002]

Voting for Progress: Congressional Negotiators Agree on Election Reform

If the 2000 presidential election in Florida weren't enough of a debacle, the problems experienced in the same state's primary election last month made the point anew:

If American democracy is to retain any respect, Congress had better help the states improve the way they hold elections. After months of wrangling, Congress has risen to the challenge, although controversy may still sink the effort.

After House and Senate negotiators reached agreement last week, Sen. Christopher J. Dodd, a Connecticut Democrat, correctly observed that it "will help America move beyond the days of hanging chads, butterfly ballots and illegal purges of qualified voters." Some $3.9 billion in federal money would be provided to the states over three years for upgrading voting equipment, training poll workers and setting up a computerized voter database.

But so much for the mechanics of voting, the principal concern of Democrats. What about the Republican fear of voter fraud? This might be called the historic Tammany Hall problem, immortalized by the line "Vote early and often."

The Republicans had a point, whatever their political motives. Just as it is important to make sure votes are counted properly, it is also crucial to the integrity of the system to make sure that those voting are entitled to do so.

But civil rights groups and the League of Women Voters of America object to any provision that would require checking the IDs of voters; they say such requirements would unfairly discourage minorities and elderly people from voting. It is an understandable concern, but it has been overblown.

The compromise legislation is hardly onerous. Beginning Jan. 1, new voters who registered by mail would be required to provide a current photo ID or another document such as a utility bill with name and address. Eventually, voters would have to supply part of a driver's license number or Social Security number (or be assigned a number if they didn't have one). If questions arose about a person's eligibility to vote, he or she would receive a provisional ballot that would be counted if the registration were later verified.

In a sign that the agreement is not as bad as advertised, the Congressional Black Caucus endorsed it. Former presidents Gerald Ford and Jimmy Carter, who are honorary co-chairs of the National Commission on Federal Election Reform, said the bill "represents a delicate balance of shared responsibilities between levels of government." They're right—and the House and Senate should approve what their negotiators have worked out.

There is a local footnote to the federal debate: When the Post-Gazette suggested recently that some sort of voter ID was not a bad idea for Pennsylvania, a couple of Democratic legislators objected strongly. As this development in Washington illustrates, once again the commonwealth is behind the curve.

[From the Baltimore Sun, Oct. 15, 2002]

Getting Over It

Angry and embarrassed over the election debacle of 2000, the newly chosen Congress vowed to make reforming the antiquated, 50-state patchwork system its first order of business. Now, it appears the election reform bill will be among the last items enacted as the 107th Congress stumbles to a messy close.

A final vote of the Senate tomorrow and the expected signature of President Bush will establish federal standards intended to ensure that eligible voters will never again be turned away from the polls or have their votes voided because of confusing ballots. The reforms come too late to apply to this year's congressional elections, and may not have been approved at all but for the botched Florida primary last month that kick-started a stalled legislative drive.

Much of the delay centered on a dispute over a requirement that first-time voters who register by mail show one of several forms of identification at the polls. Republican senators, in particular, insisted on an ID requirement to fight voter fraud.

Civil rights groups complained such a requirement would impose a barrier to voting for low-income Americans who don't have drivers licenses or other common forms of identification. At a minimum, they argued, the request for such papers would be used as a way to harass or discourage voters.

Rep. Steny H. Hoyer of Maryland, a leading Democratic negotiator on the bill, won House approval for a version of the measure without an ID requirement. But he faced a Senate that had voted 99–1 to include one. He and the vast majority of his colleagues, including the Congressional Black Caucus, decided to accept the provision rather than let the bill die.

That was the right choice. The legislation directs $3.9 billion in aid to the states to replace outdated punch-card and lever voting machines and to train poll workers. Among its innovative features is a $5 million program to recruit college students to serve as poll workers and take over tasks now often being performed by elderly party volunteers.

Safeguards were also included: Voters without identification or whose eligibility is otherwise challenged would be allowed to cast provisional ballots so that no one who turns up at the polls is turned away.

The most scandalous aspect of our voting process is neither fraud nor errors but the failure of half or more of all eligible voters to even bother to cast ballots.

Congress cannot mandate civic enthusiasm. But it can help increase confidence in the election process by doing away with a system that routinely lets thousands of votes from those who do bother to show up go uncounted.

Aotivists in both parties as well as voter and civil rights advocates should work together to implement the new procedures as quickly as possible and correct any flaws.

It is long past time to get over it.

[From the News and Record, Oct. 12, 2002]

Nearly Two Years Later, Voting System Is Reformed

Until last week, reform of the nation's voting process was as dead as an uncounted hanging chad. National outrage over Florida's voting debacle in the 2000 presidential election had been high-pitched, but Congress lost interest. Florida's botched primary last month—equipment failure, human error—put reform back on the radar screen. Congress passed bipartisan legislation last week that authorizes $3.9 billion over the next three years to help states buy new voting equipment, computerize registered voter lists and train poll workers.

The bill also requires new voters who register by mail to provide personal identification, such as a driver's license or Social Security number, when they arrive at the polls. The proviso prevents election fraud.

The bill also requires "provisional voting," meaning a voter who goes to the polls and whose registration cannot be validated is allowed to vote. If election officials later verify the voter's registration, the vote counts. North Carolina commendably adopted "provisional voting" years ago.

The legislation carefully pays constitutional obeisance to states' rights. States, not the federal government, will determine what constitutes a legal vote. That raises the specter of Florida's recount of hanging chads. Yet Florida, and other states, will supposedly have improved voting machines and better trained poll workers before the 2004 presidential election when the reforms become operative.

The bill enjoys bipartisan support but not without prior hassles. Republicans feared voter fraud and insisted on identification for new voters who register by mail. Fair enough. Democrats sought to expand the franchise with "provisional voting" and registering by mail. They, too, got their wish.

President Bush, whose brother, Jeb, is governor of Florida and has been tarnished by his state's flawed voting system, is eager to avoid a messy repeat performance. The president is expected to sign the authorization bill and, ultimately, the appropriations bill that funds it.

It has taken a dawdling Congress two years after the embarrassing 2000 presidential election to adopt voting reforms. If it had failed to do so, voters' rights would have been egregiously undermined.

[From the Sarasota Herald-Tribune, Oct. 12, 2002]

Federal Election Reform, Finally; Florida's Problems Helped Congress Resolve Differences

Federal election reform appears to be a reality at last. The nation can thank South Florida, whose recently bungled primary inspired Congress to resolve stubborn differences over a voting bill and push it toward final passage.

The federal breakthrough comes too late for Florida, but it's welcome nonetheless. Once it gains expected final approval, the measure will address the kind of fundamental election problems that savaged the 2000 presidential contest and—despite state reforms enacted in 2001—bit Florida again in the September primary. That federal reform took so long is really a shame—but then, so are botched elections. The Bush/Gore battle of 2000 taught Americans how frustrating the act of voting can be when rules vary from state to state, county to county and chad to chad.

As time passed, however, Congress' zeal to reform the mess devolved into partisan quibbling. Though both the House and Senate passed election bills, the chambers lacked the resolve to work out their differences; the bills lay comatose for months and by summer were presumed dead.

Then came the September primary: Florida's newfangled machines and revised procedures brought on precisely what they were designed to avoid—angry voters, disputed ballot and official confusion.

Congress took note, resuscitated the election bills and finally worked out a deal. It was announced last Friday in a ceremony long on self-congratulation and short on details. Here are some of the key points:

The legislation would authorize nearly $4 billion to help states modernize voting machines, educate voters, train poll workers and improve the administration of elections. (Separate appropriations bills are needed to actually come up with the cash.)

It would set more uniform election standards in machines, counting, and other related procedures, and set up a commission to lead this effort.

It would modernize the lists of registered voters; require voters to have the opportunity to correct their ballots if they err; and allow provisional votes for people whose eligibility is questioned.

It would require certain anti-fraud measures; encourage better access for overseas and military voters; and contain criminal penalties for people who provide false information in registering or voting. People who conspire to deprive voters of fair elections also would face criminal sanctions.

Florida already has initiated many of these reforms, but the troubled September primary proved that implementation requires lots of time and training. Congress should bear this in mind and funds its legislation accordingly, lest Florida-style embarrassments pop up nationwide.

Some civil rights groups oppose certain identification requirements in the legislation, but these measures are needed to discourage fraud—a crime that injures every voter's right to be counted.

Uniformity in election procedures, and money to achieve it, are the key benefits of the federal legislation. Without consistency from state to state and precinct to precinct, it's difficult to guarantee that voters receive equal protection—the concept on which the Supreme Court leaned for its controversial ruling deciding the 2000 standoff.

As the court wrote with notable understatement, "The problem of equal protection in election processes generally presents many complexities."

This legislation could simplify many of those complexities. It deserves final approval and full funding. Now.

Mr. DODD. Mr. President, I say to my colleagues how much I appreciate their patience on this. This has been a very long and arduous effort to get to this point. This is not a perfect piece of legislation, but I think it advances considerably the role the United States ought to be playing as a Federal Government in the conduct of elections. The world looks and watches us. We are not shy about lecturing people about democracy. When we have error rates as we do and millions of people turned away at the polls, it is long overdue that we correct the system. This bill goes a long way in doing that. It is a proud day. It ought to be for all of us here who responded to the challenge that was asked of us as a result of the elections of 2000.

I commend my colleagues in the other body, and the leadership there and the leadership here, for allowing us to reach this point.

I urge the adoption of this conference report.

I ask for the yeas and nays on the conference report.

The PRESIDING OFFICER (Mr. EDWARDS). Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. DODD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, we have a number of Senators who are stuck on a train. As a result of that, we are going to start the vote now and give ample opportunity for them to get here to vote. It is terribly unusual that we extend the vote, but we will this one time. I ask for the regular order on the vote.

The PRESIDING OFFICER. The question is on agreeing to the conference report. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from New Jersey (Mr. TORRICELLI) is necessarily absent.

Mr. NICKLES. I announce that the Senator from Wyoming (Mr. ENZI), the Senator from Colorado (Mr. ALLARD), the Senator from Texas (Mr. GRAMM), the Senator from Arkansas (Mr. HUTCHINSON), and the Senator from Alabama (Mr. SESSIONS) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 92, nays 2, as follows:

[Rollcall Vote No. 238 Leg.]

YEAS—92

Akaka
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carnahan
Carper
Chafee
Cleland
Cochran
Collins
Conrad
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Ensign
Feingold
Feinstein
Fitzgerald
Frist
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stabenow
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner
Wellstone
Wyden

NAYS—2

Clinton
Schumer

NOT VOTING—6

Allard
Enzi
Gramm
Hutchinson
Sessions
Torricelli

The conference report was agreed to.

Mr. DODD. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I thank my colleagues for their overwhelming support for this legislation. As I said earlier, it has been a long journey to bring us to this juncture.

We never claimed perfection in this bill. It is a compromise, obviously. We think it advances the cause of enfranchising people. I mentioned earlier people who talked about dogs who may have voted. I find a certain amount of humor in that and a degree of seriousness, if that is the case. When we end up with 4 million to 6 million human beings who could not vote, I hope we will spend a lot of time talking about this legislation, making sure people show up to vote who are alive and well.

I thank my colleagues for their backing of this legislation. I look forward to, I hope, a Presidential signature on this legislation, and then doing the hard work of implementing the provisions of this bill.

Mr. REID. Mr. President, will the Senator yield?

Mr. DODD. I yield.

Mr. REID. I say to the Senator, I can remember his managing the bill. It was very tough. He did a wonderful job of moving this most contentious legislation through the Senate.

He was able to develop bipartisan support for it in committee and on the floor. There were many who felt we could never get this bill out of conference, but the Senator from Connecticut was persistent, unyielding, and we now have a bill.

I hope people understand what a sea change this is going to be for voting in America. In Nevada, we need this legislation. The Secretary of State—who, by the way, is a Republican—was one of the first supporters of this legislation and developed a friendship with the Senator from Connecticut as a result of this legislation. It is that way all over the country. I only hope in the months and years to come, we understand how important this is and put our money where our mouths are. We have now authorized this most important legislation and have to fund it.

This is groundbreaking, but I repeat, we have to put our money where our mouth is so we can implement this legislation. I hope we do that. If we do that, it is going to make elections fair, and it will make people feel good about their votes counting.

None of this would have happened but for the doggedness of the Senator from Connecticut. He simply would not give up when many said it could not be done.

Mr. DODD. Mr. President, I noted earlier the support of House Members who did a tremendous job in getting a bill done. I talked about BOB NEY and STENY HOYER. Obviously, bills do not get done just because they get done in the Senate. They can only finally get to the President's desk if the other body also acts, and without the leadership of BOB NEY of Ohio and STENY HOYER of Maryland, the Chair and ranking Members of the House Administration Committee, we never would have had a negotiation to produce this product.

So I want to extend my appreciation to them and to JOHN CONYERS, who was my coarchitect of this bill going back now a year and a half ago, who wanted to be available in Washington this morning, but he got delayed on a flight and could not be present for this final vote. When I first announced this bill, I stood in the room with two people. One was John Sweeney of the AFL–CIO. The other one was JOHN CONYERS, the dean of the Congressional Black Caucus in the House. JOHN CONYERS was a tremendous supporter of this effort all the way through. I am very grateful to him, again grateful to STENY HOYER, BOB NEY, and a whole host of people who made this possible: The NAACP, the AFL–CIO, disability groups across the country, the National Association of Secretaries of State. There is a long list of organizations that rallied behind this effort, and without their support we would not have been able to arrive at this moment.

So I thank all of those who were involved in this. I thank my colleague from Nevada for his very kind and generous comments.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will now stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:42 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CORZINE).

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2003—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of the conference report accompanying H.R. 5010, which the clerk will report.

The assistant legislative clerk read as follows:

> The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 5010), making appropriations for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes, having met, have agreed that the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, signed by all of the conferees on the part of both Houses.

The PRESIDING OFFICER. The Senate will proceed to the consideration of the conference report.

(The report is printed in the House proceedings of the RECORD of October 9, 2002.)

The PRESIDING OFFICER. Under the previous order, there will now be 15 minutes for debate, 5 minutes each for the Senator from Hawaii, Mr. INOUYE, and the Senator from Alaska, Mr. STEVENS, and the Senator from Minnesota, Mr. WELLSTONE.

The Senator from Hawaii.

Mr. INOUYE. Mr. President, I am pleased to be here today with my cochairman Senator STEVENS to present our recommendations to the Senate on the conference report for H.R. 5010, the Department of Defense Appropriations Act for fiscal year 2003.

The conference agreement represents a compromise reached after a monthlong series of discussions by the managers.

Our recommendations bring the total in the bill to $355.1 billion, $298 million below the Senate passed bill and $395 million above the House level.

This conference agreement represents a good faith effort to balance the priorities of the House and Senate in meeting our National Security requirements. I am confident it achieves that objective.

Our time is brief today, so I will not detail all of the items in this measure. But I want to make three points.

First, this bill is likely to be one of the two appropriations bills to be completed before the election. As such, there were many items that members sought to have included in this conference report. I am happy to report to the Senate that no extraneous matters were included by the conferees. This is a very clean bill.

Second, last week the Senate passed a resolution authorizing the use of force against Iraq. It is imperative we pass this bill before we recess to ensure our forces have the support they require to carry out whatever missions our Nation asks them.

Third, I commend my co chairman, Senator STEVENS, for his work on this bill. He was instrumental in defending many of the priorities of the Senate, including our efforts to support strong financial management in DoD: Fully funding the C–17 program and paying off our unfunded liability on shipbuilding programs.

As always, my friend was assisted in this by his very capable staff led by Steve Cortese, and including Sid Ashworth, Kraig Siracuse, Jennifer Chartrand, Alicia Farrell, and Nicole Royal. I also want to note the fine work of my staff: Charlie Houy, David Morrison, Susan Hogan, Mazie Mattson, Tom Hawkins, Bob Henke, Leslie Kalan, Menda Fife, and Betsy Schmid.

Mr. President, finally I commend the House for their courtesy and cooperation. Chairman LEWIS and Representative MURTHA could not have been more gracious. While there were many issues upon which we differed, we were able to resolve those in a friendly and constructive fashion.

I note as well the great work of their fine staff led by Kevin Roper and Greg Dahlberg, and including:

Betsy Phillips, Doug Gregory, Alicia Jones, Greg Walters, Paul Juola, Steve Nixon, David Norquist, Greg Lankler, Clelia Alvarado, Paul Terry, Sarah Young, Sherry Young, Chris Mallard, David Killian and Bill Gnacek.

Mr. President this is a good bill, it is exactly what our armed forces need, and I urge all my colleagues to support it.

The PRESIDING OFFICER. Under the previous order, the Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, I am pleased to be here with my distinguished colleague from Hawaii to offer this bill. It is the largest Defense bill in history. It is a bill that merits the support of every Member of the Senate.

I do congratulate Senator INOUYE for his leadership and for his hard work and cooperation with the Members of the House, whom he has named, with whom we have worked on this bill.

We have had different views on this bill, but we have proceeded without rancor and I think worked out a compromise that is satisfactory to the administration, particularly the Department of Defense and the President. I believe it is a balanced and fair bill.

There were nearly $18 billion in differences between the House and Senate bills. All of these have been reconciled within the limits of discretion and with good will. I think these compromises should receive overwhelming support from the Department because they actually make the bill much more functional, more workable. It is the kind of bill that we should have in the times we are in now, where we are close to a very difficult problem as far as Iraq is concerned.

This bill fully funds all military requirements for the armed services. It contains a 4.1-percent pay increase and lifetime health care benefits for the military retirees.

It further reduces the out-of-pocket costs for some of the military families who do not have the benefit of on-base housing.

We really have tried to strike a balance between near-term readiness and the investments we must make for the future, as far as our defense establishment is concerned.

This bill mandates full funding for six Stryker brigades to transform our ground combat forces and adds funds for future combat systems.

For the Navy, funding the CVN–X and the DD–X and the littoral combat ship and the *Virginia* class submarine, all accelerate the introduction of a completely new 21st century technology for the Navy. The Navy, Marine Corps, and Air Force all await deployment of the Joint Strike Fighter, and so do we. The bill sustains the deployment of that new aircraft and adds funds for two new engine options. The Air Force receives funds to expand the effort for the production of the F–22, the C–17, and hopefully for the replacement of our aging fleet of air refueling tankers.

One of the difficult dreams I have is a flight of our fighters coming back to meet a tanker and finding it is not there. We have to work on this and work very hard to make sure we have the tanker capacity because our air power depends entirely upon our tanker capability. These commitments will deliver the capabilities we must have for the fiscal years ahead of us.

These systems not only contribute to the war against terrorism today, but they will fund replacement of equipment rapidly deteriorating. They must be functional for us in combat in the global war on terrorism. It is consistent with the President's budget request. This bill in particular funds a missile defense system at the President's request.

I hope all Members will realize, ranging from ground- and sea-based missiles to airborne lasers, we are going to have layers of defense that will protect our troops abroad and at sea, and our people here at home. That missile defense system must go forward.

Again, I commend my good friend, the chairman of the committee. It is a pleasure to work with him and the chairman of our full committee, Senator BYRD, in their efforts to move this bill forward. We have urged that the Defense bill be first, and the Defense bill is first. It indicates the priority that the whole national Federal Government places upon defense. I believe this conference report, as I said, merits the support of every Senator.

I also send my personal appreciation to the chairman of the House subcommittee, Congressman JERRY LEWIS, and the ranking member of the House subcommittee, Congressman JACK MURTHA. They have been very gracious people to work with under difficult circumstances.

I also ask that the Senate commend the staffs of both the majority and minority in the Senate and the majority and the minority in the House. These people have worked behind the scenes, around the clock, sometimes through weekends, to eliminate the difficult problems that have come up in this bill. As I said, $18 billion of difference and there is not an argument between us in terms of this bill. But led by Charlie Houy here on the majority side and Steve Cortese, who is by my side now, our staffs have worked, I think, just without any rancor at all.

I do want to say at last, though, Kevin Roper and Greg Dahlberg, as Senator INOUYE mentioned, made a tremendous contribution to this work in the House.

I urge approval of this conference report.

JOINT COMPUTER AIDED ACQUISITION AND LOGISTICS SUPPORT PROGRAM

Mr. BYRD. Will my friend, the Senator from Hawaii, who ably serves as the chairman of the subcommittee on Defense, yield for a colloquy?

Mr. INOUYE. I am pleased to yield to the Chairman of the Committee on Appropriations, the Senator from West Virginia.

Mr. BYRD. Is my understanding correct that the FY 2003 Defense Appropriations Bill now before the Senate contains an increase of $21.5 million above the President's budget request for the Joint Computer Aided Acquisition and Logistics Support, JCALS, program, for a total FY 2003 program level of $58.9 million?

Mr. INOUYE. The Senator is correct.

Mr. BYRD. I thank the Chairman for his assurances. If I may inquire further, it is also my understanding that it is the committee's intent that $21.5 million of the JCALS funds in the Army RTDE account are to be spent exclusively on activities directly related to the JCALS Tactical Logistics Data Digitization (TLDD) initiative, which operates out of Hinton, WV.

Mr. INOUYE. The Senator is correct that it is our strong intention that the TLDD initiative be expanded and deployment accelerated by use of the $21.5 million of JCALS Army RDTE funds provided in the FY 2003 Defense Appropriations bill.

Mr. BYRD. I thank the Chairman. If he would yield for a final question, am I correct in my understanding that it is the Committee's further intent that the JCALS Program leverage and expand the capabilities of the Southeast Regional Technical Center now primarily located in Hinon, WV to provide support and training for the TLDD initiative? This action will address a key recommendation by the Institute for Defense Analysis in a study it prepared last year for the Office of the Secretary of Defense to increase training and support for the military services that utilize the JCALS program.

Mr. INOUYE. The Senator from West Virginia is correct.

Mr. BYRD. I thank the Senator for his clarification and assistance with this most important issue.

APPLICATION OF THE BERRY AMENDMENT TO THE MULTI-YEAR AIRCRAFT LEASE PILOT PROGRAM

Mr. REID. Mr. President, I rise in order to enter into a colloquy with the Senator from Hawaii to seek clarification on the correct interpretation of report language in the conference agreement report that deals with the Berry amendment and the Multi-Year Aircraft Lease Pilot Program.

As I read this language, it appears the report language provides an explanation of Section 308 in the fiscal year 2002 Supplement Appropriations bill that permitted the multi-year aircraft lease program to proceed without meeting the Berry amendment restrictions on the use of foreign sourced specialty metals in the procurement of air refueling tanker replacements. I, and many of my colleagues, are pleased to see that the report language seems to indicate that this suspension of the Berry amendment is only applicable to this unique multi-year leasing program. I ask the distinguished Senator from Hawaii, am I correct reading this report language?

Mr. INOUYE. Mr. President, if I may respond to my good friend from Nevada, he is correct that this report language does state that Section 308 from the FY 2002 Supplemental Appropriations bill only applies to this specific Multi-year Aircraft Leasing Program and no other procurement or leasing program.

Mr. REID. Mr. President, I also would like to ask the Senator a question regarding another aspect of the report language. This language directs the Secretary of the Air Force to conduct a study and report to Congress on a comparison of foreign and domestic-sourced specialty metals to be used in this leased fleet of refueling tankers with the specialty metal content of military aircraft that have been procured by the Air Force in the last five years.

It appears that this new study by the Air Force is designed to look at the specialty metal content on a new "system-level" basis rather than on the current aircraft-by-aircraft basis. Therefore, I am concerned that this new "system-level basis" study could be the first step in eroding the longstanding practice of determining Berry amendment compliance under a whole new standard and could, in turn, harm our domestic specialty metal industry and its employees. I would like to ask the Senator from Hawaii whether this new Air Force study will be used by the Appropriations Committee to advocate additional Berry amendment exemptions for other procurement programs to modify the overall content requirements of the Berry amendment for future military procurement programs?

Mr. INOUYE. Mr. President, the Senator from Nevada raises an excellent point. I want to assure him and my colleagues that I strongly support the provisions of the Berry amendment and I am not interested in supporting any legislative action that would harm our nation's specialty metal industry or its employees. The exemption of the Berry amendment for the Multi-Year Aircraft Leasing Program was a unique situation and I do not believe the multi-year leasing program should be the basis for any modification of the important aircraft-by-aircraft content requirements inherent in the Berry amendment. I hope this fully addresses the gentleman's concerns.

Mr. REID. Mr. President, I thank the Chairman for his support of the Berry amendment and for his commitment to ensure a viable and healthy domestic specialty metals industry.

Mrs. CARNAHAN. Mr. President, I am proud today to express my support for the 2003 Defense Appropriations Act. The Conference Report I will vote for provides a much-needed boost to our Defense budget, a total of $355.1 billion, $21 billion more than was appropriated for this year. This is the largest defense budget in our Nation's history, and it could not come at a more important time.

Our military is engaged in a global campaign against terror, and could be preparing for another war soon. It is essential that our military remains outfitted with the most advanced equipment to meet threats to our Nation today as well as into the future. But our most important asset is our soldiers, sailors, airmen, and marines. I am proud to support this bill, and its funding for a 4.1 percent increase in basic pay for all service members.

This bill is good for the military, good for the country, and good for Missouri. In fact, it funds over $293 million for a number of Missouri defense projects, many of which will directly stimulate economic development in my State. In particular, the projects funded in this bill, from Boeing F/A–18 aircraft, to new advances in chemical and biological defenses, will support America's war effort against international terrorism.

Missouri's single largest defense contract, the F/A–18 program employs over 4,000 people in the St. Louis area. I am pleased that the Defense Appropriations Subcommittee increased funding for this program by $120 million over the Administration's Super Hornet budget proposal.

Despite testimony by the Navy's top leaders requesting an increase in funding for this program, the President's original budget proposal reduced the number of Super Hornets that the Navy was originally scheduled to buy in 2003. Under the existing contract between Boeing and the Navy, the Defense Department was scheduled to purchase 48 aircraft in 2003. However, the President's budget only proposed 44 aircraft to be purchased in 2003.

This continues a downward trend for the F/A–18's budget, which is now in its third year of a multi-year contract. Coupled with reductions made in previous years, the President's proposed 2003 budget would mark a total of 10 aircraft cut in the course of three years. In response, I worked to restore funding for aircraft purchases.

I was pleased that earlier this year, the Senate passed a bill that included an additional $240 million for this program, even though the House did not. While the final conference report did not fund this increase in full, it did provide $120 million more than the original proposal submitted to Congress by the Administration.

This is an important development, and I am pleased to lend my support to this Conference Report today. Today's bill marks Congress's continued backing for not only these critical tactical aircraft but for the military's ongoing modernization to transform and meet the challenges our country will face in both the near and long term.

Mr. McCAIN. Mr. President, I rise again to address the issue of wasteful spending in appropriations measures, in this case, the Appropriations Committee Conference Report to accompany H.R. 5010, a bill to fund the Department of Defense for fiscal year 2003. This legislation would provide $355.1 billion to the Department of Defense. This year's defense appropriations bill adds 1,760 programs not requested by the President, at a further cost of $7.4 billion with questionable relationships to national defense at a time of scarce resources, budget deficits, and underfunded, urgent defense priorities.

Just last week the Senate passed the Iraqi War Resolution by a vote of 77 to 23, authorizing the President of the United States to commit the United States Armed Forces to achieve a regime change in Iraq. America remains at war, a war that continues to unite Americans in pursuit of a common goal, to defeat international terrorism. All Americans have, and undoubtably in the future will make sacrifices for this war. Many have been deeply affected by it and at times harmed by difficult, related economic circumstances. Our servicemen and women in particular are truly on the front lines in this war, separated from their families, risking their lives, and working extraordinarily long hours under the most difficult conditions to accomplish the ambitious but necessary task their country has set for them.

Despite the realities of war, and the serious responsibilities the situation imposes on Congress and the President, the House and Senate Appropriations Committees have not seen fit to change in any degree its blatant use of defense dollars for projects that may or may not serve some worthy purpose. Furthermore, some of the add-ons clearly impair our national defense by depriving legitimate defense needs of adequate funding.

Even in the middle of a war against terrorism, a war of monumental consequences that is expected to last for some time, the Appropriations Committees remain intent on ensuring that part of the Department of Defense's mission is to dispense corporate welfare. It is a shame that at such a critical time, the United States Senate persists in spending money requested and authorized only for our Armed Forces to satisfy the needs or the desires of interests that are unrelated to defense and even, in truth, unconcerned about the true needs of our military.

If the war against terrorism is taken to the Iraqi theater there will be bills to pay. White House economist, Lawrence Lindsey, estimates that a full scale mobilization in Iraq could cost as much as $100 to $200 billion. A lower estimate reported in the Washington Post puts the cost of committing United States forces in Iraq at $30 to $50 billion. This lower estimate assumes, quoting the September 24, 2002 Washington Post, a war " . . . with inept enemy forces, no use of chemical or biological weapons, access to bases and airspace in most Gulf states and Turkey, and low casualties on our side." It is quite obvious that the costs of the use of force in Iraq will be substantial. With the possibility of such a large expenditure in our future how can Appropriators spend our precious defense dollars so foolishly?

An Investor's Business Daily article published late last year entitled At the Trough: Welfare Checks to Big Business Make No Sense, stated, "[a]mong the least justified outlays [in the federal budget] is corporate welfare. Budget analyst Stephen Slivinski estimates that business subsidies will run $87 billion [in 2001], up a third since 1997. Although President Bush proposed $12 billion in cuts to corporate welfare [in 2001], Congress has proved resistant. Indeed many post-September 11 bailouts have gone to big business. Boeing is one of the biggest beneficiaries. . . . While corporate America gets the profits, taxpayers get the losses. . . . The Constitution authorizes a Congress to promote the general welfare, not enrich Boeing and other corporate behemoths. There is no warrant to take from Peter so Paul can pay higher dividends. In the aftermath of September 11, the American people can ill afford budget profligacy in Washington. If Congress is not willing to cut corporate welfare at a time of national crisis, what is it willing to cut?"

Yet, Congress didn't get the message this year. In the Fiscal Year 2003 Defense Appropriations conference report that we are considering today, the Appropriations Committees added nearly $500 million in aircraft procurement that the Department of Defense did not request. There were funds appropriated for twenty-four types of aircraft: unfortunately none of these were identified by the military as requirements. It staggers the mind to think of what programs the services desperately need could have been funded by $500 million.

Here is a very short list of just some of the more egregious examples of Defense appropriations

$12 million for the 21st Century Truck. This program has been around for years and not once has the Department of Defense requested funding for it. While I'm sure we all would love to jump into a truck that could be in a James Bond movie, I'm not sure it is appropriate for the Department of Defense to pay for it.

$3.4 million for the Next Generation Smart Truck. I suppose this is what we will drive before the 21st Century Truck is ready.

$1 million for Canola Oil Fuel Cells. I would think that the only canola oil the Department of Defense should be investing in should be used for salad dressing for our troops, not inventing batteries.

$4.5 million for a Coastal Cancer Research Center. A worthwhile expenditure, but the Defense Appropriations Bill is not the place for these funds to come from.

$1 million for Math Teacher Leadership.

$3 million in Impact Aid for Children with Disabilities.

$19 million for International Sporting Competitions.

$7.7 million for the Alaska Wide Mobile Radio Program.

$1 million for Animal Modeling Genetics Research.

$2.6 million for the Pacific Rim Corrosion Project.

$6 million for the Pacific Disaster Center Project.

$1 million for the Rural Telemedicine Demonstration Project.

These are just a few glaring examples of the more than 1,760 Member additions that leave many people scratching their heads trying to find the link to defense program funding.

Here is a very abbreviated list of some of the member additions that, while at least connected to the Department of Defense, were still not requested in the President's budget nor were they on any of the service's unfunded priority lists. Remember, every one of these additions come at the expense of programs that our services need to carry out their missions. For every dollar spent on these additions, it is one taken out of priority programs.

$53 million in Distance Learning.

$101.3 million in Defense Wide Administration Activities.

$44 million for Multi-Purpose Vehicles.

$58.5 million for Automated Data Processing Equipment.

$30.8 million for Non-System Training Devices.

$14 million for Drones and Decoys.

$6.7 million in Base Information Infrastructure.

$1 million in Polar Fleece Shirts.

$5 million for the Institute for Creative Technology.

$2 million for the Center for Geo-Sciences.

$3 million for the Concepts Experimentation Program.

$2 million for the Consortium for Military Personnel Research.

I will not list the rest of the additions as that would take hours. A larger list of Defense Appropriations Conference Committee earmarks is available on my website. I find it incredible that we are funding these unrequested and unneeded programs when we have more than 500 items that the Department of Defense says they need on their "Unfunded Priority Lists".

You will recall that last year, during conference negotiations on the Department of Defense Appropriations Act for Fiscal Year 2002, the Senate Appropriations Committee inserted into the bill unprecedented language to allow the U.S. Air Force to lease 100 Boeing 767 commercial aircraft and convert them to tankers, and to lease four Boeing 737 commercial aircraft for passenger airlift to be used by congressional and Executive Branch officials. Congress did not authorize these leasing provisions in the fiscal year 2002 National Defense Authorization Act, and in fact, the Senate Armed Services Committee was not advised of this effort by Air Force Secretary Jim Roche during consideration of that authorization measure.

Again this year, without benefit of authorization committee debate or input—the Senate Appropriations Committee has added funding in the Fiscal Year 2003 Department of Defense Appropriations bill in the amount of $3 million for the "Tanker Lease Pilot Program" for the proposed Boeing 767 aerial tanker leasing scheme. Furthermore, additional language in the bill modifies a provision that had been carefully negotiated by the Office of Management and Budget, OMB, with appropriators last year, and may now permit the Air Force to circumvent law, OMB and standard leasing arrangements and, with respect to the 100 Boeing 767s, will allow the Air Force to defer the termination liability costs up-front, unprecedented in leasing arrangements according to leasing experts and certainly against good business practices.

In multi-year contracts such as leases there is a statuary requirement to obligate money for termination liability payments in the first year of the contract. The reason is quite simple. If the government, the Air Force in this case, cancels the contract then the Air Force is required to pay Boeing for breaking the terms of the contract. What would happen if a Boeing 767 tanker was hit by hostile fire which caused a catastrophic fire onboard and the Boeing 767 tanker crashed. Under a similar leasing arrangement like the one that the Air Force signed with the Boeing Company for Boeing 737 VIP Executive aircraft, "loss or destruction of the aircraft constitutes a notice of cancellation" and under the terms of the lease the Air Force would be required to make a termination liability payment. Not planning for this is irresponsible, especially concerning military aircraft which operate in harms way with great regularity. This deferment of termination liability payment is an unfunded federal liability. This leaves Congress with no recourse but to foot the cost of this unfunded liability with the Boeing Company and leaves the taxpayer stuck with a big bill without any say in the matter. Boeing gets paid under this termination liability clause, yet the taxpayer is out an aircraft.

Particularly disconcerting is a provision that would allow the Air Force to fund the Boeing 767 aerial tanker lease from Air Force readiness appropriations rather than the ususal procurement accounts already committed to purchase $72 billion worth of other new weapons systems, aircraft and ships. According to statute, readiness appropriations or operations and maintenance accounts, finance the cost of operating and maintaining the Armed Forces. Specifically, included are the amounts for training and operation costs, pay of civilians, contract services for maintenance of equipment and facilities, fuel, supplies, and repair parts for weapons and equipment. Using critical readiness dollars to pay to lease 100 Boeing 767 tankers, under a new start program, can only be properly referred to as a mistake of great proportions that will eventually have great consequences for all of our Armed Forces and not just for the Air Force. Since 1999, the defense budgets have made strides to reverse years of under-funding in the readiness accounts, however, I have serious concerns about the future state of preparedness of our units and our men and women in the military if we continue to follow the advice of the Secretary of the Air Force under some "rob Peter to pay Paul" leasing scheme.

There is yet another egregious legislative provision included in the appropriations bill that certainly could be regarded as a bail out for Boeing. This provision would authorize the Air Force to pay annual advance payments, up to one year in advance, for leasing Boeing 767 tanker aircraft. I would like to have one of my colleagues from the Appropriations Committee explain to me how is this provision in the best interest of the government or the taxpayer for that matter. This Boeing leasing arrangement is projected to cost $20 billion, that means the Air Force may have to pay up front, each year, literally billions of dollars to Boeing with the promise to deliver aircraft later what a deal, courtesy of the Appropriations Committee. As a senior member of the Armed Services Committee, I would have liked to have heard some testimony regarding this significant change in acquisition policy. In fact, the Armed Services Committee is the proper committee to make recommendations as to reforming defense procurement policy, not the Appropriations Committee. The truth is there is no gain to the government for this provision the gain is all on the side of the ledger of the Boeing Company. This is waste that borders on gross negligence.

Does the appropriations committee have any respect for the authorizing committees in the Senate? I don't think so.

I believe this expensive aerial tanker lease program to be a new start that has been estimated by the Office of Management and Budget to cost between $20–$30 billion over six years. A program of this magnitude should require considerable consultation with the Secretary of Defense directly, not just that of Air Force Secretary Jim Roche or his staff or a nebulous entity know as the Leasing Review Panel that was recently organized by the DOD acquisition secretary and DOD comptroller for the sole purpose to recommend leasing major weapons platforms such as aircraft, vessels, and combat vehicles according to the Project on Government Oversight. I am deeply concerned that the Armed Services Committees have not been given adequate time for review, inspection or comment on this significant, unprecedented proposal and that we do not have the advice of the Defense Secretary that this program is warranted. Recall, however, that we did hear from the Defense Secretary about the Army's Crusader that would have had a total program cost of only a half to a third as much as Air Force's scheme to lease Boeing 767 aerial tankers.

I appreciate the Secretary of Defense's strong support for the practice of using American taxpayers' money in a cost-effective manner to procure the best weapon system, at the best price for our men and women in uniform. I strongly endorse this practice. On June 28, 2001, in testimony before the Senate Armed Services Committee, the Defense Secretary said, "[w]e have an obligation to taxpayers to spend their money wisely. Today, . . . there is no real incentive to save a nickel. To the contrary, the way the Department operates today, there are disincentives to saving money. We need to ask ourselves: how should we be spending taxpayers dollars? We are doing two things: First, we are not treating the taxpayers' dollars with respect—and by not doing so, we risk losing their support; second, we are depriving the men and women of our Armed Forces of the training, equipment and facilities they need to accomplish their missions. They deserve better. We need to invest that money wisely."

The tanker leasing debate has not benefited from authorization committee input or a clear understanding of the Secretary of Defense's views on the requirement for this large procurement plan and the alleged Department of Air Force's change in policy to procure major weapons platforms, such as aircraft, through leasing schemes. I am concerned the impact of these provisions has not been adequately scrutinized, and the full cost to taxpayers has not been sufficiently considered.

I would like to note that OMB Director Mitch Daniels has often indicated his preference to maintain scrutiny of government leasing practices out of regard for U.S. taxpayers. Just last year, in a letter from the OMB Director to Senator Kent Conrad, OMB cautioned against eliminating rules intended to reduce leasing abuses. OMB's letter emphasized that the Budget Enforcement Act (BEA) scoring rules "were specifically designed to encourage the use of financing mechanisms that minimize taxpayers' costs by eliminating the unfair advantage provided to lease-purchases by the previous scoring rules. Prior to the BEA, agencies only needed budget authority for the first year's lease payment, even though the agreement was a legally enforceable commitment to fully pay for the asset over time." OMB's letter continued by explaining that this loophole had permitted the General Services Administration to agree to 11 lease-purchase agreements with a total, full-term cost of $1.7 billion, but to budget only the first year of lease payments. OMB's letter stated, "[t]he scoring hid the fact that these agreements had a higher economic cost than traditional direct purchases and in some cases allowed projects to go forward despite significant cost overruns. . . ." Sounds very familiar.

As I mentioned before on the Senate floor when the Fiscal Year 2002 Defense Appropriations Conference Report was being debated, this is a sweet deal for the Boeing Company that I'm sure is the envy of corporate lobbyists from one end of K Street to the other. The Project on Government Oversight a politically independent, non-profit watchdog organization called Secretary Roche's Boeing tanker lease deal ". . . a textbook case of bad procurement policy and favoritism to a single defense contractor."

Let me review some of the highlights of the information and costs of this leasing scheme that have been provided to the Congress by the Office of Management and Budget, the General Accounting Office, the Department of Defense Inspector General, the Congressional Budget Office, the Department of Defense, and other important outside independent experts:

GAO estimates the cost to lease 100 Boeing 767 tankers for 6 years to be $20 to $30 billion.

GAO estimates that the cost to modernize and upgrade 127 KC–135 Es to "R" Models is $3.6 billion; a $22.4 billion savings to leasing 100 tankers.

GAO estimates the cost for building new infrastructure for 100 Boeing 767 tankers to be $1.7 billion, the same cost to modernize 59 older KC–135 tankers.

The Air Force estimates that their current fleet of KC–135s have between 12,000 to 14,000 flying hours on them only 33 percent of the lifetime flying hour limit and no KC–135E's will meet the limit until 2040.

According to the Air Force, the Mission Capable Rate for KC–135 tankers is 80 percent the highest in the Air Force inventory. The B–2 Mission Capable Rate by comparison is 39 percent.

According to the Air Force Air Mobility Command, there is no requirement to begin replacing KC–135's before fiscal year 2013.

OMB reports that the current fleet of KC–135s is in good condition.

According to OMB, leasing 100 Boeing 767 tankers, cost $26 billion, will result in an overall decrease of total tanker fleet capacity of 2 million pounds of fuel; whereas upgrading 126 KC–135 Es to "R" models, cost $3.2 billion, will result in an increase of total tanker fleet capacity of 1.7 million pounds of fuel over and above existing capacity.

According to the Air Force "Tanker Requirement Study 05," replacing the KC–135E fleet with leased Boeing 767 tankers would not solve, and could exacerbate, the shortfalls identified in the TRS–05.

According to the DOD IG, the Air Force competition/Request for Information, RFI, on leasing tankers was only 14 days, not the ususal length of time of 90 days constituting a concern regarding the true nature of the competition.

The Congressional Budget Office has reported that a long-term lease of tanker aircraft would be significantly more expensive than a direct purchase of such aircraft.

According to DOD, while the KC–135 is an average of 35 years old, its airframe hours and cycles are low with proper maintenance and upgrades the KC–135 may be sustainable for another 35 years.

But this is just another example of Congress' political meddling and of how outside special interest groups have obstructed the military's ability to channel resources where they are most needed. I will repeat what I've said many, many times before, the military needs less money spent on pork and more spent to redress the serious problems caused by a decade of declining defense budgets.

This defense appropriations bill also includes provisions to mandate domestic source restrictions: these "Buy America" provisions directly harm the United States and our allies. "Buy America" protectionist procurement policies, enacted by Congress to protect pork barrel projects in each Member's State or District, hurt military readiness, personnel funding, modernization of military equipment, and cost the taxpayer $5.5 billion annually. In many instances, we are driving the military to buy higher-priced, inferior products when we do not allow foreign competition. "Buy America" restrictions undermine DOD's ability to procure the best systems at the least cost and impede greater interoperability and armaments cooperation with our allies. They are not only less cost-effective, they also constitute bad policy, particularly at a time when our allies' support in the war on terrorism is so important.

Secretary Rumsfeld and his predecessor, Bill Cohen, oppose this protectionist and costly appropriations policy. However, the appropriations' staff ignores this expert advice when preparing the legislative draft of the appropriations bills each year. The defense appropriations bill include several examples of "Buy America" pork, prohibitions on procuring anchor and mooring chain components for Navy warships; main propulsion diesel engines and propellers for a new class of Navy dry-stores and ammunition supply ships; supercomputers; carbon, alloy, or armor steel plate; ball and roller bearings; construction or conversion of any naval vessel; and, other naval auxiliary equipment, including pumps for all shipboard services, propulsion system components such as engines, reduction gears, and propellers, shipboard cranes, and spreaders for shipboard cranes.

I am pleased that an amendment that I introduced on the Senate floor carried through Conference Section 8147. This legislative provision would prohibit spending $30.6 million for leasing of Boeing 737 VIP Executive aircraft under any contract entered into under any procurement procedures other than pursuant to the Competition and Contracting Act which promotes full and open competition procedures in conducting a procurement for property or services. I believe this amendment would ensure full and open competition with respect to Boeing 737 VIP Executive aircraft. Although last year's DOD Appropriations bill specified 4 Boeing 737 aircraft, it did not authorize the lease solely from the Boeing Company. Yet the Air Force only negotiated a sole source contract totaling nearly $400 million with the Boeing Company, seemingly in direct violation of this statutory language if they disburse funds for this VIP Executive aircraft lease without a fair and open competition. In today's failing economy, I imagine there are many leasing entities that would like to compete for this lucrative leasing arrangement with the Air Force. With the downturn in the commercial aviation industry and the serious financial condition of most airlines in the United States, it is very likely that there are more than a few airlines that would like to participate in a full and open competition to provide excess Boeing 737 transport aircraft under some leasing arrangement with the Air Force.

I look forward to the day when my appearances on the Senate floor for this purpose are no longer necessary. I reiterate, over $7.4 billion in unrequested defense programs have been added by the Committee to the defense appropriations bill. Consider how that $7.4 billion, when added to the savings gained through additional base closings and more cost-effective business practices, could be used so much more effectively. The problems of our Armed Forces, whether in terms of force structure or modernization, could be more assuredly addressed and our warfighting ability greatly enhanced. The American taxpayers expect more of us, as do our brave servicemen and women who are, without question, fighting this war on global terrorism on our behalf.

But for now, unfortunately, they must witness us, seemingly blind to our responsibilities at this time of war, going about our business as usual.

Mr. WELLSTONE. Mr. President, I rise today in support of the Defense Department appropriations conference report.

I believe we must provide the best possible training, equipment, and preparation for our military forces, so they can effectively carry out whatever peacekeeping, humanitarian, warfighting, or other missions they are given. They deserve the across-the-board pay raises of 4.1 percent, the incentive pay for difficult-to-fill assignments, and the reduced out-of-pocket housing costs from the current 11.3 percent to 7.5 percent contained in this conference report.

The report would also fully fund active and reserve end strengths, including well over 700 new positions for the Army National Guard, which will hopefully ease the current burden on our overstretched men and women in uniform. For many years running, those in our Armed Forces have been suffering from a declining quality of life, despite rising military Pentagon budgets. The pressing needs of our dedicated men and women in uniform, and those of their families, must be addressed as they continue to be mobilized in the war against terrorism. This conference report goes far in addressing those needs. In addition, it provides $150 million for Army peer review breast cancer research and $85 million for prostate cancer research.

The conference report also provides $417 million for the Nunn-Lugar Cooperative Threat Reduction Program, which seeks to secure airtight control over fissile materials and technologies from Russia and other former Soviet Union states to ensure that none makes its way into the hands of terrorists or to places like Iraq. Further, the report gives $70 million more than the administration requested to fund Israel's Arrow antimissile program, which could protect Israel against Scud missiles fired by Iraq. Finally, the report shifts $368.5 million from Crusader research and development to a new, lighter cannon, which will engage the expertise of the highly skilled workforce at the United Defense Industries plant in Minnesota. For these reasons and others, I will vote for it today.

I also thank my colleagues on the conference committee for their hard work and their passage of an amendment I included in the Senate version of the Department of Defense appropriations bill. The final bill includes $5 million to put confidential victim advocates on military installations across the country. This would ensure that victims whose lives are in danger have an alternative place to turn that is confidential and where their needs can be met without qualification.

The bill will also ensure that funds are made available to establish an impartial, multidisciplinary, confidential Domestic Violence Fatality Review Team. The team would be charged with investigating every domestic fatality in the military and helping to find ways to prevent fatalities in the future.

Finally, this bill would require that the Secretary report to Congress on progress in implementing the recommendations of the National Defense Task Force on Domestic Violence. Domestic violence is something that we in Congress must constantly work to prevent, reduce, and eventually end. Having such reporting will help us work with the Military to address this terrible problem.

The National Defense Taskforce on Domestic Violence reported that "Domestic Violence is an offense against the institutional values of the Military Services of the United States of America. It is an affront to human dignity, degrades the overall readiness of our armed forces, and will not be tolerated in the Department of Defense." I do not think anyone who has followed the recent events at Fort Bragg would disagree.

Sadly, the North Carolina incidents, while unusual in that they were clustered within such a short time, are not unique. The Naval Criminal Investigative Service reported 54 domestic homicides in the Navy and Marines since 1995. The Army reported 131 and the Air Force reported 32. This is a problem that is by no means limited to the military, but its dimensions in the military context are complex. They need to be addressed. I know that Secretary Rumsfeld and Deputy Secretary Wolfowitz share that view. I applaud the Secretary and the Deputy Secretary for the attention they have given to this issue and the willingness they have shown to address it. I also applaud my colleagues, particularly Senator INOUYE and Senator STEVENS, for their leadership in passing this important legislation.

I am however, very disappointed that the conferees took out an amendment, that I offered and which the Senate adopted, that would have barred any funds in this bill from being used to enter contracts with U.S. companies who incorporate overseas to avoid U.S. taxes.

Former U.S. companies who have renounced their citizenship currently hold at least $2 billion worth of contracts with the Federal Government. I don't think that companies who aren't willing to pay their fair share of taxes should be able to hold these contracts. U.S. companies, that play by the rules, that pay their fair share of taxes, should not be forced to compete with bad actors who can undercut their bids because of a tax loophole.

The loophole gives tens of millions of dollars in tax breaks to major multinational companies with significant non-U.S. business. It also puts other U.S. companies unwilling or unable to use this loophole at a competitive disadvantage. No American company should be penalized staying put while others renounce U.S. "citizenship" for a tax break.

Well, the problem with all this is that when these companies don't pay their fair share, the rest of American tax payers and businesses are stuck with the bill. I think I can safely say that very few of the small businesses that I visit in Detroit Lakes, MN, or Mankato, in Minneapolis, or Duluth can avail themselves of the Bermuda Triangle.

I should also say, that the amendment that the conferees dropped was really a very mild version. It was mostly prospective, and it only affected fiscal year 2003. I think it is appropriate for us to say that if the U.S. company wants to bid for a contract for U.S. defense work, then it should not renounce it's U.S. citizen for a tax break.

We all make sacrifices in a time of war, the only sacrifice this amendment asked of federal contractors is that they pay their fair share of taxes like everybody else.

My final point on this issue is that it is now clear that this fight is going to take place on the Homeland Security bill. The Senate has adopted a very strong amendment that I offered. There is a very similar amendment in the House passed bill. If the Republicans would end their filibuster of the homeland security bill we could get it to conference and get a good provision signed into law to crack down on these tax cheats. The Congress will not dodge this issue.

• Mr. ALLARD. Mr. President, after many long months of negotiation, the fiscal year 2003 Defense Appropriations will finally come to a close today. I add my strong support for this bill and would like to thank Senators INOUYE and STEVENS for their work to ensure our continuing support for the men and women in the United States Armed Services.

At the very beginning of his administration, President Bush made it a priority to rebuild our military after 8 years of substantial and dangerous levels of operation and maintenance funding shortfalls under the previous administration. Those of us in the Senate have also heeded this call and I am pleased that we are about to take the next step in maintaining a military fully capable of defending our Nation and meeting our foreign policy goals.

While some balked at the largest defense budget increase in nearly 2 decades, I support the President in his efforts to transform our military. His reasoning for this increase is firm, and I quote the President for his two reasons behind the plan:

> I sent up to Congress the largest increase in defense spending since Ronald Reagan was the President. I did it for two reasons. One, any time we commit our troops into harm's way, they deserve the best pay, the best equipment, and the best possible training. And secondly, the reason I asked for an increase the size of which I did is because I wanted to send a message to friend and foe alike that when it comes to the defense of our freedoms, we're not quitting. There's not a calendar on my desk that says, well, we've reached this time, it's time to stop. That's not how I think. That's not how America thinks. We want our friends understanding that. We want the enemy to know it, as well—that when it comes to the defense of our country, comes to defending the values we hold dear, it doesn't matter how much it costs, it doesn't matter how long it takes, the United States will be firm and resolved. We owe that to our children, and we owe it to our children's children.

Specifically, I would like to point out some very important programs that have a great deal of bearing on the safety of our country. As the ranking member on the Strategic Subcommittee, I have made it abundantly clear how important missile defense is to not only our defense, but also our close allies. The most advanced cooperative military project between the United States and Israel is the Arrow missile defense system—a theater wide missile defense system capable of shooting down ballistic missiles fired at Israel or U.S. troops stationed in the Middle East. The Arrow system is operational, providing Israel with a functioning defense against surface-to-surface missiles.

The appropriations conferees agreed on this priority and have provided $70 million to continue funding this very important program. This funding will ensure that Arrow remains capable of providing reliable protection against evolving threats, such as decoys and faster and longer-range ballistic missiles and also speed production of additional Arrow missiles.

Likewise, I am encouraged by the $15 million allocated to purchase commercial satellite imagery. Three high-level DOD commissions, the Space Commission, the NRO Commission, and the NIMA Commission, all stated that DOD needs to better utilize commercial imagery. The NIMA Commission suggested that a new OSD account should be established with an initial budget of $350 million for the first year. The Space Commission stated that the "U.S. Government could satisfy a substantial portion of its national security-related imagery requirements by purchasing services from the U.S. commercial imagery industry." I am convinced that there is yet more untapped potential with commercial space imagery, and I believe this is a good first step.

This Defense Appropriations bill also provided funding for a number of developmental programs critical to space-based systems and technologies. The Network, Information, and Space Security Center will facilitate cooperation for protecting information and information systems, which is becoming increasingly important in the face of cyberterrorism threats from around the world. The Center for Geosciences is a leading-edge environmental research center continuously improving weather forecasts for our military forces around the world. TechSat 21 will demonstrate the technical and operational feasibility of microsatellites—a truly transformational approach to space-based systems. And finally, the GPS Jammer Detection and location System will enable our military commanders to rely on GPS and GPS-supported systems such without the threat of interference or jamming by the enemy.

While we find ourselves at the end of another legislative year, the Senate and our colleagues in the House have taken a solid step toward the transformation of the United States military. While much work remains to be completed in the coming years, it bodes well for our men and women in the armed services that Congress will continue to support them in the defense of our country.•

Mr. FEINGOLD. Mr. President, I will vote against the conference report accompanying the fiscal year 2003 Department of Defense appropriations bill. I regret that Congress has missed another opportunity to reorient the thinking, and spending, of the Pentagon.

I strongly support our men and women in uniform in the ongoing fight against global terrorism and in their other missions, both at home and abroad. I commend the members of the National Guard and Reserves and their families for the sacrifices they have made to protect our security and freedom. All members of our military and their families, active duty, National Guard, and Reserves, deserve our sincere thanks for their commitment to protect this country and to undertake the fight against terrorism in the wake of the horrific attacks of September 11, 2001.

And they deserve our support as they face the uncertainty surrounding possible military action against Iraq.

Each year that I have been a member of this body I have expressed my concern about the priorities of the Pentagon and about the process by which we consider the Department of Defense authorization and appropriations bills. I am troubled that the Department of Defense does not receive the same scrutiny as other parts of our Federal budget. This time of national crisis underscores the need for the Congress and the Administration to take a hard look at the Pentagon's budget to ensure that scarce taxpayer dollars are targeted to those programs that are necessary to defend our country in the post-Cold War world and to ensure that our Armed Forces have the resources that they will need for the battles ahead.

There can be no dispute that Congress should provide the resources necessary to fight and win the battle against terrorism. There should also be no dispute that this ongoing campaign should not be used as an excuse to continue to drastically increase an already bloated defense budget.

The conference report on which we are about to vote accompanies what will be the largest defense appropriations bill that Congress has ever passed. It represents a $34.1 billion increase over the fiscal year 2002 level, including supplemental defense spending that was appropriated in the wake of the September 11 attacks. It represents a $54.5 billion increase over the fiscal year 2001 funding level.

The United States spends more on defense than all of the other countries of the world combined.

Of course, a strong national defense is crucial to the peace and stability of our nation. But a strong economy is also essential to national security. We must not focus on one to the detriment of the other. Many of the expensive weapons systems for which there are billions in appropriations in this conference report have little or nothing to do with the fight against terrorism, which is often cited as the reason for the $34 billion increase in defense spending for fiscal year 2003. I am concerned that if we continue down this path, defense spending will spiral further out of control, perhaps putting other areas of our economy at risk.

I am pleased that this conference report contains no funding for the Army's Crusader mobile artillery program. I support the Secretary of Defense's decision to cancel this outdated program, and earlier this year, I introduced legislation that would have done just that. I commend the Secretary of Defense for his efforts to transform our military to meet the challenges of the 21st Century and beyond, and agree that weapons that were better suited to the Cold War than to the battles of this century should be terminated.

I regret that so little progress has been made to transform the military for these new challenges. The hard-fought battle to terminate the Crusader program, a program that was canceled by the Secretary of Defense, stands as an example of how difficult it is to change the mind-set of the Pentagon and the Congress. The beleaguered Crusader is the poster child for an obsolete, Cold War-era program, yet there are those in the Congress and at the Pentagon who tried desperately to save it. The termination of a weapon system such as the Crusader is an example of the hard decisions that this body will have to make as we face the realities of the Federal budget and as we seek to provide our Armed Forces with the equipment that they will need to fight the battles of the future.

As I have said time and time again, there are millions upon millions of dollars in this bill that are being spent on outdated or questionable or unwanted programs. This money would be better spent on programs that truly improve our readiness and modernize our Armed Forces. This money also would be better spent on efforts to improve the morale of our forces, such as ensuring that all of our men and women in uniform have a decent standard of living or providing better housing for our Armed Forces and their families. For those reasons, I will oppose this conference report.

The PRESIDING OFFICER. Who yields time?

Under the previous order, Mr. WELLSTONE is recognized.

Mr. WELLSTONE. Mr. President, first of all, I thank both of my colleagues, Senator INOUYE and Senator STEVENS, for their fine work. I also think this is a very important piece of legislation, extremely important to our Armed Forces, just on the basis of making sure the men and women who serve our country—from salaries to living conditions, you name it; it is just an important piece of legislation.

I also thank both of my colleagues for fighting in the conference committee to keep an amendment in that deals with the problem of domestic violence and sexual assault. We all agree that both Under Secretary Wolfowitz and Secretary Rumsfeld are well aware of some of the problems and are more than willing to put together the necessary task force and really take a long, hard look at this to make sure we do what we need to do. I thank them for that.

This amendment also says we really need, on our bases, to have a place where women can go with some confidentiality if, in fact, they are in a situation where they are being battered and there is nowhere to go for support. It is extremely important for these women. It is extremely important for these children. It is extremely important for their families. I am glad this amendment is in. I know there was some discussion down at Fort Bragg about the amendment and it was very positive. So I thank my colleagues for supporting this.

I want to finally express my indignation, even though I believe in both these Senators, that this is one part of this political process that drives people in Minnesota nuts, drives people in the country nuts, and drives me nuts. I brought an amendment to the floor. It was eminently reasonable. It said for those companies that go to Bermuda and renounce their citizenship so they do not pay their fair share of taxes—it was only prospective, it did not look back; it was for 1 year—they don't get Government contracts.

If they want to renounce their citizenship and not pay their fair share of taxes, they are not going to get any government contract.

There is overwhelming support on the floor of the Senate.

I have learned my lesson now. I will have been here almost 12 years. Why haven't I learned my lesson and ask for a rollcall vote? Maybe that wouldn't have done any good, anyway. It seemed that there was strong support from some Senators who didn't want to vote against it but who didn't want to vote for it. But I thought, OK, the point is to get this passed.

This was taken out in the conference committee. With all due respect, my understanding is the House conferees would not budge. They would not budge.

I want to just say to the House Republican leadership and to the conferees, you are not going to be able to continue to win on these kinds of votes. People in Minnesota and in the United States of America are outraged that these companies go to Bermuda and renounce their citizenship and don't pay their fair share of taxes.

You get into the conference committee, and it is the same old, same old, same old. Special interests do their lobbying and get the job done.

Senator LIEBERMAN is on the floor. If this homeland defense bill goes in, we have this provision in that bill. I am counting on Senator LIEBERMAN's support.

I thank Senator INOUYE for fighting as hard as he could.

I want to say to the House Republican conferees, you are not going to win this fight. This is going to come back. You are not going to win this fight. And you are way out of sync with about 90 percent of the people in this country on this question.

Listen, I have been involved in fights on the floor of the Senate where I was the one who was in the minority.

But let me tell you, on this question, you guys are just wrong. You took it out of conference committee, but you are not going to win this fight. We are going to bring this provision back, and we are going to get it into legislation. It is in the very sweeping homeland defense bill. We are going to keep it in that bill, and come back and back.

It is not right for the businesses in your State, Mr. President—New Jersey—or in Minnesota. Ninety-nine percent of the businesses that play by the rules of the game but don't have the lawyers and the accountants to tell them how to evade paying their fair share of taxes—they wouldn't do it even if they could because they don't think it is right—why should they be penalized for doing the right thing? And why should these companies get away with murder?

I wish this had not been taken out by the conference committee. I regret it. I know my colleagues did their best. We will be back.

I yield the floor.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Hawaii.

Mr. INOUYE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the conference report. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from New Jersey (Mr. TORRICELLI), is necessarily absent.

Mr. NICKLES. I announce that the Senator from Colorado (Mr. ALLARD), the Senator from Wyoming (Mr. ENZI), the Senator from Arkansas (Mr. HUTCHINSON), the Senator from Arizona (Mr. MCCAIN) and the Senator from Alabama (Mr. SESSIONS), are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 93, nays 1, as follows:

[Rollcall Vote No. 239 Leg.]

YEAS—93

Akaka
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carnahan
Carper
Chafee
Cleland
Clinton
Cochran
Collins
Conrad
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Ensign
Feinstein
Fitzgerald
Frist
Graham
Gramm
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stabenow
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner
Wellstone
Wyden

NAYS—1

Feingold

NOT VOTING—6

Allard
Enzi
Hutchinson
McCain
Sessions
Torricelli

The conference report was agreed to.

Mr. DASCHLE. Mr. President, I move to reconsider the vote.

Mr. INOUYE. I move to lay that motion on the table.

The motion to table was agreed to.

ORDER OF PROCEDURE

Mr. DASCHLE. Mr. President, I know the distinguished Republican leader wishes to speak. I ask unanimous consent that he be accorded whatever time required. I know Senator MIKULSKI has an interest in speaking for 5 minutes following the distinguished Republican leader. I ask unanimous consent that request be accommodated as well.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Republican leader is recognized.

UNANIMOUS CONSENT REQUEST—SHEDD NOMINATION

Mr. LOTT. Mr. President, last week, the Judiciary Committee pulled from their agenda the pending nomination of Judge Dennis Shedd to fill a seat on the 4th circuit court of appeals. That was contrary to all of the understandings as to what would happen with regard to that nominee. I think various Members on the judiciary committee on several occasions had been assured he would be given a vote. I think there is no question that Senator THURMOND had been under the impression there would be a vote on Shedd's nomination this year. Yet the nomination was removed from the calendar and, therefore, not even considered by the committee. A vote was not taken, and I presume it was blocked procedurally because there would have been enough votes in the Committee to actually report Shedd's nomination to the full Senate had there been a vote.

I understand that moving to the executive calendar is traditionally a prerogative of the Majority Leader. However, there has been an extraordinary and unprecedented violation of Senate rules and tradition in the manner in which Judge Dennis Shedd's nomination was considered in the Judiciary Committee. I also believe that the manner in which Senator THURMOND was led on regarding Judge Shedd's nomination constituted a slight of Senator THURMOND during the final days of his long and distinguished Senate career. I remind Senators that we depend very heavily around here on comity and trust to do the vast majority of our business on behalf of the American people. When that trust is violated or misused it is hard to conduct business as usual.

Mr. President, Dennis Shedd's nomination was finally put on the Judiciary Committee's agenda way back on Sept. 19, but was held over to the next mark-up which as it turned out was last Tuesday, October 8th. It is also my understanding that the normal practice is that when Senators in the Committee hold legislation and nominations over at a mark-up, the tradition and practice has always been that the items held over are placed on the very next mark-up.

In this instance, the October 8th mark-up was actually postponed from the previous Thursday, October 3rd, so that Chairman LEAHY could concentrate on passing the Department of Justice (DOJ) Re-authorization Conference Report. During the vote to invoke cloture on that bill, it is my understanding that Senator THURMOND was once again assured by Senator LEAHY that Judge Shedd would be on the mark-up on October 8th.

Unfortunately, that assurance as well as the practices and traditions of the Committee were violated last week because Judge Dennis Shedd's nomination was pulled from the committee's agenda—preventing the Committee from reporting him out to the full Senate. However, breeches in decorum regarding Judge Shedd and Senator THURMOND predate last week.

On July 31st, Chairman LEAHY publicly promised Senator THURMOND at a committee meeting that Judge Shedd would be voted on this year. When Shedd wasn't on the August 1st markup, Senator LEAHY assured Senator THURMOND's Chief of Staff that Shedd would be voted on immediately after the August recess. When Shedd was not on the agenda for the first mark-up after the Senate returned in September—which was Sept. 5th—Senator THURMOND then was assured that Dennis Shedd would be on the next markup on Sept. 19th.

While Shedd was actually put on that mark-up on Sept. 19th, he was held over to the next mark-up—which is the right of Senators in the Committee to do. And then, as I said previously, contrary to tradition and practice, Shedd was kept off the agenda for the last mark-up of the year by Senator LEAHY.

Mr. President, there is no doubt about Judge Shedd's qualifications. He has strong bipartisan support. One of his most ardent supporters is the distinguished Democrat Senator from South Carolina, Senator HOLLINGS. The ABA—the "Gold Standard" so often cited by Senator LEAHY—gave Judge Shedd a "Well Qualified" rating, its highest rating. So, it is not Judge Shedd's qualifications which are standing in the way.

He was appointed by President George H.W. Bush to the United States District Court for South Carolina in 1990, and has now served as a federal jurist for more than a decade—following nearly twenty previous years of public service and legal practice. In addition to his service on the District Court, he has sat by designation on the Fourth Circuit Court of Appeals on several occasions. Judge Shedd also has served on the Judicial Conference Committee of the Judicial Branch and its Subcommittee on Judicial Independence.

From 1978 through 1988, Judge Shedd served in a number of different capacities in the United States Senate, including Counsel to the President Pro Tempore and Chief Counsel and Staff Director for the Senate Judiciary Committee when Senator THURMOND was the Chairman.

Judge Shedd would bring unmatched experience to the Fourth Circuit. He has handled more than 4,000 civil cases since taking the bench and over 900 criminal matters. In fact, no judge currently sitting on the Fourth Circuit has as much federal trial experience as Judge Shedd, and none can match his ten years of experience in the legislative branch.

Mr. President, Dennis Shedd's record demonstrates that he is a mainstream judge with a low reversal rate. In the more than 5,000 cases Judge Shedd has handled during his twelve years on the bench, he has been reversed fewer than 40 times (less than one percent). So, it should be clear that Judge Shedd is the victim of a deliberate, calculated, attempt by outside groups to embarrass one of President Bush's nominees and not any deficiency in his professional training or temperament.

But Judge Shedd is not the only victim here. This is also an affront to Senator THURMOND in his final days as a Senator. We owe it to Senator THURMOND, as a sign of our respect and admiration for his distinguished service, to vote on the nomination of his former staff director before Senator THURMOND's career comes to an end—an action the Senator feels that Senator LEAHY gave him his word he would do.

Mr. President, the rules of the Senate provide a motion to discharge a nomination. I want to do that. But I am under no illusion that I would be allowed to make that motion and have it succeed under any circumstances. That has been tried on the other side of the aisle when I was majority leader, and I know that it would be interpreted as a partisan vote and that the majority leader would have to press his members not to allow that to happen. But I feel so strongly about the unfairness of the treatment of this nominee and the way it has reflected on Senator THURMOND that I have to take some action.

The Senate must be in executive session in order to move to discharge a nomination. That would not happen. Having said that, we feel we must make another effort. Therefore, I ask unanimous consent that the Senate proceed to executive session; that the nomination of Dennis Shedd, to be a Fourth Circuit judge, be discharged from the Judiciary Committee and placed on the calendar; further, I ask unanimous consent that at a time determined by the majority leader, after consultation with the Republican leader, the Senate proceed to a vote on the confirmation of the nomination, with no intervening action or debate; that following the vote the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

Finally, I ask unanimous consent that this action occur prior to the adjournment of the 107th Congress.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. DASCHLE. Let me respond briefly. It has been the practice of the Senate, since we have been in the majority, to take up all nominations that have been reported out of the committee. This nomination has yet to be reported out of the committee. There have been a number of others who have sought recognition and have asked to be heard on the Shedd nomination, which is why the nomination was tabled.

I hasten to add that, on that very day—I don't recall the exact number—a significant number of judicial nominations were passed out. I believe the number was 17. So there are 17 additional judicial nominations, which brings us close now to 100 judicial confirmations, if we deal with those 17 pending now on the calendar. More than 80 have already passed and were confirmed, and we have 17 pending and could be confirmed before the end of the year. That is close to an all-time record. I think that is all the more laudatory, given the fact that we have not been in the majority for the entire 2-year period of time. During that first 6-month period of time, the Republicans failed to confirm one judicial nomination; they failed on all counts to confirm even one. So the Shedd nomination is being reviewed. There are others who wish to be heard, and I respect the decision made by the chairman, in particular, that this nominee be given additional consideration, and that others who want to be heard be given that opportunity as well.

I do object.

Mr. LOTT. Mr. President, will the Senator yield for a question and a suggestion?

Mr. DASCHLE. I will be happy to yield to the distinguished Republican leader.

Mr. LOTT. Mr. President, we are in session this week—today and I presume tomorrow. I guess there is a possibility we will be in session again next week. In view of the commitments that were made that this nominee would be considered by the committee, is there a chance there would be another executive session or markup session of the Judiciary Committee either tomorrow or next week to further consider this nomination, because at least 2 weeks will have transpired between the last time it was supposed to be considered and when the Senate would go out for the election, and possibly even after the election?

The majority leader will note my UC just asked consent that it occur before the adjournment of the 107th Congress. I did not say today or next week, although, obviously, I feel strongly it should be considered soon. Is there a possibility something could be worked out in this regard?

Mr. DASCHLE. Mr. President, there is always a possibility, and I will certainly work with the Republican leader on all the nominations. He and I have talked on numerous occasions about how we might accommodate all of those nominees whose names are pending on the calendar. We have not yet been able to address those.

I would like very much to clear the calendar, to do as much as possible to get those who have been reported out cleared and confirmed prior to the time we leave. Clearly, I would work with him and certainly with the Judiciary Committee. I cannot make any commitments this afternoon without consultation with the Chair. But I think the committee has been more than fair and more than productive in its effort to move out of the committee the large number of nominations, both at the district and circuit levels. I will certainly consult with the distinguished Republican leader and the Chair in the coming days.

Mr. REID. Will the Senator yield for a question?

Mr. DASCHLE. I will be happy to yield to the Senator from Nevada.

Mr. REID. The Senator is aware when the Republicans were in the majority, we tried on a number of occasions to get a significant number of judges to have hearings. For example, I can remember last week Senator BOXER spoke to me about judges in California who waited over 4 years to have a hearing. Does the Senator recall that?

Mr. DASCHLE. Unfortunately, I do. I think if we go back, we would recognize there are a number of nominees who waited 3 and 4 years and never even got a hearing. Mr. Shedd was at least given a hearing. As I say, people are continually coming before the committee and seeking additional opportunities to address the committee on the Shedd nomination. That is far more than what a number of the nominees were given over the course of the Clinton administration.

We are hoping to rectify that, which is why we have confirmed as many judges as we have to date. As I say, almost 100 judges will have been confirmed if we clear the Federal calendar prior to the time we adjourn sine die.

I yield the floor.

The PRESIDING OFFICER. The Republican leader.

Mr. LOTT. Mr. President, I believe I still have the floor. I was asking the Senator to yield. He was still, I guess, proceeding under his objection. I take my time back. I would like to put some other issues into the RECORD.

Mr. President, I do want to respond to the comments about the nominations that have been confirmed and those that are still pending. There have been 131 judicial nominations submitted by President Bush during the 107th Congress—32 U.S. circuit nominees; 98 district nominees, and one U.S. Court of International Trade judge. So far, 80 of the 131 nominees have been confirmed—14 U.S. circuit court judges and 66 district court judges. But the key figure is that there are still 49 nominations pending before the Senate, without final action 49 nominations. There are still 31 nominations pending in committee. Of the 16 U.S. circuit court positions that have not been confirmed—15 are still in the committee, just one is on the floor, and that one is the nominee for the Sixth Circuit, Mr. John Rogers, who has been pending on the Executive Calendar since July.

I thought there had been an agreement that we would move that nomination before the August recess. Again, that circuit court nominee has been pending on the Senate floor since July—almost 4 months ago. And there are 15 other circuit nominees in committee, some of whom have been waiting over 500 days without even a hearing.

As to district court nominees, there are still 15 of them in committee as well, and the 17 that are on the floor for consideration were just reported last week. I hope we will at least confirm those nominations before we leave, although on many occasions, we had to have recorded votes to move even district judges. I wonder if that means we are going to have to have 12, 14, 16, 17 recorded votes in the Senate on district judges to get them confirmed before we adjourn for the year. And, of course, the one USIT position is still pending in Committee and has been since December of last year.

The key point is the alarming number of vacancies on the federal courts—77, which is almost 10 percent of federal judgeships. I understand from the Judicial Council and from the Chief Justice, that over 30 of these nominations are for seats that are considered emergency vacancies that need to be filled.

We can always talk about percentages and numbers, Mr. President. For example, so far only 43 percent of this President's circuit nominations in his first 2 years have been confirmed. President Clinton got over 86 percent of his circuit nominees confirmed in his first 2 years in office, the first President Bush got 96 percent and President Reagan got 95 percent. Only 43 percent of circuit court judge nominations have been confirmed in this Congress compared to almost 90 percent for other Presidents over the past 20 years. That is a problem.

I know there have been disagreements in the past about nominations when I was majority leader, but we did move large blocks of nominations. We had some approved that were very controversial and others were not moved in the final analysis.

The problem with this particular nomination is not only the exceptional qualifications of the nominee and his history as a former judiciary committee staffer, but more importantly, the way Senator THURMOND has been treated in the process. Judge Shedd is eminently qualified for the job. He is a former staff director of the Judiciary Committee. And he has been a sitting Federal district judge for over a decade, confirmed by the Senate, probably unanimously. Nevertheless, after Senator THURMOND was given the word that he would have this nomination voted on before the year was out, this nomination was pulled from the calendar of the committee's last markup.

Mr. President, that is simply a tragic conclusion to an almost five-decade career in the Senate. It is also in my view a violation of the unwritten rules of civility about which we all talk and aspire to in the Senate. That is why I will make a continued effort to find a way for this nominee to be considered by the committee and confirmed by the Senate in this Congress before Senator THURMOND retires. Senator THURMOND, Judge Shedd, and the American people deserve better. Senator THURMOND as an icon of this institution in his final days deserves better. And the honor and traditions of the U.S. Senate deserve better.

I yield the floor.

EXHIBIT 1

SHEDD'S BACKGROUND

Appointed by President George H.W. Bush to the United States District Court for South Carolina in 1990, Dennis W. Shedd has served as a federal jurist for more than a decade following nearly twenty years of public service and legal practice.

In addition to his service on the District Court, he has sat by designation on the Fourth Circuit Court of Appeals on several occasions. Judge Shedd also has served on the Judicial Conference Committee of the Judicial Branch and its Subcommittee on Judicial Independence.

From 1978 through 1988, Judge Shedd served in a number of different capacities in the United States Senate, including Counsel to the President Pro Tempore and Chief Counsel and Staff Director for the Senate Judiciary Committee.

Judge Shedd is well-respected by members of the bench and bar in South Carolina. According to South Carolina plaintiff's attorney Joseph Rice, "Shedd—who came to the bench with limited trial experience? has a good understanding of day-to-day problems that affect lawyers in his courtroom . . . He's been a straight shooter." [Legal Times, May 14, 2001.]

According to the Almanac of the Federal Judiciary, attorneys said that Judge Shedd has outstanding legal skills and an excellent judicial temperament. A few comments from South Carolina lawyers: "You are not going to find a better judge on the bench or one that works harder." "He's the best federal judge we've got." "He gets an A all around." "It's a great experience trying cases before him." "He's polite and businesslike."

Plaintiffs lawyers commended Shedd for being even-handed: "He has always been fair." "I have no complaints about him. He's nothing if not fair." [Almanac of the Federal Judiciary, Vol. 1, 1999.]

Judge Shedd would bring unmatched experience to the Fourth Circuit. He has handled more than 4,000 civil cases since taking the bench and over 900 criminal matters. In fact, no judge currently sitting on the Fourth Circuit has as much federal trial experience as Judge Shedd, and none can match his ten years of experience in the legislative branch.

Shedd's record demonstrates that he is a mainstream judge with a low reversal rate. In the more than 5,000 cases Judge Shedd has handled during his twelve years on the bench, he has been reversed fewer than 40 times (less than one percent). Since taking his seat on the Fourth Circuit in 2001, Judge Roger Gregory (a Democrat appointed by President Bush) has written opinions affirming several of Judge Shedd's rulings.

Mr. SANTORUM. Mr. President, will the Senator from Mississippi yield?

Mr. DASCHLE. Mr. President, what is the regular order?

The PRESIDING OFFICER (Mr. CARPER). Under the previous order, the Senator from Maryland, Ms. MIKULSKI, is recognized for 5 minutes. The Senator from Maryland.

ATTACKS ON THE CAPITAL REGION

Ms. MIKULSKI. Mr. President, this past year has been a challenging time for residents of the capital region. First there was the September 11 attack on the Pentagon. Then there were the anthrax attacks, and now a serial sniper is terrorizing the national capital region, attacking innocent people going about their daily lives. These attacks affect each and every one of us.

Here in the capital region especially, there have been seven attacks in Montgomery County and in Prince George's County in my own home State of Maryland. The sniper has also made three attacks in Northern Virginia. Our friends and our neighbors have been either injured or killed. Our schools are now locked down. Eleven of our neighbors have been shot, nine people have died, two others are still fighting for their recovery, including a child who was shot as he walked into his school in the accompaniment of his aunt, a nurse.

These senseless and brutal murders have left grieving families and terrified our communities. I wish to express my sympathy for the families of the victims. I want them to know they are not alone; that I am on their side and at their side; and also that the resources of the Federal Government are at the disposal of local government and local law enforcement to catch this criminal.

We in Maryland are deeply grateful for the support of President Bush, who has pledged the support of every Federal agency to be at the disposal of local government and local law enforcement.

I thank the Attorney General, Mr. Ashcroft, and the FBI Director, Mr. Mueller, for their immediate response when these attacks on our civilians occurred.

This killer must be brought to justice. It is going to take persistence and patience. It is going to take great detective work, which is already underway. I want everyone to know that just like the manhunt is not going to go away, Federal support is not going to go away, and the resources are not going to go away until this criminal is brought to justice.

So many of my colleagues have expressed their support. They have asked me how my constituents are doing. Well, let me tell everyone what I know about the Marylanders I so proudly represent. We Marylanders strongly believe when times get tough, the tough get going. We are unflinching in our determination to get through these attacks, to stand with each other, and to do all we can to support law enforcement to catch the criminal, to keep our businesses open, and also to make sure our children are safe.

We are particularly sensitive to these issues, but our grief and shock must be coupled with action. Congress must respond with deeds, not just words. This is why I believe one of our first actions should be to pass something called the

BLAST Act. The BLAST Act deals with ballistic fingerprinting. It was introduced by our colleague, Senator KOHL. It would keep a database that includes the fingerprint of every bullet and shell to enable law enforcement to solve crimes by providing a scientific link between gun crimes and their owners.

Ballistic evidence has already helped us determine that these shootings were linked to the same killer. We now need the kind of legislation that just as we take fingerprints of criminals, we need to have the same type of fingerprinting on guns.

I know this is controversial, but let's begin the debate. Let's move this legislation through the committee. I know there are issues related to technology, there are issues regarding those who want to tamper with a gun in some way, but this is the United States of America. We have the genius in regard to technology. Let's solve the problems by doing something to make ballistic fingerprinting available, reliable, and accurate. Let's not solve it by doing nothing and saying there are too many problems.

My constituents want action. They want us to not only find the criminal, but they want us to prevent these type of deeds from being done again. So this is why I support the BLAST Act. I am a proud cosponsor and hope to vote for it in the Senate.

Unfortunately, the sniper is not the only killer who attacked our region and the people living in it. One year ago today, a letter containing the deadly anthrax was opened in the Senate. Before that letter reached the Senate office building, it passed through the Brentwood postal facility, exposing workers to its deadly contents. On this anniversary, I want to express my deepest condolences to the families who suffered in these attacks, particularly the families of two postal workers who died from anthrax exposure, my two constituents, Joe Curseen, Jr., and Thomas Morris, Jr. Both of these men lived in Maryland. They were public servants. They were patriots. They died in the service of their country.

I want them to know I will continue to stand sentry to make sure we will not forget them. America must not only remember the sacrifices they made and the pain felt by their families but the fact that every single postal worker continued to work, show up for duty, deliver the mail and was unflinching and unabashed in fulfilling their duty as postal workers.

I was proud to join with my colleagues in the House, Representatives WYNN and NORTON, in passing a bill to rename the Brentwood facility after Mr. Curseen and Mr. Morris, but I want to do more. The postal workers are scared. Little is known about the long-term effects of possible exposure to anthrax. Some are quite ill and continue to be ill. This is why I will be offering legislation calling on HHS to examine the effects of anthrax exposure on the long-term health of our postal workers.

I also want to thank every Senate employee who, though we have been faced with anthrax, continue to keep the doors of the Senate floor open. Thanks to our personal staff, our professional staff, to the pages, to the elevator operators, everybody, we survived that attack, and we survived it because we stuck together. God bless them, and God bless America.

The PRESIDING OFFICER. The time of the Senator from Maryland has expired.

Mr. REID. Mr. President, what is the regular order?

COMMITTEE ON APPROPRIATIONS REPORTING THIRTEEN APPROPRIATIONS BILLS BY JULY 31, 2002

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of S. Res. 304, which the clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 304) encouraging the Senate Committee on Appropriations to report thirteen, fiscally responsible, bipartisan appropriations bills to the Senate not later than July 31, 2002.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I am pleased the Senate has begun debate on the extension of several critically important budget enforcement tools. I want to thank the majority leader, Senator DASCHLE, for bringing up this important matter and for finding the time for this Senate debate.

I know that floor time is scarce and there are many other important priorities for this Senate, but I believe this amendment, authored by myself, Senator DOMENICI, Senator GREGG, and Senator FEINGOLD, is one of the most important measures the Senate will vote upon this year.

As I have indicated, I am especially pleased to be joined in this amendment by the distinguished ranking member of the Budget Committee, Senator DOMENICI.

The amendment that we offer today represents a major step in preserving fiscal discipline in the Senate. The bipartisan amendment includes a 1-year extension requiring 60 votes in the Senate to waive certain Budget Act points of order. The extension would continue the 60-vote waiver of these points of order against legislation that would, among other things, decrease the Social Security surplus, increase spending, or cut taxes beyond levels specified in the most recent budget resolution.

A 1-year extension of the Senate pay-as-you-go rule that has been in effect since 1993 is also included. This Senate rule requires 60 votes to waive a point of order raised against direct spending or tax cut legislation that would increase the deficit, further tapping into the Social Security surplus. In addition, the resolution extends the pay-as-you-go rule to mandatory spending items added to appropriations bills.

If you pierce the veil, because that is a lot of technical language that is important, the fundamentals of this amendment are very simple. This is a question of whether or not we are going to have the budget disciplines we have had in place for most of the last decade that proved to be so important to having fiscal discipline in the Congress.

This amendment will help protect Social Security. As previously mentioned, it extends the Senate pay-go rule which helps to prevent use of the Social Security surplus for tax cuts or mandatory spending. It will extend the requirement for 60 votes to waive a point of order against a reconciliation bill that would make changes in Social Security. It will extend the requirement for 60 votes to waive a point of order against a budget resolution that would reduce the Social Security surplus, and it will extend the requirement for 60 votes to waive a point of order against legislation that would reduce the Social Security surplus.

This amendment does not accomplish everything I would like to accomplish. Back in June, Senators DOMENICI and FEINGOLD and I offered an amendment to the Defense authorization bill that would have included all of the elements of this amendment but also would have gone further.

At that time, we recommended to our colleagues to set a limit of $768 billion on discretionary spending for fiscal year 2003 and a required 60 votes to waive a point of order against legislation that would exceed that limit. We offered an extension of the statutory rules that would enforce that discretionary limit through sequestration. We also would have extended the statutory pay-as-you-go rules that require that increases in mandatory spending or tax cuts be paid for and that enforce requirement for sequestration.

Although we had bipartisan support for that amendment, we fell one vote short of the supermajority that was required. The President will recall on that day we had 59 votes to extend the enforcement procedures on the budget, 59 votes for a spending cap. But 59 votes was not enough. The rules require that we have the supermajority of 60 votes; we fell 1 vote short.

Senator DOMENICI, the ranking member of the Budget Committee, stood with us in that effort. Senator STEVENS, the ranking member of the Appropriations Committee, stood with us on that vote. Senator MCCAIN, a prominent Republican Presidential candidate, stood with us on that vote.

Again, we did not achieve the 60 votes necessary to have that measure passed.

I would still like to put in place a limit on discretionary spending and extend the more comprehensive package of enforcement tools on which we voted that day. Getting agreement between the House, Senate, and the White House on a discretionary spending limit is not possible right now. For now, we have to take this different approach, even though it is more limited. Because of the importance of extending Senate rules enforcing limits on mandatory spending and tax cuts, Senator DOMENICI and I agreed to proceed with this simple Senate resolution.

Let me be clear; this is not a budget resolution. There has been some discussion, and I know Senator DOMENICI expressed concern to me. He is right; this is not a budget resolution. This is a measure that extends budget enforcement procedures in the Senate. It extends the expiring requirements for 60 votes in the Senate to waive the point of order relating to mandatory spending and tax cuts. It is, unfortunately, silent on the level of discretionary spending for fiscal year 2003.

Again, while this is not everything I want or everything that needs to be done to ensure fiscal discipline, I am convinced this is all that is possible today. It represents a very important step forward in the fight for fiscal discipline. I urge my colleagues to support this amendment. Let us demonstrate to the American people that the Senate has not abandoned budget discipline.

AMENDMENT NO. 4886

I call up my amendment which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Dakota (Mr. CONRAD), for himself, Mr. DOMENICI, Mr. FEINGOLD, and Mr. GREGG, proposes an amendment numbered 4886.

Mr. CONRAD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike all after the Resolved Clause and insert the following: That the Senate encouraging the Senate Committee on Appropriations to report thirteen, fiscally responsible, bipartisan appropriations bills to the Senate not later than July 31, 2002. :

SEC. . BUDGET ENFORCEMENT.

(a) EXTENSION OF SUPERMAJORITY ENFORCEMENT.—

(1) IN GENERAL.—Notwithstanding any provision of the Congressional Budget Act of 1974, subsections (c)(2) and (d)(3) of section 904 of the Congressional Budget Act of 1974 shall remain in effect for purposes of Senate enforcement through September 30, 2003.

(2) EXCEPTION.—Paragraph (1) shall not apply to the enforcement of section 302(f)(2)(B) of the Congressional Budget Act of 1974.

(b) PAY-AS-YOU-GO RULE IN THE SENATE.—

(1) IN GENERAL.—For purposes of Senate enforcement, section 207 of H. Con. Res. 68 (106th Congress, 1st Session) shall be construed as follows:

(A) In subsection (b)(6), by inserting after "paragraph (5)(A)" the following: ", except that direct spending or revenue effects resulting in net deficit reduction enacted pursuant to reconciliation instructions since the beginning of that same calendar year shall not be available".

(B) In subsection (g), by striking "2002" and inserting "2003".

(2) SCORECARD.—For purposes of enforcing section 207 of House Concurrent Resolution 68 (106th Congress), upon the adoption of this section the Chairman of the Committee on the Budget of the Senate shall adjust balances of direct spending and receipts for all fiscal years to zero.

(3) APPLICATION TO APPROPRIATIONS.—For the purposes of enforcing this resolution, notwithstanding rule 3 of the Budget Scorekeeping Guidelines set forth in the joint explanatory statement of the committee of conference accompanying Conference Report 105–217, during the consideration of any appropriations Act, provisions of an amendment (other than an amendment reported by the Committee on Appropriations including routine and ongoing direct spending or receipts), a motion, or a conference report thereon (only to the extent that such provision was not committed to conference), that would have been estimated as changing direct spending or receipts under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 (as in effect prior to September 30, 2002) were they included in an Act other than an appropriations Act shall be treated as direct spending or receipts legislation, as appropriate, under section 207 of H. Con. Res. 68 (106th Congress, 1st Session) as amended by this resolution.

Mr. CONRAD. At this point, I thank my very able colleague, the ranking member of the Budget Committee, who has provided leadership to this body on these issues for a very long time and is keenly committed to the budget process, and who is deeply committed, as well, to fiscal discipline.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, it is very late to be talking about this, but better late than never. So we will get something, rather than nothing.

Perhaps people are wondering what we are doing. If you think back the last 8 or 9 months, a vote will occur in the Senate, only in the Senate; a vote is going to occur, and someone stands up and makes a point of order to honor the Budget Act.

When you first do one of these, it is something big. I remember making one and you wonder what is going to happen. The staff told you how to do each little thing, and when it came time to vote, you wondered if you really did it. But it is a very heavily used situation in the Senate.

Members call up an amendment. It costs a lot of money either in program authority or outlays. The money is not found in the budget resolution that should have already been passed. Members get up and say: I am asking that that amendment be deemed invalid because it violates the Budget Act. Another Senator says: I move we waive this budget point of order under the Budget Act. Then Members state which part or provision to be waived.

What happens in that situation, from that point forward? If you call up that amendment, you need 60 votes. Many Americans, especially academicians, are wondering what happened to the Senate: Have we stopped being a body where the majority prevailed? Don't we have majority rules anymore?

The Budget Act provides an opportunity within its language—and it is only a 25-year-old statute—that if you violate the Budget Act by introducing and calling up an amendment or a bill, you can ask that it be deemed null and void, and the other side says: I want to try a waiver.

How effective has this been? We put this together with the first President Bush a number of years ago. We did not know it would be so effective. Let's see how effective it has been.

Fifteen Budget Act points of order that would have reverted now to simple majority votes, in a budget point of order, have been raised 65 times. Republicans raised 47, Democrats raised 18. Only eight times did these points of order get waived by having 60 votes or more.

When this rule for 60 votes first came about, we were talking about a constitutional amendment to balance the budget. Someone said: How in the world are you going to enforce it? So if you read the constitutional amendments—and the American people thought they absolutely prevailed—it said the only way you could violate that was by 60 votes in the Senate. That was borrowed, not knowing how well either of them would work, the one that didn't happen or this one, but here it worked.

What happened? To those who are listening to this strange talk, that side of the aisle, the Democrats in the Senate, had a responsibility many months ago to pass a budget resolution. We have passed a budget resolution every year, sooner or later, since we have had a Budget Act. You come down to the floor and you give to the Senate an opportunity to vote on the big issues that will be part of a budget, saying how much will be spent and included within it or the entitlement programs, and obviously if there are big increases, you show them. Then you adopt that budget resolution.

That is the instrument around here for fiscal responsibility. Some people do not think it is strong enough; others think it is too complicated; others think it is too porous. But nobody denies if you do not have it around, the void will be worse than having it.

So months went by, and we did not get a budget resolution because the Democratic side, under their leadership, did not produce one we could pass. Then we started to talk, the chairman and I, about maybe we ought to save a piece of this. This is the piece we decided to try to save.

I hope all the Senators understand that, of the issues to be voted on, the most significant opportunity to save taxpayers' money for the next year is this little resolution.

Let me repeat that. If anybody wants to go home and say, "I really watched out for your taxes, but I voted against this particular resolution," you can count on this Senator—and I am sure the Chairman will stand up and say count on him—to say you voted "no" on the most important opportunity to save expenditures of this whole year.

Somebody will come up with an entitlement program we have all been waiting for and we do not have it because it is too expensive, and we will be stirring around saying, What do we do? We are going to lose this one.

We would not lose this one, if this was the law because we would start telling everybody it violates the budget. Then pretty soon when we finish debate, that 60 votes would come into effect. It will not be in order unless this little resolution is adopted by the Senate.

It is very short. It is only in the Senate. You don't have to take it to the House because the budget resolution is a resolution, and this part of the budget does not apply in the House. So we have to do it. We are doing it. Frankly, I hope whatever the arguments are made, we can straighten them out and vote for it.

I told Senators what it said about entitlement spending programs. It also says if this is part of the way you do business, you have this resolution adopted and you want to cut taxes, if, in fact, your budget is not balanced, you have to put into your budget resources to make up what you are taking out by taxes.

Some will not like that. But we get both together because if you want one, you have to take the other. That is the way we have done the law. That is how we have lived under it.

My friend Senator GRAMM, who had been an ardent apostle of this 60-vote margin and this approach, has his own version as to why he would like it not to happen for a while. He will offer his own amendment and we will debate again.

I hope he will not win unless, after we discuss it with him, it essentially is about the same resolution we talked about here, and it will take up expenditures and not taxes.

I understand he has a very legitimate concern. But I tell you, so do I. I have a big concern. We had 4 years of balanced budgets and that was great. The American people liked that, and the markets in America liked that, and the foreign investors liked that, and we had very low interest rates, which were very good for Americans. I do not intend to carry on a debate, unless somebody cares to, as to who caused it. Many factors caused it. But we are now back into an unbalanced situation.

If we had had these provisions in when we had a surplus and we would not vote for new expenditures, or to cut taxes unless we had paid for them, or unless they were in the budget resolution, then why wouldn't we have it now when we have this huge deficit? Unless we are providing for something absolutely important—such as war or the continuation of a recession that lasted a long time—in those cases, obviously the Senate would say the 60 votes are not so hard to make; let's vote and get it done so we can spend the extra money.

We know of no better way to maintain our system—which should have been 51 votes, majority vote—no way of putting it in a mode where it can take care of excessive spending by corralling excessive spending and the extra tax cuts with a resolution that says we choose, ourselves, to restrain spending by enacting a law, in effect, that restrains us. It puts a little collar around us and tightens us.

I have some additional remarks that go into a little more history, but I have a hunch we will talk more at some point. When I first started talking about this, I went to talk to Senators on that side of the aisle. I note the presence of one of the Senators, who asked me then: If you do this, please put me on. We did add the Senator as we said we would. I assume the Senator still agrees we ought to have the 60-vote majority requirement?

Mr. REID. If the Senator will yield, I know the Senator from Wisconsin has wanted to speak for some time.

I speak for the entire Senate when I say how much I appreciate the leadership of Senators Conrad and Domenici. I think, as Senator DOMENICI has said, we could have a long, drawn-out debate on why we are in this economic situation. The two managers of this bill have decided to go the path less traveled in recent months and talk about what is really the best thing for the country. There is no question the best thing for the country is to have fiscal constraints that are not mandatory unless we pass this legislation. I hope we can quickly resolve this issue. It is so important for us and the future of this country.

Again, I compliment and applaud the two managers of this bill for working together in a bipartisan fashion to allow us to get to the end of the road, where we need to get on this issue.

Mr. DOMENICI. Mr. President, I want to ask the Senator from Wisconsin if he is going to join us.

Mr. FEINGOLD. I support it.

Mr. DOMENICI. I am going to stop in a minute and let him speak. But I believe we need 60 votes at some point on this resolution. I hope Senators will understand we have drawn it in the fairest way possible. If somebody thinks we should only apply it to the entitlements, then I am afraid half the Senate will vote against it because they would say: "It started with both; it is only for 1 year; let's see how it works."

Even in better times, I think we ought to have it on the books rather than have nothing.

I will be back to talk to Senators again about it, once Senator GRAMM has come to the floor. Maybe he can find some amendments that will make his concerns disappear, in which event this Senator will be helping him.

Parliamentary inquiry: Is there any parliamentary order with reference to when we might vote on this?

The PRESIDING OFFICER. Not at this time.

Mr. DOMENICI. I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. DOMENICI. I ask the Senator to yield for 30 seconds.

Mr. FEINGOLD. I yield to the Senator from New Mexico.

Mr. DOMENICI. I ask unanimous consent that Senator JUDD GREGG be shown as an original cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FEINGOLD. I ask the Chair to confirm that I am an original cosponsor of this as well.

The PRESIDING OFFICER. The Senator is correct.

Mr. FEINGOLD. Mr. President, I rise to join the Chairman of the Budget Committee, Chairman CONRAD, the Ranking Republican Member, Senator DOMENICI, and the Senator from New Hampshire, Senator GREGG, in offering this amendment to extend the budget process.

Exercising the power of the purse is among Congress's most important responsibilities. Justifiably, there has been much concern in the Nation about how Congress has exercised and will exercise its responsibilities under the Constitution's war powers, and certainly that is a grave and consequential responsibility. But we should recall that the way that the Congress ended the Vietnam war was through the exercise of the power of the purse, by constraining spending. The power of the purse is a momentous power.

Article I, section 9, of the Constitution reserves the power of the purse with Congress through the admonition that:

> [n]o Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law . . . .

Interpreting that power, our Founder James Madison wrote in the "Federalist Papers":

> They, in a word, hold the purse that powerful instrument by which we behold, in the history of the British Constitution, an infant and humble representation of the people

> gradually enlarging the sphere of its activity and importance, and finally reducing, as far as it seems to have wished, all the overgrown prerogatives of the other branches of the government. This power over the purse may, in fact, be regarded as the most complete and effectual weapon with which any constitution can arm the immediate representatives of the people, for obtaining a redress of every grievance, and for carrying into effect every just and salutary measure.

That is what James Madison wrote in Federalist No. 58.

Congress exercises that power of the purse through its rules and through the Congressional Budget Act of 1974. The strength of Congress's power of the purse depends on the orderly rules that the Congressional budget process provides.

Regrettably, those rules and that Congressional budget process largely expired at the beginning of this month. That is why it is so important that the Senate adopt this amendment to extend the budget process.

Our responsibilities under the Constitution would be enough of a reason to extend these rules. But added to that, and making the need for budget rules even more pressing, is the dire turn of affairs that our government's finances have taken in this last year-and-a-half.

In January of last year, the Congressional Budget Office projected that, in the fiscal year just ended, fiscal year 2002, the Government would run a unified budget surplus of $313 billion. In its latest projections, however, CBO now estimates that we will have run a unified budget deficit of $157 billion. That is a dramatic swing of $470 billion—the disappearance of nearly half a trillion dollars—for that 1 year alone.

If, as the law requires, we do not count Social Security surpluses toward that total, then the picture is even more alarming. In January of last year, CBO projected that for fiscal year 2002, the government would run a surplus of $142 billion, without using Social Security surpluses. Now, CBO projects a deficit of $314 billion, not counting Social Security. If that projection holds, it will have been the third-largest on-budget deficit in our Nation's history, rivaling those of the bad old days of 1991 and 1992, when the United States logged its record highest on-budget deficits. Instead of using those Social Security surpluses to prepare for the coming needs of that vital program, the Government has instead been using them to fund other Government programs.

And the baseline projections for the fiscal year just begun bring no respite. For the year that started at the beginning of this month, fiscal year 2003, CBO projects baseline deficits similar to those for the year just ended. For 2003, CBO projects a unified budget deficit of $145 billion, and a deficit of $315 billion, not counting Social Security.

And that is before taking into account the costs of a possible war with Iraq. The Wall Street Journal recently reported that American taxpayers may have to come up with between $100 billion and $200 billion more to wage a war in Iraq, according to President Bush's chief economic adviser. He said that we could have to add $100 to $200 billion to the non-Social Security deficit that CBO says will already be $315 billion this year. If those predictions prove true, yielding on-budget deficits of $415 to $515 billion, then the government would be running the largest on-budget deficits in our nation's history, by far.

Looking into the years to come, one can see little if any relief from the damaging fiscal outlook. CBO projects that under current policies, unified budget deficits will continue until 2006. And without counting Social Security, CBO projects that deficits will continue until 2011, when the sunset of the tax cut brings us back to on-budget surplus again, just barely. And it is among the most fervently-held articles of faith among many on the other side of the aisle that those tax cuts shall not be allowed to sunset.

Over the next 10 years, CBO projects a deficit of more than $1.5 trillion, without counting Social Security. And that is before taking into account a war with Iraq, before taking into account a prescription drug benefit that most Senators agree is needed to bring Medicare up to date, and before taking into account any of the many additional tax cuts that the President and many in the Senate would still like to enact.

It is sad to say that there is no way to look at these numbers without coming to this conclusion.

The government is in dire fiscal circumstances. I am concerned that many elected officials have not yet come to realize how grave those circumstances are.

We must not forget why sound fiscal policy is important. We must stop running deficits because they cause the government to use the surpluses of the Social Security Trust Fund for other government purposes, rather than to pay down the debt and help our nation prepare for the coming retirement of the Baby Boom generation.

We must stop running deficits because every dollar that we add to the Federal debt is another dollar that we are forcing our children to pay back in higher taxes or fewer government benefits in the future. When we in this generation choose to spend on current consumption and to accumulate debt for our children's generation to pay, we do nothing less than rob our children of their own choices which they deserve the opportunity make. We make our choices to spend on our wants, but we saddle them with debts that they must pay from their tax dollars and the sweat of their brow. That is not right.

That is why Senator GREGG and I offered an amendment in the Budget Committee markup of the budget resolution to extend budget rules and set appropriations caps for 5 years.

That is why Senator GREGG and I offered an amendment on the Senate floor on June 5 to extend the budget rules and set appropriations caps for 5 years.

That is why I joined with our distinguished and very able chairman, Chairman CONRAD, on June 20 in yet another attempt to extend the budget rules and set appropriations caps for 2 years. Fifty-nine Senators voted for extending the budget process on that day, just one short of the number we need to adopt such a measure.

That is why I am joining with my Colleagues the Chairman and Ranking Republican Member of the Budget Committee and Senator GREGG to offer this amendment to extend the budget process today.

Yes, I would prefer to strengthen the budget process. I would prefer to do more.

But this is the bare minimum that we should do. The Conrad-Domenici-Feingold-Gregg amendment would provide some minimal restraint on entitlement spending and tax cuts. And we can do no less.

The Senate must preserve its vital role in exercising the power of the purse that the Constitution vests in Congress.

We must stop using Social Security surpluses to fund other government programs. We must stop piling up debt for our children to pay off. We must adopt this amendment and extend the budget process.

I again want to thank the chairman for his leadership and the opportunity to work with him on this issue. I urge my colleagues to support the amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I thank the Senator from Wisconsin, Mr. FEINGOLD, for his strong support of this amendment. I also want to thank him for his contribution on the Budget Committee. He has been a disciplined voice for fiscal responsibility. He has been a leader in trying to bring to the attention of our colleagues how dramatically the budget circumstance of the Federal Government has changed. I thank Senator FEINGOLD for reminding our colleagues of where we were a year ago, where we are now, and where we are headed.

It is critically important that our colleagues, the others on the other side of the Capitol in the other body, and the American people understand how dramatically our fiscal circumstances have changed.

A year ago, we were told we could expect over the next 10 years nearly $6 trillion in surpluses. Now we know with the latest look from the Congressional Budget Office that the money is all gone. If we were just to put in place the President's proposals for spending and revenue over the next decade, there wouldn't be $6 trillion of surpluses. There wouldn't be $4 trillion of surpluses. There wouldn't be $2 trillion. There would be $400 billion of deficits. That is from $5.6 trillion, which we were told a year ago we would have in the surpluses over the next decade, to $400 billion of deficits. That is a $6 trillion swing in 1 year.

Now the question before this body is we are going to leave this place without the fiscal discipline that helped us get deficits under control once before in our history—after the 1980s when deficits were exploding, and we put in place a framework to get us back on track, a framework that worked, a framework that moved us from deficits to surpluses, that led to the longest economic expansion in our history, that led to the lowest inflation in 30 years, and the lowest unemployment in 30 years. Are we going to abandon all of that now?

That is the question before this body. Are we going to have the fiscal discipline that will be critically important to economic recovery? That is the question.

That is what this amendment is about. That is why it is important. That is why I thank Senator GREGG, Senator FEINGOLD, and Senator DOMENICI for cosponsoring this amendment. That is why I ask my colleagues to adopt it.

This is important. It is important not just for the notion of fiscal discipline, but it is important for the economy. When the markets see that we are serious about living within our means, we know that means good things for interest rates, and we know that means good things for the economic strength of America.

That is what this amendment is about. I know there are some who have a different view. I can't think of any good thing that will come from doing away with the budget disciplines that have worked so effectively in this Chamber.

I yield the floor.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). The Senator from Nevada.

Mr. REID. Mr. President, I hope those who wish to speak on the matter now before the Senate will do so. It is 4 o'clock. We understand there are a number from each side who wish to speak. We hope that will occur.

Others wish to speak on other issues. If they feel so inclined, I hope they will come and speak now. We would like to have as little down time as possible before we go out this evening. If there are no amendments or further debate, of course, we can move to third reading. I am told there may be some amendments, but I don't think either leader wants us to wait around here doing nothing on this resolution.

If there are going to be amendments, I hope Members will come and offer them. If not, as I indicated, we can move to third reading at any time.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, what is pending business?

The PRESIDING OFFICER. Amendment No. 4886 to S. Res. 304 is the pending business.

Mr. BAUCUS. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT REQUEST—S. 3018

Mr. BAUCUS. Mr. President, on October 1, Senator GRASSLEY and I introduced a bipartisan Medicare package, the Beneficiary Access to Care and Medicare Equity Act. Our bill would address a number of Medicare payment changes—primarily reductions—that went into effect at the start of the fiscal year. At the beginning of the fiscal year, Medicare payment reductions automatically went into effect in many areas. What were they? Cuts to home health services. Cuts to nursing homes. Cuts to hospitals. One of the most damaging cuts of all, for Medicare physician payments, is scheduled to take place beginning January 1, 2003. This is the second year in a row such physician payment cuts would occur. Mr. President, these cuts threaten access to care for tens of millions of seniors across America.

Sadly, since this bill was introduced, the Administration has indicated that preventing these cuts from going into effect is simply not a priority.

Tom Scully, the administrator of the Center for Medicare and Medicaid Services made this clear last Tuesday. He said:

> It would be fine with the Bush administration if Congress does not pass Medicare provider payment legislation this year.
>
> If I had to guess right now—I guess there won't be any give-back bill.

The White House Office of Management and Budget Director, Mitch Daniels, also said he thinks "the Federal Government cannot afford to pass a Medicare provider give-back bill."

Mr. President, the Administration says it cannot afford, after all the billions that have been spent elsewhere, to restore some of the cuts that have already gone into effect.

The chairman of the House Ways and Means Committee has been equally unenthusiastic about addressing these cuts.

The Administration and the chairman of the House Ways and Means Committee may believe this legislation is not a priority. I respectfully disagree. This bill is a priority. It is a priority for every senior who receives home health care. It is a priority for every senior who receives nursing home care. It is a priority for all Americans of all ages who depend on our teaching hospitals. And it is a priority to anyone who cares about ensuring our seniors receive access to physician services.

Again, a large cut goes into effect for physician services after January 1. Last January, physicians saw their payments cut by 5.4 percent. Already some doctors are talking about leaving Medicare. Why? Because they are concerned that Medicare payments may not be enough to allow them to pay for the costs of caring for seniors.

If this legislation I have introduced with Senator GRASSLEY does not pass, physician payments will be cut again by over 4 percent. This must be changed.

Our bill also is a priority for our children. Under current law, funds for the Children's Health Insurance Program that have not yet been spent are scheduled to be returned to the Federal Treasury. I think this money should remain where it belongs—with the States, helping children. It is helping children who need health insurance benefits. We have about 9,500 Montana kids, and many more children in many other States, who are currently receiving coverage through CHIP. If our bill does not pass, America's kids stand to lose as much as $2.8 billion.

This bill is also a priority for States. We have all heard about the budget problems threatening States in every corner of our Nation, about the possibility of deep cuts to important programs and services, such as Medicaid. Our bill will send an extra $5 billion in fiscal relief to the States to forestall these cuts.

This bill is a priority for rural America. From Montana to Maine, the Medicare payment system continues to discriminate against rural patients and rural providers. Our bill takes strong steps to address these regional inequities.

This bill is a priority. I cannot imagine the administration saying this is not a priority, given all the other areas where we spend dollars. Defense, homeland security, and other issues are vitally important. But our Nation's health is also important, and we should invest in it accordingly.

I cannot believe this administration is saying it is not a priority to prevent these cuts from taking effect. I cannot believe that. Nevertheless, that is what they say. This legislation tries to address that situation so those cuts do not go into effect.

I said this bill is a priority. It is a priority for our seniors. It is a priority for our children. It is a priority for our State governments and rural areas in our country, for anyone who cares about preserving access to quality care in America.

I might add, this is a bipartisan bill. Senator GRASSLEY and I have worked very hard on this legislation. Senator GRASSLEY is the ranking member of the Finance Committee. We worked together at every point to craft this bill. We sought input from our colleagues on both sides of the aisle. We met with our respective caucuses. We worked closely with members of the Finance Committee.

When the Senator from Oklahoma objected to my unanimous consent request almost two weeks ago, he suggested this bill appeared out of nowhere on the Senate floor. That could not be further from the truth.

The Senator also objected to this bill because we lack official CBO scoring. That issue has been cleared, as we received an official estimate of the bill on Friday. CBO estimates this bill would cost about $43.8 billion over 10 years. We guessed it would cost about $43 billion. CBO said our guess is pretty close; it is $43.8 billion.

I believe that is the minimum investment we should make to address the priorities I mentioned. So today as the Medicare payment cuts go into their 16th day, and as many more cuts loom on the horizon in January, I will again ask unanimous consent to pass S. 3018.

Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. 3018, a bill to amend title 18 of the Social Security Act; that the bill be read a third time and passed; that the motion to reconsider be laid upon the table; and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Is there objection? The Senator from Oklahoma.

Mr. NICKLES. Mr. President, reserving the right to object, unfortunately this bill did not go through committee. I ask the Senator if he would modify his request to refer the bill to the Finance Committee to be reported out within 48 hours. Will he be willing to modify his request?

Mr. BAUCUS. I am sorry, I was distracted.

Mr. NICKLES. Correct me if I am wrong, but the Senator is trying to pass his bill which never had a markup in the Finance Committee. I happen to be a member of the Finance Committee. I would like to offer an amendment. I know Senator SNOWE has an amendment she would like to offer. Senator SESSIONS has an amendment he would like to offer, or myself or someone else on the committee to offer on his behalf.

We would like other Members to have a chance to amend the bill. So will the Senator be willing to modify his request to request this bill be referred to the Finance Committee for 48 hours for a markup so all members on the Finance Committee would have a chance to have input on this particular bill?

Mr. BAUCUS. Mr. President, in responding to my good friend from Oklahoma, I have a couple points. First, as my good friend well knows, since he is a member of the committee, this issue, the Medicare provider bill, has been discussed for many weeks. It was in the Finance Committee informally, with several discussions and meetings.

In order to prevent the harm that these Medicare cuts represent, I believe, and I think Senator GRASSLEY believes—we should check with him and make doubly certain—that we should pass this bill now. It makes more sense to pass this consensus bill than to go back and try to make it perfect in the view of some other Senators.

Second, there are very few days remaining in the session. There are very few days remaining before the election occurs. What does that mean? It means under the Senate rules, anybody who wants to frustrate the will of the majority, frustrate the will of 99 Senators, can essentially do so by objecting or by offering amendments.

The Senator knows this because we have had four separate votes on the issues he is indirectly referring to. Any attempt to refer legislation back to a committee for the purpose of offering amendments is really a veto tactic. It is an indirect way of accomplishing the same objective by objecting. As the Senator well knows, the amendments he is thinking of will not pass the Finance Committee, will not pass the floor, and will have the effect of preventing the Medicare provider bill from being enacted.

So in good faith, in order to help millions of Americans, particularly the millions of seniors who need help right away, I could not agree to that modification. If there are other amendments on other issues such as prescription drug benefits, which I know the Senator is indirectly referring to, let us try at a later date to get that passed. We have tried for months, almost a year, to get prescription drug benefits passed, but there has been no breakthrough, there has been no agreement.

But there has been agreement on this Medicare provider bill, basic agreement within the committee and basic agreement between myself, the chairman of the committee, and Senator GRASSLEY, the ranking member of the committee. Let's not let perfection be the enemy of the good.

Seniors need help. They need help right now. The cuts have already started to take effect. So let's pass this legislation, and then we can deal at a later date with the issues to which the Senator is referring. Let us get this bill passed so the seniors can get some help.

The PRESIDING OFFICER. Is there objection?

Mr. NICKLES. Mr. President, I object.

The PRESIDING OFFICER. The objection is heard.

The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I will repeat to my friend and colleague, the chairman of the Finance Committee, I will work with him to try to come up with a package that can pass this Congress this year. I want it to pass, and I want it to be signed into law. To come up with a package that the administration is opposed to means it will not become law.

Some of us want to alleviate some of the problems. This particular bill the Senator has asked to pass by unanimous consent, which means no Senator gets to offer any amendment, flies in the face of Senate tradition.

Senate tradition has always been—I did a little homework on Medicare. Twenty-two of twenty-three significant Medicare changes passed the Finance Committee in a bipartisan fashion and passed the Senate usually with overwhelming numbers—not all the time but usually with overwhelming numbers. So I was sincere in saying let us refer it back to committee, let us have some amendments, let us have some votes, and maybe we can come up with a bipartisan package that then will have momentum to pass on the floor.

I might remind my friend and colleague from Montana, my suggestion was that is the way we should do the prescription drug bill. We did not do that on prescription drugs, and we ended up with no bill. Seniors got zero, and I am afraid if we continue going down this path on the so-called Medicare adjustment give-back bill, they will end up getting zero. I would like for us to provide some assistance by passing something that could become law.

When I objected to this previously—I believe it was a week ago Friday, October 4—there was not a Congressional Budget Office scoring. The bill was just introduced, and I said: How much is it going to cost? To my colleague's credit, he said about forty-some-odd billion dollars, and it was forty-some-odd billions dollars. I said: How much will it cost the first 2 years? Because sometimes these 10-year estimates do not mean a lot but the first year or two does.

He said that over the first 2 years it would be $10 billion. We did get CBO's estimate, and the first year's cost, 2003, was $10.1 billion. The second year's cost, 2004, was $11.8 billion. So the total cost is almost $22 billion the first 2 years, so it is twice as much as it was estimated in the original 2 years. That is real money. Can we do this right?

We have a letter from AARP, and I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AARP,
Washington, DC, October 9, 2002.

Hon. CHARLES GRASSLEY,
U.S. Senate,
Washington, DC.

DEAR SENATOR GRASSLEY: The legislative session is drawing to a close with no Medicare drug coverage in sight. Once again, after years of waiting and with drug costs soaring, beneficiaries and their families find that they get no help from Congress. What they face instead is yet another round of provider "givebacks" that will raise their Part B premiums.

The provider pay hikes enacted in the Balanced Budget Refinement Act of 1999 (BBRA) and the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (BIPA) are already costing beneficiaries $14 billion over ten years in higher Part B premiums. The over $40 billion givebacks package being considered by the Senate will raise Part B premiums even higher—$6 billion in the first five years alone. Less than 10 percent of that package would directly benefit Medicare beneficiaries—the people the program is supposed to be serving.

These added costs to beneficiaries come in addition to double-digit hikes in prescription drug costs for older and disabled Americans, many of whom have little or no options for drug coverage. Employers continue to reduce or eliminate health care coverage. Medigap premiums continue to rise. And now, nine more Medicare+Choice plans are pulling out of Medicare.

AARP opposes giveback provisions without drug coverage in Medicare, and our 35 million members will not understand how the Senate can take this course of action. Our members want providers who treat Medicare patients to be paid fairly. Errors or miscalculations in Medicare payment formulas should be corrected. Fiscal relief to states to avoid drastic Medicaid cuts should be addressed. Those can be done for much less than $40 billion. And it must be done at a far smaller cost to the millions of Medicare beneficiaries still waiting for the Senate to fulfill its long overdue promise of affordable prescription drug coverage.

Sincerely,

WILLIAM D. NOVELLI.

Mr. NICKLES. AARP, which I do not always agree with, basically says—I will read this one sentence:

> AARP opposes give-back provisions without drug coverage in Medicare, and our 35 million members will not understand how the Senate can take this course of action.

They have stated they are opposed to doing a give-back bill on a stand-alone basis.

The House passed a Medicare adjustment bill, or give-back bill, in addition to passing prescription drugs. I know the Senator from Maine has indicated an interest in trying to do that. Asking unanimous consent to pass it without amendment would deny the Senator from Maine the opportunity to offer an amendment either in committee or on the floor. It would deny the Senator from Alabama the chance to do more for a rural provider wage adjustment, which I know Senator SESSIONS has repeatedly said he wanted to address. He should at least have that opportunity, either in committee and/or on the floor. To do something strictly by unanimous consent denies them that opportunity.

I make those points, but I am still willing to work with our colleagues to see if we can do an affordable bill, one that can pass both the House and the Senate and be signed by the President this year. Maybe that is this week, maybe it is next week, maybe it is the week after election, but I am willing to do that this year. I am willing to try to get all parties together so we can actually not make campaign statements but we can change the law and have that law changed by a signature of the President. I think that is doable, but we are going to have to get all parties together, and to my knowledge that has not happened at this point.

I yield the floor.

Mr. HATCH. Mr. President, today I rise to join my colleagues on the Senate Finance Committee in cosponsoring S. 3018, the Beneficiary Access to Care and Medicare Equity Act of 2002. Although this bill does not include all that I would have wanted, and indeed includes some provisions, with which I disagree, on balance, I believe it is necessary to pass such a bill this year in order to provide needed assistance to both Medicare providers and beneficiaries.

I would like to take this opportunity to express my strong support for provisions contained in S. 3018 which increase reimbursement rates for physicians, skilled nursing facilities and home health agencies. Physicians' Medicare reimbursements were reduced by approximately 5 percent in 2002. Unfortunately, the estimates used by the Centers for Medicare and Medicaid Services, CMS, when calculating the physician payment formula were erroneous in some cases, and, regrettably, physicians will continue to be subjected to large cuts in future years if Congress does not take appropriate action. This is simply not fair to physicians or their patients.

Doctors in Utah have been calling me about this issue since late last year and have explained to me over and over again that these reductions will have a lasting, negative impact on patient care. Some Utah physicians have told me that they will no longer accept Medicare patients or, even worse, are thinking about dropping out of the Medicare program all together. And what impact does that have on patients, especially those in rural areas? In my opinion, there is no question it could lead to reductions in the number of Medicare providers in rural areas. And, for those who are left, it will be virtually impossible to spend quality time with patients.

Is this our goal? I do not think so. And I will be doing everything possible to increase reimbursement rates to physicians to help them continue to provide the high quality care that patients so deserve.

Another important component of S. 3018 is the valuable assistance this bill provides to rural states, such as my home state of Utah. S. 3018 incorporates many of the recommendations included in the Medicare Payment Advisory Commission's, MedPAC, 2001 report on rural health care. This report found that beneficiaries living in rural areas encounter more obstacles when receiving health care than those who live in urban areas, primarily due to cost barriers. In addition, the MedPAC report stated that rural hospitals have had lower Medicare inpatient margins than urban hospitals throughout the 1990s. This gap has widened from less than a percentage point in 1992 to 10 percentage points in 1999. These statistics not only apply to inpatient care, but also to most Medicare services in rural regions of our country. In the end, the report states the obvious, current Medicare payment policy places rural communities at a distinct disadvantage and changes are necessary. S. 3018 takes steps toward addressing these important concerns and attempts to provide equity between rural and urban Medicare providers and patients. In my book, this is sorely needed.

In addition, it is important to me that Medicare funding for Skilled Nursing Facilities, SNFs, is included in S. 3018. I have heard from facilities across my State about the dire financial situation many SNFs are facing due to reduced Medicare spending in fiscal year 2003. SNFs care for our nation's most vulnerable seniors and provide valuable medical assistance to these Medicare beneficiaries and their families. I have been working with both Finance Committee Chairman Senator MAX BAUCUS and Ranking Republican CHUCK GRASSLEY on this important matter. While I am pleased that the Senate Medicare provider give-back bill provides more money to SNFs than the House-passed bill, I believe that the funding level for SNFs should be even higher. I intend to continue to work with my House and Senate colleagues on improving the Medicare reimbursement rates for SNFs.

I also am pleased that S. 3018 includes provisions that will eliminate the 15 percent reduction in home health payments. There is no question in my mind that home health services are among the most valuable Medicare provides. Home health agencies are providing compassionate, caring services which, quite simply, help keep beneficiaries out of more costly institutional settings. Home health agencies across my State have urged me to support the elimination of this cut. They have shown me how these potential cuts could cause many home health providers in Utah to go out of business. Over my Senate career, I have been extremely supportive of home health services, and will continue my advocacy for this important program.

The preceding things having been said, one great concern that I have with S. 3018 is the impact that this legislation could have on small durable equipment manufacturers in Utah. The bill contains provisions on competitive bidding which my constituents believe could drive them out of business. On the one hand, I do recognize the need to ensure efficiency in spending for scarce Medicare dollars. On the other hand, though, I am deeply concerned about the effect this legislation could have on these companies. I am working with CMS officials and my Utah manufacturers to resolve concerns that have been raised about the competitive bidding program included in this bill and will do everything possible to protect small durable medical equipment companies in Utah and across the country.

Let me also mention the Medicaid program. There is no secret that the majority of States are running deficits in this program, expected to reach $58 billion during this fiscal year. Adding to the urgency is the fact that States have also used up two-thirds of their cash and their "rainy day" funds. According to a recent survey by the National Conference of State Legislatures, more than 40 States had instituted some kind of spending freeze or an across-the-board cut and 22 states have cut Medicaid funds.

Included in the Baucus-Grassley legislation is a provision that would direct some funds back to the States for their Medicaid programs. This legislation increases the Federal medical assistance percentage by 1.3 pecent for 12 months. Additionally, it directs $1 billion in state fiscal relief grants for Fiscal Year 2003.

In a perfect world, this is not the approach I would have preferred we take to address the issue of fiscal relief for States. I have doubts about the advisability of using an entitlement program to address a shortfall in State funds. The precedence for linking an entitlement program to the economy is unsound policy, in my opinion. If we had adopted that policy years ago and were consistent in following it in good times as well as bad, FMAP rates would have been lowered in the 1990s when States were experiencing surpluses, resulting in the current FMAP rates being much lower than they are now. I am also very concerned that this "temporary fix" will end up becoming permanent. Both the Federal Government and the States do not have the best record when it comes to cutting off a funding source we may have come to rely upon. However, I do recognize that States are being forced to cut back essential services to low and middle income individuals and families as a result of States' considerable budget deficits.

Additionally, this legislation includes a much-needed fix for the Children's Health Insurance Program, CHIP. Without this provision, some $2.8 billion of unspent CHIP funds are scheduled to revert back to the Treasury. It is critical that States are able to access these funds. Some States experienced significant challenges when implementing their CHIP programs. However, they are meeting that challenge and have "ramped up" considerably. They now are in a position to draw down these dollars. Given these uncertain economic times, we should not deprive states of funding to help finance the social safety net.

I also believe the provision prohibiting States from using their CHIP monies to cover childless adults is wise policy. While I am extremely sympathetic to the needs of the uninsured, it is important to note that Senator KENNEDY and I worked very hard to pass the CHIP program as a way of helping the 10 million uninsured children in the country. As the title reflects, the bill was solely directed at "Children." Indeed, it was not the health insurance program, HIP, nor the Adult Health Insurance Program, AHIP, but the Children's Health Insurance Program, CHIP.

If we would like to help needy, uninsured adults, by all means, let's look at how we can accomplish that. In fact, Senator WYDEN and I have recently introduced a bill to jump-start that discussion. However, in the meantime, we should not distort the focus of a program that is working well to help its intended participants and lose the sense of mission that has made it so effective.

Finally, I have serious concerns about the provisions in S. 3018 on the Section 1115 waiver process for Medicaid and CHIP waivers. I will be submitting a separate statement for the record which will outline my thoughts on this issue in more detail.

In conclusion, I believe that passage of S. 3018, the Beneficiary Access to Care and Medicare Equity Act, is critical for both Medicare providers and beneficiaries. This legislation, while not perfect, will provide access to quality and affordable health care to Medicare beneficiaries across the country. I urge my colleagues to support this bill and, in my opinion, we must pass this legislation before we adjourn. Partisan politics needs to be put aside because this issue is much too important to both Medicare beneficiaries and providers. Medicare providers, and most importantly, the beneficiaries they serve, are depending on us to get this job done, once and for all. Let's not let them down.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, the two most powerful words in the Senate are "I object." The Senator from Oklahoma has demonstrated the power of that by just objecting to the request by the Senator from Montana to bring up the Medicare provider reimbursement legislation.

Some seem to believe there is no urgency about this issue. The Senator from Montana has described bipartisan legislation that I support very strongly and that I think it is urgent we pass. This is bipartisan legislation addressing an urgent, serious, and difficult problem. Let me describe it from the standpoints of two different types of health care providers.

First of all, with respect to nursing homes, on October 1, long-term care facilities experienced a cliff, or a sharp drop, in their Medicare reimbursement. As of October 1, skilled nursing homes face a 10-percent, or $1.7 billion, reduction in their payment rates for the current fiscal year, and a 19-percent cut in 2004 unless Congress acts to respond to it.

We can talk about numbers, this can all be about finances, but my colleagues know what it really is about. It is about the quality of care for people in our nursing homes. If the decision is made not to reverse these cuts for long-term care, the quality of care is going to be diminished for those folks who are in nursing homes.

I suppose one of the saddest days of my life was when I took my father to a nursing home some months after my mother had been killed. I will never forget the moment we decided he had to go to a nursing home and then when I took him there. He did not want to go. The time he spent in that nursing home meant I spent a lot of time there as well, and I came to understand what long-term care was all about and what the quality of care for our senior citizens was about. I have deep admiration for the people who ran that nursing home. I do not know what my father would have done without the care he received in that facility.

In my State, we rank right near the top in this country with respect to the number of nursing home beds per resident in the State are concerned. Yet, on October 1, at a time when nursing homes are already struggling and do not have the money they need, we find this cliff exists where they get a reduction in reimbursement—and a pretty substantial one at that.

Now we are nearing the last few days of this session and my colleague Mr. BAUCUS brings to the floor legislation that I think makes great sense. It is bipartisan. The chairman and the ranking member of the Finance Committee are sponsors of this legislation. They say we need to get this done, it is urgent, but we have people who stand up and say, I object.

There are a thousand reasons to object, but there is only one good reason to do what we need to do here to protect the quality of care for vulnerable seniors in nursing homes, and that is because it is our responsibility.

I have talked about nursing homes and how important they are. The same is true with hospitals. For hospitals in my State, and I suspect the States of Montana, Iowa, and many other States, the level of Medicare reimbursement is going to determine whether we have hospitals that are available to people who need acute care, who need emergency care, in the future.

Now, we have the opportunity to do something to provide decent payment to these hospitals.

Under the 1997 Balanced Budget Act, everyone in this Chamber understands we cut too deeply. We understand that. The fact is, we have hospitals and nursing homes on the brink of going out of business or cutting back services. Rural hospitals, just about all of the hospitals in my State, are disadvantaged by lower reimbursement rates. In my State, and many others, rural and small urban hospitals receive a standard payment that is woefully inadequate. We have to fix that. When you take a look at the standardized payment for hospital payments, you realize the standardized payment is not standard at all. This legislation fixes that concern.

I know it is the eleventh hour. The fact is that Senator BAUCUS and Senator GRASSLEY have offered a piece of legislation that everyone in this Chamber knows must be done. Yet we have people walking around as if to say this is not an urgent problem. Check yourself into a nursing home and tell me it is not an urgent problem. Check into a rural hospital and check the financial records as you walk through the front door and tell me it is not an urgent problem.

We spend a lot of time in the Senate during the year on things not so serious. But there is a serious problem with Medicare reimbursement. We often treat the light too seriously and the serious too lightly. This is serious. We have a responsibility now to deal with this issue.

I hope the Senator from Montana will come to the floor every single day we are in session and make the same unanimous consent request until at some point we will not see people standing up to object. I hope he will come tomorrow and I hope next week. At some point we will see this Senate and the other body on the other side of this Capitol say: Yes, let's do this. We have a responsibility to get this done for nursing homes, for hospitals, and for other providers.

I did not mention physician reimbursement. I will mention that when I talk tomorrow about this subject.

I appreciate the leadership of the Senator from Montana and the leadership of Senator GRASSLEY. This legislation is the right thing for right now. Not next year, not the year after, but right now. It will have an impact on the quality of care for the American people in hospitals and nursing homes across this country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Mrs. SNOWE. Mr. President, I am deeply disheartened by what I am hearing today, the refusal to refer the Medicare provider give-back legislation to the Finance Committee for the deliberation and the consideration it deserves. Time and again this Senate has circumvented the traditional and conventional procedures to undermine the possibility of enacting a prescription drug benefit for our Nation's seniors.

It is clear to me if my colleague from the other side of the aisle wish to achieve and accomplish a victory for our Nation's seniors, they will work with me and others—the Senator from Oklahoma, those of us who worked on this legislation in the committee—who crafted a tripartisan package to provide comprehensive prescription drug coverage for our Nation's seniors. The Senator from Vermont, Senator JEFFORDS, Senator BREAUX from Louisiana, Senator GRASSLEY from Iowa, the ranking member of the committee, worked together. We could make it possible.

I am deeply disappointed by what I am hearing today. Again, it gets back to the all-or-nothing proposition. Some have said, we have already had votes on this issue. What does that have to do with our Nation's seniors who are denied the possibility of having a prescription drug benefit included in their Medicare package? That is who we should be talking about today. It is not an all-or-nothing proposition. We can do both. It is possible to do the Medicare provider give-back package the Senator from Montana is referring to.

It is also possible to do a prescription drug benefit for our Nation's seniors and include it in one package. There is no reason we have to be in any other situation than including and considering these issues in tandem. That is the desire of the Senator from Oklahoma, Senator NICKLES. That is my desire. That is the desire of our Nation's seniors. In fact, it is the desire of the largest organization that represent our Nation's seniors, AARP.

I know the letter has already been printed in the RECORD, but I will read it. It is important to read.

> The legislative session is drawing to a close with no Medicare drug coverage in sight. Once again, after years of waiting and with drug costs soaring, beneficiaries and their families find that they get no help from Congress. What they face instead is yet another round of provider "givebacks" that will raise their Part B premiums.
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> AARP opposes giveback provisions without drug coverage in Medicare, and our 35 million members will not understand how the Senate can take this course of action. Our members want providers who treat Medicare patients to be paid fairly. Errors of miscalculations in Medicare payment formulas should be corrected. Fiscal relief to states to avoid drastic Medicaid cuts should be addressed. Those can be done for much less than $40 billion.

The fact is AARP, our Nation's largest organization that represents the seniors' interest, is opposed to passing a give-back program without including a prescription drug benefit for our Nation's seniors.

Mr. President, we have the opportunity. Yes, we have the time. Over the last month, there have been a number of hearings and markups that have been scheduled in the Finance Committee. They have then been canceled on a variety of pieces of legislation, including the Medicare give-back. I and others in the committee, and Senator BREAUX, were planning to offer an amendment to the Medicare provider give-back more than a month ago again when that legislation was scheduled for markup in the Finance Committee which is appropriate because that is the committee of jurisdiction. We intended to offer an amendment to that legislation. Then the markup was canceled. There were a variety of other markups that were scheduled in the Finance Committee over this last month on various issues.

Again, we were saying if we can have time to consider these other important pieces of legislation, clearly we should have the opportunity and we have the time to consider a prescription drug package.

Now, you might say, we had votes in July on this issue in the Senate. That is true. Did the Finance Committee have a markup on the prescription drug bill? The answer is an unequivocal no. I can't state why. The Finance Committee, the committee of jurisdiction, did not have a markup on a bill I think virtually everybody in this Chamber would agree is one of our Nation's top domestic priorities. Everyone would agree with that. So you might ask, why didn't the committee have a markup, going through the conventional procedures, so that both sides have the chance to deliberate, to amend, debate, and vote upon a package? It is a very good question, a question to which I do not have an answer. Yet I have never had an answer. This is close to a $400 billion package that would provide prescription drug coverage to our Nation's seniors. Yet we did not have a markup. That clearly undermined our ability to achieve a consensus on this legislation.

You could take the tax-cut legislation in the year 2001. No one knew what the end result of that bill would be when it came before the Finance Committee. We had the ability over several days to amend it, debate it, and vote upon the various issues the Members had presented to the committee. Ultimately we voted on a package. It came to the floor. We had more amendments. We had more than 50 amendments to the tax cut bill because we had the right and the prerogative to express our positions and our views of the States that we represent. During the natural course of the legislative procedure, we had the ability to express ourselves on that very important piece of legislation and then ultimately vote for its enactment.

The same was not true when it came to this significant issue that affects most of our Nation's seniors. So it became an either/or approach. What I am saying today is let's take the Medicare provider give-back legislation and let's have the opportunity to also consider an amendment—amendments to that legislation that would include a prescription drug package. I will make a unanimous consent request shortly on that issue.

But I think we have the time, we have the ability to do both in this Chamber right now. The question is, Do we have the political will? Some people, as I said earlier, say we have voted on this issue. It is not about us. It is not about us. The last time I checked, Members of the Senate had health care coverage that included prescription drug coverage. It is about our Nation's seniors, and it is making this institution work on behalf of the people we represent. Each of us have an individual and collective responsibility to make that happen.

It is a true failure on our part that we did not make this possible. We worked a year and a half ago—the Senator from Vermont is here, Mr. JEFFORDS, and Senator BREAUX from Louisiana, Senator GRASSLEY and I worked—more than a year and a half ago to begin the process of shaping a comprehensive package so we could include this significant benefit in the Medicare Program to avoid political collisions, to avoid the scenario that has now manifested itself in this institution on this particular issue.

But what we got instead was denial and obstruction and circumvention of the conventional processes of this Senate—No. 1, because we did not have a markup in the Finance Committee; and, No. 2, it was an up-or-down vote in the Senate floor on two packages, no amendments. So we did not have the ability to work through our differences, work through the concerns that each of us might have in terms of how do we shape this most significant benefit that nobody denies the seniors deserve and desperately need. No one is denying that. So what is impossible about doing it right here and now?

If we have had time over the last few months to schedule markups in the committee on various initiatives, including the Medicare provider give-back, then why don't we have the time to also include, in conjunction with those bills, a prescription drug coverage?

How can we fulfill our commitment to our Nation's seniors if we fail to do that in this session of this Congress? And to provide a provider give-back bill that I certainly support, but also one that raises Part B premiums? It raises Part B premiums. And that is not my estimate. That is the estimate of the Congressional Budget Office.

What we are saying is, recognizing the impact that will have on our Nation's seniors and the costs to them directly, when you raise Part B premiums, you are obviously going to have to pay more of their out-of-pocket costs for their Medicare coverage. So why then are we not also considering a prescription drug benefit to ease the impact of the cost to our Nation's seniors, if they can even pay? Even if they can afford to pay out-of-pocket costs for their drugs. But most, as we know, are forced to choose between food and paying for their prescription drugs prescribed by their doctors.

I believe we have a greater obligation. We have a greater obligation to build upon the support of both goals here today. I hope we will be able to do that. That is why I think it is so clear that we do not have to end this session this way. If we had the ability to consider a $43 billion package that provides reimbursements to our rural hospitals and home health care, to medical providers—and they, too, will acknowledge how imperative this benefit is to our Nation's seniors—they certainly would welcome the Senate's action on both pieces of legislation in tandem.

The House of Representatives passed, months ago, both a prescription drug bill and a Medicare provider give-back. While some may have differences in this Chamber with what direction and what provisions they included in that package, they ultimately passed a package that included both initiatives. I happen to believe that we have a greater obligation to do the same.

I don't think we can use the rationale that we are here at this point in time and that we do not have the time anymore. Let's send this back to committee. I regret the Senator from Montana objected to the request made by the Senator from Oklahoma to refer this back to the committee. We have the next couple of days. We are going to be here. We may be here next week. We have the ability to mark up this legislation, both the provider give-back and the prescription drug bill—we have the time—and then report it back to the floor so each of us have the opportunity again to debate and amend, if at all possible, on various issues, and have a final vote.

I think we should try to work together to advance a viable, comprehensive prescription drug plan that warrants strong bipartisan support. We developed a tripartisan package beginning more than a year and a half ago. We announced our principles a year ago July, setting out the framework so we would avoid the political collisions and the polarization and partisanship that seem to be the monkey wrenches grinding this legislative process to a halt.

But again, I guess it was not sufficient to overcome those impediments. Those negotiations we did have during the course of the summer, even in the aftermath of the votes that were taken, the up-or-down votes on the two packages—one by Senator GRAHAM, one that was offered by those of us who represented the tripartisan plan—we even had negotiations this fall. We all felt a breakthrough compromise was near.

The foundation of that compromise was going to be, in fact, the tripartisan package. In fact, we had one of the meetings that was chaired by the Senator from Montana that included more than 14 Senators, almost equally divided across the political aisle. We were really focusing on the several issues that really did represent the areas of disagreement. Somehow the meetings were canceled.

No explanation was given. This is all the more unfortunate and disappointing because I think we did have a sense of agreement.

The bottom line is we have never been closer than we were in September of providing this package—a universal, comprehensive Medicaid benefit for our Nation's seniors. The basis of a consensus package exists today.

I hope we can agree today to do both. I am committed to doing that.

I know there are others here who are committed in this Senate to do what is right for our Nation's seniors. We can argue about not having the time. Tell that to our Nation's seniors—that we just didn't have time. We have time for other issues, but we don't have time for our Nation's seniors when it comes to this vital benefit that can make the difference between life and death.

We have all heard the traumatic stories and circumstances that many of our Nation's seniors have been placed in because they do not have the kind of coverage that is extended to each of us here in this institution.

I happened to come across a poll not too long ago. It says when asked, Should senior Americans have the right to choose between different health care plans with different benefits just like Members of Congress and Federal employees? Of course 90 percent said, yes, they want to have that choice. They want to be able to choose in their Medicare benefit package prescription drug coverage. They would have a choice under the tripartisan package. They could choose the traditional Medicare Program, the new enhanced fee-for-service program, or the Medicare+Choice. But whichever program they would choose, they would have the option of a prescription drug benefit. That is the way it should be.

We all know the Medicare Program was developed almost 40 years ago. It needs to be reformed and overhauled in a way that modernizes and reflects the kind of health care that seniors are getting today. But some say the traditional program works, and they should have that option and benefit. If they want a new, enhanced fee-for-service that also includes prescription drug coverage, they should have that benefit. But the fact is they should have a choice.

We are told, "the next Congress." I have been hearing that every Congress. As far as I can check, we have been talking about this for almost the last 4 years or more—the next Congress; the next year. It is here and now that we have an obligation. We have an obligation to do it now.

AARP is right in saying that you can't do one without the other—especially because it has the impact on increasing our Nation's seniors' Part B premiums. That, of course, has been underscored by the Congressional Budget Office as well—that it will raise the cost of Part B premiums as a result of this give-back bill. If we are going to do the give-back—and I wholeheartedly support that—then we also have a responsibility to provide this most critical coverage to our Nation's seniors.

It would be a terrible oversight if we fail to do what is right. This action is warranted. Seniors cannot put off their illnesses, and we must not put off a solution.

I come to the floor to offer a proposal that we consider not only Senator BAUCUS' legislation and provide for his legislation but also the tripartisan prescription drug package. I made a commitment to our Nation's seniors that I would protect their interests and do everything possible to pass the Medicare prescription drug benefit this year.

Now is the time to be giving that consideration. To say that we don't have time is really failing our Nation's seniors. We do have time. We have time because we are considering the Medicare-provided give-back. We have time because a number of markups were scheduled before the Senate Finance Committee, and they were canceled. But there was obviously time that was included on the schedule for the members of the committees to consider other pieces of legislation for markup in committee. I don't object to that. But what I object to is denying our Nation's seniors the ability to have a prescription drug benefit because we are denied the ability to give voice to that benefit and to express our will through the traditional procedures of the committee and here on the floor of the Senate.

I regret that the majority leader will not allow a vote and a vote on an amendment and consideration on both issues in tandem. We could do it in the committee and bring it to the floor. That is certainly what I would prefer. But if not, we ought to be able to consider both of these initiatives before the full Senate. We should let the process work the way it is designed because our Nation's seniors deserve at least that.

UNANIMOUS CONSENT REQUEST

I ask unanimous consent that the Senate immediately turn to the consideration of S. 2; that following the reporting by the clerk, a substitute amendment at the desk which contains the text of S. 3018, the Beneficiary Access to Care and Medicare Equity Act of 2002, and S. 2, the 21st Century Medicare Act, be considered and agreed to, the motion to reconsider be laid upon the table, and the bill then be open to further amendment and debate.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, reserving the right to object, I say to my friend from Maine, the distinguished senior Senator, that maybe she protesteth too much.

The fact is the prescription drug package that she talks about did not get a majority vote in the Senate. The one that received a majority vote of 51 Senators was the Gramm-Miller amendment prescription drug plan. That received a majority vote of the Senate.

I think her idea is a good idea—that we go ahead and adopt what the Senator from Montana, the chairman of the Finance Committee, has come to the floor twice today and talked about doing the Medicare give-back—have that and have the prescription drug bill have a majority vote. GRAHAM of Florida and MILLER—51 votes.

That would let the will of the Senate work where the majority of the Senate determines what happens. The problem was we didn't get 60 votes. We had 51 votes.

I also say my friend from Maine talks about protecting the interests of seniors. I know she wishes to protect the interests of seniors. I think the best way to do that is with the best prescription drug package that has surfaced in the Senate—the one that received the majority vote of the Senate. Let us pass that. That would protect the interests of seniors.

I would also say this: I say it with a smile on my face. To have the minority talk about us having enough time to do things is about as close to being ridiculous as anything I have heard. I have sat on this floor—not for minutes but hours, days—I have sat here for weeks while the minority has prevented us from doing anything. We can't pass our appropriations bills because they won't let us. We can't pass homeland defense because they won't let us. We can't pass the conference report on terrorism insurance because they won't let us. We can't pass the prescription drug bill because they won't let us. We can't pass the generic drug bill because they won't let us. I could go on and on.

So don't tell me that we do not have enough time to do things. We are not having enough time to do things because the minority won't let us.

So I object, unless my amendment is accepted.

I move to amend the unanimous consent request to accept the language——

The PRESIDING OFFICER. Objection is heard.

The Senator from Maine has the floor.

Ms. SNOWE. Thank you, Mr. President.

In response to what the majority whip mentioned, the fact is that we had the opportunity and the time. The motion that I offered with respect to the Medicare-provided give-back legislation and the prescription drug benefit is including further amendments and debate.

That is all we are asking, to have the opportunity to debate and amend a package on the floor of the Senate that gives our Nation's seniors the option of having a prescription drug benefit in the Medicare program. It is not a question of whether I protest too much. I can assure you, our Nation's seniors will protest when they learn about the failure of this institution to pass any prescription drug benefit.

We were close to working out our differences on the few issues that really did separate us on the two packages that were before the Senate back in July. It really came down to several different issues. We had ongoing negotiations, even including additional Members who had been working on this issue before, because we were reaching out. We were close to reaching an agreement, whether it was on the cost or the fallback, to ensure every senior had the option and the access to a prescription drug benefit that was designed in that program, regardless of where they lived in America, so no one would be denied.

We were close to reaching that consensus. But for some unexplainable reason, further negotiations were suspended. That was regrettable because we could have been at a point where we could have enacted a prescription drug benefit in the Medicare program.

When I asked for this unanimous consent, it was to also include the opportunity for the Senate to amend and debate this legislation. We do have the time. If we have the time to bring up Medicare provider give-back legislation of more than $43 billion, then clearly we also have the time to consider a prescription drug bill. Then, I would argue, we are even further along in this institution in examining all of the components and provisions and the issues surrounding the development of a comprehensive universal package. We are much further ahead because we did have debate on the two proposals on the floor, but we didn't have the opportunity to amend our various packages. It was up or down, all or nothing, either/or, take it or leave it, get the 60 votes or not—not expressing our will through the conventional procedures of this institution.

I cite again the example of the taxcut measure we ultimately adopted in the Senate back in May of 2001. It required several days. In that case, there were 50 amendments. But we expressed ourselves. We had the opportunity to offer amendments and then ultimately vote on a final package, yes or no. That is not the same opportunity that has been given to this issue.

Our Nation's seniors deserve to know that. They also deserve to consider both of these initiatives in tandem. I have yet to hear a reasonable argument as to why we can't do that, why we cannot include both of these initiatives in one package, similar to what the House of Representatives did months ago. We should be able to do the same thing in the Senate, send the package to the conference, and work out the issues.

Believe me, there is great urgency to obviously resolve both of these initiatives to reach a final conclusion. I think there is genuine interest on both sides of the political aisle here in this institution and on the other side to work these issues out in the final and remaining days of this Congress. But to say it can't be done, tell that to our Nation's seniors.

Voting on an issue means nothing unless you produce results. Results means taking final action on a piece of legislation that is sent to the President of the United States. The President is eager to have legislation that can be signed into law to give this much-needed benefit to our senior citizens.

We can do it. I hope the Senate will recognize it is a very reasonable unanimous consent request. I hope they will reconsider their objection to this request.

Mr. REID. Would the Senator repeat herself? I was speaking to one of my staff.

Ms. SNOWE. I hope the Senator would reconsider his objection to my unanimous consent request because this motion really is asking to include both issues in one package in tandem and to be able to further amend and debate. I think it is a reasonable request, and it is one that should not be denied.

Mr. REID. Will the Senator allow me to respond?

Ms. SNOWE. I am glad to have the Senator respond.

Mr. REID. The Senator has asked if I would respond or reconsider. I have the greatest respect for the Senator from Maine. We have worked together on many issues. She is a fine legislator, but she is simply wrong.

It seems somewhat unusual to me that in the waning hours of this congressional session, suddenly we want to have a debate on Medicare give-backs and prescription drugs. We have fought the minority all year long on many issues. On the list, of course, is prescription drugs. That is the second one we have here. We were forced to pass something that is good, but certainly not what we wanted with the generic drug bill. It is buried in the dark hole of the Republican-led House of Representatives because they will not go to conference.

We have the Medicare give-backs, which is so important for the people of the State of Nevada and Maine and Vermont, West Virginia and Montana, any State in the Union, a very important piece of legislation. That is ready to move. We could pass that in a matter of minutes.

The prescription drug bill I referenced, the Graham-Miller legislation, had extended debate on the floor. We have heard enough about that. People understand the issue. It got a majority vote. We don't need another amendable item on which we have, frankly, your side stall, stall, stall, as you have done all year long.

I have reconsidered. The only thing I would suggest we do is adopt the proposal of the Senator from Montana, the proposal of the Chairman of the Finance Committee, on Medicare give-backs and stick in that, if we have so many on the other side who suddenly found religion and want to do something to help seniors with prescription drugs; that we pass, as a majority of the Senate has already said we should do, the Graham-Miller prescription drug bill.

The PRESIDING OFFICER (Mr. FEINGOLD). The Senator from Maine.

Ms. SNOWE. Mr. President, in response to the points made by the Senator from Nevada, obviously the minority do not design the floor schedule. That is the prerogative of the majority. The minority did not preclude the Finance Committee from marking up this legislation. We did not choose to postpone the consideration of a prescription drug package in the Finance Committee. The Senator from Nevada would acknowledge a markup in the Finance Committee was important and essential to achieving the consensus that is so critical in passing any significant piece of legislation.

In this instance, we are discussing a package that represents more than $400 billion over the next 10 years.

Mr. President, I think everybody would agree the Finance Committee should have had the opportunity to consider that initiative. I cannot think of the last time that creating a new benefit, a new package, or a new program that represents close to $400 billion over the next 10 years, has not had the benefit of a markup in the committee—at least, if you are thinking about enhancing the ability to create the consensus for the final passage of that legislation. So the process was circumvented, for whatever reason, I do not know.

But what I do know is what is possible today. I do know if we had the political will, we could resolve the few differences between the positions that were offered on the floor back in July that, regrettably, we didn't have the opportunity to amend or further amend. It was, again, as I said, up or down, either/or, all or nothing. Well, you cannot achieve cooperation and consensus on a major package of this kind without working through the various issues.

So all I am asking is we have the opportunity to consider a prescription drug benefit in tandem with the Medicare provider give-back. If we have time to provide $43 billion in additional assistance to Medicare providers—and I would wholeheartedly support that, but I also would support providing prescription drug coverage to our Nation's seniors. How can we do one without the other? I have not heard an explanation I think would be acceptable to the senior citizens of this country.

We didn't have time? Well, where have we been over the last 2 years? We didn't have time, Mr. President? I don't think that is acceptable. How does anybody go home and say to their constituents we didn't have time—especially because that has been the rationale given for the last 4 years: we will put it on to the next Congress.

We are elected to do what is important here and now. That is our obligation. If we have to stay here day and night, through the weekend, what greater obligation do we have than to do what is important to the people we represent? This is an issue that has been acknowledged by both sides to be one of our top domestic priorities, and we are saying we don't have time. We don't have time in the committee. We didn't have time in the committee last July. We didn't have time in the committee last spring. We have not had time. When do we have time around here, Mr. President? When do we have time to do what is right in this institution? When do we have time? How do we do it?

We had a tripartisan group from the Senate Finance Committee begin to work on this issue a year ago—I would say in June, and we announced our principles a year ago July—to avoid this type of political showdown, to avoid the all-or-nothing confrontation that seems to pervade this institution. Guess what. We are denied the ability to mark up this bill in the Senate Finance Committee.

Well, I might be protesting too much, but, frankly, I think our Nation's seniors deserve better. I know they are protesting. Tell them we don't have time. Explain to them why we didn't have a markup in the committee that would have increased the likelihood of the passage of this legislation.

Now we are hearing we should have this Medicare provider give-back. I endorse that, but I don't believe these are mutually exclusive issues. I want to make that clear. These are not mutually exclusive items. Obviously, AARP agrees because of the letter they sent to the legislative leadership, the committee leadership, and the ranking member of the Finance Committee, that you should not do one without the other. I am speaking on behalf of the seniors I represent in my State of Maine. They deserve better.

I hope the Senator from Nevada will reconsider, so we have the ability here and now to consider the provider give-back benefit, and if the Senator indicates there is general unanimous agreement to provide that, then we can focus on the prescription drug benefit and on the few areas we have identified to be the issues in disagreement between what was offered by Senator GRAHAM and the tripartisan package offered by the Senator from Iowa, Senator BREAUX from Louisiana, Senator JEFFORDS from Vermont, and myself. We can do that. I hope I will hear that message today. Let's begin here and now.

Mr. REID. Mr. President, I try to be very patient; sometimes I am and sometimes I am not. But I have to tell you the statement of my dear friend, the senior Senator from Maine, is really trying my patience. She has stated numerous times she likes the tripartisan piece of legislation. More power to her. The fact is, it could not get a majority vote in the Senate. We had a piece of legislation that got a majority, but she refuses to talk about that. She talks about committee, committee, committee. We recognize how the Senate works. The committee structure, I support. I have great respect for the traditions of the Senate. But there are times when the committees don't have full hearings on pieces of legislation.

The minority should become consistent because, on the one hand, they are telling us if the committee works and they don't like what the committee does, the matter should come to the floor anyway. Let's see how that would work here. If something happens in the Senate Judiciary Committee and they make a determination and the minority doesn't like what happens in the committee, then it should come to the floor anyway. It would seem to me if you are consistent, you have to recognize we have a situation where we have had extensive debate that took place over a period of many weeks on prescription drugs. The only one that got a majority vote is the one I talked about—on two separate occasions—by Senators GRAHAM and MILLER. Let's pass that now. I think that is fine.

I see the Senator from Michigan, who spent weeks of her time working on prescription drugs. We didn't get a prescription drug bill because we could not get 60 votes. But we had a majority. We passed a generic drug bill—not a perfect bill but a good one—that would lower the cost of drugs in America, not only for seniors but for everybody. It allows reimportation from Canada.

Where is that bill? It's buried over in the dark hole of the conferences of the Republican-led House of Representatives. They won't even let us do that. Here we have somebody telling us we have lots of time. Let's do another prescription drug bill, but we want to start this one in the committee. When it comes to the floor, we want to have a lot of amendments, or a few amendments.

We know that is a prime-time word for the big stall. That is all this is. I have great respect for the AARP. It is a great organization, but they don't run the Senate or this country. There are many people in the State of Nevada, and all over the country, who badly need this Medicare give-back. So I am willing to take my chances with AARP because the Republicans would not let us pass a prescription drug bill, a generic drug bill. I will take my chances with AARP and go with the Senator from Montana. Let's pass the Medicare give-back bill to help millions of people in America—rural America and urban America—people who badly need this. I am going to have convalescent centers going broke in Nevada, filing bankruptcy.

Is that what we want? We had a convalescent center in rural Nevada. They had all kinds of problems. They did not know what to do with the people in the center because they were going broke. What do they do with them? It was the only center in town. This legislation would direct money to that situation.

AARP is a great organization, but they can take that letter and carpet floors with it because that is not how we run the Senate. We do what is best for the people of our States, and the best for our States is to do what the Senator from Montana said to do. We tried to pass all kinds of legislation, and we have had the big stall. So do not have anyone lecture me on enough time to do things. I have spent days, weeks, and probably months of my life sitting here doing nothing because they would not let us do anything.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I am thankful the Senator from Maine is still on the floor. I wish to respond to a couple points she made.

I do not know that there is anybody in the Senate who wants to get a prescription drug benefit for seniors more than the Senator from Maine. Believe me, I understand that. I have been at many meetings with the senior Senator from Maine where she has made that very clear.

There is also no one on the floor who wants to pass a prescription drug bill more than the senior Senator from Montana. The same is true of the Senator from Michigan, the Senator from Nebraska, and the Senator from West Virginia, as well as the current occupant of the chair, the Senator from Wisconsin. We all want to get a prescription drug benefit passed.

On the one hand, there is the so-called tripartisan bill, which the Senator from Maine supports, and which is basically the insurance company model. On the other hand, there is the bill that would use pharmacy benefit managers, or PBMs, to administer a drug benefit. This is essentially the Medicare model. Reducing it to its basic simplicity, that is the argument.

The Senator says she wants a prescription drug benefit passed, but she slyly indicates she wants hers passed. But her bill did not get a majority vote in the Senate. There are others who want to get prescription drug benefits passed who have a different view of what a prescription drug benefit should be, and that is the problem. Neither side wants to give in. Both sides think they are right.

We just witnessed a good example of that. The Senator from Maine says: Bring up a prescription drug bill, but bring up hers, the way she wants it. She does not agree to bring up the other bill, apparently, that the Senator from Nevada suggested, the one that received a majority vote. That is the problem. Neither side agrees. Each side wants its bill passed.

I say to my good friend—and she well knows this—I have worked so hard with her to get a prescription drug benefit passed. I called the meeting in my office with the Senator from Maine and with other Senators who were key Senators on this subject as a last-ditch effort to get a bill passed because I share with her the view we owe it to our seniors to get a prescription drug benefit bill passed. I understand that.

But the Senator knows well that there are huge differences of agreement. The issue is basically, should we have a more privatized system or not? That is basically the argument.

The Senator from Maine suggests the approach that privatizes prescription drugs to seniors with insurance companies. That is basically her bill. There are others who say: No, do not do that; that is wrong because insurance companies will take too much for themselves; the insurance companies will not give the benefits to the seniors, and besides that, insurance companies are not sure they want to do it, anyway.

It is very easy for a Senator to stand up and say: Let's do prescription drug benefits. The hard part is actually coming up with a compromise so we can reach a solution and pass a bill that does give benefits to our seniors.

To be frank, I have not heard the Senator from Maine come forth to me or anybody with a reasonable compromise. She has been pushing for this insurance company model, and she is not coming up with a compromise. I say that because that indicates the degree of separation and the division in this Senate over how to get prescription drug benefits to seniors.

But while we all want to pass a benefit, we also want to make sure it is done right. If we are going to pass legislation on the order of $400 billion over 10 years, we have to make sure it is done right and that it works for seniors. It does not make sense just to pass a bill. It makes sense to pass a bill that works.

I could not agree more with the Senator that we should pass a bill, but in all candor, at this late moment, coming up to the Chamber without first suggesting an honest-to-goodness compromise sounds as if this is obfuscation. On the surface, it sounds good: Let's pass a prescription drug benefit. I know she means well, but there are others on her side of the aisle for whom this is an obfuscation, a desire not to get an underlying give-back bill passed.

The reason the Medicare give-back bill is here is because there is agreement. There is agreement on almost all of the provisions: an agreement that we should not allow the home health cut go into effect; agreement on what the restoration for physicians should be; agreement on hospital payments, the so-called standardized amount. There is agreement.

But there is not agreement on how to provide prescription drug benefits, and the Senator from Maine well knows that. Her argument is: Let's just try; let's try it.

Sometimes we have to tell it like it is. The fact is, both sides are so stuck in their ways that I have made the judgment that it is nearly impossible in the remaining days to reach agreement because we are in such a political season.

If the Senator from Maine wants to come forth and give me a legitimate compromise, then maybe we can get a bill passed. She says she wants the tripartisan bill up for consideration. She does not say: let's sit down and work out a legitimate agreement and see if we can put something together.

I would like to sit down with the Senator from Maine and see if we can reach agreement. I know the Senator from Maine would like to do so. To be honest, she has not suggested anything except the tripartisan insurance company model. And that plan did not even get a majority vote in the Senate. The approach by Senator GRAHAM received a majority of votes in the Senate.

Mr. President, if we don't pass this bill to restore Medicare payments, we should consider all of the seniors who may get less care in nursing homes, and seniors who may get less care because doctors will no longer provide Medicare services to patients.

My good friend from Maine points out that the Medicare payment bill will increase costs to seniors. She does not tell us that of the increased cost to seniors 90 percent is caused by a restoration of payments to physicians. This restoration is needed to ensure that physicians will still provide care to seniors.

If she wants doctors to continue to withdraw from Medicare, that is her right, that is her choice, when she complains about the amount of the increase seniors will have to pay. It is true that they will have to pay a little more. We have to figure out a solution to that. I am hopeful we can do it next year, and I am hopeful there will be more of a bipartisan mood around here.

I know the Senator's motives are pure. Hers are pure, but I cannot say that for the majority of the Members on the other side of the aisle on this issue at this moment. I have been around here a while and know how this place works. I have the utmost respect for the Senator from Maine. She has pure motives, but her offering this unanimous consent request at this time is clearly an effort on the part of others—not her—on the part of others to try to slow down and prevent the Medicare give-back bill from passing.

Mr. HATCH. Mr. President, as my colleagues are aware, I have agreed to cosponsor S. 3018, the Beneficiary Access to Care and Medicare Equity Act of 2002, because I believe it is imperative we act this year to correct deficiencies in Medicare payment levels that are certain to create hardships for providers and those they serve, beneficiaries.

I want to take this opportunity to underscore concerns I have with Section 706 which deals with the process for development and implementation of Medicaid and CHIP waivers.

I am sympathetic to the underlying concerns expressed by the sponsors of this provision, especially as they relate to coverage of childless adults under the CHIP program. CHIP was designed to address the needs of children of working parents who made too much money to qualify for Medicaid, but, many times, could not afford private health insurance. I believe that the integrity of the CHIP program must be maintained. For this reason, I have even opposed attempts to expand CHIP to cover pregnant women, because I believe funding should be devoted to providing coverage to uninsured children, preserving the original intent of this legislation. It should come as no surprise to my colleagues that I oppose expanding CHIP under a waiver to cover childless adults.

However, there are those who do not share my views on this issue and I believe that they should be heard. There are those who believe that CHIP enrollment is not as high as it could be because parents are not covered by the program. They believe that one way to capture children under CHIP is to offer family coverage. I do not agree with that approach, but I do believe that there should be a debate on the issue.

Before Congress adopts provisions which could limit both the Federal and State governments' ability to adopt innovative approaches to address the problem of the uninsured, we ought to have a thorough and comprehensive debate. The Senate Finance Committee should hold hearings on these important waiver issues prior to enacting legislation which could be detrimental to State flexibility and innovation. I strongly object to including a provision which is opposed by the Secretary of Health and Human Services and the National Governors Association in an attractive package of Medicare reimbursements and fiscal relief for the states. Both HHS and NGA have concerns with this provision because it limits a State's flexibility to provide expanded health coverage tailored to the specific needs of its residents.

I believe that, as drafted, Section 706 would deter a state's attempt to provide health insurance coverage to those who are currently uninsured. Additionally, it is my view that Section 706 would not improve the waiver process, but would actually function as a disincentive for States to undergo an open dialogue with stakeholders as they go through the process of securing a Medicaid or CHIP waiver.

Section 706 would require that 60 days prior to the date that a state submits a waiver or amendment application to the Secretary, the state must publish, for written comment, a notice of the proposed waiver that contains at least the following: projections regarding the likely effect and impact of the proposed waiver on any individuals who are eligible for receiving medical assistance or health benefits coverage. In addition, a State must make a statement regarding the likely effect and impact of the proposed waiver on any provider or suppliers of items or services for which payment may be made under the Medicaid or CHIP program.

It would seem to me, that we are putting the cart before the horse here. Isn't it the purpose of a public comment period to determine the effects and impacts on individuals and providers? Aren't we setting the States up to be criticized for coming to pre-determined conclusions about the effects of a proposed waiver by requiring them to effectively develop these conclusions before the public has had a chance to weigh in on the matter?

Section 706 goes on to require that the State must have one meeting with the state's medical care advisory committee and two public hearings on the waiver. I am somewhat confused by these provisions. It seems to me that rather than encouraging an open and comprehensive dialogue in the state over a proposed waiver, Section 706, if enacted, would curtail and truncate the process, effectively limiting input from the very individuals and groups which would be affected by the waiver. In short, to comply with Section 706, a State could conclude what the effects of the waiver would be prior to public comment, hold two perfunctory public hearings and be done.

Officials in my State of Utah, in developing their waiver, did not need the Federal Government to come in and tell them how to reach out to stakeholders on this issue. I am informed that the state held meetings for 10 months prior to getting approval for their waiver with low-income advocates, providers, insurance companies, employers and state legislators. The state held a series of work conferences and community meetings on issues associated with Utah's waiver. The State had several legislative task force meetings which were open to the public as well as several budget hearings, also open to the public. Officials from my State who were overseeing the waiver process attended monthly meeting of advocate groups and met repeatedly with their medical care advisory committee.

Now, it might be that other States contemplating a waiver might not need such a comprehensive public outreach effort. Other states could determine they should emulate such an approach. Is it really the role of the Federal Government to micro-manage this process?

Section 706 would also require states to file copious records documenting detailed descriptions of the public notice and input process; copies of all notices, dates of meetings and hearings; a summary of the public comments; and, a certification that the state complied with any applicable notification requirements with respect to Indian tribes.

If we are looking for ways to encourage unwilling states to reach out to the public for input, one of the least effective ways to do so, in my opinion, is to require States to jump through a bunch of bureaucratic hoops. This will not foster open debate nor will it encourage the states to try and draw a buy-in from stakeholders. Instead, in my opinion, it will create an atmosphere where the state will do the bare minimum in order to meet the requirements and no more. This is not the way to promote outreach efforts and a free-flowing exchange of ideas. In fact, I believe that if enacted, Section 706 will stifle such an approach.

In considering the role of HHS relative to the waiver process, I am informed that HHS Secretary Tommy Thompson has written in opposition to Section 706. I share the Secretary's concerns that, as drafted, this section would leave HHS vulnerable to costly and burdensome lawsuits. I agree with Secretary Thompson that State and Federal resources should be spent addressing the issue of the uninsured and should not go, instead, to fending off legal challenges from every national advocacy group who did not get exactly what they wanted.

Finally, one of the facts that gets overlooked in these waiver discussions is that we have 41 million uninsured Americans and states are trying to cover them. This is really the bottom line, here, the states are trying to find ways to get some coverage to Americans who would otherwise have no coverage. Rather than looking for ways to inhibit the states from accomplishing this, we should be making it easier for them.

I look forward to working with my colleagues on the Finance Committee to accomplishing this important goal.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, I find myself in total agreement with the Senator from Montana, sadly so but nevertheless very much so. But this situation strikes me as ironic.

I support the position of the Senator from Montana and what he is trying to do with the give-back. The Senator from Maine talked about resolving a few minor differences, and the Senator from Montana said they are not minor. They have to do with whether or not a State such as West Virginia, which this Senator represents, will have any prescription drug benefits at all because there are no insurance companies that have any intention of coming into the State of West Virginia and making those available.

I am not so sure that any would be willing to go to Maine. I do not think they would be willing to go to Montana. I do not think they would be willing to go to—well, I don't know. They probably would be willing to go to Florida, probably Nevada a little bit, Michigan a little bit, but Nebraska not very much; Wisconsin, I do not know.

Basically, all rural States—and 81 percent of all counties in the United States of America are rural—will be shut out by this prescription drug bill which the tripartite approach embraces. I hope the Presiding Officer does not think for one moment the Senator from West Virginia is going to contemplate working out a compromise on the floor of the Senate, with only a few days left, when we have been filibustered on every single thing we have brought up, especially something as complicated as a difference between a pharmacy benefit manager and an insurance model.

There is a lot of educating that has to go on on the Senate floor that has taken place in the Finance Committee. There was a vote on the floor. The vote said one thing and the Senator from Maine says she wants something else.

I am extremely disappointed we are not able to get the unanimous consent that was sought to proceed to the Beneficiary Access to Care and Medicare Equity Act of 2002.

I have heard nonstop from those in my State concerning the effects of the declining Medicare reimbursement on access to critical care services. The reality is we will also be unable to enact a Medicare prescription drug benefit for this year. Why? Because of the huge ideological gap which I have just finished describing.

People can describe it as a minor difference. It is the Grand Canyon of difference, and it is the difference between whether people from populated, wealthier areas get a prescription drug benefit and everybody else does not.

If that is what one wants, fine; but that is not what the Senator from West Virginia wants, and it is not what my people want. It is not what the majority of the people in this country want. Yes, they want something called a prescription drug benefit. But there is a question of saying how do they get it and who gets it? The mechanism is important.

I want a prescription drug benefit. I dare say the income of Medicare beneficiaries in the State of West Virginia is lower—about $10,800—than the Medicare beneficiaries in the State of Maine.

People spend $4,000, $5,000, to $6,000 out of their pockets on prescription drugs. Do I want a prescription drug benefit? You better believe I do, but I want one which will actually get to the people I represent and which are represented across America in rural States.

We do not have a choice of being able to say let's do both. We cannot finish that debate on this floor. We cannot reach agreement on this floor. Not the Senator from Maine, but there are many on the other side of the aisle who do not want to see that happen in some respects because they do not want to see the Graham-Miller bill pass because that would be deemed a victory for the wrong people, or something like that.

However, one priority that cannot wait until next year is providing States with fiscal relief. That would include the State that the Presiding Officer is from.

On July 25, 75 members—talk about a consensus. The Senator from Maine, Ms. COLLINS; the Senator from Nebraska, Mr. NELSON; and this Senator put forward a compromise plan, and it got 75 votes. It got half the Senators on the other side of the aisle to vote to provide States with $9 billion in assistance. That has since been somewhat cut down in an agreement with the Republican leader on the Finance Committee to $5 billion, but that is still substantial relief—$4 billion in Medicaid and then $1 billion in Social Security's block grant. That is a lot of money. It will help all States.

Since we passed that amendment by an overwhelming vote, the situation in the States has, in fact, gotten much worse. The last time States faced a budget crisis this bad was in 1983. I happen to remember that because I was Governor of West Virginia and our unemployment rate was about 21 or 22 percent. One does not forget those things quickly.

At least 46 States struggled to close a combined budget gap of $37 billion in the past fiscal year. This year's gap is even wider. This year it is going to be a combined $58 billion deficit. Most States are required by law to balance their budgets, something we did up until a year and a half ago. Then a variety of things happened, and it is no longer balanced. So they are being forced to slash their spending. The Governors do not want to, but they have to.

This year coming up, 18 States are planning to cut families from Medicaid coverage, and 15 States are eliminating important health care benefits. Twenty-nine States are cutting or freezing provider payment, further jeopardizing access to health care. As a result, thousands of Americans, at the least, will join the ranks of the uninsured and countless more will find access to needed benefits reduced or eliminated altogether.

Amy Goldstein reported in the Washington Post on October 11, 2002 that in this tough fiscal climate, "a new survey of Medicaid programs shows an increasing number of States are dropping certain groups of patients, curtailing some services, requiring poor people to help pay for their own care when they can, limiting access to expensive drugs and then cutting or freezing payments to hospitals, doctors, nursing homes, and other providers of care." Is that kind of important? You bet your bottom dollar it is. Fundamental access to health care.

In Massachusetts, the legislature had to stop covering about 50,000 unemployed adults. In California, children spent longer in foster care because of cuts in adoption services.

In New Jersey, the working poor will lose access to State-funded health care. In Louisiana, there will not be future hospital beds available for low-income patients. The Kaiser Commission on Medicaid and the Uninsured, which nobody disputes, in a new study found that 18 States are planning to tighten their eligibility rules in the coming fiscal year, compared with 8 States last year.

As Goldstein pointed out, the most common strategy that States are using to cut costs is to limit their expenditures on prescription drugs by reducing pharmaceutical payments or making it more difficult for doctors and patients to select expensive but necessary medicines. Forty States are trying to cut costs by limiting their drug expenditures. In Illinois last month, Medicaid officials began requiring patients who need the popular antidepressant drug Zoloft to get tablets that are twice as strong as they need and then break the pills in half. I do not know if that makes a tragedy, but it sure is a lousy way to do business.

Goldstein also noted that "in a subtler strategy, some States are curtailing recent innovations that were designed to find more people who are eligible for public insurance and then make it easier for them to stay covered once enrolled. Delaware stopped a very good initiative which had been paid through an outside grant to publicize Medicaid and the Children's Health Insurance Program and to help clients fill out applications." They had to stop that because they had no money.

So the "decision being made by Governors, legislators, and Medicaid administrators," Goldstein concludes, "underscores the pressure that States are confronting in a weakened economy, which I dare say will stay weakened for some time. Their revenues are plunging. Increases in unemployment and poverty are prompting more people to sign up for government help. As a result, States are reversing the trend that lasted nearly a decade when they added money and changed rules so the public insurance programs could help more Americans who lack health coverage and pay for more kinds of care."

The fiscal crisis has a direct impact on the families in our States but it also has a direct impact on local economies. Medicaid is the largest purchase of maternity care in the United States of America. It pays for half of all nursing home care which everybody faces at some point in their life.

Medicaid provides significant support for local hospitals and for nursing homes. Providers in some instances are struggling to stay in business, and in many instances have stopped. Eight out of 10 hospitals in West Virginia are losing money. How long can they continue in small rural counties? The bottom line is that means Medicaid plays a critical role in sustaining local economies as well as people's lives and health care. For every dollar a State cuts from Medicaid—and that is what is happening—it loses between $1 and $3.31 in Federal assistance. That is one large loss. That loss would have otherwise gone to hospitals, to home health services, nursing homes, and health clinics tied into our local economy.

For this reason, the legislation introduced last week in the Senate to increase payments to providers under Medicare, which we just failed to get unanimous consent on, also includes a billion dollars in fiscal relief for States. In many ways, States are the largest providers of health care, and ensuring their stability is the best way to maintain access.

If Congress does not act to provide a temporary boost to Medicaid funding for States to help them meet their responsibility to protect the most vulnerable citizens, and all citizens, since a great majority of Medicare citizens are vulnerable, the situation will get worse.

We have made significant progress over the last 10 years in expanding access to health insurance. This year, 50 million Americans are expected to receive health insurance through two programs: Medicaid and the Children's Health Insurance Program which was started in the Senate Finance Committee. These programs provide health coverage to more than 10 percent of all Americans.

In closing, this coverage is now at risk unless, as the Senator from Montana wants, the Congress refuses to act. This is one priority that cannot wait until next year. We should pass the Senate's proposal to reduce the current law cuts to critical Medicare providers. Even if we fail to do that, we must enact a provision to provide additional relief to the States that struggle to provide our Nation's people with the crucial safety net.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. SNOWE. Mr. President, I respond to some of the issues raised by the Senator from Montana, for whom I have a great deal of respect. It is important to clarify some of the issues suggested by the Senator regarding the legislation I and others have proposed, the tripartisan legislation.

The Senator from Montana did schedule meetings in his office with Senators from both sides of the political aisle, Senators who were very concerned about the legislation. Obviously, there were differences among all the Senators. We were trying to narrow the areas of differences.

I was surprised by the characterization suggested by the Senator with respect to those meetings. He had established the agenda. In fact, he asked everyone at the meetings, what should be the basis for negotiations? What should be the starting point for discussions? It was agreed by those in the room, when he initiated the question, that the tripartisan legislation should be the basis for the discussion and negotiation. The staff had been given instructions to develop language with respect to the three areas in which we had identified to be the major areas in disagreement.

One was the assets test, one was the cost, and one was the fallback provisions as to whether or not the provision included in the tripartisan package was in and of itself sufficient to guarantee prescription drug coverage to a senior, regardless of where they lived in America. We thought our language certainly met the conditions for ensuring that our Nation's seniors, regardless of whether they lived in an urban or rural area, would have the benefit of a prescription drug coverage as designed in our legislation. But we were certainly amenable to additional language, additional protection in the legislation to absolutely guarantee we would provide seamless coverage in the event that an insurer was not providing the options for prescription drug coverage to seniors in a particular area of the country for whatever reason. So no matter what, a senior would have the benefit of the coverage, regardless of where they lived, and they would have a choice of at least two plans, so we were more than amenable. We were amenable even on the price tag. We were considering language on the acid test.

The chairman did not reconvene meetings after assigning the staff with the responsibility of drafting the new legislation. We were never given reasons no additional meetings were scheduled.

In the meantime, markups were scheduled in the Finance Committee this fall on various issues, including the provider give-back. We said we intend to offer the tripartisan package because that had the support of Senator GRASSLEY, who worked on it a year and a half ago; Senator JEFFORDS from Vermont, a member of the committee; Senator BREAUX from Louisiana; and myself as a member of the Finance Committee. We would offer that as an amendment and see where the process takes us in Finance Committee. The markups were canceled.

If our bill was not going anyplace, as the chairman suggests, then why were the markups canceled? If our bill had no opportunity to go anyplace, why were the markups canceled? Is it because these four members of the Finance Committee had at least offered a basis for a bipartisan—in this case a tripartisan—comprehensive prescription drug package? We did not say it was all or nothing. We did not suggest inflexibility or intransigence on our part. We say let's offer this as a basis for amendment, further consideration, and debate and votes.

The same was true in the unanimous consent request I presented on the floor that was ultimately rejected. It says "be open to further amendment and debate." That does not suggest inflexibility. I didn't say take tripartisan package or nothing. I am saying the only way you work things out is being able to bring up the bill and offer amendments and debate and vote on the amendments and reach a final conclusion. Now we are talking about July.

Mr. BAUCUS. To be honest, I think if all Members of the Senate were like the Senator from Maine, we would have an agreement. The Senator well knows there are a lot of other Senators in this body who were dug in and who very much wanted their points of view.

We had the last meeting. We were working on five issues: Assets test, benefit design, Medicare reforms, consumer protections, and how to design a viable fallback mechanism, which would take effect in the event of private plans not entering a particular market. Roughly speaking, we were working off the basis of the so-called tripartisan view, but is it not also true at that time that was very loose and there were an awful lot of issues to work out?

Ms. SNOWE. I would like——

Mr. BAUCUS. It was my judgment after that meeting and checking with Senators on both sides of the aisle, that discussions were going backwards on prescription drugs. I basically made a decision that Senators were digging in so much that they were not going to agree.

Ms. SNOWE. I would like to pose a question to the Senator from Montana as to why we didn't have any additional meetings based on your instructions to the staff to work out language in the various areas? I didn't sense there was inability to reach a consensus. It might well have been, after we considered and pondered the legislative language they were drafting, language over the weekend. We didn't have the opportunity to talk about those issues.

Mr. BAUCUS. That is correct.

Ms. SNOWE. We didn't have an opportunity to talk about the language the staff was instructed to draft in these three areas.

Mr. BAUCUS. I might ask the question—the reason is because I checked with Senators who were at that meeting and they said: No, sorry, I am not going to agree with that. They are going backwards. They were going in the other direction. They didn't want to meet. It is unfortunate, it is so unfortunate. To be candid, Senator, you and I know you and I were the last two standing on this issue. Basically you are the last one standing on this issue trying to find agreement.

But it is clear there are not enough Senators in this body who also want agreement at this time. That is why I think we cannot let the Medicare provider legislation be held hostage to another bill which does have an agreement.

It is very unfortunate we could not get agreement. But it is partly because the Senate, as well as the House, is still a bit too partisan on all matters—not all matters, but most matters. Particularly on this issue, because it gets to a very fundamental question which this body and the other body will have to address, the whole country is going to have to address, and that is: What is the future of health care in this country? To what degree is it going to be privatized, to what degree not? That is a huge question. The prescription drug benefit debate is really the opening shot of that larger debate.

I wish that were not so. I wish we could pass the prescription drug benefit quickly this year, but it is the judgment of this Senator, and I think it is the judgment of virtually every other Senator in this body, that it is not going to happen now. I wish that were not true.

Therefore, I think let discretion be the better part of valor and let this Medicare payment bill pass.

Ms. SNOWE. In response to what the Senator from Montana indicated, let me say this. Obviously I am not privy to his private conversations, but we were sitting in those meetings in good faith, and I didn't hear from anybody around that table—more than 14 Members—who resisted the idea we should not proceed, that we should not work out these areas, that it was impossible.

Maybe in the final analysis, it might have been impossible, but that certainly was not the expression of the sentiment in that meeting during that course of time. The fact is quite the contrary. I think most of the Senators—as I said, it was equally divided between Republicans and Democrats, including Senator JEFFORDS from Vermont. There was an indication of strong interest to proceed to try to see if we could work through and resolve the identified areas in disagreement.

Those are the ones I mentioned previously.

So I didn't hear any indication there was a "can't do" attitude. In fact, just the contrary. They were suggesting we could proceed and instructed the staff to work over the weekend on those various areas.

Suffice it to say we didn't have the process in the committee to work these through. Obviously, for whatever reasons, it did not work out as a result of those negotiations. But they were, I think, very close. I think we were very close.

I know if those individuals sitting around the table had agreed in these areas, we certainly could have overcome any political obstacles and impediments here in the Chamber because

I think there is virtually unanimous desire to get something done on behalf of our Nation's seniors.

I cannot imagine anybody here in the Senate would want to tell their seniors that somehow it could not be done. We are elected to get things done. We are responsible for ensuring this institution functions in a way that does dignity to the process. Unfortunately, I think in this instance we failed.

I happen to believe on the Medicare provider give-back, if we were somehow to be able to resolve those differences behind closed doors, without a markup and on the floor, then clearly we should be able to do what has been deemed to be the impossible—the impossible in this institution—in advancing this legislation in the interests of our Nation's seniors. In fact, we invited the AARP to be part of our negotiations this fall to talk about some of the issues.

Yes, they had concerns with the tripartisan bill, as they did with the bill that had been offered by Senator GRAHAM, in providing an unfunded mandate on States. But the fact is, who is to say any legislation is perfect? We certainly didn't indicate ours was. This is the agreement we had reached. We were prepared to accept amendments and to consider different ideas. That is where we were in these meetings that were scheduled by the Senator from Montana in his office.

Ultimately, there were not additional meetings, even though the staff had been instructed to draft language in the three areas I mentioned originally. The fact is, this failure is at whose expense? It is at our Nation's seniors' expense. As prescription drug prices go up each and every year by more than 15 percent, it is 2½ times faster than the cost of additional health care components. By 2011, the prescription drug spending is expected to be 15 percent of all health care spending in America. Rising prescription drug costs have made prescription drug coverage for Medicare beneficiaries less available and more expensive. We have seen employer-sponsored retiree health plans provide 28 percent of Medicare beneficiaries with prescription drug coverage, more than any other source. It is a major source of prescription drug coverage for our Nation's seniors.

Now what are we finding? Far fewer employers are offering coverage to their employees. Those employers who continue to do so are requiring seniors to pick up a larger share of the costs. That is what we are talking about. The proportion of larger employers offering retiree health benefits dropped from 31 percent to 23 percent between the years 1997 to 2001. Those who were requiring Medicare-eligible retirees to pay the full cost of their coverage rose from 27 percent to 31 percent.

Those are not my figures. Those are the figures that have been given by the GAO, that have been certified. Certainly I think they underscore the costs of prescription drugs to our Nation's seniors and, I think, the challenges we face in this country if we fail to address this most serious problem.

As AARP indicated in its own letter, the costs of prescription drugs are going up, as was said, more than 15 percent on an annual basis. These added costs to beneficiaries, as we have seen, because the Medicare provider giveback is going to increase part B premiums. There is no question about that. So that is going to raise the premium $6 billion in the first 5 years alone. These added costs, as they said in their letter recently, come in addition to double-digit hikes in prescription drug costs for older and disabled Americans, many of whom have little or no options for drug coverage.

Employers continue to reduce or eliminate health care coverage. Medigap premiums continue to rise. And now, nine more Medicare+Choice plans are pulling out of Medicare.

So, you see, we do have an obligation to do what is right. I would not be standing here today insisting on getting this done if I didn't think it was possible. That is because I have had a number of conversations with colleagues on both sides of the aisle, on different sides of the issues, different philosophies. Many have indicated they are prepared to make concessions and develop compromise and consensus on this issue to get it done here and now.

I agree with the statement that was made by the Senator from West Virginia with respect to the provider giveback legislation. I think it is necessary for our Nation's hospitals and home health care. So is this. They are not mutually exclusive. They go hand in glove for our nation's seniors.

I have toured many of the hospitals in my State.

I have heard firsthand from seniors in my State about the plight of some who have gone without prescription drug coverage.

I was told a story about a man who had diabetes and was supposed to take his medication and couldn't take his medication. He knew what that would lead to. He didn't have prescription drug coverage. So he was unable to take the medication prescribed by his doctor after he was released from the hospital. He had diabetes which ultimately led to amputation and ultimately to his death.

Those are the kinds of tragic stories we hear over and over again. Those are choices our seniors shouldn't have to make.

We have the time. We have the time to do what is right.

Mr. KYL. Mr. President, I rise in support of S. 3018, the Beneficiary Access to Care and Medicare Equity Act, which was recently introduced by the Chairman and Ranking member of the Finance Committee.

This act would provide more than $40 billion over the next 10 years to improve benefits for Medicare beneficiaries, guarantee that Medicare beneficiaries continue to receive the high quality health care they deserve, and increase reimbursements to Medicare providers.

I would prefer that we address these issues as part of comprehensive Medicare reform, reform that includes a new prescription-drug benefit. Unfortunately, the process the Majority Leader used to bring a prescription drug benefit to the Senate floor guaranteed its defeat, and no drug proposal put forward won the 60 votes necessary for passage. While the Senate was unable to pass a prescription drug bill, we still have an opportunity to address other critical Medicare issues.

And it is critical. In 1997, Congress passed the Balanced Budget Act. This act made significant cuts in Medicare provider reimbursements and implemented new payment systems. In many cases, these cuts made sense. However, in some cases they went too far. Moreover, the process of implementing these new payment systems for home health care, hospital outpatient services and skilled nursing-facility services has not been a smooth one.

One key area where we see this is in payments to physicians. Physicians are reimbursed for providing services to Medicare beneficiaries under a fee schedule. The fee schedule is updated annually under a very complex formula. The formula considers the sustainable growth rate which is based on four factors: the estimated changes in fees; the estimated changes in the average number of Medicare Part B enrollees, not including Medicare+Choice beneficiaries; estimated projected growth in real gross domestic product growth per capita; and estimated change in expenditures due to changes in law or regulations.

On November 1, 2001, the Center for Medicare and Medicaid Services (CMS) announced that the annual update of the fee schedule in 2002 would result in a 5.4 percent reduction in reimbursements. A number of factors led to this decline, including the adjustment by the sustainable growth rate. But the sustainable growth rate is flawed because of mistakes made by CMS. In the late 1990's, CMS overestimated the number of Medicare beneficiaries in the Medicare+Choice program and underestimated gross domestic product growth. These errors resulted in reimbursements greater than what they should been if CMS had not made them. As more accurate data came about CMS has corrected its previous errors. This correction has partially led to the −5.4 percent update this year. Additionally, physicians are looking at future payment cuts next year and the two years following that. Overall, physicians could see a 17 percent reduction in reimbursements from Medicare over these four years.

The key concern, of course, is really not so much Medicare reimbursements for physicians, but Medicare beneficiaries' access to medical care. There is increasing evidence that doctors are not taking new Medicare beneficiaries, are retiring early or accepting administrative positions. According to a report in the March 12, 2002 edition of the New York Times, 17 percent of family doctors are no longer taking new Medicare patients. The Beneficiary Access to Care and Medicare Equity Act would increase reimbursements to physicians over the next three years, and, in turn, help stem the tide of doctors refusing to treat new Medicare patients.

Of course, physicians are not the only health-care providers that this legislation would help. The legislation would eliminate a 15 percent reduction in home health-care reimbursements mandated by the Balanced Budget Act of 1997. As it turns out, the Balanced Budget Act's original change in the payment system for home health care services helped save money. But it is no longer necessary to implement the 15 percent cut. Additionally, this legislation would help smooth out the transition to a new payment system for skilled nursing facilities. S. 3018 would also provide both urban and rural hospitals with increases in reimbursements. It has many provisions to help alleviate the reimbursement differences between rural and urban hospitals. Of particular note, S. 3018 contains a technical change that will allow publicly-funded safety net hospitals to negotiate for lower drug prices. These hospitals bear a disproportionate burden in caring for the uninsured in our country; allowing them to negotiate lower prices will save them millions of dollars.

Another provision of note is section 805, which would provide $48 million annually for two years to States and other providers that offer federally-required emergency medical treatment to illegal aliens. A congressionally-commissioned study by the U.S.-Mexico Border Counties Coalition estimates that the 24 counties along the southwest border incur uncompensated costs of over $200 million per year in connection with the provision of emergency health treatment to undocumented aliens. The non-border counties in southwest States, and other states, including New York, Florida, Illinois, New Jersey, Massachusetts, Washington, Colorado, and Maryland, also incur tremendous costs. The entire state of Arizona, for example, incurs unreimbursed costs of approximately $100 million per year to provide such treatment.

These southwest States and counties, many of which have very small tax bases and small annual budgets, and other States should not be forced to bear the responsibility of providing emergency health treatment to undocumented aliens. These unreimbursed costs have helped put Arizona's and other States' affected hospitals in a state of dire fiscal emergency. Many hospitals have closed, or are in danger of closing, their emergency rooms either temporarily or permanently.

The Balanced Budget Act of 1997 provided funding to states to help defray some of these uncompensated costs; however, this provision expired at the end of fiscal year 2001. Section 805 would specifically extend and refine the Balanced Budget Amendment Act of 1997 to provide $32 million in each of fiscal year 2003 and fiscal year 2004 to the 17 States with the highest number of undocumented aliens, as defined by the U.S. Department of Justice. Additionally, in fiscal year 2003 and fiscal year 2004, $16 million would also be allotted to the six highest undocumented alien apprehension States, as defined by the U.S. Department of Justice.

Forty-eight million dollars per year is just a fraction of the unreimbursed costs that the States incur each year, but this funding will at least begin to defray some of the costs.

Although, I strongly support most of the provisions contained in S. 3018, I do have concerns about others. For instance, section 707 of S. 3018 provides States with a temporary 1.3 percent point increase in their Federal Medical Assistance Percentage, FMAP, payments, the amount that the Federal Government supplements States' Medicaid spending.

Under FMAP, Medicaid funds are distributed to States based upon a formula designed to provide a higher Federal matching percentage to those States with lower relative per capita income, and a lower Federal matching percentage to those States with higher per capita income. This formula, although not perfect, is justified because States cannot manipulate it for their own gain; the data are periodically published and can be estimated with reasonable accuracy. Additionally, the use of per capita income is a proxy for state-tax capacity which, in turn, relates to a State's ability to pay for medical services for needy people. To put it simply: poorer States get more help than wealthier States.

Unfortunately, S. 3018 ignores the Medicaid formula and gives each State a 1.3 percent point increase. Under this section, States that have been determined by the Medicaid formula to receive the lowest FMAP of 50 percent receive the greatest percentage increase in FMAP. States with the highest FMAP receive the lowest percentage increase. This is the exact opposite of how the funds should be allocated. The Medicaid formula, whatever its faults, does indicate a relative sense of need. It would be wrong to give the least needy States the largest percentage increase.

Even though I have concerns about how funds are distributed under this section, I urge my colleagues to support S. 3018. It is vitally important that Congress enact changes to Medicare payment policies before we adjourn. I also support the passage of a Medicare prescription-drug benefit, preferably the tripartisan modernization proposal; but we should not allow our inability to reach a consensus on that matter to stop us from making the appropriate changes to Medicare's payment policies. Medicare beneficiaries need guaranteed access to high quality care, and S. 3018 is a means to that end.

Mr. JEFFORDS. Mr. President, I first want to salute the Senator from Montana, Mr. BAUCUS, as well as my good friend and colleague, Senator GRASSLEY, for their bipartisan effort and leadership in crafting S. 3018, the Beneficiary Access to Care and Medicare Equity Act of 2002.

As the chairman and the ranking member of the Senate Finance Committee, they have worked long and hard on legislation that is critically important to the future of health care for our citizens that rely on Medicare. I am proud to be a cosponsor of S. 3018, and I urge all of our colleagues to support its passage as soon as possible.

In the closing days of the 107th Congress, there will be many bills that on their way to consideration and passage will enjoy the unanimous consent of the Senators. There are few of these many bills more worthy of our consideration and unanimous consent than this measure.

Vermont, like so many of our States, has a healthcare system that is facing reductions in levels of Medicare reimbursement that are untenable. In some cases, these reductions took effect on October 1 and others will occur at the end of this month. The cuts have already led to fewer physicians and services being available to care for our elders.

The list of cuts and reductions is long. Physicians and other healthcare professionals, home health agencies, critical access hospitals, skilled nursing facilities, sole community hospitals, and others are being affected. And make no mistake, these cuts translate as cuts in access to healthcare for our elders.

But it is not too late. We can pass this legislation, engage in a conference with our colleagues in the other chamber, and have a bill for the President to sign before the end of this Congress.

Once again, I want to commend Senator BAUCUS and Senator GRASSLEY for their work on this bill and for this chance to speak to its merits today. It is needed legislation, it is balanced, and it is well crafted. Our elders need it passed. Our providers need it passed. Children depending on SCHIP need it passed, and our States need it passed.

We should not let this opportunity to enact this legislation go by, and so I urge our colleagues to support its passage.

Also I want to commend the Senator from Maine for her statement with which I agree and commend her.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. NELSON of Nebraska. Mr. President, the Senator from Maine has told us what the Baucus-Grassley unanimous consent request to move the legislation forward won't do, what it has been said is included, what has not been included in it, and, therefore, as a result it shouldn't be considered at this point.

I will concede the point to my friend from Maine that it is a tremendous shame we didn't somehow pass a prescription drug benefit for our seniors. I have worked with her. We even shared an amendment on the Patients' Bill of Rights. I know of her passion for health care and for the benefits for our seniors. I share those values, and I share the concern we all have today everywhere that we don't have a prescription drug benefit for our seniors.

I have to go back to Omaha and face George and Lee, who have spent so much time telling me about the importance of having a prescription drug benefit. But you know we had three shots at it this session. One was it was too expensive, one was it didn't provide enough benefits, and the one my friend from Maine supported—the insurance model—failed by getting only 48 votes.

But I come from an insurance State. And not one insurer that I spoke to told me they planned to offer this benefit anywhere, let alone in the State of Nebraska.

There were a lot of reasons why that particular bill didn't make it. There were reasons why the other two bills didn't make it.

I would like to have us pass a prescription drug benefit before we leave, but I don't want to do it at the expense of this legislation that is so necessary.

When I go back, if we don't pass it because we try to pass a prescription drug benefit that causes the failure of this legislation which I am going to describe in a minute, I will have to face George and Lee. Not only will they tell me we didn't get a prescription drug benefit, but their physician Medicare rates are down and their doctor doesn't want to provide the care for them anymore. Or I have to go back and find out the skilled nursing facilities are not going to be funded or the State fiscal relief that Senators ROCKEFELLER and COLLINS and I worked so hard to get through is now cut back from $9 billion to $5 billion and that is not going to be available to the State.

I agree with the passion of the Senator from Maine and her concern about the fact we didn't get a prescription drug benefit done yet this session. But I don't agree we ought to pull this legislation which is before us back into committee so they can attach to it a bill that failed, only got 48 votes, and which I don't think will work. I think we have to separate these two issues—and they have been separated.

Let us talk about the bill that is now before us, the Baucus-Grassley bill, a bipartisan effort. The ranking Member from Iowa is pushing to have this considered on the floor rather than to go back and be delayed in committee.

Under current law, Medicare's physician payment rates are projected to fall by 12 percent over the next 3 years. In Nebraska, physicians' losses due to the 2003–2005 cuts will total about $63 million or $17,230 per physician. This comes on top of a 5.4 percent payment cut which cost Nebraska doctors a total of $12.9 million or about $3,875 per physician in 2002.

An AMA survey conducted earlier this year found that one in four physicians either has restricted or plans to restrict the number or type of Medicare patients treated. One in three has stopped or intends to stop delivering certain services to Medicare beneficiaries.

Additional payment cuts of an extra year will only exacerbate these problems and cause significant access problems in the State of Nebraska—a State that is already challenged geographically to be able to provide access to our residents.

Let us talk for just a moment about skilled nursing facilities and what will happen there.

Our skilled nursing facilities are also in jeopardy. If action isn't taken and if this legislation does not pass, then Nebraska's facilities will lose $28.48 per patient per day next year, for a total of $10 million. There are just some that aren't going to make it. They are going to be in small communities that will be left out when it comes to skilled nursing facilities.

When it comes to State fiscal relief, my colleague from West Virginia and I—both former Governors from our States—know very well what the impact is going to be on the States of Nebraska and West Virginia, as well as the rest of the States. Forty-nine out of 50 States must balance their budgets by law.

It is no secret the economy is hurting. States are facing a number of difficult decisions as a result of that. When States have to make budget cuts, let me assure you it affects real people. There may be line items in a budget, but there are faces associated in every case.

In a special session in Nebraska in August, the legislature made some drastic cuts. It wasn't pretty. Thirteen thousand kids were cut from Medicaid.

That is why we have been working so closely, Senators ROCKEFELLER, COLLINS, and I, to pass State fiscal relief, which is part of this legislation. Seventy-five of our Senate colleagues agreed with us when they supported our amendment in July. Senators BAUCUS and GRASSLEY have included State fiscal relief in this very important provider package, and it is extremely important to the people in the State of Nebraska and the States of every one of our colleagues here in the Senate.

If I were one of my residents of Nebraska, or one of my constituents watching or listening to the debate today and heard about unanimous consent requests, objections, sending this back to committee for further consideration, trying to deal with what cloture is, how many times, what person did what, and how many of us are all interested in making sure we get not only this legislation through but also a prescription drug benefit, they have to be confused.

Their only question is, Why don't you just get this legislation done and work also on a prescription drug benefit? What has one got to do with the other? Don't, for heaven's sake, deny us our prescription drug benefit because you can't get it through, and at the same time now come along and make sure our doctors aren't going to get reimbursed enough, or our skilled nursing homes aren't going to have enough money, and our States are going to continue to cut back on Medicaid benefits. Separate the two issues and get them done.

Three tries, and I don't think we are out. That is true in baseball. I don't think it is true here. I think we can dust off one of these versions and make it work well.

I have met with Senator SNOWE on a prescription drug benefit. I have met with everybody I can in the interest of finding a prescription drug benefit. I know it is possible. I also know it is difficult. But I think it is extremely important for us to first fulfill our obligations with the Baucus-Grassley effort. Let us let this come to a vote. Let us stop the objections. Let us withdraw the objection from the other side. Let us get a vote. Then let us see if a bunch of us can come back together—and we should—and get a prescription drug benefit.

But, for heaven's sake, even in the greatest and most sincere effort in the world, we should not think about one bill here because we are trying to save another, when we know very well it is not going to work. We have not run out of time. We can do this. We should bifurcate them. We should separate them, get the Baucus-Grassley bill done, withdraw the amendment, and let us work on a prescription drug benefit so I can go home and I can talk to Lee and George and tell them something more than: Well, we tried.

I sure don't want to have to go back and say: Well, we didn't get anything on prescription drugs. But that isn't where the bad news ends. There is worse news. We also didn't get the give-back bill through, and that means if you have to go to a nursing home, there may not be one. Your doctor may decide he is not going to treat you because he has had a reimbursement dropped or if, heaven forbid, they have to go on Medicaid, there will not be any benefits to provide for seniors as well.

I don't want to have to tell the children of Nebraska there are further cuts coming because we could not get the State relief, the FMAP, as it is called, back to the States to take care of the short budgets so that people are not going to be further disadvantaged by these unfortunate economic conditions in these times.

I agree with my friend from West Virginia, there is more passion in this Senate body to pass a prescription drug benefit than you can imagine. The problem is very simple. We just cannot agree on how to do it. It cannot cost too much, the benefits cannot be too little, and we cannot pass something that will not work.

I think we have the collective wisdom to find a way to do it, but it is going to require the collective will to do it. But this mechanism is not the mechanism on which to do it. And let's not sink it trying to do something noble for those who are the most vulnerable among us, our seniors. I think they can understand why we do not want to sink one trying to do the other.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. DAYTON). The Senator from West Virginia.

CONCURRENT RECEIPT

Mr. ROCKEFELLER. Mr. President, I rise at this point on a different subject, with the tolerance and forgiveness of the Senator from Louisiana, to discuss a different problem, concurrent receipt.

I am very pleased my friend from Minnesota is in the Chair because he is on the Armed Services Committee, and so it makes me very happy to be able to present this argument to him.

We are all very familiar with this practice of requiring military retirees to choose between military pay for retirement and disability benefits. There is a history of this which I will get into. The money comes from the Department of Veterans Affairs, but it is a very sad state of affairs that we have come into.

This is a practice that my friend, Bill Stubblefield, of Martinsburg, which is a large town in West Virginia, who serves on the board of directors of the Retired Officers Association, told me "is patently unfair when a serviceman or woman, who has devoted 20 plus years of their life in service to this country—suffering physically as a consequence—has to be penalized by having their VA disability offset by their retirement pay."

It is a huge subject. We have been fighting for years to eliminate this injustice. While the Senate, under the leadership of Senator HARRY REID of Nevada, has passed such a provision several times, this is the first time we have something to offer that approximates the Senate's efforts in dealing with the House, which is now a problem.

Money has been set aside in the deeming resolution to fund some version of concurrent receipt.

Now we learn that the Bush administration is threatening to veto—they have said the President will veto—the Department of Defense authorization bill. I think the enormity of that is $347 billion, something of that sort. They said the President will veto the entire bill because officials in this administration oppose concurrent receipt for service members who are retired from the Armed Forces with a service-connected disability.

A disability is a very special condition. Frankly, I find this opposition highly objectionable. I find it shocking. It wholly disregards the enormous dedication and sacrifice of our men and women in uniform, and it labels their claim to compensation earned in service to this Nation as "double-dipping," which is a slam and a putdown. It is something you say in sort of contemptuous terms.

When did this become double-dipping? More than 100 years ago, Congress examined the military pensions of veterans of the Mexican-American war. At that time, Congress found the retired service members who returned to active duty could draw active duty, retirement, and disability pay. So life was good and right and fair.

During debate, the late Senator Francis Marion Cockrell, who, I confess, is unknown to me, argued that:

> [T]he salary we pay the officers of the Army is intended to be in full for all military services. We allow longevity pay . . . in lieu of pension and everything else.

In 1891, therefore, Congress banned what is called "dual compensation" for past or active service and disability compensation. So that is history, 1891.

That legislation accomplished its goal. Service members can no longer receive retirement or full disability compensation while on active duty. However, the Congress of 1981 painted with too broad a stroke. Retirement and compensation are and have always been intended to compensate very different purposes. One is called retirement; the other is called a disability. They are totally unconnected.

This is a very important issue to veterans in this Senator's State and to veterans throughout the country. In fact, I would say to the Presiding Officer, there is no single subject on which this Senator gets more mail and more telephone calls and more conversations when in my State than on this subject of concurrent receipt. It is an overwhelmingly emotional and powerful argument of anger and disgust and frustration on the part of the veterans of this country.

Veterans such as Hugh Weeks of Beckley, WV, a veteran of World War II, Korea, and Vietnam—that's not bad—a career military man, writes to tell me that while their military careers placed hardships on them and their families, they never stopped serving during those hardships. Hugh wrote to me: "Now is the time for the government to stop discriminating against us."

In yet another disturbing setback for retiree veterans, the House of Representatives Appropriations Committee, last week, reported out a VA-HUD appropriations bill for fiscal year 2003 spending. This bill contains a provision that would prohibit specifically VA from using any staffing funds to adjudicate claims for VA service-connected disability benefits that would result in concurrent receipt.

Mr. President, I ask unanimous consent that the applicable text of the bill and committee report be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

H.R. 5605—DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2003

SEC. 114. (a) No appropriations in this Act for the Department of Veterans Affairs shall be available for the adjudication of any claim for disability compensation filed after the date of the enactment of a new concurrent receipt law by a veteran who is entitled to retired or retainer pay based upon service in the uniformed services if the Secretary determines that, if compensation under the claim is awarded to the claimant, the veteran will, by reason of the new concurrent receipt law, be entitled to payment of both compensation under the claim and some amount of such retired pay determined without regard to the provisions of sections 5304 and 5305 of title 38, United States Code.

(b) For purposes of subsection (a), the term 'new concurrent receipt law' means a provision of law enacted after October 1, 2002, that provides that certain veterans are entitled to be paid both veterans' disability compensation and military retired pay (in whole or in part) without regard to sections 5304 and 5305 of title 38, United States Code.

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS BILL, 2003

Section 114 prohibits VBA funds from being used to adjudicate claims arising from any new concurrent receipt legislation. The Department of Veterans Affairs estimates that enacting concurrent receipt of compensation benefits and military retirement pay would result in estimated mandatory costs to VA of approximately $16,000,000,000 over ten years, as well as administrative costs of

> $124,000,000 in the first year and $245,000,000 over a five year period. These estimates do not include the additional costs to the Department of Defense. The Department estimates the concurrent receipt claims workload would add more than 800,000 claims over the next three years. VA has been working diligently over the years to reduce the claims backlog and adjudication time. As of August, VA adjudicated almost 730,000 claims in fiscal year 2002 and still has a current workload of over 355,000 claims with a lag time of 225 days. Regardless of the policy surrounding concurrent receipt, the Committee is concerned that the deluge of new concurrent receipt claims will paralyze the system and those veterans who have been waiting for years to get a determination will never see the benefit. The Committee directs the Administration to budget appropriate VA funding for both mandatory and administrative costs should such new concurrent receipt legislation be enacted.

Mr. ROCKEFELLER. Mr. President, if this provision becomes law, no service member who retires next year and is disabled because of service will be found service connected by VA. No current retiree who has yet to file a claim with VA but is disabled because of service will be service connected by the Veterans' Administration. No retiree who is already service connected, whose condition worsens, will receive a service-connected rating increase. No widow of a retiree who died of a disability related to service will be able to receive VA service-connected death benefits if she receives Department of Defense survivor benefits.

It is discrimination. It is wrong. If followed to its logical conclusion, none of the benefits that flow from service-connected disability status will be given to otherwise completely eligible individuals. These important benefits include free health care and, most importantly, obviously, long-term care, vocational rehabilitation and certain life or homeowner's insurance, health care, education, and home loan eligibility for surviving spouses and children.

Our House colleagues have justified this action, so to speak, this policy choice, by pointing to the cost to the Federal Government of paying for benefits that rightfully accrue to veterans who devoted a lifetime of service to this country. The House Appropriations Committee also warned of a potential flood of new claims that might be filed if concurrent receipt passes, increasing delays in processing.

My shock over these provisions and the rationale given for them is not that of the chair, which I am, of an authorizing committee seeing its role usurped by appropriators. One gets accustomed to that. No one is more concerned about the way the Veterans' Administration adjudicates claims than I am. As chairman of the Veterans' Affairs Committee, I have been working on this issue for a very long time. I am troubled not only about the length of time the Veterans' Administration takes but the quality of the decisionmaking in that process.

We can quibble over the number of claims that might arise if concurrent receipt passes and how much they might add to VA's already shocking backlog. That is why we must support, therefore, a sufficient appropriation to process and pay for these claims.

None of these concerns aforementioned by me justify prohibiting benefits to eligible veterans and their families, benefits they have earned through their service to this country. Nothing justifies that.

It can be straightened out in this body. It is time for us as a nation to step up and do the right thing. Otherwise, how can we face Hugh Weeks, the aforementioned veteran from Beckley, WV, and all of the disabled retirees who stand with him. When will it be time to stop discriminating against those who continue to serve after they have suffered disabling injuries or illnesses? I hope that time is now.

Mr. NELSON of Florida. Will the Senator yield?

Mr. ROCKEFELLER. I am glad to.

Mr. NELSON of Florida. I just want to thank the Senator from West Virginia for his insight and leadership and for educating me, a Senator from Florida, from his position as chairman of the Veterans' Affairs Committee.

I wanted to bring to the Senator some late-breaking news. We have just had a conference committee meeting of the Armed Services Committee in which we are trying to get final resolution on the DOD authorization bill. The House conferees refused to show up with the Senate conferees to hammer out the final version because of a dispute over concurrent receipt. But it is not a dispute from the entire membership of the House of Representatives. In fact, they had a motion to instruct conferees to accept the Senate's position, as articulated by the Senator from West Virginia on concurrent receipt; in other words, that if you have a military retirement, you ought to have that, and it should not be offset by what you are also entitled to if you are a disabled veteran who is entitled to disability benefits.

Despite the fact that the House passed a motion to instruct conferees, 400 to 0, to accept the Senate position—in other words, to accept concurrent receipt—and give these disabled veterans what they are entitled to, the White House sends a message to the House of Representatives leadership and says: Don't agree with the Senate.

I was so proud of the chairman of the Armed Services Committee; when he found out that was the position, he said: Nothing doing. We are not agreeing to the White House's position. We are going to stand up. The Senate is going to stand up for concurrent receipt.

I thank the Senator from West Virginia. I wanted to bring him that late-breaking news.

I also want to put very clearly where the responsibility is because the veterans of this country don't know that they are going to be denied concurrent receipt because of instructions from the White House staff and President Bush.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I rise to add my words on this issue and also to thank the Senator from West Virginia for his comments, as well as the Senator from Florida. The Senator from West Virginia is absolutely correct; this is a very important issue to Americans generally, particularly in the context in which we find ourselves, getting ready to perhaps fight yet another war and honing our designs on homeland security, but particularly to the veterans and their families that are affected.

Unfortunately, the President has stated he will, in fact, veto the Defense bill over this issue. I urge him—and I am sure many of my colleagues on both sides of the aisle do as well—to reconsider. While there is a cost associated with this, clearly it is an injustice that should be corrected.

A veteran, a person who has put their life on the line, particularly in recent years, been called up again and again and again into active reserves and also reservists have been called up, to have a person injured or disabled and then to serve out their 20 years, only to come to the realization that they can receive their retirement but they can't receive their full disability is a very unfair situation, something for which our veterans most certainly deserve our better attention.

As we allocate our resources to strengthen our military, not only do we need smarter weapons, but we need to keep our promises to our men and women in uniform. We need to keep our promises about health care—you take care of us now, we will take care of you in your senior years. We are doing a better job of that by stepping up with the TRICARE and health benefits. But this concurrent receipt issue is where the rubber hits the road and trying to get some sort of commitment to helping our veterans who are disabled on the battlefield or injured on the battlefield, that disability then is subsequent to that injury, to allow them and their families to take the full benefit of their retirement as well as their disability seems to me in the scheme of what we have been talking about: Investing in our military, trying to keep up their morale, keep up our promises, and live up to our promises to our men and women in uniform as to what we should be doing.

I am hopeful this situation will resolve itself to the benefit of veterans. I, for one, am prepared to stay here and work toward that end.

TRIBUTE TO SENATOR JOHN BREAUX

Ms. LANDRIEU. Mr. President, I rise to address a subject on which there is no disagreement. The President would agree, as would Senate Democrats and Republicans and many Members of Congress; that is, to congratulate the senior Senator from Louisiana, JOHN BREAUX, on 30 years of service in the Congress.

We celebrated that momentous anniversary this past Saturday. He received, of course, many well wishes from his many friends and supporters in Louisiana and around the Nation.

I know his family is very proud. I want to say for a minute how proud I am of his service to our State of Louisiana. Thirty years ago, Senator JOHN BREAUX, then a Congressman, came to Washington as a young lawyer from a small town, the city of Crowley. He was elected to the House of Representatives at a very young age. In fact, when he got here, he was the youngest Member of Congress. He has served our State admirably ever since. Now he is in his third term in the U.S. Senate, and I have every hope he will run again and have no doubt he will be reelected.

JOHN likes to say he started campaigning in nursery school. Those of us who know him well would almost believe that. That is probably no stretch. He said he was going to city council meetings with his grandfather when he was 7 years old. In high school he was a popular athlete who played hard but was always fair to his teammates as well as his opponents. He learned the lessons on those athletic fields of hard work, teamwork, and leadership, which serve him well. Frankly, it is so obvious to all of us who know him and his affable manner, his very approachable way, always with a kind word to say, always a joke, and always something to lighten up a discussion at the appropriate time. Those traits have served him well as an outstanding Congressman and Senator.

In addition, because none of us come here on our own, he has come here as a husband, a father, and now as a grandfather. His wife, Lois, has truly been a tremendous partner, at great sacrifice to herself and her family. JOHN and Lois brought their Cajun roots to our Nation's capital, and we are proud of that. He has never lost sight of who he is or where he has come from. We know him at home in many ways, but in Washington he is known as a strong, vocal, and effective advocate for agriculture. His hometown sits right in the heart of rice country, in Crowley, LA, and in the heart of, in many ways, sugarcane country in south Louisiana; and he is familiar with all of our row crops, cattle, and other aquaculture and agricultural commodities.

He is a strong and effective advocate of energy policy for the Nation, and his voice has been one that has brought us to the center, with a balanced approach on our energy policy. In addition, on our health care industry and issues, he has been particularly noted as a leader. As a member of the Finance Committee, there is not an important compromise that is developed on that committee—or outside of that Committee, for that matter—that he is not part and parcel of, which is a great strength as a Senator, particularly in these times when our parties seem to have a hard time coming together and finding middle ground and working out a compromise. Senator BREAUX brings so much effort in that regard and so much help.

To mention a few things—and after his 30 years, I could stay here all night and I could talk for hours. I will highlight a few of the things that would not have passed without his able help and assistance: the Welfare Reform Act, many health insurance reform bills, the balanced budget amendment, and tax cut packages that have passed here. He chaired the Special Committee on Aging and to that committee has brought a tremendous amount of passion on the issues of Social Security and Medicare, which have served this Nation well.

I will conclude by saying we have all been blessed by his leadership and his talent. He has used it to help Louisiana to grow and expand economically. Mr. President, he has had a tremendous impact on the Nation at large. He has fought for businesses, schools, workers, students, and opportunities for all. He is a founder of the DLC, of the new Democratic Network.

I could not have a better partner in the U.S. Senate than JOHN BREAUX. He is a mentor, a friend, and a partner in helping to strengthen our State. I wanted to spend a few moments to acknowledge the 30th anniversary and wish him 30 more years. He is in great health. He plays tennis regularly, with Democrats and Republicans alike, and beats us all on the court. He wins many of his battles on the Senate floor as well.

Again, I congratulate Senator JOHN BREAUX.

RESERVISTS AND GUARD PAID PROTECTION ACT

Ms. LANDRIEU. Mr. President, I will now address the Reservists and Guard Paid Protection Act, which I introduced last week. I'm looking forward to working diligently in the months and years ahead—hopefully, it won't take years—to pass this bill. I think it is a bill we probably should have addressed some years ago. I will speak to what the bill does.

The Reservists and Guard Paid Protection Act attempts to put into law a tax credit for employers who voluntarily—because it is not mandatory—pay their reservists and maintain their salary level when they are called up to represent us, to fight for us, to stand in harm's way, to preserve our freedom, whether it be in Afghanistan, Bosnia, or Iraq, or anyplace our flag needs to continue to wave.

Mr. President, as you might know—and I am certain most people in America don't realize—when our reservists are called up, their salary is cut. When our reservists are called up to defend us—because the President, our Commander in Chief, and this Congress have authorized us to call on them, to call on their lives, their health, and strength to defend us—they, in most instances, take a pay cut. Why? Because their salaries are generally higher in the civilian sector than we are able to compensate them.

No soldier works for a paycheck, I realize that. If they did, we would not have any soldiers, because their paychecks are not what they need to be. They are patriotic and they believe in our Nation and they want to do their part. For that, they should be commended.

This Reservists and Guard Protection Act gives their employers, if they voluntarily keep their salaries at the level they were before they were called up to serve, a 50 percent tax credit. So it helps the employer, who also is making a sacrifice, might I say, in the new system we have on relying more on reservists and guardsmen. The employers themselves are, of course, by law mandated to keep that job open so when the Reservists come back, they have a job. They are not mandated—and should not be—to pick up the tab for their salary, but we can help, and the cost is really minimal compared to the benefits that would result.

In addition, this bill also would mandate the Federal Government would maintain, for those reservists who are Federal employees—and we have a good percentage—not a majority, but a number of our Federal employees who might work at Treasury during the day, but are weekend warriors, and now they are full-time warriors because they have been called up—this bill would mandate the Federal Government simply maintain their pay at their regular level. Instead of taking the paycheck and sending part of it back to the Treasury while they defend us, they would be allowed to keep that paycheck, which would make a tremendous amount of sense. I know it would mean a tremendous amount to the spouses and family members at home, who have to keep the lights on, pay the mortgage, pay the rent, or pay the car payment monthly, food bills, et cetera. Just because one person in the family—one of the breadwinners, and in some cases it may be the sole breadwinner—has been called up to go to war, the family bills don't stop coming. They need to be paid.

So anything we can do to keep our reservists' and our guardsmen's pay where it was so they are not taking a cut to defend us, I think would be appropriate at this time. Basically, that is what this bill does.

Let me make another point before I close.

Since 1991, the U.S. military has significantly scaled down its active troops because we came to the end of the cold war and we thought we could scale back our active troops. Now we are scaling up, of course, to meet these new threats, and into the foreseeable future, by calling on our Reserves more and more. In fact, they represented 40 to 50 percent of our troop force in Desert Storm. We have called on them in somewhat a disproportionate way to defend us in Bosnia, Afghanistan, and no doubt, if we go to Iraq, our active force will be perhaps 100,000, if not 200,000, in number, and many of them will be reservists.

Gone are the cold war days when we had massive military personnel positioned all over the world. Now we are relying on a leaner force. The reservists have become a part of that leaner force because we need flexibility in putting our force together to serve a great purpose.

In addition, with the new war—and you know, Mr. President, because you serve on the Armed Services Committee and the Emerging Threats Subcommittee which I chair, you are familiar with the fact we are going to need new skill sets in our armed services—linguists, cultural experts, historians. We are going to need different skill sets, highly technical individuals—public relations people, individuals who have skills about setting up civil authorities. So our new Army, Navy, Air Force, and Marines have to be a group of men and women who are highly trained in specialized skills.

Sometimes we can get those specialized skills from those on active duty, but it is smarter, more economical, and actually more effective if we are able to pull certain types of skills out of the civilian force when needed to apply them to that specific goal or objective. That is the way this new military is going to be designed for the future. It is different from the First World War, different from the Second World War, different than the cold war strategy. With a new strategy and new weapons, we are asking the reservists to do more. Let's not ask them to do more with less. Let's not ask them to do more and cut their pay. Let's do right by our reservists by supporting them. They are weekend warriors, but now they are simply warriors. Our benefits to them and our pay systems should reflect this new demand on their schedules.

OPTEMPO is up. Our conflicts and our challenges are right before us, and we need to respond.

I am hoping we will gain support for this act. I look forward to debating and presenting it to the committee, but I think this is the least we can do to support a segment of our national security force that is so important and so crucial for us to win the war on terrorism, to establish the peace around the world, so this economy, and economies around the world, can grow and people truly can live in peace and prosperity. These are the people who are on the front line making that happen.

This is a very important bill. I hope we will gain a lot of support for it as the months and weeks unfold.

TRIBUTE TO STEPHEN E. AMBROSE

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 342; that the resolution and the preamble be agreed to; that the motion to reconsider be laid upon the table; and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 342) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 342

Whereas Stephen E. Ambrose dedicated his life to telling the story of America;

Whereas Stephen Ambrose's 36 books form a body of work that has educated and inspired the people of this Nation;

Whereas President Bill Clinton awarded Stephen Ambrose the National Humanities Medal for his contribution to American historical understanding;

Whereas Stephen Ambrose made history accessible to all people and had an unprecedented 3 works on the New York Times Best-sellers list simultaneously;

Whereas Stephen Ambrose served as Honorary Chairman of the National Council of the Lewis and Clark Bicentennial and lent his name, time, and resources to innumerable other philanthropic endeavors;

Whereas Stephen Ambrose committed himself to understanding the personal histories of the men and women often referred to as the "greatest generation";

Whereas Stephen Ambrose's groundbreaking work on the history of World War II and the D-day invasion culminated in the National D-Day Museum in New Orleans; and

Whereas all Americans appreciate the contribution Stephen Ambrose has made in recapturing the courage, sacrifice, and heroism of the D-day invasion on June 6, 1944: Now, therefore, be it

Resolved, That the Senate—

(1) mourns the death of Stephen E. Ambrose;

(2) expresses its condolences to Stephen Ambrose's wife and 5 children;

(3) salutes the excellence of Stephen Ambrose at capturing the greatness of the American spirit in words; and

(4) directs the Secretary of the Senate to transmit an enrolled copy of this resolution to the family of Stephen Ambrose.

Ms. LANDRIEU. Mr. President, this resolution is to honor—I am not sure words can actually do appropriate justice—a great American who passed away this last weekend. That American is Stephen Ambrose, the author of a number of books, a man who helped our Nation understand the dynamics of war, the spectacular strengths of the American infantry men and women in uniform.

He passed away quite a young man in his midsixties. He was a professor of history, known by many of us personally, and was a personal friend of the Senator from Alaska. I submit for the RECORD this resolution, to have it appear in the CONGRESSIONAL RECORD to honor a great American, someone Louisiana has lost and the Nation has lost. I am not sure we can ever replace him.

Mr. REID. Will the Senator yield for a question?

Ms. LANDRIEU. Yes.

Mr. REID. Mr. President, I ask the Senator from Louisiana allow me to be a cosponsor of this resolution.

Ms. LANDRIEU. Yes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I say to my friend from Louisiana, I love to read. I have very few extracurricular activities outside the Senate, but one is reading. I have received so much pleasure from "Undaunted Courage," the great book about the Lewis and Clark expedition, which changed my view of our country. Of course, the work he did on World War II is something that will forever be in my mind and the mind of anyone who knows anything or cares about the history of this country. And to have the pleasure of being able to talk with him on a number of occasions when he came to speak to groups of Senators, I consider one of the pleasures of this job.

I compliment the Senator from Louisiana for submitting this resolution. It is a resolution I will remember as having been a part of because he allowed me to have so much pleasure in traveling to places in my mind's eye I would never be able to reach but for his great ability to write the English language.

Ms. LANDRIEU. I thank the Senator, and I am pleased to have him cosponsor this resolution. It has been said Stephen Ambrose was not a historian's historian, but he was a student's historian. He was truly an exceptional teacher. In my mind, when I think of an exceptional teacher, it is not someone who just communicates facts but someone who teaches in a way that inspires one to be better, to help one understand the context in which one lives. He was not an exceptional teacher just for the brightest kids in the class but for every kid in the class.

He taught—I used to say he taught at UNO—at the University of New Orleans, and kids would say their whole life was changed hearing him lecture. He lectured in the Senate, which changed many of our lives and outlooks.

He was an extraordinary man and left us way too soon. He left a number of works and disciples, if you will, of his work. He certainly will live on, and we were blessed to know him.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. Mr. President, I inquire of the Senator from Alaska, who is standing to be recognized, I have a major speech I wish to make. If the Senator has a few remarks, I will certainly defer to let him go first.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, it is my intention to make some remarks as a cosponsor of the Ambrose resolution, not to exceed 10 or 12 minutes at the most.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that I be recognized upon the conclusion of the Senator's remarks, and I defer to the Senator from Alaska.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Alaska.

Mr. STEVENS. Mr. President, I thank the Senator for his courtesy, and I thank Senator LANDRIEU for submitting this Ambrose resolution.

I thought Stephen Ambrose's book "Undaunted Courage" was one of the best books I ever read in my life. A few years back, my secretary said Stephen Ambrose wanted to come talk to me. Of course, being sort of a provincial type, I got out my book and had it on my desk ready for him to autograph when he arrived.

We talked about his dream. He had a dream of a museum for World War II. He talked with me at length about that. As a member of the Appropriations Committee, he was openly seeking money from the taxpayers of the United States for this museum. It was my privilege to convince the Congress to aid him in that effort. It is in New Orleans, and I say to any American who wants to understand World War II, they should go to New Orleans and see this marvelous museum.

It was my privilege to years later go through the museum with him the day before it opened. It is a fantastic living memorial to those others have called our greatest generation.

I happen to be one of that generation, one significantly honored by the fact I never suffered a scratch or had a crash or did anything I did not really enjoy in World War II. Being a pilot was my dream, and I was a pilot. We talked at length about that. As a matter of fact, Stephen Ambrose and I talked about a book he was going to write. He did write about the squadron of which former Senator George McGovern was a part.

I am here today to try to tell the Senate about a person I learned to love. He was not only a distinguished author, he was a man's man.

He came to Alaska probably three or four times in the last 5 or 6 years to go fishing, and we have had time where we sat around and talked. I tried to talk to him about smoking so many cigarettes, and unfortunately I think that is what caught up with him.

He really understood America. He told me of how he wrote that book "Undaunted Courage"; how he took his boys and went down the trail that Lewis and Clark took. They camped out through the summertime several summers in a row. He told me how he had lived the history. I remember him telling me he felt that book.

He has now become the person who has been the chronicler of the Eisenhower period of our history. I think he wrote nine different books about Eisenhower's participation. He was called by President Eisenhower to be his official biographer. He told me personally about that and how he had not expected that.

He has now completed his life, unfortunately early. He has left a mark for historians to envy because he was a popular historian. I challenge anyone to read one of his books and not want to read the next one written by Steve Ambrose. For instance, he wrote his own biography.

I ask unanimous consent that it be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1).

Mr. STEVENS. It is one of the most interesting biographies a person could read because he personally wrote it. It is sort of a roaming history about a man who enjoyed life.

His books about World War II, of course, will live in history. Of all of them, I enjoyed "Band of Brothers" more than any others because that was made into the series I hope many in the Senate had an opportunity to see.

I have gotten copies of his books and given them to so many friends because they represent to me an understanding of the Eisenhower period. I truly believe those of us who served in World War II worshiped our President then, and he showed that worship when he wrote about Eisenhower. He had the honor to go through all of the Eisenhower papers. He edited and issued five different volumes of the Eisenhower papers. If one wants to know the period of World War II and the time that has followed in terms of people who reviewed the history of World War II, they have to turn to one of Steve Ambrose's books, and think about some of them.

I ask unanimous consent that the Associated Press' list of the 39 books that Steve Ambrose wrote in his lifetime appear following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2).

Mr. STEVENS. Think of these things he wrote about: "Eisenhower and the German POWs: Facts Against Falsehood"; "Nixon: The Ruin and Recovery of a Politician"; "Eisenhower: Soldier and President"; "Nixon: The Triumph of a Politician"; "Nixon: The Education of a Politician"; "Pegasus Bridge"; "Eisenhower: The President"; "Eisenhower: Soldier, General of the Army, President-Elect"; "Milton Eisenhower"; "Ike's Spies: Eisenhower and the Espionage Establishment"; "Crazy Horse and Custer: The Parallel Lives of Two American Warriors"; "General Ike: Abilene to Berlin"; "The Military in American Society"; "The Supreme Commander: The War Years of General Dwight D. Eisenhower"; and "The Papers of Dwight D. Eisenhower."

He wrote on Eisenhower in Berlin. Before he even got to the Eisenhower books he wrote "Duty, Honor, Country: A History of West Point." He also had a series of books about Lincoln, "Halleck, Lincoln's Chief of Staff," the one he personally gave me, his own "Wisconsin Boy in Dixie."

For those of us who are in the Senate, I hope they have read one of the last books he wrote, and that is "The Wild Blue," which is really the story of George McGovern and the B–24 squadron in World War II. I think that reads better than any of the Ambrose books, particularly because those of us who knew George could understand him even more as a Senator once we realized what he went through as a bomber pilot.

I thank Ms. LANDRIEU for submitting this resolution because I think the country should honor Stephen Ambrose. I know President Clinton honored him in 1999 with the National Humanities Medal, but very clearly this man has left his mark on our country. Americans for centuries to come will know more about the period in which some of us have lived because Steve Ambrose dedicated his life to writing history.

I send my thoughts and my best to Moira, his wife, who traveled with him at times to Alaska. I shall miss him. He was scheduled to come up again this year and go fishing with me.

I ask unanimous consent that another item from Stephen Ambrose's history be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 3).

Mr. STEVENS. I thank the Senator for yielding to me. I commend all of the Ambrose books to anyone who wants to understand the period of World War II. He was an author and a great personal friend.

EXHIBIT 1

I was born in 1936 and grew up in Whitewater, Wisconsin, a small town where my father was the M.D. My high school had only 300 students but was good enough to offer two yeas of Latin, which taught me the centrality of verbs—placement, form, tense.

At the University of Wisconsin, I started as a pre-med, but after a course on American history with William B. Hesseltine, I switched my major. He was a great teacher of writing, with firm rules such as abandon chronology at your peril; use the active voice; avoid adverbs whenever possible; be frugal with adjectives, as they are but the salt and pepper for the meat (nouns).

On to L.S.U., where I studied for M.A. under T. Harry Williams, another fine historian who stressed the importance of writing well. After getting my M.A. degree in 1958, I returned to Wisconsin to do my Ph.D. work under Hesseltine.

Funny thing, Harry Williams was a much better writer than Hesseltine, but Hesseltine was the better teacher of writing. We graduate students once asked him: "How can you demand so much from us when your own books are not all that well written," as we confronted him with a review of one of his books that praised his research and historical understanding but deplored his writing. Hesseltine laughed and replied, "My dear boys, You have a better teacher than I did."

From 1960 to 1995 I was a full-time teacher (University of New Orleans, Rutgers, Kansas State, Naval War College, U.C. Berkeley, a number of European schools, among others), something that has been invaluable to my writing. There is nothing like standing before 50 students at 8 a.m. to start talking about an event that occurred 100 years ago, because the look on their faces is a challenge—"let's see you keep me awake." You learn what works, and what doesn't in a hurry.

Teaching and writing are one to me— in each case I am telling a story. As I sit at my computer, or sand at the podium, I think of myself as sitting around the campfire after a day on the trail, telling stories that I hope will have the members of the audience, or the readers, leaning forward just a bit, wanting to know what happens next.

Some of the rules of writing I've developed on my own include: never try to write about a battle until you have walked the ground; when you write about politicians, keep in mind that somebody has to do it; you are a story-teller, not God, so your job is not to pass judgments but explain, illustrate, inform and entertain.

The idea for a book comes in a variety of ways. I started as a Civil War historian because Hesseltine taught the Civil War. I wrote about Eisenhower because he asked me to become his biographer, on the basis of a book I had done on Henry Halleck, Lincoln's Chief of Staff. I never wanted to write about Nixon but my editor (Alice Mayhew at Simon and Schuster) made me do it by saying, "Where else can you find a greater challenge?" I did Crazy Horse and Custer because I took my family camping in the Black Hills of South Dakota and got hooked on the country, and the topic brought me back to the Black Hills many times. I did Meriwether Lewis to have an excuse to keep returning to Montana, thus covering even more of the American West.

My World War II books flowed out of the association with Eisenhower, along with my feelings toward the GIs. I was ten years old when the war ended. I thought the returning veterans were giants who had saved the world from barbarism. I still think so. I remain a hero worshiper. Over the decades I've interviewed thousands of veterans. It is a privilege to hear their stories, then write them up.

What drives me is curiosity. I want to know how this or that was done—Lewis and Clark getting to the Pacific: the GIs on D-Day; Crazy Horse's Victory over George Custer at the Little Big Horn; the making of an elite company in the 101st Airborne, and so on. And I've found that if I want to know, I've got to do the research and then write it up myself. For me, the act of writing is the act of learning.

I'm blessing to have Moira Buckley Ambrose as my wife. She was an English Lit major and school teacher; she is an avid reader; she has a great ear. At the end of each writing day, she sits with me and I read aloud what I've done. After more than three decades of this, I still can't dispense with requiring her first of all to say, "That's good, that's great, way to go." But then we get to work. We make the changes. This reading aloud business is critical to me—I've developed an ear of my own, so I can hear myself read—as it reveals awkward passages better than anything else. If I can't read it smoothly, it needs fixing.

Hesseltine used to tell his students that the act of writing is the art of applying the seat of the pants to the seat of a chair. It is a monk's existence, the loneliest job in the world. As Moira and I have five kids (at one time all teens together; the phone in the evening can be imagined) I started going to bed at eight to get up at four and have three quiet hours for writing before the teaching day began. The kids grew up and moved out and I retired in May, 1995, but I keep to the habit.

I'm sometimes asked which of my books is my own favorite. My answer is, whatever one I'm working on. Right now (Winter 1999) a book on World War II in the Pacific as well as a book on the 15th Air Force and the B-24 Liberators they flew. I think the greatest achievement of the American Republic in the 18th Century was the army at Valley Forge; in the 19th Century it was the Army of the Potomac; in the 20th Century, it was the U.S. military in WWII. I want to know how we beat the Japanese in the Pacific and how our airforce helped us beat the Germans. To do a book of this scope is daunting but rewarding. I get paid for interviewing the old soldiers and reading their private memoirs. My job is to pick out the best one of every fifty or so stories and pass it along to readers, along with commentary on what it illustrates and teaches. It is a wonderful way to make a living.

My experiences with the military have been as an observer. The only time I wore a uniform was in naval ROTC as a freshman at the University of Wisconsin, and in army ROTC as a sophomore. I was in second grade when the United States entered World War II, in sixth grade when the war ended. When I graduated from high school, in 1953, I expected to go into the army, but within a month the Korean War ended and I went to college instead. Upon graduation in 1957, I went straight to graduate school. By the time America was again at war, in 1964, I was twenty-eight years old and the father of five children. So I never served.

But I have admired and respected the men who did fight since my childhood. When I was in grade school World War II dominated my life. My father was a navy doctor in the Pacific. My mother worked in a pea cannery beside German POWs (Afrika Korps troops captured in Tunisia in May 1943). Along with my brothers—Harry, two years older, and Bill, two Years younger—I went to the movies three times a week (ten cents six nights a week, twenty-five cents on Saturday night), not to see the films, which were generally Clinkers, but to see the newsreels which were almost exclusively about the fighting in North Africa, Europe, and the Pacific. We played at war constantly, "Japs" vs. Marines, GIs vs. "Krauts".

In high school I got hooked on Nâpoleon. I read various biographies and studied his campaigns. As a seventeen-year-old freshman in naval ROTC, I took a course on naval history, starting with the Greeks and ending with World War II (in one semester!). My instructor had been a submarine skipper in the Pacific and we all worshipped him. More important, he was a gifted teacher who loved the navy and history. Although I was a premed student with plans to take up my father's practice in Whitewater, Wisconsin, I found the history course to be far more interesting than chemistry of physics. But in the second semester of naval ROTC, the required course was gunnery. Although I was an avid hunter and thoroughly familiar with shotguns and rifles, the workings of the five inch cannon baffled me. So in my sophomore year I switched to army ROTC.

Also that year, I took a course entitled "Representative Americans" taught by Professor William B. Hesseltine. In his first lecture he announced that in this course we would not be writing term papers that summarized the conclusions of three or four books; instead we would be doing original research on nineteenth-century Wisconsin politicians, professional and business leaders, for the purpose of putting together a dictionary of Wisconsin biography that would be deposited in the state historical society. We would, Hesseltine told us, be contributing to the world's knowledge.

The words caught me up. I had never imagined I could do such things as contribute to the world's knowledge. Forty-five years later, the phrase continues to resonate with me. It changed my life. At the conclusion of the lecture—on General Washington—I went up to him and asked how I could do what he did for a living. He laughed and said to stick around, he would show me. I went straight to the registrar's office and changed my major from premed to history. I have been at it ever since.

EXHIBIT 2

BOOKS BY HISTORIAN STEPHEN AMBROSE

[The Associated Press—Oct. 14]

"To America: Personal Reflections of an Historian," release date Nov. 19, 2002.

"The Mississippi and the Making of a Nation: From the Louisiana Purchase to Today" (with Sam Abell and Douglas Brinkley), 2002.

"The Wild Blue: The Men and Boys Who Flew the B-24s over Germany," 2001.

"Nothing Like It In the World: The Men Who Built the Transcontinental Railroad 1863–1869," 2000.

"Comrades: Brothers, Fathers, Heroes, Sons, Pals," 1999.

"Witness to America: An Illustrated Documentary History of the United States from the Revolution to Today" (with Douglas Brinkley), 1999.

"Lewis & Clark: Voyage of Discovery," 1998.

"The Victors: Eisenhower and His Boys, the Men of World War II," 1998.

"Americans At War," 1997.

"Rise To Globalism: American Foreign Policy from 1938 to 1997" (Eighth revised edition with Douglas Brinkley), 1997.

"Citizen Soldiers: The U.S. Army from the Normandy Beaches to the Bulge to the Surrender of Germany, June 7, 1944–May 7, 1945," 1997.

"American Heritage New History of World War II" (original text by C. L. Sulzberger, revised and updated), 1997.

"Undaunted Courage: Meriwether Lewis, Thomas Jefferson, and the Opening of the American West," 1996.

"D-Day June 6, 1944: The Climactic Battle of World War II," 1994.

"Band of Brothers: E Company, 506th Regiment, 101st Airborne From Normandy to Hitler's Eagle's Nest," 1992.

"Eisenhower and the German POWs: Facts Against Falsehood," 1992.

"Nixon: The Ruin and Recovery of a Politician, 1973–1990," 1991.

"Eisenhower: Soldier and President," 1990.

"Nixon: The Triumph of a Politician, 1962–1972," 1989.

"Nixon: The Education of a Politician, 1913–1962," 1987.

"Pegasus Bridge: June 6, 1944," 1985.

"Eisenhower: The President," 1985.

"Eisenhower: Soldier, General of the Army, President-Elect, 1890–1952," 1983.

"Milton Eisenhower: Educational Statesman" (with Richard Immerman), 1983.

"Ike's Spies: Eisenhower and the Espionage Establishment," 1981.

"Crazy Horse and Custer: The Parallel Lives of Two American Warriors," 1975.

"General Ike: Abilene to Berlin," 1973.

"The Military and American Society" (with James Barber), 1972.

"The Supreme Commander: The War Years of General Dwight D. Eisenhower," 1970.

"The Papers of Dwight David Eisenhower, Vols. 1–5," 1967.

"Institutions in Modern America," 1967.

"Eisenhower and Berlin, 1945: The Decision to Halt at the Elbe," 1967.

"Duty, Honor, Country: A History of West Point," 1966.

"Upton and the Army," 1964.

"Halleck, Lincoln's Chief of Staff," 1962.

"Wisconsin Boy in Dixie," 1961.

EXHIBIT 3

[From the New York Times, Oct. 14, 2002.]

STEPHEN AMBROSE, HISTORIAN WHO FUELED NEW INTEREST IN WORLD WAR II, DIES AT 66

(By Richard Goldstein)

Stephen E. Ambrose, the military historian and biographer whose books recounting the combat feats of American soldiers and airmen fueled a national fascination with the generation that fought World War II, died yesterday at a hospital in Bay St. Louis, Miss. Mr. Ambrose, who lived in Bay St. Louis and Helena, Mont., was 66.

The cause was lung cancer, which was diagnosed last April, his son Barry said. "Until I was 60 years old, I lived on a professor's salary and I wrote books," Mr. Ambrose recalled in November 1999. "We did all right. We even managed to buy some mutual funds for our grandchildren. I never in this world expected what happened."

Mr. Ambrose, known previously for multivolume biographies of Dwight D. Eisenhower and Richard M. Nixon, emerged as a bestselling author during the past decade. He was also an adviser for films depicting heroic exploits, a highly paid lecturer and an organizer of tours to historic sites.

His ascension to wealth and fame began with his book "D-Day, June 6, 1944: The Climatic Battle of World War II," marking the 50th anniversary of the Normandy invasion. Drawing upon combat veterans' remembrances collected by the Eisenhower Center in New Orleans, which Mr. Ambrose founded, it became a best seller.

"The descriptions of individual ordeals on the bloody beach of Omaha make this book outstanding," Raleigh Trevelyan wrote in The New York Times Book Review.

Soon Mr. Ambrose was producing at least a book a year and becoming a star at Simon & Schuster, which published all his best-known books.

But earlier this year Mr. Ambrose was accused of ethical lapses for having employed some narrative passages in his books that closely paralleled previously published accounts. The criticism came at a time of heightened scrutiny of scholarly integrity. The Pulitzer Prize-winning historian Doris Kearns Goodwin acknowledged in January 2002 that her published, Simon & Schuster, paid another author in 1987 to settle plagiarism accusations concerning her book "The Fitzgeralds and the Kennedys." In August 2001, the historian Joseph J. Ellis, also a Pulitzer Prize winner, was suspended for one year from his teaching duties at Mount Holyoke College for falsely telling his students and others that he had served with the military in Vietnam.

Mr. Ambrose said that his copying from other writers' works represented only a few pages among the thousands he had written and that he had identified the sources by providing footnotes. He did concede that he should have placed quotation marks around such material and said he would do so in future editions. He denied engaging in plagiarism and suggested that jealousy among academic historians played a part in the criticism.

"Any book with more than five readers is automatically popularized and to be scorned," Mr. Ambrose said in an interview with The Los Angeles Times in April 2002. "I did my graduate work like anybody else, and I kind of had that attitude myself. The problem with my colleagues is they never grew out of it."

Two years after his D-Day book was published, Mr. Ambrose had another best seller, "Undaunted Courage," the story of Lewis and Clark's exploration of the West. He reported having earned more than $4 million from it.

In 1997, his "Citizen Soldiers" chronicled combat from D-Day to Germany's surrender. In 1998, Mr. Ambrose wrote "The Victors," a history of the war in Europe that drew on his earlier books. In 1999, be brought out "Comrades: Brothers, Fathers, Heroes, Sons, Pals," an account of his own family relationships and those of historical figures. In 2000, he recounted the building of the transcontinental railroad in "Nothing Like It in the World." In 2001, he had "The Wild Blue," the story of B–24 bomber crewmen in World War II's European theater.

Mr. Ambrose's most recent book was "The Mississippi and the Making of a Nation," with Douglas G. Brinkley and the photographer Sam Abell, published this fall by National Geographic. After learning he had cancer, Mr. Ambrose wrote "To America: Personal Reflections of an Historian," which is to be published by Simon & Schuster later this year.

Mr. Ambrose was also a commentator for the Ken Burns documentary "Lewis & Clark: The Journey of the Corps of Discovery," broadcast on PBS in 1997. He served as consultant for "Saving Private Ryan," the 1998 movie acclaimed for its searing depiction of combat on D-Day. His book "Band of Brothers," the account of an American paratrooper company in World War II, published in 1992, was the basis for an HBO mini-series in 2001.

He founded the National D-Day Museum in 2000 in New Orleans and was president of Stephen Ambrose Historical Tours.

In August 2001, The Wall Street Journal estimated that the Ambrose family company was bringing in $3 million in revenue annually. It said that Mr. Ambrose reported having donated about $5 million over the previous five years to causes including the Eisenhower Center and the National D-Day Museum.

Stephen Edward Ambrose was born on Jan. 10, 1936, in Decatur, Ill., and grew up in Whitewater, Wis., the son of a physician who served in the Navy during World War II. As a youngster, he was enthralled by combat newsreels.

He was a pre-med student at the University of Wisconsin in the mid-1950's but was inspired by one of his professors, William B. Heseltine, to become a historian.

"He was a hero worshiper, and he got us to worship with him," Mr. Ambrose told The Baton Rouge Sunday Advocate many years later. "Oh, if you could hear him talk about George Washington."

After obtaining his bachelor's degree from Wisconsin, Mr. Ambrose earned a master's degree in history at Louisiana State and a doctorate in history from Wisconsin. He went on to interview numerous combat veterans, but the only time he wore a military uniform was in Navy and Army R.O.T.C. at Wisconsin.

In 1964, Eisenhower, having admired Mr. Ambrose's biography of Gen. Henry Halleck, Lincoln's chief of staff, asked him to help edit his official papers. That led to Mr. Ambrose's two-volume biography of Eisenhower.

The first volume, "Eisenhower: Soldier, General of the Army, President-Elect, 1890–1952" (Simon & Schuster, 1983), was described by Drew Middleton in the New York Times Book Review as "the most complete and objective work yet on the general who became president."

Mr. Ambrose also wrote a three-volume biography of Richard M. Nixon, published in the late 1980's and early 90's.

He wrote or edited some 35 books and said that he often arose at 4 in the morning and concluded his day's writing by reading aloud for a critique from his wife, Moira, a former high school teacher. His son Hugh, who was also his agent, and other family members helped with his research in recent years.

When he was confronted with instances of having copied from others—"The Wild Blue" had passages that closely resembled material in several other books—a question arose as to whether he was too prolific.

"Nobody can write as many books as he has—many of them were well-written books—without the sloppiness that comes with speed and the constant pressure to produce," said Eric Foner, a history professor at Columbia University. "It is the unfortunate downside of doing too much too fast."

David Rosenthal, the publisher of Simon & Schuster, said of Mr. Ambrose's pace, "We welcome that he is prolific." He added, "He works at a schedule that he sets, and we encourage the amount of his output because there is a readership that wants it."

George McGovern, the former senator, whose experiences as a bomber pilot were recounted in "The Wild Blue," said yesterday, "He probably reached more readers than any other historian in our national history."

Mr. Ambrose retired from college teaching in 1995, having spent most of his career at the University of New Orleans. He received the National Humanities Medal in 1998.

In addition to his wife and his sons Barry, of Moiese, Mont., and Hugh, of New Orleans, he is survived by another son, Andy, of New Orleans; two daughters, Grace Ambrose of Wappingers Falls, N.Y., and Stephenie Tubbs of Helena; five grandchildren; and two brothers, Harry, of Virginia, and William, of Maine.

In reflecting on his writing and on his life, Mr. Ambrose customarily paid tribute to the American soldiers of World War II, the object of his admiration for so long.

"I was 10 years old when the war ended," he said. "I thought the returning veterans were giants who had saved the world from barbarism. I still think so. I remain a hero worshiper."

Mr. STEVENS. Madam President, I ask unanimous consent that I be added as an original cosponsor of the Landrieu resolution.

The PRESIDING OFFICER (Ms. CANTWELL). Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. It is my understanding Senator REID has some business to conduct before I begin my oration. As the Senator knows, I am getting warmed up to get into the subject of the economy. So I yield the floor to Senator REID and ask unanimous consent that when the Senator is through, I would be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I appreciate my friend, the Senator from Florida, for being his usual courteous self.

COMMITTEE ON APPROPRIATIONS REPORTING THIRTEEN APPROPRIATIONS BILLS BY JULY 31, 2002—Continued

Mr. REID. Mr. President, what is the pending business?

The PRESIDING OFFICER. S. Res. 304.

Mr. REID. I ask unanimous consent that the Conrad amendment be modified with the changes at the desk; that the amendment, as modified, be agreed to; the resolution, as amended, be agreed to; and the motion to reconsider be laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4886), as modified, is as follows:

Strike all after the Resolved Clause and insert the following:

, That the Senate encouraging the Senate Committee on Appropriations to report thirteen, fiscally responsible, bipartisan appropriations bills to the Senate not later than July 31, 2002.

SEC. . BUDGET ENFORCEMENT.

(a) EXTENSION OF SUPERMAJORITY ENFORCEMENT.—

(1) IN GENERAL.—Notwithstanding any provision of the Congressional Budget Act of 1974, subsections (c)(2) and (d)(3) of section 904 of the Congressional Budget Act of 1974 shall remain in effect for purposes of Senate enforcement through April 15, 2003.

(2) EXCEPTION.—Paragraph (1) shall not apply to the enforcement of section 302(f)(2)(B) of the Congressional Budget Act of 1974.

(b) PAY-AS-YOU-GO RULE IN THE SENATE.—

(1) IN GENERAL.—For purposes of Senate enforcement, section 207 of H. Con. Res. 68 (106th Congress, 1st Session) shall be construed as follows:

(A) In subsection (b)(6), by inserting after "paragraph (5)(A)" the following: ", except that direct spending or revenue effects resulting in net deficit reduction enacted pursuant to reconciliation instructions since the beginning of that same calendar year shall not be available".

(B) In subsection (g), by striking "September 30, 2002" and inserting "April 15, 2003".

(2) SCORECARD.—For purposes of enforcing section 207 of House Concurrent Resolution 68 (106th Congress), upon the adoption of this section the Chairman of the Committee on the Budget of the Senate shall adjust balances of direct spending and receipts for all fiscal years to zero.

(3) APPLICATION TO APPROPRIATIONS.—For the purposes of enforcing this resolution, notwithstanding rule 3 of the Budget Scorekeeping Guidelines set forth in the joint explanatory statement of the committee of conference accompanying Conference Report 105–217, during the consideration of any appropriations Act, provisions of an amendment (other than an amendment reported by the Committee on Appropriations including routine and ongoing direct spending or receipts), a motion, or a conference report thereon (only to the extent that such provision was not committed to conference), that would have been estimated as changing direct spending or receipts under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 (as in effect prior to September 30, 2002) were they included in an Act other than an appropriations Act shall be treated as direct spending or receipts legislation, as appropriate, under section 207 of H. Con. Res. 68 (106th Congress, 1st Session) as amended by this resolution.

The amendment (No. 4886), as modified, was agreed to.

The resolution (S. Res. 304), as amended, was agreed to as follows:

(The resolution will be printed in a future edition of the RECORD.)

Mr. REID. Mr. President, this resolution has been cleared by the minority. I said earlier today how much I appreciate the bipartisan work done on this measure by Senators DOMENICI and CONRAD. It is an example of what can be accomplished when we work together. This is extremely important for the country. As I said earlier today, those two Senators, together with the two leaders, are to be commended.

THE ECONOMY

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. Mr. President, before the No. 2 Democrat retires from the Chamber, I want to congratulate him. He is a tireless worker. He is the consummate consensus builder. He is someone who in the midst of chaos and fracas calms the waters with the soothing balm that gets reasonable people to suddenly understand they can come together.

This agreement on the budget resolution, which contains the enforcement provisions of the Budget Act, is another testimony to his skill in negotiating, as he does so ably, with the Chairman and the ranking Members. So I am delighted. It is fitting this agreement on a budget enforcement provision has been agreed to, because of the condition of our economy.

The stock market today has gone down another 220 points. Stocks stumbled, slamming the brakes on any kind of rally we might have thought was occurring over the last few days. Sales outlook was weak, there were disappointing earnings, and it has brought profit jitters back into the market.

Is it any wonder investors, large investors such as pension funds or small investors such as the Presiding Officer and myself, with our own little hard-earned savings that we invest in the stock market, all across this land, indeed, have jitters because of the uncertainty of the economy? As a matter of fact, in the last 2 years, stock market wealth has been down 35 percent for a $5.7 trillion loss in that 2 years.

If anyone doubts this, in January of 2001, all the stock markets had a combined asset value of $16.4 trillion. In September of 2002, that value went down to $10.7 trillion, a loss of $5.7 trillion. Is it any wonder that reduction in stock market value, which is huge—35 percent in a year and two-thirds—is a reflection of the feeling of uncertainty people have toward the economy, a slumping economy?

It is one thing that certainly 2 million jobs have been lost since January of 2001. In January of 2001, private sector jobs were at 111 million. In September of 2002, a year and two-thirds later, private sector jobs were down to 109.6 million jobs—2 million jobs lost, another indicator of the slumping economy.

It is not as if we did not have a warning. Early last year it became clear our economy was slowing down. During our Budget Committee hearings on the topic, almost every economic analyst said responsible tax cuts could help solve the problem. They said the best way to stabilize the economy was to get money into the hands of the people who would spend it, those with low-to-moderate incomes. Above all else, we were told that whatever we did, we should not pass any tax package that would cause long-term fiscal harm.

As the Presiding Officer knows, we tried to heed those warnings. Last year, I supported a tax cut to provide immediate tax relief for all families. That tax cut would have made sure every taxpayer, including those who pay only payroll taxes—there are a vast number of Americans who do not pay income tax because they do not have enough income—that monthly payroll tax is deducted from their pay. The tax cut would have made sure that every taxpayer would also get a tax cut.

It would have also reduced the 15-percent income tax rate paid by all income-tax payers. It would have reduced that to 10 percent and to a permanent reduction. It would have been fair. It would have been fiscally responsible, and it would have been economically stimulative. But the final version of last year's tax cut was enacted by this Chamber. This Senator did not vote for it, and I did not vote for it because it did not meet the criteria that the Social Security and Medicare trust funds would not be touched now or in the future.

I remember when I was sworn in as a freshman to the Senate, the talk was so uplifting and upbeat about how we had a surplus that was projected for 10 years and that we were not going to have to invade the Social Security trust fund to pay bills; indeed, that we were going to fence it off. We promised that. We were going to fence off the Social Security trust fund so that by it remaining untouched, its surpluses over the next decade would have paid down most of the national debt, a debt that averages out in the range of about $200 billion to $250 billion a year we pay in interest on the national debt. Just think what that savings on interest payments could provide if we had followed through on the promises and paid down that national debt, what that would have meant to the economy as another indicator that we were getting our fiscal house in order.

The final version of last year's tax cut did not meet that criteria of walling off Social Security trust funds. Because of the fiscally irresponsible way the bill was drafted, with gimmicks such as changing the beginning and ending dates of key tax provisions, because of those gimmicks the bill amounted to flawed public policy that would, in fact, cost our country much more than the $1.35 trillion at which that tax bill was advertised. The true cost of that tax bill which advertised at $1.35 trillion, and allowed by the budget resolution, over a 10-year period is closer to $2 trillion instead of $1.35 trillion. Now we know. The administration-supported tax cut plan that we passed last year has a cost that explodes to $250 billion in deficit in the year 2011 alone.

Now, after going from record surpluses to real deficits, we are seeing just how bad that decision was last year. Now we are experiencing the worse market decline since the 1930s, as evidenced by the slumping stock market and again the 220-point loss today in the Dow Jones Industrial Average.

The Standard & Poors 500 stock index has lost nearly half of its value. In the last 2 years, Americans have seen the markets lose $5.7 trillion in value. That amounts to $9.5 billion a day in losses in value on the stock market.

Homeowners now are having such a hard time paying bills. Home foreclosure rates have reached the highest rate in 30 years. That is another indicator. The poverty rate has reached an increased mark for the first time in 8 years and 1.3 million more Americans are now falling into poverty. Median household incomes have fallen for the first time in a decade.

Another indicator is consumer confidence. Consumer confidence and consumer spending have both fallen. Retail sales just took their worst drop since November of last year, and consumer sentiment has dropped to levels last seen in the fall almost a decade ago, 1993.

Look at another indicator. The number of Americans without health insurance rose by almost 1.5 million, to 41.2 million. In a nation of plenty, in a nation where we pride ourselves on the best health care in the world, there are 41 million people who do not have health insurance. Not only are the low and middle-income class families losing income, but because of the escalating price of health care premiums and prescription drug costs, they are now also losing their health insurance.

I thank the previous Presiding Officer, my colleague from Minnesota, for his personal interest. He is a soul brother in what I am saying, and I appreciate it so much. In my immediate past government job before having the privilege of coming to the Senate, I was the elected insurance commissioner of Florida. I can see the trends of the rising health insurance premiums. There are a lot of factors on that. But I will tell you, the economy is one big factor. Where it crunches the little guy, where it crunches those in the middle-income and lower levels of income who do not have the beneficence of having the Government provide their health care through the Medicaid Program, where it crunches the little guy is in declining incomes in a slumping economy at the same time of rising health insurance premiums; it gets to the point they cannot afford it. That includes the rising cost of prescription drugs.

Interestingly, we can get 52 votes in this Senate, a majority—plus 2—to modernize Medicare with a prescription drug benefit—but we can't get the 60 votes required to cut off the filibuster.

Because of the slumping economy, Americans are faced with growing uncertainty over job security. With corporate scandals, a slumping stock market, a growing national debt and various forms of economic turbulence related to September 11, it is no surprise that unemployment is rising at a staggering rate. We have recently seen an increase in the number of 60 to 70-year-olds in the workforce. They are trying to make ends meet.

In the last 2 years, unemployment has jumped by 1.5 percent. More than 2 million people, as I said earlier, have lost jobs in the last year and two quarters, and many who have lost their jobs are having trouble finding new work.

In my Orlando office we have a bright college intern. This is a college graduate from one of our State universities who cannot get a job. While this college graduate is biding his time, he has very graciously come to offer his services as an intern in one of our Florida offices.

Many who have lost their jobs, clearly are having trouble finding new work. A million and a half people have been unemployed for over 6 months. Now they are also losing their unemployment insurance.

Last month, the Bureau of Labor Statistics reported that in the previous month, manufacturing lost 68,000 jobs; retail businesses lost 55,000 jobs. Last month, over 8 million Americans were unemployed; over 2 million more, as we said, above January of 2001 figures. Two million fewer people are working to support their families and contribute to the economy. They are gone—two million taxpayers, two million people forced to find other work because they lost their jobs.

In a slumping economy, it is no easy task to find new employment, as that college graduate has found. People are now spending over 17 weeks unemployed compared to an average of 12 weeks a year and a half ago.

The unemployment rate is rising—5.6 percent last month compared to 3.8 percent back in January of 2001, when the three Senators I see on the floor were sworn in. It is a little over a year and a half ago. The economy is failing, and we are arguing about the merits of extending unemployment compensation for American families. That is what some of the argument concerns. But instead of focusing on how to get the economy going again, this administration is proposing new tax cuts for the wealthy and extending those for the wealthy that were passed last year.

New tax cuts in the year 2011 will have no immediate effect on our economy. In fact, adding an additional $4 trillion in debt during the next decade will only hurt our economy in the short term by pushing up interest rates. What we ought to focus on is the slumping economy now and how to correct it.

Right now, most Americans are distracted with thinking about the war in Iraq and thinking about a war that is ongoing against terrorism. These are life-and-death matters. These are the gravest concerns of the Nation and should have our utmost attention, as it has had over the last couple of months. But we also must pay attention to our bottom line and to the economic security and the fundamental financial strength of America.

To have military strength we need an undergirding of moral, and economic strength. With projected huge deficits projected all over the rest of this decade, can we really afford to dig an even deeper hole in the next decade right at the time when the baby boomers are going to start retiring and demanding more in terms of retirement and Social Security and Medicare?

Last year's administration spending and tax cut plan has resulted in today's collision course of more deficits, more debt, more economic insecurity, higher interest rates, lower economic growth, and lower employment. There is no way to sugar-coat that. You may as well say it like it is. To anybody who says, "Oh, why didn't you support the tax cuts," I say I did. I supported a tax cut up to $1.2 trillion over a decade. But what we said at that time was that is a responsible, balanced approach. A $2 trillion tax cut, particularly skewed to the latter end of the decade, is not a responsible way to rejuvenate our economy.

All of this is occurring right under our noses. Yet it doesn't seem as if there are a lot of folks in this Chamber, nor down there on Pennsylvania Avenue, who are paying much attention.

I appreciate this ongoing dialog that we have had, but there seems to be a war coming in the Middle East. So we better be paying attention to other battles. We must do something to reinvigorate our economy. We must pay attention to our Government's bottom line. We must not continue to raise the debt for our grandchildren.

One of the things we can do in a slumping economy is get with the appropriate kind of tax cuts, and we can stimulate the economy by getting dollars into the pockets of people so they can go out and spend it. That could start rejuvenating the economy. We have a Christmas season coming up. It is going to be critical for retailers. We can do that with a responsible tax cut.

We could also do that by extending unemployment benefits. The unemployment insurance system was designed to provide aid when it is needed most. When the economy is healthy, unemployment insurance revenue rises because taxes are being paid. Program spending falls because there are fewer unemployed.

Conversely, in a recession, unemployment insurance revenues fall while spending rises, helping to stimulate the economy.

But the problem now is that American families in this economic decline which has existed over many months are exhausting their benefits, and they need our support. The unemployment insurance program was designed exactly for the situation we are in today. This is the rainy day for which unemployment insurance saves. If we would extend those benefits from the required number of weeks that are under law now, it would amount to an economic stimulus in the most direct way, allowing families to continue functioning while they search for jobs in this poor economy.

In the 1980s, when I had the privilege of being at the other end of the Capitol in the House of Representatives, Democrats and Republicans came together to agree to extend unemployment insurance—three times. That is what we need to do today for some economic stimulus.

What we need to do is provide immediate fiscal relief for States. We heard the Senator from West Virginia talking about the plight of the States. They have this huge additional drain on these Medicaid funds. States have diminished revenues. States need some assistance from the Federal Government on Medicaid, which is health care for the poor. Right now States are facing severe budget shortfalls, and many of them are finding themselves forced to cut bedrock services such as education, health care, and transportation. So the States need assistance with these and other crucial programs.

What we need to do is to provide a strong bill to protect pensions. We have heard these heartrending stories about the people of the Enron Corporation and other corporations such as WorldCom. They have been saving and playing by the rules. They have been working hard and saving. Where have they been saving? They were saving in their corporate pension plan. They had a retirement system.

We had several Floridians come up here because Enron had many employees of the Florida Gas Company in the Orlando area with headquarters in Winter Park. We had a number of those employees come up here and tell how they had their entire life savings, and now—instead of having their nest egg of about $750,000—because of the scandals in that Enron Corporation, and because those pensioners were not protected, they had less than $20,000 of retirement left out of $750,000.

We need a plan that allows workers to hold employers accountable and help workers get their money back. If people responsible for protecting their investments abuse that trust, as we have seen over and over again in the scandals that erupted last fall and that were played out in front of the committees of this Senate—we need to make it easier for workers to sell their company stock in those pension plans and diversify their holdings.

Most importantly, what we need to do is have a serious debate about how best to get our economy moving again. We need to think outside the box and look at some fresh ideas such as those presented at last week's bipartisan economic forum.

What we need to do is get this economy moving again. That is what we need to do. What we need to do is focus on the needs of constituents who elected us to serve here in this Chamber and to make decisions for them, and to protect them in these many ways that I have tried to enumerate in these remarks. What we need to do is focus our attention and our resources, on the American working family members.

It is a time of partisan politics. We are just before an election. I guess my only disappointment in Washington in a job that I dearly love—I love the work. I love the people. I love these Senators, and they know I do. It is with a spring in my step that I come to work every day. My only disappointment is that this place gets too excessively partisan, and it gets too excessively ideologically rigid and extreme.

So when the time comes, as the Good Book says, "Come, let us reason together," there is a poisoned atmosphere and there is a rigidity and extremism so that it is hard to reach out and bring people together.

In a slumping economy, you have to be able to reach out and bring people together. You have to be able to have Senators not insist that it is their way or the highway, but yet they have to recognize there are many people in this vast, broad, beautiful, complicated, and very diverse country who need to be represented instead of just that particular Senator's point of view. That is why our title is United States Senator—to represent the entire country and to represent all the people.

I hope as we wind down in the closing days of this session, as we address some of these major economic problems, that we will consider it in the spirit of building a consensus to solve these problems.

Thank you, Madam President, for the privilege of addressing the Senate.

Mr. DAYTON. Madam President, will the Senator yield for a question?

Mr. NELSON of Florida. I certainly yield to a good friend, my colleague, my wonderful companion as a freshman, the Senator from Minnesota.

Mr. DAYTON. I thank the Senator from Florida.

I want to be sure I heard the Senator correctly.

First, I heard the Senator say earlier that the stock market dropped by 35 percent from January of 2001 to the present time. Is that correct? I was doing some mathematics here. Someone had holdings of $50,000 in January of 2001, and those holdings are now worth only $32,500; $17,500 of that would be lost.

Does the Senate recall the tax package which I opposed as being skewed unfairly to the rich and giving a few hundred dollars in rebates to the average taxpayer? I was thinking to myself: Whatever that amount is, to lose $17,500 out of a $50,000 retirement savings in a 401(k) or an IRA, it seems to me, is a pretty bad economic deal for most Americans.

Does the Senator concur or is my math that bad?

Mr. NELSON of Florida. The Senator is absolutely right. And if you just put it in round terms of someone with a nest egg of $100,000 a year and two-thirds ago, in January of 2001, that is only worth $65,000 today. They have lost $35,000 of value in their retirement portfolio, mirroring the stock market wealth, the total stock market wealth down 35 percent between January of 2001 and September of 2002. It is a sad commentary.

Mr. DAYTON. Will the Senator yield for another question?

Mr. NELSON of Florida. I am happy to yield to the Senator.

Mr. DAYTON. I appreciate the Senator going back to that point in time when the two of us and the Presiding Officer were sworn in here. I recall, for myself, the excitement I felt back then of the opportunities we had because the surpluses projected for the next decade, at that time, were $5.4 trillion.

I wonder if the Senator recalls, as I can, the anticipation of all the good things we could do on behalf of the people of Minnesota, Florida, and the rest of the country.

In my campaign, I made a promise of prescription drug coverage for every senior in Minnesota and sent busloads of seniors at the time up to Canada where they could get prescription drugs for half or less than half the cost of those same drugs in the United States.

I recall saying back then the solution was not to bus every senior from Minnesota to Canada—and I think that would have been more problematic to travel from Florida to Canada—but the solution was to provide the kind of coverage here from our Government that the Canadian Government provides.

I wonder if the Senator from Florida recalls other instances of the kinds of hopes and dreams we shared back then as a freshmen group of Senators as to what we could do for this country, and if you can think, as I can, back to the days when we were talking about surpluses for 10 years rather than deficits.

Mr. NELSON of Florida. We had hopes and dreams. Indeed, we had realistic plans, if we had been conservative in our approach, if we had been balanced in our approach with that projected surplus.

First of all, we said: Those economic projections for a surplus are way too rosy. Let's be conservative in our planning. Let's scale back that projected surplus so we can be conservative in what we plan for the surplus.

Then we said: Let's be balanced. Let's have a substantial tax cut that would be about a third of the surplus, and let's take another third of the surplus and reserve that third, over the next decade, for the spending increases that need to occur, such as the Senator talked about, which is modernizing Medicare with a prescription drug benefit.

We knew, for example, defense expenditures were going to go up and, therefore, there needed to be some spending increases there, and you could go on down a host of other items.

Clearly, education was one of the major ones. We wanted to take a good part of that surplus, projected over 10 years, and invest that in education back to the States and local governments that run the educational systems.

Then what we said was, to balance it out, the remaining third of that surplus we did not want to do anything with. We wanted that to be the surplus from the Social Security trust fund that was not going to be touched. That part of the surplus was going to pay down the national debt over the next 10 years.

That balanced approach of a third, a third, and a third was going to get our fiscal house in order, was going to revive the confidence of the American investor in American companies because the economy was going to be stable. We were not going to have all these dire economic facts we have recited tonight that would not have occurred if we had been balanced in our approach.

Mr. DAYTON. I am glad the Senator brought up the balanced approach and, earlier, the Social Security surpluses. Of course, the Senator from Florida has a great many senior citizens in his State, and I have quite a number in mine. I would have even more if not so many of them would move to Florida and enjoy your better climate.

But as I recall, President Clinton, when he departed office, had left not only a balanced budget for the first time in this country in almost 30 years, but he had actually balanced the non-Social Security part of the budget. So as the Senator said, the surpluses were accumulating in the Social Security trust fund year by year that would pay down, I believe it was, over $3 trillion of debt that would put our fiscal house in order, that would be ready for the baby boom retirement years.

What happened to all of that financial responsibility in such a short time? Does the Senator recall? Where did all that money go?

Mr. NELSON of Florida. Two-thirds of that projected surplus vanished primarily because of the overeager, rosy, incorrect economic projections of a budget surplus, plus absorbing so much more of the existing surplus from a tax cut that exceeded that balanced approach I talked about.

Mr. DAYTON. The Senator brought up earlier today, along with the Senator from West Virginia, this terrible dilemma we face in the Senate, that we cannot get a conference agreement with the House on concurrent receipt for our veterans, for those who have served this country, for those who have suffered injuries, disabilities, and the like.

I believe the Senator was referring—maybe he could refresh my memory—to the conference committee gathering this afternoon; we both serve on the Armed Services Committee. I could not attend, but the Senator, as I understood correctly, said the House conferees did not even attend the gathering.

They did pass in the House by over 400 votes support for the Senate position. But the White House, if I recall correctly, has now said the President will veto the Defense authorization bill because it includes concurrent receipt because it costs too much money.

Back when this $2 trillion tax cut was being discussed, this Senator does not recall any real concern being expressed that we could not afford it, and I hear now, over and over again, we cannot do prescription drug coverage. We cannot even do Medicare reimbursement equalization. We cannot do concurrent receipt for our veterans. We cannot afford to do anything for benefits for people, such as extending unemployment benefits, as the Senator pointed out, because we don't have the money. But back when it was tax cuts for the wealthy, we seemed to have all the money we needed.

Mr. NELSON of Florida. The Senator is correct. It is a sad commentary all these things that were promised to veterans—that everybody was so eager, elbowing one another aside to try to get to the front of the line to support—through such things as concurrent receipt, eager to get to the front of the line to support a prescription drug benefit for Medicare seniors—have all been cast aside. Yet I cannot believe what I am seeing on the television when I go home. I see all these TV advertisements about how all these people who have blocked a prescription drug benefit to modernize Medicare say they have voted for one. Well, they voted for one. They voted for a version that was a subsidy from the Federal Government to insurance companies supposedly to provide prescription drug benefits. But in every State where a similar law has been passed to get insurance companies to provide a prescription drug benefit, the insurance companies will not do it because they cannot make money on it and, therefore, the senior citizens are the ones who suffer because they do not get the prescription drug benefit.

So isn't it interesting they always want to run to the front of the line and talk about how they are for all of these things, but when it comes to doing it, where are the votes, particularly in a body such as the Senate, in which in order to pass anything you have to get 60 of 100 Senators because of our rules to cut off debate?

Mr. DAYTON. If I may indulge the Senator for just another minute, the Senator from Florida, being a former insurance commissioner and having such a large senior population, I wonder if he could explain the point he just made about how the insurance companies themselves don't want to provide the kind of coverage that some of our colleagues claim would be the solution to this problem.

Mr. NELSON of Florida. Since our colleague from Nevada has joined us, I will use his State as an example. About 4 years ago, the State of Nevada passed a prescription drug benefit that was very similar to the one that has been sponsored by the White House and that, in fact, has passed the House of Representatives. It is a subsidy to insurance companies to provide a prescription drug benefit.

In the case of the bill here, it is a Federal subsidy. In the case of Nevada, it was a State subsidy. But the fact is, not one insurance company stepped forward in Nevada, after the passage of that law, to offer a prescription drug benefit because the insurance companies want to make money. They realized they could not make money.

Sure, we are having a problem with escalating costs of prescription drugs, and we should deal with that, too. The question is, Are we going to fulfill our promise to provide a legitimate and workable prescription drug benefit to senior citizens on Medicare? We have offered that, and we have only gotten 52 votes here. We have to get 60 to cut off debate. We need eight more Senators, and then that thing will pass and pass overwhelmingly.

But you see what is being blocked right now. And then people back home claim credit for voting for a version that really is not going to be a workable version, as experienced in the laboratories that we see out in our States.

Mr. DAYTON. The people who watch us debate must wonder about the mathematics of the Congress. The Senator from Nevada, who is a champion of the concurrent receipts legislation, sees it passed by the Senate and then by over 400 votes in the House. And then it does seem strange that these matters just can't quite make it through the rest of the process to become law.

This Senator holds out hope that the administration, which is going to be visiting my home State of Minnesota—we have not seen such an interest by an administration in our State in my own recollection—will come in and seize the opportunity to support two things that would be of great benefit to my State. One would be disaster assistance for our farmers who have now suffered the second year in a row, and another would be the support for concurrent receipt for our veterans. It would seem a fitting way to recognize the kind of suffering some are still going through and also the kind of contributions that have been made, once again, to see that there would be the same enthusiasm for fitting within this budget framework some of the benefits we would like to provide for our citizens, the same as we provide for the very wealthiest corporate executives who seem to be doing very well despite the difficult economic times.

I thank the Senator from Florida for bringing these matters to the Senate this evening. It was an excellent discussion. I look forward to our continuing it again soon.

Mr. NELSON of Florida. I thank my distinguished colleague. It is always a pleasure to hear from him. I appreciate his undergirding of my comments this evening.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent that the Senate now proceed to a period of morning business with Senators allowed to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—H.J. RES. 123

Mr. REID. Madam President, I ask unanimous consent that when the Senate receives a continuing resolution from the House, provided it is identical to H.J. Res. 123, the Senate proceed to consider the resolution, that it be read three times and passed, and the motion to reconsider be laid upon the table, all without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I now ask unanimous consent that a copy of the resolution be printed in the RECORD upon the granting of this consent.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

H.J. RES. 123

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Law 107–229 is further amended by striking the date specified. in section 107(c) and inserting in lieu thereof "November 22, 2002".

Mr. DASCHLE. Mr. President, as we all know, Congress has not yet completed action on 11 appropriations bills. These bills fund such important domestic priorities as homeland security, education, and veterans medical care.

In order to keep these important functions of Government up and running, we have already worked with the House to pass two continuing resolutions, the last of which expires on Friday.

The House of Representatives has just passed and sent to the Senate a third continuing resolution. House Republicans are now proposing that we leave town and let the Government run on autopilot until November 22.

Why November 22? By picking a Friday a week before Thanksgiving, House Republicans are signaling they are not serious about completing the appropriations bills in November either. It will be extraordinarily difficult, in the several days before Thanksgiving, for us to get all the parties together to settle all the issues that have been insoluble for the past several months.

The House Republican proposal seems designed to be on auto-pilot until next year, a recipe for a CR that starves basic Government programs essential to the health and well-being of millions of Americans. Indeed, several leading Republicans have indicated this is really their preference.

Senators should not be under any illusion: a long-term CR will do just that. It will starve vital functions of Government. And you don't have to take my word for it. According to Representative BILL YOUNG, the Republican chairman of the House Appropriations Committee, a long-term CR, "would have disastrous impacts on the war on terror, homeland security, and other important Government responsibilities."

Chairman YOUNG wrote that sentence in a memo he sent to Speaker HASTERT. The memo went even further, detailing the impact of a CR on a host of important domestic programs. Here is a sampling of what Chairman YOUNG said will be cut: FBI, funding to hire additional agents to fight terrorism and to continue information technology upgrades would be denied; bioterrorism, no funding for President's $800 million initiative to increase funding for new basic bioterror research, to develop and test a new improved anthrax vaccine, and to assist universities and research institutions; first responders, no funding for President's $3.5 billion initiative to provide assistance to local law enforcement, fire departments, and emergency response teams; SEC/corporate responsibility, insufficient funding to support current staffing requirements let alone significant staff increases needed to monitor corporate behavior; veterans medical care, long-term CR would leave veterans medical health care system at least $2.5 billion short of expected requirements; firefighting, $1.5 billion taken from other Interior Department programs to pay for firefighting costs will not be replaced; Pell grants, a freeze in this program will result in a shortfall of over $900 million; Medicare claims, no funding for the President's $143 million increase to ensure that the growing number of claims are processed in a timely manner; Special Supplemental Feeding Program for WIC, funding would be reduced by $114 million below current levels, meaning less will be available for families that depend on this program; Social Security claims, no funding for the President's increase to process and pay benefits to millions of Social Security recipients.

In addition to the program cuts listed by Chairman YOUNG, the House CR omits assistance for thousands of farmers all over this country who are confronting the worst drought in more than 50 years.

This is the wrong way to do business. We should be completing our work on the bipartisan appropriations bills, not cutting education, veterans affairs, homeland security and other important priorities.

Each of these bills properly funds key priorities. And, most importantly, each enjoyed the unanimous support of the Democrats and the Republicans on the Committee.

There is no reason why the full Senate cannot do the same. Passage of these bills would fund Government for a year, with no need for any more stopgap, starvation diet CRs.

Regretfully, our Republican colleagues in the House have refused all year to consider appropriate funding levels for crucial functions of Government, even though all Senators on the Senate Appropriations Committee, Democrats and Republicans, were able to agree on all 13 bills.

The difference between the aggregate total of spending for the bipartisan Senate bills and the aggregate total proposed by the House Republican budget resolution is roughly $9 billion in budget authority. That's a tiny fraction of the $5.6 trillion 10-year surplus that's been squandered since the current administration came to office.

To hold up funding for all the non-defense areas of Government in order to claim credit for fiscal responsibility over such a tiny proportion of overall spending is the height of irresponsibility.

Unfortunately, it is crystal clear that is precisely what our Republican colleagues would like to see happen. They want to run the Government on a starvation diet into next year. Because the House resolution is now the only way to keep the Government operating, it will be passed by voice vote. But I want to be very clear that, if there had been a recorded vote on this measure, I would have voted no.

Mr. REID. Madam President, basically what we have just done is pass a continuing resolution until November 22. This is done with some trepidation and really with the complete understanding that this is not the right way to run Government. It would have been so much better had we been able to pass our appropriations bills. We have not been able to do that. We have 13 appropriations bills we should pass every year. I don't have the exact number, but I think following the passage of the Defense appropriations bill, we have passed four bills, maybe only three, leaving tremendous work that should have been done in committee.

We have tried on a number of occasions to offer consent resolutions that we could pass the appropriations bills. Senator BYRD wanted to ask unanimous consent that we pass them all at once. They passed the Appropriations Committee unanimously; that is, Democrats and Republicans approved these bills. So it is just a shame.

In fact, the chairman of the House Appropriations Committee, a Republican, sent a resolution to Speaker HASTERT, which has been around. Other people have seen it. It is not very private. It is one of those things here in Washington that is about as private as going to Tysons Corner shopping—not very private. It is a memo to the Speaker from the chairman of the Appropriations Committee.

Among other things, he says:

> A long-term continuing resolution (CR) that funds government operations at FY02 levels would have a disastrous impact on the war on terror, homeland security, and other important government responsibilities.

He sets out, in a four-page memorandum, all the things that would be hurt. He does list those, including Social Security, Pell grants, Medicare claims, a large number of items. And he leaves out a number of them that I personally believe and many Democrats believe are as important as those he lists in this memorandum that should be passed.

Had this matter come before the Senate and there had been a rollcall vote, there is no question that a significant number of Democrats would have voted in opposition. That is the way things worked out. We could not be responsible for shutting down Government, because that is what it would have amounted to.

We are doing this reluctantly. I hope that when we come back, Chairman YOUNG prevails and at that time we can sit down and pass the appropriations bills. It is important to every State in the Union that we do this.

There is a tremendous need to do things such as Government setup, such as pass the yearly appropriations bills. This is not the right way to fund Government.

Some have said, including Senator Pat Moynihan, that this is a plan. These programs that they want to hurt, they can't do it head on, they can't do it directly, so they do it indirectly.

I am glad that Government is going to be funded. We went through the Gingrich years where he and his compatriots shut down the Government. We are not going to do that. We are going to act responsibly. That is why we allowed this measure to go forward. But we do it with concern, reservation, and, as I have indicated, with trepidation.

I ask unanimous consent to print in the RECORD the memorandum from Chairman YOUNG and Speaker HASTERT to which I referred.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MEMORANDUM

To: Speaker Hastert.
From: Chairman C.W. Bill Young.
Re: Impacts of a Long-term Continuing Resolution.
Date: October 3, 2002.

Pursuant to my October 1st correspondence regarding the state of the appropriations process, I want to provide you with further analysis of the potential impacts of a long-term continuing resolution (CR). These projections assume a current-rate CR excluding one time expenditures that extends through February or March.

A long-term continuing resolution (CR) that funds government operations at FY02 levels would have disastrous impacts on the war on terror, homeland security, and other important government responsibilities. It would also be fiscally irresponsible. It would fund low-priority programs the President has proposed to eliminate.

Homeland Security—The President has proposed a nearly $40 billion increase for homeland security in his FY03 budget. None of these funds would be provided under a long-term CR. Assuming Congress completes work on creating a Department of Homeland Security, a long-term CR would leave this new agency with very little resources to carry out its new mission.

Projects—A long-term CR ensures that no Member of Congress would receive a single project. The Committee has received tens of thousands of requests for billions of dollars from almost every Member of Congress.

War Supplemental—It is likely that the first item Congress will consider when we reconvene after the election is a major supplemental to fund possible military operations in Iraq. It would be highly problematic to expect the Congress to complete work on 11 spending bills while working on an urgent war supplemental.

HOMELAND SECURITY IMPACTS OF LONG-TERM CR

FBI—We would not have sufficient funding to hire additional agents to fight terrorism and to continue IT upgrades that will help the FBI "connect the dots" through data mining proposals and other information infrastructure enhancements.

TSA—Efforts to improve aviation, maritime and land security would be seriously curtailed. Port, cargo, and trucking security would seriously deteriorate. If emergency funds are excluded from the CR calculation (which is historically the case), TSA would be under an annual rate of $1.5 billion for the life of a long-term CR. This would be only 28% of their FY03 budget request ($5.3 billion). At this level, it is unlikely TSA could maintain their current workforce of 32,000 screeners as well as air marshals. TSA would likely face personnel RIF's. Most airports would not be able to meet the deadlines for security improvements established by Congress last December.

Coast Guard—The Coast Guard is requesting a large ($500 million) budget increase in

FY03, and much of this is to hire additional security personnel, such as Maritime Safety and Security Teams to patrol harbors and respond to suspicious activity. It also includes funds to expand the sea marshal program, which escorts DoD and high-risk commercial ships into port. Under the FY02 level, these safety expenses would be deferred, or would require diversion of funds from other critical missions such as drug interdiction or search and rescue. Coast Guard "deepwater" program is slated to expand from $500 million in FY02 to $725 million in FY03. The contract was just signed this past June. Under a long-term CR, the effort will have to be scaled back due to lack of funding. This will impact shipyards, design companies, aircraft manufacturers, and integration companies, all around the country.

Bioterrorism—President has proposed a nearly $800 million increase for new, basic bioterror research, $250 million to develop and test a new improved anthrax vaccine, and $150 million to assist universities and research institutions in upgrading research facilities to conduct secure, comprehensive research on biolgogical agents. None of these important initiatives to combat, study and prevent bio-terrorism would be funded under a long-term CR.

Border Patrol/INS—Efforts to deploy any additional Border Patrol agents and immigration inspectors at land ports-of-entry along both the northern and southern borders would be stalled. Likewise, construction projects that are necessary to house these additional Border Patrol agents would be delayed. No funding would be available to continue planning and implementation of the INS' Entry Exit system, a program designed to facilitate more secure and controlled access to this country by non-U.S. citizens.

First Responders—The President has proposed a new initiative to provide $3.5 billion in assistance to local law enforcement, fire departments and emergency response teams across the Nation. No funds would be provided for this program, one of the highest domestic security priorities for the President and his Homeland Security advisor, Tom Ridge.

Hospital preparedness—We would not have sufficient funds to assist hospitals in making the necessary infrastructure improvements and expansions so that they are prepared to respond to bio-terrorism emergencies.

Diplomatic security—We would not have the funds to hire additional State Department security staff for deployment overseas, or to carry out needed technical and physical security upgrades.

Office of Homeland Security—The Office of Homeland Security was funded through the $20 billion supplemental. Under a clean CR, this office would not be funded.

PROGRAMMATIC IMPACTS OF LONG-TERM CR

SEC/Corporate Responsibility—We would not be able to fund current staffing requirements, let alone support significant staff increases needed to fight corporate fraud and protect investors.

Veterans—The veterans medical care system will likely be at least $2.5 billion short of expected requirements. Veterans would be deprived of significant increases in medical care proposed by the President and the House budget resolution.

NIH—We would not be able to scale-up significantly Federal support for bio-preparedness research and development as proposed by the President. Anthrax vaccine research and development also would be slowed. It would forgo the nearly $4 billion proposed for the National Institutes of Health which is consistent with Congress commitment to double funding for NIH over a set period of time.

Foreign Operations—Afghanistan reconstruction, including the famous Presidential ring road, would stall, increasing chances that unrest and killings would resume there as the Iraq matter comes to a head. It will severely cut the U.S. contribution to the Global Fund to Fight AIDS, Tuberculosis and Malaria and reduce by 30% funds for Plan Colombia.

Firefighting—Interior has already spent $1.5 billion on firefighting above what provided in FY02. This has come at the expense of other programs including Member projects. These bills would not be paid under a long-term CR.

Pay—All agencies would have to absorb Federal employee pay increases due in January. This will make it much more difficult for agencies to operate under a current rate and result in widespread layoffs and furloughs.

Pell Grants—A freeze in the Pell program will result in the accumulation of a significant shortfall. There will be a shortfall of over $900 million, even when factoring in the $1 billion supplemental appropriation provided to the program in fiscal year 2002.

DEA—We would be unable to hire new agents in response to FBI restructuring, which shifted 400 FBI drug agents to counter-terrorism. We have proposed to hire hundreds of new agents to fight the war on drugs. Not a single new agent would be hired under a long term CR leaving a significant gap in the federal government's drug enforcement capabilities.

GSA Construction—No new starts for any GSA line-item construction ($630 million); would delay $300 million for 11 courthouse construction projects, $30 million for 6 border station construction projects, and $300 million for 5 other construction projects, including funds for consolidating Food and Drug Administration facilities, a major Census building, and the US mission to the UN in New York. Projects would become more expensive due to inflation.

Campaign Finance Reform—No funding for implementation of the Bipartisan Campaign Reform Act making it difficult for the Federal Elections Commission to implement the reforms signed into law by the President.

Federal Prisons—Insufficient activation funds to four Federal prisons that are scheduled to open in FY 2003, exacerbating the already overcrowded conditions in the Federal prison system.

Medicare claims—We would not be able to provide additional funding, as proposed by the President, to handle the increased Medicare claims volume in a timely manner. The President proposed a $143 million increase to adequately process the growing number of claims. A long term CR would significantly slow down the claims process and unnecessarily inconvenience Senior Citizens who depend on Medicare.

Yucca Mountain—A CR at the FY2002 enacted level of $375M would significantly cut DOE's nuclear waste repository program by over $200 million. This would cause real delays in the scheduled opening of the facility.

The Special Supplemental Feeding Program for Women, Infants, and Children (WIC) would be reduced $114 million from current levels. This would result in less assistance being available for families who depend on this important program, especially in uncertain economic times.

The Food and Drug Administration would be reduced by $138 million which would result in immediate furloughs and RIFs among newly hired employees responsible for enhanced availability of drugs and vaccines, and for increased food safety activities (primarily surveillance of imported food products, an identified vulnerability).

Social Security—The President also asked for a significant increase in funds to process and pay benefits to the millions of Social Security recipients.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. DAYTON). Without objection, it is so ordered.

Mr. REID. Mr. President, my understanding is we are in a period of morning business. Is that right?

The PRESIDING OFFICER. The Senator is correct.

MISSING CHILDREN'S ASSISTANCE ACT

Mr. BIDEN. Mr. President, I rise today as an original cosponsor of the Missing Children's Assistance Act and to urge its prompt consideration by this body.

The Justice Department recently reported that in 1999, 797,500 children were reported missing to police or to missing children's agencies. That is equivalent to a startling 11.4 children per 1,000 in the U.S. population. There were 58,200 children who were victims of a non-family abduction in 1999. One hundred fifteen of these children were taken in a manner that we would think of as a stereotypical kidnapping, and tragically, in half of these cases, the child victim was sexually assaulted by the perpetrator. These statistics are unacceptable. As a Nation we should strive every day to eliminate the scourge of abducted children.

That's exactly what the National Center for Missing and Exploited Children is all about. Since it was established in 1984, the Center has served as a resource to parents, children, law enforcement, schools, and the community to assist in the recovery of America's abducted children. It has worked on over 73,000 cases of missing and exploited children and successfully returned more than 48,000 of these children to their families. The Center is constantly striving to raise the Nation's awareness of preventative measures that can be taken to keep our children safe from abduction, sexual exploitation, and molestation. These notable endeavors have contributed to a substantial increase in nation's recovery rate of missing children from a dismal 61 percent in the 1980s to 91 percent today.

For these reasons, I rise today with the Senator from Utah and the Senator from Vermont to introduce the Missing Children's Assistance Act. This act will expand the ability of the National Center for Missing and Exploited Children to protect our children by doubling the Federal contribution to the Center to $20 million a year and by ensuring that Congress will continue to support the Center's noteworthy efforts through 2006. The act also authorizes the creation of a CyberTipline. As technology continues to transform and modernize our lives, we must make provisions to insure that our children will be safe from perpetrators who prey on children through the Internet. The CyberTipline will provide a forum for individuals to contribute tips and suspicions of Internet-related and other types of sexual impropriety directed towards minors to the authorities. It will allow those wary of contacting law enforcement a safe place to do so, while making it possible for law enforcement and missing children agencies to send email alerts to thousands of individuals instantaneously.

In the end, I believe that this act will make the Nation a safer place for our children. The National Center for Missing and Exploited Children has done a tremendous job of raising the nation's awareness of child abduction, and this act will make it possible for the Center to continue with these endeavors. I urge support for the Missing Children's Assistance Act. It is fundamental that our children's safety remain at forefront of our national agenda.

BANKRUPTCY CONFERENCE REPORT

Mr. GRASSLEY. Mr. President, I would like to inform my colleagues that I have requested to be notified of any unanimous consent agreement before the Senate proceeds to the consideration of S. 3074 or any other legislation creating new bankruptcy judgeships. I believe that these changes should be enacted as part of the comprehensive bankruptcy reform conference report. Majority Leader DASCHLE has indicated that there will be a lame duck session, and he has indicated that the bankruptcy conference report will be taken up and passed. So I urge my colleagues in the House and Senate to pass the comprehensive bankruptcy reform conference report.

CONFLICT DIAMONDS

Mr. LEAHY. Mr. President, recently, the Prosecutor for the Special Court for Sierra Leone briefed the staff of the Foreign Operations Subcommittee. He spoke about his efforts to prosecute those responsible for the horrific crimes that were committed there and to help this nation emerge from a tragic episode in its history.

Whenever something like this occurs, the question that first comes to mind is why did it happen? Was it a political struggle? Was it because of religious extremism or ethnic hatred? Unlike Yugoslavia or Rwanda, most experts believe that the driving force behind this brutal conflict was control of resources, especially diamonds.

The problems associated with conflict diamonds in Sierra Leone are not confined to West Africa. They also have an impact in the United States. According to the Washington Post, al Qaeda reaped millions of dollars from the illicit sale of diamonds, and law enforcement officials have said that in order to cut off al Qaeda funds, you have to cut off the diamond pipeline.

With all that is happening in the world, it may be understandable that the issue of conflict diamonds is not front page news. However, we are starting to make some progress on this important issue.

The Administration has been working to help create an international regime aimed at stopping the trade in conflict diamonds. Initiated by a group of African nations, the Kimberly process has the support of a diverse group of non-governmental organizations and the diamond industry.

In March 2002, the last full session of the Kimberly process was completed and has now reached a point where the individual countries involved need to pass implementing legislation. In the United States, some modest legislation may be enacted before the end of this year.

While I am glad that Congress may pass something on conflict diamonds this year, there must be a serious effort next year to get stronger legislation signed into law.

Senator DURBIN has introduced important implementing legislation, and he is working with the administration, a bipartisan group of Senators, including Senators DEWINE and BINGAMAN, and a range of non-governmental organizations such as Oxfam and Catholic Relief Services to come up with effective legislation that we can all support.

I am encouraged that the administration is consulting with Congress and has named Ambassador Bindenagle, a career diplomat with experience in complex negotiations, to lead this effort.

But, there must be more than an exchange of views on this issue. The administration must also seriously consider Congressional proposals to move beyond the Kimberly process.

For example, a major flaw in the Kimberly process is that it does not cover polished diamonds. This is important for two reasons. Polished diamonds contribute significantly to the problems associated with the illicit trade in diamonds, and the United States is far and away the world's largest market for these types of diamonds. Clearly, this is an area where the United States needs to show leadership.

As chairman of the Foreign Operations Subcommittee, I will do what I can to ensure that resources are available for developing countries that want to enhance their capacity to implement Kimberly.

I look forward to working with the administration to make substantial progress on this issue next year. It will not be easy, but it can be done.

DRIVER'S LICENSE FRAUD PREVENTION ACT

Mr. McCAIN. Mr. President, I am pleased to have joined Senator DURBIN in introducing the Driver's License Fraud Prevention Act.

Today's patchwork of State laws, regulations, and procedures for the issuance of driver's licenses makes it all too easy for problem drivers and criminals to obtain multiple licenses to hide traffic convictions and other criminal activity. The extent of the problem became painfully clear following the terrorist attacks of September 11, 2001, when we learned that a number of the terrorists had obtained State-issued driver's licenses or identification cards using fraudulent documents.

Almost half the States have taken action since the terrorist attacks to tighten licensing procedures and I am encouraged that the National Governors Association has formed a homeland security task force that, among other things, will be working to determine the best way for States to strengthen their driver's license standards and authority. However, Senator DURBIN and I believe there is a legitimate role for the Federal Government to play in leading and coordinating State efforts to improve driver's license security. In addition, because of the estimated costs and coordination required to improve driver's license security, the States cannot resolve the issue on their own.

The proposal we introduced would require the Department of Transportation, DOT, to work in consultation with the States to establish minimum standards for proof of identity by driver's license applicants. Currently, personnel in departments of motor vehicles are called upon to perform the difficult task of verifying numerous different types of birth certificates, licenses from other States, proof of residency, and other documents. Only 18 States verify an applicant's social security number with the Social Security Administration and there is no system today to verify the validity of a driver's license being surrendered to obtain a license in another State.

This legislation would also require DOT, in consultation with the States, to establish minimum standards for the license itself to make it more tamper-proof and less susceptible to counterfeiting. DOT would also be directed to complete a study of the feasibility, costs, benefits and impact on personal privacy of using a biometric identifier on driver's licenses. The intent is not to create a national driver's license or identification card, but to improve the security of State-issued licenses through the use of digital photographs, holograms and other devices.

In addition, the bill would use the existing database for commercial motor vehicle drivers as the platform for creating a driver record information system on all licensed drivers. The new system, like the current one, would be a pointer system to State records, rather than a national database of information on drivers. It is this new system that would help States verify the validity of licenses previously held, determine whether an individual holds more than one license, and provide information on the individual's driving record. Further, the bill would prohibit the disclosure or display of an individual's social security number of a driver's license, increase criminal penalties for fraudulently issuing, obtaining or facilitating the issuance of fraudulent licenses, and call for the timely posting of convictions incurred in any State on the driver's license.

Driver's licenses are used by minors to purchase alcohol and cigarettes, by criminals involved in identity theft, and for many other illegal purposes. Improving the security of the license is a matter of common sense.

I am confident that this legislation will provoke meaningful and lively debate, as well as more ideas about how to approach driver's license security. It may not be possible, given the press of other business, for the bill to be passed this year. Nevertheless, this proposal will provide a foundation for discussion and deliberations next year as we work to reauthorize the Transportation Equity Act for the 21st Century, TEA-21.

REMEMBERING CHARLES GUGGENHEIM

Mr. HOLLINGS. Mr. President. Let me first ask unanimous consent to have printed in the RECORD "The Filmmaker Who Told America's Story" by Phil McCombs that appeared in the Washington Post last week,

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[Washington Post, Oct. 10, 2002]

THE FILMMAKER WHO TOLD AMERICA'S STORY

(By Phil McCombs)

He raced against death, and won.

Oh, how Charles Guggenheim would have not liked putting it so directly!

The great film documentarian, who died at Georgetown University Hospital yesterday of pancreatic cancer at 78, left a life's work of subtle, passionate cinematic hymns to what he called, in a last message to friends, "the essential American journey."

His final film, finished just weeks ago, limns a shocking episode of that journey—the "selection" by Nazis of 350 U.S. troops captured in the Battle of the Bulge in 1944 for deportation to a concentration camp because they were Jews or "looked Jewish."

Guggenheim, the son of a well-to-do German Jewish furniture merchant in Cincinnati, easily might have been one of them. His unit was decimated in the battle, but he'd been left behind in the States with a life-threatening infection.

For more than half a century, as hints and incomplete versions of the story surfaced, it gnawed at him. A few years ago, he began searching for survivors—and found them.

Early this year, just as Guggenheim was working on the "death march" sequence, his cancer was diagnosed.

For the next six months, he'd work all week on the film, have chemotherapy on Friday, sleep through the weekend and be back on the job Monday.

A few weeks ago, as he and his daughter, Grace—producer of this and many of his films—were "mixing" the final version, he began suffering painful attacks. The cancer had invaded his stomach.

"He'd have to lie on the couch while we worked," Grace Guggenheim recalled.

By then, her father was thin and drawn—not unlike his former comrades after they were liberated by U.S. forces following months of slave labor in a satellite camp of Buchenwald.

"Does it occur to you," Guggenheim's old friend, historian David McCullough, asked him in an interview last month, "that maybe you were spared to make this film?"

"Well," Guggenheim answered, "I felt a deep obligation more after I met the [survivors] than I did before. . . . I said, 'I owe them something.'" Thoughts of his old comrades courage, he added, were a "source of strength for me" as he persevered in his battle with cancer to finish the film.

Just as "Berga: Soldiers of Another War" was done, Guggenheim's strength evaporated. He began staying home, sleeping most of the time as his wife, Marion—his steadfast supporter for half a century—tended to him.

When I visited a few days after McCullough, Guggenheim was weak but still very much himself—that enormous charm, the bright sense of humor, that smile of his that sparkled like the sun.

He worried that "Berga" was being discussed in the media too soon, since it's not due for release until next April. But he was sure of one thing.

"This film will hit you right in the gut."

STARRING EVERYDAY PEOPLE

Guggenheim was a giant.

In a career that spanned almost six decades, he received 12 Academy Award nominations and four Oscars for his documentaries—a feat matched only by Walt Disney.

Yet acclaim never sullied this modest, friendly man who lived a quiet family life in Washington. Though many of his friends were powerful figures, "he can sort of take it or leave it," as former Missouri representative Jim Symington once said. "He's an artist."

Understatement was Guggenheim's signature—but it mounts in his films until, often, you can't help but cry.

In "The Shadow of Hate" (1995), his wrenching study of bigotry, a dead African American male is shown, hanging from a branch, in a long-faded archival photo.

Guggenheim's camera pans the white crowd, posing under the lynching tree; stops at a little girl in a pretty dress; slowly zooms in.

She has a shy smile.

Yet his outrage at injustice ("Nine From Little Rock," on the 1957 school integration crisis; "The Johnstown Flood," about neglect of a dam by wealthy industrialists that led to 2,200 deaths in 1889; and "A Time for Justice," on the civil rights movement, all won Academy Awards) merely underscored his fierce love of America.

"The truth is, we're living in wonderful times and a wonderful place," he once told a filmmakers' organization that had given him an award. "This country provides more possibility to learn about oneself, and what the journey of humanity has been, than any other place.

"There are great stories in what is very common."

He crafted celebratory documentaries on presidents Truman, Kennedy and Johnson; on U.S. fighting men in the Normandy invasion ("D-Day Remembered"); on workers constructing iconic American symbols ("Monument to the Dream," on the building of the 660-foot Gateway Arch in St. Louis, "The Making of Liberty," on refurbishing the Statue of Liberty); on the immigrants who passed through Ellis Island ("Island of Hope/Island of Tears"); and on American politics ("Robert Kennedy Remembered" won an Oscar in 1968).

Guggenheim was awed by the spiritual depth and gritty determination of everyday people—the patriotism of Japanese Americans interned in a camp; workers at the Arch who proudly brought their families on Sundays to show what they'd accomplished; frightened troops riding the launches into Normandy, ready to offer up their lives.

I remember seeing Guggenheim at the July 4 festivities at the National Archives on the Mall last year. He could have sat with the dignitaries on a dais above the crowd but chose to stand at a spot down below where he could watch the faces of the people.

"Look at them!" he marveled. "They'll wait in line all day just for a chance to see the Constitution and Declaration of Independence."

Born dyslexic, he had a gift for hearing the nuances of common speech. In his films, he lets the voices of participants carry the stories whenever possible.

"It was over. I mean, it was quiet, as if nothing had happened," says the haunting voice of a former GI in "D-Day Remembered." "The beach was not any general's business. They had no say, none what-someever."

"I cry when I hear that," Guggenheim once confided.

And these, from the liberation sequence in "Berga":

Sanford Lubinsky: "It got quiet. And then we heard that firing start up again."

Edward Slotkin: "And we look out the front . . ."

Leo Zaccaria: "And up the road comes this tank. American tank."

Lubinsky: "When I saw that American flag coming down that road, nothing looked so beautiful in all our born days. That American flag, our flag, sure looked beautiful. It's a very beautiful thing when you haven't seen it for a long while. It's a beauty!"

The narrations Guggenheim wrote in support of the voices were spare, existential.

"The sea was welcoming," narrates a deep-voiced McCullough in the D-Day film, "as if it were paying its respects to the men who had fallen, who out of a nation of millions had been selected, for reasons known only to fate, to represent us on the beach that day."

Guggenheim had a second hat, too. He was a founding father of the televised political campaign commercial.

As a young independent filmmaker in St. Louis in 1956, he'd accepted an offer to run presidential candidate Adlai Stevenson's TV campaign—Guggenheim needed the money—and then gone on to work for other candidates.

His client list amounted to a veritable political lexicon, including Kennedy, Gore Sr., Symington, McGovern, Moss, Shapp, Brown, Hays, Brademas, Ribicoff, Metzenbaum, Goldberg, Mondale, Pell, Bayh, Church, Biden, Danforth, Hollings.

Eventually, Guggenheim became disillusioned with what was evolving into a somewhat infamous institution.

"If you play a piano in a house of ill repute," he told PBS's "NewsHour With Jim Lehrer" a few years ago, "it doesn't make any difference how well you play the piano."

By the late '80s, he'd turned full time to his beloved documentaries.

"Why have you stayed with this . . . art form of yours all these years?" McCullough asked in the interview last month. "What . . . makes you want to get up out of bed in the morning?"

"I just feel compelled to say something, if I feel strongly about it," Guggenheim replied. "And I think it was . . . [director] David Lean [who] said that the greatest moment in making films, and probably the most satisfying moment in film, is getting a story you're in love with.

"So you search for those things."

Last week, as Guggenheim lay dying, "Berga" was screened for the board of the Foundation for the National Archives, a nonprofit advisory and fund-raising group of which Guggenheim was president. For most of his films, the archives was a primary source.

Grace Guggenheim read a message to the group dictated by her dad from the hospital.

"Many people know about the Constitution and the Declaration of Independence," he'd said, "but few know the treasures held in the millions of feet of film, in the countless maps and pictures and letters . . .

"Story after story is revealed from the work that is accomplished every day at the archives—the incomparable truths, all telling and retelling what is the essential American journey."

The guests filed into the theater, the lights went down.

A long-faded archival photo appeared on the screen, the camera panning slowly across it—fresh-faced American GIs of World War II, in formation.

Then the narrator's voice—clear, strong:

"This picture was taken over 50 years ago. World War II. My company. I'm in there someplace. I can remember their faces just like yesterday. And they went overseas, and I didn't, and some of them didn't come back.

"And I've been thinking about it for 50 years, wondering why it didn't happen to me.

"That's why I had to tell this story."

THAT GUY FROM ST. LOUIS

Heavily medicated in the hospital last week, Guggenheim still had glorious moments with Marion, Grace and his sons, Davis and Jonathan, both in film work.

"One day he had a resurrection of being alert," Grace said. "He hugged us all and said, 'I just want to live with you!'"

"He charmed the doctors and hospital staff. He wanted to show them the film and tell them, 'This is what you helped me make.'"

Through his window, "he could look out and see a big American flag."

They reminisced: How Davis practically had to order his reticent father to narrate "Berga" in the first person . . . how everything had gone so perfectly filming on location in Germany, snow just when they needed it.

Then, a letter arrived from Guggenheim's old friend, producer George Stevens Jr., and Grace read it to her father.

In 1962, Stevens recalled, he'd just arrived from Hollywood to do documentaries for Edward R. Murrow's U.S. Information Agency when word came that a young filmmaker from St. Louis had seen a USIA film so bad it made him "ashamed to be an American."

"Find me that guy from St. Louis!" Stevens had ordered.

"You possessed then and ever since," Stevens wrote, "an absolute true compass when it came to the integrity of your work—and our fights to keep the films we made from being dumbed down or made prosaic . . . were stimulating.

"I remember 'United in Progress' and the beautiful footage you shot of President Kennedy in Costa Rica . . . our venture to LBJ's ranch for 'The President's Country' . . . and, too, when I took you [in 1964] to meet Bob Kennedy . . . and my good fortune in having you at my side to start the Kennedy Center Honors—it was just a little scheme back then . . .

"I cherish those memories, Charles."

A long, long row of candles.

THE MASTER'S VOICE

In the closing sequence of "Berga," Guggenheim—knowing his time was short—offers a powerful, transcendent final message:

Milton Stolon (survivor): "Ah, it's no good to remember. . . . But you have to remember because people, people forget what went on."

Then old photos of the survivors returning home to their families flash on the screen—one after another, with their wives and sweethearts and kids.

The final shot: a joyful GI, the camera panning down to his smiling little girl sitting on a tricycle.

And Guggenheim's clear voice-over:

"These are just a few of the faces in my story, but there are millions of faces, and millions of stories.

"That have never been told. And deserve to be.

"You should remember that."

Mr. HOLLINGS. The great advantage of serving in the U.S. Senate is the exposure to your colleagues in the Senate, all who are talented, and the exposure to various individuals in Washington involved in the issues. The principal issue for one serving in the U.S. Senate is reelection. That's how I met Charles Guggenheim.

It was 30 years ago. Charles had the reputation of producing the best candidate films and after handling me, remarkably, he retained that reputation. My staff had just contacted him when they came back to me and surprised me with the request that Charles wanted to follow me when I went home that weekend. I said let's wait, it's too early for filming. The answer was no, it's not for filming, Mr. Guggenheim wants to travel with you to see if he likes you. I said fair enough. I want to see if I like him. I will never forget that weekend. After reciting the Pledge of Allegiance at the Rotary Club, the Realtors, the tobacco barn, the Democratic Party rally, and nine other times, I thought I may lose Charles. But he stuck with me. I learned to love him.

There are two kinds of geniuses in this world: the intellectual and the sensitive. The intellectual is the type who goes through a magazine just turning the pages and catching up in the back part with the story, remembering it all. Or the type that reads a book in a couple of evenings. But then there is the sentimental genius. They feel the words. You tell me that a friend is sick and I feel sorry for him. You tell Charles a friend is sick and he starts feeling bad. No one could read people better. He would have me do one take over and over and over just to make sure the light was right, or the sound was exact, very sensitive to the environment and feelings of those around him. No doubt this made him an Oscar winner four times and a nominee twelve times. But this search for the authentic also made him give up on us politicians 20 years ago. The political short was no more the positive attributes of the candidate depicting his record in a colorful way, but the framing of the opponent with a half-truth, with a negative spin that meets the poll. Outrageous hypocrisy. Charles would have none of it and he turned exclusively to documentaries.

Charles' brilliance was in telling the story so that you were there in the historic moment. I watched him in his work. We would meet at 6:30 in the morning two or three times a week at Ali Rosenberg's St. Albans for tennis. Ali didn't let us start until just before 7:00 so the three of us would chat about the events of the day. Charles had the keenest wit about the political happenings in Washington and, talking along, I realized his genius. It wasn't just the sensitivity, but the historian. For the D-Day film he searched the Pentagon archives for 2 years finding things that the military historians had no idea of. Then, to give life to the depiction, he searched to identify the exact outfit, down to the platoon or squad. Then he found a member of that platoon or squad still living to narrate the scene. For another 2 years he looked for Jewish POWs for his most recent film. He was mainly concerned about his own outfit from which he was separated. They were captured in the Battle of the Bulge; the Jewish prisoners separated and inflicted with torture and death. He wanted to tell this story of the POW Holocaust that had never been told. He was tickled that the weather was kind, just right for his takes at the prison camps in Germany. He smiled at his luck. And then the cancer hit. He struggled this year to finish the course. Amazing Grace, his beautiful daughter, worked with him to complete the film. In this city of families split asunder, the Guggenheims have shone as a star of cohesion. Jonathan worked as a Senate Page and now produces on the West coast. Davis has just completed a cameo production on education. And that gracious lovable Marion continues to worry about everybody except herself. Charles was particularly proud when he went west for his last nomination. His daughter-in-law, Elizabeth Shue, won an Oscar. Knowing Charles, the sensitive, the authentic, his was not to receive Oscars but to render to others in his film. But surely, if he had one to give, it would be to Marion.

TRIBUTE TO SENATOR PHIL GRAMM

Mr. SHELBY. Mr. President, I rise today to pay tribute to Texas Senator PHIL GRAMM, highly respected on both sides of the aisle for his tremendous intellect, deep convictions and relentless tenacity, he will long be remembered in the U.S. Senate.

I have known Senator GRAMM and his lovely wife Wendy for many years. I first served with Senator GRAMM in the House of Representatives in 1978 where we both served on the House Energy and Commerce Committee. As conservative southern Democrats we had much in common and found ourselves on the same side of most issues, although not always on the same side as our party. Indeed, while we both came to Congress as Democrats, we later found our ideology and values best reflected in the beliefs of the Republican Party. Senator GRAMM finding the light a little more quickly than I did. However, when I finally made my decision to switch from the Democrat to Republican Party, it was more than symbolic that I stood between two great men who represented the heart of the Republican Party in the U.S. Senate, Bob Dole and PHIL GRAMM.

When I switched parties in 1994, Senator GRAMM said of my ability to help deliver the message of the Republican party: "There are no greater zealots than converts." This certainly applied to me at the time, and it still applies today. I think he spoke from what he knew to be true himself. As someone who values freedom above all else, his life has been a perfect model of what he preaches every day, and his lifetime achievements testify to that fact,

Senator GRAMM embodies what can be achieved in America through hard work, education and determination. He grew up in modest means in Georgia, helping to contribute to the families' finances by working delivering newspapers. The strong work ethic instilled in him by his upbringing led Senator GRAMM to the University of Georgia where he received his PhD in Economics in 1967. Senator GRAMM then moved to Texas, where he met and married his wife, Wendy Lee, who was also an economics PhD.

Elected to serve in the House of Representatives from the 6th district of Texas in 1978, Senator GRAMM quickly developed a reputation as a conservative Democrat who was committed to fiscal responsibility. Through his position on the Budget Committee, Senator GRAMM helped to craft bipartisan legislation which laid the foundation for Ronald Reagan's 1981 tax cuts and defense buildup. In 1983, PHIL GRAMM displayed the courage of his convictions by resigning from the Democratic party to run as a Republican. His re-election was a success, making him not only the first Republican in the history of the 6th District of Texas, but the only member of Congress in the 20th Century to resign from Congress and successfully seek re-election as a member of another party.

When John Tower announced his retirement from the Senate in 1984, Senator GRAMM seized the opportunity, and won an overwhelming victory in the general election. Senator GRAMM wasted no time becoming actively involved within the Senate. One of his first initiatives, the Gramm-Rudman-Hollings Deficit Control Act of 1985, required automatic budget cuts if the deficit was not reduced to specific levels. Together with a rapidly growing economy, this legislation was credited with producing the first balanced budget in twenty-five years. Since then, Senator GRAMM has established a long record of initiatives and achievements during his tenure in the Senate, which included negotiating the final package of budget cuts, spending caps and tax increases at the 1990 budget summit, pressing for balanced budget amendments, the exposure and elimination of budget gimmickry, electricity deregulation and improving the relationship and cooperation between the United States and Mexico.

Senator GRAMM took the gavel of the Banking, Housing and Urban Affairs Committee in January of 1999. It was from this post, that he worked to repeal the 1933 Glass-Steagall Act, which separated banks from investment banking and commercial firms. Through a lot of hard work, dogged tenacity and a little compromise, Senator GRAMM shepherded the bill through the committee and out of the Senate. The result was that in 1999 financial services deregulation was passed and signed into law, which may have been the biggest legislative achievement of the 106th Congress.

Senator GRAMM has the ability to do something that not many people can do. He can take very complex issues and break them down into their most basic elements, so that just about anybody can understand them. The intricacies of the budget process, the solvency of Social Security, the implications of national health care, are all brought down to kitchen table common sense. This is an amazing gift, and a formidable one for anyone who stands on the other side of an issue from him. There is simply no rhetoric to hide behind in a debate with Senator GRAMM. He is not afraid to fight or to lose, and so he rarely loses.

Senator GRAMM's absence from the U.S. Senate will truly leave a substantial void. I will certainly miss his expertise on the Senate Banking Committee and the broad policy experience that he brings to every debate. I would like to extend my sincere best wishes to Senator GRAMM on his retirement from the Senate and wish him luck in his new career.

ONE YEAR ANNIVERSARY OF ENRON SCANDAL

Mr. LEVIN. Mr. President, one year ago today, the public first began to learn of the accounting frauds that led to the collapse of Enron Corporation. For the first time, investors learned of special purpose entities used to make Enron's financial condition look better than it was and of partnerships run by Enron's chief financial officer. One year ago today, the press first reported the $1 billion loss in Enron's shareholder equity and a $700 million loss in earnings. Less than 2 months later, Enron's reputation as a well-run company and a good investment morphed into that of a bankrupt operation with billions in unpaid debt.

As the scandal unfolded, Enron's employees lost their jobs and their pensions. Its stockholders lost their shirts. Its accounting firm lost its credibility and its ability to operate as an auditor. About the only ones to walk away from Enron's fall intact were a number of executives who pocketed millions of dollars in compensation despite the company's collapse. Other executives are now beginning to pay the piper for their misdeeds.

Of course, Enron was only the beginning. Within 6 months, the press was inundated with reports of multi-billion-dollar accounting frauds at other major publicly traded corporations in the United States. We learned that Worldcom had misreported $3 billion in expenses, a figure which has since doubled to more than $7 billion. We learned that Adelphia had made billions of dollars in unsecured loans to corporate insiders, especially members of the Rigas family. We learned that Tyco had made not only unreported loans to corporate executives and directors, but its CEO appears to have cheated on his taxes. The list of companies associated with accounting frauds or other corporate misconduct kept increasing, shaking not only Wall Street, but also Main Street where more than half of U.S. households are directly or indirectly invested in the stock market.

The result is that, today, investor confidence in U.S. financial statements and the U.S. accounting profession lies in tatters. The stock market itself has compiled its worst record in years.

The breadth and depth of this corporate misconduct galvanized Congress. Over the past year, we conducted detailed investigations into what happened. We subpoenaed documents. We held hearings. We issued reports. And during the summer, we enacted into law the Sarbanes-Oxley Act, a corporate reform law which calls for a host of changes in the way U.S. business operates, including overhauling accounting oversight, restoring auditor integrity, and strengthening investor protections. This legislation was a strong response to the corporate scandals, but the work is far from over.

Enron's 1-year anniversary is a good time to recall what still needs to be done.

First, the SEC needs to implement the Sarbanes-Oxley Act. The most important next step here is naming the members of the new Public Company Accounting Oversight Board. This Board is charged with strengthening auditor ethics, disciplinary proceedings, and conflict of interest prohibitions to restore confidence in the U.S. accounting profession. This work will require a frank acknowledgment of past problems, a fresh examination of what works and what has failed, and a willingness to break from past practice to increase investor protections.

Some impressive candidates have stepped forward to express their willingness to serve on this board. One terrific candidate is John H. Biggs who is about to retire from his post as chairman and CEO of TIAA-CREF. Mr. Biggs has the stature, expertise, and backbone needed to lead this board. He is the right man at the right moment to restore integrity to U.S. financial statements and the U.S. accounting profession, and the SEC ought to immediately accept his offer to serve the public as a member of this important new board.

The SEC also has a host of important regulations to issue over the coming year—a task that will require continued congressional oversight. One of the most important is the requirement that companies disclose all material off-the-books transactions, arrangements, obligations and relationships. While the Financial Accounting Standards Board, or FASB, has issued a proposal to strengthen accounting rules regarding special purpose entities, that addresses only a portion of the problem and the SEC can and must do much more to strengthen disclosure.

The SEC must also set up the policies and procedures necessary to identify and administratively bar those persons who are substantially unfit to serve as officers or directors of public companies. Too many officers and directors have turned their eyes away from misconduct, failed to ask tough questions, or allowed fraudulent or questionable activities to continue unchecked at the companies that are now the subject of legal proceedings. We need stronger leadership in corporate America and to eliminate those unwilling or unable to act as fiduciaries for investors.

These are just two of the many pressing regulatory issues facing the SEC in implementing the Sarbanes-Oxley reform law. But it will take more than Sarbanes-Oxley to end corporate misconduct and restore investor confidence in U.S. markets. The list of unfinished business includes at least the following items.

First, Congress needs to recognize that the SEC is outgunned and outspent and give the SEC the resources it needs to police financial statements and detect and punish corporate misdeeds.

Second, we need to give the SEC new civil enforcement authority to impose administrative fines on company officers, directors, auditors, lawyers, and others who violate federal securities laws. Right now, the only wrongdoers the SEC can fine in administrative proceedings are broker-dealers and investment advisers. My amendment to broaden its authority to fine other violators of the securities laws never received a vote during consideration of the Sarbanes-Oxley Act. I intend to keep trying until that vote takes place.

Another festering problem involves stock options. Stock option abuses have not stopped, and dishonest accounting of stock option expenses continues. That means that Congress still needs to set a deadline for FASB to take appropriate action on the issue of expensing stock options. Over 120 publicly traded companies have announced their intention—on a voluntary basis—to begin expensing options. That is a huge and welcome change from past practice. But many other public companies have indicated they have no intention of expensing options until required to do so. It is time to level the playing field in favor of honest accounting of stock options.

Still another continuing problem involves so-called corporate inversions, when U.S. companies pretend to move their headquarters to an offshore tax haven in order to avoid paying their fair share of taxes. These offshore shenanigans are not only unpatriotic, they are unfair to the taxpayers who have to pick up the slack and pay for this country's military, security, law enforcement, and other needs, many of which benefit the companies avoiding their fair share of taxes. I plan to spend a significant amount of time over the next year looking at issues related to offshore tax evasion and corporate nonpayment of tax.

A few years ago, this country had billions of dollars in surplus and a growing economy. But that is over. One contributing cause is the corporate scandals over the last year. Those arguing for tepid reforms or the status quo will not provide the leadership needed to end the corporate misconduct and investor fears now plaguing U.S. markets. We need not only to complete the implementation of the Sarbanes-Oxley law, but also to move ahead with additional measures needed to restore investor faith in U.S. business. The one-year anniversary of the Enron scandal is a good time to renew the call for that unfinished business.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of last year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred September 15, 2001 in San Francisco, CA. Two men, Robin Clarke and Sean Fernandes, were brutally attacked by a man who thought Fernandes was an Arab. The assailant passed the two men on the street, called Fernandes a "dirty Arab", then punched both men and stabbed Clarke in the chest. The assailant escaped in a blue Mustang coupe after the attack.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

BURMA

Mr. LEAHY. Mr. President, I want to add my voice to the growing chorus in Washington condemning the State Peace and Development Council's brutal and inhumane treatment of the people of Burma—including refugees and internally displaced persons.

We recently heard from the senior Senator from Kentucky, Senator MCCONNELL, who has been a consistent, strong voice for human rights and democracy in Burma. He spoke of the many abuses committed by the SPDC and his concerns that the SPDC's proclaimed interest for reconciliation with the legitimate leaders of Burma—led by Daw Aung San Suu Kyi and the National League for Democracy—ring hollow.

I am in complete agreement with his assessment.

It is past time for the SPDC and its armed forces to respect the human rights and dignity of the people of Burma and to punish those in the military who are responsible for killing and injuring innocent men, women and children.

I was appalled to learn this week that Burma Army Column Commander

Khin Mau Kyi, who is reportedly responsible for burning churches and villages and torturing pastors and Buddhist monks, said. "I don't respect any religion, my religion is the trigger of my gun."

Mr. President, Khin Mau Kyi's so-called "religion" is, according to information I have received, responsible for the murder of the following people at Htee Law Belh on April 28, 2002: Saw Hto Paw, Naw Hsar Kay, Naw Kri Htoo, Naw Ble Po, 5 years old, Daw Htwe Ye, Naw Mu Tha, Mu Pwat Pwat, 7 year old, Saw Ka Pru Moo, Naw Plah, 5 years old, Naw Dah Baw 2 years old, and Naw Pi Lay and her infant.

The State Department should publicly condemn the SPDC for these atrocities, and call on the SPDC to investigate these crimes and bring those responsible to justice. Unfortunately, there is no reason to believe the SPDC will act against its own officers.

We and the international community should do our utmost to provide assistance to the SPDC's victims. In the days to come, I will confer with my friend from Kentucky on appropriate actions we can take to help refugees and internally displaced persons in Burma, including engagement with Thailand to ensure that Burmese fleeing SPDC abuses can enter into Thailand, that international journalists are given free and unfettered access to refugee camps and ethnic minorities, and the UN High Commissioner For Refugees is allowed to provide a safe haven for those fleeing SPDC oppression.

THE TUSKEGEE AIRMEN 17TH ANNUAL SALUTE

Mr. LEVIN. Mr. President, this weekend hundreds of individuals from throughout the Nation will be gathering in my hometown of Detroit, MI, to honor, remember, and pay tribute to one of the most illustrious and feared U.S. Army units in the Second World War, the Tuskegee Airmen. These individuals will be gathering for the Tuskegee Airmen National Historical Museum's 17th Annual Salute Reception and Dinner.

The story of the Tuskegee Airmen is unique in many ways but starts with similarities to the story of so many members of the "Greatest Generation" who fought in the Second World War. It is a story of young men who answered the call of duty and fought to defend our Nation with courage, pride, and zeal against the forces of tyranny and oppression. These men have earned our Nation's enduring respect for their actions and deeds in defense of the United States.

But of course their story is also unique. In addition to being one of the most successful air combat units in the Second World War, the Tuskegee Airmen, whose pilots trained at the Tuskegee Army Air Field in Tuskegee, AL, overcame a pattern of rigid segregation and prejudice that questioned their ability to serve as Airmen and prevented them from training and working with their white counterparts.

Led by the recently departed General Benjamin O. Davis, the first black general in the Air Force, the Tuskegee Airmen flew over 15,500 sorties, completed over 1,500 combat missions, and downed over 260 enemy aircraft. They even sunk an enemy destroyer. Amazingly, no bomber escorted by the Tuskegee Airmen was ever downed. But 66 Tuskegee pilots flying escort did make the supreme sacrifice for our Nation and another 32 were taken as prisoners of war. Collectively, these actions won the Tuskegee Airmen 3 Presidential Citations, 95 distinguished Flying Crosses, 8 Purple Hearts and 14 Bronze Stars.

Upon returning home from war, these Airmen found a society still deeply segregated. The Tuskegee Airmen themselves remained segregated from the larger military and were unable to provide their skills and aptitude to other units that were in dire need of qualified airmen. It was not until President Truman issued Executive Order 9981 that segregation was ended in the United States Armed Services. This Executive Order played a vital role in the subsequent integration of our Nation. The valor and dedication of the Tuskegee Airmen played a vital role in changing our Nation's attitude toward integration and racial diversity.

In recent years, our Nation has rightly sought to honor those who served in the Second World War and to recognize the challenges faced and overcome by the Tuskegee Airmen. I know my Senate colleagues join me in commending the Tuskegee Airmen for their willingness, to paraphrase Philip Handleman, an aviation historian from Oakland County, MI, to fight two wars at the same time: one war against the forces of totalitarianism abroad and the other against the forces of intolerance and prejudice at home, and to have the determination to win them both.

THE ALL-CALIFORNIA WORLD SERIES

Mrs. FEINSTEIN. Mr. President, I rise today to commend and congratulate the two teams from California who will compete for the 2002 World Series Championship: the National League Champion San Francisco Giants, and the American League Champion Anaheim Angels.

This will be the fourth All-California World Series—following the 1974 and 1988 Los Angeles Dodgers-Oakland Athletics match-ups and the 1989 "Bay Bridge Series" between the Giants and the Athletics—and I am confident it will go down in history as one of the best.

Both teams have beaten the odds and overcome huge obstacles to advance to the fall classic. In fact, this will be the first World Series between two wild-card teams.

My hometown team, the Giants, won the National League Wild Card with a 95 and 66 record, edging another California team, the Los Angeles Dodgers, by 3½ games. They then defeated the heavily favored Atlanta Braves in the National League Divisional Series 3 games to 2, before finishing off a tough and determined St. Louis Cardinals team 4 games to 1, to win their third National League Pennant since moving to San Francisco in 1958.

The Anaheim Angels overcame a 6 and 14 start to win the American League Wild Card with a 99 and 63 record, just 4 games behind yet another California team, the Oakland Athletics. They upset the New York Yankees in the American League Divisional Series 3 games to 1 and defeated the Minnesota Twins 4 games to 1, to win the first American League Pennant in the 42-year history of the Angels organization. I only wish Gene Autry had lived to see his beloved team succeed with such brilliance.

The Giants and Angels epitomize the word "team." Each has its share of All-Stars, but they have advanced to the final round because of the dedication and hard work of each player.

Everyone knows the Giants are led by four-time National League Most Valuable Player, newest member of the 600 Home Run club and 2002 National League Batting Champion, Barry Bonds. But Barry would be the first to say that the Giants would not be where they are without the contributions of players such as National League Championship Series Most Valuable Player Benito Santiago, David Bell, Jeff Kent, J.T. Snow, and pitchers Russ Ortiz, Jason Schmidt, Kirk Rueter and Rob Nenn. The list goes on.

And, what Giants fan will ever forget Kenny Lofton, a center-fielder acquired in a mid-season trade, who drove in the winning run in game 5 of the National League Championship Series with a two-out base-hit?

The Angels got to the World Series by hitting .320 as a team in the postseason and scoring 60 runs in 9 games. They are led by David Eckstein, Garret Anderson, Troy Glaus, Tim Salmon, and pitchers Troy Percival, Jarrod Washburn, and 20-year-old rookie, Felix Rodriguez.

American League Championship Series Most Valuable Player Adam Kennedy made history by becoming only the fifth player—following the likes of Hall of Famers Babe Ruth, Reggie Jackson, and George Brett—to hit three home runs in a playoff game in the deciding game 5 of the American League Championship Series.

Every great team has a great manager and the Giants and the Angels have two of the best: three-time National League Manager of the Year Dusty Baker and Mike Scioscia, who has led the Angels to a World Series in only his third year as manager. Former teammates on the Los Angeles Dodgers, both set high standards for their teams, stuck with them through thick and thin, and provided the leadership for success.

Finally I want to pay tribute to the front office staffs of both organizations: President and managing partner Peter Magowan, executive vice-president and chief operating officer Larry Baer, and general manager Brian Sabean of the Giants and chairman and CEO of the Walt Disney Company Michael Eisner and general manager Bill Stoneman of the Angels. Not only have they built championship franchises, but they have established the Giants and Angels as class organizations.

Normally, the Senators from the States of the teams represented in the World Series place a friendly wager on the outcome. This year, Senator BOXER and I will simply take pleasure in watching two California teams battle for the title.

From Edison Field to Pacific Bell Park, each game will showcase a different part of California and the great fans of both teams. The Giants and the Angels have done California proud and may the best team win.

THE ROMA

Mr. LEAHY. Mr. President, I rise to discuss the situation of the Roma people in Serbia and Montenegro, which together make up the Federal Republic of Yugoslavia, FRY..

I am among those who believe that the United States should continue to strongly support the development of democratic institutions and reconciliation among ethnic groups throughout the FRY and Senator McCONNELL and I have tried to do that in the fiscal year 2003 Foreign Operations spending bill.

As in the past, we have provided funds to support democratic reformers in the FRY, as they continue to work to overcome the hatred and destruction caused by Slobodan Milosevic.

The United States is dedicated to ensuring that Serbia develops a solid commitment to peace, the rule of law, and to protecting the rights and well-being of its minority communities. That is why the funding level for Serbia—and indeed throughout the Balkans—recommended by the Committee on Appropriations is above what the President requested in his Fiscal Year 2003 budget.

Our law requires that the President certify to the Committee on Appropriations that the FRY is continuing to cooperate with the War Crimes Tribunal. He must also certify that the FRY is implementing policies which reflect a commitment to the rule of law, a commitment to end support for separate Republika Srpska institutions, and a commitment to ensure and protect the rights of minority groups.

Progress toward those goals has been made. But it has been slow, and the FRY has an inconsistent record of compliance with our law.

I recognize that the process of reform is difficult. Breaking down old hatreds can take generations. I have been very disappointed that even the reformers in positions of authority have not done more to support the Tribunal, and to expose the truth about Milosevic's crimes. However, even their inconsistent efforts are resisted at every turn by powerful nationalists who are far less committed to justice.

That political dynamic is the cause of much friction within the FRY, and is the cause of continuing difficulties between Serbia and the international community.

It is my hope, and I think I speak for everyone here, that the Balkans will eventually become a stable, peaceful, and tolerant region in which Serbia is the leading force for trade and democracy. Such a hope will become a reality only if our commitment to it remains strong.

As the world's attention has shifted toward Afghanistan and a possible war with Iraq, it is important that our concerns for the FRY are not drowned out by events elsewhere.

In addition to ensuring FRY compliance with the Tribunal, there is still serious work to be done on behalf of minority groups there.

In particular, a higher level of attention must be focused on the plight of the Roma people, whose history is one of discrimination and suffering.

The Roma are an ethnic group that traces their heritage back about one thousand years to the north of India. They first settled in Eastern Europe in the 14th Century. Today, Roma reside in all parts of Europe.

Over the centuries, the Roma have been the victims of murderous violence and debilitating discrimination that has poisoned their relations with their host nations, stunted their growth as a community, and perpetuated a vicious cycle of poverty, unemployment, sickness, and every form of social ostracism.

It is a cycle that has sentenced the Roma to shorter lives, lower literacy rates, and often horrid living conditions—living conditions that are far below those of the general populations of their host nations.

I read in a recent publication that in England, during the time of Elizabeth I, there was a law which made it illegal to be a Roma person, and under that law one could be put to death simply for being born to Roma parents. Also during that time, in Switzerland, it was legal to hunt Roma for sport.

During the Second World War, the Roma were among the first ethnic groups targeted for eradication by Hitler. Until the 1970s, in other parts of Europe, policies have resulted in separating Romani children from their parents so they could be raised by non-Roma families.

The last decade has been no kinder to the Roma. During the Balkan wars of the 1990s, the Roma were severely victimized. And the abuse of the Roma continues now during peacetime.

The FRY has officially registered the Roma as a minority group, and has mandated that more Romani language programs appear on state television. These are important steps and are to be commended.

Much progress toward equitable and lawful treatment of the Roma, however, is yet to be made by the FRY, where the Roma are reportedly subject to frequent police brutality.

They often live in illegal settlements on the outskirts of towns, without electricity, running water, or sanitation.

International nongovernmental organizations willing to assist the Roma in constructing more permanent housing have been forced to cancel their projects, because the FRY and local authorities denied them the necessary land.

Roma in the FRY are also the targets of humiliating social discrimination. They are frequently denied access to privately owned restaurants and sports facilities. Roma do not receive adequate education, health care, or equitable access to public goods and services. In many FRY communities they are treated as a public nuisance.

Very little effort is made by state prosecutors to pursue cases of discrimination against Roma in the courts, partially due to widespread apathy for the Roma and partially because of weak legislation protecting the rights of minorities.

The Roma experience is one of suffering. Their's is a life of waiting, and one of hope lost as the tide of history threatens to sweep them aside.

As with its cooperation with the Hague Tribunal, the FRY's respect for the rights of the Roma must be closely monitored and verified. The President's certification to the Committee on Appropriations concerning funds appropriated for the FY should address both issues.

Continuing progress by the FRY in ensuring the safety and dignity of all its citizens, including the Roma, is the intent of our law and essential to the future stability of the former Yugoslavia.

ADDITIONAL STATEMENTS

10TH ANNIVERSARY OF THE CAB CALLOWAY SCHOOL OF THE ARTS

• Mr. BIDEN. Mr. President, we often talk about how best to encourage the talents of our young citizens. In my home town of Wilmington, DE, there is a school that fulfills that mission literally, and with great success—the Cab Calloway School of the Arts, which will celebrate its 10th anniversary at a ceremony on Friday, November 22, 2002.

Cab Calloway students have performed in prestigious venues from New York City to Washington, DC. Our colleague, Senator CLINTON, has been in their audience, as have Secretary of State Powell and members of the National Governors Association. They have earned recognition in the National Shakespeare Competition, the Delaware Theatre Company's Young Playwright's Festival, and various vocal and band competitions.

In the visual arts, Cab Calloway students have won repeatedly in Delaware's Youth in Art Month Flag Competition, and their work has been included in the Delaware Foundation for the Visual Arts Calendar. When artists were invited to decorate downtown Wilmington with dinosaurs this past spring, a Cab Calloway student designed and made sculpture was in the display. Visual arts students have also worked with the March of Dimes to create educational materials, and they have been honored with Regional Scholastic Art Awards.

That would be impressive as the whole story, but it is just one chapter. Cab Calloway students have excelled academically, earning as many honors for their work in the classroom as for their talents on the stage or in the studio. The school has been recognized for its innovative programs, and it proudly boasts the best attendance record among all secondary schools in the district.

For a decade, Cab Calloway has given many of our State's most talented young citizens a chance to excel as student-artists. It is a true success story in public education, and we in Delaware are very proud to congratulate the administration, faculty, students and their families, as we all join to celebrate the 10th anniversary of the Cab Calloway School of the Arts.●

TRIBUTE TO RANDY ATCHER

● Mr. BUNNING. Mr. President, I rise today among my fellow colleagues to honor and pay tribute to one of Kentucky's finest individuals. Last Wednesday, at the age of 83, Randy Atcher passed away in his bed at the Audubon Hospital in Louisville, KY. He had been suffering from lung cancer for many years. He will be missed and mourned by all.

Randy Atcher was born in Tip Top, KY in 1918 and from very early on, people could see that he was headed for big things. Randy grew up in a family of entertainers and musicians. His father played the fiddle, his mother the piano, his brother Bob the mandolin, his brother Raymond the bass and finally his brother Francis played the guitar. At age 13, Randy and his brother Bob were playing their catchy country tunes for WLAP radio in Louisville. Before Randy was even out of high school, he and Bob had a successful morning show on WHAS radio which aired from 8 to 8:15 Monday through Friday. He always finished the show with just enough time to beat the bell for his first class.

After graduating from high school, Randy and Bob hit the road running, showcasing their musical talents all across the Commonwealth. However, this seemingly endless road adventure came to an abrupt halt when, in 1941, the Japanese maliciously and without warning bombed Pearl Harbor. Shortly thereafter, Randy joined the Army Air Corps, serving in such places as Australia, the Philippines and Okinanwa. While in the South Pacific, Randy purchased a guitar and played his tunes for his fellow soldiers, bringing a little happiness and laughter into a very dark and frightening place and time.

After the war ended, Randy picked up right where he left off in 1941. He traveled around the country and worked for radio stations in places like Chicago. In 1946, Randy returned to Louisville and remained there for the rest of his days.

Randy Atcher's big break came in 1950 when his old friends at WHAS came to him with an idea for a daily TV show for Kentucky's children. The show, T-Bar-V, was an instant success and was on the air from March 28, 1950 until June 26, 1970. Many Kentucky children grew up watching this show and learning from the lessons it taught. In many ways, Randy Atcher became an integral part of many Kentucky families. He taught the children to save their money and to respect their elders. His warmth and sincerity were felt by all that tuned in. Throughout its 20 years on television, T-Bar-V celebrated 153,000 children's birthdays. When the show ended, many children felt as if they had lost their best friend.

Even after the show ended however, Randy couldn't keep the performer in him quiet. He sang his songs and entertained children at schools and the elderly at nursing homes. He was on the board of the Muscular Dystrophy Association and the Dream Factory, a group that grants the wishes of gravely ill children. He also recorded books on tape for the blind.

I ask that my fellow colleagues join me in honoring Randy Atcher. He devoted his entire life to bringing happiness to the lives of others. He represented a code of morality that seems almost lost today. I believe we all can learn from his example of caring for and serving others.●

TRIBUTE TO THE HON. JOHN S. MARTINEZ

● Mr. LIEBERMAN. Mr. President. I rise today with great sadness to pay tribute to the late State Representative John S. Martinez, Deputy Majority Leader of the Connecticut General Assembly, who lost his life on October 10 in a tragic automobile accident. Mr. Martinez served New Haven's 95th Assembly District where he served on the Finance, Revenue & Bonding Committee and the Judiciary Committee. He leaves behind a career of compassionate public service, particularly to the underprivileged.

Mr. Martinez was born in 1953 in the City of New York to Puerto Rican parents. His family has resided in the City of New Haven for 39 years.

From 1991 to 1997, Mr. Martinez developed and served as Project Director of the Hill Health Center/Grant Street Partnership, a Substance Abuse Intensive Day Treatment Program for women and men.

Mr. Martinez worked for 15 years with the homeless and substance abusing population. He was very active on both local and state-wide level community service boards and commission, including the Community Action Agency in New Haven, LULAC Headstart, Community Partners In Action, Latino Youth, Inc., New Haven Parking Authority Commission and Children Center in Hamden.

Mr. Martinez was also President of the National Hispanic Caucus of State Legislators, and a member of the Council of State Governments/ERC, the National Criminal Justice Task Force/CSG, the Fighting Back Treatment Intervention Committee and the Connecticut Hispanic Addiction Commission, CHAC.

My thoughts and prayers are with the Martinez family, and the people of Connecticut, who will all feel this great loss.●

TRIBUTE TO DOTTY VATTES ON HER RETIREMENT

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Dorothy Vattes upon her retirement from service with the Federal Government.

Dotty has been a member of my staff for 18 years as a senior caseworker and immigration specialist. She has been a trusted friend and outstanding employee. She is committed to the people of New Hampshire, and has helped hundreds of citizens with problems they may have had with the Federal Government. She has helped re-unite families, helped seniors receive the benefits they deserve, and has exhibited tireless devotion to serving the people.

Dorothy Burnham Vattes, was born in Manchester, NH. She has been married for 41 years to John, also a good friend. They have four children, Wendy, Lori, Mark and Shane. I have seen her children grow into wonderful, responsible, adults—most of them also work in Government service. Her son Mark, who also works on my staff, and his wife Kathy, gave Dotty her greatest joy last year—a grandson, Benjamin.

Dotty began work in the 1960s, which was followed by a career as a legal secretary. She stayed at home to raise her family for 7 years, but returned to work in a law firm until 1981 when she began her career in public service. She worked for Senator Gordon Humphrey, who held this seat before me, and then came to work for my office when I was elected to the House in 1984.

Dotty's retirement will enable her to spend the time doing what she enjoys: traveling, crafts, and community activities like the Manchester Federated Republican Women's Club and the National Association of Retired Federal Employees, NARFE. She and her husband will spend winters at their home in Florida, and summers back in New Hampshire.

Dotty's service to the people of New Hampshire will be missed by all of those whose lives she touched. Her commitment, devotion, and the special way in which she helped so many, will not be forgotten. I commend her on her years of service, and her excellence as a valuable member of my staff. Best wishes, Dotty, for a wonderful retirement.•

TRIBUTE TO SENATOR CRAIG THOMAS

• Mr. ENZI. Mr. President, I rise today to congratulate my friend and colleague, Senator CRAIG THOMAS, who this weekend will be honored with the Distinguished Alumni Award from his alma mater, the University of Wyoming. I know how much CRAIG loves the Cowboys and the University, so this is a special honor indeed, and one all of us are proud that he has achieved. Senator THOMAS graduated from the UW in 1954 with a Bachelors degree in Agriculture.

As a student from Wapiti, WY, Senator THOMAS wanted to pursue a career as a veterinarian, but his 4-H experience steered him toward animal production. Aside from his studies, he also took an interest in wrestling, and as I understand it he was even good enough to earn a wrestling scholarship. If you ask him, he will tell you that his participation on the UW wrestling team was one of the biggest influences during his college career and that it taught him discipline and sportsmanship. There's no doubt it gave him a strong will to succeed.

Ultimately, it was those special years as a University of Wyoming Cowboy, or Pokes as we call them, that helped shape the life of the man who has served three terms in the U.S. House of Representatives and is now in his second term in the U.S. Senate. Despite his busy schedule, CRAIG continues to give his time and energy to the university, serving several terms on the College of Agriculture's Advisory Board and earning an Outstanding Alumni Award in 1995.

This is not the first time my friend has been recognized for his dedication to community and learning. After serving two years as president of the Wyoming State 4-H Foundation, and serving on its board for 10 years, CRAIG was inducted in April into the National 4-H Hall of Fame. This past August, he took first place at the State Fair during an honorary 4-H steer showmanship class, and he always is a welcome face for 4-H participants who come to Washington, DC, for the national trips. These awards are a testament to his deep roots and the connection he still has to our great state and the people who make it work.

I believe the University of Wyoming selected an exemplary recipient for this award and I know he is both humbled and proud for the recognition. CRAIG is being honored not only because of what he did at UW, but for what he continues to do, he is a forceful advocate for the University here in Washington. The benefits of his labor on their behalf can be seen everywhere around campus.

Let me again say congratulations to my colleague and also to the University for recognizing someone so deserving of the distinguished Alumni Award. CRAIG, your hard work and dedication to the University of Wyoming have not gone unnoticed. Your on-going legacy will continue to be felt by many students and graduates to come.•

RECOGNITION OF ROBERT PORE

• Mr. JOHNSON. Mr. President, I rise today to recognize and honor Robert Pore on the occasion of his extraordinary reporting career at the Huron Daily Plainsman in Huron, SD.

Robert graduated from Northwest Missouri State in Maryville, MO in December 1978. Before coming to Huron, Robert worked a variety of positions for several newspapers. He was a regional editor for the McCook Daily Gazette in McCook, NE for three years; managing editor for the Hope, Arkansas newspaper; regional director editor of the Le Mars Daily Sentinel in Le Mars, IA; and publisher of the Hillsboro Banner in Hillsboro, ND. He will be ending his South Dakota career on Friday, October 18 after 10 years as the lead agriculture reporter for the Huron Daily Plainsman.

Robert earned the respect and admiration of all those who had the opportunity to work with him. His love for South Dakota and passion for agriculture set him apart from other outstanding agriculture reporters in the state. Robert's friendly demeanor and wealth of knowledge helped him develop close relationships with various agriculture groups and state and federal officials. These relationships allowed Robert unique insight and access to news affecting South Dakota's agriculture community.

Robert and his wife Bette, a former editor at the Huron Daily Plainsman, will be greatly missed by the people of Huron for their years of valuable community service. On the occasion of his retirement, I want to congratulate Robert Pore for his tireless dedication to the Huron Daily Plainsman and commitment to quality journalism. The lives of countless people have been enormously enhanced by Robert's skilled reporting. His achievements will serve as a model for other talented reporters throughout our state to emulate.

I wish Robert Pore the best on all his future endeavors.•

IN RECOGNITION OF ERICA AND SAMUEL BRASHER

• Mr. SHELBY. Mr. President, I rise today to pay special recognition to two young Alabamians who made the journey to Washington, D.C. this summer to learn about and celebrate America's heritage. Erica Brasher, who is 15, and Samuel Brasher, who is 12, spent 2 weeks in Washington and Northern Virginia traveling to the many historical sites located throughout the area. Most importantly, they were chosen for the honor of raising the flag at Mount Vernon on the Fourth of July. For this distinction, they received special citations which commemorated the annual celebration. Erica and Samuel Brasher's trip also included visits to Williamsburg, Harper's Ferry, and the many museums and monuments located in Washington, D.C. Upon their return home, a terrific account of Erica and Samuel's trip was written in their local newspaper, the Shelby County Reporter.

Erica and Samuel Brasher are both grandchildren of Howard and Pattie Brasher of Shelby County. Samuel is also the grandson of Tom and Chestine Cardin of Columbiana. Erica is also the granddaughter of Corinne Williams and the late Bob Williams of Shelby and the daughter of the late Martha Williams-Brasher. I had the chance to meet these two wonderful children when they visited, and I was proud to see young Alabamians so interested in American history.•

WORLD POPULATION AWARENESS WEEK

• Mr. EDWARDS. Mr. President, Governor Mike Easley of my State of North Carolina has issued a proclamation designating the week of October 20–26, 2002 as "World Population Awareness Week." This proclamation highlights the need to better understand the environmental and social consequences of rapid population growth, particularly those issues surrounding the education and health of youth and adolescents around the world. I join Governor Easley in his recognition of World Population Awareness Week, and I ask unanimous consent to have his proclamation printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

A PROCLAMATION

Whereas, more than one billion people—one sixth of the world's population—are between the ages of 15 and 24, the largest generation ever in this age bracket; and

Whereas, nearly half the world's population, and 63% in the least developed countries, is under age 25; and

Whereas, 17 million young women between the ages of 15 and 19 gave birth every year, including about 13 million who live in less developed countries; and

Whereas, early pregnancy and childbearing are associated with serious health risks, less education, and lower future income potential; and

Whereas, the risks of dying from complications of pregnancy or childbirth are 25 times higher for girls under 15, and two times higher for women between the ages of 15 and 19; and

Whereas, approximately half of the 5 million people infected with HIV last year were young people between the ages of 15 and 24; and

Whereas, almost 12 million young people now live with HIV, and about 6,000 more become infected every day; and

Whereas, the choices young people make today regarding their sexual and reproductive lives, including responsible male behavior, will determine whether world population stabilizes at 8 billion or less or 9 billion or more; and

Whereas, the theme of World Population Awareness Week in 2002 is "Population and the Next Generation";

Now, therefore, I, Michael F. Easley, Governor of the State of North Carolina, do hereby proclaim October 20-26, 2002, as "World Population Awareness Week" in North Carolina, and commend this observance to all our citizens.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT OF THE CONTINUATION OF THE NATIONAL EMERGENCY WITH THE RESPECT TO THE SIGNIFICANT NARCOTICS TRAFFICKERS CENTERED IN COLOMBIA—PM 116

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act, 50 U.S.C. 1622(d) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice, stating that the emergency declared with respect to significant narcotics traffickers centered in Colombia is to continue in effect beyond October 21, 2002, to the *Federal Register* for publication. The most recent notice continuing this emergency was published in the *Federal Register* on October 19, 2001 (66 Fed. Reg. 3073).

The circumstances that led to the declaration on October 21, 1995, of a national emergency have not been resolved. The actions of significant narcotics traffickers centered in Colombia continue to pose an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States and to cause unparalleled violence, corruption, and harm in the United States and abroad. For these reasons, I have determined that it is necessary to maintain economic pressure on significant narcotics traffickers centered in Colombia by blocking their property or interests in property that are in the United States or within the possession or control of United States persons and by depriving them of access to the United States market and financial system.

GEORGE W. BUSH.

THE WHITE HOUSE, *October 16, 2002.*

PERIODIC REPORT ON THE NATIONAL EMERGENCY WITH RESPECT TO SIGNIFICANT NARCOTICS TRAFFICKERS CENTERED IN COLOMBIA THAT WAS DECLARED IN EXECUTIVE ORDER 12978 OF OCTOBER 21, 1995—PM 117

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), I transmit herewith a 6-month periodic report that my Administration has prepared on the national emergency with respect to significant narcotics traffickers centered in Colombia that was declared in Executive Order 12978 of October 21, 1995.

GEORGE W. BUSH.

THE WHITE HOUSE, *October 16, 2002.*

MESSAGES FROM THE HOUSE

ENROLLED BILL AND JOINT RESOLUTION SIGNED

Under the authority of the order of the Senate of January 3, 2001, the Secretary of the Senate, on October 11, 2002, during the recess of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bill joint resolution:

H.R. 5531. An act to facilitate famine relief efforts and a comprehensive solution to the war in Sudan.

H.J. Res. 122. A joint resolution making further appropriations for the fiscal year 2003, and for other purposes.

Under the authority of the order of the Senate of January 3, 2001, the enrolled bill and joint resolution were signed by the President pro tempore (Mr. BYRD) on October 11, 2002.

ENROLLED JOINT RESOLUTION SIGNED

Under the authority of the order of the Senate of January 3, 2001, the Secretary of the Senate, on October 15, 2002, during the recess of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled joint resolution:

H.J. Res. 114. A joint resolution to authorize the use of United States Armed Forces against Iraq.

Under the authority of the order of the Senate of January 3, 2001, the enrolled joint resolution was signed by the President pro tempore (Mr. BYRD) on October 15, 2002.

At 11:22 a.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks announced that the House has passed the following bill, without amendment:

S. 1339. An act to amend the Bring Them Home Alive Act of 2000 to provide an asylum program with regard to American Persian Gulf War POW/MIAs, and for other purposes.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 4757. An act to improve the national instant criminal background check system, and for other purposes.

H.R. 4967. An act to establish new nonimmigrant classes for border commuter students.

H.R. 5590. An act to amend title 10, United States Code, to provide for the enforcement and effectiveness of civilian orders of protection on military installations.

H.R. 5599. An act to apply guidelines for the determination of per-pupil expenditure requirements for heavily impacted local educational agencies, and for other purposes.

At 8:04 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate.

H.J. Res. 123. A joint resolution making continuing appropriations for the fiscal year 2003, and for other purposes.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message also announced that the Speaker has signed the following enrolled bills and joint resolution:

S. 1339. An act to amend the Bring Them Home Alive Act of 2000 to provide an asylum program with regard to American Persian Gulf War POW/MIAs, and for other purposes.

S. 2558. An act to amend the Public Health Service Act to provide for the collection of data on benign brain-related tumors through the national program of cancer registries.

H.J. Res. 113. A joint resolution recognizing the contributions of Patsy Takemoto Mink.

At 8:35 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 5200. An act to establish wilderness areas, promote conservation, improve public land, and provide for high quality development in Clark County, Nevada, and for other purposes.

H.R. 5651. An act to amend the Federal Food, Drug, and Cosmetic Act to make improvements in the regulation of medical devices, and for other purposes.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–354. A resolution adopted by the House of the Legislature of the State of Michigan relative to an independent review and analysis of generic drugs; to the Committee on Health, Education, Labor, and Pensions.

HOUSE RESOLUTION NO. 293

Whereas, the United States Food and Drug Administration (FDA) is a vital agency responsible for ensuring safety in foods and medicines. The work it undertakes has a direct impact on each citizen. The FDA oversees the approval of drugs for the market and provides information to the health care network; and

Whereas, a key component of our health care resources is the availability of generic drugs, which can offer a less costly means of treatment. The use of this option, however, is only as good as the level of assurance that a generic drug is as safe as possible. The FDA considers generic drugs submitted for approval through its Office of Generic Drugs; and

Whereas, in spite of repeated assurances from the FDA and pharmaceutical companies that generic drugs are safe and are identical in the ingredients to their brand-name counterparts, there have been concerns over the safety of some generic drugs. Any concern must be investigated thoroughly to ensure that all standards of ingredients, preparation, and packaging are met. We must do all we can to ensure the highest standards for all prescription medications. Most importantly, there can be no doubt that the review of submitted medications is completely unaffected by criteria other than scientific evidence and the impact of the drugs in question on patients. Citizens as well as health care providers must have faith in the independence and reliability of all tests and determinations; Now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States and the Food and Drug Administration to provide for an independent review and analysis of generic drugs submitted for approval; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, the members of the Michigan congressional delegation, and the Food and Drug Administration.

POM–355. A resolution adopted by the House of the Legislature of the Commonwealth of Pennsylvania relative to Medicare home health benefits and home health providers; to the Committee on Finance.

HOUSE RESOLUTION NO. 576

Whereas, there are 321 Medicare-certified agencies in Pennsylvania providing critical care each year in the homes of nearly half a million Pennsylvanians; and

Whereas, home health patients receiving Medicare services are typically the sickest, frailest and most vulnerable of Pennsylvania's elderly population; and

Whereas, the Congress of the United States in 1997 sought to cut growth in the Medicare home health benefit by $16.2 billion over five years but resulted in cutting more than $72 billion; and

Whereas, nearly one million fewer Medicare beneficiaries qualify for Medicare-reimbursed home care than in 1997; and

Whereas, additional cuts in the Medicare home health benefit would force many low-cost, efficient agencies in Pennsylvania which are struggling under the current system to go out of business, thereby harming access to Medicare beneficiaries; and

Whereas, total elimination of the 15% cut has been postponed for the past two years; and

Whereas, the impending 15% cut is making it difficult for home health agencies to secure lines of credit and is discouraging investment in advanced technologies and staff benefits; and

Whereas, sixty-five members of the United States Senate have joined in a bipartisan letter that recommends the elimination of the 15% cut; and

Whereas, one hundred thirteen members of the United States House of Representatives have joined in a bipartisan letter that recommends the elimination of the 15% cut; and

Whereas, the Budget Committee of the United States Senate has voted to set aside the funds necessary to do away with the 15% cut; and

Whereas, the Medicare Payment Advisory Commission (MedPAC), the group established by the Congress to advise on Medicare policy, has called upon the Congress to permanently eliminate the 15% cut in the Medicare home health benefit; and

Whereas, MedPAC has reported that there are three factors that can lead to a cost increase for rural home health providers; travel, volume of services and lack of sophisticated management and patient care procedures; and

Whereas, Medicare home health services are delivered to a large rural population in Pennsylvania which often lives miles apart, increasing the cost of providing home health services: Therefore be it

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania urge the Congress to permanently eliminate the 15% cut in the Medicare home health benefit AND EXTEND THE 10% RURAL ADD-ON TO MEDICARE HOME HEALTH PROVIDERS; And be it further

Resolved, That the House of Representative urge the President to support the Congress in eliminating the 15% cut in the Medicare home health benefit AND EXTEND THE 10% RURAL ADD-ON TO MEDICARE HOME HEALTH PROVIDERS; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, the Vice President of the United States, the Speaker of the United States House of Representatives and to each member of Congress from Pennsylvania.

POM–356. A joint resolution adopted by the General Assembly of the State of California relative to home health care; to the Committee on Finance.

ASSEMBLY JOINT RESOLUTION NO. 49

Whereas, California's home health care industry has suffered a loss of over one-third of licensed home health agencies since 1998; and

Whereas, the Medicare home health care benefit started in 1966 and has provided Medicare home health care insurance coverage to hundreds of thousands of homebound Medicare beneficiaries who need care on a part-time or intermittent basis; and

Whereas, Medicare home health care users are older, sicker, poorer, and more disabled than the Medicare population generally, with 26 percent over 85 years of age; and

Whereas, in 1980, Congress changed the home health care benefit by expanding access to care for beneficiaries without a prior hospitalization and by eliminating visit limits; and

Whereas, in 1981 restrictive administrative interpretations of part-time or intermittent care limited spending by denying access to this medically fragile population. As a result of the restrictions, a class action lawsuit was filed that resulted in a 1988 ruling that overturned the restrictions. Duggan v. Bowen (D.C. 1988) 691 F. Supp. 1487. As a result, utilization of home health services grew; and

Whereas, the growth continued until Congress passed the 1997 Balanced Budget Act to restrict spending; and

Whereas, an interim payment system (IPS) was implemented in fiscal years 1998–2000 to immediately control spending; and

Whereas, the IPS system dramatically reduced reimbursement rates, which fell below 1993 payment limits and resulted in 284 closures of California home health care agencies during 1998–99; and

Whereas, a new system, the prospective payment system (PPS), was implemented to cease the IPS unprecedented reductions in payments; and

Whereas, PPS could not correct the 49 percent cut in home health care outlays with further declines expected through 2002; and

Whereas, during IPS implementation and before PPS, a new national standard patient assessment system, the Outcomes and Assessment Information Set (OASIS), was required for all Medicare providers in 1999 and provided burdensome reporting requirements; and

Whereas, the implementation of IPS, PPS, and OASIS collection has resulted in a 36-percent reduction in the number of participating home health care providers, closure of over 340 licensed home health agencies, and reduced access to care for medically fragile Californians; and

Whereas, the 1997 Balanced Budget Act has already reduced utilization and home health care spending significantly below the intended savings that were anticipated due to that act; and

Whereas, the Congressional Budget Office projected home health expenditure reductions of $16.2 billion over five years (fiscal year 1998 to fiscal year 2002), actual reductions from fiscal year 1998 to fiscal year 2000 were $35.8 billion, and current projected reductions for fiscal years 2001 and 2002 are an additional $35.3 billion resulting in $71.1 billion; and

Whereas, California is undergoing an anticipated $20 billion budget deficit, which could result in Medi-Cal reducing current reimbursement rates to 2000 levels, resulting in a double rate reduction guaranteed to devastate the 629 Medicare certified home health care agencies operating California; and

Whereas, the proposed 15 percent cut in home health care reimbursement rates will negatively affect access to care, and leave thousands without a home health care agency that can service their medical needs: Now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California hereby respectfully memorializes the President and the Congress of the United States to enact legislation that contains steps to ensure that Medicare home health care recipients are guaranteed the best care, and that home health providers, who have undergone multiple regulation and administrative changes at the hands of the federal government since the 1997 Balanced Budget Act, are not further harmed; and be it further

Resolved, That the Legislature opposes the 15 percent cut in home health payments scheduled for October 1, 2002; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, the Majority Leader of the Senate, the Minority Leader of the Senate, to each Senator and Representative from California in the Congress of the United States, and to the President's commission to eliminate the pending additional 15 percent cut in home health payments scheduled for October 1, 2002.

POM-357. A resolution adopted by the Legislative of Guam relative to supporting efforts for a Constitutional amendment to limit the authority of the federal court system to appropriate money through judicial orders; to the Committee on Finance.

RESOLUTION NO. 6 (LS)

Whereas, concerns among state legislatures across the Nation have been raised relative to incursions by the Federal Judicial Branch into areas are clearly defined as powers of the Legislative Branch of government, more specifically, instance where members of the Federal judiciary have exercised the power to levy or increase taxes; and

Whereas, it is incumbent on all Legislative Branches of government, from the U.S. Congress to each state jurisdiction, to insure that the Separation of Powers Doctrine, its spirit, intent and integrity are inviolate; and

Whereas, the Judicial Branch of the Federal Government has ignored constitutional restrictions on its powers to levy or increase taxes, a power clearly reserved and limited to the Legislative Branch; and

Whereas, the only resolution to this threat to the integrity of and challenge to the Separation of Powers Doctrine, must emanate from the U.S. Congress in the form of a Constitutional amendment: Now therefore, be it

Resolved, That I Mina'Bente Sais Na Liheslatuan Guahan does hereby, on behalf of the people of Guam, call upon the U.S. Congress to initiate the adoption of an amendment to the Constitution of the United States which would more clearly define and state the restriction upon the power of the Judicial Branch of the Federal Government to levy or increase taxes in any manner, means or form; and be it further

Resolved, That Mina'Bente Sais Na Liheslaturan Guahan does hereby, on behalf of the people of Guam, suggest that the form of the amendment to the United Constitutional shall read: "Neither the Supreme Court nor any inferior court of the United States shall have the power to instruct or order a state or political subdivision thereof, or any official of such state or political subdivision, to levy or increase taxes"; and be it further

Resolved, That the Speaker certify, and the Legislative Secretary attests to, the adoption hereof and that copies of the same be thereafter transmitted to the Honorable George W. Bush, President of the United States of America; to the Honorable Richard B. Cheney, President of the United States Senate; to the Honorable J. Dennis Hastert, Speaker of the United States House of Representatives; to Missouri State Senator Walter Mueller; to Mr. John R. Stoeffler, President, The Madison Forum; to the Honorable Robert A. Underwood, Member of Congress, U.S. House of Representatives; and to the Honorable Carl T.C. Gutierrez, I Maga'lahen Guahan.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 486: A bill to reduce the risk that innocent persons may be executed, and for other purposes. (Rept. No. 107–315).

By Mr. JEFFORDS, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute:

S. 1850: A bill to amend the Solid Waste Disposal Act to bring underground storage tanks into compliance with subtitle I of that Act, to promote cleanup of leaking underground storage tanks, to provide sufficient resources for such compliance and cleanup, and for other purposes. (Rept. No. 107–316).

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, with an amendment:

S. 2817: A bill to authorize appropriations for fiscal years 2003, 2004, 2005, 2006, and 2007 for the National Science Foundation, and for other purposes. (Rept. No. 107–317).

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 630: A bill to prohibit senders of unsolicited commercial electronic mail from disguising the source of their messages, to give consumers the choice to cease receiving a sender's unsolicited commercial electronic mail messages, and for other purposes. (Rept. No. 107–318).

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, without amendment:

H.R. 2733: A bill to authorize the National Institute of Standards and Technology to work with major manufacturing industries on an initiative of standards development and implementation for electronic enterprise integration. (Rept. No. 107–319).

By Mr. LIEBERMAN, from the Committee on Governmental Affairs, with an amendment in the nature of a substitute:

S. 2644: A bill to amend chapter 35 of title 31, United States Code, to expand the types of Federal agencies that are required to prepare audited financial statements.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. GRAHAM for the Select Committee on Intelligence.

*Scott W. Muller, of Maryland, to be General Counsel of the Central Intelligence Agency.

By Mr. LEVIN for the Committee on Armed Services.

Otis Webb Brawley, Jr., of Georgia, to be a Member of the Board of Regents of the Uniformed Services University of the Health Sciences for a term expiring June 20, 2003.

Air Force nomination of Lt. Gen. Glen W. Moorehead III.

Air Force nominations beginning Colonel Chris T. Anzalone and ending Colonel Thomas B. Wright, which nominations were received by the Senate and appeared in the Congressional Record on March 21, 2002.

Air Force nomination of Col. Frederick F. Roggero.

Army nomination of Lt. Gen. Burwell B. Bell III.

Army nomination of Maj. Gen. Robert W. Wagner.

Army nomination of Maj. Gen. Richard A. Hack.

Army nomination of Brigadier General George A. Buskirk, Jr.

Army nomination of Brig. Gen. David C. Harris.

Marine Corps nomination of Maj. Gen. James T. Conway.

Navy nomination of Rear Adm. Lowell E. Jacoby.

Navy nomination of Rear Adm. David L. Brewer III.

Mr. LEVIN. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Air Force nomination of James M. Knauf.

Air Force nomination of Gary P. Endersby.

Air Force nomination of Mark A. Jeffries.

Air Force nomination of John P. Regan.

Air Force nomination of John S. McFadden.

Air Force nomination of Larry B. Largent.

Air Force nomination of Frank W. Palmisano.

Air Force nominations beginning David S. Brenton and ending Brenda K. Roberts, which nominations were received by the Senate and appeared in the Congressional Record on October 1, 2002.

Air Force nominations beginning Cynthia A. Jones and ending Jeffrey F. Jones, which nominations were received by the Senate and appeared in the Congressional Record on October 1, 2002.

Air Force nomination of Mario G. Correia.

Air Force nomination of Michael L. Martin.

Air Force nominations beginning Xiao Li Ren and ending Jeffrey H.* Sedgewick, which nominations were received by the Senate and appeared in the Congressional Record on October 1, 2002.

Air Force nominations beginning Thomas A.* Augustine III and ending Charles E.* Pyke, which nominations were received by the Senate and appeared in the Congressional Record on October 1, 2002.

Army nomination of Scott T. Williams.

Army nomination of Erik A. Dahl.

Navy nomination of Ralph M. Gambone.

Air Force nominations beginning Errish Nasser G. Abu and ending Ernest J. Zeringue, which nominations were received by the Senate and appeared in the Congressional Record on October 4, 2002.

Air Force nominations beginning Dana H. Born and ending James L. Cook, which nominations were received by the Senate and appeared in the Congressional Record on October 8, 2002.

Army nomination of James R. Kimmelman.

Army nomination of John E. Johnston.

Army nominations beginning Janet L. Bargewell and ending Mitchell E. Tolman, which nominations were received by the Senate and appeared in the Congressional Record on October 8, 2002.

Army nominations beginning Leland W. Dochterman and ending Douglas R. Winters, which nominations were received by the Senate and appeared in the Congressional Record on October 8, 2002.

Army nominations beginning Glenn E. Ballard and ending Marion J. Yester, which nominations were received by the Senate and appeared in the Congressional Record on October 8, 2002.

Army nomination of Robert D. Boidock.

Army nomination of Dermot M. Cotter.

Army nomination of Connie R. Kalk.

Army nomination of Michael J. Hoilien.

Army nomination of Romeo Ng.

Navy nomination of Thomas E. Parsha.

Army nominations beginning Judy A. Abbott and ending Dennis C. Zachary, which nominations were received by the Senate and appeared in the Congressional Record on October 10, 2002.

Army nominations beginning Jose Alamocarrasquillo and ending Matthew L. Zizmor, which nominations were received by the Senate and appeared in the Congressional Record on October 10, 2002.

Army nominations beginning Arthur L. Arnold, Jr., and ending Mark S. Vajcovec, which nominations were received by the Senate and appeared in the Congressional Record on October 10, 2002.

Army nominations beginning Adrine S. Adams and ending Maryellen Yacka, which nominations were received by the Senate and appeared in the Congressional Record on October 10, 2002.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. LEAHY (for himself, Mr. JEFFORDS, and Ms. COLLINS):

S. 3114. A bill to ensure that a public safety officer who suffers a fatal heart attack or stroke while on duty shall be presumed to have died in the line of duty for purposes of public safety officer survivor benefits; to the Committee on the Judiciary.

By Mr. GRAHAM:

S. 3115. A bill to authorize the Secretary of Agriculture to sell or exchange certain land in the State of Florida, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. CORZINE:

S. 3116. A bill to permanently eliminate a procedure under which the Bureau of Alcohol, Tobacco, and Firearms can waive prohibitions on the possession of firearms and explosives by convicted felons, drug offenders, and other disqualified individuals; to the Committee on the Judiciary.

By Mr. BURNS:

S. 3117. A bill to extend the cooling off period in the labor dispute between the Pacific Maritime Association and the International Longshore and Warehouse Union; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ENSIGN (for himself, Mr. ALLARD, and Ms. CANTWELL):

S. 3118. A bill to strengthen enforcement of provisions of the Animal Welfare Act relating to animal fighting, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. GRAHAM (for himself and Mr. FITZGERALD):

S. 3119. A bill to amend the Public Health Service Act to ensure the guaranteed renewability of individual health insurance coverage regardless of the health status-related factors of an enrollee; to the Committee on Health, Education, Labor, and Pensions.

By Mr. GRASSLEY (for himself, Mr. BAUCUS, and Ms. COLLINS):

S. 3120. A bill to impose restrictions on the ability of officers and employees of the United States to enter into contracts with corporations or partnerships that move outside the United States while retaining substantially the same ownership; to the Committee on Governmental Affairs.

By Mr. BIDEN (for himself, Mr. LUGAR, Mr. DOMENICI, Mrs. CLINTON, Mr. GREGG, and Mr. SCHUMER):

S. 3121. A bill to authorize the Secretary of State to undertake measures in support of international programs to detect and prevent acts of nuclear or radiological terrorism, to authorize appropriations to the Department of State to carry out those measures, and for other purposes; to the Committee on Foreign Relations.

By Mr. BROWNBACK (for himself and Mr. HELMS):

S. 3122. A bill to allow North Koreans to apply for refugee status or asylum; to the Committee on the Judiciary.

By Mr. DEWINE:

S. 3123. A bill to expand certain preferential trade treatment of Haiti; to the Committee on Finance.

By Mr. MCCAIN (for himself, Mr. FEINGOLD, and Mr. DURBIN):

S. 3124. A bill to amend the Communications Act of 1934 to revise and expand the lowest unit cost provision applicable to political campaign broadcasts, to establish commercial broadcasting station minimum airtime requirements for candidate-centered and issue-centered programming before primary and general elections, to establish a voucher system for the purchase of commercial broadcast airtime for political advertisements, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BROWNBACK (for himself, Mr. NELSON of Florida, Mr. LIEBERMAN, Mr. MURKOWSKI, Mr. SESSIONS, and Mr. MILLER):

S. 3125. A bill to designate "God Bless America" as the national song of the United States; to the Committee on the Judiciary.

By Mr. KERRY (for himself, Mr. SANTORUM, and Mr. SARBANES):

S. 3126. A bill to amend the Internal Revenue Code of 1986 to allow an income tax credit for the provision of homeownership and community development, and for other purposes; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. LANDRIEU (for herself, Mr. STEVENS, Mr. BREAUX, Mr. KOHL, Mr. LOTT, Mr. FEINGOLD, and Mr. REID):

S. Res. 342. A resolution commemorating the life and work of Stephen E. Ambrose; considered and agreed to.

By Mr. DASCHLE (for himself and Mr. LOTT):

S. Res. 343. A resolution to authorize representation by the Senate Legal Counsel in Newdow v. Eagen, et al; considered and agreed to.

By Mr. DASCHLE (for himself and Mr. LOTT):

S. Res. 344. A resolution to authorize representation by the Senate Legal Counsel in Manshardt v. Federal Judicial Qualifications Committee, et al; considered and agreed to.

ADDITIONAL COSPONSORS

S. 582

At the request of Mr. NELSON of Florida, his name was added as a cosponsor of S. 582, a bill to amend titles XIX and XXI of the Social Security Act to provide States with the option to cover certain legal immigrants under the medicaid and State children's health insurance program.

S. 952

At the request of Mr. BIDEN, his name was added as a cosponsor of S. 952, a bill to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

S. 1291

At the request of Mr. HATCH, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 1291, a bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to permit States to determine State residency for higher education purposes and to authorize the cancellation of removal and adjustment of status of certain alien college-bound students who are long term United States residents.

S. 1617

At the request of Mr. DODD, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 1617, a bill to amend the Workforce Investment Act of 1998 to increase the hiring of firefighters, and for other purposes.

S. 1712

At the request of Mr. GRASSLEY, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 1712, a bill to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, and for other purposes.

S. 2006

At the request of Mr. GRAHAM, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 2006, a bill to amend the Internal Revenue Code of 1986 to clarify the eligibility of certain expenses for the low-income housing credit.

S. 2562

At the request of Mr. REID, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 2562, a bill to expand research regarding inflammatory bowel disease, and for other purposes.

S. 2584

At the request of Mr. ALLARD, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 2584, a bill to support certain housing proposals in the fiscal year 2003 budget for the Federal Government, including the downpayment assistance initiative under the HOME Investment Partnerships Act, and for other purposes.

S. 2613

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 2613, a bill to amend section 507 of the Omnibus Parks and Public Lands Management Act of 1996 to authorize additional appropriations for Historically Black Colleges and Universities, to decrease the cost-sharing requirement relating to the additional appropriations, and for other purposes.

S. 2667

At the request of Mr. DODD, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 2667, a bill to amend the Peace Corps Act to promote global acceptance of the principles of international peace and nonviolent coexistence among peoples of diverse cultures and systems of government, and for other purposes.

S. 2842

At the request of Mrs. CARNAHAN, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. 2842, a bill to amend the Older Americans Act of 1965 to authorize appropriations for demonstration projects to provide supportive services to older individuals who reside in naturally occurring retirement communities.

S. 2848

At the request of Ms. COLLINS, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 2848, a bill to amend title XVIII of the Social Security Act to provide for a clarification of the definition of homebound for purposes of determining eligibility for home health services under the medicare program.

S. 2869

At the request of Mr. KERRY, the names of the Senator from New Mexico (Mr. BINGAMAN), the Senator from Maryland (Mr. SARBANES), the Senator from Virginia (Mr. WARNER) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 2869, a bill to facilitate the ability of certain spectrum auction winners to pursue alternative measures required in the public interest to meet the needs of wireless telecommunications consumers.

S. 2869

At the request of Mr. BENNETT, his name was added as a cosponsor of S. 2869, supra.

S. 2876

At the request of Mrs. MURRAY, the names of the Senator from Massachusetts (Mr. KENNEDY), the Senator from Connecticut (Mr. DODD) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. 2876, a bill to amend part A of title IV of the Social Security Act to promote secure and healthy families under the temporary assistance to needy families program, and for other purposes.

S. 2968

At the request of Mr. SARBANES, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 2968, a bill to amend the American Battlefield Protection Act of 1996 to authorize the Secretary of the Interior to establish a battlefield acquisition grant program.

S. 3009

At the request of Mr. WELLSTONE, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 3009, a bill to provide economic security for America's workers.

S. 3018

At the request of Mr. BAUCUS, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 3018, a bill to amend title XVIII of the Social Security Act to enhance beneficiary access to quality health care services under the medicare program, and for other purposes.

S. 3018

At the request of Mr. NELSON of Florida, his name was added as a cosponsor of S. 3018, supra.

S. 3094

At the request of Mr. DORGAN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 3094, a bill to amend the Farm Security and Rural Investment Act of 2002 to clarify the rates applicable to marketing assistance loans and loan deficiency payments for other oilseeds, dry peas, lentils, and small chickpeas.

S. 3096

At the request of Mr. KOHL, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 3096, a bill to amend chapter 44 of title 18, United States Code, to require ballistics testing of all firearms manufactured and all firearms in custody of Federal agencies.

S. RES. 338

At the request of Mr. MCCAIN, the names of the Senator from Alabama (Mr. SESSIONS), the Senator from Oregon (Mr. SMITH), the Senator from Missouri (Mr. BOND), the Senator from Illinois (Mr. FITZGERALD) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. Res. 338, a resolution designating the month of October, 2002, as "Children's Internet Safety Month."

S. RES. 339

At the request of Mrs. MURRAY, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. Res. 339, a resolution designating November 2002, as "National Runaway Prevention Month."

S. CON. RES. 3

At the request of Mr. FEINGOLD, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. Con. Res. 3, a concurrent resolution expressing the sense of Congress that a commemorative postage stamp should be issued in honor of the U.S.S. *Wisconsin* and all those who served aboard her.

S. CON. RES. 138

At the request of Mr. REID, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. Con. Res. 138, a concurrent resolution expressing the sense of Congress that the Secretary of Health and Human Services should conduct or support research on certain tests to screen for ovarian cancer, and Federal health care programs and group and individual health plans should cover the tests if demonstrated to be effective, and for other purposes.

S. CON. RES. 142

At the request of Mr. SMITH of Oregon, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. Con. Res. 142, a concurrent resolution expressing support for the goals and ideas of a day of tribute to all firefighters who have died in the line of duty and recognizing the important mission of the Fallen Firefighters Foundation in assisting family members to overcome the loss of their fallen heroes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LEAHY (for himself, Mr. JEFFORDS, and Ms. COLLINS):

S. 3114. A bill to ensure that a public safety officer who suffers a fatal heart attack or stroke while on duty shall be presumed to have died in the line of duty for purposes of public safety officer survivor benefits; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, I rise today with Senators JEFFORDS and COLLINS to introduce the Hometown Heroes Survivors Benefits Act of 2002. Our bipartisan legislation will improve the Department of Justice's Public Safety Officers' Benefits, PSOB, Program by allowing families of public safety officers who suffer fatal heart attacks or strokes to qualify for Federal survivor benefits.

Public safety officers are among our most brave and dedicated public servants. I applaud the efforts of all members of fire, law enforcement, and rescue organizations nationwide who are the first to respond to more than 1.6 million emergency calls annually, whether those calls involve a crime, fire, medical emergency, spill of hazardous materials, natural disaster, act of terrorism, or transportation accident, without reservation. They act with an unwavering commitment to the safety and protection of their fellow citizens, and are forever willing to selflessly sacrifice their own lives to provide safe and reliable emergency services to their communities. Sadly, this dedication to service can result in tragedy, as was evident by the bravery displayed on September 11th.

In the days and months since September 11th, I have been particularly touched by the stories of unselfish sacrifices made by scores of New York City first responders who bravely entered the World Trade Center that day with the singular goal of saving lives. More than one hundred firefighters in America lose their lives every year and thousands are injured in the line of duty. While PSOB benefits can never be a substitute for the loss of a loved one, the families of all our fallen heroes deserve to collect these funds.

The PSOB Program provides a one-time financial benefit to the eligible survivors of federal, state, and local public safety officers whose deaths are the direct and proximate result of a traumatic injury sustained in the line of duty. Last year, Congress improved the PSOB Program by streamlining the process for families of public safety officers killed or injured in connection with prevention, investigation, rescue or recovery efforts related to a terrorist attack. We also retroactively increased the total benefits available by $100,000 as part of the USA PATRIOT Act. The PSOB Program now provides approximately $250,000 in benefits to the families of law enforcement officers, firemen, emergency response squad members, and ambulance crew members who are killed in the line of duty. Unfortunately, the issue of including heart attack and stroke victims in the PSOB Program was not addressed at that time.

The PSOB Program does not cover deaths resulting from occupational illness or pulmonary or heart disease unless a traumatic injury is a substantial factor to the death. However, if toxicology reports demonstrate a carbon monoxide level of 10 percent or greater, 15 percent or greater for the smoker, at the onset of a heart attack benefits are paid. The PSOB Program has developed a formula that addresses oxygen therapy provided to the victim prior to the death.

Heart attack and cardiac related deaths account for almost half of all firefighter fatalities, between 45–50 deaths, and an average of 13 police officer deaths each year. Yet the families of these fallen heroes are rarely eligible to receive PSOB benefits. In January 1978, Special Deputy Sheriff Bernard Demag of the Chittenden County Sheriff's Office suffered a fatal heart attack within two hours of his chase and apprehension of an escaped juvenile whom he had been transporting. Mr. Demag's family spent nearly two decades fighting in court for workers' compensation death benefits all to no avail. Clearly, we should be treating surviving family members with more decency and respect.

Public safety is dangerous, exhausting, and stressful work. A first responder's chances of suffering a heart attack or stroke greatly increase when he or she puts on heavy equipment and rushes into a burning building to fight a fire and save lives. The families of these brave public servants deserve to participate in the PSOB Program if their loved ones die of a heart attack or other cardiac related ailments while selflessly protecting us from harm.

First responders across the country now face a new series of challenges as they respond to over 1.6 million emergency calls this year, from responding to fires and hazardous material spills to providing emergency medical services to reacting to weapons of mass destruction. They do this with an unwavering commitment to the safety of their fellow citizens, and are forever willing to selflessly sacrifice their own lives to protect the lives and property of their fellow citizens. It is time for Congress to show its support and appreciation for these extraordinarily brave and heroic public safety officers. We should quickly work to pass the Hometown Heroes Survivors Benefit Act.

Mr. JEFFORDS. Mr. President, I am pleased to join with Senators LEAHY and COLLINS in introducing the Senate counterpart of the Hometown Heroes Survivors Benefits Act of 2002. This legislation closes a gap in the survivor benefits the Federal Government provides to the families of public safety officers who die in the line of duty.

These public safety officers are the people that keep our streets safe, help to fight fires, and respond to emergency calls. The Federal Government has rightfully created a one-time financial benefit for the families of public safety officers who die in the line of duty to recognize the sacrifice and importance of public safety officers in our society.

Unfortunately, due to a technicality in the law some families of public safety officers that die of a heart attack or stroke are being denied this important financial benefit. This is unacceptable and we need to make sure that we enact this legislation to ensure that the families of these public safety officers are covered.

Many years ago I was a volunteer firefighter in my small town of Shrewsbury, VT. It was a very demanding, stressful, and exhausting job. Every year almost half the firefighter fatalities in the United States are from heart attack or cardiac related reasons. Not all of these deaths occur while fighting the fire, but are related to their unselfish dedication to the task at hand.

This legislation would provide that a public safety officer who dies as the result of a heart attack or stroke suffered while on duty or within 24 hours after participating in a training exercise or responding to an emergency situation shall be presumed to have died as the direct and proximate result of a personal injury sustained in the line of duty for purposes of survivor benefits. These public safety officers are out there everyday ensuring our safety; Congress needs to ensure that the surviving families receive this important financial benefit.

I encourage my colleagues to join me in recognizing the heroism and sacrifice of public safety officers by cosponsoring this important legislation.

By Mr. CORZINE:

S. 3116. A bill to permanently eliminate a procedure under which the Bureau of Alcohol, Tobacco, and Firearms can waive prohibitions on the possession of firearms and explosives by convicted felons, drug offenders, and other disqualified individuals; to the Committee on the Judiciary.

Mr. CORZINE. Mr. President, I rise today to introduce important gun control legislation that would shut down permanently the guns for felons program.

For too many years the Federal Government spent millions of dollars a year to restore the gun privileges of convicted felons. Fortunately, for the last ten years, Congress has seen fit to defund the program, through annual funding restrictions.

Congress was right to defund a program that, according to the Violence Policy Center, restored gun privileges for thousands of convicted felons, at a cost of millions of dollars to the taxpayer. As the Violence Policy Center demonstrated, a number of these felons went on to commit violent crimes.

I believe strongly that we must do all we can to keep guns out of criminals' hands. I am pleased that every year Congress has renewed the funding ban, which prohibits ATF from processing firearms applications from convicted felons. Indeed, by introducing this legislation today, I do not in any way intend to imply that the annual funding bans are not sufficient to shut down the guns for felons program.

Today the Supreme Court is hearing arguments in a case that could jeopardize our efforts to ensure that convicted felons do not have access to guns by possibly giving Federal judges the power to rearm those felons regardless of the Congressional funding ban. I have been active in pushing for the funding ban, and it certainly was not my intention, nor do I believe it was anyone else's intention, to give judges power to unilaterally give felons their firearm privileges back. It is hard enough for ATF, after conducting an intensive investigation, to make judgments about an individual felon; for a court to do it on its own is completely inappropriate. To put it simply, courts will lack the resources to make an informed judgment in this regard. In any case, Congress' intent, and the appropriate rule, is that felons should be prohibited from owning guns period. Enacting my legislation will eliminate the guns for felons program permanently and prevent the need for Congress to revisit this issue every year.

By Mr. BURNS:

S. 3117. A bill to extend the cooling off period in the labor dispute between the Pacific Maritime Association and the International Longshore and Warehouse Union; to the Committee on Health, Education, Labor, and Pensions.

Mr. BURNS. Mr. President, last year our Nation's economy was briefly held hostage by an attack on American soil. We have overcome that challenge and are now charging ahead in the right direction.

It is this kind of American resolve that has built this Nation into the thriving world power it is today.

However, recent developments on the West Coast have created a different kind of crisis but no less damaging to America's economy.

On Sunday, September 29, the Pacific Maritime Association, PMA, locked out workers in twenty-nine West Coast ports for more than a week in response to a reported work-slow down by members of the International Longshore and Warehouse Union, ILWU.

Last week, President Bush invoked the Taft-Hartley Act that ended the lock out allowing workers to go back to work and negotiators to work through these problems over the course of an 80-day cooling-off period.

I applaud the President's action. However, I am concerned about conflicting messages being sent by the ILWU and the PMA. More importantly, I am concerned about the lack of interest either party, management or labor, has regarding the economic fate of America's workers and America's agricultural economy.

The economic impact of this labor dispute has temporarily crippled our Nation's economy. This dispute has threatened America's national health and safety. In many economic sectors, jobs were lost, workers were sent home and Americans will temporarily pay higher prices for consumer goods.

However, once the President made his intention known to invoke Taft-Hartley, the AFL-CIO issued an Oct. 7 press release charging the President's action: "preempts the collective bargaining process and undermines the rights of workers with union representation to negotiate on equal footing with their employers".

Neither side in a collective bargaining negotiating process should be able to leverage the Nation's economy in an attempt to control the debate. Doing so is a very selfish act. And criticizing the President for his action is a very shortsighted approach to these negotiations.

The ILWU claims they want to go back to work. Due to the only recourse available on behalf of the American economy, they are, today, back at work.

I question the AFL-CIO's interest in the American economy. Does the AFL-CIO not recognize the impact this labor disruption has on the Nation's economy? At stake are thousands of jobs and millions of dollars in commerce. Let me clarify that impact and put a Montana stamp on it.

Exports are critical to the American economy. American exporters ship their products overseas, including agricultural exports such as wheat, corn, soybeans, and pork products, and manufactured goods of all shapes and sizes.

West Coast ports are crucial to U.S. trade, handling over $300 billion in trade each year. These ports handle more than half of all containerized imports and exports.

West Coast ports handle 25 percent of all U.S. grain exports, 40 percent of all wheat, 14 percent of all corn, and seven percent of all soybeans exports.

Sixty-five percent of all U.S. containerized food trade moved through these ports in 2001. During the lockout, the dispute was estimated to have cost the America's economy $2 billion a day.

Trade with Asia is particularly affected. Japan, Korea, Taiwan, Hong Kong, China, Indonesia, Thailand, the Philippines, India, and Malaysia are the top 10 destinations for containerized U.S. agriculture products. Together, these nations receive 85 percent of all agricultural shipments from the West Coast.

If these countries cannot count on U.S. exports, they will turn to our competitors. Our farmers and ranchers spend precious resources on market development activities. It's very frustrating to lose shares of those markets solely because a small group of labor and management representatives cannot agree on a resolution.

Again, I applaud President Bush's decision last week. I encouraged his action and stand by him now. Invoking Taft-Hartley was the only short-term remedy for the dispute that temporarily closed the West Coast ports.

Furthermore, during the cooling-off period, I urge the President to use his powers to judicially enforce productivity is not purposely restricted.

I do not stand here today in support of the PMA's position, nor do I stand here today in support of the ILWU's position. Rather, I stand here today in support of the Nation's economy, the American worker, the Montana farmer, the retailer, the food distributor, the truck and rail operators, the consumer, and every other American that is being harmed by this action.

I believe collective bargaining can and has worked more often than not. However, it is arrogant for any management or labor group to paralyze commerce in our Nation.

Reopening the ports, even if only for 80 days, will benefit the economy. The parties will be given time to settle the dispute. Manufacturers and retailers will be given additional time to adjust and prepare.

Invoking Taft-Hartley was the right thing to do. It was the appropriate action to take to protect our economy, to protect American workers, to ensure we have a healthy and happy holiday season.

The 80-day cooling-off period will allow both parties to re-evaluate their respective positions. Furthermore, it will give the ports an opportunity to clear up a mounting backlog that has paralyzed much of our West Coast export and import commerce. And finally, it will allow the ILWU workers to go back to work earning a living for their families.

Today, I would like to introduce a bill that would extend the cooling-off period thirty days until the end of January. At present the 80 day cooling off period will end between Christmas Day and New Years Day.

This is a move that will not impact the negotiations between the two parties. However, it will allow the cooling-off period to end at the end of January rather than the end of December and between Christmas and New Years.

Extending the deadline beyond the Holiday season will help to unsnarl the mess created by this dispute; give the ports another thirty days to clear up the backlog. Finally, it will give Congress and the American people an ability to approach the end of this cooling-off period fully aware of the importance of this negotiation and uninterrupted by the holiday season.

If negotiators are able to work out a resolution, we have lost nothing. However, if in the case, there is no resolution by the end of the cooling-off period, this extension could save thousands of American jobs and millions of dollars in economic losses.

I encourage my colleagues to join me in this effort.

By Mr. ENSIGN (for himself, Mr. ALLARD, and Ms. CANTWELL):

S. 3118. A bill to strengthen enforcement of provisions of the Animal Welfare Act relating to animal fighting, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. ENSIGN. Mr. President, I am pleased to be joined by Senators ALLARD and CANTWELL to introduce the Animal Fighting Enforcement Act. I would like to thank my colleagues for their support in this endeavor to protect the welfare of animals. This legislation targets the troubling, widespread and sometimes underground activities of dogfighting and cockfighting where dogs and birds are bred and trained to fight to the death. This is done for the sheer enjoyment and illegal wagering of the animals' handlers and spectators.

These activities are reprehensible and despicable. Our States' laws reflect this sentiment. All 50 States have prohibited dogfighting. It is considered a felony in 46 States. Cockfighting is illegal in 47 States, and it is a felony in 26 States. In my home State of Nevada, both dogfighting and cockfighting are considered felonies. In fact, it is a felony to even attend a dogfighting or cockfighting match.

Unfortunately, in spite of public opposition to extreme animal suffering, these animal fighting industries thrive. There are 11 underground dogfighting publications, and several above-ground cockfighting magazines. These magazines advertise and sell animals and the materials associated with animal fighting. They also seek to legitimize this shocking practice.

During the consideration of the Farm Bill, a provision was included that closed loopholes in Section 26 of the Animal Welfare Act. Both the House and the Senate increased the maximum jail time for individuals who violate any provision of Section 26 of the Animal Welfare Act from one year to two years, making any violation a Federal felony. However, during the conference, the jail time increase was removed.

The legislation that I am introducing today seeks to do three things. First, it restores the jail time increase to treat the violations as a felony. I am informed by U.S. Attorneys that they are hesitant to pursue animal fighting cases with merely a misdemeanor penalty. To illustrate this, it is important to note that only three cases since 1976 have advanced, even though the USDA has received innumerable tips from informants and requests to assist with state and local prosecutions. Increased penalties will provide a greater incentive for federal authorities to pursue animal fighting cases.

Second, the bill prohibits the interstate shipment of cockfighting implements, such as razor-sharp knives and gaffs. The specific knives are commonly known as "slashers." The slashers and ice-pick-like gaffs are attached to the legs of birds to make the cockfights more violent and to induce bleeding of the animals. These weapons are used only in cockfights. Since Congress has restricted shipment of birds for fighting, it should also restrict implements designed specifically for fights.

Finally, the bill updates language regarding the procedures that enforcement agents follow when they seize the animals. This regards the proper care and transportation of the animals that are seized. It also states that the court may order the convicted person to pay for the costs incurred in the housing, care, feeding, and treatment of the animals.

I appreciate the support of both Senators ALLARD and CANTWELL in this effort, and look forward to the overwhelming support of my other colleagues in the Senate. I also wish to recognize Representative ROBERT ANDREWS for his leadership on the House version of this bill. Surely, this is an issue that must be addressed as soon as possible. We cannot allow this barbaric practice to continue in our civilized society.

By Mr. GRAHAM (for himself and Mr. FITZGERALD):

S. 3119. A bill to amend the Public Health Service Act to ensure the guaranteed renewability of individual health insurance coverage regardless of the health status-related factors of an enrollee; to the Committee on Health, Education, Labor, and Pensions.

Mr. GRAHAM. Mr. President, I am pleased to introduce the "Health Insurance Fairness Act of 2002" and I am very pleased to have Senator FITZGERALD join me as an original cosponsor. This legislation would prohibit the insurance practice of reunderwriting at renewal, thereby protecting the millions of Americans relying on individual health insurance policies.

The need for this legislation was brought to my attention by an excellent April 9, 2002 article in the Wall Street Journal that documented the impact of reunderwriting on a married couple from Florida.

Shaneen Wahl of Port Charlotte, FL was diagnosed with breast cancer in 1996. At that time, she and her husband Tom were paying $417 a month for health insurance. In addition to coping with cancer, the Wahls began to face rapidly increasing premiums, and by August 2000 their insurer informed them that their new rate would be $1,881 a month. This premium increase wasn't due to non-payment of premiums or any other action of the Wahls. It was the result of reunderwriting conducted by the Wahl's insurance company.

Reunderwriting at renewal is a practice that forces people who have become ill to pay substantial premium increases or lose their health insurance. While most insurers evaluate an individual's medical history only at the outset, some have adopted the practice of reviewing customers' health status annually. The purpose of this review is to determine if the individual has developed a medical condition or has filed claims; if such a determination is made, the company raises the individual's premium. This practice contributes enormously to the instability of health insurance by making it difficult, it not impossible, for people who have paid insurance premiums for years to continue that health insurance at the very time they need it the most.

How does it work? Carriers reunderwriting at renewal charge substantially higher renewal premiums to policyholders who have been diagnosed with an illness or had medical claims than they charge other policyholders. The carriers do this by transferring a policyholder to a higher risk class than the policyholder was in when the policy was issued or in some cases by manually adjusting the policyholder's rate based on his or her medical claims. In either case, the individual's premium is based on his or her claims or health status during the policy year. For example, in another case from Florida, Bruce and Wanda Chambers of St. Augustine saw their rates increase from $300 per month to $780 per month in just one year after Wanda was diagnosed with diabetes.

Consumers purchase insurance so that they will have access to health care should they become ill, as in the example of Wanda Chambers. If carriers are allowed to increase premium rates based on health status at renewal, consumers face a choice between the very two outcomes they had planned to avoid by purchasing insurance in the first place: they can drop the insurance policy and thus likely forgo access to health care in times of illness, or they can pay the grossly inflated premiums and thus face financial ruin.

The practice of reunderwriting at renewal violates the spirit of health insurance guaranteed renewability requirements under state and federal law. In the 1990's, the National Association of Insurance Commissioners, NAIC, developed model laws to prohibit insurance companies from canceling policies once an individual became sick. In 1997, the Health Insurance Portability and Accountability Act, HIPAA, applied this requirement to all health insurance policies subject to HIPAA. As a result, carriers can no longer cancel individuals because of their medical claims.

Reunderwriting is a way to circumvent these requirements, and has been justified as a means of holding down premiums, for the healthy. However, a July 17, 2002 memo to all NAIC Members from Steven B. Larsen, Chair of the Health Insurance & Managed Care (B) Committee clarifies that the practice of reunderwriting is illegal under NAIC Model Laws:

> The committee also noted that the practice is contrary to adopted NAIC policy, and is illegal under NAIC Model Laws governing the individual market. The Small Employer and Individual Health Insurance Availability Model Act (Model #35) provides for adjusted community rating, and health status is not one of the factors that can be used to set rates. The Individual Health Insurance Portability Model Act (Model #37) provides for the use of rating characteristics, and health status is not one of the listed characteristics. More specifically that model also provides that changes in health status after issue, and durational rating, are not to be used in setting premiums for individual policies.

Insurance companies should not be allowed to manage health-care costs by targeting individuals for premium increases because an individual was diagnosed with an illness or has had medical claims. Doubling or tripling premiums for only the individuals who have been diagnosed with an illness forces those individuals to drop their policies and is functionally the same as not renewing coverage.

Not only is reunderwriting bad for consumers, but it creates a competitive disadvantage to the many reputable insurance companies that agree that this practice is contrary to the public interest and undermines the theory behind insurance. Faced with the practice being used by some companies, the Wall Street Journal has reported that other carriers are "closely watching" this practice intending to adopt a similar practice either to avoid a competitive disadvantage or to improve their bottom line. While selective targeting improves the profitability of the reunderwriter, it shifts the responsibility for higher risk people to other insurers or employers or local and state government health programs.

The legislation we are introducing today would make health insurance more secure. The legislation would clarify that guaranteed renewal of health insurance means that insurers cannot target individuals for premium increases because the have had claims or a new disease diagnosis. The bill would ensure that individuals will not be priced out of the market for health insurance at the very time that they need it most.

The goals of this legislation are simple: 1. To strengthen HIPAA's promise of guaranteed renewable coverage and make private health insurance more secure for millions of Americans, and 2. to hold all insurers accountable to a level playing field of reasonable standards so they can compete fairly without dumping customers when they get sick.

The "Health Insurance Fairness Act" will help the many millions of people who rely on the individual health insurance market: those that are self-employed, those employed by small businesses unable to get group coverage, early retirees who rely disproportionately on individual health insurance if their COBRA runs out before Medicare begins, and others whose employers don't provide health benefits.

I urge my colleagues to cosponsor the "Health Insurance Fairness Act" and I thank the Chair.

By Mr. GRASSLEY (for himself, Mr. BAUCUS, and Ms. COLLINS):

S. 3120. A bill to impose restrictions on the ability of officers and employees of the United States to enter into contracts with corporations or partnerships that move outside the United States while retaining substantially the same ownership; to the Committee on Governmental Affairs.

Mr. GRASSLEY. Mr. President, I rise today to offer a bill on behalf of Sen. BAUCUS and myself to address the issue of inverting corporations that are awarded contracts by the federal government. Our bill is the "Reclaiming Expatriated Contracts and Profits", RECAP, Act.

Inverting corporations set up a folder in a foreign filing cabinet or a mail box overseas and call that their new foreign "headquarters." This allows companies to escape millions of dollars of Federal taxes every year. In April of this year, Sen. BAUCUS and I introduced the "Reversing the Expatriation of Profits Offshore", REPO, Act to shut down these phony corporate inversions. Today, our REPO bill sits in the Care Act, awaiting Senate passage.

You would think that the "greed-grab" of corporate inversions would satisfy most companies, but unfortunately it is not enough. After these corporations invert and save millions in taxes, they then come back into the United States to obtain juicy contracts with the Federal Government.

Imagine the nerve. They create phony foreign headquarters to escape taxes and then use other peoples' taxes to turn a profit. That's really something, something that needs to be stopped.

Let's look at some of the numbers. Tyco had over 1700 contracts in 2001, worth over $286 million dollars. Accenture had contracts worth nearly $279 million. Ingersoll Rand left the United States for Bermuda, where it reportedly pays less than $28,000 a year to register its phony headquarters and receives $40 million in U.S. tax savings. Ingersoll Rand had more than 200 government contracts in 2001, worth over $12 million.

I was the first member of Congress to disclose that inverting corporations were receiving Federal contracts, back in March of this year. Out of respect for the committee system, I have waited for the committees with jurisdiction over government contracts to act on this issue. They have not. Instead, we have seen a series of politically-inspired amendments offered in Congress, all of which are ineffective, easily evaded, and, if enacted, could cost thousands of Americans their jobs. I then read in the paper last week that the Defense Appropriations conferees dropped one of those amendments, rather than try to rewrite it. I decided enough is enough. It is time for serious legislation on this issue.

Chairman BAUCUS and I offer our bipartisan RECAP bill as a compliment to our earlier REPO bill on corporate inversions. For future corporate inversions, our RECAP bill will bar the inverting company from receiving Federal contracts. For the inversions that have already gotten out before the REPO bill can be enacted, our RECAP bill will make them send back their ill-gotten tax savings by forcing them to lower their bids in order to obtain government contracts. The RECAP bill does not unwind Federal contracts that were legal when they were entered into. Therefore, unlike the other proposals, our RECAP bill will not throw thousands of Americans out of a job. The bill we submit today has only one objective: to permanently place corporate inversions on the endangered species list.

I am aware that many of my colleagues believe this measure is unnecessary because inverting corporations pay U.S. taxes on their profits from Federal contracts. It is generally true that profits earned from a Federal contract are taxable in the United States, but those profits are easily reduced when an inverter creates phony deductions through its inversion structure. For example, most inverted companies create phony interest deductions for interest that is fictitiously paid to the "file folder" foreign headquarters. Objections to this bill simply overlook the real insult to the American people: these inverted companies take other peoples' tax dollars to make a profit, but they won't pay their share of taxes to keep America strong. And that's just wrong.

So let me be clear to everyone developing or contemplating one of these inversion deals, you proceed at your own peril. We are not only going after the corporate expatriation abuse, but also the abusers who seek big government contracts while skirting their U.S. tax obligations. I intend to pursue this issue throughout the remainder of this Congress and into the next.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3120

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Reclaiming Expatriated Contracts and Profits Act".

SEC. 2. RESTRICTIONS ON FEDERAL CONTRACTS WITH CERTAIN INVERTED ENTITIES.

(a) RESTRICTIONS.—

(1) BAN ON CERTAIN INVERTED ENTITIES.—Notwithstanding any other provision of law—

(A) no officer or employee of the United States may enter into, extend, or modify a contract with a foreign incorporated entity treated as an inverted domestic corporation under subsection (c) during the restriction period for the entity, and

(B) any officer or employee of the United States entering into a contract after the date of the enactment of this Act shall include in the contract a prohibition on the subcontracting of any portion of the contract to any foreign incorporated entity treated as an inverted domestic corporation under subsection (c) during the restriction period for the entity.

(2) MANDATORY REDUCTION IN CONTRACT EVALUATION OF CERTAIN ENTITIES.—

(A) IN GENERAL.—If, during the restriction period for an acquired entity to which this section applies, the entity makes an offer in response to a solicitation of offers for a contract with the United States, any officer or employee of the United States evaluating the offer shall, solely for purposes of awarding the contract, adjust the evaluation as follows:

(i) In the case of a contract to be entered into with an offeror selected solely on the basis of price, the price offered by such acquired entity shall be deemed to be equal to 110 percent of the price actually offered.

(ii) In the case of a contract to be entered into with an offeror on the basis of two or more evaluation factors, the quantitative evaluation of the offer made by such acquired entity shall be deemed to be reduced by 10 percent.

(B) APPLICATION TO CERTAIN CONTRACTORS.—If a person other than an entity to which this paragraph applies makes an offer for a contract with the United States, and it is reasonable to assume at the time of the offer that any portion of the work will be subcontracted to such an entity, subparagraph (A) shall be applied to such offer in the same manner as if the person making the offer were such an entity.

(3) APPLICATION TO RELATED ENTITIES.—Paragraphs (1) and (2) shall also apply during the restriction period for an entity to—

(A) a member of an expanded affiliated group which includes the entity, and

(B) any other related person with respect to the entity.

(b) EXCEPTIONS.—

(1) PRESIDENTIAL WAIVER.—The President of the United States may waive the application of subsection (a) with respect to any contract if the President determines that the waiver is necessary in the interest of national security.

(2) EXCEPTION WHERE NO TAX AVOIDANCE PURPOSE.—

(A) IN GENERAL.—This section shall not apply to a foreign incorporated entity or an acquired entity if the entity requests, and the Secretary of the Treasury issues, a determination letter that the acquisition described in subsection (c)(1)(A) with respect to the entity did not have as one of its principal purposes the avoidance of Federal income taxation.

(B) PROCEDURES.—The Secretary of the Treasury shall prescribe the time and manner of filing a request under this paragraph.

(C) STAY OF RESTRICTION PERIOD.—

(i) IN GENERAL.—The restriction period with respect to an entity filing a request under this paragraph shall not begin until the Secretary of the Treasury notifies the entity that it will not issue a determination letter with respect to the request.

(ii) NO ACTION.—If the Secretary takes no action with respect to a request during the 1-year period beginning on the date of the request (or such longer period as the Secretary and the entity may agree upon), the Secretary shall be treated as having issued a determination letter described in subparagraph (A). This clause shall not apply to a request if the entity does not submit the request in proper form or the entity does not provide the information the Secretary requests to process the request.

(c) INVERTED DOMESTIC CORPORATION.—For purposes of this section—

(1) IN GENERAL.—A foreign incorporated entity shall be treated as an inverted domestic corporation if, pursuant to a plan (or a series of related transactions)—

(A) the entity completes after the date of the enactment of this Act the direct or indirect acquisition of substantially all of the properties held directly or indirectly by a domestic corporation or substantially all of the properties constituting a trade or business of a domestic partnership,

(B) after the acquisition at least 80 percent of the stock (by vote or value) of the entity is held—

(i) in the case of an acquisition with respect to a domestic corporation, by former shareholders of the domestic corporation by reason of holding stock in the domestic corporation, or

(ii) in the case of an acquisition with respect to a domestic partnership, by former partners of the domestic partnership by reason of holding a capital or profits interest in the domestic partnership, and

(C) the expanded affiliated group which after the acquisition includes the entity does not have substantial business activities in the foreign country in which or under the law of which the entity is created or organized when compared to the total business activities of such expanded affiliated group.

(2) RULES FOR APPLICATION OF SUBSECTION.—In applying this subsection, the following rules shall apply:

(A) CERTAIN STOCK DISREGARDED.—There shall not be taken into account in determining ownership for purposes of paragraph (1)(B)—

(i) stock held by members of the expanded affiliated group which includes the foreign incorporated entity, or

(ii) stock of such entity which is sold in a public offering related to the acquisition described in paragraph (1)(A).

(B) PLAN DEEMED IN CERTAIN CASES.—If a foreign incorporated entity acquires directly or indirectly substantially all of the properties of a domestic corporation or partnership during the 4-year period beginning on the date which is 2 years before the ownership requirements of paragraph (1)(B) are met with respect to such corporation or partnership, such actions shall be treated as pursuant to a plan.

(C) CERTAIN TRANSFERS DISREGARDED.—The transfer of properties or liabilities (including by contribution or distribution) shall be disregarded if such transfers are part of a plan a principal purpose of which is to avoid the purposes of this section.

(D) SPECIAL RULE FOR RELATED PARTNERSHIPS.—For purposes of applying this subsection to the acquisition of a domestic partnership, except as provided in regulations, all partnerships which are under common control (within the meaning of section 482 of the Internal Revenue Code of 1986) shall be treated as 1 partnership.

(E) TREATMENT OF CERTAIN RIGHTS.—The Secretary of the Treasury shall prescribe such regulations as may be necessary—

(i) to treat warrants, options, contracts to acquire stock, convertible debt instruments, and other similar interests as stock, and

(ii) to treat stock as not stock.

(d) ACQUIRED ENTITY TO WHICH SECTION APPLIES.—

(1) IN GENERAL.—This section shall apply to an acquired entity if a foreign incorporated entity would be treated as an inverted domestic corporation with respect to the acquired entity if subsection (c)(1)(B) were applied by substituting "50 percent" for "80 percent".

(2) APPLICATION TO CERTAIN ACQUISITIONS BEFORE ENACTMENT.—This section shall apply to an acquired entity if a foreign incorporated entity would be treated as an inverted domestic corporation if subsection (c)(1) were applied—

(A) by substituting "after December 31, 1996, and on or before the date of the enactment of this Act," for "after the date of the enactment of this Act" in subparagraph (A), and

(B) by substituting "50 percent" for "80 percent" in subparagraph (B).

(3) ACQUIRED ENTITY.—For purposes of this section—

(A) IN GENERAL.—The term 'acquired entity' means the domestic corporation or partnership substantially all of the properties of which are directly or indirectly acquired in an acquisition described in subsection (c)(1)(A) to which this subsection applies.

(B) AGGREGATION RULES.—Any domestic person bearing a relationship described in section 267(b) or 707(b) of the Internal Revenue Code of 1986 to an acquired entity shall be treated as an acquired entity with respect to the acquisition described in subparagraph (A).

(e) DEFINITIONS.—For purposes of this section—

(1) EXPANDED AFFILIATED GROUP.—The term "expanded affiliated group" means an affiliated group as defined in section 1504(a) of the Internal Revenue Code of 1986 (without regard to section 1504(b)(3) of such Code), except that section 1504(a) of such Code shall be applied by substituting "more than 50 percent" for "at least 80 percent" each place it appears.

(2) FOREIGN INCORPORATED ENTITY.—The term "foreign incorporated entity" means any entity which is treated as a foreign corporation for purposes of such Code.

(3) RELATED PERSON.—The term "related person" means, with respect to any entity, a person which—

(A) bears a relationship to such entity described in section 267(b) or 707(b) of such Code, or

(B) is under the same common control (within the meaning of section 482 of such Code) as such entity.

(4) RESTRICTION PERIOD.—

(A) IN GENERAL.—The term "restriction period" means, with respect to any entity, the period—

(i) beginning on the date substantially all of the properties to be acquired as part of the acquisition described in subsection (c)(1)(A) are acquired, and

(ii) to the extent provided by the Secretary of the Treasury, ending on the date the income and gain from such properties is subject to United States taxation in the same manner as if such properties were held by a United States person.

(B) SPECIAL RULES FOR ACQUIRED ENTITIES.—

(i) 10-YEAR LIMIT.—In the case of an acquired entity to which subsection (a)(2) applies, the restriction period shall end no later than the date which is 10 years from the date described in subparagraph (A)(i) (or, if later, the date of the enactment of this Act).

(ii) SUBSEQUENT ACQUISITIONS BY UNRELATED DOMESTIC CORPORATIONS.—

(I) IN GENERAL.—Subject to such conditions, limitations, and exceptions as the Secretary of the Treasury may prescribe, if, after an acquisition described in subsection (c)(1)(A) to which subsection (a)(2) applies, a domestic corporation the stock of which is traded on an established securities market acquires directly or indirectly any properties of one or more acquired entities, then the restriction period for any such acquired entity with respect to which the requirements of clause (ii) are met shall end immediately after such acquisition.

(II) REQUIREMENTS.—The requirements of this subclause are met with respect to a transaction involving any acquisition described in subclause (I) if—

(aa) before such transaction the domestic corporation did not have a relationship described in section 267(b) or 707(b) of such Code, and was not under common control (within the meaning of section 482 of such Code), with the acquired entity, or any member of an expanded affiliated group including such entity, and

(bb) after such transaction, such acquired entity is a member of the same expanded affiliated group which includes the domestic corporation or has such a relationship or is under such common control with any member of such group, and is not a member of, and does not have such a relationship and is not under such common control with any member of, the expanded affiliated group which before such acquisition included such entity.

(5) OTHER DEFINITIONS.—The terms "person", "domestic", and "foreign" have the same meanings given such terms by section 7701(a) of such Code.

(f) ASSISTANCE.—The Secretary of the Treasury or his delegate shall assist officers and employees of the United States in carrying out the provisions of this section, including providing assistance in identifying entities to which this section applies.

Mr. BAUCUS. Mr. President, I join the Ranking Republican Member of the Finance Committee, Senator GRASSLEY, in introducing bipartisan legislation to further address the increasing problem of U.S. corporations reincorporating to tax haven countries to avoid taxes, a practice also known as a corporate inversion. I am pleased to cosponsor the Reclaiming Expatriated Contracts and Profits, RECAP, Act which prohibits the most egregious inverted corporations from receiving Federal Government contracts.

Last March, Senator GRASSLEY and I announced our intention to introduce legislation to curb the proliferation of U.S. corporations changing their Articles of Incorporation to become a corporation of a foreign tax haven country. On April 11, 2002, we introduced legislation to address this problem. S. 2119, the Reversing the Expatriation of Profits Offshore, REPO, Act, was designed to put the brakes on the potential rush to move U.S. corporate headquarters to tax haven countries. On June 18, 2002, the Senate Finance Committee sent a strong message to corporate America by passing S. 2119 by unanimous vote.

But the REPO Act was just the first step to curb inversions. Senator WELLSTONE led the effort to eliminate another incentive for these corporations by restricting them from qualification for government contracts. The idea is simple. If a corporation wants to, in essence, renounce their U.S. citizenship, then they shouldn't be entitled to compete for U.S. government contracts. I applaud Senator WELLSTONE for his leadership and willingness to press ahead with restricting inverted corporations from winning government contracts.

Today, Senator CHUCK GRASSLEY and I cosponsor legislation focused on the same goal as that of Senator WELLSTONE. The legislation we introduce today will prevent the most egregious of these inverted corporations from receiving any U.S. government contracts. These companies have placed tax avoidance as their first priority and their U.S. identity as their second priority. The reduction in taxes for inverted corporations allows them to underbid those corporations that choose to remain U.S. corporations. This is wrong.

I welcome the opportunity to support RECAP and I urge Congress to act quickly on this legislation, as it will go a long way toward restoring public confidence in corporate America.

By Mr. BIDEN (for himself, Mr. LUGAR, Mr. DOMENICI, Mrs. CLINTON, Mr. GREGG, and Mr. SCHUMER):

S. 3121. A bill to authorize the Secretary of State to undertake measures in support of international programs to detect and prevent acts of nuclear or radiological terrorism, to authorize appropriations to the Department of State to carry out those measures, and for other purposes; to the Committee on Foreign Relations.

Mr. BIDEN. Mr. President, today I am introducing the "Nuclear and Radiological Terrorism Threat Reduction Act of 2002." This is a bill to strengthen the efforts of the world community to gain control over the vast amounts of radioactive materials that, left uncontrolled, could cause economic disruption and sow terror in American cities.

In the Senate Foreign Relations Committee's hearing on March 6 of this year, experts testified that an amount of ground up radioactive cobalt-60 the size of the ball in your ball point pen could contaminate an area of Manhattan greater than the footprint of the World Trade Center. The damage and risk would be so great that buildings in the affected area might have to be abandoned, destroyed, and trucked away as radioactive waste.

We learned that if a terrorist dispersed a few hundred curies of radioactive material, the resulting public panic could make much of downtown Washington, DC uninhabitable without a difficult and expensive clean-up. Decontamination is a serious and poorly understood problem because many of the radioactive isotopes a terrorist might choose will bind chemically to construction materials such as marble and stone used in our most precious buildings.

One curie of radioactive cesium-137, strontium-90, cobalt-60 or iridium-192 poses a significant risk. But sources as strong as several hundred curies are used every day in world-wide commerce. They serve to estimate the oil in active oil wells, to provide a compact and convenient source of x-rays to check the quality of welds in the field, and to provide pencil beams of radiation to measure the amount of soda or beer in an aluminum can.

Hospitals, primarily in poorer countries, but also in the United States, use cesium-137 or cobalt-60 sources as strong as several thousand curies to provide radiation therapy in cancer treatment. Some of these sources are used in Southern California in mobile treatment centers mounted in trucks. These rolling radioactive sources move on the highways and through the streets of our country and perhaps of other countries, where they are vulnerable to accident or foul play.

Each year many radioactive sources, world wide, are abandoned or stolen and leak out of the existing control system. They become "orphan" sources, unwanted and with nobody to care for them or keep them out of trouble. Sometimes industrial sources are abandoned in place when their owners go out of business. They can then find their way into the scrap metal pool, and may arrive on the doorstep of a steel mill.

That happened shortly before our March 6 hearing. A 2-curie cesium-137 source turned up on the conveyor belt of the Nucor Steel Mill in Hertford, NC. Caught just before it would have gone into the furnace, it was identified, removed, and taken into safe custody by the North Carolina radiation protection authorities. Where did it come from? A bankrupt chemical company in the Baltimore area whose equipment was sold for scrap. But when the records were traced it was found that the company had bought not one, but four, such sources. Fortunately, two more were traced and recovered, but one of those "gauge sources" still is missing.

If the source found at Nucor had gone into the molten steel, the clean-up would have cost the company millions of dollars. If it had gotten into the hands of a terrorist who could disperse it with high explosives, it could have contaminated many square blocks of an American city and the recovery might have run into the billions.

Far more intense radioactive sources turn up in strange places from time to time.

In 1987, two junk collectors in Brazil broke open an abandoned gamma ray cancer treatment machine containing 1,400 curies of Cesium-137. Inside they found about 2/3 of an ounce of softly glowing powder. Several people were delighted at the idea of glowing in the dark and they rubbed the powder on their bodies. They contaminated not only themselves, but their homes and families. The toll: 5 people dead, 21 requiring intensive care, 49 requiring some hospitalization, 249 contaminated, and 111,800 people tested in improvised medical facilities at a local soccer stadium.

And that was an accident. A deliberate attack using the same 20 grams of material could have had far greater consequences, as our witnesses told the Committee.

"Dirty bombs" do not even need to explode. Murders have been committed by the simple act of inserting a small radioactive source in the victim's desk chair and simply waiting until radiation sickness and death followed. If a terrorist is willing to die, he could merely fling finely powdered material from the window of a tall building and allow the wind to spread his poison.

Finally, I worry that other terrorist groups, not just Al Qaeda, could make a radiological dispersion device. Radioactive material is out there for the taking, especially in the former Soviet Union.

In January of this year, three hunters gathering firewood in a forest in the former Soviet republic of Georgia found two abandoned cans of strontium-90, each containing 40,000 curies of material. Because the heat from these sources melted the snow for yards around, the hunters were delighted to find free warmth for their tent. They picked up and carried off the sources in their backpacks. All three woodsmen were critically injured, but since they did not break open the two cans, environmental contamination was limited.

A team from the government of Georgia, assisted by the International Atomic Energy Agency, recovered the sources, but several more are apparently missing and unaccounted for. The nuclear industry of the former Soviet Union made hundreds of similar devices.

In fact, 40,000 curies of strontium-90 represents a small source by Soviet standards. A string of 131 arctic sites in Russia is powered by radioisotope thermal generators—portable power plants that draw energy from the heat liberated by the decay of radioactive nuclei. Each site uses a 300,000-curie source. That raises the maximum damage that a terrorist dirty bomb could do by a factor of ten beyond anything the Committee heard at our March hearing.

There once were 136 sites in this chain, but the Norwegian government replaced five with solar-powered installations. The remaining 131 should be replaced as soon as possible so as to remove a potential source of truly destructive dirty bombs.

We must, and we can, raise significant and sensible barriers to protect against terrorists who would use the power of the atom to do us harm. To that end, Senators LUGAR, DOMENICI, CLINTON, GREGG and SCHUMER join me today in introducing the "Nuclear and Radiological Terrorism Threat Reduction Act of 2002."

The bill's principal cosponsors, Senators LUGAR and DOMENICI, have been among the Senate's long-time leaders in the causes of non-proliferation, threat reduction and counter-terrorism, and I welcome their support. Senator GREGG's position on the Appropriations Committee has sensitized him to the need to protect our embassies. And both of the Senators from New York, Mr. SCHUMER and Mrs. CLINTON, attended the Foreign Relations Committee's classified session where we learned some of the specifics regarding the threat of nuclear and radiological terrorism.

Our bill takes the initiative in several significant areas:

One, it creates a new program to establish a network of five regional shelters around the globe to provide secure, temporary storage of unwanted, unused, obsolete and orphaned radioactive sources. The bill authorizes $5 million to get started in Fiscal Year 2003, and up to $20 million a year for construction and operation of the facilities in the future. We envision accomplishing our goals through bilateral negotiations with the host nations or, when advantageous to the United States, through special contributions to the International Atomic Energy Agency, the IAEA. Regional storage facilities can remove some of the most dangerous material from circulation.

Two, to round up the sources to be stored in the regional facilities, we propose an accelerated program—in cooperation with the IAEA—to discover, inventory, and recover unwanted radioactive material from around the world. This would be similar to the Department of Energy's Off-site Source Recovery Program, but aimed at material outside our borders. This bill will make a modest start by authorizing $5 million a year in special voluntary contributions to the IAEA.

Three, recognizing the threat posed by the very intense radioactive sources packaged by the former Soviet Union to provide electric power to very remote locations, such as lighthouses, weather stations, communications nets, and other measuring equipment, the bill authorizes funding to replace that equipment with non-nuclear technologies. We believe that $10 million a year over the next three years should not merely make a dent in this problem; it should largely solve it.

Four, other bills this year have provided funding to train American first responders to handle a radiological emergency. The bill we introduce today authorizes $5 million a year for the next three years to train responders abroad. This is a matter of self-protection for the United States: we have diplomatic missions at risk around the world, and we will be funding the construction and operation of temporary storage sites for radioactive material. Should accidents or incidents occur, we would like to be able to rely upon competent responses by our host countries.

Five, this bill requires the Secretary of State to conduct a global assessment of the radiological threat to U.S. missions overseas and to provide the results to the appropriate committees of the Congress in an unclassified form, but with a classified annex giving details if he deems necessary. We hope the Secretary will take into account the locations of the interim storage facilities and also the results of this threat assessment in choosing where first to provide the overseas first responder training authorized by this bill.

Six, the Customs Service is charged with preventing illicit shipments of radioactive material and fissile material from reaching our shores. Inspection of today's large cargo containers for fissile material, in particular, is a technologically challenging task, one performed most safely and easily before the containers are loaded aboard ship. Customs has agreements to permit U.S. inspectors to do their jobs in ports of embarkation. In order to assist the Service, the Nuclear and Radiological Threat Prevention Act establishes a special representative with the rank of ambassador within the State Department for negotiation of international agreements that ensure inspection of cargoes of nuclear material at ports of embarkation. This special representative will work in close cooperation with the Customs Service to make certain that the agreements meet the Service's needs.

Seven, we could diminish the threat of Dirty bombs by reducing use of radioactive material where other technologies could be substituted. This bill mandates a study by the National Academy of Sciences to tell us how and where safe sources of radiation can replace dangerous ones. Some substitutions are well known: for many applications, X-ray machines powered by the electric grid are almost as convenient as the gamma ray "cameras" that use intense iridium-178 sources. Powered radiation sources can replace radioactive sources in some oil well logging work. Linear accelerators are replacing radioactive cobalt and cesium in cancer therapy. All of the substitute sources have one thing in common: a switch. When that switch is turned "off," the radiation source is safe. There may be many more applications in which a switchable source can replace a radioactive one and be at least as economical, particularly when the risks of dirty bombs are accounted for properly.

Fissile material is the indispensable element of a true nuclear weapon. At our March 6, 2002, hearing experts from the Department of Energy weapons laboratories told the Committee that terrorists in possession of highly enriched uranium or plutonium could assemble a crude "improvised nuclear device" with a yield large enough to smash Washington from the White House to the Capitol. Such an improvised nuclear device would not require a Manhattan Project. In a study done in the 1970s, the Congressional Office of Technology Assessment wrote that a group of two or three technically competent individuals in possession of enriched uranium or weapons-grade plutonium could probably build a one-kiloton device in a few months.

For that reason, one provision of this bill deals specifically with developing the tools to guard against illicit traffic in highly enriched uranium and plutonium.

Last summer, a meeting in Washington to discuss "nuclear science and Homeland Security" was sponsored by the Department of Energy, the National Science Foundation, NSF, and other Federal science funding agencies. It brought together some of the best scientists in our universities and colleges, all of whom were willing to put aside their normal research to help strengthen our security at home. But few of those scientists can use the research money they already have for this work. Research support given for one purpose usually may not be channeled into other uses.

Therefore, this bill establishes a small program within the NSF to support researchers at colleges and universities who will work on the detection of fissile materials—the hardest and most critical task or on real-time identification of radioisotopes and decontamination of buildings after a dirty bomb goes off.

The Department of Energy has a special role to play in this program: we expect that Department and its national laboratories to work in cooperation with NSF to transition laboratory apparatus into field-ready operational hardware. This bill authorizes $10 million a year for research funded by the NSF and an additional $5 million a year for the Department of Energy to accomplish the transition.

The threat of radiological terrorism, and even of true nuclear terror attacks, is real. We know that most radiological attacks will kill few Americans, but there is little doubt they will lead to economic crimes of the greatest consequence. The radioactive source that killed only a few people in Brazil cost hundreds of millions of dollars to clean up. And nobody tried to cause that destruction.

We must do something to head off the nuclear and radiological terrorist threat where it will most likely first appear: in foreign countries.

The "Nuclear and Radiological Terrorism Threat Reduction Act" gives us a good start at doing just that.

I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 3121

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Nuclear and Radiological Terrorism Threat Reduction Act of 2002".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) It is feasible for terrorists to obtain and to disseminate radioactive material using a radiological dispersion device (RDD), or by emplacing discrete radioactive sources in major public places.

(2) It is not difficult for terrorists to improvise a nuclear explosive device of significant yield once they have acquired the fissile material, highly enriched uranium, or plutonium, to fuel the weapon.

(3) An attack by terrorists using a radiological dispersion device, lumped radioactive sources, an improvised nuclear device (IND), or a stolen nuclear weapon is a plausible event.

(4) Such an attack could cause catastrophic economic and social damage and could kill large numbers of Americans.

(5) The first line of defense against both nuclear and radiological terrorism is preventing the acquisition of radioactive sources, special nuclear material, or nuclear weapons by terrorists.

SEC. 3. DEFINITIONS.

In this Act:

(1) Appropriate congressional committees.—The term "appropriate congressional committees" means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

(2) Byproduct material.—The term "byproduct material" has the same meaning given the term in section 11 e. of the Atomic Energy Act of 1954 (42 U.S.C. 2014(e)).

(3) IAEA.—The term "IAEA" means the International Atomic Energy Agency.

(4) Independent states of the former Soviet Union.—The term "independent states of the former Soviet Union" has the meaning given the term in section 3 of the FREEDOM Support Act (22 U.S.C. 5801).

(5) Nuclear explosive device.—The term "nuclear explosive device" means any device, whether assembled or disassembled, that is designed to produce an instantaneous release of an amount of nuclear energy from special nuclear material that is greater than the amount of energy that would be released from the detonation of one pound of trinitrotoluene (TNT).

(6) Radiological dispersion device.—The term "radiological dispersion device" is any device meant to spread or disperse radioactive material by the use of explosives or otherwise.

(7) Radioactive material.—The term "radioactive material" means—

(A) source material and special nuclear material, but does not include natural or depleted uranium;

(B) nuclear by-product material;

(C) material made radioactive by bombardment in an accelerator; and

(D) all refined isotopes of radium.

(8) Radioactive source.—The term "radioactive source" means radioactive material that is permanently sealed in a capsule or closely bonded and includes any radioactive material released if the source is leaking or stolen, but does not include any material within the nuclear fuel cycle of a research or power reactor.

(9) Radioisotope thermal generator.—The term "radioisotope thermal generator" or "RTG" means an electrical generator which derives its power from the heat produced by the decay of a radioactive source by the emission of alpha, beta, or gamma radiation. The term does not include nuclear reactors deriving their energy from the fission or fusion of atomic nuclei.

(10) Secretary.—The term "Secretary" means the Secretary of State.

(11) Source material.—The term "source material" has the meaning given that term in section 11 z. of the Atomic Energy Act of 1954 (42 U.S.C. 2014(z)).

(12) Special nuclear material.—The term "special nuclear material" has the meaning given that term in section 11 aa. of the Atomic Energy Act of 1954 (42 U.S.C. 2014(aa)).

SEC. 4. INTERNATIONAL REPOSITORIES.

(a) Authority.—The Secretary, acting through the United States Permanent Representative to the IAEA, is authorized to propose that the IAEA conclude agreements with up to five countries under which each country would provide temporary secure storage for orphaned, unused, surplus, or other radioactive sources other than special nuclear material, nuclear fuel, or spent nuclear fuel.

(b) Voluntary Contributions Authorized.—

(1) In general.—The Secretary is authorized to make a voluntary contribution to the IAEA to fund the United States share of the program authorized by subsection (a) if the IAEA agrees to protect sources under the standards of the United States or IAEA code of conduct, whichever is stricter.

(2) Fiscal year 2003.—The United States share of the costs of the program described in subsection (a) is authorized to be 100 percent for fiscal year 2003.

(c) Technical Assistance.—The Secretary is authorized to provide the IAEA, through contracts with the Department of Energy or the Nuclear Regulatory Commission, with technical assistance to carry out the program described in subsection (a).

(d) Nonapplicability of NEPA.—The National Environmental Policy Act shall not apply to any activity conducted under this section.

(e) Authorization of Appropriations.—

(1) In general.—There are authorized to be appropriated for the Department of State $5,000,000 for fiscal year 2003 and $20,000,000 for each fiscal year thereafter to carry out this section.

(2) Availability of funds.—Amounts appropriated pursuant to paragraph (1) are authorized to remain available until expended.

SEC. 5. RADIOACTIVE SOURCE DISCOVERY, INVENTORY, AND RECOVERY.

(a) Authority.—The Secretary is authorized to make United States voluntary contributions to the IAEA to support a program to promote radioactive source discovery, inventory, and recovery.

(b) Authorization of Appropriations.—

(1) In general.—There is authorized to be appropriated to the Department of State $5,000,000 for each of the fiscal years 2003 through 2012 to carry out subsection (a).

(2) Availability of funds.—Amounts appropriated pursuant to paragraph (1) are authorized to remain available until expended.

SEC. 6. RADIOISOTOPE THERMAL GENERATOR-POWERED FACILITIES IN THE INDEPENDENT STATES OF THE FORMER SOVIET UNION.

(a) RTG power units.—The Secretary is authorized to assist the Government of the Russian Federation to substitute solar (or other non-nuclear) power sources to replace RTG power units operated by the Russian Federation and other independent states of the former Soviet Union in applications such as lighthouses in the Arctic, remote weather stations, unattended sensors, and for providing electricity in remote locations. Any replacement shall, to the maximum extent practicable, be based upon tested technologies that have operated for at least one full year in the environment where the replacement will be used.

(b) Allocation of Funds.—Of the funds made available to carry out this section, the Secretary may use not more than 20 percent of the funds in any fiscal year to replace dangerous RTG facilities that are similar to those described in subsection (a) in countries other than the independent states of the former Soviet Union.

(c) Authorization of Appropriations.—

(1) In general.—There is authorized to be appropriated to the Department of State $10,000,000 for each of the fiscal years 2003, 2004, and 2005 to carry out this section.

(2) Availability of funds.—Amounts appropriated pursuant to paragraph (1) are authorized to remain available until expended.

SEC. 7. FOREIGN FIRST RESPONDERS.

(a) In General.—The Secretary is authorized to conclude an agreement with a foreign country, or, acting through the United States Permanent Representative to the IAEA, to propose that the IAEA conclude an agreement with that country, under which that country will carry out a program to train first responders to—

(1) detect, identify, and characterize radioactive material;

(2) understand the hazards posed by radioactive contamination;

(3) understand the risks encountered at various dose rates;

(4) enter contaminated areas safely and speedily; and

(5) evacuate persons within a contaminated area.

(b) United States Participation.—The Department of State is hereby designated as the lead Federal entity for cooperation with the IAEA in implementing subsection (a) within the United States. In carrying out activities under this subsection the Secretary of State shall take into account the findings of the threat assessment report required by section 8 and the location of the interim storage facilities under section 4.

(c) Authorization of Appropriations.—

(1) In general.—There are authorized to be appropriated to the Department of State $2,000,000 for fiscal year 2003, $5,000,000 for fiscal year 2004, and $5,000,000 for fiscal year 2005 to carry out this section.

(2) Availability of funds.—Amounts appropriated pursuant to paragraph (1) are authorized to remain available until expended.

SEC. 8. THREAT ASSESSMENT REPORT.

(a) In General.—Not later than 180 days after the date of enactment of this Act, and annually thereafter, the Secretary of State shall submit a report to the appropriate congressional committees—

(1) detailing the preparations made at United States diplomatic missions abroad to detect and mitigate a radiological attack on United States missions and other United States facilities under the control of the Secretary; and

(2) setting forth a rank-ordered list of the Secretary's priorities for improving radiological security and consequence management at United States missions, including a rank-ordered list of the missions where such improvement is most important.

(b) Budget Request.—The report shall also include a proposed budget for the improvements described in subsection (a)(2).

(c) Form of Submission.—The report shall be unclassified with a classified annex if necessary.

SEC. 9. SPECIAL REPRESENTATIVE FOR INSPECTIONS OF NUCLEAR AND RADIOLOGICAL MATERIALS.

Section 1 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a) is amended by adding at the end the following new subsection:

"(h) Special Representative for Inspections of Nuclear and Radiological Materials.—

"(1) Establishment of position.—There shall be within the Bureau of the Department of State primarily responsible for nonproliferation matters a Special Representative for Inspections of Nuclear and Radiological Materials (in this subsection referred to as the 'Special Representative'), who shall be appointed by the President, by and with the advice and consent of the Senate. The Special Representative shall have the rank and status of ambassador.

"(2) Responsibilities.—The Special Representative shall have the primary responsibility within the Department of State for assisting the Secretary of State in negotiating international agreements that ensure inspection of cargoes of nuclear and radiological materials destined for the United States at ports of embarkation, and such other agreements as may control radioactive materials.

"(3) Cooperation with United States Customs Service.—In carrying out the negotiations described in paragraph (2), the Special Representative shall cooperate with, and accept the assistance and participation of, appropriate officials of the United States Customs Service.".

SEC. 10. RESEARCH AND DEVELOPMENT GRANTS.

(a) In General.—Subject to the availability of appropriations, there is established a program under which the Director of the National Science Foundation shall award grants for university-based research into the detection of fissile materials, identification of radioactive isotopes in real time, the protection of sites from attack by radiological dispersion device, mitigation of consequences of such an attack, and attribution of materials used in attacks by radiological dispersion device or by improvised nuclear devices. Such grants shall be available only to investigators at baccalaureate and doctoral degree granting academic institutions. In carrying out the program, the Director of the National Science Foundation shall consult about this program with the Secretary of Energy in order to minimize duplication and increase synergies. The consultation shall also include consideration of the use of the Department of Energy to develop promising basic ideas into field-ready hardware. The Secretary of Energy shall work with the national laboratories and industry to develop field-ready prototype detectors.

(b) Authorization of Appropriations.—

(1) In general.—There is authorized to be appropriated to the National Science Foundation $10,000,000, and to the Department of Energy $5,000,000, to carry out this section in fiscal years 2003 through 2008.

(2) Availability of funds.—Amounts appropriated pursuant to paragraph (1) are authorized to remain available until expended.

SEC. 11. STUDY AND REPORTS BY THE NATIONAL ACADEMY OF SCIENCES.

(a) Study.—Not later than 90 days after the date of enactment of this Act, the Secretary, in consultation with the Chairman of the Nuclear Regulatory Commission, acting through a contract with the National Academy of Sciences, shall conduct a study of the use of radioactive sources in industry and of potential substitutes for those sources.

(b) Reports.—Not later than six months after entry into the contract referred to in subsection (a), the National Academy of Sciences shall submit an initial report to the Secretary and the appropriate congressional committees and, not later than three months after submission of the initial report, shall submit to the Secretary and those committees a final report.

Mr. DOMENICI. Mr. President, I'm pleased to join Senator BIDEN and Senator LUGAR in sponsoring the Nuclear and Radiological Terrorism Threat Reduction Act of 2002.

Only a few months ago, I introduced the Nuclear Nonproliferation Act of 2002 with these same Senators and many others as co-sponsors. It's being called the Domenici-Biden-Lugar bill. I am pleased to learn that most provisions of that Act are being incorporated in the Conference on the Armed Services bill.

The current bill and the Domenici-Biden-Lugar bill are highly complementary. The first bill focused entirely on the contributions that the Department of Energy should be authorized to make to minimize risks of nuclear and radiological risks to our citizens. The current bill focuses on the contributions that the Department of State should make in that same arena. And in both cases, there is careful recognition of the importance of a tight partnership between those two Departments in accomplishing this vital mission.

I'm particularly pleased with this bill's focus on assisting in the creation of a number of international repositories that can be used to store radioactive sources safely, while ensuring that they don't become "orphaned" sources that might fuel a terrorist's dirty bomb. Other provisions to assist the IAEA in promoting source inventory and recovery are also critical.

One important application of this new bill must be to help the Russian Federation address the large number of Radio-isotope Thermal Generators that rely on large quantities of radioactive material to power many remote installations, especially lighthouses. These large radioactive sources, in isolated locations, are very vulnerable to compromise. With this bill, we can assist other nations, like Norway, in shifting the power for these lighthouses away from radioactive materials to other means of power.

Another important aspect of the bill involves the authorization for the State Department to help other nations in developing their own First Responder program for response to dirty bomb or nuclear threats. In this country, we now have a First Responder program that grows stronger each year, thanks to the Nunn-Lugar-Domenici bill that created the effort. Now we need to share the lessons we have been learning with others.

This new bill is another important contribution to our nation's efforts to ensure that terrorists will never threaten the United States or other nations with radiological or nuclear weapons.

By Mr. BROWNBACK (for himself and Mr. HELMS):

S. 3122. A bill to allow North Korean's to apply for refugee status or asylum; to the Committee on the Judiciary.

Mr. BROWNBACK. Mr. President, I rise today to introduce legislation that will clarify the status of North Korean refugees.

As a Nation, the United States is the world's leader in the protection of refugees. The world takes its lead from the United States when reacting to asylum-seekers, and the example we set have far-reaching implications for those who flee persecution. For this reason, we have stood firm against excuses for the denial of basic human rights and life's basic liberties.

The tenuous status of North Korean refugees in China is well documented. As we all know from news reports, including several news programs, that few North Koreans are able to seek asylum and refuge, be it in China or elsewhere. The few that do, however, are functionally barred from seeking asylum in the United States or being admitted to the United States as refugees. As I understand it, the State Department has expressed concerns that the legal hurdle to admitting North Koreans refugees is the fact that South Korea automatically conveys its citizenship to any escapee from North Korea who makes it to South Korea. In short, the State Department claims it cannot, as a matter of law, consider any North Korean to be a refugee.

I am not persuaded that this is the case, but even if we assume that to be true, we must stand firm for the proposition that the moral obligation that we have for refugees everywhere seeking basic human liberties should not be laid aside because of that legal technicality and it should not preclude the United State from providing refugee protections to North Korean refugees.

The bill I am introducing today clarifies and fixes that technicality. It says quite simply that, for asylum and refugee purposes, a North Korean is a North Korean. This bill in no way detracts from the generosity of the South Korean government or the South Korean people. It does not encourage refugees to choose the United States over South Korea as a safe haven. Far from it, since those refugees who are able to reach South Korea will go there and will be afforded the rights that refugees escaping from persecution rightfully deserve whether under various international conventions or the South Korean Constitution. Instead, this bill recognizes the physical obstacles facing North Korean refugees and removes the technicality that compromises our ability to help them.

The bill I am introducing today has the support of the Lawyers Committee on Human Rights, Amnesty International, the International Rescue Committee, the U.S. Committee on Refugees, Immigration and Refugee Services of America, among others.

By Mr. DEWINE:

S. 3123. A bill to expand certain preferential trade treatment of Haiti; to the Committee on Finance.

Mr. DEWINE. Mr. President, I have many long-standing concerns about the dire situation, political, economic, and humanitarian, in Haiti. As one who has witnessed the unbelievable poverty and despair in that tiny nation, I believe we must pay closer attention to what is happening there. We must be engaged.

That is why I am introducing the "Haiti Economic Recovery Opportunity Act of 2002." This bill would help improve the economic and political situation in Haiti through an important tool of our foreign policy, and that is trade. I would like to thank Representatives Gilman and others for introducing a similar measure in the House.

The situation in Haiti is bleak. Haiti is the poorest country in our Hemisphere, with approximately 70 percent of its population out of work and 80 percent living in abject poverty. Less than one-half of Haiti's 8.2 million people can read or write. Haiti's infant mortality rate is the highest in our hemisphere. And, one in four children under the age of five are malnourished.

Roughly one in 12 Haitians has HIV/AIDS, and, according to the Centers for Disease Control projections, Haiti will experience up to 44,000 new HIV/AIDS cases this year, that's 4,000 more than the number expected here in the United States, where our population is 35 times that of Haiti's. AIDS already has orphaned over 163,000 children, and this number is expected to skyrocket to between 323,000 and 393,000 over the next ten years.

The violence, corruption, and instability caused by the flow of drugs through Haiti cannot be overstated. An estimated 15 percent of all cocaine entering the United States passes through Haiti, the Dominican Republic, or both.

Haiti still lacks democracy and political stability. The U.S. policy of not providing assistance directly to the Haitian Government is based on President Aristide's failure to enact necessary reforms to uphold democracy and help the people of his own country.

All of this creates an environment where the logical course of action for many Haitians is simply to flee. We have seen this in the past, and we may see it again. So far this fiscal year, the Coast Guard has interdicted and rescued over 1,485 Haitian migrants at sea, compared to 1,113 during the entire fiscal year 2000. And, according to the State Department, migrants recently interdicted and repatriated to Haiti have cited economic conditions as their reason for attempting to migrate by sea. I do not think that a mass exodus is imminent, but we cannot ignore any increase in migrant departures from Haiti. In addition to being an immigration issue for the United States, these migrant departures frequently result in the loss of life at sea.

The bill I am introducing today attempts to change this situation by granting limited duty-free treatment on certain Haitian apparel articles if, and only if, the President is able to certify that the Haitian government is making serious market, political, and social reforms. The bill would correct a glitch or oversight in U.S. trade law that recognized the special economic needs of least developed countries in Africa, but did not recognize those needs for the least developed country in the Western Hemisphere, Haiti.

Specifically, the bill would allow duty-free entry of Haitian apparel articles assembled from fabrics from countries with which the U.S. has a free trade or a regional trade agreement. It also would grant duty-free status on articles, regardless of the origin of the fabrics and yarns, if the fabrics and yarns were not commercially available in the United States.

The bill would cap duty-free apparel imports made of fabrics and yarns from the designated countries at 1.5 percent of total U.S. apparel imports. This limit grows modestly over time to 3.5 percent.

The enactment of this legislation would promote employment in Haitian industry by allowing the country to become a garment production center. While the benefits of this bill would be modest by U.S. standards, in Haiti they are substantial. It is estimated that the bill could create thousands of jobs, thereby reducing the unemployment rate and breaking the shackles of poverty. Before the 1991 coup, Haiti was one of the largest apparel suppliers in the Caribbean. But today, Haitian apparel accounts for less than one percent of all apparel imports into the United States.

The type of assembly carried out in Haiti would have minimal impact on employment in the United States. In fact, it would encourage the emigration of jobs from the Far East back to our hemisphere, including the United States, because most Haitian foreign exchange earnings, unlike in the Far East, are utilized to purchase American products. And, the "Trade and Development Act" already includes strong safeguards against transshipment.

In order for Haiti to be eligible for the trade benefits under the bill, the President must certify that Haiti is making progress on matters like the rule of law. This will not be an easy task for the Haitian government. However, I believe that because of the incentives provided in the bill, it would be more and more apparent to them that it is in their interest to reform.

During my most recent trip to Haiti, I met with President Aristide and raised many concerns. I explained that it is essential that he call for peace and domestic order, and that he take the necessary measures to bring an end to the political impasse. I explained the need to cooperate with the opposition, and to work with the Organization of American States, OAS.

I also met with leaders of the opposition and told them that they, too, must be willing to compromise and cooperate. I am pleased to see that the OAS Special Mission in Haiti is up and running, but I remain cautious about the prospects for resolving the political crisis. In the meantime, the United States must take responsibility by continuing and increasing our humanitarian and trade efforts in Haiti. This is in our own best interest, and we have a moral obligation to remain committed to the people of Haiti.

Adopting the Haiti Economic Recovery Opportunity Act of 2002 would be a powerful demonstration of that commitment. I encourage my colleagues to join in support of this legislation.

By Mr. McCAIN (for himself, Mr. FEINGOLD, and Mr. DURBIN):

S. 3124. A bill to amend the Communications Act of 1934 to revise and expand the lowest unit cost provision applicable to political campaign broadcasts, to establish commercial broadcasting station minimum airtime requirements for candidate-centered and issue-centered programming before primary and general elections, to establish a voucher system for the purchase of commercial broadcast airtime for political advertisements, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. McCAIN. Mr. President, today we begin another chapter in the effort to reform our political campaign system. I am proud to be joined by Senator RUSS FEINGOLD, my longtime colleague on campaign finance reform, and Senator RICHARD DURBIN, in introducing the Political Campaign Broadcast Activity Improvements Act.

The bill establishes a program to provide candidates and national committees of political parties, with vouchers that they may use for political advertisements on radio and television broadcast stations. An annual spectrum use fee paid by broadcasters would fund the voucher system. In addition, the bill requires broadcast television and radio stations to provide candidates and parties with the lowest rate provided to any other advertiser in the previous 120 days, and in most cases, would prohibit states from preempting advertisements purchased by candidates or parties. Finally, the bill requires these stations to air a minimum of two hours per week of candidate-centered or issue-centered programming before a primary or general federal election.

This legislation builds on the long history of requiring broadcasters to serve the public interest in exchange for the privilege of obtaining an exclusive license to use a scarce public resource: the electromagnetic spectrum. The burden imposed on broadcasters pales in comparison to the enormous value of this spectrum, which recent estimates suggest is worth as much as $367 billion.

The purpose of the legislation is to increase the flow of political information in broadcast media and to reduce the cost to candidates of reaching voters. Our democracy is stronger when a candidate's success is achieved by ideas, and not by dollars. The benefits of free airtime are not only for candidates, however. By increasing the flow of political information, free airtime can better inform the public about candidates and invite viewers to become more engaged in their government by learning more about the individuals seeking to represent them.

We recognize that the bill will not be considered during the 107th Congress. We look forward, however, to hearing how we might improve the approach when we reintroduce it in the future.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3124

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Political Campaign Broadcast Activity Improvements Act."

SEC. 2. MEDIA RATES.

(a) LOWEST UNIT CHARGE; NATIONAL COMMITTEES.—Section 315(b) of the Communications Act of 1934 (47 U.S.C. 315(b)) is amended—

(1) by striking "to such office" in paragraph (1) and inserting "to such office, or by a national committee of a political party on behalf of such candidate in connection with such campaign,"; and

(2) by inserting "(at any time during the 120-day period preceding the date of the use)" in subparagraph (A) of paragraph (1) after "charge".

(b) PREEMPTION; AUDITS.—

(1) IN GENERAL.—Section 315 of such Act (47 U.S.C. 315) is amended—

(A) by redesignating subsections (c) and (d) as subsections (e) and (f), respectively and moving them to follow the existing subsection (e);

(B) by redesignating the existing subsection (e) as subsection (c); and

(B) by inserting after subsection (c) the following:

"(d) PREEMPTION.—

"(1) IN GENERAL.—Except as provided in paragraph (2), a license shall not preempt the use of a broadcasting station by an eligible candidate or political committee of a political party who has purchased and paid for such use.

"(2) CIRCUMSTANCES BEYOND CONTROL OF LICENSEE.—If a program to be broadcast by a broadcasting station is preempted because of circumstances beyond the control of the station, any candidate or party advertising spot scheduled to be broadcast during that program may also be preempted.

“(e) Audits.—During the 45-day period preceding a primary election and the 60-day period preceding a general election, the Commission shall conduct such audits as it deems necessary to ensure that each broadcaster to which this section applies is allocating television broadcast advertising time in accordance with this section and section 312.”

(2) Conforming amendment.—Section 504 of the Bipartisan Campaign Reform Act of 2002 is amended by striking “315), as amended by this Act, is amended by redesignating subsections (e) and (f) as subsections (f) and (g), respectively, and” and inserting “315) is amended by”.

(c) Stylistic Amendments.—Section 315 of such Act (47 U.S.C. 315) is amended)—

(1) by striking “For purposes of this section—” in subsection (e), as redesignated by subsection (b)(1)(A) of this section, and inserting “Definitions.—In this section:”;

(2) by striking “the” in paragraph (1) of that subsection and inserting “Broadcasting station.—The”;

(3) by striking “the” in paragraph (2) of that subsection and inserting “Licensee; station licensee.—The”; and

(4) by inserting “Regulations.—” in subsection (f), as so redesignated, before “The Commission”.

SEC. 3. MINIMUM TIME REQUIREMENTS FOR CANDIDATE-CENTERED OR ISSUE-CENTERED BROADCASTS BY BROADCASTING STATIONS.

(a) In General.—

(1) Program content requirements.—In the administration of the Communications Act of 1934 (47 U.S.C. 151 et seq.), the Federal Communications Commission may not determine that a broadcasting station has met its obligation to operate in the public interest unless the station demonstrates to the satisfaction of the Commission that—

(A) it broadcast at least 2 hours per week of candidate-centered programming or issue-centered programming during each of the 6 weeks preceding a Federal election, including at least 4 of the weeks immediately preceding a general election; and

(B) not less than 1 hour of such programming was broadcast in each of those weeks during the period beginning at 5:00 p.m. and ending at 11:35 p.m. in the time zone in which the primary broadcast audience for the station is located.

(2) Nightowl broadcasts not counted.—For purposes of paragraph (1) any such programming broadcast between midnight and 6:00 a.m. in the time zone in which the primary broadcast audience for the station is located shall not be taken into account.

(b) Definitions.—In this section:

(1) Broadcasting station.—The term “broadcasting station”—

(A) has the meaning given that term by section 315(e)(1) of the Communications Act of 1934.

(2) Candidate-centered programming.—The term “candidate-centered programming”—

(A) includes debates, interviews, candidate statements, and other program formats that provide for a discussion of issues by the candidate; but

(B) does not include paid political advertisements.

(3) Federal election.—The term “Federal election” has the meaning given that term in section 315A(g)(2) of the Communications Act of 1934.

(4) Issue-centered programming.—The term “issue-centered programming”—

(A) includes debates, interviews, statements, and other program formats that provide for a discussion of any ballot measure which appears on a ballot in a forthcoming election; but

(B) does not include paid political advertisements.

SEC. 4. POLITICAL ADVERTISEMENTS VOUCHER PROGRAM.

(a) In General.—Title III of the Communications Act of 1934 (47 U.S.C. 301 et seq.) is amended by inserting after section 315 the following:

“SEC. 315A. POLITICAL ADVERTISEMENT VOUCHER PROGRAM.

“(a) In General.—The Commission shall establish and administer a voucher program for the purchase of airtime on broadcast stations for political advertisements in accordance with the provisions of this section.

“(b) Candidates.—

“(1) Disbursement of vouchers.—Beginning no earlier than January of each even-numbered year after 2002, the Commission shall disburse vouchers at least once each month for the purchase of radio or television broadcast airtime for political advertisements on broadcasting stations to each individual certified by the Federal Election Commission under paragraph (2) as an eligible candidate.

“(2) FEC to certify eligible candidates.—The Commission may not disburse vouchers under paragraph (1) to an individual, until the Federal Election Commission has made the following certifications with respect to that individual:

“(A) Qualification.—The individual is a legally-qualified candidate in a Federal election.

“(B) Agreement.—The individual has agreed in writing—

“(i) to keep and furnish to the Federal Election Commission such records, books, and other information as it may require; and

“(ii) to repay to the Federal Communications Commission an amount equal to 150 percent of the dollar value of vouchers received from the Commission if the Federal Election Commission makes a final determination that the individual violated any term of the agreement.

“(C) House of representatives candidates.—For candidates for election to the House of Representatives, that—

“(i) the individual has received at least $25,000 in contributions from individuals, not counting any amount in excess of $250 received from any individual;

“(ii) the individual agrees not knowingly to make expenditures from the individual's personal funds, or the personal funds of the individual's immediate family, in connection with the campaign for election to the House of Representatives in excess of, in the aggregate, $125,000; and

“(iii) the individual faces opposition by at least 1 other candidate who has received contributions or made expenditures of, in the aggregate, at least $25,000 or who has been certified by the Federal Election Commission under this paragraph as eligible to receive vouchers under paragraph (1).

“(D) Senate candidates.—For candidates for election to the Senate, that—

“(i) the individual has received at least $25,000 in contributions from individuals, not counting any amount in excess of $250 received from any individual, multiplied by the number of Representatives from the State in which the individual seeks election;

“(ii) the individual agrees not knowingly to make expenditures from the individual's personal funds, or the personal funds of the individual's immediate family, in connection with the campaign for election to the House of Representatives in excess of, in the aggregate, $500,000; and

“(iii) the individual faces opposition by at least 1 other candidate who has received contributions or made expenditures of, in the aggregate, at least $25,000 multiplied by the number of Representatives from the State in which the individual seeks election or who has been certified by the Federal Election Commission under this paragraph as eligible to receive vouchers under paragraph (1).

“(E) Presidential candidates.—For candidates for nomination for election, or election, to the Office of President—

“(i) the term ‘Federal election’ includes a primary election (as defined in section 9032(7) of the Internal Revenue Code of 1986 (26 U.S.C. 9032(7))); and

“(ii) in order to be eligible to receive vouchers under this section, the candidate shall execute the agreement described in subparagraph (B).

“(3) Certification process.—In carrying out its duties under paragraph (2), the Federal Election Commission shall—

“(A) provide the requested certification, if the individual meets the requirements for certification, within 7 days after it receives the information necessary therefor; and

“(B) shall comply with the requirements of chapter 35 of title 44, United States Code, (commonly known as the Paperwork Reduction Act) and take other appropriate steps to minimize the paperwork burden on candidates seeking certification under this subsection.

“(c) Political Parties.—

“(1) Disbursement of vouchers.—In January, 2004, and January of each even-numbered year thereafter, the Commission shall disburse vouchers for the purchase of radio or television broadcast airtime for political advertisements on broadcasting stations to each political party committee certified by the Federal Election Commission under paragraph (2) as an eligible committee.

“(2) FEC to certify eligible committees.—The Commission may not disburse vouchers under paragraph (1) to a political party committee, until the Federal Election Commission has made the following certifications with respect to that committee:

“(A) National party committees.—The committee is the national committee of a political party or the national congressional campaign committee of a political party (as those terms are used in section 323(a)(1) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441i(a)(1))).

“(B) Minor party committees.—In the case of a political party committee that is not described in subparagraph (A), the committee meets the candidate base requirement of subparagraph (C).

“(C) Candidate base.—The committee has candidates—

“(i) for election to the House of Representatives who have been certified by the Federal Election Commission under subsection (b)(2) as eligible candidates in at least 22 districts; or

“(ii) for election to the Senate in at least 5 States who have been certified by the Federal Election Commission under subsection (b)(2) as eligible candidates.

“(D) Agreement.—The committee agrees in writing—

“(i) to keep and furnish to the Federal Election Commission such records, books, and other information as it may require; and

“(ii) to repay to the Federal Communications Commission an amount equal to 150 percent of the dollar value of vouchers received from the Commission if the Federal

Election Commission makes a final determination that the committee violated any term of the agreement.

"(d) AMOUNTS.—

"(1) CALENDAR YEAR 2004 AGGREGATES.—For calendar year 2004, the Commission shall disburse vouchers in the aggregate amount of not more than $750,000,000, of which—

"(A) not more than $650,000,000 shall be available for disbursement to candidates under subsection (b); and

"(B) not more than $100,000,000 shall be available for disbursement to political parties under subsection (c).

"(2) PER-CANDIDATE AMOUNT.—

"(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), the Commission shall disburse vouchers to an individual candidate under subsection (b)(1) with respect to a Federal election equal, in the aggregate, to $3 multiplied by the contributions received by that individual with respect to that election, not counting any amount in excess of $250 received from any individual.

"(B) MAXIMUM.—Except as provided in subparagraph (C), the Commission may not disburse vouchers to an individual candidate under subsection (b)(1) with respect to a Federal election of more than—

"(i) $375,000, for a candidate for election to the House of Representatives; or

"(ii) $375,000 multiplied by the number of Representatives from the State from which the individual seeks election, for a candidate for election to the Senate.

"(C) SPECIAL RULE FOR PRESIDENTIAL CANDIDATES.—The Commission shall disburse vouchers to a candidate for nomination for election, or election, to the Office of President who receives payments under section 9037 or 9006 of the Internal Revenue Code of 1986 (26 U.S.C. 9037 or 9006), respectively, equal to—

"(i) $1 for each dollar received under section 9037 of such Code; and

"(ii) 50 cents for each dollar received under section 9006 of such Code.

"(3) PER-COMMITTEE AMOUNT.—

"(A) IN GENERAL.—The $100,000,000 available to be disbursed to political parties shall disbursed as follows:

"(i) The Commission shall reserve a percentage, determined by the Commission, of the amount available for disbursement as provided in subparagraph (B) to political party committees described in subsection (C)(2)(B) that have been or will be certified by the Federal Election Commission as eligible political party committees.

"(ii) The Commission shall disburse the remainder of the amount available for disbursement in equal amounts among political party committees described in subsection (c)(2)(A) that have been or will be certified by the Federal Election Commission as eligible political party committees.

"(B) MINOR PARTY COMMITTEE AMOUNT.—From the amount reserved under subparagraph (A)(i), the Commission shall disburse to political party committees described in subsection (C)(2)(B) certified by the Federal Election Commission as eligible political party committees—

"(i) the same amount as the Commission disburses to each political party committee under subparagraph (A)(ii) if the political party with which the political committee is affiliated has—

"(I) candidates for election to the House of Representatives certified by the Federal Election Commission under subsection (b)(2) as eligible candidates in 218 or more districts; or

"(II) candidates for election to the Senate certified by the Federal Election Commission under subsection (b)(2) as eligible candidates in 17 or more of the States in which elections for United States Senator are being held; and

"(ii) a percentage of such amount, determined under subparagraph (C), if the political party with which the political committee is affiliated does not qualify for the full amount under clause (i).

"(C) PROPORTIONATE AMOUNT DETERMINATION.—The amount the Commission may disburse to a political party committee described in subparagraph (B)(ii) is a percentage of the amount disbursed to a political party committee under subparagraph (A)(2) equal to the greater of the following percentages:

(i) A percentage—

"(I) the numerator of which is the number of districts in which the party has candidates for election to the House of Representatives certified by the Federal Election Commission under subsection (b)(2) as eligible candidates; and

"(II) the denominator of which is 435.

(ii) A percentage—

"(I) the numerator of which is the number of States in which the party has candidates for election to the Senate certified by the Federal Election Commission under subsection (b)(2) as eligible candidates; and

"(II) the denominator of which is 33 (or 34 in any year in which there are 34 Senators for election).

"(e) INFLATION ADJUSTMENT.—Each dollar amount in this section shall be adjusted for even-numbered years after 2002 in the same manner as the limitations in section 315(b) and (d) of the Federal Election Campaign Act of 1971 are adjusted under section 301(c) of that Act, except that, for the purpose of applying section 301(c)—

"(1) '(commencing in 2004)' shall be substituted for '(commencing in 1976)' in paragraph (1) of that section; and

"(2) '2002' shall be substituted for '1974' in paragraph (2)(B) of that section.

"(f) USE.—

"(1) EXCLUSIVE USE.—Vouchers disbursed by the Commission under this section may be used exclusively for the purpose described in subsection (b) by the candidate or political party committee to which the vouchers were disbursed, except that—

"(A) a candidate may exchange vouchers with a political party under paragraph (2); and

"(B) a political party may use vouchers to purchase broadcast airtime for political advertisements for its candidates in a general election for any Federal, State, or local office.

"(2) EXCHANGE WITH POLITICAL PARTY COMMITTEE.—

"(A) IN GENERAL.—An individual who receives a voucher under this section may transfer the right to use all or a portion of the value of the voucher to a committee, described in subsection (c)(2)(A), of the political party of which the individual is a candidate in exchange for money in an amount equal to the cash value of the voucher or portion exchanged.

"(B) CONTINUATION OF CANDIDATE OBLIGATIONS.—The transfer of a voucher, in whole or in part, to a political party committee under this paragraph does not release the candidate from any obligation under the agreement made under the agreement made under subsection (b)(2) or otherwise modify that agreement or its application to that candidate.

"(C) PARTY COMMITTEE OBLIGATIONS.—Any political party committee to which a voucher or portion thereof is transferred under subparagraph (A)—

"(i) shall account fully, in accordance with such requirements as the Commission may establish, for the receipt of the voucher; and

"(ii) may not use the transferred voucher or portion thereof for any purpose other than a purpose described in paragraph (1)(B).

"(D) VOUCHER AS A CONTRIBUTION UNDER FECA.—If a candidate transfers a voucher or any portion thereof to a political party committee under subparagraph (A)—

"(i) the value of the voucher or portion thereof transferred shall be treated as a contribution from the candidate to the committee for purposes of sections 302 and 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 432 and 434);

"(ii) the committee may, in exchange, provide to the candidate only funds subject to the prohibitions, limitations, and reporting requirements of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.);

"(iii) the money received in exchange by the candidate shall be treated as a contribution from the committee to the candidate for purposes of those sections; and

"(iv) the amount, if identified as a 'voucher exchange' shall not be considered a contribution for the purposes of section 315 of that Act (2 U.S.C. 441a).

"(g) VALUE; ACCEPTANCE; REDEMPTION.—

"(1) VOUCHER.—Each voucher disbursed by the Commission under this section shall have a value in dollars, redeemable upon presentation to the Commission, together with such documentation and other information as the Commission may require, for the purchase of broadcast airtime for political advertisements in accordance with this section.

"(2) ACCEPTANCE.—A broadcasting station shall accept vouchers in payment for the purchase of broadcast airtime for political advertisements in accordance with this section.

"(3) REDEMPTION.—The Commission shall redeem vouchers accepted by broadcasting stations under paragraph (2) upon presentation, subject to such documentation, verification, accounting, and application requirements as the Commission may impose to ensure the accuracy and integrity of the voucher redemption system. The Commission shall use amounts in the Political Advertising Voucher Account established under subsection (h) to redeem vouchers presented under this subsection.

"(4) EXPIRATION.—

"(A) CANDIDATES.—A voucher may only be used to pay for broadcast airtime for political advertisements to be broadcast before midnight on the day before the date of the Federal election in connection with which it was issued and shall be null and void for any other use or purpose.

"(B) EXEPTION FOR POLITICAL PARTY COMMITTEES.—A voucher held by a political party committee may be used to pay for broadcast airtime for political advertisements to be broadcast before midnight on December 31st of the odd-numbered year following the year in which the voucher was issued by the Commission.

"(5) VOUCHER AS EXPENDITURE UNDER FECA.—

"(A) CONGRESSIONAL CAMPAIGNS.—Except as provided in subparagraph (B), for purposes of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.), the use of a voucher to purchase broadcast airtime constitutes an expenditure as defined in section 301(9)(A) of that Act (2 U.S.C. 431(9)(A)).

"(B) PRESIDENTIAL CAMPAIGNS.—Notwithstanding any provision of the Federal Election Campaign Act of 1971 or chapter 95 or 96 of the Internal Revenue Code of 1986 to the contrary, the use of a voucher by a candidate for nomination for election, or election, to the Office of President does not constitute an expenditure for purposes of that Act or chapter.

"(h) POLITICAL ADVERTISING VOUCHER ACCOUNT.—

"(1) IN GENERAL.—The Commission shall establish an account to be known as the Political Advertising Voucher Account, which shall be credited with commercial television spectrum use fees assessed under this subsection, together with any amounts repaid or otherwise reimbursed under this section.

"(2) SPECTRUM USE FEE.—

“(A) In general.—The Commission shall assess, and collect annually, a spectrum use fee based on a percentage of a broadcasting station’s gross revenues in an amount necessary to carry out the provisions of this section.

“(B) Limitations.—The percentage under subparagraph (A) may not be—

“(i) greater than 1 percent; nor

“(ii) less than .05 percent.

“(C) Availability.—Any amount assessed and collected under this paragraph shall be retained by the Commission as an offsetting collection for the purposes of making disbursements under this section, except that—

“(i) the salaries and expenses account of the Commission shall be credited with such sums as are necessary from those amounts for the costs of developing and implementing the program established by this section; and

“(ii) the Commission may reimburse the Federal Election Commission for any expenses incurred by the Commission under this section.

“(D) Fee does not apply to public broadcasting stations.—Subparagraph (A) does not apply to a public telecommunications entity (as defined in section 397(12) of this Act).

“(3) Administrative provisions.—Except as otherwise provided in this subsection, section 9 applies to the assessment and collection of fees under this subsection to the same extent as if those fees were regulatory fees imposed under section 9.

“(i) Definitions.—In this section:

“(1) Broadcasting station.—The term ‘broadcasting station’ has the meaning given that term by section 315(e)(1).

“(2) Federal election.—The term ‘Federal election’ means any regularly-scheduled, primary, runoff, or special election held to nominate or elect a candidate to Federal office.

“(3) Federal office.—The term ‘Federal office’ has the meaning given that term by section 101(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(3)).

“(4) Legally-qualified candidate.—The term ‘legally-qualified candidate’ means a legally qualified candidate within the meaning of section 315.

“(5) Political party.—The term ‘political party’ means a major party or a minor party as defined in section 9002(3) or (4) of the Internal Revenue Code of 1986 (26 U.S.C. 9002(3) or (4)).

“(6) Other terms.—Except as otherwise provided in this section, any term used in this section that is defined in section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431) has the meaning given that term by section 301 of that Act.

“(j) Regulations.—The Commission shall prescribe such regulations as may be necessary to carry out the provisions of this section. In developing the regulations, the Commission shall consult with the Federal Elections Commission.”.

(b) Delayed Effective Date for Presidential Candidates.—The provisions of subsections (b)(2)(E) and (d)(2)(C) of section 315A of the Commissions Act of 1934, as added by subsection (a), shall take effect on January 1, 2008.

Mr. FEINGOLD. Mr. President, I am pleased to join with the Senator from Arizona, Senator McCain, in introducing legislation that we believe will significantly improve media coverage of elections and reduce the negative impact that skyrocketing TV advertising costs have on Federal campaigns. And I am very glad that the Senator from Illinois, Senator Durbin, has joined us as an original cosponsor of this bill.

Although broadcast advertising is one of the most effective forms of communication in our democracy, it also diminishes the quality of our electoral process in two ways. First, broadcasters often fail to provide adequate coverage to the issues in elections, focusing instead on the horse race, if they cover elections at all. Second, the extraordinarily high cost of advertising time fuels the insatiable need for candidates to spend more and more time fundraising instead of talking with voters. These two problems interact to undermine the great promise that television has for promoting democratic discourse in our country.

It need not be this way. The public owns the airwaves and licenses them to broadcasters. Broadcasters pay nothing for their use of this scarce and very valuable public resource. Their only “payment” is a promise to meet public interest standards, a promise that often goes unfulfilled. A recent study by the Committee for the Study of the American Electorate found that only 18 percent of gubernatorial, senatorial and congressional debates held in 2000 were televised by network TV and an additional 18 percent were covered by PBS or small independent TV stations. More than 63 percent were not televised at all. This is shocking in a democracy that depends on information and open debate.

The bill we introduce today addresses these problems by requiring broadcast stations to devote a reasonable amount of air time to election programming. It would also direct the FCC to create a voucher system in which candidates and parties would receive vouchers they could use for paid radio or TV advertising time financed by a broadcast spectrum usage fee. Candidates would qualify for vouchers based on a ratio matched to the amount of small dollar donations they raise.

Our proposal would allow candidates to leverage their grassroots fundraising and would provide greater campaign resources to candidates without requiring them to become more beholden to special interests. The proposal would also make air time available to political parties, which could be directed to underfunded candidates and challengers who have a harder and harder time getting their message out under the current system as the costs of advertising continue to rise.

Senator McCain and I remain devoted to improving the way our electoral process functions and reducing the impact of big money on our democracy. This new bill will advance that cause in a very significant and necessary way. We recognize, of course, that little will happen on this bill before the end of this session of Congress. We are introducing it now so that the public and our colleagues can review it and make suggestions on how to improve it. We hope to make significant progress on this legislation next year and look forward to working with our colleagues, as we did on campaign finance reform to make this bill even better and then enact it into law.

By Mr. BROWNBACK (for himself, Mr. Nelson of Florida, Mr. Lieberman, Mr. Murkowski, Mr. Sessions, and Mr. Miller):

S. 3125. A bill to designate “God Bless America” as the national song of the United States; to the Committee on the Judiciary.

Mr. BROWNBACK. Mr. President, I rise today to introduce legislation, with Senators Nelson, Lieberman, Murkowski, Sessions and Miller, to honor one of our Nation’s most stirring songs, “God Bless America.”

This patriotic masterpiece was written by Irving Berlin, a man whose background as an immigrant to our shores gave him a keen understanding and appreciation of our nation and how important its existence was. The United States has long been a symbol to peoples across the world, of opportunity, freedom, and the rule of law, but at the time of “God Bless America,” the US’s importance was even more plain. This is because the song was originally written in 1918 during the height of the First World War, and then released for the first time in 1938 as the clouds of war again gathered over Europe.

When Berlin first wrote “God Bless America” in 1918, he intended it to be a solemn paean to his adopted nation as he looked across the ocean to a war-torn Europe. Unfortunately, its somber and serious tone made it incompatible with the musical revue he was working on at the time. When the drums of war again sounded on distant shores, Berlin realized his song had a purpose, and knew it was time to offer it to an anxious country. After revising the lyrics to reflect the difference twenty years and one Great War make, he introduced the song on Armistice Day 1938, a simple song of peace, yet one that reminded both Americans and people of all nations that our Nation was a great one.

This song accomplished exactly the author’s intent—it so eloquently expressed his love for our country that it has provided for all of us a means to express our own love and feelings. It is why we have sung it so many times over the past year since those terrible events of September 11, and why we will continue to sing it for the years to come. It captures the feelings every citizen shares, of love, of pride, of patriotism, of sacrifice, and of freedom.

An instant sensation since its release, the power of this song to uplift and comfort us particularly in the dark days of this past year, reminds all of us of the strength of words to inspire. For that reason, the time has come to give this song its long overdue recognition. That is why today I propose legislation to designate “God Bless America” as our national “song.”

This is not to replace our rousing national anthem, which is an unforgettable salute to our hard-fought and triumphant birth as a Nation, but to offer recognition to "God Bless America." For "God Bless America" is truly the perfect tribute for a Nation rising from the ashes of September 11 to reclaim our firm and unwavering belief in the goodness of man and the universal rights of liberty.

I ask unanimous consent that the text of the bill and the lyrics of the song be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 3125

SECTION 1. NATIONAL SONG.

(a) IN GENERAL.—The composition consisting of the words and music known as "God Bless America" is designated as the national song of the United States.

(b) RULE OF CONSTRUCTION.—The designation of a national song shall not be construed as affecting the national anthem.

GOD BLESS AMERICA

WORDS AND LYRICS BY IRVING BERLIN—COPYRIGHT 1939

While the storm clouds gather far across the sea,
Let us swear allegiance to a land that's free,
Let us all be grateful for a land so fair,
As we raise our voices in a solemn prayer:
God Bless America.
Land that I love
Stand beside her, and guide her
Thru the night with a light from above,
From the mountains, to the prairies,
To the oceans, white with foam,
God bless America,
My home sweet home.
God Bless America,
Land that I love,
Stand beside her,
And guide her,
Through the night,
With the light from above.
From the mountains,
To the prairies,
To the ocean,
White with foam,
God bless America,
My home sweet home.
God bless America,
My home sweet home.

By Mr. KERRY (for himself, Mr. SANTORUM, and Mr. SARBANES):

S. 3126. A bill to amend the Internal Revenue Code of 1986 to allow an income tax credit for the provision of homeownership and community development, and for other purposes, to the Committee on Finance.

Mr. KERRY. Mr. President, owning your own home is the foundation of the American dream. It encourages personal responsibility, provides economic security and gives families a greater stake in the development of their communities. Families who own their home are more civic-minded and more willing to help develop the communities where they live. Communities where homeownership rates are highest have lower crime rates, better schools and provide a better quality of life for families to raise their children. However, too many working families and minorities have not been able to share in the dream of homeownership due to the cost or lack of available housing.

That is why I am introducing the Community Development Tax Credit Act, along with Senators RICK SANTORUM and PAUL SARBANES, which will create a new homeownership tax credit program, based on the Low Income Housing Tax Credit program, to encourage the construction and substantial rehabilitation of homes for low and moderate-income families in economically distressed areas. I believe this legislation will increase the supply of affordable homes for sale in inner-cities, rural areas and low and moderate-income neighborhoods across the United States. The tax credit will bridge the gap that exists between the cost of developing affordable housing and the price at which these homes can be sold in many low-income neighborhoods by providing investors with a tax credit of up to 50 percent of the cost of home construction or rehabilitation.

Over the past decade, we have made substantial progress in increasing the homeownership rate in the United States. In 2000, the U.S. homeownership rate reached a record high of 67.1 percent with some 71 million U.S. Households owning their own home. However, too many working families in low- and moderate-income neighborhoods and minorities across our Nation have not been able to share in this piece of the American Dream due to the high cost or lack of available housing.

According to Census data for the second quarter of 2002, non-Hispanic whites have a 74.3 percent homeownership rate while minority groups have just a 53.7 percent homeownership rate. African-Americans have only a 48 percent homeownership rate and Hispanics have a mere 47.6 percent homeownership rate in the same study. These numbers are unacceptable.

Many middle-income working families increasingly struggle to either find or afford a median-priced home in our Nation's cities. Over the past two generations, many families have moved out of cities and into the suburbs, which has had a negative effect on the development of housing in the inner-city. In 1999, the homeownership rate in the central-city areas was 50.4 percent, this is 23.2 percent lower than the suburban homeownership rate of 73.6 percent. Today, developers are unlikely to invest in any new housing development in inner-cities and rural areas that may not be sold for the cost of construction. This is especially true in low-income areas. There is a lack of affordable single-family housing in areas where a majority of residents are minority families. Properties will sit vacant and neighborhoods will remain undeveloped unless the gap between development costs and market prices can be filled.

Working families in this country are increasingly finding themselves unable to afford housing. A person trying to live in Boston would have to make more than $35,000, annually, just to rent a two-bedroom apartment. This means teachers, janitors, social workers, police officers and other full-time workers are having trouble affording even a modest two-bedroom apartment when they should have a chance to buy a home.

The story of Benjamin and Rita Okafor show how working families in Massachusetts have great difficulty obtaining a decent home of their own. For many years, the Okafor's and their two young children were forced to live in a one-bedroom apartment. Benjamin Okafor, who worked full time as a cab driver in Boston, spent days and months looking for a bigger apartment for his family. However, the lack of affordable housing in the Boston area made it impossible for him to find appropriate housing for his family. When his wife Rita became pregnant with their third child, the Okafor's knew something had to change in their living situation. Luckily, Ben was accepted into the Habitat for Humanity program and worked for 300 sweat equity hours constructing a house. In August 2000, the Okafor family moved into a new home of their own in Dorchester. Ben says that this new home gives them the hope and stability they need. There are still too many working families living in substandard housing and many more families that desperately need assistance from Habitat for Humanity or from the Federal government to become a homeowner.

Today, our Nation is facing an affordable rental housing crisis. Thousands of low-income families with children, the disabled, and the elderly are finding it difficult to obtain or afford privately owned affordable rental housing units. Recent changes in the housing market have limited the availability of affordable housing across the country, while the growth in our economy in the last decade has dramatically increased the cost of the housing that remains. Moving thousands of working families from apartments to homes each year will help ease our rental housing crisis and help many families now living in substandard housing increase their quality of life.

By facing the mounting challenge of affordable housing we can dramatically assist in the economic development low- and moderate-income communities across our country. The production of new homes will create millions of jobs in the inner city and rural areas where unemployment has been for too long fact of life. The production of housing has always been considered a driver of economic growth in our economy. New housing production can turn many low income communities around and help end the spiral of unemployment and crime which plague too many of our inner cities today.

For these reasons, we need a new tax incentive for developers to build affordable homes in distressed areas to allow working families to buy their first home at a reasonable rate.

The Community Development Tax Credit Act, which I am introducing today, bridges the gap between development costs and market value to enable the development of new or refurbished homes in these areas to blossom. The tax credit would be available to developers or investors that build or substantially rehabilitate homes for sale to low- or moderate-income buyers in low-income areas. The credit would generate equity investment sufficient to cover the gap between the cost of development and the price at which the home can be sold to an eligible buyer

The tax credit volume would be limited to $1.75 per capita for each State and allocated by the States themselves. Credits would be claimed over five years, starting when homes are sold. This legislation will result in approximately 50,000 homes built or refurbished annually, assuming about $40,000 per home.

The maximum tax credit equals 50 percent of the cost of construction, substantial rehabilitation, and building acquisition. The eligible cost may not exceed the Federal Housing Administration single-family mortgage limits. The minimum rehabilitation cost is $25,000. Eligible building acquisition costs are limited to one-half of rehabilitation costs. States will allocate only the level of tax credits necessary for financial feasibility. Ten percent of the available credit will be set aside for nonprofit organizations.

The eligible areas for the tax credit are defined as Census Tracts with median income below 80 percent of the area or state median. Rural areas that are currently eligible for USDA housing programs will be eligible for the tax credit. Indian tribal lands will be eligible for the tax credit. State-identified areas of chronic economic distress will be eligible for the tax credit, subject to disapproval by the Department of Housing and Urban Development

Those eligible to buy homes built or refurbished using the tax credit include: individuals with incomes up to 80 percent of the area or state median and up to 100 percent of area median income in low-income/high-poverty Census Tracts.

Individual states will write plans for allocating the tax credits using the following selection criteria: contribution of the development to community stability and revitalization; community and local government support; need for homeownership development in the area; sponsor capability; and the long-term sustainability of the project as owner-occupied residences. Individual developers along with investors then can apply to the State to be awarded a tax credit for developing a property in a low- or moderate-income area. If chosen by the State, investors can start to claim the tax credits as the homes are sold to eligible buyers. They can continue to claim the tax credit over five years. Investors are not subject to recapture. If the home owner sold the residence within five years, a scale would determine the percentage of the gain would be recaptured by the Federal Government. In the first two years, 100 percent of the gain and 80, 70 and 60 percent in the third, fourth, and fifth years, respectively would be recaptured.

This legislation is supported by the U.S. Conference of Mayors, Fannie Mae, Freddie Mac, the Enterprise Foundation, Local Initiatives Support Coalition, Mortgage Bankers Association of America, National Association of Home Builders, National Low Income Housing Coalition, National Association of Local Housing Finance Agencies, National Association of Realtors, National Council of La Raza, National Hispanic Housing Conference, Habitat for Humanity International and others.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 342—COMMEMORATING THE LIFE AND WORK OF STEPHEN E. AMBROSE

Ms. LANDRIEU (for herself, Mr. STEVENS, Mr. BREAUX, Mr. KOHL, Mr. LOTT, Mr. FEINGOLD, and Mr. REID) submitted the following resolution; which was considered and agreed to:

S. RES. 342

Whereas Stephen E. Ambrose dedicated his life to telling the story of America;

Whereas Stephen Ambrose's 36 books form a body of work that has educated and inspired the people of this Nation;

Whereas President Bill Clinton awarded Stephen Ambrose the National Humanities Medal for his contribution to American historical understanding;

Whereas Stephen Ambrose made history accessible to all people and had an unprecedented 3 works on the New York Times Bestsellers list simultaneously;

Whereas Stephen Ambrose served as Honorary Chairman of the National Council of the Lewis and Clark Bicentennial and lent his name, time, and resources to innumerable other philanthropic endeavors;

Whereas Stephen Ambrose committed himself to understanding the personal histories of the men and women often referred to as the "greatest generation";

Whereas Stephen Ambrose's groundbreaking work on the history of World War II and the D-day invasion culminated in the National D-Day Museum in New Orleans; and

Whereas all Americans appreciate the contribution Stephen Ambrose has made in recapturing the courage, sacrifice, and heroism of the D-day invasion on June 6, 1944: Now, therefore, be it

Resolved, That the Senate—

(1) mourns the death of Stephen E. Ambrose;

(2) expresses its condolences to Stephen Ambrose's wife and 5 children;

(3) salutes the excellence of Stephen Ambrose at capturing the greatness of the American spirit in words; and

(4) directs the Secretary of the Senate to transmit an enrolled copy of this resolution to the family of Stephen Ambrose.

SENATE RESOLUTION 343—TO AUTHORIZE REPRESENTATION BY THE SENATE LEGAL COUNSEL IN NEWDOW V. EAGEN, ET AL.

Mr. DASCHLE (for himself and Mr. LOTT) submitted the following resolution; which was considered and agreed to:

S. RES. 343

Whereas, Secretary Jeri Thomson and Financial Clerk Timothy Wineman have been named as defendants in the case of *Newdow* v. *Eagen, et al.*, Case No. 1:02CV01704, now pending in the United States District Court for the District of Columbia; and

Whereas, pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(1), the Senate may direct its counsel to represent officers and employees of the Senate in civil actions with respect to their official responsibilities: Now, therefore, be it

Resolved, That the Senate Legal Counsel is authorized to represent Secretary Thomson and Mr. Wineman in the case of *Newdow* v. *Eagen, et al.*

SENATE RESOLUTION 344—TO AUTHORIZE REPRESENTATION BY THE SENATE LEGAL COUNSEL IN MANSHARDT V. FEDERAL JUDICIAL QUALIFICATIONS COMMITTEE, ET AL.

Mr. DASCHLE (for himself and Mr. LOTT) submitted the following resolution; which was considered and agreed to:

S. RES. 344

Whereas, Senators Dianne Feinstein and Barbara Boxer have been named as defendants in the case of *Manshardt* v. *Federal Judicial Qualifications Committee, et al.*, Case No. 02-4484 AHM, now pending in the United States District Court for the Central District of California; and

Whereas, pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(1), the Senate may direct its counsel to represent Members of the Senate in civil actions with respect to their official responsibilities: Now, therefore, be it

Resolved, That the Senate Legal Counsel is authorized to represent Senators Diane Feinstein and Barbara Boxer in the case of *Manshardt* v. *Federal Judicial Qualifications Committee, et al.*

AMENDMENTS SUBMITTED & PROPOSED

SA 4886. Mr. CONRAD (for himself, Mr. DOMENICI, Mr. FEINGOLD, and Mr. GREGG) proposed an amendment to the bill S. Res. 304, encouraging the Senate Committee on Appropriations to report thirteen, fiscally responsible, bipartisan appropriations bills to the Senate not later than July 31, 2002.

SA 4887. Mr. SMITH, of New Hampshire submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table.

SA 4888. Mr. REID (for Mr. KOHL) submitted an amendment intended to be proposed by Mr. REID to the bill H.R. 2621, to amend title 18, United States Code, with respect to consumer product protection.

SA 4889. Mr. REID (for Mr. KOHL) proposed an amendment to the bill S. 1233, to provide penalties for certain unauthorized writing with respect to consumer products.

SA 4890. Mr. REID (for Mr. WYDEN (for himself and Mr. ALLEN)) proposed an amendment to the bill S. 2182, to authorize funding for computer and network security research and development and research fellowship programs, and for other purposes.

TEXT OF AMENDMENTS

SA 4886. Mr. CONRAD (for himself, Mr. DOMENICI, Mr. FEINGOLD, and Mr. GREGG) proposed an amendment to the bill S. Res. 304, encouraging the Senate Committee on Appropriations to report thirteen, fiscally responsible, bipartisan appropriations bills to the Senate not later than July 31, 2002; as follows:

Strike all after the resolved clause and insert the following:

That the Senate encourages the Senate Committee on Appropriations to report thirteen, fiscally responsible, bipartisan appropriations bills to the Senate not later than July 31, 2002.

SEC. . BUDGET ENFORCEMENT.

(a) EXTENSION OF SUPERMAJORITY ENFORCEMENT.—

(1) IN GENERAL.—Notwithstanding any provision of the Congressional Budget Act of 1974, subsections (c)(2) and (d)(3) of section 904 of the Congressional Budget Act of 1974 shall remain in effect for purposes of Senate enforcement through September 30, 2003.

(2) EXCEPTION.—Paragraph (1) shall not apply to the enforcement of section 302(f)(2)(B) of the Congressional Budget Act of 1974.

(b) PAY-AS-YOU-GO RULE IN THE SENATE.—

(1) IN GENERAL.—For purposes of Senate enforcement, section 207 of H. Con. Res. 68 (106th Congress, 1st Session) shall be construed as follows:

(A) In subsection (b)(6), by inserting after "paragraph (5)(A)" the following: ", except that direct spending or revenue effects resulting in net deficit reduction enacted pursuant to reconciliation instructions since the beginning of that same calendar year shall not be available".

(B) In subsection (g), by striking "2002" and inserting "2003".

(2) SCORECARD.—For purposes of enforcing section 207 of House Concurrent Resolution 68 (106th Congress), upon the adoption of this section the Chairman of the Committee on the Budget of the Senate shall adjust balances of direct spending and receipts for all fiscal years to zero.

(3) APPLICATION TO APPROPRIATIONS.—For the purposes of enforcing this resolution, notwithstanding rule 3 of the Budget Scorekeeping Guidelines set forth in the joint explanatory statement of the committee of conference accompanying Conference Report 105-217, during the consideration of any appropriations Act, provisions of an amendment (other than an amendment reported by the Committee on Appropriations including routine and ongoing direct spending or receipts), a motion, or a conference report thereon (only to the extent that such provision was not committed to conference), that would have been estimated as changing direct spending or receipts under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 (as in effect prior to September 30, 2002) were they included in an Act other than an appropriations Act shall be treated as direct spending or receipts legislation, as appropriate, under section 207 of H. Con. Res. 68 (106th Congress, 1st Session) as amended by this resolution.

SA 4887. Mr. SMITH of New Hampshire submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

Insert at the appropriate place, relating to the responsibilities of the Directorate of Emergency Preparedness and Response, the following:

( ) Developing plans for ensuring the ability to expeditiously move people and goods to and from densely populated areas and critical infrastructure in the United States in the event of an actual or threatened terrorist attack.

SA 4888. Mr. REID (for Mr. KOHL) submitted an amendment intended to be proposed by Mr. REID to the bill H.R. 2621, to amend title 18, United States Code, with respect to consumer product protection; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Product Packaging Protection Act of 2002".

SEC. 2. TAMPERING WITH CONSUMER PRODUCTS.

Section 1365 of title 18, United States Code, is amended—

(1) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively; and

(2) by inserting after subsection (e) the following:

"(f)(1) Whoever, without the consent of the manufacturer, retailer, or distributor, intentionally tampers with a consumer product that is sold in interstate or foreign commerce by knowingly placing or inserting any writing in the consumer product, or in the container for the consumer product, before the sale of the consumer product to any consumer shall be fined under this title, imprisoned not more than 1 year, or both.

"(2) Notwithstanding the provisions of paragraph (1), if any person commits a violation of this subsection after a prior conviction under this section becomes final, such person shall be fined under this title, imprisoned for not more than 3 years, or both.

"(3) In this subsection, the term 'writing' means any form of representation or communication, including hand-bills, notices, or advertising, that contain letters, words, or pictorial representations.".

SA 4889. Mr. REID (for Mr. KOHL) proposed an amendment to the bill S. 1233, to provide penalties for certain unauthorized writing with respect to consumer products; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Product Packaging Protection Act of 2002".

SEC. 2. TAMPERING WITH CONSUMER PRODUCTS.

Section 1365 of title 18, United States Code, is amended—

(1) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively; and

(2) by inserting after subsection (e) the following:

"(f)(1) Whoever, without the consent of the manufacturer, retailer, or distributor, intentionally tampers with a consumer product that is sold in interstate or foreign commerce by knowingly placing or inserting any writing in the consumer product, or in the container for the consumer product, before the sale of the consumer product to any consumer shall be fined under this title, imprisoned not more than 1 year, or both.

"(2) Notwithstanding the provisions of paragraph (1), if any person commits a violation of this subsection after a prior conviction under this section becomes final, such person shall be fined under this title, imprisoned for not more than 3 years, or both.

"(3) In this subsection, the term 'writing' means any form of representation or communication, including hand-bills, notices, or advertising, that contain letters, words, or pictorial representations.".

SA 4890. Mr. REID (for Mr. WYDEN (for himself and Mr. ALLEN)) proposed an amendment to the bill S. 2182, to authorize funding for computer and network security research and development and research fellowship programs, and for other purposes; as follows:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Cyber Security Research and Development Act".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) Revolutionary advancements in computing and communications technology have interconnected government, commercial, scientific, and educational infrastructures—including critical infrastructures for electric power, natural gas and petroleum production and distribution, telecommunications, transportation, water supply, banking and finance, and emergency and government services—in a vast, interdependent physical and electronic network.

(2) Exponential increases in interconnectivity have facilitated enhanced communications, economic growth, and the delivery of services critical to the public welfare, but have also increased the consequences of temporary or prolonged failure.

(3) A Department of Defense Joint Task Force concluded after a 1997 United States information warfare exercise that the results "clearly demonstrated our lack of preparation for a coordinated cyber and physical attack on our critical military and civilian infrastructure".

(4) Computer security technology and systems implementation lack—

(A) sufficient long term research funding;

(B) adequate coordination across Federal and State government agencies and among government, academia, and industry; and

(C) sufficient numbers of outstanding researchers in the field.

(5) Accordingly, Federal investment in computer and network security research and development must be significantly increased to—

(A) improve vulnerability assessment and technological and systems solutions;

(B) expand and improve the pool of information security professionals, including researchers, in the United States workforce; and

(C) better coordinate information sharing and collaboration among industry, government, and academic research projects.

(6) While African-Americans, Hispanics, and Native Americans constitute 25 percent of the total United States workforce and 30 percent of the college-age population, members of these minorities comprise less than 7 percent of the United States computer and information science workforce.

SEC. 3. DEFINITIONS.

In this Act:

(1) Director.—The term "Director" means the Director of the National Science Foundation.

(2) Institution of higher education.—The term "institution of higher education" has the meaning given that term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

SEC. 4. NATIONAL SCIENCE FOUNDATION RESEARCH.

(a) Computer and Network Security Research Grants.—

(1) In general.—The Director shall award grants for basic research on innovative approaches to the structure of computer and network hardware and software that are aimed at enhancing computer security. Research areas may include—

(A) authentication, cryptography, and other secure data communications technology;

(B) computer forensics and intrusion detection;

(C) reliability of computer and network applications, middleware, operating systems, control systems, and communications infrastructure;

(D) privacy and confidentiality;

(E) network security architecture, including tools for security administration and analysis;

(F) emerging threats;

(G) vulnerability assessments and techniques for quantifying risk;

(H) remote access and wireless security; and

(I) enhancement of law enforcement ability to detect, investigate, and prosecute cybercrimes, including those that involve piracy of intellectual property.

(2) Merit review; competition.—Grants shall be awarded under this section on a merit-reviewed competitive basis.

(3) Authorization of appropriations.—There are authorized to be appropriated to the National Science Foundation to carry out this subsection—

(A) $35,000,000 for fiscal year 2003;

(B) $40,000,000 for fiscal year 2004;

(C) $46,000,000 for fiscal year 2005;

(D) $52,000,000 for fiscal year 2006; and

(E) $60,000,000 for fiscal year 2007.

(b) Computer and Network Security Research Centers.—

(1) In general.—The Director shall award multiyear grants, subject to the availability of appropriations, to institutions of higher education, nonprofit research institutions, or consortia thereof to establish multidisciplinary Centers for Computer and Network Security Research. Institutions of higher education, nonprofit research institutions, or consortia thereof receiving such grants may partner with 1 or more government laboratories or for-profit institutions, or other institutions of higher education or nonprofit research institutions.

(2) Merit review; competition.—Grants shall be awarded under this subsection on a merit-reviewed competitive basis.

(3) Purpose.—The purpose of the Centers shall be to generate innovative approaches to computer and network security by conducting cutting-edge, multidisciplinary research in computer and network security, including the research areas described in subsection (a)(1).

(4) Applications.—An institution of higher education, nonprofit research institution, or consortia thereof seeking funding under this subsection shall submit an application to the Director at such time, in such manner, and containing such information as the Director may require. The application shall include, at a minimum, a description of—

(A) the research projects that will be undertaken by the Center and the contributions of each of the participating entities;

(B) how the Center will promote active collaboration among scientists and engineers from different disciplines, such as computer scientists, engineers, mathematicians, and social science researchers;

(C) how the Center will contribute to increasing the number and quality of computer and network security researchers and other professionals, including individuals from groups historically underrepresented in these fields; and

(D) how the center will disseminate research results quickly and widely to improve cyber security in information technology networks, products, and services.

(5) Criteria.—In evaluating the applications submitted under paragraph (4), the Director shall consider, at a minimum—

(A) the ability of the applicant to generate innovative approaches to computer and network security and effectively carry out the research program;

(B) the experience of the applicant in conducting research on computer and network security and the capacity of the applicant to foster new multidisciplinary collaborations;

(C) the capacity of the applicant to attract and provide adequate support for a diverse group of undergraduate and graduate students group of undergraduate and graduate students and postdoctoral fellows to pursue computer and network security research; and

(D) the extent to which the applicant will partner with government laboratories, for-profit entities, other institutions of higher education, or nonprofit research institutions, and the role the partners will play in the research undertaken by the Center.

(6) Annual meeting.—The Director shall convene an annual meeting of the Centers in order to foster collaboration and communication between Center participants.

(7) Authorization of appropriations.—There are authorized to be appropriated for the National Science Foundation to carry out this subsection—

(A) $12,000,000 for fiscal year 2003;

(B) $24,000,000 for fiscal year 2004;

(C) $36,000,000 for fiscal year 2005;

(D) $26,000,000 for fiscal year 2006; and

(E) $36,000,000 for fiscal year 2007.

SEC. 5. NATIONAL SCIENCE FOUNDATION COMPUTER AND NETWORK SECURITY PROGRAMS

(a) Computer and Network Security Capacity Building Grants.—

(1) In general.—The Director shall establish a program to award grants to institutions of higher education (or consortia thereof) to establish, or improve undergraduate and master's degree programs in computer and net work security, to increase the number of students, including the number of students from groups historically underrepresented in these fields, who pursue undergraduate or master's degrees in fields related to computer and network security, and to provide students with experience in government or industry related to their computer and network security studies.

(2) Merit review.—Grants shall be awarded under this subsection on a merit-reviewed competitive basis.

(3) Use of funds.—Grants awarded under this subsection shall be used for activities that enhance the ability of an institution of higher education (or consortium thereof) to provide high-quality undergraduate and master's degree programs in computer and network security and to recruit and retain increased numbers of students to such programs. Activities may include—

(A) revising curriculum to better prepare undergraduate and master's degree students for careers in computer and network security;

(B) establishing degree and certificate programs in computer and network security;

(C) creating opportunities for undergraduate students to participate in computer and network security research projects;

(D) acquiring equipment necessary for student instruction in computer and network security, including the installation of testbed networks for student use;

(E) providing opportunities for faculty to work with local or Federal Government agencies, private industry, nonprofit research institutions, or other academic institutions to develop new expertise or to formulate new research directions in computer and network security;

(F) establishing collaborations with other academic institutions and academic departments that seek to establish, expand, or enhance programs in computer and network security;

(G) establishing student internships in computer and network security at government agencies or in private industry;

(H) establishing collaborations with other academic institutions to establish or enhance a web-based collection of computer and network security courseware and laboratory exercises for sharing with other institutions of higher education, including community colleges;

(I) establishing or enhancing bridge programs in computer and network security between community colleges and universities; and

(K) any other activities the Director determines will accomplish the goals of this subsection.

(4) Selection process.—

(A) Application.—An institution of higher education (or a consortium thereof) seeking funding under this subsection shall submit an application to the Director at such time, in such manner, and containing such information as the Director may require. The application shall include, at a minimum—

(i) a description of the applicant's computer and network security research and institutional capacity, and in the case of an application from a consortium of institutions of higher education, a description of the role that each member will play in implementing the proposal;

(ii) a comprehensive plan by which the institution or consortium will build instructional capacity in computer and information security;

(iii) a description of relevant collaborations with government agencies or private industry that inform the instructional program in computer and network security;

(iv) a survey of the applicant's historic student enrollment and placement date in fields related to computer and network security and a study of potential enrollment and placement for students enrolled in the proposed computer and network security program; and

(v) a plan to evaluate the success of the proposed computer and network security program, including post-graduation assessment of graduate school and job placement and retention rates as well as the relevance of the instructional program to graduate study and to the workplace.

(B) AWARDS.—(i) The Director shall ensure, to the extent practicable, that grants are awarded under this subsection in a wide range of geographic areas and categories of institutions of higher education, including minority serving institutions.

(ii) The Director shall award grants under this subsection for a period not to exceed 5 years.

(5) ASSESSMENT REQUIRED.—The Director shall evaluate the program established under this subsection no later than 6 years after the establishment of the program. At a minimum, the Director shall evaluate the extent to which the program achieved its objectives of increasing the quality and quantity of students, including students from groups historically underrepresented in computer and network security related disciplines, pursuing undergraduate or master's degrees in computer and network security.

(6) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the National Science Foundation to carry out this subsection—

(A) $15,000,000 for fiscal year 2003;

(B) $20,000,000 for fiscal year 2004;

(C) $20,000,000 for fiscal year 2005;

(D) $20,000,000 for fiscal year 2006; and

(E) $20,000,000 for fiscal year 2007.

(b) SCIENTIFIC AND ADVANCED TECHNOLOGY ACT OF 1992.—

(1) GRANTS.—The Director shall provide grants under the Scientific and Advanced Technology Act of 1992 (42 U.S.C. 1862i) for the purposes of section 3 (a) and (b) of that Act, except that the activities supported pursuant to this subsection shall be limited to improving education in fields related to computer and network security.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the National Science Foundation to carry out this subsection—

(A) $1,000,000 for fiscal year 2003;

(B) $1,250,000 for fiscal year 2004;

(C) $1,250,000 for fiscal year 2005;

(D) $1,250,000 for fiscal year 2006; and

(E) $1,250,000 for fiscal year 2007.

(c) GRADUATE TRAINEESHIPS IN COMPUTER AND NETWORK SECURITY RESEARCH.—

(1) IN GENERAL.—The Director shall establish a program to award grants to institutions of higher education to establish traineeship programs for graduate students who pursue computer and network security research leading to a doctorate degree by providing funding and other assistance, and by providing graduate students with research experience in government or industry related to the students' computer and network security studies.

(2) MERIT REVIEW.—Grants shall be provided under this subsection on a merit-reviewed competitive basis.

(3) USE OF FUNDS.—An institution of higher education shall use grant funds for the purposes of—

(A) providing traineeships to students who are citizens, nationals, or lawfully admitted permanent resident aliens of the United States and are pursuing research in computer or network security leading to a doctorate degree;

(B) paying tuition and fees for students receiving traineeships under subparagraph (A);

(C) establishing scientific internship programs for students receiving traineeships under subparagraph (A) in computer and network security at for-profit institutions, nonprofit research institutions, or government laboratories; and

(D) other costs associated with the administration of the program.

(4) TRAINEESHIP AMOUNT.—Traineeships provided under paragraph (3)(A) shall be in the amount of $25,000 per year, or the level of the National Science Foundation Graduate Research Fellowships, whichever is greater, for up to 3 years.

(5) SELECTION PROCESS.—An institution of higher education seeking funding under this subsection shall submit an application to the Director at such time, in such manner, and containing such information as the Director may require. The application shall include, at a minimum, a description of—

(A) the instructional program and research opportunities in computer and network security available to graduate students at the applicant's institution; and

(B) the internship program to be established, including the opportunities that will be made available to students for internships at for-profit institutions, nonprofit research institutions, and government laboratories.

(6) REVIEW OF APPLICATIONS.—In evaluating the applications submitted under paragraph (5), the Director shall consider—

(A) the ability of the applicant to effectively carry out the proposed program;

(B) the quality of the applicant's existing research and education programs;

(C) the likelihood that the program will recruit increased numbers of students, including students from groups historically underrepresented in computer and network security related disciplines, to pursue and earn doctorate degrees in computer and network security;

(D) the nature and quality of the internship program established through collaborations with government laboratories, nonprofit research institutions and for-profit institutions;

(E) the integration of internship opportunities into graduate students' research; and

(F) the relevance of the proposed program to current and future computer and network security needs.

(7) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the National Science Foundation to carry out this subsection—

(A) $10,000,000 for fiscal year 2003;

(B) $20,000,000 for fiscal year 2004;

(C) $20,000,000 for fiscal year 2005;

(D) $20,000,000 for fiscal year 2006; and

(E) $20,000,000 for fiscal year 2007.

(d) GRADUATE RESEARCH FELLOWSHIPS PROGRAM SUPPORT.—Computer and network security shall be included among the fields of specialization supported by the National Science Foundation's Graduate Research Fellowships program under section 10 of the National Science Foundation Act of 1950 (42 U.S.C. 1869).

(e) CYBER SECURITY FACULTY DEVELOPMENT TRAINEESHIP PROGRAM.—

(1) IN GENERAL.—The Director shall establish a program to award grants to institutions of higher education to establish traineeship programs to enable graduate students to pursue academic careers in cyber security upon completion of doctoral degrees.

(2) MERIT REVIEW; COMPETITION.—Grants shall be awarded under this section on a merit-reviewed competitive basis.

(3) APPLICATION.—Each institution of higher education desiring to receive a grant under this subsection shall submit an application to the Director at such time, in such manner, and containing such information as the Director shall require.

(4) USE OF FUNDS.—Funds received by an institution of higher education under this paragraph shall—

(A) be made available to individuals on a merit-reviewed competitive basis and in accordance with the requirements established in paragraph (7);

(B) be in an amount that is sufficient to cover annual tuition and fees for doctoral study at an institution of higher education for the duration of the graduate traineeship, and shall include, in addition, an annual living stipend of $25,000; and

(C) be provided to individuals for a duration of no more than 5 years, the specific duration of each graduate traineeship to be determined by the institution of higher education, on a case-by-case basis.

(5) REPAYMENT.—Each graduate traineeship shall—

(A) subject to paragraph (5)(B), be subject to full repayment upon completion of the doctoral degree according to a repayment schedule established and administered by the institution of higher education;

(B) be forgiven at the rate of 20 percent of the total amount of the graduate traineeship assistance received under this section for each academic year that a recipient is employed as a full-time faculty member at an institution of higher education for a period not to exceed 5 years; and

(C) be monitored by the institution of higher education receiving a grant under this subsection to ensure compliance with this subsection.

(6) EXCEPTIONS.—The Director may provide for the partial or total waiver or suspension of any service obligation or payment by an individual under this section whenever compliance by the individual is impossible or would involve extreme hardship to the individual, or if enforcement of such obligation with respect to the individual would be unconscionable.

(7) ELIGIBILITY.—To be eligible to receive a graduate traineeship under this section, an individual shall—

(A) be a citizen, national, or lawfully admitted permanent resident alien of the United States;

(B) demonstrate a commitment to a career in higher education.

(8) CONSIDERATION.—In making selections for graduate traineeships under this paragraph, an institution receiving a grant under this subsection shall consider, to the extent possible, a diverse pool of applicants whose interests are of an interdisciplinary nature, encompassing the social scientific as well as the technical dimensions of cyber security.

(9) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the National Science Foundation to carry out this paragraph $5,000,000 for each of fiscal years 2003 through 2007.

SEC. 6. CONSULTATION.

In carrying out sections 4 and 5, the Director shall consult with other Federal agencies.

SEC. 7. FOSTERING RESEARCH AND EDUCATION IN COMPUTER AND NETWORK SECURITY.

Section 3(a) of the National Science Foundation Act of 1950 (42 U.S.C. 1862(a)) is amended—

(1) by striking "and" at the end of paragraph (6);

(2) by striking "Congress." in paragraph (7) and inserting "Congress; and"; and

(3) by adding at the end the following:

"(8) to take a leading role in fostering and supporting research and education activities to improve the security of networked information systems.".

SEC. 8. NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY PROGRAMS.

(a) RESEARCH PROGRAM.—The National Institute of Standards and Technology Act (15 U.S.C. 271 et seq.) is amended—

(1) by moving section 22 to the end of the Act and redesignating it as section 32;

(2) by inserting after section 21 the following new section:

"SEC. 22. RESEARCH PROGRAM ON SECURITY OF COMPUTER SYSTEMS

"(a) ESTABLISHMENT.—The Director shall establish a program of assistance to institutions of higher education that enter into partnerships with for-profit entities to support research to improve the security of computer systems. The partnerships may also include government laboratories and nonprofit research institutions. The program shall—

"(1) include multidisciplinary, long-term research;

"(2) include research directed toward addressing needs identified through the activities of the Computer System Security and Privacy Advisory Board under section 20(f); and

"(3) promote the development of a robust research community working at the leading edge of knowledge in subject areas relevant to the security of computer systems by providing support for graduate students, post-doctoral researchers, and senior researchers.

"(b) FELLOWSHIPS.—

"(1) POST-DOCTORAL RESEARCH FELLOWSHIPS.—The Director is authorized to establish a program to award post-doctoral research fellowships to individuals who are citizens, nationals, or lawfully admitted permanent resident aliens of the United States and are seeking research positions at institutions, including the Institute, engaged in research activities related to the security of computer systems, including the research areas described in section 4(a)(1) of the Cyber Security Research and Development Act.

"(2) SENIOR RESEARCH FELLOWSHIPS.—The Director is authorized to establish a program to award senior research fellowships to individuals seeking research positions at institutions, including the Institute, engaged in research activities related to the security of computer systems, including the research areas described in section 4(a)(1) of the Cyber Security Research and Development Act. Senior research fellowships shall be made available for established researchers at instructions of higher education who seek to change research fields and pursue studies related to the security of computer systems.

"(3) ELIGIBILITY.—

"(A) IN GENERAL.—To be eligible for an award under this subsection, an individual shall submit an application to the Director at such time, in such manner, and containing such information as the Director may require.

"(B) STIPENDS.—Under this subsection, the Director is authorized to provide stipends for post-doctoral research fellowships at the level of the Institute's Post Doctoral Research Fellowship Program and senior research fellowships at levels consistent with support for a faculty member in a sabbatical position.

"(c) AWARDS: APPLICATIONS.—

"(1) IN GENERAL.—The Director is authorized to award grants or cooperative agreements to institutions of higher education to carry out the program established under subsection (a). No funds made available under this section shall be made available directly to any for-profit partners.

"(2) ELIGIBILITY.—To be eligible for an award under this section, an institution of higher education shall submit an application to the Director at such time, in such manner, and containing such information as the Director may require. The application shall include, at a minimum, a description of—

"(A) the number of graduate students anticipated to participate in the research project and the level of support to be provided to each;

"(B) the number of post-doctoral research positions included under the research project and the level of support to be provided to each;

"(C) the number of individuals, if any, intending to change research fields and pursue studies related to the security of computer systems to be included under the research project and the level of support to be provided to each; and

"(D) how the for-profit entities, nonprofit research institutions, and any other partners will participate in developing and carrying out the research and education agenda of the partnership.

"(d) PROGRAM OPERATION.—

"(1) MANAGEMENT.—The program established under subsection (a) shall be managed by individuals who shall have both expertise in research related to the security of computer systems and knowledge of the vulnerabilities of existing computer systems. The Director shall designate such individuals as program managers.

"(2) MANAGERS MAY BE EMPLOYEES.—Program managers designated under paragraph (1) may be new or existing employees of the Institute or individuals on assignment at the Institute under the Intergovernmental Personnel Act of 1970, except that individuals on assignment at the Institute under the Intergovernmental Personnel Act of 1970 shall not directly manage such employees.

"(3) MANAGER RESPONSIBILITY.—Program managers designated under paragraph (1) shall be responsible for—

"(A) establishing and publicizing the broad research goals for the program;

"(B) soliciting applications for specific research projects to address the goals developed under subparagraph (A);

"(C) selecting research projects for support under the program from among applications submitted to the Institute, following consideration of—

"(i) the novelty and scientific and technical merit of the proposed projects;

"(ii) the demonstrated capabilities of the individual or individuals submitting the applications to successfully carry out the proposed research;

"(iii) the impact the proposed projects will have on increasing the number of computer security researchers;

"(iv) the nature of the participation by for-profit entities and the extent to which the proposed projects address the concerns of industry; and

"(v) other criteria determined by the Director, based on information specified for inclusion in applications under subsection; (c); and

"(D) monitoring the progress of research projects supported under the program.

"(4) REPORTS.—The Director shall report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science annually on the use and represponsibility of individuals on assignment at the Institute under the Intergovernmental Personnel Act of 1970 who are performing duties under subsection (d).

"(e) REVIEW OF PROGRAM.—

"(1) PERIODIC REVIEW.—The Director shall periodically review the portfolio of research awards monitored by each program manager designated in accordance with subsection (d). In conducting those reviews, the Director shall seek the advice of the Computer System Security and Privacy Advisory Board, established under section 21, on the appropriateness of the research goals and on the quality and utility of research projects managed by program managers in accordance with subsection (d).

"(2) COMPREHENSIVE 5-YEAR REVIEW.—The Director shall also contract with the National Review Council for a comprehensive review of the program established under subsection (a) during the 5th year of the program. Such review shall include an assessment of the scientific quality of the research conducted, the relevance of the research results obtained to the goals of the program established under subsection (d)(3)(A), and the progress of the program in promoting the development of a substantial academic research community working at the leading edge of knowledge in the field. The Director shall submit to Congress a report on the results of the review under this paragraph no later than 6 years after the initiation of the program.

"(f) DEFINITIONS.—In this section:

"(1) COMPUTER SYSTEM.—The term 'computer system' has the meaning given that term in section 20(d)(1).

"(2) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given that term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).".

"(b) AMENDMENT OF COMPUTER SYSTEM DEFINITION.—Section 20(d)(1)(B)(i) of National Institute of Standards and Technology Act (15 U.S.C. 278g-3(d)(1)(B)(i)) is amended to read as follows:

"(i) computers and computer networks;".

"(c) CHECKLISTS FOR GOVERNMENT SYSTEMS.—

"(1) IN GENERAL.—The Director of the National Institute of Standards and Technology shall develop, and revise as necessary, a checklist setting forth settings and option selections that minimize the security risks associated with each computer hardware or software system that is, or is likely to become, widely used within the Federal government.

"(2) Priorities for development; excluded systems.—The Director of the National Institute of Standards and Technology may establish priorities for the development of checklists under this paragraph on the basis of the security risks associated with the use of the system, the number of agencies that use a particular system, the usefulness of the checklist of Federal agencies that are users or potential users of the system, or such other factors as the Director determines to be appropriate. The Director of the National Institute of Standards and Technology may exclude from the application of paragraph (1) any computer hardware or software system for which the Director of the National Institute of Standards and Technology determines that the development of a checklist is inappropriate because of the infrequency of use of the system, the obsolescence of the system, or the inutility or impracticability of developing a checklist for the system.

(3) DISSEMINATION OF CHECKLISTS.—The Director of the National Institute of Standards and Technology shall make any checklist developed under this paragraph for any computer hardware or software system available to each Federal agency that is a user or potential user of the system.

(4) AGENCY USE REQUIREMENTS.—The development of a checklist under paragraph (1) for a computer hardware or software system does not—

(A) require any Federal agency to select the specific settings or options recommended by the checklist for the system;

(B) establish conditions or prerequisites for Federal agency procurement or deployment of any such system;

(C) represent an endorsement of any such system by the Director of the National Institute of Standards and Technology; nor

(D) preclude any Federal agency from procuring or deploying other computer hardware or software systems for which no such checklist has been developed.

(d) FEDERAL AGENCY INFORMATION SECURITY PROGRAMS.—

(1) IN GENERAL.—In developing the agencywide information security program required by section 3534(b) of title 44, United States Code, an agency that deploys a computer hardware or software system for which the Director of the National Institute of Standards and Technology has developed a checklist under subsection (c) of this section—

(A) shall include in that program an explanation of how the agency has considered such checklist in deploying that system; and

(B) may treat the explanation as if it were a portion of the agency's annual performance plan properly classified under criteria established by an Executive Order (within the meaning of section 1115(d) of title 31, United States Code).

(2) LIMITATION.—Paragraph (1) does not apply to any computer hardware or software system for which the National Institute of Standards and Technology does not have responsibility under section 20(a)(3) of the National Institute of Standards and Technology Act (15 U.S.C. 278g-3(a)(3)).

SEC. 9. COMPUTER SECURITY REVIEW, PUBLIC MEETINGS, AND INFORMATION.

Section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g-3) is amended by adding at the end the following new subsection:

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary $1,060,000 for fiscal year 2003 and $1,090,000 for fiscal year 2004 to enable the Computer System Security and Privacy Advisory Board, established by section 21, to identify emerging issues, including research needs, related to computer security, privacy, and cryptography and, as appropriate, to convene public meetings on those subjects, receive presentation, and publish reports, digests, and summaries for public distribution on those subjects.".

SEC. 10. INTRAMURAL SECURITY RESEARCH.

Section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g-3), as amended by this Act, is further amended by redesignating subsection (e) as subsection (f), and by inserting after subsection (d) the following:

"(e) INTRAMURAL SECURITY RESEARCH.—As part of the research activities conducted in accordance with subsection (b)(4), the Institute shall—

"(1) conduct a research program to address emerging technologies associated with assembling a networked computer system from components while ensuring it maintains desired security properties;

"(2) carry out research associated with improving the securing of real-time computing and communications systems for use in process control; and

"(3) carry out multidisciplinary, long-term, high-risk research on ways to improve the security of computer systems.".

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of Commerce for the National Institute of Standards and Technology—

(1) for activities under section 22 of the National Institute of Standards and Technology Act, as added by section 8 of this Act—

(A) $25,000,000 for fiscal year 2003;

(B) $40,000,000 for fiscal year 2004;

(C) $55,000,000 for fiscal year 2005;

(D) $70,000,000 for fiscal year 2006;

(E) $85,000,000 for fiscal year 2007; and

(2) for activities under section 20(f) of the National Institute of Standards and Technology Act, as added by section 10 of this Act

(A) $6,000,000 for fiscal year 2003;

(B) $6,200,000 for fiscal year 2004;

(C) $6,400,000 for fiscal year 2005;

(D) $6,600,000 for fiscal year 2006; and

(E) $6,800,000 for fiscal year 2007.

SEC. 12. NATIONAL ACADEMY OF SCIENCES STUDY ON COMPUTER AND NETWORK SECURITY IN CRITICAL INFRASTRUCTURES.

(a) STUDY.—Not later than 3 months after the date of the enactment of this Act, the Director of the National Institute of Standards and Technology shall enter into an arrangement with the National Research Council of the National Academy of Sciences to conduct a study of the vulnerabilities of the Nation's network infrastructure and make recommendations for appropriate improvements.. The National Research Council shall—

(1) review existing studies and associated data on the architectural, hardware, and software vulnerabilities and interdependencies in United States critical infrastructure networks;

(2) identify and assess gaps in technical capability for robust critical infrastructure network security and make recommendations for research priorities and resource requirements; and

(3) review any and all other essential elements of computer and network security, including security of industrial process controls, to be determined in the conduct of the study.

(b) REPORT.—The Director of the National Institute of Standards and Technology shall transmit a report containing the results of the study and recommendations required by subsection (a) to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science not later than 21 months after the date of enactment of this Act.

(c) SECURITY.—The Director of the National Institute of Standards and Technology shall ensure that no information that is classified is included in any publicly released version of the report required by this section.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Commerce for the National Institute of Standards and Technology for the purposes of carrying out this section, $700,000.

SEC. 13. COORDINATION OF FEDERAL CYBER SECURITY RESEARCH AND DEVELOPMENT

The Director of the National Science Foundation and the Director of the National Institute of Standards and Technology shall coordinate the research programs authorized by this Act or pursuant to amendments made by this Act. The Director of the Office of Science and Technology Policy shall work with the Director of the National Science Foundation and the Director of the National Institute of Standards and Technology to ensure that programs authorized by this Act or pursuant to amendments made by this Act are taken into account in any government-wide cyber security research effort.

SEC. 14. OFFICE OF SPACE COMMERCIALIZATION.

Section 8(a) of the Technology Administration Act of 1998 (15 U.S.C. 1511e(a)) is amended by inserting "the Technology Administration of" after "within".

SEC. 15. TECHNICAL CORRECTION OF NATIONAL CONSTRUCTION SAFETY TEAM ACT.

Section 29(c)(1)(d) of the National Construction Safety Team Act is amended by striking "section 8;" and inserting "section 7;".

SEC. 16. GRANT ELIGIBILITY REQUIREMENTS AND COMPLIANCE WITH IMMIGRATION LAWS.

(a) IMMIGRATION STATUS.—No grant or fellowship may be awarded under this Act, directly or indirectly, to any individual who is in violation of the terms of his or her status as a nonimmigrant under section 101(a)(15)(F), (M), or (J) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(F), (M), or (J)).

(b) ALIENS FROM CERTAIN COUNTRIES.—No grant or fellowship may be awarded under this Act, directly or indirectly, to any alien from a country that is a state sponsor of international terrorism, as defined under section 306(b) of the Enhanced Border Security and VISA Entry Reform Act (8 U.S.C. 1735(b)), unless the Secretary of State determines, in consultation with the Attorney General and the heads of other appropriate agencies, that such alien does not pose a threat to the safety or national security of the United States.

(c) NON-COMPLYING INSTITUTIONS.—No grant or fellowship may be awarded under this Act, directly or indirectly, to any institution of higher education or non-profit institution (or consortia thereof) that has—

(1) materially failed to comply with the recordkeeping and reporting requirements to receive non-immigrant students or exchange visitor program participants under section 101(a)(15)(F), (M), or (J) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(F), (M), or (J)), or section 641 of the Illegal Immigration Reform and Responsibility Act of 1996 (8 U.S.C. 1372), as required by section 502 of the Enhanced Border Security and VISA Entry Reform Act (8 U.S.C. 1762); or

(2) been suspended or terminated pursuant to section 502(c) of the Enhanced Border Security and VISA Entry Reform Act (8 U.S.C. 1762(c)).

SEC. 17. REPORT ON GRANT AND FELLOWSHIP PROGRAMS.

Within 24 months after the date of enactment of this Act, the Director, in consultation with the Assistant to the President for National Security Affairs, shall submit to Congress a report reviewing this Act to ensure that the programs and fellowships are being awarded under this Act to individuals and institutions of higher education who are in compliance with the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) in order to protect our national security.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. INOUYE. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, October 16, 2002, at 2:00 p.m. in Executive Session to consider the nomination of Major General Robert T. Clark, USA for appointment to the grade of Lieutenant General and to be Commanding General, Fifth United States Army.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. INOUYE. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, October 16, 2002 at 10:00 a.m. to hold a hearing on Angola.

AGENDA

Witnesses: Panel 1: The Honorable Walter Kansteiner, Assistant Secretary for African Affairs, Department of State, Washington, DC.

Panel 2: Mr. Nicolas de Torrente, Executive Director, Medecins Sans Frontieres—USA, New York, New York.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. INOUYE. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, October 16, 2002 at 2:30 p.m. to hold a nomination hearing.

AGENDA

Nominees: Mr. Collister Johnson, Jr., of Virginia, to be a Member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 2004.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. INOUYE. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, October 16, 2002 at 12:00 to hold a business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INTERNATIONAL TRADE AND FINANCE

Mr. INOUYE. Mr. President, I ask unanimous consent that the Subcommittee on International Trade and Finance of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, October 16, 2002, at 10:00 a.m., to conduct an Oversight Hearing on "Instability in Latin America: U.S. Policy and the Role of the International Community."

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT REQUEST—H.R. 1606

Mr. REID. Mr. President, I ask unanimous consent that the Energy Committee be discharged from further consideration of H.R. 1606, and that the Senate proceed to its immediate consideration, the bill be read three times and passed, and the motion to reconsider be laid upon the table, without any intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, I have to object on behalf of the Republicans.

The PRESIDING OFFICER. Objection is heard.

MAKING FURTHER CONTINUING APPROPRIATIONS FOR THE FISCAL YEAR 2003

The PRESIDING OFFICER. Under the previous order, the Senate having received H.J. Res. 123 from the House of Representatives, the Senate will proceed to its immediate consideration, it is read three times and passed, and the motion to reconsider is laid upon the table.

The joint resolution (H.J. Res. 123) was passed.

PRODUCT PACKAGING PROTECTION ACT OF 2002

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of calendar No. 415, H.R. 2621.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2621) to amend title 18, United States Code, with respect to consumer product protection.

There being no objection, the Senate proceeded to consider the bill.

Mr. KOHL. Mr. President, today the Senate will pass the Product Packaging Protection Act of 2002. This bill will help prevent and punish a disturbing trend of product tampering—the placement of hate-filled literature into the boxes of cereal or food that millions of Americans bring home from the grocery store every day. I am pleased to have worked on this legislation with Senators HATCH, LEAHY, DEWINE, and DURBIN, as well as Chairman SENSENBRENNER, Congressman SCOTT, Congresswoman BALDWIN and Congresswoman HART.

Too many Americans have recently opened groceries and found offensive, racist, anti-Semitic, pornographic and hateful leaflets. In the last few years, food manufacturers have received numerous complaints from consumers who report finding such literature. Hundreds more incidents have likely gone unreported. This behavior is outright shameful.

Unfortunately, when consumers or companies turn to the authorities, they cannot be helped. According to the FBI and the Food and Drug Administration's Office of Criminal Investigation, these actions are not covered by federal product tampering statutes. A loophole in Federal anti-tampering law allows it to go unpunished. And only a couple of state laws are in place. So, the Product Packaging Protection Act of 2002 will close this loophole ion Federal product tampering law and protect consumers.

I am pleased that the Senate will pass this measure today. We hope that the House of Representatives will take it up the legislation in a timely manner. Then, consumers will be able to rest a little easier when it comes to the safety of the products they purchase at their local grocery store. The Product Packaging Protection Act is a small but meaningful thing we can do to make our current laws more effective and to give consumers and companies the help they need.

Mr. REID. Mr. President, I ask unanimous consent that the Kohl substitute amendment at the desk be agreed to, the bill, as amended, be read three times and passed, and the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4888) was agreed to, as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Product Packaging Protection Act of 2002".

SEC. 2. TAMPERING WITH CONSUMER PRODUCTS.

Section 1365 of title 18, United States Code, is amended—

(1) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively; and

(2) by inserting after subsection (e) the following:

"(f)(1) Whoever, without the consent of the manufacturer, retailer, or distributor, intentionally tampers with a consumer product that is sold in interstate or foreign commerce by knowingly placing or inserting any writing in the consumer product, or in the container for the consumer product, before the sale of the consumer product to any consumer shall be fined under this title, imprisoned not more than 1 year, or both.

"(2) Notwithstanding the provisions of paragraph (1), if any person commits a violation of this subsection after a prior conviction under this section becomes final, such person shall be fined under this title, imprisoned for not more than 3 years, or both.

"(3) In this subsection, the term 'writing' means any form of representation or communication, including hand-bills, notices, or advertising, that contain letters, words, or pictorial representations.".

The bill (H.R. 2621), as amended, was passed.

PRODUCT PACKAGING PROTECTION ACT OF 2001

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 152, S. 1233.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1233) to provide penalties for certain unauthorized writing with respect to consumer products.

There being no objection, the Senate proceeded to the consideration of the bill which had been reported from the Committee on the Judiciary, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

[Strike the part shown in black brackets and insert the part shown in italic.]

[SECTION 1. SHORT TITLE.

[This Act may be cited as the "Product Packaging Protection Act of 2001".

[SEC. 2. TAMPERING WITH CONSUMER PRODUCTS.

[Section 1365 of title 18, United States Code, is amended—

[(1) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively; and

[(2) by inserting after subsection (e) the following new subsection (f):

["(f)(1) Whoever, without the consent of the manufacturer, retailer, or authorized distributor, intentionally tampers with a consumer product that is sold in interstate or foreign commerce by knowingly placing or inserting any writing in the consumer product, or the container for the consumer product, before the sale of the consumer product to any consumer shall be fined under this title, imprisoned not more than three years, or both.

["(2) As used in paragraph (1) of this subsection, the term 'writing' means any form of representation or communication, including handbills, notices, or advertising, that contain letters, words, or pictorial representations.".]

SECTION 1. SHORT TITLE.

This Act may be cited as the "Product Packaging Protection Act of 2001".

SEC. 2. TAMPERING WITH CONSUMER PRODUCTS.

Section 1365 of title 18, United States Code, is amended—

(1) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively; and

(2) by inserting after subsection (e) the following:

"(f)(1) Whoever, without the consent of the manufacturer, retailer, or distributor, intentionally tampers with a consumer product that is sold in interstate or foreign commerce by knowingly placing or inserting any writing in the consumer product, or in the container for the consumer product, before the sale of the consumer product to any consumer shall be fined under this title, imprisoned not more than 3 years, or both.

"(2) In this subsection, the term 'writing' means any form of representation or communication, including handbills, notices, or advertising, that contain letters, words, or pictorial representations.".

Mr. KOHL. Mr. President, today the Senate will pass the Product Packaging Protection Act of 2002. This bill will help prevent and punish a disturbing trend of product tampering—the placement of hate-filled literature into the boxes of cereal or food that millions of Americans bring home from the grocery store every day. I am pleased to have worked on this legislation with Senators HATCH, LEAHY, DEWINE, and DURBIN, as well as Chairman SENSENBRENNER, Congressman SCOTT, Congresswoman BALDWIN, and Congresswoman HART.

Too many Americans have recently opened groceries and found offensive, racist, anti-Semitic, pornographic and hateful leaflets. In the last few years, food manufacturers have received numerous complaints from consumers who report finding such literature. Hundreds more incidents have likely gone unreported. This behavior is outright shameful.

Unfortunately, when consumers or companies turn to the authorities, they cannot be helped. According to the FBI and the Food and Drug Administration's Office of Criminal Investigation, these actions are not covered by federal product tampering statutes. A loophole in Federal anti-tampering law allows it to go unpunished. And only a couple of state laws are in place. So, the Product Packaging Protection Act of 2002 will close this loophole in Federal product tampering law and protect consumers.

I am pleased that the Senate will pass this measure today. We hope that the House of Representatives will take up the legislation in a timely manner. Then, consumers will be able to rest a little easier when it comes to safety of the products they purchase at their local grocery store. The Product Packaging Protection Act is a small but meaningful thing we can do to make our current laws more effective and to give consumers and companies the help they need.

Mr. REID. Mr. President, I ask unanimous consent that the Kohl substitute amendment at the desk be agreed to, the committee substitute amendment be agreed to, as amended, the bill, as amended, be read a third time and passed, and the motion to reconsider be laid upon the table, with no intervening action or debate and that any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment (No. 4889) was agreed to, as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Product Packaging Protection Act of 2002".

SEC. 2. TAMPERING WITH CONSUMER PRODUCTS.

Section 1365 of title 18, United States Code, is amended—

(1) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively; and

(2) by inserting after subsection (e) the following:

"(f)(1) Whoever, without the consent of the manufacturer, retailer, or distributor, intentionally tampers with a consumer product that is sold in interstate or foreign commerce by knowingly placing or inserting any writing in the consumer product, or in the container for the consumer product, before the sale of the consumer product to any consumer shall be fined under this title, imprisoned not more than 1 year, or both.

"(2) Notwithstanding the provisions of paragraph (1), if any person commits a violation of this subsection after a prior conviction under this section becomes final, such person shall be fined under this title, imprisoned for not more than 3 years, or both.

"(3) In this subsection, the term 'writing' means any form of representation or communication, including hand-bills, notices, or advertising, that contain letters, words, or pictorial representations.".

The committee amendment, in the nature of a substitute, as amended, was agreed to.

The bill (S. 1233), as amended, was read the third time and passed.

PEACE CORPS CHARTER FOR THE 21ST CENTURY ACT

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 700, S. 2667.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2667) to amend the Peace Corps Act to promote global acceptance of the principles of international peace and nonviolent coexistence among peoples of diverse cultures and systems of government, and for other purposes.

There being no objection, the Senate proceeded to the consideration of the bill, which had been reported from the Committee on Foreign Relations, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

[Strike the part shown in black brackets and insert the part shown in italic]

[SECTION 1. SHORT TITLE.

[This Act may be cited as the "Peace Corps Charter for the 21st Century Act".

[SEC. 2. FINDINGS.

[Congress makes the following findings:

[(1) The Peace Corps was established in 1961 to promote world peace and friendship through the service of American volunteers abroad.

[(2) The three goals codified in the Peace Corps Act which have guided the Peace Corps and its volunteers over the years, can work in concert to promote global acceptance of the principles of international peace and nonviolent coexistence among peoples of diverse cultures and systems of government.

[(3) The Peace Corps has operated in 135 countries with 165,000 Peace Corps volunteers since its establishment.

[(4) The Peace Corps has sought to fulfill three goals, as follows: to help people in developing nations meet basic needs, to promote understanding of America's values and ideals abroad, and to promote an understanding of other peoples by Americans.

[(5) After more than 40 years of operation, the Peace Corps remains the world's premier international service organization dedicated to promoting grassroots development.

[(6) The Peace Corps remains committed to sending well trained and well supported Peace Corps volunteers overseas to promote world peace, friendship, and grassroots development.

[(7) The Peace Corps is an independent agency, and therefore no Peace Corps personnel or volunteers should have any relationship with any United States intelligence agency or be used to accomplish any other goal than the goals established by the Peace Corps Act.

[(8) The Crisis Corps has been an effective tool in harnessing the skills and talents for returned Peace Corps volunteers and should be expanded to utilize to the maximum extent the pool of talent from the returned Peace Corps volunteer community.

[(9) The Peace Corps is currently operating with an annual budget of $275,000,000 in 70 countries with 7,000 Peace Corps volunteers.

[(10) There is deep misunderstanding and misinformation about American values and ideals in many parts of the world, particularly those with substantial Muslim populations, and a greater Peace Corps presence in such places could foster greater understanding and tolerance of those countries.

[(11) Congress has declared that the Peace Corps should be expanded to sponsor a minimum of 10,000 Peace Corps volunteers.

[(12) President George W. Bush has called for the doubling of the number of Peace Corps volunteers in service in a fiscal year to 15,000 volunteers in service by the end of fiscal year 2007.

[(13) Any expansion of the Peace Corps shall not jeopardize the quality of the Peace Corps volunteer experience, and therefore can only be accomplished by an appropriate increase in field and headquarters support staff.

[(14) It would be extremely useful for the Peace Corps to establish an office of strategic planning to evaluate existing programs and undertake long-term planning in order to facilitate the orderly expansion of the Peace Corps from its current size to the stated objective of 15,000 volunteers in the field by the end of fiscal year 2007.

[(15) The Peace Corps would benefit from the advice and council of a streamlined bipartisan National Peace Corps Advisory Council composed of distinguished returned Peace Corps volunteers.

[SEC. 3. DEFINITIONS.

[In this Act:

[(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

[(2) DIRECTOR.—The term "Director" means the Director of the Peace Corps.

[(3) PEACE CORPS VOLUNTEER.—The term "Peace Corps volunteer" means a volunteer or a volunteer leader under the Peace Corps Act.

[(4) RETURNED PEACE CORPS VOLUNTEER.—The term "returned Peace Corps volunteer" means a person who has been certified by the Director as having served satisfactorily as a Peace Corps volunteer.

[SEC. 4. RESTATEMENT OF INDEPENDENCE OF THE PEACE CORPS.

[(a) IN GENERAL.—Section 2A of the Peace Corps Act (22 U.S.C. 2501-1) is amended by adding at the end the following new sentence: "As an independent agency, all recruiting of volunteers shall be undertaken solely by the Peace Corps.".

[(b) DETAILS AND ASSIGNMENTS.—Section 5(g) of the Peace Corps Act (22 U.S.C. 2504(g)) is amended by inserting after "*Provided*, That" the following: "such detail or assignment does not contradict the standing of Peace Corps volunteers as being independent from foreign policy-making and intelligence collection: *Provided further*, That".

[SEC. 5. REPORTS TO CONGRESS.

[(a) CONSULTATIONS AND REPORTS CONCERNING NEW INITIATIVES.—Section 11 of the Peace Corps Act (22 U.S.C. 2510) is amended—

[(1) by inserting "(a) ANNUAL REPORTS.—" immediately before "The President shall transmit"; and

[(2) by adding at the end thereof the following:

["(b) CONSULTATIONS AND REPORTS ON NEW INITIATIVES.—Thirty days prior to implementing any new initiative, the Director shall consult with the Peace Corps National Advisory Council established in section 12 and shall submit to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives a report describing the objectives that such initiative is intended to fulfill, an estimate of any costs that may be incurred as a result of the initiative, and an estimate of any impact on existing programs, including the impact on the safety of volunteers under this Act".

[(b) COUNTRY SECURITY REPORTS.—Section 11 of the Peace Corps Act (22 U.S.C. 2510), as amended by subsection (a), is further amended by adding at the end the following:

["(c) COUNTRY SECURITY REPORTS.—The Director of the Peace Corps shall submit to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives a report annually on the status of security procedures in any country in which the Peace Corps operates programs or is considering doing so. Each report shall include recommendations when appropriate as to whether security conditions would be enhanced by colocating volunteers with international or local nongovernmental organizations, or with the placement of multiple volunteers in one location.".

[(c) REPORT ON STUDENT LOAN FORGIVENESS PROGRAMS.—Not later than 30 days after the date of enactment of this Act, the Director of the Peace Corps shall submit to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives a report—

[(1) describing the student loan forgiveness programs currently available to Peace Corps volunteers upon completion of their service; and

[(2) comparing such programs with other Government-sponsored student loan forgiveness programs.

[SEC. 6. SPECIAL VOLUNTEER RECRUITMENT AND PLACEMENT FOR COUNTRIES WHOSE GOVERNMENTS ARE SEEKING TO FOSTER GREATER UNDERSTANDING BY AND ABOUT THEIR CITIZENS.

[(a) REPORT.—Not later than 60 days after the date of enactment of this Act, the Director shall submit a report to the appropriate congressional committees describing the initiatives that the Peace Corps intends to pursue in order to solicit requests from eligible countries where the presence of Peace Corps volunteers would facilitate a greater understanding that there exists a universe of commonly shared human values and aspirations and would dispel unfounded fears and suspicion among peoples of diverse cultures and systems of government, including peoples from countries with substantial Muslim populations. Such report shall include—

[(1) a description of the recruitment strategies to be employed by the Peace Corps to recruit and train volunteers with the appropriate language skills and interest in serving in such countries; and

[(2) a list of the countries that the Director has determined should be priorities for special recruitment and placement of Peace Corps volunteers.

[(b) USE OF RETURNED PEACE CORPS VOLUNTEERS.—Notwithstanding any other provision of law, the Director is authorized and strongly urged to utilize the services of returned Peace Corps volunteers having language and cultural expertise, including those returned Peace Corps volunteers who may have served previously in countries with substantial Muslim populations, in order to open or reopen Peace Corps programs in such countries.

[(c) ALLOCATION OF FUNDS.—In addition to amounts authorized to be appropriated to the Peace Corps by section 11 for the fiscal years 2003, 2004, 2005, and 2006, there is authorized to be appropriated for the Peace Corps $5,000,000 each such fiscal year solely for the recruitment, training, and placement of Peace Corps volunteers in countries whose governments are seeking to foster greater understanding by and about their citizens.

[SEC. 7. GLOBAL INFECTIOUS DISEASES INITIATIVE.

[(a) IN GENERAL.—The Director, in cooperation with the Centers for Disease Control and Prevention, the National Institutes of Health, the World Health Organization and the Pan American Health Organization, local public health officials, shall develop a program of training for all Peace Corps volunteers in the areas of education, prevention, and treatment of infectious diseases in order to ensure that all Peace Corps volunteers make a contribution to the global campaign against such diseases.

[(b) DEFINITIONS.—In this section:

[(1) AIDS.—The term "AIDS" means the acquired immune deficiency syndrome.

[(2) HIV.—The term "HIV" means the human immunodeficiency virus, the pathogen that causes AIDS.

[(3) HIV/AIDS.—The term "HIV/AIDS" means, with respect to an individual, an individual who is infected with HIV or living with AIDS.

[(4) INFECTIOUS DISEASES.—The term "infectious diseases" means HIV/AIDS, tuberculosis, and malaria.

[SEC. 8. PEACE CORPS ADVISORY COUNCIL.

[Section 12 of the Peace Corps Act (22 U.S.C. 2511; relating to the Peace Corps National Advisory Council) is amended—

[(1) by amending subsection (b)(2)(D) to read as follows:

["(D) make recommendations for utilizing the expertise of returned Peace Corps volunteers in fulfilling the goals of the Peace Corps.";

[(2) in subsection (c)—

[(A) by striking paragraph (1);

[(B) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively;

[(C) in paragraph (1) (as so redesignated)—

[(i) in subparagraph (A)—

[(I) by striking "fifteen" and inserting "seven";

[(II) by striking the second sentence and inserting the following: "All of the members shall be former Peace Corps volunteers, and not more than four shall be members of the same political party.";

[(ii) by amending subparagraph (D) to read as follows:

["(D) The members of the Council shall be appointed to 2-year terms.";

[(iii) by striking subparagraphs (B), (E), and (H); and

[(iv) by redesignating subparagraphs (C), (D), (F), (G), and (I) as subparagraphs (B), (C), (D), (E), and (F), respectively;

[(3) by amending subsection (g) to read as follows:

["(g) CHAIR.—The President shall designate one of the voting members of the Council as Chair, who shall serve in that capacity for a period not to exceed two years.";

[(4) by amending subsection (h) to read as follows:

["(h) MEETINGS.—The Council shall hold a regular meeting during each calendar quarter at a date and time to be determined by the Chair of the Council."; and

[(5) by amending subsection (i) to read as follows:

["(i) REPORT.—Not later than July 30, 2003, and annually thereafter, the Council shall submit a report to the President and the Director of the Peace Corps describing how the Council has carried out its functions under subsection (b)(2).".

[SEC. 9. READJUSTMENT ALLOWANCES.

[The Peace Corps Act is amended—

[(1) in section 5(c) (22 U.S.C. 2504(c)), by striking "$125" and inserting "$275"; and

[(2) in section 6(1) (22 U.S.C. 2505(1)), by striking "$125" and inserting "$275".

[SEC. 10. PROGRAMS AND PROJECTS OF RETURNED PEACE CORPS VOLUNTEERS TO PROMOTE THE GOALS OF THE PEACE CORPS.

[(a) PURPOSE.—The purpose of this section is to provide support for returned Peace Corps volunteers to develop programs and projects to promote the objectives of the Peace Corps, as set forth in section 2 of the Peace Corps Act.

[(b) GRANTS TO CERTAIN NONPROFIT CORPORATIONS.—

[(1) GRANT AUTHORITY.—To carry out the purpose of this section, and subject to the availability of appropriations, the Director of the Corporation for National and Community Service shall award grants on a competitive basis to private nonprofit corporations that are established in the District of Columbia for the purpose of serving as incubators for returned Peace Corps volunteers seeking to use their knowledge and expertise to undertake community-based projects to carry out the goals of the Peace Corps Act.

[(2) ELIGIBILITY FOR GRANTS.—To be eligible to compete for grants under this section, a nonprofit corporation must have a board of directors composed of returned Peace Corps volunteers with a background in community service, education, or health. The director of the corporation (who may also be a board member of the nonprofit corporation) shall also be a returned Peace Corps volunteer with demonstrated management expertise in operating a nonprofit corporation. The stated purpose of the nonprofit corporation shall be to act solely as an intermediary between the Corporation for National and Community Service and individual returned Peace Corps volunteers seeking funding for projects consistent with the goals of the Peace Corps. The nonprofit corporation may act as the accountant for individual volunteers for purposes of tax filing and audit responsibilities.

[(c) GRANT REQUIREMENTS.—Such grants shall be made pursuant to a grant agreement between the Director and the nonprofit corporation that requires that—

[(1) grant funds will only be used to support programs and projects described in subsection (a) pursuant to proposals submitted by returned Peace Corps volunteers (either individually or cooperatively with other returned volunteers);

[(2) the nonprofit corporation give consideration to funding individual projects or programs by returned Peace Corps volunteers up to $100,000;

[(3) not more than 20 percent of funds made available to the nonprofit corporation will be used for the salaries, overhead, or other administrative expenses of the nonprofit corporation; and

[(4) the nonprofit corporation will not receive grant funds under this section for more than two years unless the corporation has raised private funds, either in cash or in kind for up to 40 percent of its annual budget.

[(d) FUNDING.—Of the funds available to the Corporation for National and Community Service for fiscal year 2003 or any fiscal year thereafter, not to exceed $10,000,000 shall be available for each such fiscal year to carry out the grant program established under this section.

[(e) STATUS OF THE FUND.—Nothing in this section shall be construed to make any nonprofit corporation supported under this section an agency or establishment of the United States Government or to make the members of the board of directors or any officer or employee of such corporation an officer or employee of the United States.

[(f) FACTORS IN AWARDING GRANTS.—In determining the number of private nonprofit corporations to award grants to in any fiscal years, the Director should balance the number of organizations against the overhead costs that divert resources from project funding.

[(g) CONGRESSIONAL OVERSIGHT.—Grant recipients under this section shall be subject to the appropriate oversight procedures of Congress.

[SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

[(a) IN GENERAL.—Section 3(b)(1) of the Peace Corps Act (22 U.S.C. 2502(b)(1)) is amended—

[(1) by striking "2002, and" and inserting "2002,"; and

[(2) by inserting before the period the following: ", $465,000,000 for fiscal year 2004, $500,000,000 for fiscal year 2005, $560,000,000 for fiscal year 2006, and $560,000,000 for fiscal year 2007".

[(b) INCREASE IN PEACE CORPS VOLUNTEER STRENGTH.—Section 3(c) of the Peace Corps Act (22 U.S.C. 2502(c)) is amended by adding the following new subsection at the end thereof:

["(d) In addition to the amounts authorized to be appropriated in this section, there are authorized to be appropriated such additional sums as may be necessary to achieve a volunteer corps of 15,000 as soon as practicable taking into account the security of volunteers and the effectiveness of country programs.".]

SECTION 1. SHORT TITLE.

This Act may be cited as the "Peace Corps Charter for the 21st Century Act".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The Peace Corps was established in 1961 to promote world peace and friendship through the service of American volunteers abroad.

(2) The three goals codified in the Peace Corps Act which have guided the Peace Corps and its volunteers over the years, can work in concert to promote global acceptance of the principles of international peace and nonviolent coexistence among peoples of diverse cultures and systems of government.

(3) The Peace Corps has operated in 135 countries with 165,000 Peace Corps volunteers since its establishment.

(4) The Peace Corps has sought to fulfill three goals, as follows: to help people in developing nations meet basic needs, to promote understanding of America's values and ideals abroad, and to promote an understanding of other peoples by Americans.

(5) After more than 40 years of operation, the Peace Corps remains the world's premier international service organization dedicated to promoting grassroots development.

(6) The Peace Corps remains committed to sending well trained and well supported Peace Corps volunteers overseas to promote peace, friendship, and international understanding.

(7) The Peace Corps is an independent agency, and therefore no Peace Corps personnel or volunteers should be used to accomplish any other goal than the goals established by the Peace Corps Act.

(8) The Crisis Corps has been an effective tool in harnessing the skills and talents for returned Peace Corps volunteers and should be expanded to utilize to the maximum extent the talent pool of returned Peace Corps volunteers.

(9) The Peace Corps is currently operating with an annual budget of $275,000,000 in 70 countries with 7,000 Peace Corps volunteers.

(10) There is deep misunderstanding and misinformation about American values and ideals in many parts of the world, particularly those with substantial Muslim populations, and a greater Peace Corps presence in such places could foster greater understanding and tolerance.

(11) Congress has declared that the Peace Corps should be expanded to sponsor a minimum of 10,000 Peace Corps volunteers.

(12) President George W. Bush has called for the doubling of the number of Peace Corps volunteers in service.

(13) Any expansion of the Peace Corps shall not jeopardize the quality of the Peace Corps volunteer experience, and therefore can only be accomplished by an appropriate increase in field and headquarters support staff.

(14) In order to ensure that proposed expansion of the Peace Corps preserves the integrity of the program and the security of volunteers, the integrated Planning and Budget System supported by the Office of Planning and Policy Analysis should continue its focus on strategic planning.

(15) A streamlined, bipartisan National Peace Corps Advisory Council composed of distinguished returned Peace Corps volunteers and other individuals, with diverse backgrounds and expertise, can be a source of ideas and suggestions that may be useful to the Director of the Peace Corps as he discharges his duties and responsibilities as head of the agency.

SEC. 3. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

(2) DIRECTOR.—The term "Director" means the Director of the Peace Corps.

(3) PEACE CORPS VOLUNTEER.—The term "Peace Corps volunteer" means a volunteer or a volunteer leader under the Peace Corps Act.

(4) RETURNED PEACE CORPS VOLUNTEER.—The term "returned Peace Corps volunteer" means a person who has been certified by the Director as having served satisfactorily as a Peace Corps volunteer.

SEC. 4. RESTATEMENT OF INDEPENDENCE OF THE PEACE CORPS.

(a) IN GENERAL.—Section 2A of the Peace Corps Act (22 U.S.C. 2501–1) is amended by adding at the end the following new sentence: "As an independent agency, all recruiting of volunteers shall be undertaken primarily by the Peace Corps.".

(b) DETAILS AND ASSIGNMENTS.—Section 5(g) of the Peace Corps Act (22 U.S.C. 2504(g)) is amended by inserting after "Provided, That" the following: "such detail or assignment does not contradict the standing of Peace Corps volunteers as being independent: Provided further, That".

SEC. 5. REPORTS AND CONSULTATIONS.

(a) ANNUAL REPORTS; CONSULTATIONS ON NEW INITIATIVES.—Section 11 of the Peace Corps Act (22 U.S.C. 2510) is amended by striking the section heading and the text of section 11 and inserting the following:

"SEC. 11. ANNUAL REPORTS; CONSULTATIONS ON NEW INITIATIVES.

"(a) ANNUAL REPORTS.—The Director shall transmit to Congress, at least once in each fiscal year, a report on operations under this Act. Each report shall contain information—

"(1) describing efforts undertaken to improve coordination of activities of the Peace Corps with activities of international voluntary service organizations, such as the United Nations volunteer program, and of host country voluntary service organizations, including—

"(A) a description of the purpose and scope of any development project which the Peace Corps undertook during the preceding fiscal year as a joint venture with any such international or host country voluntary service organizations; and

"(B) recommendations for improving coordination of development projects between the Peace Corps and any such international or host country voluntary service organizations;

"(2) describing—

"(A) any major new initiatives that the Peace Corps has under review for the upcoming fiscal year, and any major initiatives that were undertaken in the previous fiscal year that were not included in prior reports to the Congress;

"(B) the rationale for undertaking such new initiatives;

"(C) an estimate of the cost of such initiatives; and

"(D) the impact on the safety of volunteers;

"(3) describing in detail the Peace Corp's plans for doubling the number of volunteers from 2002 levels, including a five-year budget plan for reaching that goal; and

"(4) describing standard security procedures for any country in which the Peace Corps operates programs or is considering doing so, as well as any special security procedures contemplated because of changed circumstances in specific countries, and assessing whether security conditions would be enhanced—

"(A) by colocating volunteers with international or local nongovernmental organizations; or

"(B) with the placement of multiple volunteers in one location.

"(b) CONSULTATIONS ON NEW INITIATIVES.—The Director of the Peace Corps should consult with the appropriate congressional committees with respect to any major new initiatives not previously discussed in the latest annual report submitted to Congress under subsection (a) or in budget presentations. Wherever possible, such consultations should take place prior to the initiation of such initiatives, but in any event as soon as practicable thereafter.".

(b) ONE TIME REPORT ON STUDENT LOAN FORGIVENESS PROGRAMS.—Not later than 30 days after the date of enactment of this Act, the Director shall submit to the appropriate congressional committees a report—

(1) describing the student loan forgiveness programs currently available to Peace Corps volunteers upon completion of their service; and

(2) comparing such programs with other Government-sponsored student loan forgiveness programs; and

(3) recommending any additional student loan forgiveness programs which could attract more applicants from more low and middle income applicants facing high student loan obligations.

SEC. 6. SPECIAL VOLUNTEER RECRUITMENT AND PLACEMENT FOR COUNTRIES WHOSE GOVERNMENTS ARE SEEKING TO FOSTER GREATER UNDERSTANDING BETWEEN THEIR CITIZENS AND THE UNITED STATES.

(a) REPORT.—Not later than 60 days after the date of enactment of this Act, the Director shall submit a report to the appropriate congressional committees describing the initiatives that the Peace Corps intends to pursue with eligible countries where the presence of Peace Corps volunteers would facilitate a greater understanding that there exists a universe of commonly shared human values and aspirations. Such report shall include—

(1) a description of the recruitment strategies to be employed by the Peace Corps to recruit and train volunteers with the appropriate language skills and interest in serving in such countries; and

(2) a list of the countries that the Director has determined should be priorities for special recruitment and placement of Peace Corps volunteers.

(b) USE OF RETURNED PEACE CORPS VOLUNTEERS.—Notwithstanding any other provision of law, the Director is authorized and strongly urged to utilize the services of returned Peace Corps volunteers having language and cultural expertise, including those returned Peace Corps volunteers who may have served previously in countries with substantial Muslim populations, in order to open or reopen Peace Corps programs in such countries.

SEC. 7. GLOBAL INFECTIOUS DISEASES INITIATIVE.

(a) IN GENERAL.—The Director, in cooperation with international public health experts such as the Centers for Disease Control and Prevention, the National Institutes of Health, the World Health Organization, the Pan American Health Organization, and local public health officials shall develop a program of training for all Peace Corps volunteers in the areas of education, prevention, and treatment of infectious diseases in order to ensure that all Peace Corps volunteers make a contribution to the global campaign against such diseases.

(b) DEFINITIONS.—In this section:

(1) AIDS.—The term "AIDS" means the acquired immune deficiency syndrome.

(2) HIV.—The term "HIV" means the human immunodeficiency virus, the pathogen that causes AIDS.

(3) HIV/AIDS.—The term "HIV/AIDS" means, with respect to an individual, an individual who is infected with HIV or living with AIDS.

(4) INFECTIOUS DISEASES.—The term "infectious diseases" means HIV/AIDS, tuberculosis, and malaria.

SEC. 8. PEACE CORPS ADVISORY COUNCIL.

Section 12 of the Peace Corps Act (22 U.S.C. 2511; relating to the Peace Corps National Advisory Council) is amended—

(1) by amending subsection (b)(2)(D) to read as follows:

"(D) make recommendations for utilizing the expertise of returned Peace Corps volunteers in fulfilling the goals of the Peace Corps.";

(2) in subsection (c)—

(A) in paragraph (2)(A)—

(i) in the first sentence, by striking "fifteen" and inserting "seven"; and

(ii) by striking the second sentence and inserting the following: "Four of the members shall be former Peace Corps volunteers, at least one of whom shall have been a former staff member abroad or in the Washington headquarters, and not more than four shall be members of the same political party.";

(B) by amending subparagraph (D) to read as follows:

"(D) The members of the Council shall be appointed to 2-year terms.";

(C) by striking subparagraphs (B) and (H); and

(D) by redesignating subparagraphs (C), (D), (E), (F), (G), and (I) as subparagraphs (B), (C), (D), (E), (F), and (G), respectively;

(3) by amending subsection (g) to read as follows:

"(g) CHAIR.—The President shall designate one of the voting members of the Council as Chair, who shall serve in that capacity for a period not to exceed two years.";

(4) by amending subsection (h) to read as follows:

"(h) MEETINGS.—The Council shall hold a regular meeting during each calendar quarter at a date and time to be determined by the Chair of the Council."; and

(5) by amending subsection (i) to read as follows:

"(i) REPORT.—Not later than July 30, 2003, and annually thereafter, the Council shall submit a report to the President and the Director of the Peace Corps describing how the Council has carried out its functions under subsection (b)(2).".

SEC. 9. READJUSTMENT ALLOWANCES.

The Peace Corps Act is amended—

(1) in section 5(c) (22 U.S.C. 2504(c)), by striking "$125" and inserting "$275"; and

(2) in section 6(1) (22 U.S.C. 2505(1)), by striking "$125" and inserting "$275".

SEC. 10. PROGRAMS AND PROJECTS OF RETURNED PEACE CORPS VOLUNTEERS TO PROMOTE THE GOALS OF THE PEACE CORPS.

(a) PURPOSE.—The purpose of this section is to provide support for returned Peace Corps volunteers to develop and carry out programs and projects to promote the third purpose of the Peace Corps Act, as set forth in section 2(a) of that Act (22 U.S.C. 2501(a)), by promoting a better understanding of other peoples on the part of the American people.

(b) GRANTS TO CERTAIN NONPROFIT CORPORATIONS.—

(1) GRANT AUTHORITY.—To carry out the purpose of this section, and subject to the availability of appropriations, the Chief Executive Officer of the Corporation for National and Community Service (referred to in this section as the "Corporation") shall award grants on a competitive basis to private nonprofit corporations for the purpose of enabling returned Peace Corps volunteers to use their knowledge and expertise to develop and carry out the programs and projects described in subsection (a).

(2) PROGRAMS AND PROJECTS.—Such programs and projects may include—

(A) educational programs designed to enrich the knowledge and interest of elementary school and secondary school students in the geography and cultures of other countries where the volunteers have served;

(B) projects that involve partnerships with local libraries to enhance community knowledge about other peoples and countries; and

(C) audio-visual projects that utilize materials collected by the volunteers during their service that would be of educational value to communities.

(3) ELIGIBILITY FOR GRANTS.—To be eligible to compete for grants under this section, a nonprofit corporation shall have a board of directors composed of returned Peace Corps volunteers with a background in community service, education, or health. The nonprofit corporation shall meet all appropriate Corporation management requirements, as determined by the Corporation.

(c) GRANT REQUIREMENTS.—Such grants shall be made pursuant to a grant agreement between the Corporation and the nonprofit corporation that requires that—

(1) the grant funds will only be used to support programs and projects described in subsection (a) pursuant to proposals submitted by

returned Peace Corps volunteers (either individually or cooperatively with other returned volunteers);

(2) the nonprofit corporation will give consideration to funding individual programs or projects by returned Peace Corps volunteers, in amounts of not more than $100,000, under this section;

(3) not more than 20 percent of the grant funds made available to the nonprofit corporation will be used for the salaries, overhead, or other administrative expenses of the nonprofit corporation;

(4) the nonprofit corporation will not receive grant funds for programs or projects under this section for a third or subsequent year unless the nonprofit corporation makes available, to carry out the programs or projects during that year, non-Federal contributions—

(A) in an amount not less than $2 for every $3 of Federal funds provided through the grant; and

(B) provided directly or through donations from private entities, in cash or in kind, fairly evaluated, including plant, equipment, or services; and

(5) the nonprofit corporation shall manage, monitor, and submit reports to the Corporation on each program or project for which the nonprofit corporation receives a grant under this section.

(d) STATUS OF THE FUND.—Nothing in this section shall be construed to make any nonprofit corporation supported under this section an agency or establishment of the Federal Government or to make the members of the board of directors or any officer or employee of such nonprofit corporation an officer or employee of the United States.

(e) FACTORS IN AWARDING GRANTS.—In determining the number of nonprofit corporations to receive grants under this section for any fiscal year, the Corporation—

(1) shall take into consideration the need to minimize overhead costs that direct resources from the funding of programs and projects; and

(2) shall seek to ensure a broad geographical distribution of grants for programs and projects under this section.

(f) CONGRESSIONAL OVERSIGHT.—Grant recipients under this section shall be subject to the appropriate oversight procedures of Congress.

(g) FUNDING.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $10,000,000. Such sum shall be in addition to funds made available to the Corporation under Federal law other than this section.

(2) AVAILABILITY.—Amounts appropriated pursuant to paragraph (1) are authorized to remain available until expended.

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

Section 3(b)(1) of the Peace Corps Act (22 U.S.C. 2502(b)(1)) is amended—

(1) by striking "2002, and" and inserting "2002,"; and

(2) by inserting before the period the following: ", $465,000,000 for fiscal year 2004, $500,000,000 for fiscal year 2005, $560,000,000 for fiscal year 2006, and $560,000,000 for fiscal year 2007".

Mr. DODD. Mr. President, I rise today to express my satisfaction with last night's passage by unanimous consent of S. 2667, the Peace Corps Charter for the 21st Century Act. I would like to thank Gaddi Vasquez and the staff of the Peace Corps for their willingness to work with me to come up with a bill that I believe will make it possible for the President to achieve the goal that he set during the State of the Union address in January, namely the doubling of the size of the Peace Corps over the next several years. I am proud of the bill we have passed, and I am confident that the provisions it contains will help us continue to fulfill President Kennedy's original vision of the Peace Corps as an American volunteer service dedicated to "promoting world peace and friendship."

It is always with tremendous fondness and pride that I speak of the Peace Corps, as it gives me occasion to recall my own years as a volunteer in the Dominican Republic. I have often spoken of how these 2 years changed my life. Indeed, living and working outside of the United States and seeing the way other nations operated for the first time, I grew to appreciate our nation more and more, and developed a strong sense of what it means to be an American. I was proud to share my experience as an American citizen with the people I was there to help. Those 2 years were invaluable to me, and truly brought home to me the value of public service.

As remarkable as the success of the Peace Corps has been, and as important a symbol and example it is of public service, in the aftermath of the tragic attacks on America on September 11, it has become something more. It has become a necessity. The terrorist attacks of last year have shown us that the world has become a much smaller place. The United States can no longer afford to neglect certain countries, or certain parts of the world. We need to find ways to help developing countries meet their basic needs, and we need to do so now. We especially need to act in places where the citizens are particularly unfamiliar with American values. Now, more than ever, Peace Corps volunteers play a pivotal role in helping us achieve a greater understanding of America abroad, especially in predominantly Muslim countries.

However, if we are to expand the aims of the Peace Corps, to broaden its scope, and to send our volunteers into more countries, then we must provide the Peace Corps with a new charter and adequate resources to safely and effectively pursue these objectives. I believe that the legislation that passed the Senate last night, the Peace Corps Charter for the 21st Century Act, will go a long way to meeting anticipated funding needs, as well as charting the future course for this valuable organization.

I believe that the Peace Corps Charter for the 21st Century Act will do an excellent job of modifying the Peace Corps Act to better meet the needs of both our volunteers and an expanding and changing organization. The Peace Corps is a truly remarkable institution in America, a symbol of the very best of our ideals of service, sacrifice, and self-reliance. Our volunteers are to be commended again for their enduring commitment to these ideals, and for the way they are able to communicate the message of the Peace Corps throughout the world. They deserve the very best from us, and the passage of the Peace Corps Charter for the 21st Century Act is an important step toward fulfilling our responsibility to the Peace Corps and its volunteers.

Mr. BIDEN. Mr. President, I support S. 2667, The Peace Corps Charter for the 21st Century Act. I commend Senator DODD for developing this legislation and for working closely with the administration to advance it through the Foreign Relations Committee, where last week it was reported unanimously. Support for the Peace Corps is not, and should not be, a partisan issue. Senator DODD's quiet work in moving this legislation forward is a testament to that principle.

From promoting environmental conservation, to teaching primary school classes; from working to increase food production to training health care workers, Peace Corps volunteers do a lot of good throughout the world. Since the organization was founded 40 years ago, over 165,000 volunteers have served in 135 countries. If you multiply that number by the number of people reached by each volunteer, the phenomenal impact of the Peace Corps becomes apparent. Our Peace Corps volunteers represent, in many ways, U.S. diplomacy at its best—reaching remote communities as well as urban neighborhoods, and helping people improve their lives in immeasurable ways.

The Peace Corps is stronger and more popular than ever. Since January, the organization estimates that there has been a 300 percent increase in inquiries from potential volunteers. We must ensure that the Peace Corps has the necessary resources to capture and utilize this unprecedented surge in interest.

For these reasons, I am pleased to support S. 2667, which goes a long way in advancing and strengthening the Peace Corps. The legislation authorizes yearly increases in funding for the Peace Corps to $560 million in fiscal year 2007, in order to double the number of volunteers over the next 5 years. This increase in funding and volunteer capacity is long overdue, and is now more crucial than ever.

Furthermore, the bill calls for the Peace Corps to develop a strategy for special placement of volunteers in countries whose governments are seeking to foster greater understanding between their citizens and the United States, particularly in countries with significant Muslim populations. Through person-to-person contact, Peace Corps volunteers can make great strides in eroding the deep misconceptions of the United States that exist in many cultures. The volunteers give a human face to the term "American," bringing personal knowledge of our ideals and attitudes to communities all over the world.

The legislation also establishes a global infectious disease initiative to comprehensively train Peace Corps volunteers in the education, prevention and treatment of the infectious diseases HIV/AIDS, tuberculosis and malaria. The HIV/AIDS epidemic has killed more people than the bubonic plague of the Middle Ages. Five million people were infected with HIV/AIDS in the past year alone, creating an unthinkable number of orphans worldwide. In some countries, the disease threatens to wipe out an entire generation. Tuberculosis and malaria have also caused millions more preventable deaths. It is imperative that Peace Corps volunteers be equipped with the knowledge and resources to protect their health, and that of the communities in which they serve, to the greatest extent possible.

Again, I congratulate and thank Senator DODD for his enduring allegiance to the Peace Corps. At a time when we must do all we can to promote mutual understanding worldwide, this legislation is an important effort to strengthen the Peace Corps, the United States' most valuable international volunteer program.

Mr. REID. Mr. President, I note that Senator DODD is the sponsor of this legislation. He was in the Peace Corps, so it is totally appropriate that this matter would be sponsored by him as the lead sponsor.

I ask unanimous consent that the committee substitute amendment be agreed to, the bill, as amended, be read a third time and passed, and that the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements to this matter be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The committee amendment, in the nature of a substitute, was agreed to.

The bill (S. 2667), as amended, was read the third time and passed.

ESTABLISHING NEW NON-IMMIGRANT CLASSES FOR BORDER COMMUTER STUDENTS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 4967, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4967) to establish new nonimmigrant classes for border commuter students.

There being no objection, the Senate proceeded to the consideration of the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The bill (H.R. 4967) was read the third time and passed.

AUTHORIZING REPRESENTATION BY SENATE LEGAL COUNSEL

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to the consideration of S. Res. 343, submitted earlier today by the two leaders.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 343) to authorize representation by the Senate Legal Counsel in Newdow v. Eagen, et al.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DASCHLE. Mr. President, this resolution concerns a civil action commenced in the United States District Court for the District of Columbia against Secretary Jeri Thomson, Financial Clerk Timothy Wineman, their counterparts in the House of Representatives, the Congress, and the United States.

The plaintiff in this case, Mr. Michael Newdow, is the individual challenging the constitutionality of the Pledge of Allegiance in California. Mr. Newdow alleges in this action that the disbursement of public funds to the offices of the congressional chaplains violates the First and Fifth Amendments to the Constitution, and Article VI.

Both the United States Supreme Court and the United States Court of Appeals for the District of Columbia Circuit have already established the constitutionality of the congressional chaplaincies, which date from 1789. In the landmark Supreme Court decision *Marsh* v. *Chambers*, 463 U.S. 783 (1983), the Supreme Court unequivocally rejected a challenge to the constitutionality of Nebraska's legislative chaplain. It stated that given the "unambiguous and unbroken history" of legislative chaplains, the "practice of opening legislative sessions with prayer has become part of the fabric of our society" and is not "an 'establishment' of religion or a step toward establishment; it is simply a tolerable acknowledgement of beliefs widely held among the people of this country." Id. at 792. Several months later, the United States Court of Appeals for the District of Columbia Circuit, sitting en banc, dismissed a constitutional challenge to the Congressional chaplains. *Murray* v. *Buchanan*, 720 F.2d 689 (D.C. Cir. 1983) (en banc). It stated that the Supreme Court "answered the question presented in *Marsh* with unmistakable clarity: The 'practice of opening each legislative day with a prayer by chaplain paid by the State [does not] violate[] the Establishment Clause of the First Amendment.'" Id. at 690 (quoting *Marsh*, 463 U.S. at 784).

This resolution authorizes the Senate legal counsel to represent Secretary Thompson and Mr. Wineman to seek dismissal of this action.

Mr. REID. Mr. President, I ask unanimous consent the resolution and the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements in relation thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 343) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 343

Whereas, Secretary Jeri Thomson and Financial Clerk Timothy Wineman have been named as defendants in the case of Newdow v. Eagen, et al., Case No. 1:02CV01704, now pending in the United States District Court for the District of Columbia; and

Whereas, pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(1), the Senate may direct its counsel to represent officers and employees of the Senate in civil actions with respect to their official responsibilities: Now, therefore, be it

Resolved, That the Senate Legal Counsel is authorized to represent Secretary Thomson and Mr. Wineman in the case of Newdow v. Eagen, et al.

AUTHORIZING REPRESENTATION BY SENATE LEGAL COUNSEL

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to S. Res. 344.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 344) to authorize representation by the Senate Legal Counsel in Manshardt v. Federal Judicial Qualifications Committee, et al.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DASCHLE. Mr. President, an unsuccessful applicant for U.S. Attorney in Los Angeles has commenced a civil action in Federal court in California against Senator FEINSTEIN, Senator BOXER, a prominent Republican businessman and political leader in California, and a judicial screening panel set up by these defendants, to challenge the use of this screening panel to identify potential nominees for Federal District Court judgeships in California. Specifically, the plaintiff alleges that the use of informal screening panels to develop lists of potential judicial nominees violates the Federal Advisory Committee Act, the Government in the Sunshine Act, and the separation of powers.

The laws underlying this suite do not apply to the Senate, and the Speech or

Debate Clause bars suits against legislators for the performance of their duties under the Constitution. Thus, there is no legal basis for suing Senators for their role in forming, appointing, or relying on judicial screening panels.

Further, the use of informal judicial selection panels to identify potential judicial nominees as a part of the advice and consent function has a long and respected history. Also, the Supreme Court's holding in Public Citizen versus U.S. Department of Justice that the Federal Advisory Committee Act does not apply to the longstanding practice of soliciting views on prospective judicial nominees from an American Bar Association committee provides ample support for the challenged practice.

This resolution would authorize the Senate legal counsel to represent the Senators sued in this action to protect their role in the advice and consent process by which the President and the Senate share responsibility for the appointment of Federal judges under the Constitution.

Mr. REID. Mr. President, I ask unanimous consent the resolution and preamble be agreed to, the motion to reconsider be laid on the table, and that any statements in relation thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 344) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 344

Whereas, Senators Dianne Feinstein and Barbara Boxer have been named as defendants in the case of *Manshardt* v. *Federal Judicial Qualifications Committee, et al.*, Case No. 02-4484 AHM, now pending in the United States District Court for the Central District of California; and

Whereas, pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(1), the Senate may direct its counsel to represent Members of the Senate in civil actions with respect to their official responsibilities: Now, therefore, be it

Resolved, That the Senate Legal Counsel is authorized to represent Senators Dianne Feinstein and Barbara Boxer in the case of *Manshardt* v. *Federal Judicial Qualifications Committee, et al.*

CYBER SECURITY RESEARCH AND DEVELOPMENT ACT

Mr. REID. Mr. President, I ask unanimous consent the Senate now proceed to Calendar No. 549, S. 2182.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2182) to authorize funding for the computer and network security research and development and research fellowship programs, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

CHECKLIST PROVISION—CYBER SECURITY RESEARCH AND DEVELOPMENT ACT, HR 3394

Mr. HOLLINGS. I would like to engage in a brief colloquy with the ranking member of the Science, Technology, and Space Subcommittee of the Commerce Committee, Senator ALLEN, regarding the provisions of H.R. 3394 that provide for the National Institute of Standards and Technology, NIST, to develop checklists for widely used software products.

Mr. ALLEN. The committee, particularly Senators WYDEN and EDWARDS, working with NIST and industry, have reached agreement on this provision. We recognize that there is no "one-size-fits-all" configuration for any hardware or software systems. We have given NIST flexibility in choosing which checklists to develop and update. We have not required any Federal agency to use the specific settings and options recommended by these checklists.

Mr. HOLLINGS. The ranking member is correct. Our intent with this provision is not to develop separate checklists for every possible Federal configuration. Rather, the checklists would provide agencies with recommendations that will improve the quality and security of the settings and options they select. The use of any checklist should, of course, be consistent with guidance from the Office of Management and Budget.

Mr. ALLEN. I agree with the chairman.

Mr. WYDEN. Mr. President, I would like to say a few words about the Senate's passage of the Cybersecurity Research and Development Act.

Americans today live in an increasingly networked world. The spread of the Internet creates lots of great new opportunities. But there is also a downside: security risks. The Internet connects people not just to friends, potential customers, and useful sources of information, but also to would-be hackers, viruses, and cybercriminals.

In July 2001, after I became chairman of the Science and Technology Subcommittee of the Senate Commerce Committee, I chose cybersecurity as the topic for my first hearing. The message from that hearing was that cybersecurity risks are mounting. And that was before the horrific attacks of September 11 hammered home the point that there are determined, organized enemies of this country who wish to wreak as much havoc as they can. The terrorists are looking for vulnerabilities, and they are not technological simpletons.

This legislation is essential to the Nation's effort to address cybersecurity threats. It is a necessary complement to both the homeland security legislation pending in Congress and to the draft cybersecurity strategy released on September 18 by the administration. Because reorganizing the Federal Government to deal more effectively with security threats is only part of the battle. The same goes for many of the steps called for in the Administration's cybersecurity strategy.

In the long run, all Government and private sector cybersecurity efforts depend on people—trained experts with the knowledge and skills to develop innovate solutions and respond creatively and proactively to evolving threats. Without a strong core of cybersecurity experts, no amount of good intentions and no amount of Government reorganizing will be sufficient to keep this country one step ahead of hackers and cyberterrorists.

Therefore, this legislation makes a strong commitment to support basic cybersecurity research, so that the country's pool of top-flight cybersecurity experts can keep pace with the evolving risks. Specifically, the bill authorizes $978 million over five years to create new cybersecurity research and development programs at the National Science Foundation, NSF, and the National Institute of Standards and Technology, NIST. The NSF program will provide funding for innovative research, multidisciplinary academic centers devoted to cybersecurity, and new courses and fellowships to educate the cybersecurity experts of the future. The NIST program likewise will support cutting-edge cybersecurity research, with a special emphasis on promoting cooperative efforts between government, industry, and academia.

All of these programs will support advanced cybersecurity research at a basic, non-applied level, some of which may not pay off for a number of years. Nonetheless, it is my strong expectation that as this fundamental research yields results, those results will be made available promptly to the private sector, where they will serve as the foundation for a wide range of practical, tangible cybersecurity improvements, products, and solutions. This kind of commercialization of the results of Federal investment in computer and network security research is consistent with long-standing U.S. technology transfer policy, and will serve the national interest in enhancing the security and reliability of cyberspace for commercial, academic, and individual users, as well as Federal and state governments.

I should also note that, in addition to the extramural research grants at NSF and NIST, the bill will support NIST's ongoing cybersecurity research. Americans for Computer Privacy, the Business Software Alliance, the Information Technology Association of America, the Information Technology Industry Council, the Software & Information Industry Association, and the U.S. Chamber of Commerce noted in a recent letter to Senators LIEBERMAN and THOMPSON that NIST's Computer Security Division's "job is to improve the security of civilian computer systems through technical standards and cooperation with industry." This legislation will provide funding to support NIST in continuing that work.

There is broad consensus on the need for this legislation. It has already passed the House by an overwhelming bipartisan vote, thanks to the leadership of Congressman SHERRY BOEHLERT. I introduced the Senate version, S. 2182, and the ranking member of the Science and Technology Subcommittee, Senator ALLEN, joined me in shepherding it through the Commerce Committee. We worked closely with Senator EDWARDS on provisions to help Federal Government agencies safeguard the security of their computer systems. And we worked closely with businesses and experts in the cybersecurity field, to ensure widespread support within the high tech industry.

Specifically, I would like to mention a few changes that have been made to the bill since we reported the bill from the Commerce Committee. The most significant changes to the bill came in working with Senator EDWARDS and cybersecurity businesses and experts to give federal agencies additional tools to strengthen the security of their computer systems, while at the same time encouraging innovation and allowing agencies the flexibility to adopt a variety of cybersecurity products.

In addition, working with our colleagues on the House Science Committee, we adjusted the list of research areas of basic NSF research grants. No list could ever encompass every computer security technology, and for that reason the list is not exclusive. The intention was simply to give some general examples of broad research areas, without naming specific technologies. But obviously, when individual grants are awarded, they may well focus on particular technologies that are not listed by name in the final version of the bill, such as digital watermarking.

Another change is the deletion of a cost-sharing provision added in committee. Instead, the bill language makes it clear that research grants under the NIST cybersecurity research program will be awarded to institutions of higher education rather than directly funding industry research.

I thank my Senate colleague for taking up and approving this timely legislation. The stakes are high, and you can bet that hackers and cyberterrorists won't stand still. So it is important to launch these new cybersecurity research programs as soon as possible. I believe this legislation needs to be enacted into law this fall, and I urge the House and the President to move swiftly to ensure that happens.

Mr. ALLEN. Mr. President, I rise to thank my colleagues for their unanimous support of S. 2182, the Cyber Security Research & Development Act. I would also like to thank Senator WYDEN for his leadership and continued work on pushing this important measure through the legislative process.

S. 2182 addresses the important issue of cyber security. As our reliance on technology and the Internet have grown over the past decade, our vulnerability to attacks on the Nation's critical infrastructure and networked systems has also grown exponentially. The high degree of interdependence between information systems exposes America's network infrastructure to both benign and destructive disruptions. Such cyber attacks can take several forms, including: defacement of web sites; denial of service; virus infection throughout the computer network; and unauthorized intrusions and sabotage of systems and networks resulting in critical infrastructure outages and corruption of vital data.

Past attacks, such as the Code Red virus, show the types of danger and potential disruption cyber attacks can have on our Nation's infrastructure. The cyber threats before this country are significant and are unfortunately only getting more complicated and sophisticated as time goes on.

A survey last year by the Computer Security Institute and FBI found that 85 percent of 538 respondents experienced computer intrusions. Carnegie Mellon University's CERT Coordination Center, which serves as a reporting center for Internet security problems, received 2,437 vulnerability reports in calendar year 2001, almost 6 times the number in 1999. Similarly, the number of specific incidents reported to CERT exploded from 9,589 in 1999 to 52,658 in 2001. What is alarming is that CERT estimates these statistics may only represent 20% of the incidents that actually have occurred.

A recent public opinion survey indicates that over 70 percent of Americans are concerned about computer security and 74 percent are concerned about terrorist using the Internet to launch a cyber-attack against our country's infrastructure. One survey shows that half of all information technology professionals believe that a major attack will be launched against the Federal Government in the next 12 months.

Indeed, cyber security is essential to both homeland security and national security. The Internet's security and reliability support the economy, critical infrastructures and national defense. At a time when uncertainty threatens confidence in our Nation's preparedness, the Federal Government needs to make information and cyber security a priority.

Currently, federally funded research on cyber security is less than $60 million per year. Experts believe that fewer than 100 United States researchers have the experience and expertise to conduct cutting edge research in cyber security.

The Cyber Security Research and Development Act will play a major role in fostering greater research in methods to prevent future cyber attacks and design more secure networks. Our legislation will harness and link the intellectual power of the National Science Foundation, the National Institute of Science and Technology, our Nation's universities, and private industry to develop new and improved computer cryptography and authentication, firewalls, computer forensics, intrusion detection, wireless security and systems management.

In addition, our bill is designed to draw more college undergraduate and graduate students into the field of cyber security research. It establishes programs to use internships, research opportunities, and better equipment to engage students in this field. America is a leader in the computer hardware and software development. In order to preserve America's technological edge, we must have a continuous pipeline of new students involved in computer science study and research.

S. 2182 highlights the role the Federal Government will play in helping prepare and prevent cyber attacks, but only if we can ensure the cutting edge research and technology funded in this legislation is made commercially available.

Clearly, there is an urgent need for private sector, academic, and individual users as well as the Federal and State governments to deploy security innovations. I am confident that the federal investment for long-term projects outlined in this legislation will yield significant results to enhance the security and reliability of cyberspace.

I am glad to see the Senate come together and pass this important legislation and again thank my colleague from Oregon for his leadership. I have truly enjoyed working with him for the successful passage of this positive and constructive legislation that will improve the security of Americans.

Mr. REID. Mr. President, I ask unanimous consent that the committee-reported substitute amendment be withdrawn; and on behalf of Senators WYDEN and ALLEN, I ask unanimous consent that the amendment at the desk be considered and agreed to, the bill, as amended, be read three times, and the Commerce Committee then be discharged from further consideration of H.R. 3394, the House companion; that all after the enacting clause be stricken, and the text of S. 2182, as amended, be inserted in lieu thereof; that H.R. 3394 be read three times, passed, the motion to reconsider be laid on the table; and that any statements relating to this matter be printed in the RECORD, with no intervening action or debate; and that S. 2182 be returned to the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was withdrawn.

The amendment (No. 4890) was agreed to.

(The amendment is printed in today's RECORD under "Text of Amendments.")

The bill (S. 2182), as amended, was read the third time.

The bill (H.R. 3394), as amended, was read the third time and passed, as follows:

(The bill will be printed in a future edition of the RECORD.)

INLAND FLOOD FORECASTING AND WARNING SYSTEM ACT OF 2002

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to calendar No. 698, H.R. 2486.

The PRESIDING OFFICER. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2486) to authorize the National Oceanic and Atmospheric Administration, through the United States Weather Research Program, to conduct research and development, training, and outreach activities relating to inland flood forecasting improvement, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read the third time and passed; that the motion to reconsider be laid upon the table; and that any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 2486) was read the third time and passed.

BLACK LUNG BENEFIT CONSOLIDATION

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 5542 now at the desk.

The PRESIDING OFFICER. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (H.R. 5542) to consolidate all black lung benefit responsibility under a single official, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read the third time, and passed; that the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 5542) was read the third time and passed.

ORDERS FOR THURSDAY, OCTOBER 17, 2002

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 11 a.m., Thursday, October 17; that following the prayer and the pledge, the morning hour be deemed to have expired, the Journal of the proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and that there be a period of morning business, with Senators permitted to speak therein for up to 10 minutes each, with the time until 12 noon under the control of the Republican leader or his designee, and the time from 12 noon to 1 p.m. under the control of Senator DASCHLE or his designee.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. REID. Mr. President, there is no further business to come before the Senate. Therefore, I ask unanimous consent that we stand in adjournment under the previous order.

There being no objection, the Senate, at 9:04 p.m., adjourned until Thursday, October 17, 2002, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate October 16, 2002:

BROADCASTING BOARD OF GOVERNORS

BLANQUITA WALSH CULLUM, OF VIRGINIA, TO BE A MEMBER OF THE BROADCASTING BOARD OF GOVERNORS FOR A TERM EXPIRING AUGUST 13, 2005, VICE CHERYL F. HALPERN, TERM EXPIRED.

EXECUTIVE OFFICE OF THE PRESIDENT

FELICIANO FOYO, OF FLORIDA, TO BE A MEMBER OF THE ADVISORY BOARD FOR CUBA BROADCASTING FOR A TERM EXPIRING AUGUST 12, 2004, VICE JORGE L. MAS.

DEPARTMENT OF STATE

MARY CARLIN YATES, OF OREGON, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF GHANA.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIGADIER GENERAL RICHARD C. COLLINS, 4411
BRIGADIER GENERAL SCOTT R. NICHOLS, 8603
BRIGADIER GENERAL DAVID A. ROBINSON, 7497
BRIGADIER GENERAL MARK V. ROSENKER, 1990
BRIGADIER GENERAL CHARLES E. STENNER JR., 3274
BRIGADIER GENERAL THOMAS D. TAVERNEY, 6191
BRIGADIER GENERAL KATHY E. THOMAS, 0940

To be brigadier general

COLONEL RICARDO APONTE, 0713
COLONEL FRANK J. CASSERINO, 3455
COLONEL CHARLES D. ETHREDGE, 1223
COLONEL THOMAS M. GISLER JR., 1300
COLONEL JAMES W. GRAVES, 4813
COLONEL JOHN M. HOWLETT, 8450
COLONEL MARTIN M. MAZICK, 0371
COLONEL HANFERD J. MOEN JR., 4733
COLONEL JAMES M. MUNGENAST, 7850
COLONEL JACK W. RAMSAUR II, 8374
COLONEL DAVID N. SENTY, 6128
COLONEL BRADLEY C. YOUNG, 0584

IN THE ARMY

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIGADIER GENERAL EMILE P. BATAILLE, 3318
BRIGADIER GENERAL DANIEL D. DENSFORD, 0210
BRIGADIER GENERAL DANIEL E. LONG JR., 1267
BRIGADIER GENERAL MICHAEL J. SQUIER, 8084
BRIGADIER GENERAL ROY M. UMBARGER, 9266
BRIGADIER GENERAL ANTONIO J. VICENS-GONZALEZ, 8687
BRIGADIER GENERAL WALTER E. ZINK II, 8489

To be brigadier general

COLONEL NORMAN E. ARFLACK, 1964
COLONEL JERRY G. BECK JR., 8553
COLONEL RAYMOND W. CARPENTER, 7439
COLONEL HERMAN M. DEENER, 2720
COLONEL ROBERT P. FRENCH, 1355
COLONEL JOHN T. FURLOW, 1754
COLONEL CHARLES L. GABLE, 2112
COLONEL FRANCIS P. GONZALES, 1426
COLONEL DEAN E. JOHNSON, 0723
COLONEL DAVID A. LEWIS, 0439
COLONEL THOMAS D. MILLS, 4814
COLONEL VERN T. MIYAGI, 2805
COLONEL ROQUE C. NIDO LANAUSSE, 1486
COLONEL J. W. NOLES, 1201
COLONEL THOMAS R. RAGLAND, 6773
COLONEL TERRY L. ROBINSON, 1805
COLONEL CHARLES G. RODRIGUEZ, 8250
COLONEL CHARLES D. SAFLEY, 5588
COLONEL RANDALL E. SAYRE, 2290
COLONEL DONALD C. STORM, 7206
COLONEL WILLIAM H. WADE, 3027
COLONEL GREGORY L. WAYT, 4702
COLONEL MERREL W. YOCUM, 9183

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

BRANFORD J. MCALLISTER, 9473
ALICE SMART, 6783

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be commander

ROWLAND E MCCOY, 4950

To be lieutenant commander

ROGER L BOUMA, 7021
JAMES T DENLEY, 5023
JOHN V DICKENS III, 4521
KIMBERLY S FRY, 5011
JEROME A HINSON, 1716
TAMMY C JONES, 8196
JOHN T LEE, 2359
STEVEN M RESWEBER, 5583
ROBERT D REUER, 2784
LOUIS ROSA, 0750
DUANE A SAND, 8078
FRANK W SHEARIN III, 3608
JOHN M SHIMOTSU, 1395
RALPH R SMITH III, 9288
WALTER R STEELE, 4245
DAVID A TOELLNER, 8474
ROBERT A WACHTEL, 0596
ALAN K WILMOT, 5450

HOUSE OF REPRESENTATIVES—*Thursday, October 17, 2002*

The House met at 10 a.m.

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

O God of faithfulness and justice, You guide everything with wisdom. You bind people together in love and friendship. Accept this prayer for our Nation. Keep the United States of America close to You.

May the light of Your kingdom be found in noble deeds performed today by Your people across this Nation. May they produce a rich harvest of equal justice for all to share.

By Your spirit, renew the Members of Congress as Your instruments of security and peace. Be with them now and forever. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER, Will the gentleman from North Carolina (Mr. JONES) come forward and lead the House in the Pledge of Allegiance.

Mr. JONES of North Carolina led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed without amendment bills and a joint resolution of the House of the following titles:

H.R. 2486. An act to authorize the National Oceanic and Atmospheric Administration, through the United States Weather Research Program, to conduct research and development, training, and outreach activities relating to inland flood forecasting improvement, and for other purposes.

H.R. 4967. An act to establish new nonimmigrant classes for border commuter students.

H.R. 5542. An act to consolidate all black lung benefit responsibility under a single official, and for other purposes.

H.J. Res. 123. Joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

The message also announced that the Senate has passed with an amendment in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 2621. An act to amend title 18, United States Code, with respect to consumer product protection.

H.R. 3394. An act to authorize funding for computer and network security research and development and research fellowship programs, and for other purposes.

The message also announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 1233. An act to provide penalties for certain unauthorized writing with respect to consumer products.

S. 2667. An act to amend the Peace Corps Act to promote global acceptance of the principles of international peace and nonviolent coexistence among peoples of diverse cultures and systems of government, and for other purposes.

APPOINTMENT OF HON. FRANK R. WOLF TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS THROUGH NOVEMBER 13, 2002

The SPEAKER laid before the House the following communication:

WASHINGTON, DC,
October 17, 2002.

I hereby appoint the Honorable FRANK R. WOLF or, if not available to perform this duty, the Honorable WAYNE T. GILCHREST to act as Speaker pro tempore to sign enrolled bills and joint resolutions through November 13, 2002.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

The SPEAKER. Without objection, the appointment is approved.

There was no objection.

ADJOURNMENT TO MONDAY, OCTOBER 21, 2002

Mr. JONES of North Carolina. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 11 a.m. on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

SPECIAL ORDERS

The SPEAKER. Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

OUR PUBLIC DEPOTS ARE IMPORTANT FOR THE DEFENSE OF AMERICA

The SPEAKER. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Mr. Speaker, I rise today to talk about a very important issue. Driving back to DC., from North Carolina on Tuesday, I was listening to the radio. Paul Harvey made a statement, "Blackhawk down in Alabama." Certainly that got my attention, as it would anyone.

What he was talking about is the fact that the workers down at Sikorsky had gone on strike. These are the people that are responsible for preparing and keeping our 105 helicopters, Blackhawks, up in the air and ready to carry our troops to defend our Nation.

This got my attention because I have a depot in my district. It is down at Cherry Point. I want my colleagues in the House to know that these public depots are extremely important to the national security of this Nation. A public depot provides maintenance, engineering, logistics, and support to the United States military. Public depots are staffed by Federal employees and provide a strike-free workforce to repair and maintain the equipment that our men and women need to defend this Nation.

For an example, in my district, we have a naval aviation depot at Cherry Point. It employs over 3,500 people in the upkeep and maintenance of numerous aviation platforms, most of which are used by the Navy and Marine Corps. However, they also perform work on other platforms for the Special Operations Command, the Army, and the Air Force.

We actually have in this Congress a Depot Caucus. It is made up of Democrats and Republicans who truly understand the importance of having these public depots. The men and women that work at these depots, they are so important to the national security of this Nation that a few years ago when the commandant of the Marine Corps at the time, General Krulak, appeared before the Committee on Armed Services and the question was asked, How important are the public depots to the Marine Corps, his statement, Mr. Speaker, was this: he said that the public depot is absolutely critical to the 911 force of this country.

The reason I come to the floor today is because those of us, again, on both sides of the political aisle who are part of the Depot Caucus, we had the same situation with the Clinton administration that we had with the Bush administration. Many of the people in these administrations do not appreciate the fine work that the public employees are doing at these depots, and we continually battle to make sure that there is a partnership so that the public depots can remain strong, not only for the present, but also for the future.

Let me read just a couple of sentences from this article about Sikorsky Workers Strike, Call Contract Proposal Unfair. It says: "Unionized workers at an Alabama plant that builds and repairs Blackhawk helicopters for the military went on strike on Monday, calling the company's contract offer unacceptable.

"About 105 helicopter mechanics represented by the Teamsters union chanted and picketed outside Sikorsky Support Services, Inc., after contract negotiations broke down after a month."

The reason I wanted to come to the floor again, Mr. Speaker, today is because our Nation is at war. It has not been declared as a war, but we have men and women in Afghanistan and other parts of the world, and they are fighting each and every day. Many are being killed.

Those at the public depots are the kind of employees that, by Federal law, cannot strike; so what they do whenever they are called upon, they go overseas, like during Desert Storm. Many from my district of North Carolina, the Third District, where Cherry Point is located, these people went over to make sure that the equipment that our fighting forces needed was in top-notch shape. So we must as a Congress remember that the public depots are absolutely critical to the national security of this Nation.

Just a couple of other points and then I will close, Mr. Speaker. I think that too many times everybody says, we want to privatize this, we want to privatize that. But when we come to the national security of this Nation, again, the commandant of the Marine Corps at that time, General Krulak, made the statement that if we did not have the public depots, we would jeopardize the 911 force of this country.

Mr. Speaker, I hope in this next Congress we will continue to work together to ensure that our public depots remain strong and are given what they need to be certain that they can maintain the equipment that our men and women in uniform need so desperately to defend the national security of this country.

I will close by reading the last paragraph, and then I will include this article for the RECORD.

"The company recently announced it had landed a $1.5 billion contract to build 80 H-60 Blackhawk helicopters for the Army and 82 H-60 utility helicopters for the Navy."

Again, as I close, I just want to say that our public workers at the public depots, they do not strike under any circumstances. They are always there to maintain what our military needs so they can continue to defend the national security of this Nation.

Mr. Speaker, I will say that we must remember our men and women in uniform. I ask God to please bless our men and women in uniform, and I ask God to please bless America.

The article referred to is as follows:

[From the Salt Lake Tribune, Oct. 15, 2002]

SIKORSKY WORKERS STRIKE, CALL CONTRACT PROPOSAL UNFAIR

TROY, AL.—Unionized workers at an Alabama plant that builds and repairs Blackhawk helicopters for the military went on strike on Monday, calling the company's contract offer unacceptable.

About 105 helicopter mechanics represented by the Teamsters union chanted and picketed outside Sikorsky Support Services Inc. after contract negotiations broke down after a month.

Union negotiators said the company's contract offer weakened workers' health benefits. But Ed Steadham, a spokesman at the company's headquarters in Stratford, Conn., said he was disappointed the contract was rejected.

Sikorsky has offered a 10 percent pay raise over three years and improved pension benefits, Steadham said.

"The company believes it offered a competitive package of pay and benefits," he said in a statement.

Union spokesman Rocco Calo said the company wants to triple inpatient hospitalization co-payments for workers and increase annual deductible fees.

Sikorsky Support Services is a wholly owned subsidiary of Sikorsky Aircraft Corp.

The company recently announced it had landed a $1.5 billion contract to build 80 H-60 Blackhawk helicopters for the Army and 82 H-60 utility helicopters for the Navy.

THE STATUS OF AMERICA AND RANCOROUS CAMPAIGNING

The SPEAKER pro tempore (Mr. CULBERSON). Under a previous order of the House, the gentleman from Arkansas (Mr. BERRY) is recognized for 5 minutes.

Mr. BERRY. Mr. Speaker, I rise this morning with great concern. As my colleague from North Carolina has just referred to, we are a Nation at war. We are faced with acts of terrorism around the world at home and abroad. We have unprecedented random acts of violence, and we have the worst economy that this country has seen in 50 years.

We have got political campaigns going on all over this Nation. When I have had the opportunity to see some of these campaigns in action, and we see the political advertisements that are on television and the various and sundry activities that are taking place, mostly it is negative. Mostly, it is attacking each other, the Republicans and the Democrats going after each other and declaring in some way or other what a horrible person the other one might be.

☐ 1015

I have to say today, Mr. Speaker, that the issues that face us today are not partisan. We should be focused and concentrating on some very serious issues, but they are not partisan issues. It is time for this Congress and this country to come together, unified, and deal with these very serious problems that we face.

It is not a partisan issue for senior citizens in Arkansas in the First Congressional District to not be able to afford their medicine that they need to stay healthy, stay alive, and have a decent life. It is not a partisan issue that this country continues to allow the prescription drug manufacturers to rob our senior citizens. It is not a partisan issue that our farmers are more economically distressed than they have been since the Great Depression. Our farmers do a wonderful job. We have a farm program that is just really not adequate. But never in the history of this country has it been more important to have the ability to produce the food and fiber that we need in our own land.

Our manufacturers are distressed because of foreign competition because the value of the dollar, just like it affects the farmers, makes them not competitive in the international marketplace. Our health care system, because of the failure of this Congress to rescind cuts for Medicare reimbursements to our hospitals and doctors, is threatened. We have rural hospitals and rural providers of all kinds that do not know whether they are going to be able to continue to provide Medicare services or not because the reimbursement rates are so low.

We are faced with having to make a decision to reduce the amount of money that is going to be spent on Federal highways very soon if this economy does not improve dramatically. These are not partisan issues. If you do not have a road to get there on, it does not matter whether you are a Democrat or a Republican.

The First Congressional District of Arkansas benefits more from good highways than almost any place in the country. And yet we have to struggle to get the money to accomplish the task that we have at hand, and that is to complete good four-lane highways across the First Congressional District.

We know that our education system is going to be underfunded because of cuts that have been made in the budget and expected cuts that will be made in appropriations. Our debt has grown out of control and we continue to borrow from our children and grandchildren and pass the burden on to them rather than come together, Democrats and Republicans on the floor of this House, and come to a consensus agreement on how we should deal with these serious issues.

We know how to fight a war. We will figure out and we are figuring out how to deal with terrorism, and we will get those jobs done, and we should get those jobs done; and we should spare no resources to accomplish that task. But for the domestic economy, for the things that affect Americans and Arkansans and the citizens of the First Congressional District of Arkansas, we should be working on a plan today; and right now no one is working on a plan to deal with this great economic distress that we face. We know it continues to get worse.

We have begged. We have begged both sides. I belong to the Blue Dog Coalition; and we have encouraged both sides, come together, let us develop a plan. Let us do what is good for America and get the job done.

PASS PRESCRIPTION DRUG COVERAGE

The SPEAKER pro tempore (Mr. CULBERSON). Under a previous order of the House, the gentleman from Kentucky (Mr. FLETCHER) is recognized for 5 minutes.

Mr. FLETCHER. Mr. Speaker, as we have passed a continuing resolution to take us until at least November 22, I would like to talk about some unfinished business, as we have passed legislation over to the Senate and the Senate has yet to act upon that legislation. One of the important pieces of legislation that they have not acted upon is the prescription drug plan.

We worked very hard, our leadership, the Republican leadership, worked very hard to pass a prescription drug plan that would lower the cost of prescription drugs immediately. It would devote about $350 billion to prescription drug coverage as well as enhancing Medicare and ensuring that providers would continue to be accessible to patients. It also was a voluntary coverage.

It also guaranteed choice, that seniors would have at least two plans; and, again, it was a guaranteed benefit under Medicare. It would provide immediate savings, and the Congressional Budget Office estimated that the savings would be up to 44 percent for seniors.

I know in my State of Kentucky we have about 50 percent of the seniors would have fallen within the range of 175 percent of the poverty level or below, which means that about half of our seniors in Kentucky would have received supplemental help on their premiums, which means that those at 150 percent of the poverty level and below would have virtually paid no out-of-pocket expenses for their prescription drugs. These are the people that are having to decide between food and their prescription drugs, and it would have been a tremendous help to them.

Yet, as we passed the plan over, the Senate has not acted on the prescription drug plan. Let me say this, it is very unfortunate as we have passed here the resolution to make sure we continue to deal with the war on terrorism, we have passed a number of other pieces of legislation dealing with the economy, with health care, with energy policy, that we find out on many of those issues and bills that we have passed over, the Senate has not acted upon those bills. Let me just say this, the Democrat leadership, as we have seen and I believe, are playing politics as we approach an election here and have left the seniors without the prescription drug coverage that they need.

I am very pleased, Mr. Speaker, that we worked very hard to make sure that the bill for prescription drugs was a very balanced bill, a very reasonable bill, and a very doable bill. And as we passed that over to the Senate, again, they have not acted on that bill.

I would hope as we come back after the November 5 elections that this very important issue would be taken up, that we would be able to provide our seniors across America with the prescription drug bill that would provide the care that is needed. Again, I think it is very important as we look at how medicine has changed over the last number of years, going from acute care to just treating disease, to prevention and chronic disease management, the need for prescription drugs grows continually. As we have more and new and better prescription treatments for patients to prevent disease and to manage chronic diseases, I think it is only equitable and fair that we include those in a modern Medicare program.

Mr. Speaker, once again, as we close out until after the election, at the call of the Speaker, I find it very disappointing that the Democrats have not, through their leadership, taken up the prescription drug plan that we have passed here and passed that to provide coverage for the American people. Instead, they have put politics above the American people.

CORRECTION TO THE CONGRESSIONAL RECORD OF THURSDAY OCTOBER 10, 2002 AT PAGE H7885

The incorrect version of the following concurrent resolution was inadvertently printed. The correct engrossed version is as follows:

H. CON. RES. 486

Whereas over 30,300 people will be diagnosed with pancreatic cancer this year in the United States;

Whereas the mortality rate for pancreatic cancer is 99 percent, the highest of any cancer;

Whereas pancreatic cancer is the 4th most common cause of cancer death for men and women in the United States;

Whereas there are no early detection methods and minimal treatment options for pancreatic cancer;

Whereas when symptoms of pancreatic cancer generally present themselves, it is too late for an optimistic prognosis, and the average survival rate of those diagnosed with metastasis disease is only 3 to 6 months;

Whereas pancreatic cancer does not discriminate by age, gender, or race, and only 4 percent of patients survive beyond 5 years;

Whereas the Pancreatic Cancer Action Network (PanCAN), the only national advocacy organization for pancreatic cancer patients, facilitates awareness, patient support, professional education, and advocacy for pancreatic cancer research funding, with a view to ultimately developing a cure for pancreatic cancer; and

Whereas the Pancreatic Cancer Action Network has requested that the Congress designate November as Pancreatic Cancer Awareness Month in order to educate communities across the Nation about pancreatic cancer and the need for research funding, early detection methods, effective treatments, and prevention programs: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress supports the goals and ideals of Pancreatic Cancer Awareness Month.

Amend the title so as to read: "A concurrent resolution supporting the goals and ideals of Pancreatic Cancer Awareness Month".

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. BERRY, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. FLETCHER, for 5 minutes, today.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2667. An Act to amend the Peace Corps Act to promote global acceptance of the principles of international peace and nonviolent coexistence among peoples of diverse cultures and systems of government, and for other purposes; to the Committee on International Relations.

ENROLLED BILLS SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled bills and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 3295. An act to establish a program to provide funds to States to replace punch card voting systems, to establish the Election Assistance Commission to assist in the administration of Federal elections and to otherwise provide assistance with the administration of certain Federal election laws and programs, to establish minimum election administration standards for States and units of local government with responsibility for the administration of Federal elections, and for other purposes.

H.R. 5010. An act making appropriations for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes.

H.R. 5011. An act making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes.

H.J. Res. 123. Joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

ADJOURNMENT

Mr. FLETCHER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 23 minutes a.m.), under its previous order, the House adjourned until Monday, October 21, 2002, at 11 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

9681. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — HOME Investment Partnerships Program [Docket No. FR-4111-F-03] (RIN: 2501-AC30) received October 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9682. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Secondary Direct Food Additives Permitted in Food for Human Consumption [Docket No. 02F-0042] received October 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9683. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants for Friction Materials Manufacturing Facilities [FRL-7385-9] (RIN: 2060-AG87) received October 15, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9684. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Partial Withdrawal of Approval of 34 Clean Air Act Part 70 Operating Permits Programs in California; Announcement of a Part 71 Federal Operating Permits Programs [CA085-WDL; FRL-7393-6] received October 15, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9685. A letter from the Deputy Archivist of the United States, National Archives and Records Administration, transmitting the Administration's final rule — Researcher Identifcation Cards (RIN: 3095-AB14) received October 15, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

9686. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administrative's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 of the Gulf of Alaska [Docket No. 011218304-1304-01; I.D. 092402C] received October 15, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9687. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-200B, -300, -400, -400D, and -400F Series Airplanes [Docket No. 2001-NM-22-AD; Amendment 39-12892; AD 2002-19-12] (RIN: 2120-AA64) received October 15, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9688. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Sikorsky Aircraft Corporation Model S76A, B, and C Helicopters [Docket No. 2002-SW-40-AD; Amendment 39-12896; AD 2002-15-51] (RIN: 2120-AA64) received October 15, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9689. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; SOCATA-Groupe AEROSPATIALE Model TB 21 Airplanes [Docket No. 2002-CE-16-AD; Amendment 39-12899; AD-2002-20-04] (RIN: 2120-AA64) received October 15, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9690. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737 Series Airplanes [Docket No. 2001-NM-251-AD; Amendment 39-12903; AD 2002-20-07] (RIN: 2120-AA64) received October 15, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9691. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Breeze Eastern Aerospace Rescue Hoists [Docket No. 98-ANE-37-AD; Amendment 39-12901; AD 2002-20-05] (RIN: 2120-AA64) received October 15, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9692. A letter from the Paralegal Specialist, FAA, Department of Trasportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 767-200 and -300 Series Airplanes Powered by Pratt & Whitney JT9D Series Engines [Docket No. 2001-NM-268-AD; Amendment 39-12891; AD 2002-19-11] (RIN: 2120-AA64) received October 15, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Ms. BERKLEY:

H.R. 5694. A bill to allow for the augmentation of electric power production at hydroelectric facilities located on certain Federal lands by making other Federal lands available for renewable energy production, and for other purposes; to the Committee on Resources, and in addition to the Committees on Energy and Commerce, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. MILLENDER-McDONALD:

H.R. 5695. A bill to support the establishment or expansion and operation of programs using a network of public and private community entities to provide mentoring for children in foster care; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. MILLENDER-McDONALD:

H. Con. Res. 513. Concurrent resolution supporting the goals and ideals of National Mammography Day; to the Committee on Government Reform.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 1255: Ms. DeLauro.

H.R. 1520: Mr. Shaw, Mr. Bass, and Mr. Portman.

H.R. 1733: Mr. Serrano and Mrs. Christensen.

H.R. 2005: Mr. Crowley and Ms. DeLauro.

H.R. 2641: Mr. Crowley.

H.R. 3676: Ms. Berkley and Mr. Blumenauer.

H.R. 4933: Ms. Norton, Mr. Frost, Mr. Owens, Mr. Gordon, and Ms. Lofgren.

H.R. 5088: Mr. Larsen of Washington.

H.R. 5250: Mr. Cantor.

H.R. 5287: Mr. Frank.

H.R. 5462: Mr. Smith of New Jersey.

H. Res. 581: Mr. Capuano, Mr. Gephardt, and Mr. Lynch.

SENATE—*Thursday, October 17, 2002*

The Senate met at 11 a.m. and was called to order by the Honorable BENJAMIN E. NELSON, a Senator from the State of Nebraska.

The PRESIDING OFFICER. Today's prayer will be offered by our guest Chaplain, RADM Barry C. Black, Chief of Chaplains, U.S. Navy.

PRAYER

The guest Chaplain, RADM Barry C. Black, offered the following prayer:

Let us pray.

Almighty and most merciful God, who commanded us to love one another, give us also Your grace to obey this mandate. Lord, shape our lives with forbearance. Direct our paths so that we may find courageous options at complex crossroads.

Lord, from dullness of conscience, from feeble sense of duty, from thoughtless disregard of others, from a low ideal of the obligations of our position, and from all half-heartedness in our work, save us we pray.

Guide us, teach us, and strengthen us for the challenges ahead. Shower us with Your wisdom and do for us more than we can ask or imagine, according to Your glorious power. Amen.

PLEDGE OF ALLEGIANCE

The Honorable BENJAMIN E. NELSON led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, October 17, 2002.*
>
> *To the Senate:*
>
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BENJAMIN E. NELSON, a Senator from the State of Nebraska, to perform the duties of the Chair.
>
> ROBERT C. BYRD,
> *President pro tempore.*

Mr. NELSON of Nebraska thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Nevada is recognized.

SCHEDULE

Mr. REID. Mr. President, it is my understanding Senator GRASSLEY is on his way to use some of the time that is designated for the minority from now until noon. From noon to 1 o'clock is under the control of Senator DASCHLE or his designee. We will have some speakers during that period of time.

During the rest of the day, we are going to see what we can do. There may be some conference reports we can approve. There may be other business that can be conducted; that is, as we wind down in anticipation of a lameduck session, about which everybody is excited.

The majority leader asked me to announce there will be no rollcall votes today.

Senator GRASSLEY has arrived, as I announced he would. I yield the floor.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business, with Senators permitted to speak therein for up to 10 minutes each.

Under the previous order, the time until 12 noon shall be under the control of the Republican leader or his designee.

The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I yield myself such time as I may consume.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

FINISHING THE PEOPLE'S BUSINESS: COMPLETION OF BIPARTISAN TAX RELIEF

Mr. GRASSLEY. Mr. President, I wish to brief my colleagues on Democratic gridlock in the Senate, and the only reason I feel comfortable using that word is that in 1993, I remember the headlines in the papers referred to "Republican gridlock" in the Senate when certain provisions and portions of President Clinton's program were not being acted upon, at least the way the newspapers believed they should be, in the Senate. It seems to me we have a similar situation now, but I do not see the newspapers writing about Democratic gridlock in the Senate.

I wish to address my colleagues on a few provisions on the Senate calendar that are not being enacted, and these are the ones which I feel some expertise in talking about because they come from the Senate Finance Committee and deal with the legislative tax agenda.

I am ranking Republican on the Finance Committee, and I am pleased to report that the committee has completed action on a number of bipartisan tax relief measures. The items I am going to discuss happen to have cleared the committee unanimously, which ought to say something about why they should be acted upon on the floor of the Senate, and I raise the question then: Why are they being held up?

I will refer to two of many pieces of legislation about which I could talk.

The first is a charitable tax reform bill known by the acronym CARE. By the way, this bill was introduced as a bipartisan bill. Senator LIEBERMAN on the Democratic side and Senator SANTORUM on the Republican side worked closely with the White House because it is very high on the President's agenda.

The second item I am going to refer to is one that is Enron related.

Starting about a year ago, until about 3 months ago, Enron was voiced by everybody in the Senate as reason for doing certain actions—corporate governance, pension reform, 401(k) reform, et cetera. For some reason, we do not hear anything about it now, particularly from the other side of the aisle, because there is some legislation on the agenda that is Enron related that reforms the pension statute that would help protect future Enron employees from losing their retirement nest egg.

Again, both of these items—the charitable tax reform bill and the pension reform bill—were passed out of our committee unanimously. That is quite a reputation for a bill to have, considering how difficult it is to get even a majority view sometimes on the Senate Finance Committee.

I wish to briefly describe the merits of this legislation. The charitable tax reform act is part of the President's compassionate, conservative initiative. The CARE Act has been carried forward on a bipartisan basis under the very energetic leadership of Democratic Senator LIEBERMAN and Republican Senator SANTORUM. Others, including our own leaders of the Democratic and Republican Parties, Senator DASCHLE and Senator LOTT, have pledged their efforts to pass this bill. The House passed this bill over a year ago, and did it on a bipartisan vote. Several months ago, the Senate Finance Committee reported this bill to the full Senate.

Most of the focus on the bill has been on provisions that reduce taxes. For instance, those who take the standard deduction—and that is about 70 percent of our taxpayers—will for the first time under this legislation be encouraged to contribute more to charities, and the incentive for doing that is the deductibility of these small contributions from their income taxes regardless of the fact that they take the standard deduction.

As we know, people who tend to take the standard deduction are in the middle or lower income tax brackets. So the key provision of this bill provides a broad-based tax benefit to lower income taxpayers.

This provision and others are obviously meant to, and will, enhance resources for charities to do their good work. This empowers people who are taxpayers to help charities, to empower the private sector of our economy to do more in humanitarian ways, and to have the resources to do what these organizations are already inclined to do.

Even though this is a tax reduction measure, because obviously there is some lost revenue when these deductions are taken, we have offsets in this bill so there is not a net reduction in revenue to the Federal Treasury. The Finance Committee, on a bipartisan basis as well, decided this should be done so that it was not subject to a point of order requiring 60 votes, or that we would be fiscally irresponsible in putting this tax benefit for charities into the individual tax law.

I say to my fellow Senators, unlike a lot of spending legislation, the appropriations bills that have come before this body recently, this proposal does not add to the deficit. The Finance Committee found two important tax policy initiatives to offset this bill. All of these are related to corporate or individuals doing things to avoid taxes that may, in fact, be legal but are not necessarily moral or ethical. So we use these income-raising measures to offset the revenue loss in the Charitable Contribution Act.

The first offset shuts down what are called corporate expatriations, also known as inversions. Let me explain to my colleagues that what we are talking about is corporations that over a long period of time have paid their taxes into the Federal Treasury exactly the way they were intended to be paid but there has been a recent trend of some corporations setting up a shell corporation in a place such as Bermuda for the sole purpose of avoiding taxes.

We do not have any problems with people using our tax laws the way they were intended to meet international competition, but we are very chagrined at the act of people setting up a shell corporation for the sole purpose of avoiding taxes.

On the one hand, we have corporations that have traditionally abided by the laws and not tried to finesse those laws to their own benefit. They basically stayed here and they paid. Then on the other hand, there is the whole trend of corporate tax filings to avoid paying taxes. They basically have dashed from the country, and they have stashed the cash somewhere else to avoid taxation. That is what is called an inversion.

Passing the CARE Act will use the inversions as an offset so the money that would not be paid by corporations because they dashed and stashed the cash will still come to the Federal Treasury and will, in fact, offset revenue loss through the Charitable Tax Reform Act.

I started talking about these inversions in January. I made my intention very clear then, and ever since, to shut down shell corporations being set up in Bermuda for the sole purpose of avoiding legitimate taxation. For me, it is critical that we act on inversions before we shut down this place this fall. Now is our chance on the CARE Act.

We have people holding up this bill. They have to understand that they are responsible for holding up action on inversions. There are no two ways about it. They are not willing to shut down the immoral and unethical trend of corporate accounting by setting up shell corporations, going overseas to avoid taxation.

We have another important offset in this CARE Act. It is also an important bipartisan Finance Committee initiative. It deals with tax shelters. This bipartisan proposal—and it was drafted in concert with the Treasury Department—is a result of over 3 years of work. It is a result of careful consultation with key professional organizations such as the American Bar Association, the New York State Bar Association, the American Institute of Certified Public Accountants, and the Tax Executive Institute. This proposal was developed methodically and puts a premium on enhanced disclosures of tax shelter transactions. It also imposes tough penalties on those who undertake abusive tax shelter transactions.

So as in the case of inversions, those who are right now blocking the Senate, under this Democrat gridlock, from considering the CARE Act are also blocking action to shut down tax shelters.

I am pleased my colleagues on the Republican side are ready to proceed. Unfortunately, it is being blocked from the other side of the aisle. I am hopeful we will see cooperation from the Democratic side and get a chance to debate this bill, but time is running out. If we do not act on the Charitable Reform Act, called the CARE Act, including shelters being shut down and including expatriations from being stopped, it will be clear where responsibility lies. It lies with those who are blocking the bill now.

A second piece of tax legislation that is caught in this Democratic gridlock is the pension reform bill. The pension reform bill is because of Enron-like corporate mismanagement, corporate greed, corporate fraud, corporate felons doing what they should not be doing, and that is mismanaging the money entrusted to them by stockholders and bondholders.

What happens when there is this sort of corporate mismanagement? Thousands of Enron employees see their 401(k)s decimated. I know Enron is basically a Texas corporation, but there were 150 Enron employees in my State of Iowa who found that to have happened to their 401(k)s. How did it happen under their 401(k)s? Because under corporate laws there are corporate rules that do not allow a 401(k) holder to actually control their own account; for instance, having to be 55 years of age before someone can get rid of their stock or control their stock. Through this legislation, we want to protect people from Enron-like occurrences in the future. We do that through the legislation we call the pension reform bill, with the acronym NESTEG. That was considered by the Finance Committee over the spring and the summer subject to hundreds of hours of bipartisan staff discussion.

That is how we get bills out of the Senate Finance Committee, through consensus. Every Member of the committee and even Members not on the committee with interests in this issue had input. It took several weeks. The discussions bore fruit. The chairman's markup with some amendments passed out of committee without opposition. This was all as a result of Members of this body saying Enron problems had to be solved. A lot of the people on the other side of the aisle were trying to fault President Bush's administration. They have not succeeded in doing that.

That is intellectual dishonesty. If you look at a lot of the corporate mismanagement problems and follow the calendar back to when the first decisions were being made to do some of these things, they go well back into the Clinton administration.

Our constituents, my 150 Enron employees, do not care who is to blame—Clinton, Bush, or whether nobody is to blame—except the corporate mismanager. The point is, they expect us to do something about it. A lot of this discussion was started on the other side of the aisle that brought us where we are now. There does not seem to be any interest on the part of the Democrat majority moving the pension reform and 401(k) bills that are so necessary to make sure future Enron-decimated 401(k)s do not occur.

I described how this bill was voted out of the Senate Finance Committee. There was another committee, the Health, Education, Labor and Pensions Committee, known as the HELP Committee, chaired ably by Senator KENNEDY, also working on some legislation in this direction. Chairman KENNEDY took a little different route. He decided, for whatever reason, to refuse to engage Republicans on his committee, and the result was a raucous markup and a party-line vote. As I have said so many times, contrasting the work of the Senate Finance Committee, which was very bipartisan, from the work of the HELP Committee, which was more partisan, we cannot get anything done in a Senate that is divided 50 Democrats, 49 Republicans, and 1 independent on a partisan plan. If you try to do that, the whole product is doomed. That was and is the fate of the HELP Committee bill on pension reform that came out of committee on a partisan vote.

I digress for a minute. We are all legislators. Our job is to legislate. It is our responsibility, especially in these times, to use our legislative resources to actually accomplish something for the American people. However, I am the ranking minority Member on the Senate Finance Committee. Republicans are in a minority in this bed. The Democratic leadership runs the Senate. Like a point guard in basketball or a quarterback in football, the Democratic leadership has the ball. They call the plays. Unfortunately, serious legislating is not a game. When the Democratic leadership puts legislating the people's business ahead of partisan interests, they will get a product out.

By the way, to be fair, that applies to Republican leadership, as well.

Two examples come to mind. One is the bipartisan tax relief legislation of last year. The Republican leadership cleared the way for the bipartisan Finance Committee package, cleared the floor, became law June 7, 2001.

Another example is the Sarbanes-Oxley corporation accountability bill. The Democratic leadership let Senators SARBANES and ENZI craft a bipartisan compromise that cleared the Senate floor and became law.

On the other hand, if the Democratic leadership wants to score political points and send a bill into the Senate ditch, that is their choice. Do not work with the other side, do not recognize that 49 of 100 Members of the Senate; somehow they do not exist. Do not respect 100 Senators. Do not respect Republican input on issues at hand. Just try to program your caucus poll-driven agenda down the throats of 100 Members.

In the words of the distinguished majority leader, politicize it. The path is clear on pensions. The Democratic leadership is facing a fork in the road. The left fork is to play the partisan card. Pursuing that path means bringing up a bill that is designed to be controversial. It means bringing up a bill like the bill that came out of the Health, Education, Labor and Pensions Committee on a partisan vote. Then there is the right fork, bring up the Finance Committee bill, perhaps even with some bipartisan measures from the Health, Education, Labor, and Pensions Committee. Frankly, Senators BAUCUS, GREGG, KENNEDY, and myself made good progress. There is a bipartisan basis for proceeding. If the Democratic leadership follows this fork in the road, we can get a bill through the Senate, the very sort of thing people on the other side of the aisle have been clamoring for since last fall and for sure since January.

Where are we? The Enron bankruptcy occurred about a year ago. Enron employees' retirement accounts have been devastated. People across the country rightly demand action. Shortly after the new year, the President proposed a multipoint plan to reform retirement plans. I don't know how many times I have heard since the President made that statement last spring from the other side of the aisle that the White House needs to be engaged. The White House engaged the Congress is the way I look at it. I did not hear much talk about doing anything about pension retirement plans until after the President said we ought to be working on it. The House acted very quickly in April on pension reform. But the full Senate has not acted. We cannot send the President a bill until the Senate acts. Choosing a partisan course means the Senate has defaulted. That is very regrettable.

Let me be clear. Republicans stand ready to work on this priority, and as we have already done, as indicated by the bill coming out of our committee on a unanimous vote, in a bipartisan manner, and even doing that in conjunction with committees that have tried to do the same thing in a partisan way.

I ask unanimous consent to have printed in the RECORD a copy of a letter dated August 30 this year from the Finance Committee Republicans to Senator DASCHLE, on pension reform.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON FINANCE,
Washington, DC, August 30, 2002.

Hon. TOM DASCHLE,
Majority Leader, U.S. Senate,
Washington, DC.

DEAR MR. LEADER: We understand that you intend to bring pension protection legislation to the floor soon after the Senate reconvenes in September. As you know, both the Finance Committee and the HELP Committee have produced differing versions of pension protection legislation. Although both committees have acted, only one committee has acted in a bipartisan fashion and produced a bipartisan product: the Finance Committee. The Finance Committee's bill, S. 1971, was reported out unanimously. By contrast, the HELP Committee reported a partisan product, S. 1992 on a party-line vote of 11–10.

We do not believe that a partisan approach is the way to proceed on such important legislation that will affect the retirement savings of tens of millions of Americans.

In the spirit of bipartisanship, therefore, we respectfully request that you call up the Finance Committee bill to serve as the underlying bill for the Senate's debate on American's retirement security. This good-faith gesture would expedite the Senate's action. Furthermore it would solve concerns due to the limited scope of S. 1992, which was due to HELP Committee's restricted jurisdiction in the retirement security area.

Using the Finance reported bill would facilitate, not preclude, the full Senate's involvement in the retirement security debate. It would send an important signal of bipartisanship to American workers and retirees who will be keenly watching this debate and would reassure them that we are working together in their best interests. And, as you said in your press conference with Senator Kennedy, "this isn't about political points." We agree with you, Senator Daschle. This shouldn't be about political points. It should be about good public policy and good pension policy for all Americans.

Sincerely,
Chuck Grassley, Don Nickles, Craig Thomas, Orrin Hatch, Jon Kyl, Fred Thompson, Frank H. Murkowski, Phil Gramm, Olympia Snowe.

Mr. GRASSLEY. I implore the Democratic leadership to get in gear. The American people deserve action on this charitable tax reform action called the CARE Act. We should not forbear on curtailing tax shelters and corporate expatriations, which all may be legal, but in a time during the war on terrorism for a corporation to flee the country to Bermuda and not do anything more than set up a shell corporation is unethical and immoral—tax shelters, where the people who write the tax shelters sell them on the basis of how much money you will save the corporation in taxes, and where the people who write them do not even have to defend them. That seems to me to be professionally unethical as well. In other words, sell your product to a corporation and then let them hold the bag.

We are losing a lot of revenue that can be used for charitable purposes under the CARE Act. Workers rightly expect a debate and action on a bipartisan retirement security package. Let's do the right thing. Let's do the people's business. Let's undo the gridlock on these important bills. Let's bring up the CARE Act. Let's bring up the NESTEG Act.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I came to talk about another subject, but I think what my distinguished neighbor and colleague, the ranking member of the Finance Committee, said is very important and bears repeating.

Yesterday we passed, 92 to 2, an election reform bill. I think that bill proves what Senator GRASSLEY just said. That was a bipartisan bill.

Senator DODD, the chairman of the committee, worked very closely with Senator McCONNELL, the ranking member, and with me. We worked for about 18 months. It was not easy. But it was always done in a bipartisan fashion and we got the bill done.

The distinguished ranking member of the Finance Committee has pointed out other measures in the Finance Committee where they could work together. Sometimes they do—and then sometimes they bring legislation to the floor, report it out on a bipartisan basis, that the majority leader will not bring up.

If we had really wanted a prescription drug Medicare reform bill, we could have relied on the work of the bipartisan group on the Finance Committee. If we had wanted an energy bill, we should have relied on the bipartisan Energy Committee, with interest and expertise in the area, to report out a bill. It was taken away, for political purposes, from the Energy Committee by the majority leader. As a result, we got nowhere.

As I understand it, the Banking Committee reported out a good, strong, bipartisan terrorism risk reinsurance bill to provide terrorism insurance, a backup by the Federal Government so buildings and construction could get the insurance they needed to obtain financing to carry forward with some $16 billion of construction in this country. That bipartisan bill was not the one that was brought to the floor. That is the reason we have gridlock.

When those people tried to bring up measures purely for partisan advantage, they did not get very far. That is why this Senate is known by everybody who watches it as the most dysfunctional Senate that anybody has seen in recent history. We have not even brought up a budget. I have labored long and hard on the Budget Committee, and we felt the product that came out on a party line, which proposed cutting defense spending and raising taxes in a time where we are at war and coming out of a recession, was not a good thing to do. It has not even been brought up. We could have come to a bipartisan agreement on a Budget Act that would have allowed us to move forward on appropriations.

We have inflicted ourselves with the wound of not being effective because, unfortunately, the majority leader has chosen to go with more political and nonbipartisan measures coming to the floor.

NURSING HOMES

Mr. BOND. Mr. President, I rise today to comment on a series of articles running this week in the St. Louis Post-Dispatch. The series began last Sunday with the headline "Nation's Nursing Homes are Quietly Killing Thousands" and anyone with a conscience should pause to consider its opening sentences:

> Thousands of America's elderly mothers, fathers and grandparents are being killed each year in the nation's homes—frail victims of premature and preventable deaths. This quiet pandemic is rarely detected by government inspectors, investigated by law enforcement, appraised by medical examiners or prosecuted by anyone. These deaths are not at the hands of crazed "angels of death." Most are caused by fatal neglect traced to caregivers upon whom residents depend for food and liquid and for turning them in their beds to prevent the formation of life-threatening sores. . . .

In short, elderly nursing home residents are dying in our country today due to failures to provide the most basic and fundamental elements of care. The Post-Dispatch reports statistics from the National Center on Health Statistics, which show that starvation, dehydration or bedsores were the cause of death for 4,138 nursing home residents in 1999, including 138 such deaths in Missouri.

However, these appalling statistics may only be the tip of the iceberg. The Post-Dispatch reported that investigators and researchers, who have taken the time to take a closer look and compare patient medical records with their death certificates, conclude that the number of preventable deaths due to malnutrition, dehydration and bedsores is most likely considerably higher. Our colleague, Senator BREAUX, believes that the number of avoidable deaths could number in the tens of thousands and research shows that anywhere between 500,000 to 5 million cases of abuse and neglect of our elders occur each year.

Personally, I know that Missouri has a terrible problem with some bad apple nursing homes. I know this because plenty of good folks back home have told me about their own horrific experiences with abuse and neglect of their loved ones. Furthermore, the General Accounting Office in recent years has amply documented decades of death and neglect due to the poor quality of care in too many of our Nation's nursing homes. In 1999, the GAO estimated that residents of one in four nursing homes in Missouri suffered actual harm from the care they received. Hearing these staggering stories and statistical figures was a wake-up call. I submit to my colleagues that no one here today can say "not in my backyard"—abuse, neglect and homicide in nursing homes in truly a national problem.

In my opinion, neglecting an elderly, fragile individual is no different than neglecting a child. Both are defenseless, both lack a vibrant voice, both are vulnerable and both suffer at the hands of those who are nothing more than cowards and criminals. Abuse of the elderly should be treated no differently than abuse of children.

Many of us on the floor today have taken strong stances with regard to corporate accountability. However, sending corporate titans up the river for cooking the books while excusing nursing home operators and others with fines and a slap on the wrist just doesn't square with me. Surely the lives of innocent folks who are not just suffering, but dying due to neglect should be just as precious under the law as anybody's pension fund. We need to send a crystal clear message that these individuals are criminals who should be wearing orange jump-suits instead of pin-stripes. A criminal is a criminal and, unfortunately, the "criminal" actions of some nursing home operators have tarnished the reputations of nursing homes generally and unfairly.

There is much that we need to accomplish to improve the plight of those elderly men and women who reside in nursing homes. The unnecessary human toll directly related to the failures in the nursing home industry is nothing short of shameful. There will be no miracle fix to this problem and there is no one obstacle to overcome that will improve the situation. First and foremost, we need to recognize that a revolution is really the only alternative. The powers that be in this area, namely the Department of Health and Human Services and the Centers for Medicare and Medicaid, as well as the corporate honchos in the nursing home industry need to recognize and acknowledge the need for revolutionary change. We as legislators need to summon the will and courage to spur that revolution.

Last month, I became an original cosponsor of the Elder Justice Act of 2002. This bill is the first comprehensive federal effort to address the issue of elder abuse. It is an attempt to combine law enforcement and public health to study, detect, treat, prosecute and prevent elder abuse, neglect and exploitation. It is a successful approach that has been applied to combat child abuse and violence against women. This bill creates Federal leadership and resources to assist families, communities and states in the fight against elder abuse; coordinates Federal, State and local elder abuse prevention efforts; establishes new programs to assist victims; provides grants for education and training of law enforcement; and facilitates criminal background checks for elder care employees.

The tragic toll of nursing home deaths in Missouri is so compelling, that I have also sought new ways to approach this seemingly intractable problem. I met with HHS Secretary

Tommy Thompson this past summer and discussed with him new bedside technology that can easily and accurately record individual information about nursing home residents and the care they receive. We discussed the success of a program in Missouri called QIPMO—Quality Improvement Program for Missouri, a patient care monitoring system that provides reports on the quality of care delivered by all Missouri nursing homes. This award-winning program is a cooperative project between the Sinclair School of Nursing and the Missouri Department of Health and Senior Services. I urged Secretary Thompson to consider adapting QIPMO's free on-site clinical consultation and technical assistance as an integral piece of a new federal technology demonstration and evaluation program. If enhanced with cutting-edge technology, I believe QIPMO may be a viable platform to help HHS lead nursing homes and state regulators to greatly improve on-site monitoring and clinical care. We urgently need a technogical revolution in nursing home care that can save lives and spare our elders of unnecessary suffering. A groundbreaking technology demonstration and evaluation program has the potential to erect an early warning system to alert care-givers to life-threatening problems before they become widespread or have tragic consequences. I thank Secretary Thompson for working with me and for offering his enthusiastic support and commitment to ensure that the demonstration and evaluation program happens.

I think all of us realize that at some point in our lives we may have to take a parent, grandparent, or elderly relative, or even a good friend to a nursing home. Some of us may wind up there ourselves. We know from experience that there are a lot of good nursing homes and there are a lot of homes in Missouri where we are very proud of the care the people receive. On the other hand, there are a few tragically bad apples that need to be picked out so when you take a family member, a loved one to a nursing home, you don't have to be worried that person will die of starvation or dehydration or bed sores. What a horrible way to go.

The article points out the need for additional staffing. Many nursing homes are short staffed. That is a problem that needs to be confronted. In some instances, when they have the Medicaid reimbursements, they are not adequate. If the money is not getting there—if it is going to care but there is not enough of it, that is one thing. There are other abuses that have been pointed out in these articles, where too much money that should go to care of patients is being siphoned off to family members who run other businesses on the side.

This is an area where continued vigilance, first from State enforcement agencies, and then the Department of Health and Human Services, is warranted. When one reads the stories and the record of the tragedy that has occurred, and it has been documented in this series, I believe all my colleagues are going to want to do something to assure that we separate the good nursing homes from the bad; and properly punish and chastise and charge those who are bad apples.

I ask unanimous consent additional material to which I referred be printed in the RECORD.

There being no objection, the additional material was ordered to be printed in the RECORD, as follows:

[From the St. Louis Post-Dispatch, Oct. 17, 2002]

SPECIAL REPORT: NEGLECTED TO DEATH—PREVENTABLE DEATHS IN NURSING HOMES

Nursing home patients are dying from causes like malnutrition, dehydration and bedsores—causes that could be prevented with proper care. But such cases are rarely investigated or prosecuted, and advocates say the suffering won't end without an outcry for reform.

CONGRESS RENEWS AN OLD BATTLE FOR NURSING HOME REFORM

The senior member of Congress wrapped his gnarled hands around the microphone sitting on the green felt-covered witness table and asked his distinguished colleagues: "What have the elderly in this country done to make their government and their neighbors so willing to have them starved, neglected and uncared for?"

Day 1—Nursing homes are killing thousands

Nation's Nursing Homes Are Quietly Killing Thousands (10/12/2002)—Patients are dying of causes that are preventable with proper care—and such cases are rarely investigated or prosecuted. Advocates say the suffering won't end without an outcry for reform.

Survivors of Lost Loved Ones Tell Stories of Broken Trust (10/12/2002)—They are victims of poor care in nursing homes, a cross section cut from the fabric of America—mothers and fathers, war heroes and homemakers, black and white.

Day 2—Inadequate staffing results in patient neglect

Woefully Inadequate Staffing Is at the Root of Patient Neglect (10/14/2002)—Nursing homes don't have enough people to provide even basic care, and the job often falls to low-paid, low-skilled workers. And when quality employees do come along, they often don't stick around.

Inadequate Medicaid Payments Squeeze Homes' Level of Care (10/14/2002)—Some tie low staffing to drive for profits; reimbursements fall short, industry counters.

Operator Has Toiled To Rescue Troubled Home in University City (10/14/2002)—The State called on Sharo Shirshekan to save the newly-named U-City Forest Manor. His orders were to bring the homes' budget under control and correct chronic care problems. At one point facing closure, he persuaded the state to give him a chance—and now he has given the home just that.

Day 3—Neglect can continue even after death

Many Nursing Home Patients Are Neglected Even After Death (10/14/2002)—Police and prosecutors are reluctant to pursue criminal cases, partly because they are difficult to prove. And with little involvement from medical examiners, most misdeeds are buried with the dead.

Fraud Units Employ the Element of Surprise in Protecting Elderly (10/14/2002)—Throughout the country, small groups of federal and state investigators are protecting the vulnerable elderly from wrongful deaths in nursing homes by using midnight raids and a Civil War-era law.

Army of Advocates Keeps Up the Pressure for Reform (10/14/2002)—Violette King is buzzing around her home office in Godfrey searching through photos and cluttered files detailing nursing home abuse when a ringing telephone interrupts.

Day 4—Regulators are losing the fight against neglect

Ombudsmen Often Feel Powerless in Efforts to Blow the Whistle (10/15/2002)—In 1972, Congress passed a law that legislators believed would help end deadly care in America's nursing homes. It mandated that each state set up an ombudsman program to identify and investigate complaints in hopes of preventing the neglect and abuse that were harming the elderly in the facilities paid to care for them.

Regulators Are Losing War Against Neglect, If They're Fighting at All (10/15/2002)—Missouri officials acknowledge failings in their ability to protect residents. Their counterparts in Illinois see no significant problems despite complaints from inspectors.

Day 5—Legislative efforts try to make things better

Inadequate Laws Are Blamed for Lack of Prosecution in 4 Heat-Related Deaths (10/16/2002)—When four elderly women baked to death from soaring temperatures in a University City Nursing home in April last year, public officials expressed outrage and vowed to take swift action against those responsible.

Nursing Home Industry Wields Clout in State Capitals (10/16/2002)—More than 40 percent of the nearly $2.6 million the nursing home industry contributed nationwide in state elections in 2000 flowed into Missouri and Illinois.

Mr. BOND. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. ALLEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded and that I be allowed to speak for as much time as I may consume.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE CYBER SECURITY RESEARCH AND DEVELOPMENT ACT

Mr. ALLEN. Mr. President, I rise today to thank my colleagues for their unanimous support for S. 2182, the Cyber Security Research and Development Act. I share the concerns and worries of Senator BOND and Senator GRASSLEY on many pieces of legislation and important matters that have not been passed due to various obstructions and problems. However, I am here to say we actually have done something very constructive which will soon be helping our country, and that is the passage of the Cyber Security Research and Development Act.

An extraordinary amount of hard work that went into this legislation. I thank my colleague from Oregon, Senator WYDEN, for his leadership and continued work in pushing this important measure through the legislative process.

Our bill, S. 2182, addresses the important issue of cyber and computer security. It is a truly historic piece of legislation because, for the first time, it assures and solidifies the Federal Government's commitment to basic, fundamental, long-term research in computer security as well as much needed graduate and postgraduate doctoral fellowships in computer security.

America must act now to protect our security on many fronts. As our reliance on technology and the Internet has grown over the past decade, our vulnerability to attacks on the Nation's critical infrastructure and network systems has also grown exponentially. The high degree of interdependence between information systems exposes America's network infrastructure to both benign and destructive disruptions.

Such cyber-attacks can take several forms, including the defacement of Web sites, denial of service, virus infection throughout the computer network, and the unauthorized intrusions and sabotage of systems and networks resulting in critical infrastructure outages and corruption of vital data. These are just some examples of the problems that could arise and have previously arisen.

In fact, we have seen past attacks, such as the Code Red virus, that show the types of dangers and potential disruption cyber-attacks can have on our Nation's infrastructure. The cyber-threats before this country are significant and are, unfortunately, only getting more complicated and sophisticated as time goes on.

A survey last year by the Computer Security Institute and the FBI found that 85 percent of 538 respondents experienced computer intrusions. Carnegie Mellon University's Computer Emergency Response Team (CERT) Coordination Center, which serves as a reporting center for Internet security problems, received 2,437 vulnerability reports in calendar year 2001, almost six times the number that were reported in 1999, just 2 years previously. Similarly, the number of specific incidents reported to CERT exploded from 9,589 in 1999 to 52,658 in 2001. Again, in 1999, about 9,500, to 52,000-plus incidents reported just 2 years later.

What is alarming is that CERT estimates that these statistics may represent only 20 percent of the incidents that have actually occurred.

A recent public opinion survey indicates that over 70 percent of Americans are concerned about computer security and 74 percent are concerned about terrorists using the Internet to launch a cyber-attack against our country's infrastructure. One survey shows that half—half—of all information technology professionals believe a major attack will be launched against the Federal Government in the next 12 months. Indeed, cyber-security is essential to both homeland security and national security. The Internet's security and reliability support commerce and information transfer of vital data in our economy, they support our critical infrastructures and, obviously, systems that protect our national defense. At a time when uncertainty threatens the confidence of our Nation's preparedness, the Federal Government needs to make the information and cyber-security issue a top priority.

Currently, federally funded research on cyber-security is less than $60 million a year. Experts believe that fewer than 100 U.S. researchers have the experience and expertise to conduct cutting-edge research in cyber-security. In this past academic year, there were fewer than 30 U.S. citizens enrolled in Ph.D. cyber-security programs. Our legislation will encourage the kind of research and programs that will motivate students to pursue Ph.D. degrees in cyber-security because students will have the opportunity to receive research grants with the National Science Foundation.

The Cyber Security Research and Development Act will play a major role in fostering greater research in methods to prevent future cyber-attacks and design more secure networks. Our legislation will harness and link the intellectual power of the National Science Foundation, the National Institute of Science and Technology, our Nation's universities, and the most creative minds in the private sector to develop new and improved computer cryptography and authentication, firewalls, computer forensics, intrusion detection, wireless security, and systems management.

In addition, our bill is designed to draw more college undergraduate and graduate students into the field of cyber-security research.

It establishes programs to use internships, research opportunities, and better equipment to engage students in this field. America is a leader in the computer hardware and software development fields. To preserve America's technological edge, we must continue to have new students involved in computer science study and research.

S. 2182 highlights the role the Federal Government will play in helping prepare and prevent against cyber-attacks, but only if we can ensure the cutting edge research and technology funded in this legislation is made commercially available. Clearly, there is an urgent need for the private sector, academic, and individual users, as well as the Federal and State governments, to deploy innovative security measures.

I am confident the Federal investment for long-term projects outlined in this legislation will yield significant results to enhance the security and reliability of cyberspace.

I am glad to see the Senate, in a rare moment in these last few weeks and months, has come together and passed this important legislation. Again, I thank my colleague from Oregon, Senator WYDEN, for his leadership. I have enjoyed working with him on successful passage of this positive and constructive legislation that will improve the security of Americans.

I am also grateful to the ranking member of the Judiciary Committee, Senator ORRIN HATCH of Utah, who thoughtfully suggested we add an assurance that the grants provided in this legislation will go to individuals who are in full compliance with all immigration laws.

I thank all my colleagues. It was a good team effort. In the future, our Internet and our cyber-security will be stronger for it.

I ask unanimous consent to print the following letter in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BUSINESS SOFTWARE ALLIANCE,
October 17, 2002.

Sen. RON WYDEN,
Chairman,
Sen. GEORGE ALLEN,
Ranking Member,
Subcommittee on Science, Technology & Space, Committee on Commerce, U.S. Senate, Washington, DC.

DEAR CHAIRMAN WYDEN AND RANKING MEMBER ALLEN: We are writing to express our support of the Business Software Alliance (BSA) and the Information Technology Association of America (ITAA) for S. 2182, the Cyber Security Research and Development Act, and to urge quick Senate passage of the bill.

Our associations represent the world's leading research-based software and hardware developers and manufacturers. As builders of many of the products, networks and systems that power the world's information infrastructures, and of the leading security tools used to protect them, our members are extremely committed to cyber security.

S. 2182 authorizes federal expenditures on fundamental basic, long-term research into computer security, as well as much-needed graduate and post-doctoral fellowships in computer security. The bill complements the hundreds of millions of dollars spent each year by the information technology industry on cyber security R&D. Government-funded research, undertaken in close partnership with industry, is a critical component of an effective government strategy to advance cyber security, and we commend your efforts to further the Federal Government's work in this area.

We also appreciate the efforts you and your staffs have undertaken to address concerns that were raised by industry earlier in this process with regard to provisions of the legislation pertaining to Federal computer systems. Your receptivity to these concerns has resulted, in our view, in a stronger bill, and we commend you for your efforts in this regard.

We are pleased to offer you our support of this legislation and to encourage its swift passage by the full Senate.

Sincerely,

ROBERT W. HOLLEYMAN II,
President and CEO, Business Software Alliance (BSA).
HARRIS N. MILLER,
President, Information Technology Association of America (ITAA).

The PRESIDING OFFICER (Mr. CORZINE). Who yields time?

The Senator from Hawaii.

THE ECONOMY

Mr. AKAKA. Mr. President, I rise today to express my concern over the current state of the economy. Too many working Americans are confronted with difficult financial situations due to the slowdown in the economy. I continue to believe in economic education and financial literacy as a major part of the solution for people to improve their unique situations. However, such efforts cannot truly succeed without sound fiscal policies to keep our economy strong. Many American families are having difficulties making ends meet. Over two million jobs have been lost since January 2001. The unemployment rate for September was 5.6 percent, an increase from the 3.9 percent unemployment rate in September and October of 2000. Home foreclosures are occurring at the fastest rate in thirty years and others are falling behind on their payments. Health care costs have increased rapidly. As a result, many are paying substantially more for their insurance coverage. Rising prescription drug costs have made it costly to obtain necessary medication, particularly for seniors.

I agree with the Majority Leader in his prescription for the sick economy. Unemployment insurance must be extended to help those who are still struggling to find work in these tough economic times. An estimated 1.5 million people exhausted their Federal extended unemployment benefits by the end of September. The total for the end of the year is expected to rise to 2.2 million individuals.

The minimum wage needs to be increased. Since establishing the minimum wage requirement in 1938, we have had only 19 increases in the minimum wage. The latest occurred in September 1997. The earnings of average Americans have grown little, and the overall distribution of income has become increasingly unequal. The real value of the minimum wage has fallen by 11 percent since the last increase. Currently, a minimum wage employee working full time earns about $4,000 below the poverty line for a family of three. We need to increase the minimum wage to help those millions of Americans earning the minimum wage who are rapidly becoming a permanent underclass in our society.

The savings of Americans have been ravaged in the last few years. The reduction in the value of retirement accounts is particularly troubling because Americans will have a harder time achieving the goal of a comfortable retirement. Over $210 billion in 401(k) and other defined contribution plans was lost in 2001. Individual Retirement Accounts lost over $230 billion in 2001.

Enron, WorldCom, Tyco, and other criminally managed companies have shaken the markets after the accounting scandals and disclosure of corporate misdeeds. We need the Securities and Exchange Commission to be aggressive in its pursuit of fraud and corporate malfeasance.

Without trust, our markets and economy cannot effectively function. The Sarbanes corporate accountability legislation that passed this summer will help provide additional safeguards for investors. With the recent addition of the new Securities and Exchange Commissioners, I look forward to the development of the Public Company Accounting Oversight Board. It is my hope that the organization will become a friend and advocate for the investor—not the accounting industry. The corporate accountability bill must be strongly enforced. In addition, pension protection legislation needs to be enacted to empower workers to make it easier for them to sell company stock and to make their investments more secure.

It is troubling that revenues have declined when there are so many domestic and defense needs. The 10-year, $1.35 trillion tax cut, which was enacted in June 2001, has contributed to a rapid surge in the size of the Federal budget deficit. The FY 2002 budget deficit is now estimated to be $157 billion, according to the Congressional Budget Office's monthly budget review. Gone are the years of budget surpluses. Although some of this can be attributed to necessary spending for national security in the wake of September 11, 2001, we cannot ignore the overall impact of last year's tax cut package. We must reexamine the tax cuts that have yet to take effect. The tax cuts were enacted at a time when the economy appeared stronger, there was a Federal budget surplus, and the tragic events of September 11 had not yet occurred. Now, fiscal responsibility requires all options to be on the table, such as postponing or canceling specific upper income tax cuts. I know that some of my colleagues share my concerns, and I look forward to working with them on this issue.

The American people will pay a large price for the tax cuts that generally are for the wealthiest Americans. When fully implemented, the tax cuts will give more tax breaks to the top one percent of taxpayers than to the combined total of the bottom 80 percent. It will be extremely difficult to pay down the public debt, which at the end of FY 2002 was estimated to be $3.6 trillion. It also will be difficult to provide a meaningful Medicare prescription drug benefit for seniors, and to adequately fund education and other vital programs and services.

Unfortunately, there are those who want to further compound our fiscal crisis by making the tax cuts permanent. Responsible fiscal policy is needed, or possible adverse effects, such as increasing interest rates, may further weaken the economy. Prior to the enactment of the tax cuts, the public debt was expected to be eliminated by 2009. This is no longer true. Future generations of taxpayers will be stuck paying the bill for these current tax cuts, and the picture would look even worse if the cuts are made permanent.

As a former classroom teacher and principal, I would like to say another word about education, which is one of the most important responsibilities we have regarding our children and our nation's future. The No Child Left Behind Act became law in January of this year. This sweeping reform of the Elementary and Secondary Education Act places before our schools dramatic mandates that they improve student performance or face tough consequences. The FY 2003 budget request, rather than including the funding needed to properly implement changes in the Act, requested the smallest increase in education spending in seven years. Furthermore, the budget request included education cuts of $1.76 billion, which would eliminate 40 programs and cut an additional 16. I am thankful to my colleagues on the Senate Appropriations Committee for restoring much of this funding. Going forward, we must continue to use fiscal restraint, but we must balance this with the need to invest in critical priorities.

I look forward to working with my colleagues on initiatives to encourage job growth, provide assistance for workers who have lost their jobs, and help alleviate the economic strain that has impacted most Americans. I urge all of my colleagues to add their energies to these efforts.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, my understanding is that the Senator from Nevada is going to propound a unanimous consent request. I will yield to him for that purpose and ask unanimous consent that I be recognized immediately thereafter.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Nevada is recognized.

UNANIMOUS CONSENT REQUEST—S. 2538

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 385, S. 2538, a bill to provide for an increase in the Federal minimum wage; that the bill be read the third time and passed, and that the motion to reconsider be laid upon the table.

Mr. GREGG. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Mr. President, I do this following the statement of the Senator from Hawaii, who has certainly laid out a timetable and a reason for doing the minimum wage bill. Senator KENNEDY was on the floor yesterday and did a magnificent job in explaining the need for it. I am sorry that my friends objected.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, are we in morning business at the present time?

The PRESIDING OFFICER. Yes.

Mr. DORGAN. I ask unanimous consent to speak for as much time as I may consume.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNFINISHED BUSINESS

Mr. DORGAN. Mr. President, I mentioned yesterday that the two most powerful words in the Senate are "I object." They have been used repeatedly in recent months, and especially in recent days, as we have tried toward the end of this Senate session to pass legislation that really does need doing. We are discovering that we have a number of people in the Senate who just don't want to move forward on some of these issues.

I think the American people wonder, from time to time, whether this Government is very relevant in their lives. I think prior to September 11, 2001, people wondered. Then, when the terrorist attacks occurred, I think people understood that on homeland security and a range of other issues, they do rely on the Government to do certain things to protect them.

We have come to a point now where there is so much unfinished business, so much left undone, as we near the end of this session of the Congress. I think the American people have a right to ask some pretty tough questions about who is doing what and who is objecting to what. Most families sit around the supper table—or the dinner table in some parts of the country—and talk about their lives. What they talk about are not statistics or abstractions; they talk about the things that are important in the lives of their families. They wonder, do we have good jobs? Do our jobs have good security? Are we paid a fair wage? Do grandpa and grandma have access to good health care? Do our kids go to good schools? Do we live in a safe neighborhood?

These are the issues that people care about in our country, and families want something done about them. One of these critical issues is health care. We tried to pass a Patients' Bill of Rights in this Congress and could not get it done. The Patients' Bill of Rights is pretty simple, actually. It is, with the growth of the managed care industry, trying to give a voice to consumers so they have a say in their own health care.

For example, a woman falls off a cliff in the Shenandoah Mountains and is taken into a hospital on a gurney, in a coma. She is very seriously injured, with broken bones and internal injuries. She ultimately recovers after a long convalescence. She is told by her managed care organization that they will not cover her emergency room treatment because she did not have prior approval to access the emergency room. Now, this woman was carried into the hospital on a gurney while in a coma, yet the managed care organization said she should have gotten prior approval for emergency room treatment.

So we tried to pass a piece of legislation that gives patients a voice in their own care, legislation that says patients have a right to know all of their medical options for treatment, not just the cheapest; patients have a right to emergency care when they have an emergency; patients have a right to see the doctor they need for the medical help they require. Pretty straightforward. We could not get it through. We could not get it through a conference committee and to the President for signature. Why? Because too many people in the Congress said: Let us stand with the insurance companies and the managed care organizations on this subject.

We also face urgent issues dealing with Medicare and Medicaid. Yesterday, we were on the floor of the Senate talking about that. Everybody in this Chamber knows we have to do something to provide fair Medicare reimbursement for physicians, hospitals, nursing homes, and other providers.

We now come to the end of this legislative session, and we know the Medicaid reimbursement for our nursing homes on October 1 was cut. That cut is going to be accentuated with an even deeper cut in 2004, beyond the fiscal year 2003. We know we have to do something to deal with that situation. We know it has to be done, and yet some act as if there is no urgency at all, this will be just fine.

It is not just fine to have a cut in the quality of care of nursing homes in this country. That is exactly what is going to happen. And it is not just fine if the Medicare reimbursement is not adequate to keep rural hospitals open and keep some of the hospitals in inner cities—that are stretched so thin and whose reimbursement was cut so deeply during the Balanced Budget Act—open. It is not just fine to say: Let that go.

We are talking about the quality of health care delivered in hospitals through Medicare, delivered in nursing homes through Medicaid. It is not fine with me when we try to fix this at the end of the session, not having received the cooperation to get it done during the session, and people stand up and say: I object.

What is their plan? What do they propose? Just diminished health care, diminished quality of care in our hospitals and nursing homes? Is that something the American people believe they want? Is that something families say: We aspire to nursing homes that provide diminished care because we would not meet our obligation under Medicaid? We aspire to have hospitals close their doors because we will not own up to our requirements under Medicare? I do not think that is what the American people want or expect of this Congress.

Senators BAUCUS and GRASSLEY have introduced legislation, S. 3018. It is bipartisan. It addresses these issues—Medicaid, Medicare, hospitals, nursing homes, physician reimbursements.

The provider reimbursement we know we have to do, and what happens? The two most powerful words in the Chamber once again: "I object," they say. "I object."

It is the easiest act in the world to do, but we are faced with very significant challenges in health care, Medicaid, and Medicare, and everyone in this Chamber knows we have to fix it.

Here we are on a Thursday at a time when the Congress should have been adjourned, trying to finish some of these last items, and we have people on the floor of the Senate singing the third verse of the same old tired tune: I object; I object.

I have told my colleagues often about Mark Twain who, when asked if he would engage in a debate, very quickly said yes.

"But we have not told you the subject."

He said: "It doesn't matter, as long as I can take the negative side. The negative side will require no preparation."

He is right. The question is: What are we building here? What are we doing here? What do we aspire for the American people to create here? A better country, a stronger country.

We have spent a great deal of time talking about national security in this Chamber. That is deadly serious business. I would never suggest that ought to be a subject on which we should not spend a great deal of time. It is deadly serious business to talk about our Nation's national security.

It is also important, in my judgment, to spend some time talking about this country's economic security because our capability to defend ourselves, our capability to spend the money to deal with national security challenges and issues relates directly to this country's economy, our ability to create an economic engine that produces growth and opportunity, that provides improvement for the lives of the American people, produces the tax revenues that allow us to have a standing army and have a military capability of dealing with national security issues.

Yet we are in a situation these days where it is as if nobody wants to talk much about economic security. We cannot find the administration's team. We had an economic forum last Friday. We invited the Administration to participate. We said: Won't you come and sit with us and talk about the economy? Let's talk about what kind of challenges exist.

There is no Republican or Democratic way to go broke. There is no Republican or Democratic way to lose a job. It is not partisan when one comes home and says: Honey, I have worked for this company for 18 years, but they told me today my job is over; it wasn't my fault; the company is cutting back because the economy is not good. There is no Republican or Democratic way to filter that through to your family for a man or a woman who has been in the workforce.

There is no Republican or Democratic way for us to fix this either. We have to fix it by trying to get the best ideas of what both parties have to offer and by sitting down and talking about the issues. We have a fiscal policy which we put in place 18 months ago, before the recession, before the war on terror, before September 11, before the corporate scandals. That fiscal policy is not working.

Huge projected budget surpluses have turned to very large projected budget deficits. More people are out of work. Confidence is down. People are worried about the future. Yet the economic team at the White House does not want to show up and talk about the economy. They will not come to an economic forum to talk about what is working and what is not, what is wrong and what is not, about how we fix this economy. They want to have nothing to do with that.

I do not think we ought to be ignoring economic security issues. That is at the heart of what we ought to be talking about these days.

We are trying very hard to say to our colleagues in the Senate on the Republican side: Join us; join us; forget the "I object" language; let's join together.

How about saying: Include me. We would say: Absolutely. Yes, let's include everybody here. Let's get the best of what both have to offer this country.

It appears to me the refrain now for the rest of the session is: I object. I object.

I come from farm country, and our farmers have suffered a disastrous drought, not just in the southern part of my State but in a very wide region of this country.

One of my colleagues made a point that I think is interesting: We ought to give droughts a name. We do not ever call them anything. At least with hurricanes we name them. Then pretty soon, Hurricane Andrew starts moving around and people talk about Hurricane Andrew. We need to start naming droughts as well. It is a natural disaster. It is something farmers cannot help. They did not create it. They cannot control it. Yet they plant the seeds in the spring and come out to harvest it, and it is a moonscape. There is nothing there. Nothing grew, and they lost everything they had because they put it all in the ground in the spring hoping they would harvest a crop in the fall, and there is no crop. That is a disaster.

We passed a disaster bill with 79 votes in the Senate—79 votes, Republicans and Democrats.

It is October 17 and no disaster bill. Why? The White House does not want one. The House of Representatives will not do one.

According to today's news clips, a House Republican source said that Republican members seeking more money for drought relief, or for any number of projects, were simply told no and encouraged to be good Republicans and to wait until next year. They are taking the circus tent down.

I do not know, if after 79 Senators have voted for drought relief, recognizing there is a very big problem, if somehow there is a curtain that prevents information from coming into the other body to tell the Speaker of the House we have a big problem in this country, if he somehow missed the evening news week after week, somehow missed the story that there was a protracted, devastating drought in this country—I do not know how we would tell him on October 17 if there is a problem.

You had better believe there is a problem. Why no disaster relief after the Senate passed it on a bipartisan basis, 79 votes in favor of it? Why? Why no disaster relief? Because "I object," they say; "I object." They object at the White House; they object in the U.S. House; they object.

There are so many issues that it is almost hard to know where to start. I want to describe one other issue, if I may. There is a young man named Jonathan Adelstein. Jonathan Adelstein is a nominee to the Federal Communications Commission. The FCC has a number of Republican seats and a number of Democratic seats. That is the way the seats are apportioned. This is a Democratic seat. It was vacated a year ago last month. For 13 months, this seat at the Federal Communications Commission has been open.

Senator DASCHLE went to the White House, described the nominee. The White House announced its intent to nominate him on February 8. They sent it to the Senate in July. On July 16, the Commerce Committee held a hearing, reported out of the Commerce Committee in July. Now the FCC is poised to make very serious and difficult decisions on a wide range of issues that will have a profound impact on this country's telecommunications policies, especially on rural States.

This seat is vacant. Know why? Because we have people that are singing the same song: I object. I object to bringing his nomination to the floor of the Senate, they say. There is a hold on this nomination, and that seat on the Federal Communications Commission that is so critical to the interests of rural States in this country is now vacant.

If this Senate does not confirm this nomination before we adjourn sine die, then there is something fundamentally wrong with the way this body works. This is not a normal case of, for example, a judgeship that may or may not be controversial.

The Federal Communications Commission has Republican seats and Democratic seats. The nominees on each side, if they are qualified—and Mr. Adelstein is eminently qualified—ought to be confirmed by the Senate. It is nonsense to hold up this nominee.

The chairman of the FCC, Mr. Powell, and others are poised to make very big decisions. I worry very much there is no one inside that circle who has rural America, smaller States, rural States, family farms, and small towns as their interest. These decisions will have a profound impact on the future of my State and others, and yet this nomination is awaiting action by the Senate, held up by some unnamed Senator who says, in effect, in a cloakroom, behind the cloak of secrecy, "I object."

So much for the Federal Communications Commission nomination. This is another issue that Congress is being blocked from taking care of.

A couple of days ago, my colleague from Nevada brought our attention to legislation the Senate has already passed and which is now in conference. He brought to the attention of the Senators the importance of something called concurrent receipt.

Concurrent receipt sounds like a two-dollar word and probably does not affect anybody in this Chamber. It may not affect anybody listening to me at the moment. I do not know. But it is important because there is an obscure

Federal law that says the following: If you served this country in the Armed Forces and retired, and you spent 20 years, for example, in uniform serving this country of ours and you earned a retirement, and along the way you may have fought in a battle somewhere and been severely wounded and are entitled to disability payments, this obscure Federal law says, oh, by the way, you cannot have both the retirement you earned and the disability payments you deserve as a result of your disability. You cannot have concurrent receipt of those two payments. One will offset the other and you will lose your retirement or you will lose your disability payment.

I put a statement in the RECORD the other day about some North Dakota National Guardsmen. These are the kind of people who are being affected by this foolish provision in Federal law that we need to change, and which the Senate is on record of wanting to change.

Sixty years ago, on October 10, 1942, two thousand men from North Dakota embarked for war. They were from the 164th Infantry Regiment of the National Guard. They were people from small towns and family farms. They came from almost every city, village, and county in our State. They were ordered to the West Coast the day after Pearl Harbor, and arrived in the South Pacific in the spring of 1942.

On the island of Guadalcanal, these North Dakota National Guardsmen were called to action. The United States Marines had begun the first offensive action against Japan on Guadalcanal, and by autumn of that year it was a precarious deadlock. At that point, these National Guardsmen arrived October 13. By noon, they had their first casualty from a bombing run by Japanese planes. As Japanese ground patrols tested the U.S. positions, the 164th Infantry advanced. They were the first unit of the U.S. Army to go on the offensive against the Japanese in World War II.

On October 24 and 25, there was an intense Japanese attack, the largest battle fought on Guadalcanal. The "Citizen Soldiers," as they were called, were called forward to reinforce the Marines. Despite the blackness of night, these National Guardsmen traveled with their heavy packs, in the rain, over narrow trails slippery with mud, following their Marine escorts to the front line, holding on to the backpacks of the man in front of them to avoid being lost.

Fighting side by side with the Marines, the 164th Infantry poured relentless fire through the night into continuous waves of oncoming Japanese. At dusk of the next day, the Japanese attacked again. The situation was so precarious, they said, that cooks, messengers, and clerks manned positions and waited for the worst. Even the musicians from the band were pressed into service as litter bearers. Every member of the 164th had a role in the fiercest battle of that campaign.

At the end of that night, by dawn, it was clear the enemy had suffered a disastrous defeat. In front of the 164th Infantry were 1,700 dead Japanese. The North Dakota unit, meanwhile, suffered 26 killed and 52 wounded. The commanding officer of the Marines sent them a special message for coming to the aid of the United States Marines. LTC Robert Hall received the Navy Cross for his leadership of the battalion in this action.

The men of that regiment won a Navy Cross, 5 Distinguished Service Crosses, 40 Silver Stars, more than 300 Purple Hearts, and many Soldier's Medals and Legions of Merit. Its boast was it would leave no one behind, and indeed it had no men missing in action, although they had lost many.

These survivors are now old men in North Dakota, living again in our villages, small towns, and family farms. Some of them are being told that, if they were wounded in this battle of Guadalcanal and they continued their service in the United States military and have a retirement and a disability coming, they cannot receive both. They might have earned their retirement and they might have taken a devastating wound in their body that took years of convalescence, but they cannot receive disability and retirement. That is terribly unfair, in my judgment.

The Senate is already on record trying to correct this, and we are now hearing once again that the refrain of "I object" exists in the conference on the Defense Authorization Bill that can fix the problem.

I hope that the conference will overcome those objections and do the right thing.

Finally, the issue of corporate responsibility. I began talking about the economy and economic security. Let me talk for a moment about corporate responsibility. We have a great deal of unfinished business with this issue. We passed a corporate responsibility bill in the Senate, and it is a good bill. It falls a little short of what is needed, but it is a good bill and a step in the right direction.

It was fascinating to me to see what happened. We pushed the bill under the leadership of Senator SARBANES. The Republicans pushed back and said: We do not want a bill. We do not want your bill. We do not want to do it your way.

Finally, the President agreed, the Republicans agreed, and we passed the legislation. For 3 days before we passed that bill in the Senate, I was trying to offer an amendment and it was blocked by the Republicans. My amendment was very simple. It said if someone is running an American corporation and they are running that company into bankruptcy and are getting bonus payments and incentive pay as they run that company into the ground, we ought to be able to recapture that and require disgorgement of that money.

A study was done and it shows of the 25 largest corporations that went into bankruptcy in the last several years, 208 executives took $3.3 billion out of those corporations as they went into bankruptcy. Let me say that again. Of the 25 largest bankruptcies, 208 executives took $3.3 billion in compensation as those companies were run into the ground.

I don't need five reasons. There is not even one good reason we ought to allow one to keep bonus and incentive pay as they take a public corporation into the ground. There is no incentive for bonus that is justifiable for someone presiding over bankruptcy. We should have passed that amendment. We will someday. I will continue to offer it as part of our unfinished business.

Another area of unfinished business is that we have a Securities and Exchange Commission without a leader who will lead. Mr. Pitt is the wrong man in the wrong place at the wrong time. Senator MCCAIN was the first to call for his resignation this summer. Larry Cudlow, Republican television personality on the Cudlow Kramer show, has called for his resignation, others have followed. The fact is, at this point we don't need a kinder and gentler SEC. We don't need a Securities and Exchange Commission that will bend in the wind of the political system to determine who should head an accounting reform board the American people could look up to and trust. What we need is a Securities and Exchange Commission chairman who does not care about the politics, who only cares about being a fair, tough, aggressive regulator. We need a chairman who will make sure we do not have additional Enrons and Tycos, who ensures that we do not have additional circumstances where the people at the bottom lose their shirts, the employees lose their jobs, and the people at the top walk off with pockets of gold to live in gated communities and count their money while everyone else is left in the wreckage.

We need a head of the SEC who can inspire confidence in the American people that effective regulation will prevent accounting firms, law firms, or corporations from cooking the books and enriching the people at the top at the same time they are costing the people at the bottom their jobs and costing investors their life savings.

I chaired hearings on the Enron issue in the Senate. One of my constituents in North Dakota is far removed from Houston, TX, but he worked for Enron, for a pipeline company. He wrote a letter and said: Mr. Senator, I had my life savings in my 401(k) plan invested in Enron. I am the first to admit it was pretty dumb to do it, but I did it because I worked for this company for many years and believed in the company. Mr. Lay and other executives told us employees that if we invested in their company, our futures would be better and brighter. They told us that it was a future of growth.

And I did. I put my 401(k) into Enron stocks. It was my life savings for me and my family. I had $330,000 in my 401(k). It is now worth $1,700. His question for me was: What do I do to provide for my family's security and retirement?

Mr. REID. What were those numbers?

Mr. DORGAN. This man put $330,000 into a 401(k) account and invested in Enron stock, a move that he felt would give he and his family security in retirement. He wrote a letter saying that 401(k) account is not worth $330,000 anymore; it is $1,700.

It breaks your heart.

Mr. NELSON of Florida. Will the Senator yield?

Mr. DORGAN. I am happy to yield.

Mr. NELSON of Florida. You will recall during the Enron hearings that the Senator from North Dakota chaired, one of the witnesses, a former Enron employee from the Orlando, FL, area, where Enron has one of its subsidiaries, the Florida Gas Company. We remember the very sad story of that lady. Her life savings was in the pension plan of the company, $750,000, and because they would not let her get into that retirement account to sell it—while, by the way, the corporate executives were selling their stock—the value of that retirement fund for that Enron employee from Florida plummeted to $20,000. She lost her entire life savings.

Mr. DORGAN. I say to the Senator from Florida, that Enron employee was locked out, as were the other employees. They could not sell, could not get rid of it even as the stock value was plunging. They lost their fortunes, and the folks at the top had all the flexibility in the world to sell their own stock.

The board of directors called what they found inside this corporation "appalling". More than anything, I am angry, really angry at the way the big shots treated themselves, like hogs at the trough, and the way they let everybody else dangle in the wind. The people at the bottom lost everything they had, including their jobs, in most cases, with the big shots never expressing remorse or regret.

There is something fundamentally wrong about what has happened. Part of this we fixed in the corporate responsibility bill. However, there is, as of yet, much unfinished business to address.

Mr. REID. Will the Senator yield?

Mr. DORGAN. I am happy to yield.

Mr. REID. A constituent of yours from North Dakota started out with $330,000 in his retirement account and wound up with $1,700. The Senator spoke on the floor before about Ken Lay at Enron and others. How much money did they take, separate and apart from whatever they made by selling their stock, just a reward for their malfeasance in running the corporation, does the Senator know?

Mr. DORGAN. Mr. Lay left with somewhere close to $300 million. All the folks at the top were very generous to themselves.

Mr. REID. Did he get a pension of half a million a year for life, that is $450,000 a year, for life?

Mr. DORGAN. It is pretty clear that at these corporations, Tyco or others, the folks at the top took very good care of themselves. As the folks at the bottom were losing their investments or jobs, the folks at the top were counting their money. That is what makes me so angry about all of this.

Let me come back to where I started. I started talking about our agenda at the end of this session, and what we ought to have completed but is not yet done. When families began talking about their lot in life, they talk about simple things important to the lives of their families. Do I have good health care? Do grandpa and grandma have access to a good doctor? Do I live in a safe neighborhood? Do I have a decent job? Does my job pay well? Does it have security? Those are the things important in people's lives.

I talked about what we have tried to do in this session of Congress, only to confront a mountain of objection from those who don't want to get it done. To so many things, "I object," they say. These are people who never want to do anything the first time. I talked about the Patients' Bill of Rights which we never got done this Congress. We had a big debate and got it through the Senate and yet it is still not done. Why? Because "I object," they say. Those who stand on behalf of the insurance industry and the managed care organizations are saying, "I object."

I held a hearing in the State of Nevada with Senator REID. I will never, ever, forget that hearing, and nor will he, I expect. This is about managed care and why it is desperately necessary to get a Patients' Bill of Rights done. A woman stood at this hearing and she had brought to the hearing a color picture of her son that she had turned into a very large poster. Her son's name was Chris. He was 16 years old. As she began to speak at this hearing, she held that picture of Chris above her head.

She said: My son was 16 years old when he was diagnosed with cancer. She said: My son was denied the treatment he needed when he needed it to give him a shot at winning this battle with cancer. She said: Before my son died, he looked up at me from his bed and said, "Mom, how can they do this to me? How can they do this to a kid?" She was crying and crying as she spoke about her son.

Her point was very simple. No 16-year-old boy in this country, ever, under any circumstances, ought to have to fight cancer and their managed care organization at the same time. That, by God, is an unfair fight. Everybody in this country knows it. We ought to do something about it.

Do you think this is something that happens in just one circumstance? It is not. I have had hearings in New York, in Nevada, in Minnesota, in Chicago, and at every hearing we hear exactly the same thing. Men, women, and children are told: You go ahead and fight your disease. But then they must fight the managed care organization to get payment for the treatment. Or maybe they must fight to get the treatment that they won't get unless they win a fight with the managed care organization, a fight that too many people, too often, lose.

It is not a fair fight. It is why we have decided to simply say that there are basic rights people ought to have when they deal with their managed care organizations. Every patient has a right to know all of their options for medical treatment—not just the cheapest. It is very simple.

My point is that we have a lot of unfinished business. The Patients' Bill of Rights is just one thing we haven't gotten done. I have described four or five more things today.

I regret that we are here at the end of this session, talking about the unfinished business. But the fact is, we have people in this Chamber who have become professional objectors. I object, I object, they say. It doesn't matter what the subject is—I object.

This country has a very serious problem with its economy. As I said earlier, it is appropriate for us to have been talking about national security because that is a deadly serious issue. But it is also imperative we talk about economic security because that is an issue that is important in the life of every family and every American person as well.

I would say to the President: You have had substantial cooperation from those of us in this caucus, here in this Chamber, on national security issues. Give us a little cooperation as well on economic security issues. Bring Air Force One back here to Washington, DC. Don't spend the next 3 weeks out on the road campaigning. Spend a little time here with us, talking about economic security, and fixing what is wrong with this economy.

Eighteen months ago when the President proposed his fiscal policy, we were told that we were going to have budget surpluses as far as the eye could see. No problem, they said, we are going to have budget surpluses forever.

Some of us felt that maybe it was our role to be a bit conservative then, and ask: What if something happens? Can you really see 6 months out, or 12 months or 2 years or 3 years out? Can you really see that far ahead and anticipate what might be? What if something happens? We think it is pretty unwise to commit ourselves to a fiscal policy that says let's have a $1.7 trillion tax cut over 10 years, anticipating everything is going to be really strong and positive for our economy.

What happened is 5 months later we discovered we were in a recession. We discovered that terrorists hit New York City and the Pentagon, hijacking four airplanes. We discovered we are at war against terrorism. We discovered the most outrageous set of corporate scandals in this country's history. All these things converged at the same intersection, at the same time, all undermining the confidence of the American people in the future of this economy.

You can say what you want about this economy. It is not an economy where there are dials and gauges and levers in the engine room of this ship of state, where all we have do is walk down there and adjust them to make the ship move right along without a problem. That is not the way the economy works.

I know there are people in the Fed, in monetary policy, and people in fiscal policy, who really have an inflated sense of self-importance about their role in the economy. This economy is only about and all about people's confidence. People are either confident about the future or they are not. If they are confident about the future, our economy expands because they do the things that manifest that confidence: They buy cars, houses, take trips, they do the things that expand the economy. If they lack confidence, they do exactly the opposite and that causes contraction.

The American people are very concerned about this economy. It would serve this country well, in my judgment, if the President would join us, all of us, and sit down and talk seriously about what we need to do to put this economy back on track, make this economy strong again, make this economy grow again and produce jobs and expand once again, and turn these budget deficits into budget surpluses and invest in the things that provide better lives for the American people: Health care, education—the things we know work to improve life for the American people. That is what we ask of this President.

Let me conclude by saying there is not a Republican or Democratic way to fix all of this. There is only the opportunity for people to sit down and reason together and compromise and find the best of a series of good ideas. But you cannot do that when there is a one-lyric song or one-chorus song here in this Chamber that says to everything, every proposal, every suggestion: I object, I object, I object. That does not serve this country's interest at this point in time.

This October 17, this country faces real challenges. It is time for all of us to take a deep breath, to ask the President to take a little time off the campaign trail to join us, and to work together to see if there is not a better way to deal with national security, improving the economy, and addressing the concerns of people across the country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I compliment the Senator from North Dakota for his brilliant statement. I also say not only should the President stop his campaign travels—or, if he wants to do them, they should be paid for by political parties and not by taxpayers. That is the concern I have with these travels.

Mr. President, I ask unanimous consent the Senator from Florida be recognized for up to 20 minutes. I know Senator GRAMM wishes to speak. His staff would now have an idea, as to when the Senator from Florida will be finished.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Florida.

NASA

Mr. NELSON of Florida. Mr. President, I am going to speak about the management of one of the most exciting little agencies in the Federal Government, NASA, the National Aeronautics and Space Administration.

The Senator from North Dakota has just put his finger on a number of problems with regard to our national economy, a subject that I addressed yesterday. I compliment him for his comments, his insight into the multiplicity of problems that are facing our country at this time. There is much to be done.

I would like to focus today on a particular part of the Federal Government, of which I have some credentials to offer some suggestions. If we don't pay attention to the direction the National Aeronautics and Space Administration is headed, we are going to get off on a wrong track and there are going to be some mistakes made. They can be mistakes everyone in this country would regret.

I shared with the administrator of NASA my hope for his success. He came through our Commerce Committee. We had both private and public meetings. We had a lengthy hearing for his confirmation. We will continue to have hearings.

I have suggested to the administrator that it appears the White House and the Office of Management and Budget are going to be unwilling to offer to NASA a budget that would increase its buying power. Its basically $15 billion budget in current-year spending is basically the same as it was 10 years ago. This is a little agency that has achieved so much and its achievements are the embodiment of the hopes and dreams of Americans as we fulfill our role as adventurers and explorers—a characteristic of the American people that we never want to give up. If we do, we will be a second-rate nation.

This country was founded by explorers. This country was expanded by explorers and adventurers. Then the frontier was westward. Now the frontier is upward. And here on Earth the frontier is inward.

We never want to give up that adventure because we will not fulfill the destiny that is resident in the hearts of all Americans, that we want to be adventurers and explorers.

But, in this Senator's opinion, NASA is not going to be able to fulfill that role and achieve that destiny if we keep starving NASA. NASA cannot do that in the year 2003 on a budget that was the same budget in fiscal year 1991—12 years ago. So if the White House and the Office of Management and Budget continue to starve NASA of its funds, there has to be some kind of relief.

I have suggested to the administrator a $5 billion item in the national budget over the next 5 years that is for the development of technologies of a follow-on to the space shuttle.

The space shuttle originally was going to be extending its lifetime to about the year 2007. Then it was extended to 2012. Now the word out of NASA is that the present fleet of four orbiters is going to continue so that we will have assured access to space for humankind through the year 2020.

It is a reliable vehicle. We have the best space team in the world. We have the finest launch team in the world at the Kennedy Space Center. But we can't continue to operate safely with the continued starving of NASA funds by the administration.

I have suggested to the Administrator that one aspect he should look at as a program is development of new technologies for a new kind of vehicle, a reusable vehicle, that would be scheduled to go after the year 2020.

That is also an item that is of considerable interest to the Department of Defense. The DOD, being flush with money, could fund that, with NASA having the management of that research, which it does so well and, therefore, give some relief in the NASA budget so that what was left over could be applied to what was necessary; that is, safety upgrades on the space shuttle.

So there is no question that we are doing everything possible to have that space transportation system be as safe as possible even though we know it is risky business. When you defy the laws of gravity, when you go at mach 25, when you circle the globe in 90 minutes, when you come through 3,000 degrees Fahrenheit of searing heat on reentry, it is risky business. So we cannot afford to do anything less than upgrade all of the things that we have in the pipeline for the shuttle safety upgrades.

At the same time, our Nation is in the midst of building the largest engineering accomplishment of all time. We are building a space station. It is a multinational effort. By the time it is completed, it will weigh 1 million pounds, it will have an acre of solar panels, it will measure the length of a football field, it will have a pressurized volume equal to two jumbo jets, and it will orbit at 220 nautical miles above the Earth.

We already have an international space station in orbit. What is up there already is an extraordinary accomplishment. It is the largest cooperative scientific program in history. It is drawing on the resources and the scientific expertise of our own Nation along with the expertise of 15 other countries.

This project is an exciting gateway to the new frontiers in human space exploration—meeting the deep-seated need of humans throughout history to explore the unknown, to understand their world and their universe, and to apply that knowledge to the benefit of all here on Earth. The International Space Station will sustain U.S. leadership in exploration in and the use of outer space which has inspired a generation of Americans and people throughout the world.

I suddenly had a flashback. I was a lieutenant in the Army. I was on leave at the time we were launching to go to the Moon. I was in Eastern Europe approaching Belgrade, Yugoslavia. I went to the U.S. Embassy right at the time of launch, and I asked them if they had for this Army lieutenant the opportunity to watch it on television. They did not. I said: What would you recommend? They said: It will be carried live by the BBC on radio. Go outside of Belgrade to that series of hills and stick up the antenna of your shortwave radio and tune into the BBC.

My fellow companions—those two young Americans with me, my best friends today—and I went out there. And the BBC cut into NASA Control at the time of launch of Apollo 11. There were three Americans in Yugoslavia out there cheering as that rocket rose into the heavens.

That is the kind of excitement that has been generated across the Earth by the stunning accomplishments of America's space program. Now we are on the cusp of having another stunning accomplishment of breakthroughs in scientific exploration on the International Space Station. That station will provide a stunning opportunity to enhance U.S. economic competitiveness by creating new commercial enterprises while serving as a virtual classroom in space to advance scientific education for teachers and students alike.

Most importantly, the station will be a unique world-class laboratory by providing an international platform for advances in science and technology. In this laboratory of the heavens, we will conduct research in tissue growth, looking at the causes of cancers and potential medical treatments. Our Nation's biochemists will investigate new drugs and develop a whole new understanding of the building blocks of life.

Using the microgravity environment of space—that is near zero G—our industries will be able to develop new advanced materials that may lead to stronger, lighter metals and more powerful computer chips.

The station will also house experiments in combustion science that could lead to reduced emissions from powerplants and automobiles, saving consumers billions of dollars. But that is only if we complete the space station.

Last year, we found that the international program had real cost overruns and management problems. There is no question that we absolutely have to complete the project because it is an investment in our future and the legacy we will leave to our children's children. Why else are we building it, other than to make a difference in their lives?

Yet this administration chose to fund some of the station's cost overruns without adding more money to NASA's budget, and requiring cuts to many other critical programs, including the delay of the safety upgrades on the space shuttle which gives us the access to and from the International Space Station.

Instead of funding the space station sufficiently to fulfill its potential, this administration proposed curtailing the space station program to a skeletal configuration called "Core Complete." Instead of maintaining a full-time crew of six or seven astronauts to be on board the station at all times, Core Complete, the skeletal completion would provide for only three crew members.

You cannot do science on the space station with just three crew members because it takes more than two crew members to tend to the care and the feeding of the station, and that leaves less than one person to conduct the research on board.

So I have been quite afraid that these cuts would endanger the future of the International Space Station. Apparently, there are other people who feel that way, too, because there is a report just released and it concludes this is exactly what has happened: The future of the station itself is now in jeopardy. That is according to that report. In March, the administration charged an independent task force, made up of Nobel laureates and world-class scientists and engineers, to review, assess, and help define NASA's biological and physical research priorities.

Just over a month ago, this group, known as the Research Maximization and Prioritization Task Force, or ReMaP, completed their review of the space station's science programs. The results were not good.

This distinguished group concluded that the Core Complete configuration and the shuttle flight rate mandated by this administration would severely restrict the station's research productivity—a finding confirmed by NASA's own analyses.

A year and a half has now passed since this administration destroyed the space station's research budget, by cutting the crew size on the International Space Station from seven to three, and eliminating the U.S. crew rescue vehicle and the crew's living space known as the "habitation module."

In addition, the study, the ReMaP study, concluded that if enhancements beyond the Core Complete are not anticipated, then NASA should "cease to characterize the Space Station as a science-driven program." Listen to this conclusion: We should "cease to characterize the Space Station as a science-driven program."

What happened to the world-class laboratory? Where is our international science and technology platform? What about tissue growth research, and curing cancer, and all the other innovative medical treatments?

What about the new drugs and the building blocks of life? How are we going to develop advanced materials and more powerful computer chips? What happened to environmental research in combustion science and reducing our emissions and energy use?

With only a skeletal space station, gone are these and many other potential discoveries that we have been awaiting.

NASA has a proven track record in supporting scientific research that makes a difference here on Earth. Let me give you a couple examples.

I want to give some other examples of where NASA has such a proven track record in supporting scientific research.

For example: a laminar air flow technique. It is used in NASA clean rooms for contamination-free assembly of space equipment. It is now being used—get this—at tollbooths on bridges and turnpikes to decrease the toll collector's inhalation of exhaust fumes. Straight out of NASA.

I will give you another example: an advanced ultrasound skin damage assessment instrument. Using NASA ultrasound technology, it enables immediate assessment of burn damage depth, improving patient treatment, and it may save many lives in serious burn cases.

I will give you another example: a remotely operated, emergency response robot. It was first developed by NASA. It reduces human injury levels by performing hazardous tasks that would otherwise be handled by humans.

Another example: a custom-made suit, derived from space suits. It circulates coolant through tubes to lower a patient's body temperature, producing dramatic improvement of symptoms of multiple sclerosis, cerebral palsy, spina bifida, and other conditions.

Here is another: a self-righting life raft, originally developed for the Apollo program, which was to the moon, where we landed the astronauts back in the water. It fully inflates in 12 seconds, and it protects lives during extremely adverse weather conditions with self-righting and gravity compensation features.

How about this one? A new digital imaging breast biopsy system images breast tissue more clearly and more efficiently. This nonsurgical system—using technology originally developed by NASA for the Hubble Space Telescope—is less traumatic and greatly reduces the pain, scarring, radiation exposure, time, and money associated with surgical biopsies.

And finally, a flywheel energy storage system. It is derived from two NASA-sponsored energy storage studies. It is a chemical-free, mechanical battery that harnesses the energy of a rapidly spinning wheel, and it stores it as electricity with 50 times the capacity of a lead-acid battery. This system is especially useful in electric vehicles, something that we are trying to perfect to help us ween ourselves from our dependence on foreign oil.

And these are just a few examples.

But I say again about this administration's plan for the space station: The Core Complete or the skeletal structure—not fleshed out—simply taunts the research community, telling them that an orbiting laboratory is there but fails to provide them with real and significant opportunity to use it.

The tag line NASA uses for the International Space Station program says: "It's about life on Earth." That is the tag line. But is there going to be life in space?

This Core Complete concept of the NASA administration falls so short of expectations that our Nation's leading scientists refuse to call it a science program.

And under the administration's plan, our ever-shrinking space station will waste both time and money over the long run while failing to realize the unique potential of this international research facility.

This administration—I am talking about OMB; I am talking about the White House, and I am talking about the administration in NASA—needs to stop pretending that Core Complete is a viable or a desirable goal for our country or our space-faring international partners.

It is neither. Core Complete is the minimum configuration needed for the U.S. to say it has completed a space station, but that is just it—it is the minimum. We can fix this by returning to the original plan. Let's go back to building a fully capable research laboratory. Let's go back to a crew size capable of maintaining the station and conducting a robust research agenda. Let's realize the full potential of this laboratory of the heavens. We must realize the station's full potential. Let's expand the crew size and broaden our research capabilities on board.

Let's develop a crew rescue vehicle so that we don't have to rely on the Soviet vehicle that can only take three, so that we can get seven astronauts on board to do the research, so in the case of a catastrophic failure that we have a rescue vehicle, a lifeboat that can evacuate the seven crew members. And let's recommit to furthering humankind's understanding of the building blocks of life, recommit to developing advanced materials, reducing fuel emissions, and finding a cure for cancer.

To this administration, I respectfully say, but I very strongly say, we best recommit this Nation to building a fully capable International Space Station. We have delayed long enough. The Nation awaits. There is not an American, there is not a school child whose eyes do not light up when told of the adventures and the successes of America's space program. We need to continue with a great vision.

Right now, we can continue by building out the space station so it can fulfill its scientific research mission.

I see my colleague from Montana. I had the privilege of going in the summer to Montana, and lo and behold, Tribal Industries in his State of Montana, built and conducted by the tribes on tribal lands, were doing great things that are direct spinoffs from America's space program. They had some interest in having me out there to talk to them about some of the successes of the space program. It is just another example of how all of these space accomplishments have spun off into businesses, this Senator, who has had such a great privilege of being a part of the space program, found when I went to the northern part of Montana, near Flat Iron Lake, near Big Fork.

I yield the floor.

The PRESIDING OFFICER (Mr. EDWARDS

Mr. BAUCUS. Mr. President, I thank my good friend from Florida. The tribe he is referring to is the Salish Kooteenai Tribe in northwestern Montana. That tribe, along with a couple others in Montana, is proudly doing great work with defense contracts and NASA contracts. The Senator is exactly right. This is a program that is almost all-encompassing for almost the entire country. There are so many different States. We are particularly proud in Montana because of the Native Americans who work at it. It is good work. It is top quality work. I appreciate the Senator coming to Montana, visiting the Salish Kooteenai, seeing their good work. I am sure it adds more meaning and context to the Senator's experience in the space program and even new meaning to the Senator's experience of the space program. We are happy to be able to help in that regard.

DROUGHT

Mr. BAUCUS. Mr. President, I rise to address a natural disaster that is occurring in America. That is the unrelenting drought.

For my State of Montana and many States this year, particularly in Colorado and other Western States, it has brought economic hardship to our agricultural producers and to our rural communities.

In 1996, before the drought began, Montana wheat producers made $847 million from their wheat sales, close to $1 billion. In 2001, 4 years into the drought, Montana producers made just $317 million from wheat sales. That is a 62-percent decline.

Let me add a new context to that figure. Agriculture is more than 50 percent of my State's economy. It is truly the backbone of our State. I ask those who oppose natural disaster assistance one question: How is a State like Montana supposed to survive a loss of that magnitude, 62 percent, without assistance, when half the economy is agriculture? The most efficient, the most effective, the most successful businesses in the world could not absorb that kind of a loss.

That 62-percent decline in sales for Montana wheat farmers—and I might add, the same devastating effect is felt by livestock producers because of lack of pasture and feed—is through absolutely no fault of those producers. These farmers haven't been cooking the books. They haven't been taking exorbitant bonuses at the expense of shareholders. No, our Nation's farmers and ranchers are hard working, dedicated, good, honest people, trying to make a living, trying to make ends meet. They need our help.

The drought is no longer touching only the pockets of our country. The drought has become an epidemic. It has affected a majority of our Nation. According to the United States Department of Agriculture, 1,470 counties in 45 States have been designated drought disaster regions in 2002.

As you can tell from this map, dated October 1 of this year, there isn't one

State west of the Mississippi that has been receiving the rain they need. Just look west of the Mississippi, and clearly, by the dark brown and the reds, you can see the center of America is experiencing deep drought.

Drought is affecting States up and down the east coast as well, as we can see from this map. That is just part of it. That is just this year. In most regions of the country, certainly in the West, we are now in our fourth or fifth year. It is cumulative. It adds up. This map alone doesn't tell the whole story.

On October 3 of this year, President Bush provided FEMA Federal disaster funds and resources for people victimized by Hurricane Lili. Those people, those small businesses, those rural communities have been devastated by an unpredictable and uncontrollable natural phenomenon—a hurricane. They deserve our assistance, and we, very generously and proudly, support that assistance the President provided for those parts of the country devastated by hurricanes.

But where is the assistance for people suffering from drought?

In reality, the only real difference between a hurricane and a drought is that a majority of people don't understand the impact of 4 consecutive years of drought the same way they understand the impact of a hurricane. Drought is a silent killer. It is not on TV. It is not headlined in the news. It is a silent killer that slowly builds up and accumulates. The pictures of drought on CNN are not as immediate and terrifying as are the photographs of hurricanes. But the effects can be just as serious for the people in both events. They can both lose their homes and livelihoods.

Our agricultural producers are holding their breath. They are waiting for natural disaster assistance because if they don't receive our help, many will not make it. In Montana, and in other States across the country, small businesses are closing their doors and families are losing their futures because of the drought. It is happening. School districts no longer have enough children to conduct classes, so they have to consolidate schools, forcing kids to travel hours by bus. Why are they losing children? Because of the effect of the drought. Parts of my State are just drying up.

Those people, small businesses, and rural communities have been devastated by unpredictable and uncontrollable natural phenomenon. On September 3 of this year, the Wall Street Journal printed this:

> The U.S. may be looking at its most expensive drought in its history, inflicting economic damage far beyond the farm belt.

Think of that, Mr. President. A quote by the Wall Street Journal that the U.S. may be looking at the most expensive drought in our Nation's history, inflicting economic damage far beyond the farm belt.

I will share a few stories that have been shared with me over the last couple of weeks. In north-central Montana, the bread basket of my State, a producer and his family have been living off of their farm for several generations. After 4 years of valiant fighting against the drought, they have been forced to give up. The question is, What do they do now?

Because of the drought, they have no crop and cannot pay off their outstanding operating loans. Don't forget, that is how farmers do business. They get operating loans before they get their crop. If they get no crop, they cannot pay off the loans. More than 3 months ago, this family put their farm, their machinery, everything they have dedicated a lifetime to, up for sale. They have yet to receive a single offer in more than 90 days.

A producer in the same region had five hired hands just 5 years ago. Now he has none. Due to the cost of feed and the condition of his pastures, he has had to cut down his herd to one-fourth of what he used to own. Over the last 3 years, he has lost several hundred thousand dollars because the drought has killed his crops and he cannot afford cattle feed.

He and his family rely on the income from his wife. But to make a bad situation worse, his wife's job is now in jeopardy because of the negative impact of the drought on her employer. She is not sure she can keep her job.

Dale Schuler, past president of Montana Grain Growers Association, and a farmer in Choteau County, had this to say, and I know Dale. He is a rock-solid man. He has been farming for years:

> Nearly 2,000 square miles of crop in my area of central Montana went unharvested in 2001. That is an area equal to the size of the State of Rhode Island. Farmers and our families haven't had the means to repay our operating loans, let alone buy inputs to plant the crop for the coming here.
>
> Don't forget, agriculture is 50 percent of the economy in Montana. There is a decline in income over several years of 62 percent. Continuing his quote:
>
> Choteau County is the largest farming county in Montana, and yet our last farm equipment dealer had no choice but to close his doors, our local co-op closed its tire shop, one farm fuel supplier quit, and the fertilizer dealers and grain elevators are laying off workers. I believe that we are about to see a mass exodus from Montana that has not been seen since the Great Depression of the 1930s.

That is no small statement, Mr. President.

Another farmer from Choteau County, Darin Arganbright, pointed out that enrollment in local schools has decreased by 50 percent in the past few years. Young families are not able to stay in the area because of the lack of work and the lack of opportunity.

It is not only agriculture that is gone; businesses in the community are being devastated.

According to the New York Times, an article of May 3 of this year:

> In eastern Montana, more than a thousand wheat farmers have called it quits rather than trying to coax another crop out of the ground that has received less rain over the last 12 months than many deserts get in a year.

That is the fourth year of drought. That is not 1 year; that is 4. I remind colleagues that Federal crop insurance is perverse because, with each year the coverage decreases while premiums increase compared to the prior year. It is a negative vicious cycle.

Don Wilhite, director of the National Drought Mitigation Center, describes drought in the following manner:

> Drought is the Rodney Dangerfield of natural disasters. In most cases, it causes the most significant losses, but it is harder to convince policymakers and others to deal with it.

That is what is happening, Mr. President. The White House is turning a deaf ear to this. They put their blinders on. The majority party in the other body is doing the same thing, putting blinders on, closing their ears, not paying attention.

Producers pray every day that they can hang on until the U.S. Congress—all of us elected to represent the people—works together to pass agricultural disaster assistance. Our producers are praying that we act now so their children have the opportunity to continue what they and generations before them have fought so hard to sustain.

We cannot and must not continue to ignore the impact of drought and the effect it has on our agricultural producers and our rural communities. Agricultural producers are every bit as deserving of assistance for their suffering from the drought as a small business owner from Louisiana suffering from the hurricane.

In a speech to the Cattle Industry Annual Convention and Trade Show in Denver in February, President Bush emphasized the need for a strong rural economy:

> Our farm economy, our ranchers and farmers provide an incredible part of the Nation's economic vitality.

That is what he said in February. The President continued by saying if the agricultural economy is not vital, the Nation's economy will suffer. Those are the President's own words.

I could not agree more with the President. The Nation's economy is directly tied to our agricultural economy. Unless we take action, the drought will have a permanent impact on our agricultural producers, on our small rural towns, and on our national economy.

I urge my colleagues in the House and the Senate, and the President, to work together to pass natural disaster assistance before it is too late—and in many cases, for thousands of families who have pulled up stakes, it is already too late. I ask the President to live up to the words he spoke in February. If the agricultural economy is vital to the national economy—and it is—then it is vital that we pass agricultural disaster assistance immediately.

Our agricultural producers have never let us down—never. They do not let us down. They continue to fill our tables with safe and abundant supplies of food. Now it is time for us to work together to provide them with immediate assistance so they can continue to fill their own tables.

Mr. President, I thank my colleagues, and I urge my colleagues to pay close attention to my remarks because we have a problem. We have to work this out together. I thank my colleague from Pennsylvania. I thank the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I ask unanimous consent to speak for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Pennsylvania is recognized.

Mr. SPECTER. I thank the Chair.

(The remarks of Mr. SPECTER pertaining to the submission of S. Res. 347 are printed in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. I understand we are in morning business. I ask unanimous consent to proceed for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

MINIMUM WAGE

Mr. KENNEDY. Mr. President, earlier today my friend and colleague, the Senator from Nevada, our deputy leader, made a unanimous consent request that we consider legislation to provide a three-step process to increase in the minimum wage by $1.50. The reason this request has been made is because over the period of these last 2 years, those of us on this side have made an extraordinary attempt to try and follow the regular order, the regular process, and have this legislation considered in the Senate. Effectively, we have been blocked all the way.

In the final hours of this session, it appears we probably will be back for a lame duck session, but we want to make sure those who are affected by this legislation and, importantly, those who are not but those who are strong supporters of fairness and decency when it comes to the minimum wage, understand what is happening in the Senate. The bottom line is, the Republican leadership is blocking an increase in the minimum wage.

I want to take a few moments this afternoon to review once again why this request was so urgent, why it was basically an emergency request and what the results would be with the objection that has been made by the leaders of the Republican Party.

First of all, if we look over the period of the years going back to 1968, and we look at what the real value of the minimum wage would be, this is the real value. This is comparing oranges and oranges in this case. The real value today would be $8.14. That is what it was in 1968. Today it is $5.15. By the end of this year, using constant figures, it will effectively be $4.70—$8.14 in 1968; $4.70 now in terms of real purchasing power.

We have seen how over the period of these years there has been a gradual decline, but it really was not until 1980 that we had an administration that refused to consider what other administrations, Republicans and Democrats alike, considered, and that is a fair increase in the minimum wage.

Then we had the battles. We had two different times we had small increases. In order to even get it considered, we had to reduce the increase and cut out a third year for the increase in the minimum wage. The last time we had to add close to $30 billion in tax breaks in order to effectively have an increase in the minimum wage.

The minimum wage has been increased some 9 times. Eight times it was increased without a tax reduction, but not the last times. That was the condition by which our Republican friends would agree to even consider an extension. Now, without any kind of extension, we are falling back to $4.70.

The petition that was presented by Senator REID would have provided, over a 3-year period, an increase of $1.50. The objection today is unacceptable.

Let us look at how the minimum wage is related to the issue of poverty in America. Going back again to the period of 1968 and during the several years during that period, the minimum wage was the poverty wage. What we have seen in recent years is how the minimum wage now has fallen so far below the poverty wage, it would have to be increased by about $3.50 an hour to even get up to the poverty line, which is the basic line that has been defined as the income which is necessary to provide the basics of surviving in the United States of America. Yet, we are expecting men and women to take these jobs, which they do, and pay them these totally inadequate wages.

Mr. REID. Will the Senator yield for a question?

Mr. KENNEDY. I will be glad to yield.

Mr. REID. I was in the Chamber yesterday when the Senator made his terrific speech on this very important issue. I say to my friend from Massachusetts, is it not true that many people, probably people listening to this debate, think the minimum wage is for kids flipping hamburgers at McDonald's?

Does the Senator know that 60 percent of the people who draw minimum wage are women and for 40 percent of those women that is the only money they have to support their families? Is the Senator aware of that?

Mr. KENNEDY. The Senator is absolutely correct. The Senator's question anticipates one of the traditional arguments that have been suggested on the other side of the aisle that these are really teenagers who are getting this minimum wage.

To the contrary, as the Senator has pointed out, actually 68 percent of those who receive it are adults. For half of those, the minimum wage job is the sole source of income for those families. A good percentage of those, I would say to the Senator, have two or three minimum wage jobs. That is what we have seen.

We have heard opposition to this issue. We recognize, as I pointed out on other occasions, what this issue is really all about. We are talking about men and women who clean out the great buildings across our Nation, who work late at night, work hard, do very tough, difficult and dreary work, but nonetheless they maintain their dignity and their spirit. These are individuals who work in child care settings as assistants to child care providers. We are willing to entrust our most sacred individuals, our children, to minimum wage workers who are assistant teachers working in the classroom. Our most sacred trusts are our children, our parents, and grandparents.

Those who are working with the teachers in the classroom very often are the minimum wage workers. Those who are working in the child care centers are most likely the minimum wage workers. Those who are working in the nursing homes to help take care of our parents and grandparents who built this country, fought in its wars, lifted the Nation out of the Depression, sacrificed immensely for their children, are minimum wage workers. Those are the ones we are talking about. So often when we talk about the minimum wage, we are talking about the graphs depicting cents per hour and the rest. But these are real individuals who are providing important services in our country and to our people, and they are being shortchanged.

As I have said before, it is a women's issue because the great majority of the minimum wage workers are women. It is a civil rights issue because great numbers of people who are working for the minimum wage are men and women of color. It is a children's issue because how their parents are being paid and compensated is going to reflect on how those children are going to grow up. It is a family issue.

We hear so much about family issues in the Senate. This is a family issue.

When a parent has to work one or two minimum wage jobs, the time they are away from the home, the other parent often working in a similar kind of a situation, trying to make ends meet, the lack of time for them to come together to give these children the kinds of values and upbringing that they should have works to the disadvantage of these children.

Beyond all that, it is a fairness issue. People understand in this country that men and women who are willing to work 40 hours a week, 52 weeks of the year, should be treated fairly. We are talking about people working hard, long, difficult hours who ought to be treated fairly.

Americans understand this issue of fairness. But our Republican friends do not. They have opposed increases in the minimum wage every single time, at least during the time I have been here in the last 40 years.

I remember one of those debates. In August of 1960, they were opposed to the last measure that came before this body at that time, and they were opposed to the minimum wage at that time, too. This has been over a long period of time.

Mr. President, I remind our friends and the viewing public, we have taken the time to raise our own salaries, four different times over the last 6 years, some $16,000. But we are refusing to even let this issue be debated and come to a vote. That is wrong. It is unfair. It is unjust. The Democrats stand for those working families; for fairness and decency. They stand for the children of those minimum wage workers. They stand with the minimum-wage workers, men and women of dignity who are only asking to be treated fairly. We stand with them.

We continue to ask why our Republican leaders in the Senate and the House of Representatives and in the White House refuse the opportunity to even debate this issue and refuse the opportunity to consider it and pass it. I regret that. We will continue to express this issue because that is the only way we have ever been able to get this done in the past. We expect that will be the only way to get it done in the future. We will press it across the countryside.

We ask our fellow Americans. This issue is one that concerns them. I don't know a single member of our side who would not support an increase in the minimum wage. I hope they will understand that when they go to the polls.

THE MEDICAL DEVICE USE FEE AND MODERNIZATION ACT OF 2002

Mr. KENNEDY. Mr. President, I bring to the attention of the membership the bill H.R. 5651, the Medical Device User Fee and Modernization Act of 2002. It has now passed the House of Representatives. We have been working on this legislation for 10 years. It has been a divisive issue, both the issue and as a public policy issue. We finally have virtual support from the Members in the House of Representatives, the committees of jurisdiction, and also the Members here. There may be Members who have questions. We are prepared to answer those.

I indicate this is a public health matter of enormous importance and consequence. If Members are going to object, they are going to have to come to the floor of the Senate and express those objections and reasons. We will not tolerate someone holding up this bill in hopes that they can get it carried back to the House. We have worked too long. We have worked too hard. This is an enormously important health issue. We will not tolerate it. I will not tolerate it. Those members of our committee will not tolerate it.

I want to make it very clear, if they ever expect any kind of cooperation on any other health matters, they had better understand the importance and significance of this measure—if they ever expect any cooperation on any health matters down the road.

I thank the Chair.

The PRESIDING OFFICER (Mr. NELSON of Florida). The Senator from Indiana.

THE ECONOMY

Mr. BAYH. Mr. President, I begin by thanking our colleague from Massachusetts for his impassioned advocacy of this important issue. It is a cause that both the Chair and I support wholeheartedly. The Senator from Massachusetts has been a tireless advocate of raising the minimum wage for many years. It is my privilege to join with him. This is an issue whose time has come. It needs to be done, and we need a sense of urgency for those on the other side of the aisle and this administration. I thank my colleague once again.

Mr. President, let me share some thoughts about the importance of extending coverage for the unemployed in our country. Given the weakness of our economy, I think this is a critically important issue that will help millions of our fellow citizens who are suffering unemployment through no fault of their own. It is also an important component of a coherent economic strategy to get America working again.

As you and others know all too well, the economy is weak, people are out of work, we need leadership to get the economy moving, people back to employment, and to help those who have suffered unemployment, putting money back into people's pockets to put it back into the economy to create jobs and growth. Extending unemployment benefits is an important part of that strategy, an idea whose time has come, a lot like raising the minimum wage.

The economy is not doing well. Unemployment has risen. Long-term unemployment in September was 1.6 million working men and women. Household income for the typical family has fallen for the first time in a decade. Home foreclosures have reached a 30-year high. Poverty rates across America rose last year. Regrettably, the economy seems unlikely to reverse its sluggish course anytime soon. Manufacturing has slowed. Retail sales are weak. Capital investment has declined. Foreign demand for American goods and services is stalled.

As a result, job creation actually declined last year. Many Americans are hard hit, and others are worried they will be next. Mr. President, 1.1 million Americans had exhausted their unemployment benefits as of August. This figure is expected to double to 2.2 million hard-working Americans as soon as December—regrettably, just in time for the Christmas season.

In my own home State of Indiana, we have not been unaffected. Twenty-one thousand hard-working Hoosiers have exhausted unemployment benefits as of August. This figure will more than double to 45,000 by December. There is no State in the Union that is unaffected by this unfortunate state of affairs. These Americans need a helping hand. I want to emphasize that it is not only the compassionate thing to do, but it is the economically sensible thing to do as well, because not only are we helping individuals who are in need, we are also helping the economy get back on its feet and thereby helping all Americans, be they employed or unemployed.

We need stimulus for job growth and economic expansion. These benefits will be used for consumer spending. Economists have long recognized that helping those who are unemployed leads directly to added demand in the economy. Labor Department statistics, in fact, indicate that there is a significant multiplier effect. For every $1 that goes into unemployment benefits, a full $2.15 is added to the gross domestic product. By any definition, $1 into $2.15 of increase to the gross domestic product is a good investment for the American people.

Consumers are stressed right now. They have high levels of debt. They have tapped into their home equity at rates that could be unsustainable. The tax cut of last year has run its course. There are other reasons to believe consumers may be cutting back on their purchases. Adding about $17 billion to consumption through extending unemployment benefits will help the consumers maintain their course, allowing the economy to hang in there until capital investment comes back and demand from abroad picks up.

What is more, we can afford this at this time. It is fiscally sustainable and responsible. There is more than $27 billion currently in the unemployment trust fund, more than sufficient to cover the costs extending unemployment benefits, as I and others are proposing. So this will not mean an increase in the annual deficit or in America's debt. We can do what is right for individuals, what is right for the economy, and do so in a fiscally responsible way.

I ask that we adopt this measure. It will extend unemployment benefits eligibility by 13 additional weeks for every State across the Union. It will add an additional 7 weeks for those States with the highest rates of unemployment and adjust the trigger mechanism to expand eligibility to make sure that the reality of unemployment across the Nation is reflected in the law.

Also, I ask for a new sense of urgency from this administration when it comes to promoting economic growth. The last time I was privileged to speak to my colleagues on the floor it was to call for support of the President's initiative and resolution with regard to Iraq. We generated substantial bipartisan support for that resolution. I ask the administration and our colleagues on the other side of the aisle to bring that same sense of urgency and bipartisan cooperation to the cause of improving our domestic economy. After all, in the long run it is the foundation upon which our national security is built.

There is precedent for these steps. The President's own father took these steps back in the early 1990s, expanding unemployment eligibility by the same number of weeks, including the same mechanism for determining eligibility. That proposal at that time passed by 94 to 2. It was the right thing to do to get the economy moving in the early 1990s. It is the right thing today. It received overwhelming bipartisan support at that time. It will receive, if we can get a vote, overwhelming bipartisan support today. It was advocated by the first President Bush. It is a cause this President Bush should also embrace to promote economic growth.

I ask we move forward with this initiative and that the President demonstrate he is truly the compassionate conservative that he campaigned to be.

Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 619, S. 3009, a bill to provide for a 13-week extension of unemployment compensation; that the bill be read three times, passed, and the motion to reconsider be laid upon the table without intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. NICKLES. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I think some people are playing political games. I understand some people are interested in passing a unanimous consent agreement on unemployment compensation. I heard the request. It was to provide a 13-week extension of unemployment compensation. That is not what this bill does. I don't know how many times I have to say it on the floor. The bill provides for a 26-week extension, not a 13-week, a 26-week extension. There is a big difference.

I believe I heard the sponsors say it changes the trigger—it does change the trigger. It is not a clean extension because it changes the trigger so that more States are eligible for long-term extension. This bill has a 26-week Federal unemployment compensation extension on top of the State 26 weeks, and an additional 7 weeks for those States that have the highest unemployment compensation. That would be a total of 52 weeks—59 weeks, in some States; 52 weeks for all States, 59 weeks for some States.

It also has a section that says we should not count people who might be employed. It is a crummy bill. I have stated again my willingness to try to work with colleagues to pass a clean extension which would cost about $7 billion instead of $17 billion.

While we are here, there are a couple of bills I would like to pass. So I am going to be asking unanimous consent, I tell my colleagues on the Democrat side—it is my intention to propose a couple of unanimous consent requests as well.

One will be to permanently eliminate the tax on Social Security. This is a tax that passed in 1993. It was part of President Clinton's tax package. It passed by one vote in the Senate, and passed by one vote in the House. It is still the law of the land. We still tax senior citizens' Social Security benefits.

I have heard a lot of people say they wanted to eliminate it. The House passed a bill to eliminate it in 2000. Unfortunately, we have not been able to do that. Senator TIM HUTCHINSON from Arkansas has introduced legislation this Congress to do that. It has several cosponsors.

So, Mr. President, I want to notify my friends and colleagues on the Democratic side of the aisle that I intend to propound a unanimous consent request so they have a chance to respond as I have been responding on several requests.

I am going to propound a unanimous consent request to make part of the tax bill we passed in 2001 dealing with marriage penalty relief permanent. Unfortunately, much of the tax bill that we passed in 2001 is temporary. That bill helped lessen the burden, since we found ourselves in a recession and part of that was marriage penalty relief. That provision sunsets. It stops in the year 2009 or 2010. We should make that permanent. The House has passed legislation, H.R. 4019. They passed it with an overwhelming vote, by a vote of 271 to 142. They passed it on June 13. Unfortunately, the Senate has not found time to take that legislation up. All we have to do is pass that House bill, it goes straight to the President, and he will sign it so it can become law. So I am going to propound a unanimous consent request to pass that bill.

I see my friend, the assistant Democrat leader. I will now make both of these requests.

Mr. President, I ask unanimous consent that H.R. 4019, a bill to provide that the marriage penalty relief provisions of the Economic Growth and Tax Relief Reconciliation Act of 2001 shall be made permanent, be discharged from the Senate Committee on Finance and the Senate proceed to its immediate consideration, the bill be read a third time, passed, and the motion to reconsider be laid on the table and any statements thereupon be printed in the RECORD at the appropriate place.

The PRESIDING OFFICER. Is there objection?

Mr. REID. On behalf of a number of Senators, I object.

The PRESIDING OFFICER. Objection is heard.

SEVERAL SENATORS addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma retains the floor.

Mr. NICKLES. Mr. President, I ask unanimous consent the Senate proceed to immediate consideration of Calendar No. 308, H.R. 3529, that all after the enacting clause be stricken, the text of S. 237, a bill by Senator HUTCHINSON, a bill to repeal the 1993 income tax increase on Social Security benefits, be printed in lieu thereof, the bill be read a third time and passed, the motion to reconsider be laid upon the table, any statements thereupon be printed in the RECORD at the appropriate place.

The PRESIDING OFFICER. There is objection?

Mr. REID. On behalf of a number of Senators, I object.

The PRESIDING OFFICER. Objection is heard.

SEVERAL SENATORS addressed the Chair.

Mr. NICKLES. I thank my friend and colleague from Nevada. I told him that two people can play these games. I would very much like to see the marriage penalty relief package that we passed in 2001 be made permanent. I would also like to see us repeal that portion at least, if not—I would like to see us, frankly, repeal the entire—President Clinton's tax package of 1993, but certainly repeal the tax on Social Security benefits. We tried to do that. Objection was heard.

The Senate has over and over again found itself, unable in the last year and a half, to pass permanent tax relief for American citizens, not for marriage penalty relief, and not even for seniors who are paying high taxes on their Social Security benefits. I find that regrettable.

Maybe there will be a change in the makeup of the Senate in a couple of weeks and legislation such as the two I just requested consent to pass—maybe we can pass those under regular order. I hope that will be the case.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

DROUGHT RELIEF

Mr. CONRAD. Mr. President, I was surprised to get up this morning and read the Washington Post and see that the Speaker of the House, Mr. HASTERT, said the House could pass drought relief legislation after the election, " . . . if there is a problem."

Where has the Speaker been? If there is a problem?

Tell that to the farmers of North Dakota. This is a photo of what it looks like in southwestern North Dakota. That is a moonscape. Nothing is growing. There is no question, I would say to the Speaker of the House of Representatives, about whether or not there is a problem. There is a deep problem. This is a disastrous year.

Let me read just one letter from a farmer in North Dakota. He says:

> DEAR SENATOR CONRAD:
>
> I am a 40 year old man with a wife and 4 children. I am a third generation farmer. We enjoy farming very much but it's getting very hard to keep on going.

He continues:

> When we have had good crops in the past there was no price. Now in 2002 we have no crop, no grass, no hay, and no rain, which all leads to no money.
>
> I know it is hard for city people to understand the difficulties of farming, but it has become very hard to keep a good attitude when you are always under financial pressure. Without any disaster aid this fall, a lot of good farmers will be forced to sell, or will simply just quit.

He went on to say:

> I hope and pray that you can persuade the Members of the House how serious it is out here in rural North Dakota.

I do not know of anything that could tell the story more clearly than this picture. This isn't just a small part of southwestern North Dakota. This is mile upon mile of southwestern North Dakota. This is a drought as bad or worse than the 1930s.

This has to be responded to. For the Speaker to say yesterday that the House could pass drought legislation "if there's a problem" misses the point entirely. There is a problem. It is more than a problem. It is a crisis. And it is not just in North Dakota.

How can the Speaker of the House have missed this? In Montana, in South Dakota, in Nebraska, in Kansas, in Minnesota, in Wyoming, and other parts of the country as well, they have suffered different kinds of disasters. My neighboring State of Minnesota has suffered the worst flooding in their history—and the administration has said, Well, look to the farm bill. Yet the administration knows there are no disaster provisions in the farm bill. They prevented it. The Speaker prevented it. I was one of the conferees on the farm bill. When we went to conference with the Senate bill that included disaster assistance, the House conferees said that there were only two things they were not at liberty to discuss in the conference. No. 1, they said we can't talk about opening trade with Cuba; and No. 2, we cannot talk about disaster assistance. The House conferees told us that those two issues had to go to the Speaker of the House of Representatives.

The Speaker said no. The President has said no. Always before when any part of the country suffered a disaster, we have moved to respond—always. Whether it was earthquakes in California, mud slides in that same State, hurricanes in the State of the occupant of the Chair, whether it was drought in farm country, or flooding any place in the Nation—always before we have moved to help. This year, there is no assistance for those suffering natural disasters. That is wrong.

In my State, there is a calamity. It is not just my State. It is State after State.

For the Speaker to say yesterday that disaster aid may be considered later this fall "if there's a problem" shows that he is terribly out of touch with what is happening across this great Nation. These are natural disasters that deserve a response and that require a response, and we ought to be providing help. For those who say look to the farm bill, there is no disaster assistance in the farm bill. In fact, there are savings under the farm bill to pay for the disaster assistance.

Some may ask, How is that? Very simply, because of these disasters, there is less production. That means prices are higher. That means the farm bill will cost less. The Congressional Budget Office has told me and has told all of our colleagues there will be about $6 billion in savings in the farm bill this year because of these natural disasters. That also happens to be the size of the disaster relief package. So we have an opportunity here to be fiscally responsible. We are proposing to spend the same amount of money on disaster assistance that is being saved in the farm bill because of these disasters. Because there is less production, prices are higher than anticipated. That means the farm bill will cost less by nearly $6 billion. That is money that could be available for disaster assistance and should be.

Let me conclude with this chart that shows what this is going to mean.

Net farm income is going to decline this year by 21 percent across the country largely because of these natural disasters. Yet there is no response from Washington. We passed disaster assistance here in the U.S. Senate. We passed it as part of the farm bill. We passed it on an amendment on the Interior appropriations bill with 79 votes—an overwhelming bipartisan agreement that we should provide disaster assistance. But the House has said no. The President has said no.

To have the Speaker of the House say yesterday that they may consider aid in a lame duck session "if there's a problem" is incredible. Where has the Speaker of the House been to say "if there's a problem"?

This is a disaster. This is a crisis. There ought to be a response.

I thank the Chair.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

ORDER OF PROCEDURE

Mr. REID. Mr. President, the majority leader has been wanting to come to the floor for some time. We are both happy that there has been a lot of participation on the floor this morning. They were fine speeches.

There is no need for me to maintain the floor until he shows up. I ask my two friends, the Senator from Texas and the Senator from Utah, if they would allow him to take the floor when he appears, which should be momentarily. In the meantime, if they would agree to that, I ask unanimous consent that the Senator from Texas be recognized for up to 15 minutes.

Mr. GRAMM. Mr. President, will the Senator yield?

Mr. REID. Yes. I am happy to yield.

Mr. GRAMM. Mr. President, I think it is perfectly reasonable for the majority leader to have the right to the floor.

Reserving the right to object—if the Chair would be generous in giving me an opportunity to explain why—when the majority leader finishes his unanimous consent request and his statement, I would like to have 10 minutes to respond.

Mr. REID. Mr. President, the leader wanted to make sure that the Senator from Texas was on the floor when he made his unanimous consent request, which I am almost certain he will be. He wanted the Senator from Texas to be notified when he was going to be here.

He is now here.

He wanted the Senator from Texas to be here, and we are glad he is here.

I ask unanimous consent that following the statement of the majority leader and the statement of the Senator from Texas, the Senator from Utah be recognized for up to 20 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The majority leader.

UNANIMOUS CONSENT REQUESTS—H.R. 5005

Mr. DASCHLE. Mr. President, everyone knows we are attempting to resolve many of the unfinished pieces of legislative business that ought to be addressed prior to the time we depart for the election day break. As everyone knows, we will be coming back. It will be my hope that we can address a number of the issues involving conference reports. Of course, we will have to address appropriations when we come back.

One of those issues that has been the subject of a great deal of debate and consideration on the Senate floor has been the issue of homeland security and the creation of the new Department.

It is no secret that Democrats have been frustrated in the effort to bring the debate to a close. We have had five cloture votes. We have not reached cloture on each of those five occasions because of Republican opposition.

My original thought was perhaps that opposition was because of legitimate language concerns or issues involving the creation of the Department. I now doubt whether that really is the motivation. I think there are many on the Republican side who simply oppose the creation of the Department of Homeland Security. The new Department was a Democratic idea originally. The President and our Republican colleagues objected and opposed it unanimously when we passed it out of committee last summer.

The President finally reversed his position, and the administration's bill was written by four people with no consultation with Congress. They sent the bill up as somewhat of a surprise to us all.

The bill they wrote seeks to exploit the issue of homeland security in order to advance a preexisting ideological agenda. It is an ultraconservative agenda that is antiworker and obviously anti-union. More importantly, it has nothing to do with homeland security.

This bill would return us to an era when patronage and political cronyism ran the Federal workforce—and that is wrong. We say to the President and our Republican colleagues, public servants are not the problem. Terrorists are the problem.

The administration's position is an insult to every public servant, every firefighter, and every first responder who risked their lives and, in many cases, gave their lives on September 11.

When those union firefighters rushed into the World Trade Center and the Pentagon on that fateful day last September 11, nobody asked: Are you a member of a union? That is why the police and firefighters oppose the Republican plan. That is why the National Association of Police Organizations wrote to every Senator.

I will quote from their letter.

> On September 11, 2001, the union affiliations of law enforcement officers did not keep them from responding to that tragic event, giving aid to those in need and in many cases, giving their own lives. Every New York Police Department and New York/New Jersey Port Authority officer who died that day was a union member, working under a collective bargaining agreement. The Administration's claim that the new Department will need "management flexibility" to perform its role properly ignores the heroic efforts of those whom they now wish to label as an organizational liability.

I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL ASSOCIATION OF POLICE
ORGANIZATIONS, INC.,
Washington, DC, August 5, 2002.

DEAR SENATOR: On behalf of the National Association of Police Organizations (NAPO), representing 220,000 rank-and-file police officers from across the United States, I would like to request your support for the collective bargaining and civil service rights of employees of the proposed Homeland Security Department. S. 2452, the "National Homeland Security and Combating Terrorism Act of 2002," rightly recognizes, unlike H.R. 5005, that collective bargaining rights are not a hindrance to the formation of the Homeland Security Department nor to the overall protection of our nation.

On September 11, 2001, the union affiliations of law enforcement officers did not keep them from responding to that tragic event, giving aid to those in need and in many cases, giving their own lives. Every NYPD and NY/NJ Port Authority officer who died that day was a union member, working under a collective bargaining agreement. The Administration's claim that the new Department will need "management flexibility" to perform its role properly ignores the heroic efforts of those whom they now wish to label as an organizational liability. S. 2452 further allows the Homeland Security Secretary to bring in talent outside of civil service rules when truly necessary for our nation's defense and provides other changes to better facilitate hiring, retention and promotions.

Congress has long recognized the benefits of a mutual working relationship between labor and management and, over the years, has extended collective bargaining rights to public employees including letter carriers, postal clerks, public transit employees and congressional employees. When the Senate considers S. 2452 this September, NAPO requests that you support the Senate Homeland Security legislation, specifically Section 187, as passed by the Senate Governmental Affairs Committee. This bill properly recognizes and protects the genuine efforts of those unionized employees who might otherwise lose their deserved civil service and collective bargaining rights.

NAPO looks forward to working with the Senate to safeguard these rights and ensure their longevity. If you have any questions, please feel free to contact me, or NAPO's Legislative Assistant, Lucian H. Deaton, at (202) 842-4420.

Sincerely,

WILLIAM J. JOHNSON,
Executive Director.

Mr. DASCHLE. Since this debate began, Democrats have worked in good faith for a compromise. We have compromised and compromised and compromised. The bipartisan Nelson-Breaux-Chafee compromise is a long way from the Lieberman bill. It preserves the President's authority to take away the union rights of homeland security employees as long as he states there is a need, and it accedes to the President's demand that we waive civil service protections for Department employees.

In fact, when it comes to new flexibility to hire, fire, and redeploy workers, there is absolutely no difference between the Gramm amendment and the Nelson compromise. The difference with our approach and the Gramm approach is simple: We require the Department to consult—to consult—with employee representatives as they develop a new personnel system, and if an agreement between management and employees cannot be reached, then management's proposal can be imposed by a Federal panel comprised entirely of the President's appointees.

You can't get any more reasonable than that. Yet to prevent a vote on this bipartisan compromise, the Republicans, as I have noted, have blocked cloture not once or twice but now on five occasions—three times on the Lieberman bill and twice on their own bill.

They filibustered because they said they wanted an up-or-down vote on their bill. We offered them that. They filibustered again because they said the vote on the Gramm bill had to come first.

So today we are offering Republicans exactly what they claim they want. If they object again, it will be even more clear what is really going on.

This is a Republican filibuster, plain and simple.

Democrats want to finish this bill. We support homeland security. We always have. We introduced it. But the other side would rather have an issue. They are filibustering this bill because they want to use this issue against Democrats in the next 2 weeks before the elections.

They would rather use this as an issue to run scurrilous ads, such as the one they are now running—or were running—to compare a war hero such as Max Cleland to Osama bin Laden and Saddam Hussein. That is what is going on here, and, Mr. President, it is unconscionable. They would rather play that nasty brand of politics than pass this bill. I hope they will reconsider and accept this unanimous consent request. Therefore, Mr. President, I will now propound it.

I ask unanimous consent that when the Senate resumes consideration of

H.R. 5005, the homeland defense bill, the motion to recommit be withdrawn and the Nelson amendment No. 4740 to the Gramm-Miller amendment be withdrawn; that there be a 1-hour time limit on the Gramm amendment, and at the conclusion or yielding back of time, the Senate vote on the Gramm-Miller amendment; that immediately upon the disposition of that amendment, if it is agreed to, Senator NELSON of Nebraska be recognized to offer an amendment, the text of which will be identical to amendment No. 4740; that it shall be in order notwithstanding the fact that it is to amended text; that there be a time limitation of 1 hour on his amendment, and that at the conclusion or yielding back of the time, the Senate vote on the Nelson amendment, with the preceding all occurring without any further intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. GRAMM. Reserving the right to object, Mr. President.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. If you read this unanimous consent request, three things strike you, I think.

Mr. DASCHLE. Mr. President, regular order.

Mr. GRAMM. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Texas.

Mr. GRAMM. Mr. President, I want to respond to our dear majority leader. I am coming to the end of my Senate career, and I do not want to end it by getting into fussing and fighting with anybody. Let me first respond by explaining what is wrong with this unanimous consent request and why it does not move the ball forward in protecting Americans. I then want to propose several alternatives, any one of which would move the ball forward. Then I want to respond to some of the comments the majority leader made.

First of all, under this unanimous consent request, we do not bring homeland security back up. If you read the unanimous consent request, you see that it says, "Mr. President, I ask unanimous consent that when the Senate resumes. . . ."

Well, who controls when the Senate resumes consideration of homeland security? The majority leader. So this unanimous consent request does not even bring the issue back before the Senate. Everybody knows today is the last day of the session.

Secondly, what this unanimous consent request says is, we will vote on Gramm-Miller and, if it is successful, we will turn around and vote on an amendment that completely reverses Gramm-Miller, and we will do that within an hour. And then the debate is not over. The majority leader has the power to continue the debate, stop the debate, or pull the bill down. We are no closer to passage of a bill after these two votes occur than we are before the two votes occur.

This unanimous consent request has nothing to do with moving the ball forward on homeland security. It has everything to do with deception because, under this request, there is not even a second vote unless Gramm-Miller passes. Then, if it passes, we turn right around, within 1 hour, and vote to reverse the vote, letting those who are in hotly contested elections have the incredible possibility, in 1 day, within 1 hour, to be on three sides of a two-sided issue. It would allow people to vote for Gramm-Miller and, since it is the President's compromise, with the President, and then turn around, an hour later, and to completely gut it and to go back to where we are now with the bill that is before the Senate.

So we don't go to it now. We have no control over when or if we ever go to it in this Congress. We can vote yes and no, back to back, within an hour, so people can be on both sides of the issue. Senator DASCHLE referred to Max Cleland. He could vote for Gramm-Miller and turn around in an hour and completely gut Gramm-Miller, and be on three sides of a two-sided issue.

Now, there are alternatives that would be acceptable, and I am going to propound several of them shortly. But let me first address some of the issues the majority leader addressed.

First of all, there is this idea that we don't want a homeland security bill. Everybody wants a homeland security bill. I have never suggested the Democrats don't want a homeland security bill. They love homeland security. Their problem is, they love public employee labor unions more.

Their problem is that this isn't like Iraq. Saddam Hussein has no powerful political allies in America. So we had some differences of opinion, but we were able to work them out. We were able to go forward on a bipartisan basis. We can't work this out because the public employee labor unions are the largest contributors to Democrat candidates. And as a result, you can't be for letting the President have the tools he needs on national security and be with the public employee labor unions. We have to choose, and we have been unable to make that choice. There have been some good-faith efforts to bridge the gap, but we have been unsuccessful.

In terms of what has happened, the President sent a bill up on June 6. The House adopted a bipartisan measure on a huge, bipartisan, lopsided vote of 295 to 132. Democrats and Republicans voted together to give the President the power he asked for—which is some flexibility in 6 out of the 71 titles of the Civil Service Act—to allow him the ability to put the right person in the right place at the right time.

This idea that this would bring back cronyism and discrimination is totally invalid. The Gramm-Miller amendment and the bill adopted in the House required that the President not act in arbitrary and capricious ways, not discriminate, and strictly limited his decisions to merit and performance. So that is not really an issue as to what we are talking about.

This is the calendar. The calendar points out that the Senate has yet to act. Every time we have come close to reaching a bipartisan agreement, we basically have run into the hurdle that there is strong opposition to those who would like to change the system as it relates to homeland security. So we have the incredible specter that we have come to the end of the session. The President over and over again has compromised.

The Gramm-Miller amendment, according to Senator LIEBERMAN, contains 95 percent of the changes he sought in the President's bill. If 95 percent is not compromise, what is compromise?

Finally, on the point of compromise, to stand up and suggest that the Nelson amendment and the Gramm-Miller amendment are identical simply does not bear up under scrutiny. Under the Nelson amendment, the President would lose national security powers he had on September 11. How many Americans would feel comfortable knowing that the Congress is trying to weaken the President's ability to respond to terrorism in the name of homeland security? I think it would come as a shock to most people to realize that is the case. But nobody denies it is the case.

In fact, when we offered the Gramm-Miller amendment, I put a little provision at the end of it, sort of as bait, that said: Nothing in this bill shall be construed as taking power away from the President to protect America that he had on September 11. So when the Nelson amendment was offered, guess what the last provision of it was. It struck that language.

I don't think anybody is deceived. I don't think they are going to be deceived by a unanimous consent request that does not bring up homeland security, that does not move us toward final passage, and that allows Members to vote yes and no on the same day 1 hour apart.

There are ways we can move the ball forward. I want to address those.

Let me also say, the majority leader brought up MAX CLELAND. The issue here is, are you with the President on homeland security or are you against him? That is what the issue is. The plain truth is, everybody knows we are one vote short of passing the homeland security bill—one vote short. If we had one more vote, we could pass this bill and we could start the process of protecting America. But we do not have that vote.

Whose vote is it? Well, it is any one person who is not with the President's program as he has compromised on it. Senator MILLER is with it. He is a sponsor of it. He is a lead sponsor of it. The plain truth is, we are one vote short.

I assure you, if I were running against anybody in America and they were opposed to the President's compromise on homeland security, I would consider it to be a legitimate issue. If that is not a legitimate issue, there is not a legitimate issue in America. The fact that we are adjourning this Congress instead of staying here today and tomorrow and from now until we get the job done is totally and absolutely irresponsible.

Having said all that, let me propose some unanimous consent requests myself.

First, let me take the Daschle unanimous consent and change it slightly. Let's bring the bill up right now. Let's not leave it to the majority leader as to whether it would be brought up. Let's bring it up and let's have a vote on the Gramm-Miller amendment.

Mr. President, I ask unanimous consent that the Senate resume consideration of H.R. 5005, the homeland defense bill; that the motion to recommit be withdrawn, and the Nelson amendment No. 4740 to the Gramm-Miller amendment be withdrawn; that there be an hour time limitation on the Gramm-Miller amendment; and at the conclusion or yielding back of the time, the Senate vote on the Gramm-Miller amendment.

Mr. REID. Mr. President, reserving the right to object, my friend from Texas, my good friend—and I will miss him a lot next year—reminds me of a time when my brother, who is 10 years older than me, got a job. He had this nice, white uniform with a bow tie, working for Standard Stations. And it was a big deal for the Reid family. He was placed to work in Ash Fork, AZ, not a great metropolis, but compared to where I was raised, it was a big city. My brother asked his little brother to spend a week with him in Ash Fork. I had never been anyplace, so I looked forward to that.

What I didn't know was that my brother had a girlfriend in Ash Fork. He spent most of his time with the girlfriend. I spent most of my time, not with my brother but with his girlfriend's brother.

Her brother was a year or so older than I, but we played games. I never beat him in anything, the reason being, he kept changing the rules in the middle of the game. So no matter what I did, I couldn't win.

That is kind of how I feel about homeland security. No matter what we do, you folks won't take yes for an answer. It is always something different. So it reminds me of my experience in Ash Fork.

I say to my friend, who has a Ph.D. in economics, is a college professor, and is very smart, this calendar you have given us is an illusion. The numbers you have there are just a fantasy. The fact is, we have tried to do everything we could to pass this. I am happy to hear the Senator say he wants to continue working on this. But the unanimous consent request he has propounded gives him everything and gives us nothing.

We have said—in fact, the majority leader said—we agreed to give you what you asked for. We would have a vote on your proposition first, vote on that first, and then we would vote on ours second. You say that is not good, even though I asked for it earlier. The reason I guess it is not good is that we might pass our amendment. And if we do, it knocks out a few pages of a 100-page bill.

With great respect for my friend from Texas, with whom I have served in the House and Senate and will miss next year, without reservation or qualification, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. GRAMM. Mr. President, I love my colleague from Nevada. He is such a sweet man. His heart is so good. His views on things sometimes are not so good. But as long as we have people around like him, the place works pretty well.

Let me respond to his remarks, and I will try another unanimous consent request on it.

What I have propounded is exactly what Senator MILLER and the President and I have asked; that is, to have an up-or-down vote on our amendment. My colleague from Nevada would like to do it so that people can vote yes and no within an hour and so that people can, in essence, be in a position where they might deceive the public, yet we are no closer to passage than we were before we started. I just don't think that makes any sense. I am not claiming that deception is the intent, but I do believe that would be the result. Let me try another approach.

I ask unanimous consent that the Nelson amendment be adopted, with one amendment, and that amendment is that nothing in this bill shall be construed as taking away a national security power and a power to protect America that the President had on September 11, and that after the Nelson amendment is adopted with this provision added to it, the Gramm-Miller amendment be in order; that it be debated for 3 hours, and that there be an up-or-down vote on that amendment, and at the conclusion of that amendment, whether it is successful or not, we have a vote on final passage.

Mr. REID. Reserving the right to object, Mr. President, I ask unanimous consent that a statement by Mark Hall, a U.S. Border Patrol agent, be printed in the RECORD. It is two and a half pages.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT BY MARK HALL, PRESIDENT, AFGE LOCAL 2499, U.S. BORDER PATROL, JULY 31, 2002

Good Morning. My name is Mark Hall. For the past 18 years I have worked as a U.S. border patrol agent, 15 of them based in Detroit, Michigan. I am also President of AFGE Local 2499. I have dedicated my life to defending the national security of this country and do not understand how my role as union leader is incompatible with my oath to protect and defend the Constitution of the U.S.

I believe that the two hats I wear as I patrol the Northern Border of the U.S. are entirely consistent. In fact, if not for the fact that I am a union member, I might not be a border patrol agent today. In the months after the terrorists attacked the World Trade Center and Pentagon on September 11 of last year, I became increasingly concerned about the vulnerability of our northern border and our agency's inadequate response to that threat.

Despite public assurances from the Immigration and Naturalization Service and the Department of Justice that we were responding to this threat, few agents were being posted at our station in Detroit or any other along the Northern Border that I was aware of.

I spoke with my local management about the problem and was told, essentially, to keep quiet. Having taken an oath to defend the Constitution—not the INS—I decided it was my responsibility to speak out about the danger we faced along our border with Canada. I, along with another agent and former marine, Bob Lindemann, talked to a newspaper and television program about our concerns. As a result of this decision my sector chief tried to fire us immediately, and failing that, settled on a 90-day suspension, one-year demotion, and reassignment.

The Office of Special Counsel which investigated the Agency's action uncovered internal emails from the sector chief stating "the President of the local union deemed it necessary to independently question our readiness in a public forum", adding that managers must take a "stance which bears no tolerance for dissent and to view resistance from the rank and file as insubordinate".

It was only through the combined protections of my union, and the whistleblower protection law that the proposed disciplinary actions were indeed, I would never have spoken out if I hadn't had my union behind me because whistleblower protections alone would not have been enough. I want to take this opportunity to thank my union and the lawmakers responsible for the whistle-blower law for helping me when I needed it. Without such help, I would not be a border patrol agent today.

The President uses the words "national security" and "flexibility" to describe his goals in creating this new agency, but his hard line and his veto threat show it's about something far more serious—politics.

No one imposed union representation on agents of the Border Patrol—we voted for that representation democratically. And now the President has decided to override our vote and eliminate our only means of holding the managers and political appointees who run the agency accountable to the American people.

Our union is not just about economic issues—Congress sets our pay levels so that they're in line with other law enforcement officers. Our union is also about protecting

> the chance for the employees to speak out when we see mismanagement, fraud, and security breaches. Our union is part of the system of checks and balances we have in our democracy.
>
> The other thing the President is insisting on is the right to do away with fair and open competition among our citizens for the privileged to work for the U.S. government. He wants to take away the laws that give us a civil service system that is outside politics, patronage, and cronyism. He says "trust me," I'll write new rules that will be just as good. But if he gets his way, there'll be no union to speak out when the political good ol' boy system takes the place of these laws.
>
> Congress just passed a corporate accountability law because it turned out that when top managers have all the power to do as they please they tend to abuse that power. There was no accountability. Well, in the federal government, and certainly in the border patrol, there is accountability when the workers who lay their lives on the line every day have a union contract backing them up when they question managers who are misappropriating funds, or discriminating in hiring or firing, or failing to put resources where the threats are greatest.
>
> The American people better hope that the President is true to his word when he says that he can be trusted to keep objective standards for qualifying for a job as a U.S. Border Patrol agent. If being a union supporter or belonging to the wrong political party disqualify an otherwise fit job candidate, you can be sure that homeland security will suffer.
>
> Our union has been accused of standing in the way of homeland security. The President says our contract and the civil service laws tie the hands of managers who may need to reassign agents for special assignments or for emergencies. Nothing could be further from the truth.
>
> I have been shot at twice, hit, kicked, spit-on, and bitten in the course of carrying out my duties. I have spent months away from my family on detail—as much a four months in a year away from home. I have received dozens of commendations for outstanding service to the Border Patrol. I joined the union 17 years ago, and there has never been one instance when my union membership caused me to compromise the security of this nation. In fact, our union has helped me and my fellow officers make this nation a better and safer place. I thank you for the opportunity to be here today, and I will be happy to answer any questions.

Mr. GRAMM. I could not hear the Senator.

Mr. REID. I said I have a statement from a Border Patrol agent. It is a two-and-a-half page letter.

Mr. GRAMM. I have no objection.

Mr. REID. I will read one short sentence in the letter.

The PRESIDING OFFICER. The request of the Senator from Texas is pending.

Mr. REID. It says:

> The President uses the words "national security" and "flexibility" to describe the goals in creating this new agency, but his hard line and his veto threat show it's about something far more serious—politics.

That is what this is about, changing the rules of the game.

I object.

The PRESIDING OFFICER. Objection is heard.

Mr. GRAMM. Mr. President, let me try one more.

I ask unanimous consent that H.R. 5005, the homeland defense bill, be brought before the Senate; that each side have three amendments and that they have an opportunity, going back and forth, to offer those amendments; that the Gramm-Miller amendment be the pending amendment; that when each side has had an opportunity to debate and vote on their three amendments, that there be a vote on final passage of the bill.

Mr. REID. Reserving the right to object, you see, the reason my friend from Texas is wrong about this unanimous consent agreement is we don't need it. If we voted on the two pending amendments, the Gramm amendment and the one we want to go forward with, the Breaux amendment and the Nelson amendment, of course—there is still room for other amendments. It doesn't cut off debate.

If cloture were invoked, there are other germane amendments we would have. This is all part of the illusion being created here. They don't want a bill.

I object.

The PRESIDING OFFICER. Objection is heard.

Mr. GRAMM. Mr. President, let me conclude by simply saying this. What normally happens under these circumstances is this: We are not going to pass a homeland security bill and Americans are going to the polls; they are basically going to make a decision. They might decide that Senator DASCHLE is right, that the President doesn't care anything about national security, that he is out to bust the unions, and that we really don't need to change business as usual in Washington as it relates to homeland security. I think that is a possibility. People might reach that conclusion.

But I think there is an alternative possibility. I think people are going to reach a conclusion that when it came down to making a hard decision that meant changing business as usual in Washington, that required us to change a system for national security reasons and the protection of the life and health of our people, that meant going against the way things have been done here for 50 or 60 years, that the Democrats are unwilling to make that change and the President wanted to make the change.

I just remind my colleagues that when Senator DASCHLE was talking about the President's efforts at union busting, we have had three major commissions that have looked at our current Government system—the civil service system—in areas of national security and terrorism. The two major ones are the Volcker Commission and the Rudman Commission. Paul Volcker was a Democrat-appointed head of the Federal Reserve Bank and one of the most respected people in America. Warren Rudman is one of our former colleagues and was one of our most respected Republican members. Both of them headed up blue ribbon commissions to look at our ability to respond to threats to our national security, and both of those commissions concluded unanimously that we needed to change the current civil service system as it related to the ability to promote on merit and the ability to put the right person in the right place at the right time. That is what the President has asked for.

So like so many issues in the greatest democracy in history, this is one where you have to choose. The President cannot succeed because he is one vote short. I don't believe the Democrats could pass their bill because I think some of their own members would not vote for it on final passage, and none of our members are going to vote for a bill that the President said he will veto.

So we have an impasse, and it comes down to a choice. It is not a choice that Senator REID is going to make, or one that I am going to make. It is a choice the people back home are going to make. They have heard each side with its own focus, twist, spin, or whatever the conventional wisdom is. But, ultimately, it is the judgment of the American people that we are going to stand by, and I am willing to stand by it.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Utah is recognized.

FAREWELL TO A FRIEND

Mr. HATCH. Mr. President, I rise to honor the achievements of my good friend and colleague, Senator PHIL GRAMM.

After serving with him for 18 years, it is difficult to remember that our Texas colleague began his career as a Democrat.

After listening to him here today, I can see he is ending his career by going out with a bang. PHIL GRAMM is one of the most effective Senators who has ever sat in this body. In fact, even though he started out as a Democrat, he actually became one of the most effective conservatives in this body and a fixture on economic issues and a man who deserves much of the credit for changing the attitude of Congress about budget and fiscal responsibility.

I know I am not the only Member of this body who is deeply grateful for the Gramm-Rudman-Hollings deficit-control legislation that Senator GRAMM poured his heart into creating and sustaining over so many years.

Another landmark bill that bears his name and is changing the course of the nation for good is the Gramm-Leach-Bliley Financial Services Modernization Act of 1999.

He brought his classroom skills to bear on more than one occasion, patiently explaining basic economics to his fellow Senators, again and again and again.

I, for one, am grateful for the opportunity to have been one of his students.

Senator GRAMM is also one of the Senate's most honest and forthright members, never hesitant to tell you exactly what he is thinking.

On more than one occasion, the senior Senator from Texas has approached me about bills on which we disagreed and said, in his distinct drawl, "ORRIN, you were one of the reasons I came to the Senate—to help you fight all those ridiculous liberal ideas. So I have to ask, what are you doing with this bill?"

And we all came to respect Senator GRAMM when he joined the GOP ranks.

The story is now legend, but compelling nonetheless.

He was serving in the other body when he decided he no longer felt comfortable as a Democrat.

Instead of simply announcing he was switching parties, he resigned his seat in 1983 and ran again in a special election as a Republican. He has served here ever since with, I think, the respect of both sides of the aisle.

He thus eliminated any question that his decision was motivated by anything other than a realization that his beliefs no longer fit within the Democratic Party.

Senator GRAMM'S dedication to the principles of a free society, his belief that free markets and limited government allow people to realize their full potential, his reminders that good intentions are no substitute for good policy—these have shown through in ample body of Senate achievement he will leave behind.

Senator PHIL GRAMM'S career is proof that good ideas can have a real impact on our country, as long as those ideas are combined with a mountain of hard work.

Mr. President, I am sad to see my good friend leaving this body.

I wish we could convince my friend to stay.

I personally am going to miss him. I can only wish him the very best as he begins his new life outside of Senate. I am sure of one thing: wherever PHIL GRAMM goes or whatever he does, he is going to be a success. PHIL GRAMM is one of the brightest people who ever served in both Houses of Congress, and he is certainly one of the best people, as far as I am concerned.

THE ECONOMY

Mr. HATCH. Mr. President, I wish to change the subject because I think it is important before we leave this Congress that I say a few words. We have all seen the news reports suggesting our friends on the other side of the aisle want desperately to turn the focus of the national debate back to the economy. I am glad to do so, but let it be a full and fair debate. I hope we can talk about the recession we have been through, the recovery that is now under way, what we have already done to grow the economy and, most importantly, what we Members of the Senate from both political parties propose to do about the economy in the future.

Let us start by considering the shocks that have hit the economy since the last year of the Clinton Presidency.

In the summer and fall of 2000, the dot-com bubble burst and high-tech spending fell precipitously, triggering a slowdown that was worsened by the horrendous terrorist attacks that shook our entire economy last year on September 11 and afterwards.

Then about a year ago this week, we began discovering a few large companies have been massively deceiving their investors, deepening the malaise.

Finally, to top off all this bad news, oil prices have hovered around the danger level of $30 a barrel because of war clouds in the Middle East.

This chart shows that how our slump began during the summer of 2000. While it would not be fair to blame all these problems entirely on the Clinton administration, in my view, it is clear that the beginnings of this slowdown—what some have called the "Clinton hangover"—occurred well before President Clinton took the oath of office.

This is not just a partisan position or partisan judgment.

As President Clinton's top economic adviser, Nobel Laureate Joe Stiglitz, recently said:

> The economy was slipping into recession even before Bush took office, and the corporate scandals that are rocking America began much earlier.

That is what happened in the year 2000 right on up to our time today. One can see the red mark shows it began during the Clinton administration and continued for the first year of the Bush administration.

While these problems did not begin on President Bush's watch, we are committed to working with the President to solve our economy's current problems.

In of all the blows our economy suffered, consumer spending held up very well. New car and new home sales have stayed at record levels over the last year, and while times have been tough for some retailers, overall consumer spending has kept right on growing. Why? Because of last year's tax cuts.

Which part of the tax cuts helped the most? Was it the rate cuts or rebate checks that kept spending growing steadily? Let's think about that for a moment. Was it the rate cuts or was it the rebate checks? Some Democrats complained that last year's tax cut did not have enough rebates; it did not have enough immediate stimulus, they said.

Guess what? The numbers are in, and it turned out while rebate checks sure help families sleep better at night, they do not stimulate much spending. When the manna falls from Heaven, they do not just eat it, they store as much of it as they can. So when the rebates came, people did not spend most of the checks; only about a third of it. They saved most of the money, or they used it to pay down their debt.

Those are good things to do, but I do not think we should be under any illusions that most of these rebate checks are spent at the local Wal-Mart.

By contrast, the permanent rate cuts let people know the Government was going to let them keep more of their own money, not just this year, but for years to come. When people know their take-home pay is going up and that it is going to stay up, they feel more comfortable about spending today, tomorrow, and into the future.

The lesson is clear: Tax rebates help spending a little bit, for a month or two, but a permanent income tax cut gives people a green light to spend because it helps them over a long term. A permanent income tax cut may not be glamorous, but it does work, and if we want to speed up consumer spending, the most effective way to do it is by speeding up the tax cuts.

Even though consumer spending has held up, there are just not nearly enough good-paying jobs out there right now, and we all know it. I am seeing this in Utah where our State's economy has been hit harder than most by the current downturn.

In fact, just today, Delta Airlines, which has a hub in Salt Lake City, announced thousands of layoffs. My heart goes out to these families impacted by these layoffs.

Utah has a highly educated work force, and we have more high-tech and more tourism jobs than most States do. We saw Utah's unemployment rate rise from about 3 percent to almost 6 percent before coming back down toward 5 percent, a number that is still far too high. The way to bring back these lost jobs is to bring back investment spending.

Businesses just have not been buying as much equipment as they used to, especially high-tech equipment. Investment spending started falling back in 2000, and while it has been recovering over the last few months, it is nowhere near the levels of 1999.

Early this year, Congress saw that business spending had nosedived, and we took action. We enacted a temporary bonus depreciation provision giving companies a tax incentive to buy equipment sooner rather than later. This powerful tax incentive is based on legislation that I championed.

Unfortunately, large corporate bureaucracies cannot turn on a dime, and many businesses had already worked out their spending plans before we managed to pass bonus depreciation, but it will help in the future.

Since many companies only plan their equipment budgets once a year, we can expect to see business purchases come back up early next year, and that will be, in part, because of this provision. With that revival, the weakest pillar of spending will be strengthened.

Some on the other side of the aisle have proposed speeding up and increasing the amount of bonus depreciation, and I think that is a great proposal. In fact, my original bonus depreciation proposal looks quite a lot like some of the Democratic depreciation proposals being discussed.

In another major economic accomplishment this year, Congress joined with the President to enact two more pieces of strong pro-growth legislation: trade promotion authority and corporate accountability legislation.

I worked together with Members of both Houses and both parties on the conference report because, as chairman of the Trade Subcommittee of the Finance Committee, I served on the conference for this bill. This report gave the President the much-needed authority to negotiate free trade agreements.

As the President finalizes free trade agreements, first with Chile and Singapore, and then expanding across the world, we are going to reap real benefits from trade promotion authority. I can remember all of the fighting on the floor over whether we were going to do that or not. We know we should have done it, and we finally did.

The American people will benefit from lower prices for Americans buying goods, services, and machinery; wider overseas markets for farm products, high-tech equipment and services; and higher wages for American workers, especially for workers in exporting industries.

The corporate accountability bill passed this year is also going to help make sure stockholders are in charge of the corporation, not insiders with something to hide. It is going to make sure auditors serve the interests of the shareholders. But as I predicted on the Senate floor back in July, we now find ourselves locked in a fruitless debate, indeed a dangerous debate, over who can be the toughest on the public accounting profession.

Republicans have an agenda for economic recovery and economic security. We know what we want. We can pass this agenda this week if we can get the majority to agree.

I have already mentioned last year's tax rate cuts. Speeding up the date the remaining tax cuts take effect and making them permanent will have a powerful impact for good on the economy.

We also want terrorism insurance to create good-paying construction jobs.

Terrorism insurance has been delayed by the trial lawyer lobby, which insists on being able to sue businesses who are the victims of terrorism. I suspect that in the end they are probably going to win, even though that is a disastrous way of continuing to do business. As a result, we are going to find people who are totally innocent sued for punitive damages in the future.

We want an energy bill that will reduce our dependence on foreign oil, push gas prices down, and encourage conservation, all at the same time.

I joined with a number of my colleagues to sponsor a landmark provision, the CLEAR Act, in the energy bill that would change the transportation vehicle marketplace by giving tax incentives to cleaner-running alternative fuel and hybrid electric cars and trucks.

Unfortunately, the energy bill is stuck in conference, partly because some conferees apparently will not accept an extra 10 million acres of permanent Alaska wilderness in exchange for oil exploration that would leave a footprint no larger than Dulles International Airport. That 10 million acres would become wilderness. It is clear that they are not really serious about having a good energy bill or reducing our dependence on Middle Eastern oil. If these decisions were motivated by love for the environment rather than by ideology, we would already have an energy bill and Alaska would have 10 million more acres of permanent wilderness.

There are other good economic proposals that can and should be discussed in the coming months, proposals that could strengthen our economy now and restore to us another decade of exceptional growth.

I am convinced that ending the double taxation of dividends should be an important part of any such plan. Our Tax Code rewards corporations for loading up on debt, and it slows our Nation's rate of capital formation and innovation. I think this has to end.

I will now take a moment to address one of the most puzzling charges made against our President's economic policies. Some of our Democratic colleagues have claimed that last year's tax cut brought back the deficit and destroyed the projected 10-year surplus. Since fiscal year 2002 is over, we now have a pretty clear explanation of why we ran a deficit. The Congressional Budget Office is clear on this issue. We had a slowdown that began during the Clinton administration, and continued during the first year of the Bush administration. That hurt income tax revenues, while a stock slump hurt capital gains revenues.

Let's look at this. How did CBO's fiscal year 2002 $313 billion surplus forecast become a $157 billion deficit? It was not the tax cuts. Look at this particular illustration. As we can see, the weakening economy caused 67 percent of the problem.

New discretionary spending is $50 billion. That is 11 percent. The economic stimulus is $51 billion. That is 11 percent. The tax relief is $37 billion, or only 8 percent of this total pie that has literally eaten up the $313 billion forecast which has now become a $157 billion deficit.

A lot of it has come from our spending in the Congress. In some respects, we are spending like drunken sailors. The fact of the matter is that the smallest part of it, other than the "other," is the tax relief, which cost us $37 billion of the $313 billion.

Last year's recession was real, and our slow recovery is leaving behind pockets of real suffering both in my home State of Utah and across the Nation.

Without minimizing this suffering, let us put this in perspective by remembering just how bad recessions really have been in the past, as illustrated by this chart.

In January of 1980, when we had a recession, the average unemployment rate during and after the recession was 7.4 percent. In the next recession, starting in July of 1981, it averaged 9.4 percent. In July of 1990, we had the beginning of another recession and unemployment averaged 6.8 percent. Since our most recent recession, beginning in March of 2001, unemployment has averaged 5.3 percent. It is 5.6 percent today, which is considerably less than these other recessive periods of time.

These are 2-year averages of civilian unemployment rates beginning with the first month of recession. The source of this information is the National Bureau of Economic Research and the Federal Reserve Bank of St. Louis. It has been a lower recession unemployment rate—and when I used to be chairman of the Labor Committee, we saw figures that said if the unemployment rate is around 5 percent, there is basically full employment in the country.

Now I am not saying 5.3 percent unemployment rate is full employment. It is not good enough for me, but the fact is it is less than the other recessive periods over the last 20 years, and that is a very important thing.

As my friends on the other side of the aisle like to remind us, the search for jobs is where people really feel the bite of a sluggish economy. How does the old saying go? "If your neighbor loses a job, it is a recession. But if you lose your job, it is a depression."

So I think we should compare the unemployment rates during and after the last three recessions with the unemployment rate since March of 2001, when the most recent recession began.

It comes as no secret that the job market often gets worse even after the economy starts growing again. Unfortunately, businesses want to be sure that their sector of the economy is going to keep growing before they take on more workers, and I cannot blame them for that.

A glance at this chart makes it clear that while our unemployment rate has been far too high, nowhere near the lows of 4 percent that we saw a few years ago, we have done better than we could have hoped.

I have not seen many of my colleagues making serious comparisons between this recession and previous recessions, and we can see why from this particular chart. There is just no comparison.

During the back-to-back recessions of the early 1990s, when the Federal Reserve finally broke the back of inflation, unemployment rates hovered near 10 percent. During our last recession 10 years ago, we suffered from jobless rates much higher than anything we have seen today.

Today's weak job market is real. It means Americans suffer through no cause of their own, and it is something we need to work together to fix. While we work to fix these problems, let us remember in our own lifetimes we have seen the face of deep recession.

While there are regions of the country that face steep hurdles and devastated job markets, the Nation as a whole is seeing a recovery. For that, our Nation can be grateful.

Our President's policies, the Federal Reserve's aggressive, preemptive rate cutting, combined with the flexibility of our free market system, keep unemployment rates much lower than in past recessions.

By enacting more job-creating, growth-enhancing initiatives, we can do even better. Accelerated tax cuts, terrorism insurance, and an energy bill should all be part of our recovery agenda. We can do these this year, even though this is our last real day of this session. We still can get this done, since we all know we are coming back for a partial lame duck session.

We do not need another economic forum. What we need is legislative action. It is pretty pitiful that the Senate has not enacted one non-defense appropriations bill—not one. For the first time in over 20 years, we do not have a budget.

I will tell my colleagues the reason we do not have a budget. In the past, I can remember when we on this side were in the majority and had to come up with a budget, and it was really tough to do because we knew we would be subject to all kinds of cheap criticisms from others who wanted to score political points. But we always came up with that budget, and we endured the cheap political criticisms.

I have to say I think part of the reason we do not have a budget today is that the other side is afraid we might use the same type of cheap criticisms on them that were used on us for all of these years. I hope we will not do that. I hope what we will do is work together in the best interest of our country.

I am sure there are good ideas on both sides, and I hope we can work together to bring in all the good ideas we can find. The strength of our democracy, as the strength of our businesses and our families, comes from our willingness to listen to each other. After we listen and negotiate a compromise, we need to take action—action to restore the economy to its potential, action to restore a healthy job market, action to ensure that our workers are the most productive and best paid in the world. It is time for us to live up to our duties. The American people are waiting for action. I think we still have enough time, even though it may have to be during a lame duck session, to be able to get this done.

One last thing. I, for one, am very disappointed that we were unable to get a prescription drug benefit bill passed. Everybody knew the tripartisan bill would have swooshed through the Senate Finance Committee. We were foreclosed from allowing that bill to come through the normal legislative process because it was known that it would have swooshed through and it would become the bill of merit on the floor and it would have passed the Senate.

That bill had $70 billion more in it, in the final analysis, than what those on the other side asked for last year.

Instead, we had a bill which was brought up pursuant to rule 14, which is a procedural mechanism on the floor which allows you to call up a bill once and, if it is objected to, then it goes on the calendar and on the agenda of the U.S. Senate.

We had a bill called up that would have been probably twice as expensive as this $370 billion bill we had. It would have passed—our bill would have passed. The competing proposal was twice as expensive and never once had the final CBO scoring necessary for a bill of that magnitude on the floor of the Senate. It was pulled down because it clearly did not have the votes, where we did.

We could have had the prescription drug benefit package for our seniors in this society, had it not been for politics. I, for one, lament that. We could have had it. We had Democrats, Republicans, and an Independent in support of that bill.

Would everybody have been pleased with that bill? No, but it would have passed and would have passed overwhelmingly. Now we do not have a prescription drug bill for senior citizens, all because of the way this floor has been managed over the last year or so.

I have to tell you I think it is going to be virtually impossible to pass it next year, especially if we are in a conflict with Iraq. That will have to take precedence and the spending for that will have to take precedence. Everybody knows that. Everybody knew those were the facts. This was the year to get that job done, and we had it done. I believe we could have gotten it through the House.

As somebody who has been on the passing end of a lot of legislation over the last 26 years, I think I can speak with authority. We could have gotten it through the House as well, and it would be law today.

So I, for one, think we have lost a tremendous opportunity, mainly because of politics and the hoped-for advantage that one side might have had over the other. Our side would have supported the tripartisan bill, and I think a considerable number of Democrats would have, too. But we don't control the floor and we were not able to get that bill up. I am disappointed because I think we should have done that.

There are a lot of other things I wish we could have done during this year. Had we had a budget, we might have been able to. Had we had appropriations bills, we might have been able to. I just wish all our colleagues well. At the end of this session I have good will towards every person in this Chamber. I care for every Member of this body, and I will tell the public at large that most everybody in the Congress I know happens to be a good person who is trying to do the job to the best of their ability.

But occasionally politics gets in the way and we do not get things done that should be done. This year has been a prime example of that, in my humble opinion.

But I wish everybody well. With that, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CARPER). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

REAFFIRMING THE REFERENCE TO ONE NATION UNDER GOD IN THE PLEDGE OF ALLEGIANCE

Mr. HATCH. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 2690, which is at the desk.

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives:

S. 2690

Strike out all after the enacting clause and insert:

SECTION 1. FINDINGS.

Congress finds the following:

(1) On November 11, 1620, prior to embarking for the shores of America, the Pilgrims signed the Mayflower Compact that declared: "Having

undertaken, for the Glory of God and the advancement of the Christian Faith and honor of our King and country, a voyage to plant the first colony in the northern parts of Virginia,".

(2) On July 4, 1776, America's Founding Fathers, after appealing to the "Laws of Nature, and of Nature's God" to justify their separation from Great Britain, then declared: "We hold these Truths to be self-evident, that all Men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the Pursuit of Happiness".

(3) In 1781, Thomas Jefferson, the author of the Declaration of Independence and later the Nation's third President, in his work titled "Notes on the State of Virginia" wrote: "God who gave us life gave us liberty. And can the liberties of a nation be thought secure when we have removed their only firm basis, a conviction in the minds of the people that these liberties are of the Gift of God. That they are not to be violated but with His wrath? Indeed, I tremble for my country when I reflect that God is just; that his justice cannot sleep forever.".

(4) On May 14, 1787, George Washington, as President of the Constitutional Convention, rose to admonish and exhort the delegates and declared: "If to please the people we offer what we ourselves disapprove, how can we afterward defend our work? Let us raise a standard to which the wise and the honest can repair; the event is in the hand of God!".

(5) On July 21, 1789, on the same day that it approved the Establishment Clause concerning religion, the First Congress of the United States also passed the Northwest Ordinance, providing for a territorial government for lands northwest of the Ohio River, which declared: "Religion, morality, and knowledge, being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged.".

(6) On September 25, 1789, the First Congress unanimously approved a resolution calling on President George Washington to proclaim a National Day of Thanksgiving for the people of the United States by declaring, "a day of public thanksgiving and prayer, to be observed by acknowledging, with grateful hearts, the many signal favors of Almighty God, especially by affording them an opportunity peaceably to establish a constitution of government for their safety and happiness.".

(7) On November 19, 1863, President Abraham Lincoln delivered his Gettysburg Address on the site of the battle and declared: "It is rather for us to be here dedicated to the great task remaining before us—that from these honored dead we take increased devotion to that cause for which they gave the last full measure of devotion—that we here highly resolve that these dead shall not have died in vain—that this Nation, under God, shall have a new birth of freedom—and that Government of the people, by the people, for the people, shall not perish from the earth.".

(8) On April 28, 1952, in the decision of the Supreme Court of the United States in Zorach v. Clauson, 343 U.S. 306 (1952), in which school children were allowed to be excused from public schools for religious observances and education, Justice William O. Douglas, in writing for the Court stated: "The First Amendment, however, does not say that in every and all respects there shall be a separation of Church and State. Rather, it studiously defines the manner, the specific ways, in which there shall be no concern or union or dependency one on the other. That is the common sense of the matter. Otherwise the State and religion would be aliens to each other—hostile, suspicious, and even unfriendly. Churches could not be required to pay even property taxes. Municipalities would not be permitted to render police or fire protection to religious groups. Policemen who helped parishioners into their places of worship would violate the Constitution. Prayers in our legislative halls; the appeals to the Almighty in the messages of the Chief Executive; the proclamations making Thanksgiving Day a holiday; 'so help me God' in our courtroom oaths—these and all other references to the Almighty that run through our laws, our public rituals, our ceremonies would be flouting the First Amendment. A fastidious atheist or agnostic could even object to the supplication with which the Court opens each session: 'God save the United States and this Honorable Court.'".

(9) On June 15, 1954, Congress passed and President Eisenhower signed into law a statute that was clearly consistent with the text and intent of the Constitution of the United States, that amended the Pledge of Allegiance to read: "I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.";

(10) On July 20, 1956, Congress proclaimed that the national motto of the United States is "In God We Trust", and that motto is inscribed above the main door of the Senate, behind the Chair of the Speaker of the House of Representatives, and on the currency of the United States.

(11) On June 17, 1963, in the decision of the Supreme Court of the United States in Abington School District v. Schempp, 374 U.S. 203 (1963), in which compulsory school prayer was held unconstitutional, Justices Goldberg and Harlan, concurring in the decision, stated: "But untutored devotion to the concept of neutrality can lead to invocation or approval of results which partake not simply of that noninterference and noninvolvement with the religious which the Constitution commands, but of a brooding and pervasive devotion to the secular and a passive, or even active, hostility to the religious. Such results are not only not compelled by the Constitution, but, it seems to me, are prohibited by it. Neither government nor this Court can or should ignore the significance of the fact that a vast portion of our people believe in and worship God and that many of our legal, political, and personal values derive historically from religious teachings. Government must inevitably take cognizance of the existence of religion and, indeed, under certain circumstances the First Amendment may require that it do so.".

(12) On March 5, 1984, in the decision of the Supreme Court of the United States in Lynch v. Donelly, 465 U.S. 668 (1984), in which a city government's display of a nativity scene was held to be constitutional, Chief Justice Burger, writing for the Court, stated: "There is an unbroken history of official acknowledgment by all three branches of government of the role of religion in American life from at least 1789 . . . [E]xamples of reference to our religious heritage are found in the statutorily prescribed national motto 'In God We Trust' (36 U.S.C. 186), which Congress and the President mandated for our currency, see (31 U.S.C. 5112(d)(1) (1982 ed.)), and in the language 'One Nation under God', as part of the Pledge of Allegiance to the American flag. That pledge is recited by many thousands of public school children—and adults—every year . . . Art galleries supported by public revenues display religious paintings of the 15th and 16th centuries, predominantly inspired by one religious faith. The National Gallery in Washington, maintained with Government support, for example, has long exhibited masterpieces with religious messages, notably the Last Supper, and paintings depicting the Birth of Christ, the Crucifixion, and the Resurrection, among many others with explicit Christian themes and messages. The very chamber in which oral arguments on this case were heard is decorated with a notable and permanent—not seasonal—symbol of religion: Moses with the Ten Commandments. Congress has long provided chapels in the Capitol for religious worship and meditation.".

(13) On June 4, 1985, in the decision of the Supreme Court of the United States in Wallace v. Jaffree, 472 U.S. 38 (1985), in which a mandatory moment of silence to be used for meditation or voluntary prayer was held unconstitutional, Justice O'Connor, concurring in the judgment and addressing the contention that the Court's holding would render the Pledge of Allegiance unconstitutional because Congress amended it in 1954 to add the words "under God," stated "In my view, the words 'under God' in the Pledge, as codified at (36 U.S.C. 172), serve as an acknowledgment of religion with 'the legitimate secular purposes of solemnizing public occasions, [and] expressing confidence in the future.'".

(14) On November 20, 1992, the United States Court of Appeals for the 7th Circuit, in Sherman v. Community Consolidated School District 21, 980 F.2d 437 (7th Cir. 1992), held that a school district's policy for voluntary recitation of the Pledge of Allegiance including the words "under God" was constitutional.

(15) The 9th Circuit Court of Appeals erroneously held, in Newdow v. U.S. Congress, (9th Cir. June 26, 2002) that the Pledge of Allegiance's use of the express religious reference "under God" violates the First Amendment to the Constitution, and that, therefore, a school district's policy and practice of teacher-led voluntary recitations of the Pledge of Allegiance is unconstitutional.

(16) The erroneous rationale of the 9th Circuit Court of Appeals in Newdow would lead to the absurd result that the Constitution's use of the express religious reference "Year of our Lord" in Article VII violates the First Amendment to the Constitution, and that, therefore, a school district's policy and practice of teacher-led voluntary recitations of the Constitution itself would be unconstitutional.

SEC. 2. ONE NATION UNDER GOD.

(a) REAFFIRMATION.—Section 4 of title 4, United States Code, is amended to read as follows:

"§4. Pledge of allegiance to the flag; manner of delivery

"The Pledge of Allegiance to the Flag: 'I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.', should be rendered by standing at attention facing the flag with the right hand over the heart. When not in uniform men should remove any non-religious headdress with their right hand and hold it at the left shoulder, the hand being over the heart. Persons in uniform should remain silent, face the flag, and render the military salute.".

(b) CODIFICATION.—In codifying this subsection, the Office of the Law Revision Counsel shall show in the historical and statutory notes that the 107th Congress reaffirmed the exact language that has appeared in the Pledge for decades.

SEC. 3. REAFFIRMING THAT GOD REMAINS IN OUR MOTTO.

(a) REAFFIRMATION.—Section 302 of title 36, United States Code, is amended to read as follows:

"§302. National motto

"'In God we trust' is the national motto.".

(b) CODIFICATION.—In codifying this subsection, the Office of the Law Revision Counsel shall make no change in section 302, title 36, United States Code, but shall show in the historical and statutory notes that the 107th Congress reaffirmed the exact language that has appeared in the Motto for decades.

Mr. HATCH. I ask unanimous consent the Senate agree to the House amendment, the motion to reconsider be laid upon the table, and any statements relating to this bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, I suggest the absence of a quorum.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

COST TO TAXPAYERS OF PRESIDENT BUSH'S CAMPAIGN TRAVEL

Mr. REID. Mr. President, at the same time President Bush is telling us that because of severe budget constraints there is no money for important programs, he, Vice President CHENEY, and other members of the administration are spending taxpayer dollars to jet around the country for political fundraisers and campaign events.

Many people wonder why President Bush is traveling around the country so much for political reasons, to give political speeches regarding political candidates, when our Nation is at war on terrorism and we are facing what he called an imminent and serious threat to our national security posed by Iraq.

Many people believe it is improper for President Bush to be racing from one campaign event to another—raising record amounts of campaign cash for Republican candidates—instead of spending time solving America's severe economic problems. I agree with them.

I, too, wish the President would focus on the issues that we in Nevada—and I believe all Americans—are concerned about, such as jobs, Social Security, pension protection, corporate scandals, stock market declines, high cost of health care, access to affordable quality education, and other priorities.

I understand that President Bush has a role. He is not only the Commander in Chief, but also the Republican Party's cheerleader in chief. I understand and accept that. What I don't accept is this constant campaigning being paid for by taxpayers. If he decides to campaign 100 percent of the time for Republican House and Senate candidates, or gubernatorial candidates, whatever he chooses, that is his business. But it should not be at the expense of taxpayers in Nevada and in other places. That is what it is. Flying this corporate entourage around is very expensive, whether it is the President or Vice President. Flying that big jet—I am glad the President has it, and I was here when we paid for it for President Reagan. It is important they have that airplane, but it should be for the business of the people, not for the business of the Republican Party or the Democratic Party.

I wrote to Mitch Daniels and said I want to know how much this costs. Of course, I received no answer. I guess the letter is in the mail. It has been weeks. So I have asked the General Accounting Office to find out. The Vice President met with them during the establishment of a so-called national energy policy, and they even took the GAO to court so they would not have to disclose who they met with, when, or what they talked about. The courts will decide that. We are going to find out how much this cost. It should not be paid for by taxpayers. It should be paid for by the Republican National Committee, or whatever Republican arm they believe should pay for it.

If we have a Democratic President, the same thing should apply. But this has to stop. People have a right, if they are President, to make campaign speeches, but they should be paid for by their political parties, political fundraisers; but the President seems to be devoting an excessive amount of time on these activities. He has scheduled the last 14 consecutive days for campaign travels, every day from next Monday to the election on Tuesday. The taxpayers are paying for that. That is wrong. They have a little program where they have incidental expenses paid for by the local people—maybe extra police or something. But that won't do the trick. That is not right, fair, or equitable.

I think that rather than spending—this is my personal opinion—14 days on the campaign trail, he should be spending 14 days trying to do something about this economy, which is stumbling, staggering, faltering. That is what he should be doing. Given the amount of staff and transportation resources required for Presidential travel, the President's fundraising trips are costing the taxpayers not a few hundred dollars or a few thousand dollars but millions of dollars.

Why should the taxpayers foot the bill for that? They should not. The scheduling of these trips is largely driven by the administration's political agenda of electing more Republicans. Mr. President, I repeat: If he wants to spend 24 hours a day campaigning, he is the President and he can do that. I think it is wrong, but he has that right. It should not be paid for by taxpayers.

President Bush pledged that his administration would do business differently, that there would be a new atmosphere in Washington. I would think that spending taxpayer money on political campaigning and fundraising is the type of frivolous spending he vowed to curb. According to newspaper articles and TV reports, the President has traveled more to political fundraisers than any past President.

On September 26, almost 3 weeks ago, I sent a letter to Mitch Daniels. No answer. I have asked the GAO to investigate the President's campaign travel, including the expenses charged to the taxpayers. The President said he wanted to change the atmosphere in Washington. The American people took him at his word. They didn't realize it would change for the worse. This is an example. I think it is wrong.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BOXER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE ECONOMY

Mrs. BOXER. Mr. President, I understand both leaders are now talking about doing some important nominations, and some of us are here to make sure that those happen. I will cease and desist from speaking as soon as the leaders return and wish to conduct the business of the Senate. In the meantime, I thought it would be interesting to sum up where we are and try to focus some attention on this economy.

Today, the Senate did take a first step in addressing the economy, and that is by trying to restore some discipline to our budgetary process. Sadly, we had a holdup from the Republican side which delayed us. As a matter of fact, the way we resolved it, as I understand it, is we did not extend these very important budget rules for a year. We just did it until April. They have been extended until April, but at least we have some fiscal discipline until April 15.

It amazes me that our friends on the other side of the aisle talk about how conservative they are. They are certainly not very conservative when it comes to balancing our budget and having some fiscal discipline. What we were able to do today was to at least reach an agreement until April 15 that we will have a 60-vote requirement in order to waive the points of order in the Senate if somebody wants to dip into the Social Security trust fund, tries to increase spending or increase tax cuts, and completely abandon the kind of fiscal discipline we need. So we have kept that 60-vote requirement so we cannot completely destroy the budget, which is what has been happening.

As everyone in America knows, we went from a period of fiscal health under President Clinton to a position now where we are deep in debt. If we do not put some discipline back into our budget, it is only going to get worse.

We also have retained, at least until April, a pay-as-you-go point of order so that if, in fact, spending is increased in any way or the deficit goes up in any way, it can be offset, and that is very important.

Pay-as-you-go is something I have been working on since my days in the House of Representatives, and it makes a lot of sense. Most of our families have to do that. If they decide, for example, that they want to send their son or daughter to an expensive college, they have to find extra money, they have to figure out how they are going to pay for it. All of America does it. We ought to do it here. At least we were able to get that done through April 15.

I want to read what Alan Greenspan, the Federal Reserve Chairman, has said about the importance of putting this discipline back into our budget process. First, I have to compliment Senator CONRAD, who is the chairman of our Budget Committee, for leading us so well, for fighting this battle and for not giving up. It would have been very easy for him to say, "forget about it," and relent. People want to go home, they want to campaign, they want to see their constituents in California, as I want to, or the Dakotas, where Senator CONRAD's people are.

The bottom line is, we said we would stay until we got this done, and at least we got the Republicans to agree to do this through April.

This is what Federal Reserve Chairman Alan Greenspan said about the important rules we passed today:

> The budget enforcement rules are set to expire on September 30. Failing to preserve them would be a grave mistake . . . if we do not preserve the budget rules and reaffirm our commitment to fiscal responsibility, years of hard effort could be squandered.

It is incredible to me that with that kind of endorsement by Alan Greenspan—and all of us know how hard it was to bring the budget into balance, to bring the deficit down, to start to reduce the national debt. It is incredible to me that our Republicans friends, who claim to be fiscal conservatives, were objecting to this. In fairness, we did have some of our friends helping us get this through. There was an objection on that side of the aisle that caused us not to be able to put the budget rules in place until April.

We did take the first step to restore some kind of discipline to our budgeting which is necessary to see an economic recovery. When we are out of control and we are losing control over our budget, it carries over into the private sector. Eventually higher interest rates will come about because there will be a squeeze on lending

I will share some situations we are facing with the current economic situation. We have many problems. This is just one of our problems. We are in a recession. We hope it will not be long term. We pray it will not be long term. We know there are a lot of problems. Superimposed over all the economic problems is the fact that our workers are having to pay so much more for their health insurance. By the way, this goes for the small business people as well.

From my family experience, we have seen in small businesses the cost of health insurance rising enormously, and good employers who want to pay the premiums are looking at disastrous increases in the cost of health care for their employees. Family coverage has risen 16 percent and single coverage has risen 27 percent in the year 2002. If you have a good economy and jobs are plentiful, you can absorb this hit, but if you are seeing a recession, maybe your job is not secure, maybe you are working fewer hours, you surely have a problem when you look at your nest egg, which is another problem we are facing in terms of investments for retirement. These increases are hurting our people and hurting them badly.

Now a look at the bigger picture and what has happened under this President's watch. We have two arrows on this chart, an "up" arrow and a "down" arrow. It is miserable to look at. Everything you want down is up and everything you want up is down. What is up on the economic indicators? Job losses, way up; health care costs, way up; foreclosures, way up. People are losing their homes. In America today, the average American is just a few months away from not being able to make that mortgage payment if they were to lose their job. The national debt, way up. We are seeing the debt grow again after we thought we really had a plan to reverse it. Federal interest costs are going up. Social Security trust fund has been raided. The fact is our interest costs each year are going up, and that means we do not have funds to spend on other things.

What is down in the Bush economic record? Economic growth is down. As a matter of fact, we took a look at the GDP and it looks to us to be the worst in 50 years when compared to other administrations. Business investment is down. We know the stock market is down. It is volatile. I used to be a stockbroker many years ago. I have never seen these gyrations. Where is the bottom? We hope we have seen the bottom. Certainly we have a problem when we have an administration that is talking about privatizing Social Security, when we see what has happened to the stock market. If we had turned away from Social Security and we had invested as a government in the stock market instead of safe government bonds, where would we be with our seniors today? Believe me, it would be a disaster. I hope the American people will think about that as they look at these economic indicators.

Retirement accounts are down, 401(k) plans. Everyone—I have spoken to so many people—is afraid to open up their mail to see what has happened to their 401(k)'s. They believe in this country. We all know we will come back. But right now it is a problem.

If you are at retirement age right now and you do not have the luxury to say, as a lot of people tell me, "Senator, I will just work another 5 years," that is all well and good if you are healthy and can work another 5 years. But what is the ramification of that? Not only are you delaying this time of your life you wanted to enjoy your family, perhaps take a trip, you are staying in the job market. That means younger people do not have the opportunity to move in. There are a lot of ramifications when we see the stock market down and the retirement accounts down. That may not hit you at first glance.

Consumer confidence is down. The minimum wage, when you take inflation into account, is way down. On the other side of the aisle, my Republican friends do not want to raise the minimum wage. I ask how they can live on $10,600 a year? They know it would be very difficult. The minimum wage has not been raised in years. I don't understand their opposition. It is not only the right thing to do for our people, but we know people at that scale of the economic ladder will spend. That will help restore this economy. They will go down to the local store. They will spend that increase in the minimum wage.

This administration believes you give tax cuts to the wealthiest and you will solve all the problems of the world. The fact is the wealthy people do not spend it. If they earn over a million a year, they do not need it; they will not necessarily spend it. Therefore, the economy does not get a benefit; whereas, if you direct those tax cuts to the middle class, say the people even earning $40,000, $50,000 or $60,000 a year or lower, you will have an immediate impact. That is why I never understood the "economic plan" of this administration with all its tax breaks for the richest of the richest of the rich. It does not help our economy. We know it does not. Look at our economy. This administration has been in for a couple of years now, and we have never had a worse economy. Their plan for everything is cut taxes for the wealthiest people. It doesn't work. Every indicator you want to see down is up, and the opposite is true.

John Adams said: Facts are stubborn things. They are stubborn, but they are facts. And the American people have to look at the facts and look them in the eye and think about them.

The Bush economic record: Record job losses; weak economic growth; declining business investment; falling stock market; shrinking retirement accounts; eroding consumer confidence; rising health care costs; escalating foreclosures; vanishing surpluses and higher interest costs for the government. We have to borrow now to pay for the daily operations of the government. We pay interest for that—billions of dollars of interest that we cannot spend investing in education, investing in our people, investing to clean up our environment. Raiding Social Security.

We see record executive pay. That is not healthy for our country to have that great disparity. I am all for success. But I saw this runaway corporate irresponsibility in my State perhaps before others, a little company called Enron. Finally we are getting justice. Today we have the first news of a guilty plea of a fellow very high up in the chain. What did he admit to? Creating these scams to defraud the people, making phony electricity shortages. He admitted to conspiracy, wire fraud. The bottom line is, names will be named. These people receive record executive pay.

A stagnating minimum wage. I see my friend from Massachusetts, who has been a lion on this point. Every day he is here, calling for our friends on the other side to let us pass a minimum wage increase. I thank him for that because we need his voice. We need it all the time. The fact is, people are suffering out there and our economy is suffering because the people at the minimum wage have nothing to spend. If they got a little increase, it would go right into those local stores. So we are very hopeful that maybe there will be a change around here and maybe my friend from Massachusetts will hear the echoes from the other side of the aisle, and maybe there will be more on this side. We don't know what is going to happen.

Mr. KENNEDY. Will the Senator yield?

Mrs. BOXER. I will be happy to yield to my friend.

Mr. KENNEDY. When we think of the minimum wage, we too infrequently think of the people who are earning that minimum wage. It has always been interesting to me that we are willing to have those who are earning the minimum wage take care of some of those individuals who are the most precious to us and the most fragile.

Many of the minimum-wage workers work in child care settings and are taking care of the children while workers are out there working, trying to provide for their families. Many of them are working in schools with teachers. We know how important education is, and these minimum-wage workers are working to assist teachers. Many of them are working in nursing homes, to try to help take care of parents and grandparents who have made such a difference to this country. They have fought in the wars and brought the country out of the Great Depression.

These are men and women of great dignity. Even though these jobs are difficult and they are tough, they are prepared to do them because they take pride in their work. They are trying to provide for their families. All they are looking for is to be treated fairly.

I thank the good Senator from California for being such a strong supporter of the increase in the minimum wage. This is an issue I think all Americans can understand. People who work hard, 40 hours a week, 52 weeks a year, should not continue to live in poverty for themselves and their children in this country of ours. Americans understand that. Why are we constantly denied the opportunity to bring that measure up here on the floor of the Senate, to permit the Senate of the United States to at least vote on it?

We are facing Republican opposition here, we were facing Republican opposition in the House of Representatives, and in the White House. This is something I find extraordinary. For years the increase in the minimum wage, as the good Senator understands, was never a partisan issue. It really only became a partisan issue after the 1980 election. Prior to that time, we had bipartisan support for it.

I thank the Senator for including that in the Senator's evaluation of the economic record of this administration. The failure to provide that not only denies us the economic stimulus that would be provided but also is a denial of fairness for a group of men and women who work hard, play by the rules, try to raise their children, and ought to be treated fairly. I thank the Senator.

Mrs. BOXER. Before the Senator leaves, I have a question for him.

We have not seen an increase in the minimum wage since 1996. This is going on 7 years. Does it not amaze my friend to see the passionate debate that happens here when our friends on the other side of the aisle talk about giving tax breaks worth 10 times more than what someone working at minimum wage for 1 year would earn? In other words, for people earning a million dollars a year, the Bush tax cut is going to be more than $50,000 a year in their pocket. That is more than—well, how many times more than $11,000? Maybe four times. And our friends, we see them get tears in their eyes worrying about the people at the top of the economic ladder.

Yet they will not even give us a vote. I just cannot believe it, in this day and age, that we would have to wait so long to do this little piece of economic justice.

I wonder if my friend thinks about that. He and I talk about this as we watch our friends when there is a tax cut to the wealthy few—the passion, the excitement, the dedication to this. Yet we cannot get a vote for the people at the bottom of the ladder.

Mr. KENNEDY. The Senator makes an excellent point. I think she would agree with me that, as our President said, "We are one nation with one history and one destiny. We are all really basically together."

Yet when we see this callous disregard for working men and women who are trying to provide for themselves and for their children, on the one hand, and complete callous disregard—and the preference and special privileges granted to another group—this really flies in the face of what I think this society and this country is really all about.

I am sure the Senator understands that the $1.50 increase in the minimum wage would affect nearly 9 million people in this country. It would represent one-fifth of 1 percent of the nation's payroll. That is what we are talking about.

People say it is highly inflationary. Of course, the economic studies show it is not because these are funds that are spent by these minimum-wage workers. It helps the economy. It helps stimulate the economy. These are Americans who will invest in the community.

Wouldn't you think we could say we want to make sure people who are working, providing for their families, will not be left out and left behind in the richest nation of the world?

We have Americans who are in the service fighting overseas. We have heard the debates of war and peace. We have to ask, why are they the best? The reason they are the best is not only that they have the best training, are the best equipped, and the best led, but because they have values. Those values also include fairness and decency to their fellow human beings and to their fellow workers. Fairness and decency to those workers includes the raise in the minimum wage.

I thank the Senator.

Mrs. BOXER. I thank my friend. He has made, of course, a great moral argument for increasing this minimum wage.

I point out that in 1996 when we passed this—my friend from Nevada may well remember—my friends on the other side finally went along. Remember, we had a Democratic President. They predicted we would have a terrible economy because we were raising the minimum wage. Oh, this was going to be a damper. This was going to be awful. What happened? We had the greatest economic recovery we have ever seen, the greatest economic boom we have ever seen.

Now, when we are making a plea to our colleagues that those who have carried this country through these good times have fallen behind, they are too busy thinking of ways to cut the taxes for the people at the top.

I believe it is important to note, as we look at this economic record and how terrible it is, that there are a few actions we could take.

Yes, we did something today. We got some budgetary discipline back into this body today. I am proud we did that. But I say to my friends, there is lots we could do to change this pattern. One is to change this stagnating minimum wage. Give a little boost to a few people. They will turn around, spend it at the corner store, have more dignity, and spark this economy in a way that all the tax cuts to the top people just don't. It just doesn't happen that way.

Mr. REID. Will the Senator yield for a question?

Mrs. BOXER. I am happy to do that.

Mr. REID. The Senator mentioned the creation of jobs during the 8 years President Clinton was in office. The Senator is aware, I am certain, that he, during his administration, created over 20 million new jobs.

What has happened during the first 2 years of the Bush administration is there have been over 2 million jobs lost. A net gain of over 20 million jobs under Clinton; already a net loss of 2 million jobs under Bush.

Would the Senator comment on that?

Mrs. BOXER. Yes. I have pointed out here, as has the Senator, my friend, and Senator DASCHLE, record job losses that we are seeing, the weakest economic growth. We all know stories. We read the headlines: 10,000 jobs lost here, 5,000 there, 2,000 there.

I say to my friend from Nevada, behind every one of these record job losses is a personal story. It is not as if this administration is willing to give folks the tools to retrain. We on this side of the aisle have to fight every inch of the way to save programs that give people the tools to retrain. We have had to fight the Bush administration on the H–1B program—it is a wonderful program that my friend has supported along with me—to retrain people. We have personal stories of those people, where they have done so well with worker retraining. We have to fight every step of the way. Even with the free trade bill, there was a big struggle to see if we could make part of that, at least, some worker retraining.

My friend is right. This is not only a terrible record, it is a reversal from policies that were brought to us by a Democratic President, Bill Clinton, that brought us a wonderful economy and hope in our future.

I think it is important that our friends ask, What do you Democrats want to do? I think Senator DASCHLE laid that out.

I want to spend a couple of minutes in closing by laying out what our solution is here.

We took a step today—budget enforcement. Here it is. We took a step. We couldn't get it for another year. We took it for as long as we could get it.

It is going to take 60 votes—at least through April—to raid the Social Security trust fund again. It is going to take 60 votes to bleed this budget without paying for it.

So we did that. That is something Alan Greenspan said we should do.

What else can we do?

Unemployment insurance. We have people who are suffering because they cannot find a new job in this terrible recessionary period. They need an extension of unemployment. Day after day Democrats have been down here asking, begging, cajoling, Can we not pass another extension?

We can't get it through. They do not want to raise the minimum wage. People can't live on a minimum wage.

They won't expand unemployment insurance to help people get through until they find a job.

What is their answer? More tax cuts for the rich. It doesn't work. We tried that. I didn't vote for it, I am happy to say. But it passed here because most Presidents get 90 percent of what they ask for. That is true of Democrat Presidents and Republican Presidents. The President got it.

What have we seen as a result? Terrible times.

That is not the answer. Why doesn't this President spend some time on the economy? Call Senator DASCHLE and say, Senator DASCHLE, you came over here to the White House to talk about the war in Iraq. Congressman GEPHARDT, the Democratic leader, you came over here and talked about the war on terror. We speak as one voice on foreign policy. Even if we have a few disagreements along the way, we set them aside. Why don't we have time to talk about this economy, Mr. President?

I have been saying we have to do foreign policy and economic policy. We have to do more than one thing at a time.

Now the President is doing two things at one time—foreign policy and campaigning.

Call off those campaign trips, Mr. President. Let us have a little summit and talk about the need for unemployment insurance and have that to stimulate our economy so people get their money.

Minimum wage. This man is a compassionate man. I have seen compassion in his face. I know he has compassion in his heart. Where is his compassion for the people who are working at the bottom of the ladder? Let us talk about it, Mr. President.

Fiscal relief to States. This administration is asking States to do a lot after we were attacked on 9/11, and the States are trying their best. We have been hit with recession. Where is the money for port security? Where is the money for airport security? Where is the money for chemical plant security? Where is the money for nuclear plant security? We gave it to this President—and he refused to spend it—$5.1 billion for all those things. He is complaining that we will not pass this reshuffling and this new Department, which I have a lot of doubts about. You could do more good by spending the $5.1 billion that we Democrats and Republicans voted to spend under the emergency powers we have.

Instead of walking away from that, that would have helped our people in local and State government. That would have helped our people by giving them protection.

We are offering people who live within 10 miles of a nuclear power plant an iodine pill in case they are exposed. Wouldn't you rather prevent something from happening by making sure that the plants are secure?

All of these things are on point with the economy because we must protect the homeland, and if we do it right, we will provide jobs and we will stimulate this economy. It all fits in with fiscal relief to States, and that will help this economy.

We have even offered rebates and better targeted business incentives. Why do we give businesses incentives to run away off shore to avoid taxes? Let us give them real incentives to invest, real incentives to hire, and real incentives if they retrain workers.

I already talked about investments in homeland security. But I didn't mention schools.

We have schools that are falling apart, Mr. President. I know how dedicated you are to education. You and I know there is a message sent to our children when they go to school and there are tiles falling off the ceiling, the place is dirty, and you are breathing in mold. Some of these schools haven't been really touched in tens of years. That is where our teachers are supposed to teach our children.

We Democrats believe you are sending a message when a child goes to a department store and sees how beautiful it is. There is a message there. It is a subtle message—or maybe it is not so subtle. Gee, this is important. But when the child goes to school, the place where they are going to get the American dream—I am the product of public schools. I never went to a private school in my life, from kindergarten through college. It is the way I got the skills I needed.

We need to invest in those schools. In that investment, we will give a boost to this economy.

Investment in health research. How many people do we meet whose relatives are suffering from Alzheimer's, or cancer, or heart disease, or diabetes? We know we have a host of diseases—spinal cord injuries. We should invest in that science. That will help our people. It will lift our economy.

Pension reform. God knows we need pension reform. We can't have a circumstance where people are relying on a pension, and when they are ready to retire it is not there. That is devastating. It is devastating to our whole country. The bottom line is we haven't done anything about pension reform. We haven't attacked the problem. Our friends on the other side of the aisle are not interested in it. That is a fact.

We now have to enforce the Corporate Accountability Act. Harvey Pitt was supposed to appoint someone under the new board created in the Sarbanes bill. It got a little too hot at the top there for this man. It was too good, and they backed off.

How can we get anywhere against these people who are in these high positions in corporate America if we don't enforce our own laws?

This President needs a new economic team.

I listen to the people who come here, and they talk about how great the economy is. It is a rosy scenario. They do not even admit we have a problem. I could name every single one of them, and I could give you their quotes. Maybe someone will do that later in the day. But every single member of the economic team is in denial: Oh, everything is wonderful. The stock market is turning around. Recession, we don't have a recession. We have turned the corner.

Maybe this is the reason they do not want to act on any of these issues. They don't want to raise the minimum wage. They don't care. They don't want to give people unemployment insurance. They do not care. They don't care about our States. It is unbelievable to me.

Here is the bottom line. We are getting ready to leave here for a few weeks. The people of America are going to make their decisions. I just hope whatever side of the aisle they are from, or whatever ideology they are from, whatever they are thinking, they will assert their responsibility and vote in this election. This election is crucial.

I meet people all the time who say, Oh, all the candidates are alike. No; not true. If you broach any of these issues to people who may have touched your heart, you will find people with differing views.

You are never going to find anyone with whom you agree 100 percent of the time. But what happens in this Chamber is dependent on the views of the American people. And this is an important time. Whether you agree with everything I said, whether you agree with 50 percent of what I said, or if you disagree with me on everything I said, that is not important.

It is important to understand what is at stake right now. Are we going to move forward with an economic plan that addresses this economy while we engage in the challenge we were given on September 11 and all the other foreign policy challenges we face? I think we have no choice. We need to do more than one thing at a time. We need to do a lot of things.

(Ms. CANTWELL assumed the Chair.)

Mrs. BOXER. I see my friend from Washington is now presiding. She and I have worked very hard to preserve and protect the environment of this country. Not a day goes by that this administration isn't doing something to weaken our environmental laws, whether it is clean air or it is clean water. We all know what happened with arsenic in the water. We stopped that. But every day, in every way, they are doing something to weaken laws.

Just the other day, in California, this administration sided with the big auto companies. They are suing my State because my State wants clean air and they want to see cars that emit less pollution.

Here is an administration that claims they love States rights, they love local control. Well, they love States rights, and they love local control, unless they disagree with your State at the moment or your locality at the moment. Then, suddenly, oh, the Federal Government: We are the ones who have to make the rules.

So there is so much at stake. I just took to the floor because I thought before we recessed, I might put it in the RECORD. I want to say, in relation to all these issues that are so very difficult—the issue of war and peace, the issue of this economy, the issue of the environment, the issue of a woman's right to choose, that is under tremendous attack every day by this administration—and I should mention the horrible time people in the Washington, DC, area are going through because of a sniper out there—these are hard times, but a little light peeks through every once in a while.

I thought I would end on an up note: Two of my teams in California are going to the World Series. So even in these hard times, a little brightness shines through. For this Senator from California, I could not be more proud of these two teams from San Francisco and Anaheim.

It is going to be very hard for me. What am I going to do? I have to root for everybody. But whatever happens, California will win. And if I have my way, once that is over, I want California to win on this economy, on the environment. I want the kids in my State to have the best education, the best health care, the best life, the best shot at the American dream.

So after the World Series is over, and after the elections are over, I will be back here and I will be fighting for those very things.

I thank you very much, Madam President. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DORGAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FCC VACANCY

Mr. DORGAN. Madam President, earlier today I spoke briefly about the nomination of Mr. Adelstein to serve as a member of the Federal Communications Commission. I know that the two Senate leaders are working on nominations to see if they could clear some today. I don't know the final result of that, but it now appears as if that will not be the case. I want to speak not about all of the nominations that are awaiting confirmation by the Senate but only about this nomination.

This nomination doesn't have so much to do with the person I am speaking of, Jonathan Adelstein, as it has to do with the position at the Federal Communications Commission, a vacant spot that has been there over a year. That particular nomination is critically important especially to rural States and rural areas.

We have a Federal Communications Commission that is on the edge of making critically important decisions about the future of telecommunications. These decisions will have a profound impact on a significant part of our country.

Chairman Powell and others, I fear, are going to take action in a wide range of areas that will have a significant impact on rural America. Mr. Copps is one commissioner fighting valiantly. His is a refreshing voice that stands up for the interests of rural America. But we now have this vacancy at the FCC for 13 months.

Mr. Jonathan Adelstein is a superbly qualified candidate who should have been there long ago and has been held up at a number of intersections with this process.

On September 7, Gloria Tristani resigned the FCC. This is a Democratic seat. There are Republican and Democratic appointments. This is a Democratic appointment. It took forever for the White House to get his nomination to the Senate. The Commerce Committee on which I serve approved it and reported it out on July 23. So 13 months after the vacancy was available, and 4 months after the Commerce Committee took action on Jonathan Adelstein's nomination, that position is still vacant. We have one commissioner's slot down at the FCC that is unfilled.

The voice of Mr. Adelstein could join that of Mr. Copps in speaking up, standing up, and fighting for rural interests for those millions of Americans who live in more sparsely populated States and for whom telecommunications policy will be the difference of being on the right or wrong side of the digital divide, will mean whether you have economic opportunity and economic growth or not. These policies are critically important for all Americans but especially for Americans who live in my part of the country and in a rural State.

Think back to the 1930s, when we had a country in which if you lived out on the farm, you had no electricity. No one was going to bring electricity to the farm until public policy said, through the REA program, we will electrify America's farms. We will have a Federal program and public policy that says we will move electricity to all the small towns and family farms in our country. We did that, and we unleashed productivity never before imagined.

Some who are in a regulatory body today have the mindset that if the market system doesn't provide for it, it shall not be available. They would never have had an REA program. We would still be having America's farms without electricity. We would not have made the progress we did. But we have people in these regulatory agencies who have this mindset. They worship at the altar of the market system. Listen, the market system is a wonderful thing. I am all for it, but it needs effective regulation. Effective regulation by the FCC in telecommunications policy is critical to our future.

The market system is a system that says to us that someone who portrays a judge on television—I will not name the judges. There are three or four of them. I will name one—Judge Judy—makes $7 million a year, I read in the paper. That is the market system. The Chief Justice of the U.S. Supreme Court makes $180,000 a year. That is the market system. A schoolteacher might make $30,000 or $40,000, and a shortstop for the Texas Rangers may make $250 million over 10 years. The market system. The market system is wonderful.

I have studied economics, taught it, and been able to overcome it, however, and still lead a good life. I believe in the market system. I think it is a wonderful thing. But it needs effective regulation, and it needs policymakers and regulatory authorities and regulatory bodies that have some common sense.

I worry about the FCC and the decisions they are about to make. At the FCC, we need a full complement of commissioners, and we need this slot filled—not tomorrow, not next week, not next year. We need this slot filled now. We must find a way to overcome this logjam on nominations. I am only speaking of this one because it is really important in terms of telecommunication policy and future opportunities and economic growth in rural States. In the coming days and weeks, as we reconvene following the election—which I understand will now be the week of November 12—my hope is we can find a way to clear these nominations. I know Senator DASCHLE understands that and has tried to do that. The Senate should do this, clear this nomination and other nominations that have been waiting on the calendar for some long while.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

KEEPING CHILDREN AND FAMILIES SAFE ACT

Mr. DODD. Mr. President, I want to take a few minutes to express my disappointment. I was going to call up some legislation that we have worked very hard on dealing with children, the Keeping Children and Families Safe Act. It was legislation approved by the Senate Health, Education, Labor, and Pensions Committee in September, about a month ago. I think it was adopted unanimously. It deals with abused children. It reauthorizes the Child Abuse Prevention and Treatment Act, better known as CAPTA.

This is a piece of legislation that has been around for a number of years. It was a bipartisan bill that was introduced by myself, Senators GREGG, KENNEDY, COLLINS, DEWINE, and WELLSTONE, and approved unanimously by voice vote. This is one of those bills with that kind of support out of the committee, on a bipartisan basis, and was done early enough that we thought we would have little difficulty in having this adopted as part of a unanimous consent calendar, rather than engaging in taking up the time of the Senate.

Unfortunately, I am told that any effort to try to pass this legislation will be objected to. As such, I regret to inform my colleagues that the Child Abuse Prevention and Treatment Act reauthorization will just not get an endorsement by this Congress. That is a sad note indeed.

Mr. President, about 3 million children each year are abused in this country. Close to 900,000 children were found to be victims of child maltreatment or abuse.

The most tragic consequence of child maltreatment is death, obviously. The most recent data available for the year 2000 show that 1,200 children died in this country of abuse and neglect. Children younger than 6 years of age accounted for 85 percent of child fatalities, and children younger than 1 year of age accounted for 44 percent of child fatalities.

What more tragic news could there be than a child, an infant—1,200 in this country of ours—dying as a result of abuse and neglect? Here we are trying to do everything we can to help bring these numbers down.

Just imagine the face of a young child facing the horror of abuse and neglect that goes on far too often. Unfortunately, despite the unanimous vote out of the committee of jurisdiction, a bipartisan agreement to reauthorize these dollars, to allow us to go forward and deal with this situation, we are told: We are sorry, we cannot do this. We do not have either the time or the desire.

I am deeply saddened by it. As a first-time father with a 1-year-old child, I cannot imagine anyone abusing my daughter Grace. The idea that some child her age, some infant—1,200 of them around the country, according to the statistics in the year 2000—lost their lives, not to mention the several thousands more who are abused and survive but suffer the scars of that abuse, and that the Child Abuse Treatment and Prevention Act, which has actually done a great deal to assist families and communities in dealing with this issue is not going to have the imprimatur approval, despite the unanimous bipartisan agreement of the committee, to bring that matter up for consideration by this body.

The people who work in this area give tirelessly of their time and efforts to go out and save a few lives. I am not suggesting we save all 1,200, but what if we save 20? What if we save 10? Is it worth this Senate's time to spend a few minutes to pass some legislation that might save one child's life this year? Would that be wrong?

I would not hesitate to say our allocation of time for an issue of that type, the life of one child we might save, is worthy of this Senate's attention and time.

It is with a high degree of sadness that I report to my colleagues we are going to have to wait for another day, I guess, maybe later in the next Congress, to do something. But when you pick up a newspaper over the next several months and read another child lost their life as a result of abuse and neglect, then you might look back on a moment like this and wonder: Maybe this Congress, despite the time we spent on other issues of questionable value, could have found a few minutes to deal with this issue of child neglect and abuse.

I regret to report to colleagues and others that this issue will have to wait for another day. Hopefully, the families of some children will not have to look back and wonder whether or not if we acted, we might have saved a life or saved a child from the lifetime scars that abuse and neglect can bring.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. AKAKA). Without objection, it is so ordered.

TERRORISM INSURANCE

Mr. DODD. Mr. President, as we are in the closing hours of this session—I am told there is some discussion about coming back after the election—we have not yet reached a final agreement on the terrorism insurance bill in the sense that there are conference reports that are being read. Obviously, Members from this Chamber and the other Chamber have departed for their respective districts and States. So despite the long hours last night, the early hours of this morning and today to achieve the final signing of a conference report, that particular effort has not been achieved yet.

It is appropriate and proper to suggest to those who are interested in the subject matter that we are on the brink of a very good and strong agreement dealing with terrorism insurance. Obviously, it is not finished until the conferees of the Senate and the other body sign the conference report, both bodies then vote on a conference report, and the President signs it. So there are several steps to go after people who have worked on a product and submit it to all of our colleagues, particularly those who are on the conference, for their approval.

I am heartened and confident that when Members look at the agreement, they will be satisfied we did a good job. I will quickly point out that like any agreement involving 535 different people, not including the President of the United States, where there are divided institutions, as they are in the Senate and the other body, getting an agreement that one side or the other would find entirely favorable is very unrealistic.

I went through a process with my good friend now from the State of Ohio, BOB NEY, on election reform. We have spent a lot of days, a lot of nights and weekends working out that bill.

There are those in this Chamber and the other Chamber who are not satisfied with everything we did—I understand why—but we never would have achieved a bill had it been a bill to the total satisfaction of one side or the other. I will say the same is going to be true about terrorism insurance.

I commend MIKE OXLEY, the chairman of the House Banking Committee, JIM SENSENBRENNER, and others who have worked on this legislation.

I commend the White House and the Treasury Department.

I thank my colleague, Senator SARBANES, who is the chairman of the Banking Committee and chairman of the conference on terrorism insurance, Senator SCHUMER, Senator REED of Rhode Island, Senator GRAMM, Senator SHELBY, and Senator ENZI, all of whom have been conferees on the Senate side. Certainly, their staffs have labored.

I thank the majority leader's office and the minority leader's office. A lot of people have worked on this bill.

If I were asked whether this is the bill I would write if I could write it alone, I would say no. I am sure Chairman Oxley would say the same thing. Were it his opportunity to write a bill perfectly, he would write something different than what we wrote. But we believe it is the best we could do under these circumstances.

The terrorism insurance bill is about policyholders. It is about jobs. It is about an economic condition of a country that is faltering. While this proposal is not going to solve all of those problems when there are a lot of people out of work, a lot of construction projects that have stopped, a lot of fine businesses and industries that cannot get insurance and thus cannot borrow money, then that contributes to an economic difficulty in the country which we are witnessing.

We have worked a long time to arrive at a product we think can be constructive, one that the President could sign, and one that Members could support. Obviously, I do not know all of the situations in the other body, but I can say that in this Senate we are going to make a real effort to send this conference report around and give Members a chance to read it. Frankly, we wanted to have that done before the close of business today, but when we were up until about 4 or 4:30 this morning, began again at 9:30 this morning, and did not finish the final product until late this afternoon, it is unrealistic to assume everyone could have read this, gone over it carefully, and signed off on it.

I regret we were unable to get that done, but I believe before the final gavel comes down on this session, whenever that is, the Congress of the United States will have a chance to express its approval of this effort.

I wish I could stand here and say that this is done. It is not, because we need those signatures on this conference report. But I can say that those who have been involved in trying to craft it believe we have put together a good agreement.

Mr. REID. Will the Senator yield?

Mr. DODD. I am happy to yield to the Senator.

Mr. REID. This is more of a comment than a question. The Senator from Connecticut has been on the floor this week for two very important reasons. One was to announce election reform, which is landmark legislation. No matter how one looks at it, it is landmark legislation. Also, the Senator from Connecticut has worked on this terrorism insurance bill for more than a year.

The reason I mention this is that there are no legislative winners or losers. It is something that was done on a bipartisan basis, each not getting everything they wanted but coming up with a product that is good for the American people.

The Senator is a veteran legislator. We all know that. But I really want to spread on the RECORD of this Senate how important it is to have someone such as the Senator from Connecticut who can work with people on the other side of the aisle to come up with a product for which no one can claim credit. This is not a Democrat or Republican victory with regard to election reform and terrorism insurance—when that is approved, and I am confident it will be. It will not be a victory for the Democrats or the Republicans. It will be a victory for the American people.

The way we were able to do so was with patience, perseverance, and the expertise of the Senator from Connecticut. On behalf of the entire Senate, the people of Nevada, who badly need both pieces of legislation, and the rest of the country, I applaud the work of the Senator from Connecticut.

Mr. DODD. Mr. President, I thank my colleague from Nevada for those very gracious comments. I thank him for his efforts, as well as the very fine staff people, on both the terrorism insurance issue, which is an important question in his State, and the election reform bill.

I think we have finally come to realize—maybe it takes some of us longer than others—that any product that is going to have much merit requires that it be one reached on a bipartisan basis. The very fact that this institution is divided about as equally as it can be demands that.

I have served in this Chamber in the minority by a significant number of seats, and I have served in the majority by a significant number of seats. I have served in this Chamber, obviously, as we all do today, when we have been evenly divided. Under any set of circumstances short of an overwhelming number, measures need to be worked out with each other. We have to sit down and resolve differences across party lines.

The Senator from Nevada is a master at it. He was generous in his comments about the Senator from Connecticut. All of us admire the patience, the diligence, and the tenacity of Senator REID. There is no one who fights harder and spends more time every day to try to make things happen. There is no more frustrating job.

I found that out working on these last two issues, and that was frustrating enough. I am tired. I have been up several nights into the wee hours of the morning. I have talked about that 1-year-old daughter of mine. I have been accused of trying to avoid some of the paternal responsibilities that come with a new child by legislating too late at night. That is hardly the case. I cannot wait to get home to her.

I have admiration for Senator REID, who does it every day, but for those who do this on occasion, it is very hard. To do it every single day we are here takes a special talent and ability and commitment to this country. No one embraces those qualities better than the senior Senator from Nevada.

I thank the Senator for the kind words about the Senator from Connecticut. But they can be said with greater emphasis about the Senator from Nevada. I am sorry we cannot urge the adoption of a conference report on terrorism insurance. We will do that shortly sometime within the next few weeks. I am confident that before the Congress ends, enough Members, as they have already indicated in this Chamber, will be willing to sign a conference report, and hopefully the other Chamber will do the same.

Again, my compliments to the leadership of the other body and the leadership here for insisting we work to try to get this done. It is never an easy job. You have to try to work things out. I thank the President of the United States, as well, and his very kind staff. They worked very hard to keep us at this. When a number of us became discouraged on whether it was worthwhile spending anymore time, people at the White House, legislative staff kept saying: let's stick with it and see if we cannot come up with some answers. I admire that tenacity and that commitment.

I look forward to the final passage of this bill. It will happen, without any doubt. It is just a matter of time. I thank those involved in the process.

The PRESIDING OFFICER. The Senator from Minnesota.

SENATE BUSINESS

Mr. DAYTON. I join my colleague from Nevada in complimenting the Senator from Connecticut on the passage of the election reform law. I had the distinct pleasure and privilege to sit in the chair to preside when this matter was debated and discussed many months ago. As the Senator from Connecticut has observed, no one could have known then how long the ordeal remained before they could bring the conference report back this week. What the Senator from Connecticut, the Senator from Kentucky, and the Senator from Missouri accomplished on behalf of the Senate and, more importantly, on behalf of the citizens of America, is extraordinary. Given all that has not been brought to fruition in the final days, the accomplishment the Senator brought to the Senate is an extraordinary tribute to his endurance and his legislative skills.

He was very gracious yesterday to commend all of the people who worked so hard on this legislation—his colleagues and the staff across the aisle. He was too modest to compliment himself. I join with the Senator from Nevada in saying that Senator DODD has performed an extraordinary service to his Nation. We will—in Minnesota and Hawaii and Connecticut and across the country—conduct better elections, more reliable elections, elections where citizens can vote and know the votes will be counted and counted accurately.

His daughter Grace and his grandchildren and my children and grandchildren will be the beneficiaries of those hours of hard work. I thank the Senator. I congratulate him for that extraordinary accomplishment. It is one of the true highlights of our session.

Also, to follow up, I was presiding when the Senator referred to a couple of pieces of legislation that were not enacted in this session. We will be finishing our work and perhaps coming back in November after the election, with an agenda then that has not yet been determined and with prospects that are unknown. I express my great disappointment in some of the matters that were not accomplished.

When I was elected 2 years ago—so this is my first session of Congress—perhaps I came with loftier expectations and perhaps less seasoned assumptions of what could be accomplished, especially given the opportunities that presented themselves less than 2 years ago when we arrived and were looking at these months of time, the trillions of dollars of resources available to do the things that needed to be done.

One of the promises I made to the people of Minnesota during my campaign, which I took very seriously, was the passage of prescription drug legislation to provide for coverage through Medicare or some other means, but my own view was, through the Medicare Program for senior citizens throughout Minnesota, I am sure Hawaii and elsewhere, have been ravaged by these rising prices, by their inability to control the costs, by the need, as I have discovered in my age, to require more prescription medication. The benefits of those medications are lifegiving, lifesaving, life-enhancing for millions of Americans.

However, for our elderly population, they are literally the difference between life and death. They are literally the difference, time after time, between being able to enjoy their lives, rather than being consigned to pain and suffering, and infirmity that no one should be subjected to, certainly not in your last months or years of your life. We had all these good intentions. If we totaled the assurances Members made from both sides of the aisle when they sought election or reelection that year, we would have had a unanimous agreement that this legislation was overdue, was badly needed, and we might have had some differences of views as to how it was going to be enacted.

But when I came here in January of 2001 I felt as certain as I felt about anything that we would pass that legislation and we would have that moment that Senator DODD enjoyed yesterday, to bring back to the Senate a conference report, something that was agreed upon by the House, by the White House, and by the Senate, and we could pass it and go back and proudly tell our fellow citizens we had done the job they sent us to do.

I am terribly distraught and disappointed and disillusioned. I feel apologetic to the citizens of Minnesota, to the senior citizens who placed their trust in me and sent me here. I remember one elderly woman in Duluth, MN, in the northeastern part of our State, about half my size and twice my age, who spoke to me in December of the year 2000 just before I came here. She looked at me after I visited her with her and her friends. She said, If you do not keep your promises, I will take you out behind the woodshed for an old-fashioned thrashing.

I don't dare go back to Duluth, MN, after our failure to pass this legislation. I think in some ways this whole process that we failed to master, if not ourselves, individually, the failure of this entire endeavor, needs an old-fashioned thrashing. It is shameful we have not enacted that legislation on behalf of seniors in Minnesota and everywhere.

It is only one instance, unfortunately, where this failure to enact the people's business occurred in this body. I have presided over this Senate more hours in the last 2 years than anyone, save my colleague, Senator CARPER, of Delaware, and it has been in most respects a very enjoyable, fascinating, and certainly educational experience as a new Member of the Senate to see firsthand what occurs here and how these matters are handled. The masters of the Senate, through years of experience, know how this process works; also, unfortunately, masters of the process who know how to prevent it from working and how to obstruct and delay it.

I have watched since the beginning of this year, time after time the efforts of the majority leader, my good friend from the neighboring State of South Dakota, who has the responsibility as leader of our majority caucus to try to schedule and move legislation forward. I have seen time after time that he has not been given the agreement necessary. In the Senate, it takes, as you know, unanimous consent. It takes all 100 of us to agree individually just to bring up a matter of legislation. Without that unanimous consent, we have to go through a procedure that then requires the majority leader to file cloture. Then it takes 2 more days before we can vote on proceeding, just going ahead to take up a piece of legislation.

Time after time we have had to go through that process. The majority leader has had to follow it. I believe, if we tallied up all those days that we have been obstructed and delayed from just considering legislation in this body, it would be 50 or 60 during the last year alone. That is 10 to 12 weeks of time. That is 2½ to 3 months of time that we have not been able to conduct the people's business, where we couldn't consider legislation, where we couldn't bring up amendments and vote them up or down.

Here we are now just at a point of recess or adjournment or whatever it is going to be, and we have not passed prescription drug coverage for seniors, we have not extended unemployment benefits but once. I believe we have tried two or three other times to do so. We have not been able to get to so many things the people of Minnesota depended on me to provide and I think the people of America were looking for from all of us.

So as we are in these closing moments, and as Senator DODD from Connecticut has brought attention to some of the unfinished business before us, I wanted to highlight some of that myself and to say, the Good Lord willing, I will be back here, whether it is in November or December or January of next year or the new session of Congress. I wish we would have been able to leave here with much more accomplished. Those who are out there wondering, who do not want excuses or explanations, who want real results, which they should have, who want programs that will benefit them, who want help when they need it, who want improvements in their lives—if they really want to understand why we are leaving some of these matters undone, I invite their calls. I would be happy to discuss those matters with them.

They should look, as I say, and count the number of days we have had to wait to let the clock tick so we could follow the rules of the Senate just to move on to another matter. Then I would recommend they ask themselves why it is and who it was behind this delay and this obstruction, and hold those individuals to account when they visit the voting booth in the next occasion.

With that, I wish the President a good evening, and I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

NOMINATIONS DISCHARGED AND PLACED ON THE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session and that the HELP Committee be discharged from further consideration of the following nominations: Robert Battista to be a member of the NLRB; Wilma Liebman to be a member of the NLRB; Peter Schaumber to be a member of the NLRB; Joel Kahn to be a member of the National Council on Disability; Patricia Pound to be a member of the National Council on Disability; Linda Wetters to be a member of the National Council on Disability; David Gelernter to be a member of the National Council of the Arts; Allen Greene, Judith Rapanos, Maria Guillemard, Nancy Dwight, Peter Hero, Sharon Walkup, and Thomas Lorentzen to be members of the National Museum Services Board; Juan Olivarez to be a member of the National Institute for Literacy Advisory Board; James Stephens to be a member of the Occupational Safety and Health Review Commission; Peggy Goldwater-Clay to be a member of the Board of Trustees for the Barry Goldwater Scholarship Excellence in Education Foundation; and Carol Gambill to be a member of the National Institute for Literacy, and that the nominations be placed on the Executive Calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION DISCHARGED AND REFERRED TO COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the HELP Committee be discharged of the nomination of John Higgins to be the Inspector General for the Department of Education and that it be referred to the Governmental Affairs Committee for the statutory time limitation.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Calendar Nos. 1130, 1134, 1136, 1138, 1139 through 1146, and the nominations placed on the Secretary's desk; that the nominations be confirmed, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action and that any statements pertaining thereto be printed in the RECORD, with the preceding all occurring with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations were considered and confirmed as follows:

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Mark B. McClellan, of the District of Columbia, to be Commissioner of Food and Drugs, Department of Health and Human Services.

CENTRAL INTELLIGENCE

Scott W. Muller, of Maryland, to be General Counsel of the Central Intelligence Agency.

AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Glen W. Moorehead, III, 6124

The following officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Col. Frederick F. Roggero, 8985

ARMY

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be general

Lt. Gen. Burwell B. Bell, III, 7158

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Robert W. Wagner, 3914

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Richard A. Hack, 9451

The following Army National Guard officers for appointment in the Reserve of the Army to the grades indicated under title 10, U.S.C., Section 12203:

To be major general

Brigadier General George A. Buskirk, Jr., 3156

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. David C. Harris, 8198

MARINE CORPS

The following named officer for appointment in the United States Marine Corps to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. James T. Conway, 2270

NAVY

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. Lowell E. Jacoby, 4376

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. David L. Brewer, III, 8778

NOMINATIONS PLACED ON THE SECRETARY'S DESK

AIR FORCE

PN2208 Air Force nomination of James M. Knauf, which was received by the Senate and appeared in the Congressional Record of October 1, 2002.

PN2209 Air Force nomination of Gary P. Endersby, which was received by the Senate and appeared in the Congressional Record of October 1, 2002.

PN2210 Air Force nomination of Mark A. Jeffries, which was received by the Senate and appeared in the Congressional Record of October 1, 2002.

PN2211 Air Force nomination of John P. Regan, which was received by the Senate and appeared in the Congressional Record of October 1, 2002.

PN2212 Air Force nomination of John S. McFadden, which was received by the Senate and appeared in the Congressional Record of October 1, 2002.

PN2213 Air Force nomination of Larry B. Largent, which was received by the Senate and appeared in the Congressional Record of October 1, 2002.

PN2214 Air Force nomination of Frank W. Palmisano, which was received by the Senate and appeared in the Congressional Record of October 1, 2002.

PN2215 Air Force nominations (2) beginning David S. Brenton, and ending Brenda K. Roberts, which nominations were received by the Senate and appeared in the Congressional Record of October 1, 2002.

PN2216 Air Force nominations (2) beginning Cynthia A. Jones, and ending Jeffrey F. Jones, which nominations were received by the Senate and appeared in the Congressional Record of October 1, 2002.

PN2217 Air Force nomination of Mario G. Correia, which was received by the Senate and appeared in the Congressional Record of October 1, 2002.

PN2218 Air Force nomination of Michael L. Martin, which was received by the Senate and appeared in the Congressional Record of October 1, 2002.

PN2219 Air Force nominations (2) beginning Xiao Li Ren, and ending Jeffrey H. Sedgewick*, which nominations were received by the Senate and appeared in the Congressional Record of October 1, 2002.

PN2220 Air Force nominations (3) beginning Thomas A. Augustine III*, and ending Charles E. Pyke*, which nominations were received by the Senate and appeared in the Congressional Record of October 1, 2002.

PN2229 Air Force nominations (39) beginning Errish Nasser G. Abu, and ending Ernest J. Zeringue, which nominations were received by the Senate and appeared in the Congressional Record of October 4, 2002.

PN2240 Air Force nominations (2) beginning Dana H. Born, and ending James L. Cook, which nominations were received by the Senate and appeared in the Congressional Record of October 8, 2002.

ARMY

PN2221 Army nomination of Scott T. William, which was received by the Senate and appeared in the Congressional Record of October 1, 2002.

PN2222 Army nomination of Erik A. Dahl, which was received by the Senate and appeared in the Congressional Record of October 1, 2002.

PN2241 Army nomination of James R. Kimmelman, which was received by the Senate and appeared in the Congressional Record of October 8, 2002.

PN2242 Army nomination of John E. Johnston, which was received by the Senate and appeared in the Congressional Record of October 8, 2002.

PN2243 Army nominations (5) beginning Janet L. Bargewell, and ending Mitchell E. Tolman, which nominations were received by the Senate and appeared in the Congressional Record of October 8, 2002.

PN2244 Army nominations (5) beginning Leland W. Dochterman, and ending Douglas R. Winters, which nominations were received by the Senate and appeared in the Congressional Record of October 8, 2002.

PN2245 Army nominations (6) beginning Glenn E. Ballard, and ending Marion J. Yester, which nominations were received by the Senate and appeared in the Congressional Record of October 8, 2002.

PN2246 Army nomination of Robert D. Boidock, which was received by the Senate and appeared in the Congressional Record of October 8, 2002.

PN2247 Army nomination of Dermot M. Cotter, which was received by the Senate and appeared in the Congressional Record of October 8, 2002.

PN2248 Army nomination of Connie R. Kalk, which was received by the Senate and appeared in the Congressional Record of October 8, 2002.

PN2249 Army nomination of Michael J. Hoilen, which was received by the Senate and appeared in the Congressional Record of October 8, 2002.

PN2250 Army nomination of Romeo Ng, which was received by the Senate and appeared in the Congressional Record of October 8, 2002.

PN2267 Army nominations (71) beginning Judy A. Abbott, and ending Dennis C. Zachary, which nominations were received by the Senate and appeared in the Congressional Record of October 10, 2002.

PN2268 Army nominations (48) beginning Jose Almocarrasquillo, and ending Matthew L. Zizmor, which nominations were received by the Senate and appeared in the Congressional Record of October 10, 2002.

PN2269 Army nominations (42) beginning Arthur L. Arnold, Jr., and ending Mark S. Vajcovec, which nominations were received by the Senate and appeared in the Congressional Record of October 10, 2002.

PN2270 Army nominations (41) beginning Adrine S. Adams, and ending Maryellen Yacka, which nominations were received by the Senate and appeared in the Congressional Record of October 10, 2002.

FOREIGN SERVICE

PN1894 Foreign Service nominations (139) beginning Dean B. Wooden, and ending Claudia L. Yellin, which nominations were received by the Senate and appeared in the Congressional Record of June 21, 2002.

PN1893–1 Foreign Service nominations (132) beginning Deborah C. Rhea, and ending Ashley J. Tellis, which nominations were received by the Senate and appeared in the Congressional Record of June 21, 2002.

NOMINATION OF MARK MCCLELLAN

Mr. KENNEDY. Dr. McClellan has an impressive background. He is both economist and a physician. He is a member of the President's Council of Economic Advisers and he is also a major advisor on health policy to the President today. He was an associate professor of economics and medicine at Stanford University. He also served as deputy assistant secretary in the Department of Treasury. And, best of all, he received his medical degree, his doctorate in economics, and his master's degree in public health at Harvard and MIT.

This nomination to a major public health position is long overdue. Dr. McClellan has the training, the experience, and the stature to serve as the head of the country's most important public health regulatory agency—an agency that serves as the gold standard for the rest of the world.

FDA's mission is to protect the public health. Its mission affects more than a quarter of every dollar spent in the U.S. economy. The products that it regulates—food, drugs, biologics, devices supplements and cosmetics—affect public health and safety every day.

The agency also has a long and distinguished history of serving the public interest. It has a proud tradition of promoting the public interest ahead of special interests. It is an agency of skilled professionals who set high standards and demand excellence from the industries it regulates.

In this time of extraordinary medical breakthroughs and as new threats to public health arise, the FDA faces enormous challenges. The American people increasingly depend on the FDA to safeguard public health. Now is not the time for FDA to retreat from these challenges, or surrender its authority over public health.

Dr. McClellan has been nominated to a position of great responsibility. I believe he will make a fine commissioner, one who will help lead the agency into the 21st century.

PROTOCOL RELATING TO THE MADRID AGREEMENT—TREATY DOCUMENT NO. 106–41

Mr. REID. I ask unanimous consent that the Senate proceed to executive session to consider Executive Calendar No. 1, the protocol relating to the Madrid agreement; that the protocol be considered as having advanced through its parliamentary stages up to and including the presentation of the resolution for ratification, and that the understandings, declarations and conditions be agreed to, and that the Senate now vote on the resolution of ratification.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the resolution.

All those in favor of the resolution will rise and stand until counted. (After a pause.) Those opposed will rise and stand until counted.

In the opinion of the Chair, two-thirds of the Senators present and having voted in the affirmative, the resolution is agreed to.

The resolution of ratification read as follows:

Resolved (two-thirds of the Senators present concurring therein),

SECTION 1. ADVICE AND CONSENT TO ACCESSION TO THE MADRID PROTOCOL, SUBJECT TO AN UNDERSTANDING, DECLARATIONS, AND CONDITIONS.

The Senate advises and consents to the accession by the United States to the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks, adopted at Madrid on June 27, 1989, entered into force on December 1, 1995 (Treaty Doc. 106-41; in this resolution referred to as the "Protocol"), subject to the understanding in section 2, the declarations in section 3, and the conditions in section 4.

SEC. 2. UNDERSTANDING.

The advice and consent of the Senate under section 1 is subject to the understanding, which shall be included in the United States instrument of accession to the Protocol, that no secretariat is established by the Protocol and that nothing in the Protocol obligates the United States to appropriate funds for the purpose of establishing a permanent secretariat at any time.

SEC. 3. DECLARATIONS.

The advice and consent of the Senate under section 1 is subject to the following declarations:

(1) NOT SELF-EXECUTING.—The United States declares that the Protocol is not self-executing.

(2) TIME LIMIT FOR REFUSAL NOTIFICATION.—Pursuant to Article 5(2)(b) of the Protocol, the United States declares that, for international registrations made under the Protocol, the time limit referred to in subparagraph (a) of Article 5(2) is replaced by 18 months. The declaration in this paragraph shall be included in the United States instrument of accession.

(3) NOTIFYING REFUSAL OF PROTECTION.—Pursuant to Article 5(2)(c) of the Protocol, the United States declares that, when a refusal of protection may result from an opposition to the granting of protection, such refusal may be notified to the International Bureau after the expiry of the 18-month time limit. The declaration in this paragraph shall be included in the United States instrument of accession.

(4) FEES.—Pursuant to Article 8(7)(a) of the Protocol, the United States declares that, in connection with each international registration in which it is mentioned under Article 3ter of the Protocol, and in connection with each renewal of any such international registration, the United States chooses to receive, instead of a share in revenue produced by the supplementary and complementary fees, an individual fee the amount of which shall be the current application or renewal fee charged by the United States Patent and Trademark Office to a domestic applicant or registrant of such a mark. The declaration in this paragraph shall be included in the United States instrument of accession.

SEC. 4. CONDITIONS.

The advice and consent of the Senate under section 1 is subject to the following conditions:

(1) TREATY INTERPRETATION.—The Senate reaffirms condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe (CFE) of November 19, 1990 (adopted at Vienna on May 31, 1996), approved by the Senate on May 14, 1997 (relating to condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988).

(2) NOTIFICATION OF THE SENATE OF CERTAIN EUROPEAN COMMUNITY VOTES.—The President shall notify the Senate not later than 15 days after any nonconsensus vote of the European Community, its member states, and the United States within the Assembly of the Madrid Union in which the total number of votes cast by the European Community and its member states exceeded the number of member states of the European Community.

Mr. REID. Mr. President, I ask unanimous consent that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. REID. Mr. President, I ask unanimous consent that the Senate now return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. We are in morning business, is that correct?

The PRESIDING OFFICER. The Senator is correct.

U.S. EFFORTS IN POST-CONFLICT IRAQ

Mr. DASCHLE. Mr. President, early last Friday morning, the Senate acted on the President's request to grant him authority to use force in Iraq. I joined with a majority of my colleagues from both sides of the aisle to support the resolution granting that authority, but made clear then and continue to believe now that our vote was the first step in our effort to address the threat posed by Iraq's weapons of mass destruction. In my statement before that vote, I indicated the President faces several challenges as he attempts to fashion a policy that will be successful in our efforts against Saddam Hussein and his weapons of mass destruction.

One of those challenges is preparing for what might happen in Iraq after Saddam Hussein and preparing the American people for what might be required of us on this score. To that end, I was interested to see an article in Friday morning's newspaper with the title, "U.S. Has a Plan to Occupy Iraq, Officials Report."

Citing unnamed administration officials, the article contends the administration is modeling plans for the economic and political reconstruction of Iraq on the successful efforts in post-WWII Japan. The article goes on to report that the Administration has yet to endorse a final position and this issue had not been discussed with key American allies. When questioned at a press conference Friday afternoon, the White House spokesperson distanced himself from this specific plan.

If this news account is true, I have no choice but to conclude this administration has much to do before it will be in position to present a plan to the American people and the world about what it feels is necessary to promote economic and political stability in post-conflict Iraq. We do know, however, that a plan based on the Japan precedent would require a significant and lengthy commitment of American political will, economic resources, and military might.

While I do not doubt either our resolve or capability to be successful in Iraq, it is critical that the Administration be clear with the Congress, the American people, and the world about what it believes will be needed in post-Saddam Iraq, what portion of that it believes America should undertake, and what it believes others should be prepared to do. To this end, I urge the President and his administration to keep in mind the following facts and questions as planning for post-conflict Iraq continues.

General MacArthur and President Truman made a strategic choice in post-WWII Japan to leave intact as much as 95 percent of the imperial Japanese government, including the Emperor himself, because of the fear of what impact a massive upheaval of the government structure would have on stability in Japan. Do the President and his team intend to follow that precedent, or we will start from scratch in constructing post-conflict institutions in Iraq?

We maintained nearly 80,000 troops in Japan for 6 years after V-J Day and still maintain 47,000 troops to this day, more than a half century after the conflict officially ended. How long does the administration anticipate having U.S. forces in post-conflict Iraq, and how much of this burden can we anticipate our friends allies will assume?

Post-WWII Japan represented an ethnically and religiously homogenous population. How does the fact that Iraq is riven by ethnic and religious difference impact U.S. planning for post-conflict Iraq?

From 1946 to 1950, the Congressional Research Service estimates that the United States spent a yearly average of $3 billion, in today's dollars, for the occupation of Japan. Are those the kinds of numbers the President and his team anticipate for political and economic reconstruction in post-conflict Iraq?

If the administration plans on obtaining assistance from others, what nations is it assuming will be willing to help us? What is the administration assuming these other nations are prepared to do and for how long? If no plan is yet in place and no allies briefed, when does the administration believe such discussions should begin?

I ask unanimous consent to print the article in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Oct. 11, 2002]

U.S. HAS A PLAN TO OCCUPY IRAQ, OFFICIALS REPORT

(By David E. Sanger and Eric Schmitt)

WASHINGTON.—The White House is developing a detailed plan, modeled on the postwar occupation of Japan, to install an American-led military government in Iraq if the United States topples Saddam Hussein, senior administration officials said today.

The plan also calls for war-crime trials of Iraqi leaders and a transition to an elected civilian government that could take months or years.

In the initial phase, Iraq would be governed by an American military commander—perhaps Gen. Tommy R. Franks, commander of United States forces in the Persian Gulf, or one of his subordinates—who would assume the role that Gen. Douglas MacArthur served in Japan after its surrender in 1945.

One senior official said the administration was "coalescing around" the concept after discussions of options with President Bush and his top aides. But this official and others cautioned that there had not yet been any formal approval of the plan and that it was not clear whether allies had been consulted on it.

The detailed thinking about an American occupation emerges as the administration negotiates a compromise at the United Nations that officials say may fall short of an explicit authorization to use force but still allow the United States to claim it has all the authority it needs to force Iraq to disarm.

In contemplating an occupation, the administration is scaling back the initial role for Iraqi opposition forces in a post-Hussein government. Until now it had been assumed that Iraqi dissidents both inside and outside the country would form a government, but it was never clear when they would take full control.

Today marked the first time the administration has discussed what could be a lengthy occupation by coalition forces, led by the United States.

Officials say they want to avoid the chaos and in-fighting that have plagued Afghanistan since the defeat of the Taliban. Mr. Bush's aides say they also want full control over Iraq while American-led forces carry out their principal mission: finding and destroying weapons of mass destruction.

The description of the emerging American plan and the possibility of war-crime trials of Iraqi leaders could be part of an administration effort to warn Iraq's generals of an unpleasant future if they continue to support Mr. Hussein.

Asked what would happen if American pressure prompted a coup against Mr. Hussein, a senior official said, "That would be nice." But the official suggested that the American military might enter and secure the country anyway, not only to eliminate weapons of mass destruction but also to ensure against anarchy.

Under the compromise now under discussion with France, Russia and China, according to officials familiar with the talks, the United Nations Security Council would approve a resolution requiring the disarmament of Iraq and specifying "consequences" that Iraq would suffer for defiance.

It would stop well short of the explicit authorization to enforce the resolution that Mr. Bush has sought. But the diplomatic strategy, now being discussed in Washington, Paris and Moscow, would allow Mr. Bush to claim that the resolution gives the United States all the authority he believes he needs to force Baghdad to disarm.

Other Security Council members could offer their own, less muscular interpretations, and they would be free to draft a second resolution, authorizing the use of force, if Iraq frustrated the inspection process. The United States would regard that second resolution as unnecessary, senior officials say.

"Everyone would read this resolution their own way," one senior official said.

The revelation of the occupation plan marks the first time the administration has described in detail how it would administer Iraq in the days and weeks after an invasion, and how it would keep the country unified while searching for weapons.

It would put an American officer in charge of Iraq for a year or more while the United States and its allies searched for weapons and maintained Iraq's oil fields.

For as long as the coalition partners administered Iraq, they would essentially control the second largest proven reserves of oil in the world, nearly 11 percent of the total. A senior administration official said the United Nations oil-for-food program would be expanded to help finance stabilization and reconstruction.

Administration officials said they were moving away from the model used in Afghanistan: establishing a provisional government right away that would be run by Iraqis. Some top Pentagon officials support this approach, but the State Department, the Central Intelligence Agency and, ultimately, the White House, were cool to it.

"We're just not sure what influence groups on the outside would have on the inside," an administration official said. "There would also be differences among Iraqis, and we don't want chaos and anarchy in the early process."

Instead, officials said, the administration is studying the military occupations of Japan and Germany. But they stressed a commitment to keeping Drag unified, as Japan was, and avoiding the kind of partition that Germany underwent when Soviet troops stayed in the eastern sector, which set the stage for the cold war. The military government in Germany stayed in power for four years; in Japan it lasted six and a half years.

In a speech on Saturday, Zalmay Khalilzad, the special assistant to the president for Near East, Southwest Asian and North African affairs, said, "The coalition will assume—and the preferred option—responsibility for the territorial defense and security of Iraq after liberation."

"Our intent is not conquest and occupation of Iraq," Mr. Khalilzad said. "But we do what needs to be done to achieve the disarmament mission and to get Iraq ready for a democratic transition and then through democracy over time."

Iraqis, perhaps through a consultative council, would assist an American-led military and, later, a civilian administration, a senior official said today. Only after this transition would the American-led government hand power to Iraqis.

He said that the Iraqi armed forces would be "downsized," and that senior Baath Party officials who control government ministries would be removed. "Much of the bureaucracy would carry on under new management," he added.

Some experts warned during Senate hearings last month that a prolonged American military occupation of Iraq could inflame tensions in the Mideast and the Muslim world.

"I am viscerally opposed to a prolonged occupation of a Muslim country at the heart of the Muslim world by Western nations who proclaim the right to re-educate that country," said the former secretary of state, Henry A. Kissinger, who as a young man served as district administrator in the military government of occupied Germany.

While the White House considers its long-term plans for Iraq, Britain's prime minister, Tony Blair, arrived in Moscow this evening for a day and a half of talks with President Vladimir V. Putin. Aides said talks were focused on resolving the dispute at the United Nations. Mr. Blair and Mr. Putin are to hold formal discussions on Friday, followed by a news conference.

Mr. Blair has been a steadfast supporter of the administration's tough line on a new resolution. But he has also indicated that Britain would consider France's proposal to have a two-tiered approach, with the Security Council first adopting a resolution to compel Iraq to cooperate with international weapons inspectors, and then, if Iraq failed to comply, adopting a second resolution on military force. Earlier this week, Russia indicated that it, too, was prepared to consider the French position.

But the administration is now saying that if there is a two-resolution approach, it will insist that the first resolution provide Mr. Bush all the authority he needs.

"The timing of all this is impossible to anticipate," one administration official involved in the talks said. "The president doesn't want to have to wait around for a second resolution if it is clear that the Iraqis are not cooperating."

EXPRESSING SYMPATHY FOR THE PEOPLE OF AUSTRALIA

Mr. LOTT. Mr. President, the people of the United States were shocked and saddened to learn of the cold blooded and cowardly attack on hundreds of Australian tourists vacationing on the island of Bali, on October 12. In a few shocking seconds our friends lost more of their fellow Australians than at any time since the darkest days of World War II.

Although Australia is at the farthest corner of the earth, America has no greater friend or ally. Just this year Prime Minister John Howard addressed a joint session of the United States Congress to celebrate the 50th Anniversary of the signing ANZUS Treaty, the document that has formally tied our strategic destinies together for the Food of the entire Asian Pacific Rim.

But our relationship with Australia did not begin with the ratification of one treaty. American and Australian soldiers have fought together on every battlefield of the world from the Meuse Argonne in 1918 to the Mekong Delta and Desert Storm. In all of our major wars there has been one constant, Americans and Australians have been the vanguard of freedom. In fact when American troops launched their first combined assault on German lines in World War I, it was under the guidance of the legendary Australian fighter General John Monash. We share a common historic and cultural heritage. We are immigrant peoples forged from the British Empire. We conquered our continents and became a beacon of hope for people struggling to be free.

For over 100 years, the United States and Australia have been the foundation for stability in the South Pacific. When America suffered its worse loss of life since December 7, 1941, the first nation to offer a helping hand was Australia. The day after the attacks on Washington and New York, Australia invoked the mutual defense clause of the ANZUS Treaty. They were the first to offer military support. Australian special forces are in Afghanistan and after Great Britain have made the largest per capita contribution to our efforts there. In the fight to break the back of al-Quaeda and the Taliban, Australian troops scaled the mountains around Tora Bora.

Mr. President, we received another wake-up call on October 12. We can no longer let the nay sayers and the hand wringers counsel timidity have their way. The free world is clearly in the sights of fanatics who want to plunge us into a new dark age. Whether it be Saddam Hussein, Osama bin Laden, or the coward who attacked men, women, and children on holiday in Bali, they are part of the same threat to free peoples.

We send our heartfelt condolences to the people of Australia and pledge to stand with them in their fight for peace and freedom.

PRESIDENTIAL ABILITY TO LAUNCH AN ATTACK

Mr. BYRD. Mr. President, I would like to take this opportunity to submit for the RECORD two very thoughtful and well-researched documents submitted to me by renowned constitutional scholars with respect to the President's ability to launch an unprovoked military attack against a sovereign state.

Earlier this year, I wrote to a number of constitutional scholars advising them that I was concerned about reports that our Nation was coming closer to war with Iraq. I asked a number of esteemed academics their opinion as to whether they believed that the Bush Administration had the authority, consistent with the U.S. Constitution, to introduce U.S. Armed Forces into Iraq to remove Saddam Hussein from power.

All of the scholars I consulted responded by stating that, under current circumstances, the President did not have such authority. I have previously submitted for the RECORD the responses of professors Michael Glennon of Tufts, and Jane Stromseth of Georgetown University Law Center.

Now, I would like to submit two additional responses I received on this same subject from professors Laurence Tribe of Harvard Law School and William Van Alstyne of the Duke University School of Law. I found the depth and breadth of their scholarship on this subject to be extremely impressive and, for this reason, I ask unanimous consent that their responses to me be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DUKE UNIVERSITY,
SCHOOL OF LAW,
Durham, NC., August 7, 2002.

Senator ROBERT C. BYRD,
Chairman, U.S. Senate
Committee on Appropriations,
Washington, DC

DEAR SENATOR BYRD: I am writing in response to your letter of July 22 inquiring whether in my opinion, "the Bush Administration currently has authority, consistent with the U.S. Constitution and the War Powers Resolution, to introduce U.S. Armed Forces into imminent or actual hostilities in Iraq for the purpose of removing Saddam Hussein from Power." You raise the question because, as you say, in your letter, you are "deeply concerned about comments by the Bush Administration and recent press reports that our nation is coming closer to war with Iraq."

I was away from my office at Duke University During the week when your inquiry arrived. Because you understandably asked for a very prompt response, I am foregoing a fuller, more detailed, statement to you just now, the day just following my reading of your letter, on August 6. I shall, however, be pleased to furnish that more elaborate statement on request. Briefly, these are my views:

A. The President may not engage our armed forces in "war with Iraq," except in such measure as Congress, by joint or concurrent resolutions duly passed in both Houses of Congress, declares shall be undertaken by the President as Commander in Chief of the Armed Forces. As Commander in Chief, i.e., in fulfilling that role, the President is solely responsible for the conduct of whatever measures of war Congress shall authorize. It is not for the President, however, to presume to "authorize himself" to embark on war.

Whether the President deems it essential to the National interest to use the armed forces of the United States to make war against one of our neighbors, or to make war against nations yet more distant from our shores, it is all the same. The Constitution requires that he not presumed to do so merely on his own assessment and unilateral order. Rather, any armed invasions of or actual attack on another nation by the armed forces of the United States as an act of war requires decision by Congress before it proceeds, not after the President would presume to engage in war (and, having unilaterally commenced hostilities, then would merely confront Congress with a "take-it-or-leave it" fait accomplis). The framers of the Constitution understood the difference vividly—and made provision against vesting any war-initiating power in the Executive.[1]

B. Nor does the form of government of—or any policy currently pursued by—an identified foreign nation affect this matter, although either its form of government or the policies it pursues may of course bear substantially on the decision as shall be made by Congress. Whether, for example, the current form of government of Iraq is so dangerous that no recourse to measures short of direct United States military assault to "remove" that government (a clear act of war) now seem sufficient to meet the security needs either of the United States or of other states with which we associate our vital interests, may well be a fair question. That is a fair question, however, is merely what therefore also makes it right for Congress to debate that question.

Indeed, it appears even now that Congress is engaged in that debate. And far from feeling it must labor under any sense of apology in conducting that debate—whether or not some in the executive department of elsewhere express irritation over what they regard as presumptuous by Congress, it is not presumptuous but entirely proper. It is what the Constitution assigned to Congress the responsibility to do.

C. And first, with respect to that debate, suppose it were the case of the President believed that measures of war were not now necessary and ought not be passed by Congress, at least not at this time. I put the point this way the better to clear the air to make a neutral observation of the respective roles.—Were he of that view, without doubt he shall so advise Congress. And equally without doubt, Congress should desire and welcome him to do so, not merely from respect for his office, rather, at least equally because both his information and his views would be among the most important considerations Congress should itself take into account.

D. But the same is true in the reverse circumstance as well. It is altogether the right prerogative of the President to lay before Congress every consideration which, in the President's judgment, requires that measures of direct military intervention in Iraq now be approved by Congress, lest the security of the nation be even more compromised than it already is.[2] If the President believes we cannot any longer, by measures short of war, now avoid the unacceptable risk of weapons of mass destruction from developing under a repressive Iraq regime already defiant of various earlier resolutions by the United Nations Security Council, it is by all means his prerogative and his responsibility as President candidly, even bluntly, to say so—to Congress.

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[1] It is today, even as it was when Thomas Jefferson wrote to James Madison from Paris, in September, 1789, referring then to the constitutional clauses putting the responsibility and power to embark on war in Congress rather than in the Executive. And thus Jefferson observed: "We have given, in example, one effectual check to the dog of war, by transferring the power of letting him loose from the Executive to the Legislative body, from those who are to spend to those who are to pay." C. Warren, The Making of the Constitution 481 n. 1 (1928). (See also Chief Justice Johnson Marshall's Opinion for the Supreme Court in Talbot v. Seeman, 5 U.S. (1 Cranch) 1,28 (1803) ("The whole powers of war being, by the constitution of the United States, vested in congress, the acts of that body can alone be resorted to as our guides.")

[2] Exactly as President Jefferson did in reporting to Congress in equivalent circumstances, in 1801. Thus, his urgent message to Congress reviewed attacks recently made against American commercial vessels in the Mediterranean, reported defensive steps already taken in repelling those attacks, and then declared the following. "The Legislature will doubtless consider whether by authorizing measures of offense also, they will place our force on an equal footing with that of its adversaries. I communicate all material information on this subject, that in the exercise of this important function confided by the Constitution to the Legislature exclusively, their judgment may form itself on a knowledge and consideration of every circumstance of weight." 22 Annals of Cong. 11 (1801), reprinted inn 1 Messages and Papers of the Presidents, 1789–1897, ata 326–27 (J. Richardson ed. 1898) (emphasis added.)

And he may as part of that address, accordingly request from Congress that he now be appropriately authorized, as President and as Commander in Chief, "to deploy and engage the armed forces of the United States in such manner and degree as the President determines to be necessary in affecting such change of government in Iraq" . . . as will remove that peril, or accomplish such other objectives (if any) as Congress may specify in its authorizing resolution. Supposing Congress agrees, the resolution will be approved, and the authority of the President to proceed, consistent with that resolution, will be at once both established and clear.

E. Equally, however, in the event that Congress does not agree. That is, insofar as, despite whatever presentation the President shall make (or shall have made), Congress is unpersuaded that such military intervention under the direction of the President as he may propose is now appropriate to authorize and approve, it may assuredly decline to do so. In that circumstance, and until Congress shall decide otherwise, matters also settled and equally clear. The President may not then proceed to embark upon a deliberate course of war against the government or people of Iraq.

F. And correspondingly, however, the President is not to be faulted in that circumstance, insofar as authorization by Congress for military intervention or other measures of war is withheld. For the responsibility (and any fault—if fault it be) then will rest with Congress, even as the Constitution contemplates that it should.

In short, the President acquits himself well by making full report to Congress of information, and of his reasons, and of his judgment, as to what the circumstances now require of the nation, in his own view. That Congress may disagree is no reflection upon the President nor, necessarily, upon itself. Rather, it but reminds us of which department of our national government is charged by the Constitution to decide whether and when we shall move from a position of peace, however strained, to one of war. By constitutional designation, that department is assuredly the legislative department, not the executive.

G. I do not here presume to address the limited circumstance in which the country comes under attack, in which event the President may assuredly take whatever emergency measures to resist and repel it are reasonably required to that end. Likewise, in respect to exigent circumstances of U.S. forces or American citizens lawfully stationed, or temporarily resident, in areas outside the United States in which local hostilities may unexpectedly occur, with respect to which intervention to effectuate safe rescue will not be regarded as an act of war. Neither these nor other variant possibilities were raised by your letter, however, so I leave them for another day.

You also asked for comments respecting three previous Joint Resolutions by Congress, i.e., whether any of these, or some combination, constitute a sufficient basis for the President to proceed to engage whatever magnitude of invasive forces would be necessary to overthrow Iraq's current government and/or seek out and destroy or remove such weapons of mass destruction, as well as the means of their production, as that invading force would be authorized to accomplish. Specifically, you adverted to The War Powers Resolution of 1973 (Pub. L. No. 93-148, Nov. 7, 1973); The Authorization for Use of Military Force Against Iraq Resolution of 1991 (Pub. L. No. 102-1, Jan. 14, 1991); and The Authorization for Use Military Force Resolution of 2001 (Pub. L. No. 107-40, Sept. 18, 2002).

As to the first of these, the "War Powers Resolution of 1973" (or War Powers Act as it is sometimes informally called), I am very clear that it is certainly not a Resolution authorizing or directing the President now to engage the armed forces of the United States in acts of war within or against Iraq. As to the second and third, I do not believe they can serve that function either, though there is some more reasonable margin for disagreement—one which Congress itself, however, is frankly far between situated to attempt to resolve than I do anyone else so removed from a fuller record one would need to be of more than marginal help.

The reasons for my uncertainty regarding the Joint Resolution of 1991 (specifically captioned by Congress as "The Authorization for Use of Military Force Against Iraq Resolution") will take but a few sentences to share. That this Resolution did authorize what became "Operation Desert Storm" as a major use of the war power, against Iraq specifically, under the direction of the President (with collaborative forces of other nations), and the use of massive force, including bombardment and invasion of Iraq, is unequivocal. A declared objective sought to be achieved (and thus part of the described scope of the authorized use of force) was . . . to "achieve implementation of" . . . eleven United Nations Security Council Resolutions, each identified by specific number. The Resolution also required (i.e., "the President shall submit") the President "at least once every 60 days" to submit to Congress a summary on the status "of efforts to obtain compliance by Iraq" with those resolutions.

Foremost among the stated objectives of that authorized use of war power was to force the unconditional withdrawal of Iraq forces from Kuwait and restoration of that country's "independence and legitimate government." As much as that has surely been accomplished—was well accomplished fully a decade ago.

However, the Resolution also recited that "Iraq's conventional, chemical, biological, and nuclear weapons and ballistic missile programs and its demonstrated willingness to use weapons of mass destruction pose a grave threat to world peace." Thus, it was also in contemplation of that "grave threat" the United States was willing to make the commitment as it did. And we have the President's report (as I must assume Congress has received it) that that threat has not yet abated, indeed, may have been renewed.

Moreover, it is additionally true that in a significant sense, our "invasion" of Iraq, proper as it was immediately following this authorization by Congress (and still may be), continues to this very day. It does so, as the Congress is well aware in a variety of ways, but most notably by the continuing armed overflights through large swaths of Iraq air space, and the continuing forcible interdiction of Iraqi installations in large areas of Iraq (north and south) by direct military force. So, in one reasonable perspective, there has simply been a continuing, albeit immensely reduced and attenuated "war" with Iraq, under the direction of the President, and within the boundaries of that original Resolution of 1991.

Still, it is far from certain that these elements are enough insofar as the President may now propose to "re-escalate" the conflict in enormous magnitude: (a) to overthrow the government of Iraq and (b) insert whatever invading force as he would deem required to locate and destroy any existing stores of weapons of "mass destruction," and the means of their production. The principal basis for that uncertainty (at least my own uncertainty) is twofold. First, that the express authorization made by Congress in 1991 was, as noted above, to use all necessary military force "to achieve implementation of" certain specifically numbered UN Security Council Resolutions, none of which I have had the opportunity to read or study, and therefore cannot resolve for suitable fit today. It is my impression that with the exception of ourselves (and perhaps the British), however, that members of the Security Council may not now regard those decade-old resolutions as adequate for the United States to use as an adequate sanction to "reignite" a virtual full-scale war, as distinct from the continuing overflights, but I am in no position to speak to that question as well as others. Similarly, I should think it best for Congress itself, to resolve whether the decade-old Resolution enacted by Congress in 1991 can cover the present case as well though, in my own view, it probably does not.

Third, and most recent among the resolutions you enclosed, is the express "Authorization for Use of United States Armed Forces" by Congress, adopted on September 18, 2001, following the cataclysmic events of September 11. The authorization is quite current and it calls expressly for the use of U.S. Armed Forces "against those responsible for the recent attacks launched against the United States." It is also framed in the following quite inclusive terms, in §2(a), that:

> [T]he President is authorized to use all necessary and appropriate force against those nations, organizations, or persons he determines planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, or harbored such organizations or persons, in order to prevent any future acts of international terrorism against the United States by such nations, organizations or persons.

I nonetheless think it doubtful that this will "stretch" to cover a proposal to use military force to overthrow the government of Iraq as is currently being considered, without authorization by Congress, absent quite responsible evidence that Iraq was involved in "the terrorist attacks that occurred on Sept. 11, 2001"—evidence that may exist but not that I have seen reported in the press or elsewhere. I note, respectfully, that the authorization is not an "open-ended" one to authorize the use of military power against any nations, organizations, or persons whom the President identifies as proper targets insofar as it would merely help in some general sense to "prevent" future terroristic attacks by such nations, organizations, or persons. Rather, it is to permit such uses of military power only with reference to those identified as having contributed in some substantial manner to the September 11th attacks, or known now to be harboring such persons.

But in this effort not to neglect your several requests, I have (more than?) reached my limit to try to be of immediate assistance to you and your committee. The portions of this letter I would emphasize are in its first half, the portions dealing with the constitutional questions reviewed in letter sections A. through F. I wish you well with your deliberations.

Sincerely,

WILLIAM VAN ALSTYNE.

HARVARD UNIVERSITY,
LAW SCHOOL,
Cambridge, MA, July 31, 2002.
HON. ROBERT C. BYRD
U.S. Senate, Washington, DC.

DEAR SENATOR BYRD: I share the concern expressed in your letter of July 22, 2002, about recent reports that our nation is approaching war with Iraq. I wish I had the time to give your questions regarding those reports the detailed and thoroughly documented reply they deserve. Unfortunately, I will have to be content with a brief statement of my conclusions and of the basic reasons for them.

My study of the United States Constitution and its history, as a scholar and teacher of American constitutional law over the past thirty years, has suggested to me no authority for the President, acting as the Commander in Chief, to wage a purely preemptive war against another nation without at least consulting with Congress first, and without obtaining from Congress a formal authorization, whether in the form of a declaration of war or, at the least, a joint resolution expressing the assent of both the House and the Senate—with the exception of so exigent an emergency as to admit of no time for such consultation and authorization without mortal and imminent peril to our nation.

Of course, if the President were to learn, for example, that another nation was about to launch a massive thermonuclear attack on the United States, and if there genuinely appeared to be no possibility of deterring such an attack by threatening a fatal counterstrike or by pursuing diplomatic alternatives consistent with our national security, then presumably the U.S. Constitution would not tie the President's hands by committing the Executive Branch to a course that would spell our virtually certain destruction as a nation. As many have famously observed, our Constitution is not a suicide pact. But that exception for cases of self-defense cannot be treated so elastically that the exception threatens to swallow the rule.

In circumstances when the President takes the position that delaying a mobilization and deployment of our armed forces to attack another sovereign state while Congress debates the matter, although not necessarily threatening our nation's imminent destruction, would nonetheless expose us to grave and unacceptable danger by letting the optimal moment for a preventive attack pass as that hostile state proceeds to accumulate rapidly deployable weapons of mass destruction and moves inexorably toward unleashing those weapons on us or on our allies, either directly or through proxies, it would be difficult to defend a completely doctrinaire response to the questions your letter addressed to me. In so ambiguous a situation, the allocation of power between the President and Congress is not a matter that admits of absolutely confident and unambiguous assertions, for the Constitution's framers wisely left considerable areas of gray between the black and white that often characterize the views of advocates on both sides of the invariably heated controversies that attend instances of warmaking.

That said, it remains my view, as I wrote in volume one of the 2000 edition of my treatise, "American Constitutional Law," §4-6, at page 665, "although the Constitution does not explicitly say that the President cannot initiate hostilities without first consulting with and gaining the authentic approval of Congress, that conclusion flows naturally, if not quite inescapably, from the array of congressional powers over military affairs and especially the provisions in Article I, §8, clause 11, vesting in Congress the power to declare war. To permit the President unilaterally to commit the Nation to war would read out of the Constitution the clause granting to the Congress, and to it alone, the authority 'to declare war.'" (Footnotes omitted.) Whether with the aid of the War Powers Resolution of 1973—a resolution that some have regarded as a quasi-constitutional articulation of the boundaries between the Presidency and the Congress—or without regard to that much mooted (and arguably question-begging) assertion of congressional power to draw those boundary lines for itself—one would be hard-pressed to defend the proposition that, simply because the President thinks it inconvenient to bring Congress into his deliberations and to await Congress's assent, he may suddenly proceed, like the kings and emperors of old, unilaterally to unleash the dogs of war.

I put to one side the profound lesson of our ill-fated involvement in Vietnam—the lesson, as I see it, that a President who wages war without first assuring himself of the deep national consensus and commitment that can come only from a thorough national ventilation of the arguments pro and con plunges the nation into a perilous and probably doomed course. Purely from the perspective of wise policy, that is a lesson one hopes is not lost on our President, or at least on his closest advisors, many of whom would seem to be astute students of American history. But it is probably for the best, in the long run, that the Constitution does not invariably enjoin wisdom upon those who wield power in its name. It leaves each of the three great branches of the national government free to make serious, even tragic, blunders—a fate from which not one of the three branches of government is immune. In any event, I reach the constitutional conclusions expressed in this letter not by virtue of any firm convictions one way or the other about the path of wisdom in the difficult circumstances we face when dealing with as malevolent and dangerous a leader as Iraq's Saddam Hussein. I lack the hubris to pretend that I know better than the President and his Administration just what the path of wisdom is in this matter. My very substantial doubt that the President has constitutional authority to launch a preemptive or preventive strike against Iraq therefore represents as detached a reading as I am capable of giving the relevant constitutional text, structure, and history.

It seems quite clear that S.J. Res. 23 (Pub. L. No. 107-40), the joint resolution authorizing the use of U.S. military force against those responsible for the attacks of September 11, 2001, would not furnish the requisite congressional assent to any such strike against Iraq, or even to the introduction of U.S. armed forces into imminent or actual military hostilities in Iraq for the purpose of removing Saddam Hussein from power. Unless convincing evidence of Iraq's involvement in the terrorist attacks of September 11 were to emerge, that joint resolution could not be said to offer even a fig leaf of cover for such a military campaign. To its credit, the Bush Administration does not appear to have suggested the contrary.

Nor could anyone argue that Pub. L. 102-1, enacted in 1991 to authorize the use of military force by President George H.W. Bush against Iraq to repel its invasion of Kuwait, offers any basis for a current military campaign to topple the Hussein government. To be sure, that enactment, promulgated pursuant to U.N. Security Council Resolution 678 to achieve the implementation of previous Security Council resolutions, may well have authorized U.S. armed forces to proceed to Baghdad at the time of Operation Desert Storm had the first President Bush decided to take that course. But he did not, and the time to complete that military thrust—a thrust that was abruptly ended a decade ago—has long since passed, the causus beli of that occasion now long behind us.

The circumstances that Saddam Hussein's government is undoubtedly in violation of numerous commitments that government made to the United Nations as a condition of the termination of Operation Desert Storm—commitments regarding access for U.N. inspectors to confirm that Iraq is not in fact developing and secretly storing lethal materials related to weapons of mass destruction—cannot by itself eliminate the constitutional requirement of congressional authorization for the waging of war by our armed forces.

One might, finally, imagine someone arguing that the absence of congressional debate and authorization should not be deemed fatal to the constitutionality of a preemptive military strike on Iraq for the pragmatic reason that such a debate would disclose too much to the enemy, depriving our plans of the shield of secrecy and our troops of the safety such a shield might provide. But any such argument—whatever constitutional standing it might have in other circumstances—would, of course, be unavailing on this occasion, if only because whatever shield secrecy might otherwise have provided has been rendered moot by the Bush Administration's repeated floating of trail balloons on the subject. Not to put too fine a point on it, whatever cover a secret military attack on Iraq might have enjoyed has by now been thoroughly blown.

I am therefore constrained to conclude that, on the basis of the facts as I understand them, the Bush Administration does not currently have sufficient constitutional and/or legislative authority to introduce U.S. armed forces into Iraq in order to wage war on that nation's government—even for the overwhelmingly salutary purpose of toppling an authoritarian regime that has deployed weapons of mass destruction against its own people, that is overtly and overwhelmingly hostile to our nation, that threatens the security and stability of some of our closest friends and allies, and that besmirches the very idea of human rights.

If the President would use military force against the government in Baghdad, he must first consult with and obtain the consent of the Congress.

With best regards, I am
Sincerely,
LAURENCE H. TRIBE.

THE CLEAN WATER ACT: 30 YEARS

Mr. LEVIN. Mr. President, on the 30th anniversary of the Clean Water Act, I am pleased to acknowledge progress in the clean up of our Nation's lake and rivers. The goals were ambitious. Congress envisioned a nation of fishable, swimmable rivers and lakes, and zero discharges of harmful pollutants. While we have not reached those goals, the steps we have taken have improved the quality of our water, including the natural, and national, resources embodied in the Great Lakes.

As cochair of the Great Lakes Task Force, I have worked with other Members to pass appropriations and targeted legislation to protect our Nation's largest inland body of water. The citizens of Michigan and seven other adjoining States recognize the value of the Great Lakes system to industry, transportation, water resources, and recreation—a vital link in a long chain of waterways that enhance our economy, provide pleasurable pastimes, and protect our health.

That's why I authored the Great Lakes Critical Programs Act in 1990 that amended the Clean Water Act; these changes help States measure and control pollutants discharged into the Great Lakes. My bill helped set uniform, science-based water quality criteria, ensuring that citizens throughout the system share the burdens and benefits of reducing harmful pollutants that can affect human health. It also provided for control and cleanup of contaminated sediments that leach into the water, affecting people, fish, and wildlife.

I have helped secure other protections for wild creatures through the Great Lakes Basin Fish and Wildlife Restoration Act. This legislation provides a framework and funding for studying and adopting measures to restore healthy fish, bird, and animal populations and to manage fisheries responsibly.

Nonpoint source pollution contaminants discharged into water over a broad area are widely recognized as a major problem. The Great Lakes Soil Erosion and Sediment Control Program will help. This 2002 farm bill program provides grants for education on agricultural techniques, such as contoured farming and planting of vegetation along banks, that reduce the runoff of pesticides and other chemicals into streams and rivers.

Other legislation has set standards and enabled technology for reducing soil erosion, controlling sediment runoff, and creating environmental research labs specifically targeting the problems of the Great Lakes.

Even with our successes, however, EPA reports that more than 40 percent of our Nation's waterways remain too polluted for fishing, swimming, and other activities. Municipal sewage discharges and urban storm sewers continue to dump massive amounts of pollutants into our water. And more needs to be done in our cities, our industries, and our farms.

Thus the fight for water quality continues. In this Congress, I have introduced legislation to protect Great Lakes waters from invasive species the zebra mussel, Asian carp, and other intruders that enter U.S. waters through maritime commerce and on the hulls of ships. These intruders can damage ecosystems and wipe out entire populations of native fish.

I have also asked the Senate to consider the Great Lakes Legacy Act. This bill would provide funds for States to clean up and restore areas of special concern, which do not meet the basic water quality standards laid out in a 1972 United States Canada agreement. These areas include some vital passages between the Great Lakes, including Michigan's Detroit and St. Clair Rivers.

Funding water quality management activities and improvements in environmental infrastructure is one of my highest priorities. Even now, Congress is exploring ways to improve funding for the construction of wastewater treatment plants to help control urban sewer and stormwater overflows, a huge source of nonpoint source pollution.

Even as we implement new measures, the Bush administration threatens a sweeping dismantlement of existing Clean Water Act safeguards by removing Federal oversight, allowing polluters to "buy" credits that would permit the continuation of harmful practices, and reneging on the decades-old commitment to protect the Nation's wetlands.

The diligence of Congress, previous administrations, Federal and State agencies, and dedicated citizens helped us pass the Clean Water Act and other tough measures needed to preserve and protect water resources. We must stand guard over these gains and move forward, not backward, with even more effective measures. Clean water is a privilege, a pleasure, and something we can't live without.

Mr. LEAHY. Mr. President, tomorrow, as we recognize the 30th anniversary of the amendments to the Federal Water Pollution Control Act, the Clean Water Act, I want to take a moment to reflect on the importance of this cornerstone of environmental legislation and to frankly address the significant amount of work that remains to be done.

Vermont is a shining example to the Nation in terms of its environmental ethics and in its commitment to environmental action. I am proud to hail from and to represent a State whose people share a passionate and abiding concern for the environment.

We Vermonters are especially proud that much of the environmental progress and improvements to water the Nation has achieved in the last three decades can be directly attributed to the legacy of Vermont's own Robert Stafford. Bob Stafford's leadership in Congress helped shape national environmental policy from the time that the environmental movement was in its infancy and continued well into its maturity.

During his 30 years in the House of Representatives and in the Senate, Bob Stafford courageously and successfully stood up to those who sought to diminish and roll back our environmental standards. His efforts were heightened during his tenure as Chairman of the Committee on Environment and Public Works, a post he assumed in 1981 during the 97th Congress and maintained through the 99th. One of his crowning achievements during this time was working with Senator John Chafee to pass the Clean Water Act.

Although we should be proud of the great strides we have made to reduce and prevent the levels of pollutants and contaminants in our water, we are far from the visionary goals and ambitious standards set by those who conceived this vital legislation 30 years ago. When Senator Stafford testified before the Environment and Public Works Committee last week, he clearly challenged us to do more. We cannot halt the progress we have made and merely rest on our environmental laurels.

I call upon my colleagues, the administration and the American public to look back at the debate that took place at the time and the essence of this remarkable piece of legislation. The 1972 legislation declared as its objective the restoration and maintenance of the chemical, physical, and biological integrity of the Nation's waters. Two goals also were established: zero discharge of pollutants by 1985 and, as an interim goal and where possible, water quality that is both "fishable" and "swimmable" by 1983.

Although we have had more than twice that amount of time to meet these goals, we have only managed to get half-way there. According to EPA's 2000 National Water Quality Report released earlier this year, 39 percent of assessed river and stream miles and 45 percent of assessed lake acres do not meet applicable water quality standards and were found to be impaired for one or more desired uses.

In Vermont, too many of our waters still fall into this category. Over the last 30 years, we have addressed many of the point-sources of water pollution in Lake Champlain, the Connecticut River and other water bodies around the State. Unfortunately, we learn about new pollution concerns all the time. Years of unchecked pollution from coal-fired power plants outside of Vermont's borders have overburdened Lake Champlain and many of our rivers with mercury. Vermont now has fish advisories for walleye, lake trout and bass due to mercury.

There are solutions to this environmental challenge and others that threaten the health of Vermont's waters. We just need to act on them. Instead, I worry that we are ignoring the warning signs, such as climate change, new health problems in our children, loss of our natural resources to pests and disease.

By its actions I fear that the current administration seems to be interested in protecting special interests and ignoring public support for strong environmental protections and conservation measures. Just in the last few months, the administration has announced plans to rewrite Clean Water Act regulations that would allow dirt displaced by mountain top mining to be dumped in waterways. Army Corps of Engineers' regulations protecting wetlands have been relaxed, backing away from the decade-old commitment of no net loss of wetlands.

Instead of looking at ways to undercut the Clean Water Act, we need to get back on track and strengthen it.

THE LEADERSHIP IN UKRAINE

Mr. HELMS. Mr. President, the current leadership in Ukraine, led by President Leonid Kuchma, has been one of unmet promises. Failed efforts at economic reform, violent repression of independent media, and a rise in government corruption and cronyism has robbed the citizens of Ukraine of the bright future they deserve.

Ukraine is a vital country of 48 million people in the heart of Europe. A Europe whole, free and secure cannot be achieved without Ukraine's integration into Europe. However, I have become convinced that the actions of Ukraine's President Kuchma have demonstrated to the people of Ukraine and the world that their integration cannot be achieved with Kuchma at the helm.

Secret recordings made by a former security guard, who is now seeking asylum in the United States, raise suspicions that President Kuchma had knowledge of or involvement in the brutal murder of journalist Gyorgi Gongadze. This callous act shows that he will stop at nothing to repress the opposition and independent media who challenge his control.

As the United States and the international community are striving to eliminate the threat posed by Iraq's possession of weapons of mass destruction, evidence shows that President Kuchma approved the sale of the Kolchuga radar—an advanced system whose purpose is to threaten U.S. aircraft in violation of United Nations sanctions. The State Department recently confirmed the authenticity of an audio recording of President Kuchma approving the sale of a Kochulga radar system to Iraq in July 2000. Iraq has fired anti-aircraft missiles at coalition aircraft and while our expert pilots are trained to counter such measures, the Kolchuga radar system gives a boost to Iraqi air defenses by detecting approaching aircraft without tipping off the pilots.

Ukraine remains important to the United States, we must stand firm with the people and the brave reformers who hope for a better day for Ukraine. However, President Kuchma's day has passed. He deserves nothing more than what his actions bring him, isolation.

In bilateral meetings the United States should continue to meet at a ministerial level and in important multilateral organizations we should strive for the same. This includes NATO. At NATO's Prague Summit next month, the scheduled NATO-Ukraine Council meeting is an important opportunity for NATO and Ukraine to look for greater cooperation. On a range of issues, Ukraine has certain assets such as strategic lift which could be beneficial to our European NATO allies who lack such capabilities. NATO should conduct this meeting at the Ministerial level rather than at a Presidential level and send an important signal to the government of Ukraine. To do otherwise would result in President Bush sitting two seats down from a corrupt leader who is arming Iraq at a Summit which will likely focus on a possible war with Iraq.

I ask unanimous consent that the following articles that appeared in the Wall Street Journal on October 9, and The Washington Post on August 8 and September 22 be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Oct. 9, 2002]

UKRAINE'S ROGUE PRESIDENT

(By Adrian Karatnycky)

In his speech Monday night, President Bush laid out the threat posed by the Iraqi regime should it be able to "buy, produce or steal" the ingredients for a nuclear weapon. But while the idea that any nation would willingly aid the murderous intentions of Saddam Hussein has long seem far-fetched, the possibility hit close to home in recent days.

Just a week before the speech, the Bush administration confirmed that Ukrainian President Leonid Kuchma had approved the sale of an antiaircraft radar system to Iraq. President Kuchma's decision, in clear violation of United Nations sanctions, may be the first sign of complications with loose technology in the states of the former Soviet Union.

DEADLY KNOW-HOW FOR IRAQ

Although Ukraine destroyed its last nuclear missile silo last year, the country is still an institutional repository of deadly know-how. It had also, up until last week, been considered a irreproachable friend of the U.S. But the revelation creates doubts which could fundamentally alter the U.S.'s relationship with Ukraine, and particularly with its president. Although Mr. Kuchma has denied any involvement in a sale and offered a joint investigation, the FBI has authenticated a tape of the Ukrainian president and his arms-export chief hatching the scheme.

Far from being any old technology, the radar system in question could make a significant difference for Iraq. If the U.S. goes to war, Mr. Kuchma will have tried to provide deadly technology that could cost the lives of American pilots. Whatever the next steps taken against Iraq, Ukraine's president cannot escape without paying a heavy price. If the U.S. succeeds in installing a rigorous U.N. inspections regime, an example must be made of Mr. Kuchma to ensure international compliance with anti-Iraq sanctions.

President Bush's anger over the plot by a country that was once the third biggest recipient of U.S. foreign aid is said to be palpable. U.S. officials suggest Mr. Bush is especially livid that Mr. Kuchma plotted the sale to Iraq just before a summit in 2000 with President Clinton, where the U.S.-Ukraine "strategic partnership" was celebrated. U.S. officials responsible for Ukraine policy are also indicating they believe Ukraine's "Kolchuha" early-warning radar system has been deployed in Iraq, suggesting there is some intelligence data to reach such a conclusion.

The new Iraq revelations come in the wake of incriminating details contained in hundreds of additional hours of clandestinely taped conversations of Mr. Kuchma's meetings recorded and smuggled out of the country by his former bodyguard who lives in exile in the U.S. These depict a crude and venal leader at the center of corrupt and criminal behavior. Several of the conversations have been authenticated by the Virginia-based voice analysis firm Bek Tech, headed by a former FBI operative.

The behavior appears to fit a pattern. Mr. Kuchma's Ukraine has emerged as a leading supply source for illicit traffic in global arms. In defiance of a U.N. embargo, arms and ammunition of Ukrainian origin have been seized in the weapons caches of Unita guerrillas in Angola. Widespread allegations suggest Ukrainian weapons breached a mid-1990s arms embargo in the former Yugoslavia and helped equip Afghanistan's Taliban. In 1997, Nigerian authorities alleged that Ukraine was involved in the sale of three aircraft fighters to rebels from Sierra Leone.

For years, Ukrainian officials strenuously denied that the illegal arms trade was officially sanctioned. But the authenticated Kuchma tape suggests that while Ukraine is not a rogue state, it has a rogue president. Apart from the Iraq conversation, there is a tape of a meeting between Mr. Kuchma and Oleksander Zhukov, a reputed underworld figure with ties to Leonid Minin, a suspected international arms dealer.

Mr. Kuchma's credibility with the U.S. has been pulverized in recent months. In the summer of 2001, the Ukrainian president apparently lied to National Security Adviser Condoleezza Rice in asserting that Ukraine supported a "political solution" to the ethnic conflict in Macedonia. All the while—with his approval—Ukraine persisted in shipping weapons to the Macedonian government.

In response to U.S. pressure, Ukraine's legislature will launch an investigation into the Iraq sale. But the legislature has refused to investigate an array of alleged crimes involving the president, including the unsolved murder in 2000 of opposition journalist Gyorgi Gonzadze.

With the next presidential election coming in two years, the best hope for Ukraine—and for the U.S.—is in pressuring Mr. Kuchma to step aside quietly in favor of early elections. Demonstrations, which began last month and drew nearly 100,000 protestors nationwide, are scheduled to start up again later this month.

For Ukraine's president to exit the scene, protests against him must widen—71% of Ukrainians tell pollsters he should go. The reformist former prime minister, Viktor Yushchenko, must try to woo Mr. Kuchma's wavering supporters, among them oligarchs and regional leaders, to support a transition. Diplomatic isolation of Mr. Kuchma by the U.S. and Europe must be airtight and confined to the president and his corrupt cronies, not the entire Ukrainian government or nation. Finally, Russian President Vladimir

Putin, who stands by Mr. Kuchma, must be convinced that Russian interests would be better served by a reformist-led coalition government including significant representation from Ukraine's pro-Russian eastern regions.

The current U.S. review of its Ukraine policy must include initiatives that help encourage these trends while ensuring that change is constitutional and peaceful.

For months, Ukraine's rumor mills have been working overtime with hints that a deal to pave the way for a post-Kuchma Ukraine is in the works. One possible compromise would be to give Mr. Kuchma blanket amnesty for past transgressions. Even Yuliya Tymoshenko, a former economic magnate and deputy prime minister who is Mr. Kuchma's most bitter enemy, supports such a deal. As she told me several months ago, "If one criminal can sleep easily so that the rest of the country can sleep well, then so be it."

RUSSIA'S CYNICAL EMBRACE

If Mr. Kuchma resigns, Ukraine's Iraq-gate will have borne positive fruit. If he does not, the U.S. will confront two problems: Ukraine's president will demonstrate to other leaders that you can conspire with Iraq and get away with it. And Mr. Kuchma's inevitable isolation will drive Ukraine, a strategically important country of 50 million that sits on NATO's eastern frontier, into Russia's cynical embrace.

Both outcomes would cause headaches for Europe and the U.S. But the worst would be if Ukraine's movement toward Europe, democracy and the rule of law is hijacked by Mr. Kuchma's insistence on remaining in office.

[From the Washington Post, Aug. 8, 2002]

UKRAINE AND THE WEST

NATO's coming eastward expansion and its new partnership with Russia have prompted a major change in direction by one of Europe's largest and most unsettled nations, Ukraine. A country of more than 50 million people that is still struggling to gain its political and economic footing after a decade of independence, Ukraine has abruptly dropped its longstanding policy of balancing itself between the West and Russia. Its government recently requested talks on becoming a full member of both NATO and the European Union. The reaction has been guarded: Both European governments and the Bush administration seem unsure whether Ukraine should be a part of the Western alliance in the future, and there is resistance even to upgrading its relations with the EU. But Ukraine is too big to be safely kept on the back burner. The United States and Europe must formulate a clear answer. In some respects, the question of what to do about Ukraine seems easy. Given its huge size, strategic location in southern and central Europe and relatively sophisticated industrial economy, Ukraine is a natural member of the translational organizations that are slowly spreading across the continent. Without Ukraine, the longstanding Western goal of a Europe "whole and free" will remain incomplete; without an anchor in those institutions, the country's long-term stability and even its viability as an independent nation could be seriously threatened. Yet Ukraine as it exists today is a most difficult partner for the West to take on. Its economy remains a post-Communist shambles, and though it is nominally a democracy its president, Leonid Kuchma, has frequently resorted to thuggish tactics. His own poll ratings are in single digits, but Mr. Kuchma managed to manipulate a recent parliamentary election so that his cronies, rather than opposition parties that won 70 percent of the popular vote, maintained control.

Of even greater concern in Ukraine's involvement in improper arms trafficking and service as a transit point for illegal drugs and other contraband. Floating Western appeals, Ukraine's big weapons companies have shipped arms to Macedonia, Serbia and East Africa; secretly recorded audiotapes suggest that Mr. Kuchma himself at least discussed selling sophisticated antiaircraft systems to Iraq. Iraq recently opened an embassy in Kiev and announced it was interested in purchasing Ukrainian industrial goods and technology.

The Bush administration and most European governments have steadily distanced themselves from Mr. Kuchma. Congress has reduced U.S. aid. Some officials argue that Ukraine should not be invited even to begin discussions with NATO on conditions for becoming a member, at least as long as Mr. Kuchma and his cronies are in power. But NATO, which has laid out comprehensive and detailed reform programs for each of the countries seeking membership offers later this year, could also provide a structure for long-term change by Ukraine. A dialogue could constructively begin on such issues as arms sales, drug trafficking and military reform, with the understanding that these are the first steps in a membership preparation process that could extend for a decade. Making countries such as Ukraine fit for the club of Western democracies may not be NATO's first purpose, but the alliance is the best vehicle that exists for managing what is, ultimately, a transition vital to long-term European security.

[From the Washington Post, Sept. 22, 2002]

UNFINISHED BUSINESS IN EUROPE

(By Michael McFaul)

President Bush has made a strong commitment to a distinct tradition in international diplomacy by stating repeatedly that the United States has a strategic interest in regime change in Iraq. If Iraq changes from dictatorship to democracy, so the argument goes, then Iraq will follow a friendlier foreign policy toward the United States.

To make his case, Bush has a powerful historical experience to draw upon: the end of the Cold War. Regime change in Eastern Europe and the Soviet Union fundamentally enhanced American national security. If Iraq possessed Russia's nuclear arsenal today, the United States would be in grave danger. Two decades ago we feared this same arsenal in the hands of the Kremlin. Today we do not. The reason we do not is that the regime in Russia has become more democratic and market-oriented and therefore also more Western-oriented. Unfortunately, the task of promoting democratic regime change in the former Soviet Union is not complete. In rightly focusing on how to promote democratic regimes in the Muslim world, the Bush administration is failing to complete the consolidation of capitalism and democracy in the former communist world and the integration of these new democracies into the Western community of democratic states.

To assume that this process of democratization and integration will march forward without American prodding is misguided. First, the lines between East and West in Europe are beginning to harden, not fade. After the next round of expansion, the European Union is very unlikely to offer membership to countries farther to the east in the near future. Bureaucrats in Brussels simply laugh when the idea of Russian or Ukrainian membership in the EU is raised. NATO has moved more aggressively to extend its borders eastward, but it too will become fatigued and inwardly focused after the next round of expansion. If the prospect of membership in NATO and the EU can no longer be considered a foreign policy goal for those left out of the next wave of expansion, then the pull of the West will diminish.

Second, democratization on the periphery of Europe has stalled. A dictator who praises Stalin and Hitler runs Belarus. President Vladimir Putin has weakened democratic institutions and grossly violated the human rights of his own citizens in Chechnya in his attempt to build "managed democracy" in Russia. In Ukraine, President Leonid Kuchma aspires to create the same level of state control over the democratic process as Putin has achieved in Russia to ensure a smooth—that is, Kuchma-friendly—transition of power when his term ends in 2004. In contrast to Russia, Ukraine has a vibrant democratic opposition, whose leader, Viktor Yuschenko, is likely to win a free and fair presidential election. This vote in 2004 will be free and fair, however, only if the West is watching. Only in Moldova has authorization creep been avoided, but that's because of the weakness of the state, hardly a condition conducive to long-term democratic consolidation.

Over time, the combination of a closing Western border and growing authoritarianism on the Eastern side of this wall spells disaster for American security interests in the region. As the United States gears up to create new regimes with a democratic and Western orientation in the Middle East, it may be losing the gains of similar efforts of democratic promotion in the communist world during the Cold War.

Obviously, President Bush's foreign policy team is overworked and focused now on Iraq. Nonetheless, the United States should be able to conduct more than one foreign policy at the same time. In numerous speeches, Bush has already outlined his grand strategy for foreign policy. He has stated repeatedly that the United States should champion freedom and liberty for people around the world, and when necessary even promote regime change in those countries that do not offer their citizens basic democratic rights. To be a successful and credible doctrine, however, this strategy must be applied consistently.

When diplomatic historians look back on the 1990s, they should describe it as the era of European integration. They will do so, however, only if the project is completed. As the Bush administration begins the process of promoting democratic regime change along a new frontier in the Muslim world, it must also finish the job on the European frontier.

The writer, a Hoover Fellow and professor of political science at Stanford University, is a senior associate at the Carnegie Endowment for International Peace.

STEPHEN AMBROSE

Mr. KOHL. Mr. President, I rise today as an original cosponsor of Senator LANDRIEU's resolution honoring the life of Dr. Stephen E. Ambrose, a distinguished historian, storyteller and treasure of the State of Wisconsin. Born in Whitewater, WI, Dr. Ambrose attended the University of Wisconsin for both his undergraduate and his doctorate, molding a career in American history and embarking on a path he almost didn't take. From his first book, "Wisconsin Boy in Dixie," published in 1961, Dr. Ambrose went on to publish more than 30 books, captivating audiences, young and old, for 41 years.

Dr. Ambrose once said, "When I'm writing at my best, I want to share my own discoveries with the reader. I want to take people to a new understanding of an event, an individual or a story. I want them to be as amazed as I am." It was with this great love for storytelling Dr. Ambrose catapulted readers into the horrific, yet glorifying days of World War II, reigniting old memories and sparking new compassion among those who lived through the era and those who have only read about it in history books. He dedicated numerous books to the courage and sacrifice of the men and women who fought in World War II and is the founder of The National D-Day Museum in New Orleans, LA, the only museum in the country dedicated to "all of the 'D-Days' of World War II, and to those at home who supported these efforts."

From a little-known history professor came this thunderous voice for the thousands of Americans who fought to preserve the freedom of this country. His contributions to the historical education of the American people are both priceless and unmatched. His knowledge, enthusiasm and dedication to the preservation of hometown heroes and history enthusiasts alike will be greatly missed. Speaking on behalf of the state of Wisconsin, this country has certainly lost one of its finest historians.

HOLD TO H.R. 4125

Mr. GRASSLEY. Mr. President, I would like to inform my colleagues that I have requested to be notified of any unanimous consent agreement before the Senate proceeds to the consideration of H.R. 4125. I have some concerns with this bill and would like to review it further. In addition, there are other Federal courts improvement measures that could be added to make this bill better, such as my Sunshine in the Courtroom legislation, which would allow federal judges discretionary authority to allow media coverage of Federal court proceedings with appropriate safeguards.

MILITARY CONSTRUCTION APPROPRIATIONS CONFERENCE REPORT FOR FISCAL YEAR 2003

Mr. McCAIN. Mr. President, I rise yet again to address the Senate on the subject of military construction projects added to an appropriations bill that were not requested by the Department of Defense. This bill contains over $900 million in unrequested military construction projects.

I did not object to the unanimous consent request to proceed to a voice vote on the fiscal year 2003 Department of Defense Military Construction appropriations conference report because on the day that this funding bill passed, I had managed the floor for more than 16 hours while the Senate proceeded with the serious matter of debating and finally approving the Iraqi War Resolution.

America remains at war, a war that continues to unite Americans in pursuit of a common goal, to defeat terrorism. All Americans have, and undoubtably in the future will make sacrifices for this war. Many have been deeply affected by it and at times harmed by difficult, related economic circumstances. Our servicemen and women in particular are truly on the front lines in this war, separated from their families, risking their lives, and working extraordinarily long hours under the most difficult conditions to accomplish the ambitious but necessary task their country has set for them.

Every year, I come to the Senate floor to highlight programs and projects added to spending bills for primarily parochial reasons. While I recognize that many of the projects added to this bill may be worthwhile, the process by which they were selected is not.

There are 26 conferees of the Appropriations Military Construction Conference report who represent 19 States. Of those 19 States only one, Wisconsin, did not have projects added on this appropriations bill. Of 119 projects added to this bill, 60 projects are in the states represented by the MILCON Appropriations Conferees, totaling over $530 million. Those numbers, needless to say, go well beyond the realm of mere coincidence.

By adding over $900 million above the President's request, the Appropriations Conference Committee is further draining away funds desperately needed for enhancing our warfighting capability. Commonsense reforms, closing military bases, consolidating and privatizing depot maintenance, ending "Buy American" restrictions, and ending pork-barrel spending—that I have long supported would free up nearly $20 billion per year which could be used to begin our long-needed military transformation.

We are waging a war against a new enemy and at the same time undertaking a long-term process to transform our military from its cold war structure to a force ready for the challenges of tomorrow. A lack of political will had previously hamstrung the transformation process, but the President and his team have pledged to transform our military structure and operations to meet future threats.

The reorganization of our armed services was an extremely important subject before September 11, and it is all the more so now. The threats to the security of the United States, to the very lives and property of Americans, have changed in the last decade.

In the months ahead, no task before the Administration and the Congress will be more important or require greater care and deliberation than making the changes necessary to strengthen our national defense in this new, uncertain era. Needless to say, this transformation process will require enlightened, thoughtful leadership, and not the pork-barreling of military funds if we are to best serve America in this time of rapid change in the global security environment.

I look forward to the day when my appearances on the Senate floor for this purpose are no longer necessary. I reiterate, over $900 million in unrequested military construction projects were added by the Committee to the defense appropriations bill. Consider how that $900 million, when added to the savings gained through additional base closings and more cost-effective business practices, could be used so much more effectively.

The problems of our Armed Forces, whether in terms of force structure or modernization, could be more assuredly addressed and our warfighting ability greatly enhanced. The American taxpayers expect more of us, as do our brave servicemen and women who are, without question, fighting this war on global terrorism on our behalf.

But for now, unfortunately, they must witness us, seemingly blind to our responsibilities at this time of war, going about our business as usual.

SUPPORT FOR OUR TROOPS

Ms. STABENOW. Mr. President, I rise today to indicate my resolve that our men and women in uniform have this Senate's full support in whatever actions might be taken regarding Iraq and in our ongoing war against terrorism.

The question has never been whether Saddam should be disarmed but rather how best to accomplish that goal.

I was pleased to join with my colleagues, Senator CARL LEVIN, Chair of the Armed Services Committee, Senator BOB GRAHAM, Chair of the Intelligence Committee, and Senator DAN INOUYE, Chair of the Defense Appropriations Subcommittee in supporting a resolution that focused on the creation of an international coalition to enforce a tough inspection regime with real deadlines for Saddam along with the authorization of force to disarm him in cooperation with our allies through the United Nations.

But that is not the approach that was passed by this body. I hope President Bush will wisely use the broad powers that Congress has given him. I continue to hope he will take the time to assemble a worldwide coalition—ready to use force if necessary—that will convince Saddam he has no choice but to disarm.

But we have had the debate. We have had the vote. And it is time for Congress to show there are no Democrats and no Republicans when it comes to supporting our troops.

We have shown that support by quickly passing the Defense appropriations bill. This ensures our troops will have the most up-to-date weapons, fast-moving logistical support and the best pay and benefits of any armed forces in the world. This is essential to support these patriots and their families at home.

This bill does that by boosting defense spending to more than $355 billion for the fiscal year that began Oct. 1—a $34.4 billion increase over last year. This new spending will help not only with any action against Iraq, but also in honoring our commitments around the world in the global fight against terrorism.

It is important to recognize that this bill includes nearly $94 billion to provide for a 4.1 percent pay increase as well as full funding of all authorized benefits for all military personnel.

I think all of us agree that war should always be our last choice.

But, if it comes to that last resort, I promise that I will do everything within my power to ensure that our armed forces have the weapons and materials they need to defeat any enemy and expose our troops to the least possible risk.

We have to remember that it is not just Iraq that poses a threat. We still have troops in Afghanistan and the Philippines. We have seen new terrorist attacks in Kuwait, Bali and against a French oil tanker. The war against terrorism is far from over and our troops need support in that battle as well.

Upon our Nation's shoulders have fallen staggering duties as the world's sole remaining superpower. But Americans already stand on the tall shoulders of our own history and we do not shrink from these burdens.

I believe that if we stand tall for our ideals the world will follow and we can disarm Iraq and defeat world terrorism as part of a broad coalition of allies.

If our country acts alone, our men and women in uniform must always know that their Nation is united behind them in gratitude for their service, in pride of their dedication to duty and in awe of their bravery.

I yield the floor.

U.S. TRADE LAWS

Mr. BAUCUS. Mr. President, I would like to engage in a colloquy with the Senator from West Virginia. On May 23, during the debate of the trade bill, Senator ROCKEFELLER spoke on some of the provisions in the Trade Promotion Authority provisions relating to trade remedy laws. There has been continued discussion of these issues over the past several months, so I would like to take this opportunity to clarify that the points we made in discussing the Senate bill apply equally to the Conference Bill.

Section 2102(b)(14) of the TPA bill states that it is a "principal" U.S. negotiating objective to preserve, in all trade negotiations, the ability of the United States to enforce rigorously its trade remedy laws and to avoid any agreement that would require weakening of the current U.S. antidumping, countervailing duty and safeguard remedies. The Committee on Finance regards strict adherence to this directive as critical in advancing the economic interests of the United States in future trade agreements.

The directive encompasses any weakening of the existing remedies, whether at the level of statute, regulation or agency practice. This means that the Administration must reject any new international rule or obligation whose acceptance would lead to relief under our existing trade laws becoming more difficult, uncertain, or costly for domestic industries to achieve and maintain over time.

I want to highlight again some examples of new international obligations that have been proposed by WTO members, and that would obviously result in a weakening of U.S. trade laws and therefore must be rejected under the standard set out in section 2102(b)(14).

These include:

No. 1, a "public interest" rule politicizing and encumbering the administrative processes under which trade remedy laws are currently applied;

No. 2, a requirement to exempt from trade remedy measures items alleged to be in "short supply" in the domestic market;

No. 3, a "lesser duty" rule limiting antidumping and countervailing duties to some amount less than the calculated margin of dumping or subsidy, such as the amount supposedly necessary to offset the injury;

No. 4, any extension of faulty dispute resolution models such as Chapter 19 of the NAFTA;

No. 5, changes to the rules for "sunset" reviews of antidumping and CVD measures which would make it more difficult to keep relief in place;

No. 6, additional constraints or criteria for dumping calculations, in areas where current WTO rules and U.S. law vest discretion in the administering authority; and

No. 7, special rules and standards that would make it easier for a particular group of countries, such as developing countries, to utilize injurious dumping or subsidies as a means of getting ahead in international trade.

Mr. ROCKEFELLER. I agree, and I also want to clarify that section 2102(b)(14) is a "no weakening" provision, and not a "no net weakening" provision. In other words, it encompasses any new international obligation whose acceptance would impair current U.S. trade remedies by making relief costlier, more uncertain, or otherwise harder to achieve and maintain over time. An agreement that includes such changes must be rejected, and it is no answer, insofar as section 2102(b)(14) and the intent of the Congress is concerned, to contend that the agreement in question also includes some "strengthening" provisions.

As I believe the strong vote on the Dayton-Craig amendment demonstrated, it would be a serious mistake to think that an agreement or package of agreements can be successfully presented to Congress for approval, under fast-track rules or otherwise, if it includes weakening changes to our trade remedy laws.

I would also like to clarify that this negotiating directive does not preclude U.S. negotiators from addressing the very serious shortcomings that have become apparent in the operation of the WTO dispute settlement system.

Mr. BAUCUS. That is exactly right. As explained in the Finance Committee's report on the TPA measure, in a series of decisions involving trade remedy measures, the WTO Appellate Body and lower dispute settlement panels have fabricated obligations which our negotiators never accepted and blatantly disregarded the discretion which the Uruguay Round negotiators intended national investigating authorities to retain. These WTO tribunals have violated their mandate not to increase or reduce the rights and obligations of WTO Members; have imposed their preferences and interpretations, and those of a biased WTO Secretariat, on the United States and on other WTO Members; and have issued decisions with no basis in the legal texts they supposedly were interpreting.

The effect has been to upset the careful balance achieved in the Uruguay Round by adding new, and wholly unwarranted, constraints on the use of trade remedies. The no-weakening directive presents no impediment to the pursuit of a forceful U.S. agenda to address the problems plaguing WTO dispute settlement.

COST ESTIMATES—S. 2667, H.R. 3656, AND H.R. 4073

Mr. BIDEN. Mr. President, on October 8, the Committee on Foreign Relations ordered reported three bills, S. 2667, H.R. 3656, and H.R. 4073. I ask unanimous consent that the cost estimates prepared by the Congressional Budget Office with regard to these bills be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, October 10, 2002.
Hon. JOSEPH R. BIDEN, Jr.,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 2667, the Peace Corps Charter for the 21st Century Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Joseph C. Whitehill, who can be reached at 226–2840.

Sincerely,
BARRY B. ANDERSON
(For Dan L. Crippen, Director).

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

S. 2667—Peace Corps Charter for the 21st Century Act

Summary: S. 2667 would authorize appropriations for the Peace Corps for years 2004 through 2007 totaling $2.1 billion. It would authorize a doubling in the number of volunteers to 14,000 and would increase the authorized readjustment allowance paid to returning volunteers to $275 for each month of service. The bill also would authorize $10 million in 2003 for a grant program to support returned Peace Corps volunteers' efforts to promote a better understanding of other peoples on the part of the American people. Assuming the appropriation of the authorized amounts, CBO estimates that implementing S. 2667 would cost $1.9 billion over the 2003–2007 period. S. 2667 would not affect direct spending or revenues.

S. 2667 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would not affect the budgets of state, local, or tribal governments.

Estimated cost to the Federal Government: The estimated budgetary impact of S. 2667 is shown in the following table. The costs of this legislation fall within budget function 150 (international affairs). For this estimate, CBO assumes that the legislation will be enacted early in fiscal year 2003, that the authorized amounts specified in the bill for each year over the 2003–2007 period will be provided in annual appropriation acts near the start of each fiscal year, and that outlays will follow historical spending patterns.

	By fiscal year, in millions of dollars—					
	2002	2003	2004	2005	2006	2007
SPENDING SUBJECT TO APPROPRIATION						
Spending Under Current Law for the Peace Corps:						
Authorization Level[1]	275	365	0	0	0	0
Estimated Outlays	276	343	72	8	2	0
Proposed Changes:						
Authorization Level	0	10	465	500	560	560
Estimated Outlays	0	8	365	474	536	549
Spending Under S. 2667 for the Peace Corps:						
Authorization Level	275	375	465	500	560	600
Estimated Outlays	276	351	437	482	538	549

[1] The 2002 level is the amount appropriated for that year. Section 3(b)(1) of the Peace Corps Act authorizes the appropriation of $365 million in 2003.

Intergovernmental and private-sector impact: S. 2667 contains no intergovernmental or private-sector mandates as defined in UMRA and would not affect the budgets of state, local, or tribal governments.

Estimate prepared by: Federal Costs: Joseph C. Whitehill (226–2840); Impact on State, Local, and Tribal Governments: Greg Waring (225–3220); and Impact on the Private Sector: Paige Piper/Bach (226–2940).

Estimate approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, October 10, 2002.
Hon. JOSEPH R. BIDEN, Jr.,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 3656, an act to amend the International Organizations Immunities Act to provide for the applicability of that act to the European Central Bank.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Joseph C. Whitehill, who can be reached at 226–2840.

Sincerely,
BARRY B. ANDERSON
(For Dan L. Crippen, Director).

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

H.R. 3656—An act to amend the International Organizations Immunities Act to provide for the applicability of that act to the European Central Bank

H.R. 3656 would extend to the European Central Bank (ECB) the same privileges, exemptions, and immunities given to the central banks of sovereign states. Specifically, it would protect the ECB's assets from judicial process and attachment. The ECB is an independent legal entity owned by the central banks of the 12 countries of the European Union that comprise the euro area and functions as the central bank for the euro. It holds some of the foreign reserve assets of those countries in the Federal Reserve Bank of New York and commercial banks in the United States. The act would assure that the assets held collectively by the ECB retain the same protection they had when they were held separately by the central banks of its member countries. CBO estimates that H.R. 3656 would have no effect on federal spending or receipts.

H.R. 3656 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

On March 27, 2002, CBO transmitted an estimate for H.R. 3656 as ordered reported by the House Committee on International Relations on March 20, 2002. The two versions of the legislation are identical, as are the two cost estimates.

The CBO staff contact is Joseph C. Whitehill, who can be reached at 226–2840. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, October 10, 2002.
Hon. JOSEPH R. BIDEN, Jr.,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 4073, an act to amend the Microenterprise for Self-Reliance Act of 2000 and the Foreign Assistance Act of 1961 to increase assistance for the poorest people in developing countries under microenterprise assistance programs under those acts, and for other purposes.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Joseph C. Whitehill.

Sincerely,
BARRY B. ANDERSON,
(For Dan L. Crippen, Director).

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

H.R. 4073—An act to amend the Microenterprise for Self-Reliance Act of 2000 and the Foreign Assistance Act of 1961 to increase assistance for the poorest people in developing countries under microenterprise assistance programs under those Acts, and for other purposes

Summary: H.R. 4073 would authorize the appropriation of $175 million in 2003 and $200 million in 2004 for grants and credits to microenterprise development programs, or programs that would provide access to financial service to poor persons in developing countries. The act would place emphasis on assistance to persons living within the bottom 50 percent below a country's poverty line or living on less than the equivalent of $1 per day. CBO estimates that implementing H.R. 4073 would cost $328 million over the 2003–2007 period, assuming the appropriation of the authorized amounts. The act would not affect direct spending or revenues.

H.R. 4073 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would not affect the budgets of state, local, or tribal governments.

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 4073 is shown in the following table. The estimate assumes this legislation will be enacted near the beginning of 2003, that the specified amounts will be appropriated before the start of each fiscal year, and that outlays will follow historical spending patterns. The costs of this legislation fall within budget function 150 (international affairs).

	By fiscal year, in millions of dollars—					
	2002	2003	2004	2005	2006	2007
SPENDING SUBJECT TO APPROPRIATION						
Spending Under Current Law for Microenterprise Assistance Programs:						
Budget Authority[1]	155	0	0	0	0	0
Estimated Outlays	131	118	66	34	18	10
Proposed Changes:						
Authorization Level	0	175	200	0	0	0
Estimated Outlays	0	23	91	113	67	34
Spending Under H.R. 4073 for Microenterprise Assistance Programs:						
Authorization Level	155	175	200	0	0	0
Estimated Outlays	131	141	157	147	85	44

[1] The 2002 level is the amount appropriated for that year.

Intergovernmental and private-sector impact: H.R. 4073 contains no intergovernmental or private-sector mandates as defined in UMRA and would not affect the budgets of state, local, or tribal governments.

Previous CBO estimate: On May 1, 2002, CBO transmitted an estimate for H.R. 4073 as ordered reported by the House Committee on International Relations on April 25, 2002. The two versions of the legislation are identical, as are the two estimates.

Estimate prepared by: Federal Costs: Joseph C. Whitehill; Impact on State, Local, and Tribal Governments: Greg Waring; and Impact on the Private Sector: Paige Piper/Bach.

Estimate approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

THE CENTER FOR THE ADVANCEMENT OF LEADERSHIP

Mr. HATCH. Mr. President, I rise today to highlight a very important initiative in my State of Utah, The Center for Advancement of Leadership.

The Center for the Advancement of Leadership was approved by the Utah

Board of Regents in January of 2001 and operates as a part of the Utah Valley State College School of Business.

The center was established for college students, K–12 students, and professional practitioners to accomplish several goals: first, to advance leadership and character development education through classes, programs, and conferences; second, to expand the body of leadership knowledge through studies, projects, and research; and finally, to reinforce the importance of ethical behavior in doing business.

In order to accomplish these goals, the center has undertaken several projects designed to establish leadership education programs for each of the target demographics mentioned.

The focal point of the center is the certification program for students from all collegiate disciplines attending Utah Valley State College, UVSC. Students may earn a "Leadership Certificate" that will be a part of their official college transcript by completing 15 credit hours in leadership management.

The center and the School of Business at UVSC have launched a leadership education program that is reaching students in several of the local high schools. These students, through state-approved concurrent enrollment, are receiving college credit in high school for taking School of Business leadership classes.

UVSC Athletics and the center, along with local school districts and community-based organizations, have developed and implemented a program titled, "No Greater Heroes." Student athletes from UVSC use a well-planned script to present a high-powered, energetic program that builds self-confidence in young, elementary school-age children. They are taught character-development abilities to set high standards for themselves.

The center will also provide support to the "Why Try" program for junior high schools. "Why Try" was created to provide simple hands-on solutions for helping youth overcome challenges. The goal of the "Why Try" program is to help youth answer the question, "Why try in life?" during times when they are frustrated, confused, or angry with life's pressures. It teaches youth that it is worth putting the effort in overcoming the challenges at home, at school, and with peers. It also provides opportunity from more freedom and self-respect.

The center also hosts the Annual Leadership Conference on the campus of Utah Valley State College. Keynote speakers in the past have included such high-profile individuals as Sheri Dew, Rulon Gardner, Ed J. Pinegar, Steve Young, and Denis Waitley. During this 1-day conference, attendees are able to learn from some of the best minds in the leadership field. In addition to the keynote addresses, participants are able to choose from a diverse selection of topics for breakout sessions. The topics are tailored to meet the needs of the students, advisors, and business and community leaders.

There is significant demand for the current leadership programs at UVSC. Already 15 students have graduated from UVSC with a "Certificate in Leadership," 45 are enrolled in the 4-year integrated studies program with a leadership emphasis, and over 100 taking classes toward the certification program; the concurrent enrollment classes have increased from seven high schools to 10 high schools, with 13 more waiting to participate; "No Greater Heroes" has a waiting list of elementary schools wanting to participate; and the attendance at the annual conference has grown from a couple of hundred to several thousand.

I commend the center for taking on these important projects. I am pleased to be able to share with my colleagues some examples of the fine work done by the center. I am very supportive of this program and commend it to my colleagues as an excellent example of educational innovation.

PROTECTION OF LAWFUL COMMERCE IN ARMS ACT

Mr. KYL. Mr. President, I rise today to cosponsor the Protection of Lawful Commerce in Arms Act, S. 2268. I feel that this bill is necessary in light of the large numbers of lawsuits initiated in recent years seeking to impose liability on gun manufacturers and dealers for the violent conduct of third-party criminals. At common law, tort liability would not lie for harm that was proximately caused by the intervening acts of a third party. It was universally understood that you could not hold a person responsible for the behavior of another person whom he did not control. Applying these long-standing principles, the vast majority of courts have thrown out these types of gun lawsuits.

Unfortunately, however, some courts have allowed these suits to go forward. Ohio's Supreme Court, for example, recently overruled both trial courts and appellate courts when, in a 4–3 vote, it reinstated a lawsuit against firearms manufacturers brought by the City of Cincinnati. Lower courts in Massachusetts have also allowed such lawsuits to go forward.

This type of politicized litigation affects all firearms manufacturers' and dealers' right to conduct lawful commerce. These lawsuits thus affect all Americans' second amendment rights, not just the rights of those in the jurisdictions that have allowed these suits to go forward. For this reason, a Federal solution to this problem is appropriate.

I, therefore, am pleased to cosponsor S. 2268, though I do so with one reservation. The bill as introduced in the Senate appears that it would not only bar political lawsuits, but would also bar recovery for a type of claim that I believe to be legitimate: an action for damages that result if a dealer knowingly or negligently sells a gun to a criminal. The same concern about barring this type of lawsuit was raised during the House of Representatives' consideration of the House companion to this bill, one member knew of a case in his district in which a dealer was sued for selling a gun to someone who was intoxicated. In response, the House Commerce Subcommittee on Commerce, Trade, and Consumer Protection added an additional exception to the bill's preemption for actions arising from: the supplying of a firearm or an ammunition product by a seller for use by another person when the seller knows or should know the person to whom the product has been supplied is likely to use the product, and in fact does use the product, in a manner involving unreasonable risk of injury to himself and others.

I believe that this House amendment is sufficient to allow legitimate lawsuits for harm arising from improper gun sales to go forward, while still protecting dealers and manufacturers from politicized anti-gun litigation. On the understanding that Senate conferees would accede to this or an equivalent provision in the House-Senate conference on this legislation, I am pleased to cosponsor the Protection of Lawful Commerce in Arms Act.

RETIREMENT OF CONGRESSMAN JOHN LaFALCE

Mr. SARBANES. Mr. President, Congressman JOHN LAFALCE, the ranking member of the House Committee on Financial Services, has announced his retirement after 28 years of dedicated service to his constituents in upstate New York and to our country.

I rise today to acknowledge and applaud the interests and accomplishments of JOHN LAFALCE during his long and productive career in Congress, and to wish him the very best in his future endeavors. We served together in the House, and we worked closely on a bicameral basis for many years on a variety of financial, consumer, and community development issues.

By way of background, JOHN LAFALCE was first elected to Congress from the 32nd Congressional District of New York in 1974 as part of the "Watergate class." His victory was the first by a Democrat since 1912. His constituents then had the wisdom to return him to Washington as their representative 14 times. Since his arrival in the House, his committee assignments have included the Committee on Banking, Finance and Urban Affairs—the counterpart to the Senate committee I am honored to chair—and the Committee on Small Business, which he chaired from 1987 until 1994. He was elected ranking Democrat on the renamed Committee on Financial Services in 1998.

I know firsthand of JOHN's passion for public policy—and the intellectual vigor he brought to its formulation—because of our common interests and frequent collaboration in such areas as consumer protection, housing and community development, the safety and soundness of the financial system, corporate accountability, financial modernization, and the effectiveness of international lending programs.

Let me offer some illustrations. Congressman LAFALCE was a leader in the longstanding efforts to modernize the Nation's complex financial services system to promote competition between financial intermediaries while protecting consumers and ensuring that financial institutions continue to contribute to community development and provide services to unserved and underserved communities and populations. Early in 1999, working closely with the Clinton Treasury Department, JOHN helped to jump-start serious consideration of financial modernization legislation by garnering administration support for the first time in the recent history of that debate. That bill provided the basis for the eventual bipartisan agreement that led to enactment of Gramm-Leach-Bliley, referred to by The New York Times as "landmark legislation. . . . The pre-eminent legislative accomplishment of the year."

More recently, JOHN has been a leading advocate for strong investor protections. He sounded some of the earliest and most accurate alarms about conflicts of interest by investment professionals, questionable accounting practices, inadequate enforcement efforts by the SEC, and inadequate agency funding. The colossal failures of Enron, WorldCom, Global Crossing, and other firms, and the devastating impact on investors and on the working men and women of those companies, have more than justified JOHN's concerns.

JOHN was a prime mover of the sweeping corporate accounting reform legislation signed into law by President Bush on July 25, 2002. JOHN actually introduced in the House in early February of this year the first comprehensive legislative solution offered to address the serious problems in the capital markets and corporate boardrooms. JOHN deserves the praise he has received from many consumer, investor, and labor groups for his leadership in helping to achieve these landmark reforms. A comment by AFL–CIO president JOHN SWEENEY is typical of the praise JOHN received: "I particularly want to thank Congressman LAFALCE, who has really stood out these last few months as a leader ready to take on powerful Wall Street and big money interests on behalf of working families."

I want to make one last observation about JOHN's legislative legacy. Over the years, he has been a tireless and committed crusader for consumers and community development.

For example, in the area of financial privacy, where JOHN and I have worked so closely together, it was legislation that JOHN had introduced in 1998 and 1999 that laid the basis for the historic financial privacy protections that Congress included within Gramm-Leach-Bliley. Since then, JOHN and I have continued to work on new legislation to further enhance these financial privacy protections.

Similarly, JOHN has been a leader in the fight against predatory lending. He crafted excellent legislation that would provide real and substantive protections for the many homeowners, many of whom are elderly, minorities, or immigrants who are financially unsophisticated, who fall prey to unscrupulous mortgage lenders and brokers. I have used JOHN's bill as a basis for my own legislation here in the Senate.

JOHN has also been a strong and consistent advocate for the Community Reinvestment Act. During the debate surrounding financial modernization legislation, we opposed those who wanted to either repeal or undermine it. He has been an ardent defender of funding for affordable housing and community development and has taken the lead in enacting into law important elderly housing and homeless prevention provisions. In addition, he has developed major legislative initiatives to expand homeownership opportunities, and reform the mortgage loan process.

I have had the pleasure and privilege of knowing and working closely with JOHN for almost three decades. I do not expect his retirement from elective office to end either his public service or his significant contributions to our Nation. In fact, I have every expectation that JOHN LAFALCE will continue to be an active, thoughtful, and valuable contributor to public debate on critical national issues.

Finally, I pay tribute to JOHN's staff. JOHN has been the first to point out that he has always surrounded himself with talented people. Jeanne Roslanowick is an outstanding public servant, and we will miss working with her and the rest of his staff.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of last year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred July 23, 2001 in Thibodaux, LA. Two white teens attacked and injured a black woman by shooting her in the face with a paintball gun. The victim and her husband were walking through their front yard when the two teens attacked. Prior to the assault, the teens were heard to say that they wanted to "shoot black people", and police investigated the incident as a hate crime. The victim was treated for her injuries in a local hospital.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

SALUTE TO LIEUTENANT COLONEL LEE A. ARCHER, JR., USAF (RET.)

Mr. LEVIN. Mr. President, tomorrow night I have the privilege of speaking at the Tuskegee Airmen National Historical Museum's 17th Annual Salute Reception and Dinner in my hometown of Detroit. This event is held each year at the museum to present an outstanding individual with a Distinguished Achievement Award. This year's honoree is Lieutenant Colonel Lee A. Archer, who was one of the original Tuskegee Airmen. He is being honored for his exemplary military, corporate executive, and entrepreneurial careers.

Colonel Archer was born in 1921 and enlisted in the Army in 1941. He received his commission after training at the Tuskegee Army Air Field in Alabama and was assigned to the 332nd Fighter Group. He successfully flew 169 combat missions over central and southern Europe and had 4.5 confirmed aerial victories. He modestly shared credit with another pilot for the first victory but a subsequent review indicated that he deserved full credit and the coveted status of "Ace." He received the Distinguished Flying Cross and the Air Medal with 18 Oak Leaf Clusters and numerous other awards over the course of his Active Duty career, which lasted 29 years.

These tremendous accomplishments would probably satisfy most people. But Colonel Archer has since gone on to have an equally successful business career. After retiring from the Air Force, he joined the General Foods Corporation in 1970 and became a director just 1 year later. In 1975, he was elected corporate vice president of General Foods. Over the years, he also served as president, chairman, and chief executive officer, CEO, of Vanguard Capital Corporation; chairman and CEO of Hudson Commercial Corporation; and Chairman and CEO of Archer Associates, LTF, a venture capital holding corporation. This is just a partial listing, and doesn't include his numerous civic activities and board memberships.

Colonel Archer, along with his fellow Tuskegee Airmen, and the other members of the "Greatest Generation" who fought in the Second World War have earned our Nation's enduring respect and gratitude for their heroic and selfless deeds in defense of our country, our freedoms, and our way of life.

Regrettably, the Tuskegee Airmen faced rigid segregation and a prevailing prejudice that questioned their ability to serve as Airmen and prevented them from training and working with their white counterparts. But they certainly proved their mettle. Led by the recently departed General Benjamin O. Davis, the first black general in the Air Force; Colonel Archer; and so many other valiant men, the Tuskegee Airmen flew over 15,500 sorties, completed over 1,500 combat missions, and downed over 260 enemy aircraft. They even sank a German destroyer in the harbor of Trieste, Italy. Amazingly, no bomber escorted by the Tuskegee Airmen was ever downed by enemy aircraft.

All in all, 992 men graduated from pilot training at Tuskegee during World War II, 450 of whom were sent overseas for combat assignment. One hundred and fifty men made the supreme sacrifice for our Nation and were killed while in training or on combat missions. Thirty-two downed Airmen were taken as prisoners of war.

Collectively, the Tuskegee Airmen received 3 Presidential Citations, 95 distinguished flying crosses, 8 purple hearts and 14 bronze stars.

Upon returning home from war, these Airmen found a society still deeply segregated. The Tuskegee Airmen themselves remained segregated from the larger military and were unable to provide their skills and aptitude to other units that were in dire need of qualified airmen. It was not until President Truman issued Executive Order 9981 that segregation was ended in the United States Armed Services. This Executive Order played a vital role in the subsequent integration of our Nation. The valor and dedication of the Tuskegee Airmen played a vital role in changing our Nation's attitude toward integration and racial diversity.

The author and historian Edith Hamilton, commenting on the works of the ancient Greek dramatist Aeschylus, said, "Life for him was an adventure; perilous indeed, but men are not made for safe havens." Certainly, life for Lee Archer has been an adventure, perilous indeed. Certainly, Lee Archer was not made for safe havens; nor has he ever sought them. All Americans are the better for it.

CYBER SECURITY RESEARCH AND DEVELOPMENT ACT, S. 2182

Mr. HATCH. Mr. President, I rise to comment on the passage of H.R. 3394, the Cyber Security and Research Development Act. I want to specifically congratulate and thank Senators ALLEN and WYDEN for proposing this measure and for working with me to address a few concerns I had relating to ensuring appropriate national security protections.

This important legislation authorizes computer and network security research and development and research fellowships through the National Science Foundation and the Secretary of Commerce for the National Institute of Standards and Technology. This legislation is an important step in protecting our country's computer infrastructure, and will quickly bear fruit by increasing research and development in this critical area.

Our country's computer infrastructure is critical to our nation's homeland defense. This measure is a much needed effort to improve our research and development efforts in this area by enlisting and bolstering research by our universities, colleges, and research entities. At the same time, I wanted to ensure that access to such critical cyber-research information is appropriately tailored to ensure that our national security interests are protected.

Mr. President, I want to highlight the modifications that I proposed and were included in the bill. These include: (1) expanding the purposes for such grants to include research to enhance law enforcement efforts to detect, investigate and prosecute cybercrimes, including those that involve piracy of intellectual property, and (2) ensuring compliance with the immigration laws by requiring that those who receive funds comply with United States immigration laws and are not from countries that sponsor international terrorism terrorism, unless the Attorney General and Secretary of States make an individualized determination that the individual is not a threat to our national security. Theft of intellectual property on the internet is becoming a serious threat to many in our creative community and one of our most important exports.

Again, I am grateful that the authors of this legislation were willing to work with me to include these modifications and I strongly support enactment of this legislation into law.

AMERICA'S STRENGTHENED RESOLVE

Mr. SANTORUM. Mr. President, this year, we did not wait passively for September to arrive; we began preparing weeks ago to greet this month with offerings of memorial in hand. At services across the Commonwealth and in remembrances around the country, last fall's attacks have again drawn the focus of our Nation. There is a new sentiment this time around, though, one that is hopeful, grateful, more determined, and less confused.

For all of us, it has been a week of reflection on the losses and lessons of the attack that changed our history and our lives. The destruction wrought by a hateful few was intended to unravel America's strength, but it has only made us stronger. And from this strength, we have come to understand that the tragedy of last September 11 has in fact blessed us with an opportunity. The attacks are still tangible in Pennsylvania, and so we take this opportunity very seriously, proud to have a part in creating a positive legacy for 9/11. It was aboard the plane that crashed in Shanksville that America's response to terrorism first began.

Somerset County, for this reason, will be a symbol of the heroism and sacrifice that a few brave, ordinary citizens chose to exhibit when faced with the most difficult and dangerous situation of their lives. Shanksville, the World Trade Towers, and the Pentagon can all be reminders of what the American spirit is capable of overcoming, of what Todd Beamer meant when he said, "Let's roll," if we as a Nation choose to make it so. The anniversary of September 11 should, therefore, be about the resolve to honor the memories of all those lost to the terrorist attacks by living to make ourselves, our communities, and our country better.

Looking back over the past twelve months, the most inspiring aspect of the national recovery effort was the compassion, cooperation, and concern that citizens across the country shared with one another. Through the charity of time, prayer, blood, consolation, money, and other expressions of support, Americans exhibited a goodwill that is rarely seen so universally, but comes so naturally to us all at times of crisis. As we settle back into our normal, peaceful lives, however, this goodwill tends to steal away from us. As a result, our collective awareness of a common humanity and a world view larger than our own back yards also begins to fade. In the aftermath of 9/11 and the years to follow the shock of terrorism on our soil, we must renew the commitment we have to our neighbors, our communities, and our Nation. Across the country, we can make the courage and responsibility displayed by the heroes at Ground Zero endure. In this way, we will triumph over evil and devastation, and we can try to make sense out of all that we have suffered.

When I first visited the cratered field in Shanksville, and when I returned to that crash site this week, I was struck by the importance of our continued hope. I was also inspired by the strength of those Flight 93 family members, now carrying the torches of their loved ones who gave their last measure of bravery for our nation. I have resolved to make every day a memorial to September 11th by working to keep the bigger picture in mind and a better world in sight. I hope you will find your own way to keep and exhibit this renewed American spirit in your lives. May God bless you and our great country.

USDA TESTING FOR CHRONIC WASTING DISEASE

Mr. FEINGOLD. Mr. President, I rise today to urge Secretary Veneman to provide more details on the United States Department of Agriculture's recent announcement regarding chronic wasting disease, CWD, testing, and urge her to provide hunters with more testing opportunities for CWD.

On Tuesday of this week, USDA announced an increase of up to 200,000 more Government-approved tests for chronic wasting disease this deer hunting season. Prior to the announcement, USDA officials have said labs certified to test for the disease would only accommodate the needs of the Wisconsin Department of Natural Resources, DNR, and not provide testing opportunities for hunters.

I appreciate USDA's recent decision to allow Government laboratories certified by the U.S. Department of Agriculture, USDA, to offer an additional 200,000 chronic wasting disease or CWD tests to Wisconsin hunters. As I noted in my September 24, 2002, letter to Secretary Veneman, given hunters' concerns in my state, it is appropriate for USDA to offer any excess test processing capacity in the Government system to Wisconsin on a priority basis. This assistance from USDA allows Wisconsin to be able to offer testing to our hunters on request, and gives Wisconsin hunters access to the "gold standard" immunohistochemistry, IHC, test.

While I commend USDA for these efforts, I will be closely monitoring the implementation of the new testing program in the State, and in particular the Department's stated commitment of providing 200,000 more tests to Wisconsin hunters. It is important to note that nine of the Government laboratories that will be processing Wisconsin tests this fall have not previously conducted such tests. Given the time it took to get the Wisconsin State Veterinary Laboratory in a position to be able to process CWD tests, USDA must be vigilant in ensuring that these Government labs are ready in the next month. In addition, I also urge USDA to assist the State of Wisconsin in ensuring that the labs that will process Wisconsin's CWD tests provide accurate and prompt information regarding the test processing costs.

I commend the USDA for finally taking steps to provide more testing opportunities through Government labs. But the USDA must do more, including continuing efforts to certify private labs, like the Marshfield Clinic, and to approve rapid test kits for this fall's hunt. I want to ensure that USDA meets, and I hope exceeds, its commitment of providing 200,000 additional tests to Wisconsin's hunters for this year's hunt.

To that end, I hope that the administration will endorse my legislation, S. 3090, the Comprehensive Wildlife Disease Testing Acceleration Act of 2002. This legislation would provide hunters with more testing opportunities for chronic wasting disease by requiring USDA to develop appropriate testing protocols and to certify private labs to conduct CWD tests.

My legislation will remove bureaucratic roadblocks by requiring the USDA to expand the number of labs that can provide CWD testing to hunters. Until I am satisfied that USDA has done everything possible to bring this disease under control, I will continue to press this legislation forward.

Our 2001 deer hunt involved more than 400,000 deer. With only 250,000 tests total for Wisconsin, some hunters may still lack the ability to have their deer tested. USDA must continue efforts to provide more testing opportunities for hunters. By certifying private labs like the Marshfield Clinic and approving a rapid test this fall, USDA can ensure that Wisconsin hunters have the information they deserve.

Action on this problem is urgently needed. I am glad that the Secretary has finally begun to take a step in the right direction, and I urge her to undertake all the necessary measures to bring these diseases under control.

PRESCRIPTION DRUGS

Mr. SMITH of Oregon. Mr. President, we have been debating important issues in the Senate these past few weeks, Homeland Security, and the possibility of war in Iraq, and other issues that have resulted from 9/11. While these important debates take place here on the Senate floor and in the kitchens and living rooms across America, there is still another longstanding issue that affects the health and livelihood of our senior citizens, that of prescription drug coverage for our nation's seniors.

As the end of the legislative year looms closer, I am angry to say that we are no closer to having a prescription drug program for our seniors. When the Senate debated the addition of a prescription drug benefit to the Medicare program in July, there was clear agreement that such a benefit was badly needed and that time was of the essence for delivering such a benefit to America's seniors. Over several weeks of debate on prescription drugs, progress was made toward agreement, but unfortunately, the discussion was cut short by the August recess.

I believe this issue is so important, and so urgent for seniors, that I stand before you today to say that this Congress should stay in session until we are able to pass a prescription drug benefit for our seniors. It is not too late to pass a prescription drug bill this year.

With the help of new treatments and therapies, it is now possible for seniors to live longer and better than at any other time in history. Every day that Medicare excludes prescription drugs from coverage is a day that countless seniors will not have access to medications that could improve their health—or save their lives. In addition, every year that passes without adding a prescription drug benefit to Medicare, the cost of adding such a benefit increases substantially.

In recent weeks, there has been a lot of talk about adjusting Medicare payments to reimburse health care providers fairly for treating seniors. My home state of Oregon ranks 46th in the country for Medicare spending per beneficiary. These incredibly low Medicare reimbursement rates have made it impossible for some health care providers to continue serving Medicare beneficiaries. This means that many seniors in Oregon are now having difficulty even finding a health care provider to see them. Therefore, I am very supportive of the Medicare provider payment components of the package proposed by Senators BAUCUS and GRASSLEY, and I urge passage of this legislation before this Congress adjourns. However, I also believe there must be renewed interest in reaching a consensus on how to add an affordable, universal, voluntary prescription drug benefit to Medicare this year.

I know we have a lot of work to do this year. Urgent work, important work. But I can think of no more important issue than ensuring that our parents, our neighbors, our friends, our Nation's seniors, never have to lose their homes when they lose their health. We can pass a prescription drug bill this year, and we must. I urge my colleagues to stay in Washington until we are able to pass a prescription drug benefit for our Nation's seniors, and have it signed into law.

FDA APPROVAL OF BUPRENORPHINE/NALOXONE

Mr. LEVIN. Mr. President, last week, the fight against heroin addiction took a major leap forward after a decade of struggle. On October 8, 2002, the Food and Drug Administration, FDA, announced the approval of a new anti-addiction drug, buprenorphine/naloxone, which, followed with the directives of a new law I authored along with Senators HATCH and BIDEN, makes a dramatic change in the way America fights heroin addiction. This new anti-addiction drug, developed under a Cooperative Research and Development Agreement, CRADA, between the National Institute on Drug Abuse, NIDA, and a private pharmaceutical company, has been the subject of extensive successful research and clinical trials in the United States. The new law, the Drug Addition Treatment Act of 2000, permits, for the first time, such anti-addiction medications to be dispensed in the private office of qualified physicians, rather than in a centralized clinic. That change can have a revolutionary reduction in the number of addicts, the crimes some of them commit, and the heroin related deaths which have occurred.

This newly approved anti-addiction medication has already been in use in France, where significant success has been achieved in getting patients off of heroin, reducing drug-related crime and reducing heroin-related deaths. For example, user crime in France and arrests are down by 57 percent and there has been an 80 percent decline in deaths by heroin overdose.

It is estimated that there are approximately 1 million individuals in the U.S. who are addicted to heroin. The new office-based system is a revolutionary change and will make our communities better and safer places to live. It will open the door to tens of thousands of individuals to get rid of their addiction, but are now unable to or are reluctant to seek medical treatment at centralized methadone clinics, where their appearance amounts to an announcement of their addiction and which for many addicts are difficult to get to for their once or twice a day use. According to a report by the Department of Health and Human Services, many individuals who want to get rid of their addiction will not go to centralized clinics, ". . . because of the stigma of being in methadone treatment . . ." The report went on to say that HHS was:

> . . . especially encouraged by the results of published clinical studies of buprenorphine. Buprenorphine is a partial mu opiate receptor agonist, in Schedule V of the Controlled Substances Act, with unique properties which differentiate it from full agonists such as methadone or LAAM. The pharmacology of the combination tablet consisting of buprenorhine and naloxone results in . . . low value and low desirability for diversion on the street. Published clinical studies suggest that it has very limited euphorigenic affects, and has the ability to precipitate withdrawal in individuals who are highly dependent upon other opioids. Thus, buprenorphine and Buprenorphine/naloxone products are expected to have low diversion potential . . . and should incerase the amount of treatment capacity available and expand the range of treatment options that can be used by physicians.

The compelling need for this new system of treatment is borne out in some astonishing data. A recent study by the U.S. Office of National Drug Control Policy, ONDCP, released in January of this year, shows that illegal drugs drain $160 billion a year from the American economy; and that the majority of these costs, $98.5 billion, stem from lost productivity due to drug-related illnesses and deaths, as well as incarcerations and work hours missed by victims of crime. The report found that illegal drug use cost the health-care industry $12.9 billion in 1998. Commenting on the release of the study, ONDCP Director John P. Walters said:

> Drugs are a direct threat to the economic security of the United States . . . and results in lower productivity, more workplace accidents, and higher health-care costs, all of which constrain America's economic output. Reducing substance abuse now would have an immediate, positive impact on our economic vitality. When we talk about the toll that drugs take on our country, especially on our young people, we usually point to the human costs: lives ruined, potential extinguished, and dreams derailed. This study provides some grim accounting, putting a specific dollar figure on the economic waste that illegal drugs represent.

Another recent study, released in September of this year, determined that the majority of drug offenders in our State prisons have no history of violence or high-level drug dealing. The study found that of the estimated 250,000 drug offenders in state prisons, 58 percent are nonviolent offenders. The authors concluded that these nonviolent offenders ". . . represent a pool of appropriate candidates for diversion to treatment programs . . . ." They went on to say that "The 'war on drugs' has been overly punitive and costly and has diverted attention and resources from potentially more constructive approaches."

Of the juveniles who land behind bars in State institutions, more than 60 percent of them reported using drugs once a week or more, and over 40 percent reported being under the influence of drugs while committing crimes, according to a report from the Bureau of Justice Statistics. Drug-related incarcerations are up and we are building more jails and prisons to accommodate them, more than 1000 have been built over the past 20 years. According to the July 14, 1999 Office of National Drug Control Policy Update, "Drug-related arrests are up from 1.1 million arrests in 1988 to 1.6 million arrests in 1997—steady increases every year since 1991."

In a September 3, 2001 interview with the New York Times, then-Drug Enforcement Administration nominee Asa Hutchinson underscored the need for drug rehabilitation for nonviolent offenders, saying that we are "not going to arrest [our] way out of this problem."

I believe that the system that we have finally put in place will effectively put America on the right road to fighting and winning the heroin addiction war. It has been a long and difficult road for over a decade. First, in providing the resources to help speed the development and delivery of anti-addiction drugs that block the craving for illicit addictive substances. Second, authoring a law that would allow for such medications to be dispensed in an office-based setting rather than centralized clinics, by physicians who are certified in the treatment of addiction. In 1996, the Senate adopted my amendment to the budget resolution to steer $500 million over 6 years to the National Institute on Drug Abuse, which resulted in substantial increases in funding for research conducted by the National Institute on Drug Abuse. Then, in 1997, when Senator Moynihan and Senator Bob Kerrey joined me in convening a panel of experts to present their expert views at a Drug Forum on Anti-addiction Research, in an effort to assess the level of progress and needed support to expedite new anti-addiction discoveries. In October, 2000, the Drug Addiction Treatment Act, was enacted into law. Today, we are taking a giant step forward with the Food and Drug Administration's approval of this new anti-addiction drug, which will allow for the appropriate and long awaited, conventional, office based approach to addiction treatment in this country.

The protections in the new law against abuse are as follows: Physicians may not treat more than 30 patients in an office setting; appropriate counseling and other ancillary services must be offered. Under this legislation the Attorney General may terminate a physician's DEA registration if these conditions are violated and the program may be discontinued altogether if the Secretary of HHS and Attorney General determine that this new type of decentralized treatment has not proven to be an effective form of treatment.

This great success would not have been possible without the scientific genius, leadership and steadfast support of many individuals, including, Dr. Alan Leshner, who, during his 7-year tenure as Director of NIDA, energetically led the government initiated partnership that produced buprenorphine/naloxone for the treatment of heroin addiction; Dr. Frank Vocci, a brilliant scientist who heads up Medications Development at NIDA and whose tutoring has led me to a better understanding of the science of addiction; Dr. Charles Schuster of Wayne State University, a past director of NIDA who has conducted clinical trials on buprenorphine/naloxone, the results of which have been presented in testimony before Congress. Dr. Schuster has been my resource and my guide on this issue from the very beginning and his advice and expertise continues today; Dr. James H. Woods, Director of Drug Addiction Research Projects at the University of Michigan, has long been a progressive force in the area of addiction research, and has been an effective voice in the formulation of legislative policy in the area of addiction both at home and abroad. Dr. Herbert Kleber, Professor of Psychiatry at Columbia University and one of the Nation's foremost experts on drug addiction and treatment, provided invaluable assistance to me in putting together this new system of treatment. Dr. Chris-Ellyn Johanson, President-elect of the College on Problems of Drug Dependence and Professor in the Department of Psychiatry and Behavioral Neuroscience at Wayne State University, has made major contributions to understanding the basis of the buprenorphine therapeutic effects in the treatment of heroin abuse and dependence; and Dr. Stephanie Meyers Schim, former president of the Michigan Public Health Association, who has helped us to understand that drug addiction is a public health problem that is in crisis and that our health policies should reflect this reality.

In closing, I would like to thank those who too often go unnoticed, the Senate staff members who kept this legislation on track despite the many twists and turns and the unforeseen challenges along the way. My Deputy Legislative Director Jackie Parker, whose commitment and diligence in moving this issue was characteristically unwavering. Bruce Artim, who serves Senator HATCH on the Judiciary Committee and Marcia Lee of Chairman BIDEN's Subcommittee on Crime and Drugs were undeterred in their resolve to move all obstacles that came in the way of making this new system of treatment a reality.

Finally, I ask unanimous consent that the remarks of Dr. James H. Woods of the University of Michigan, Dr. Chris-Ellyn Johanson and Dr. Charles R. Schuster of Wayne State University, and Dr. Herbert Kleber of the New York State Psychiatric Institute, along with a list of participants, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DR. JAMES H. WOODS, UNIVERSITY OF MICHIGAN, PRESS CONFERENCE ON FOOD AND DRUG ADMINISTRATION (FDA) APPROVAL OF BUPRENORPHINE/NX (BUP), OCTOBER 9, 2002

There are a variety of reasons for the scientific and medical excitement today celebrating the approval of buprenorphine for the pharmacotherapy of narcotic abuse. It fits in what I hope will be a succession of new therapies for drug abuse that will be employed under The Drug Addiction Treatment Act to change the way we view addictions and how they may be treated.

There are, of course, many different groups of individuals who are responsible for this important day. We need to show our considerable appreciation to Senators Levin, Hatch, and Biden for their support for The Drug Addiction Treatment Act. Having worked most with Sen. Levin, I know that he has been long interested in the important problem of drug abuse. He has visited us at the University to see firsthand what we were up to in evaluating different, novel approaches to pharmacotherapy of drug abuse. He has kept the problems of developing these therapies in mind and has worked long and hard to bring this legislation into being. I know the Senator believes fervently that buprenorphine's approval is going to produce some major changes in the treatment of narcotic abuse because of the ways that it will be used in conjunction with The Drug Addiction Treatment Act. I wholeheartedly agree and I hope what we are seeing today with buprenorphine will be replicated with increasing frequency in the future.

In my opinion, we will see the individual physician taking an increasingly important role in dealing with narcotic addiction in a different way. They will be dealing with individuals who would not otherwise present themselves for the kinds of treatment currently available. Those who prefer the privacy of individual physician treatment can be allowed that privilege with this new medication for it is very, very safe. When we consider that 5 of 6 narcotic abusers are not in treatment, it is clear that this new approach to therapy is sorely needed.

We need to show our appreciation to the National Institute on Drug Abuse and their efforts toward medications development. Were it not for their support in developing buprenorphine, we would not be having this meeting today. They have supported strongly both the effort to move buprenorphine along towards this drug abuse indication, and related research toward the development of other much needed therapies in the field of drug abuse. Thus, knowing a bit about what they have in mind for the future, I think we will be seeing more of these meetings.

We need to thank the firm, Reckitt Benckiser, for sponsoring buprenorphine. It was clear early in the study of buprenorphine that it might have potential as a pharmacotherapy. This has been demonstrated quite well. The drug has been fascinating to opioid pharmacologists ever since it was made public, and its interesting pharmacological properties were described. Though some of its pharmacology remains elusive to us, it is clear that we may have happened upon just the right molecule for opioid abuse treatment. Our Narcotic Center Grant at the University, funded by NIDA for some 30 years, has had the objective of improving upon some of the effects of buprenorphine. We have made and studied extensively hundreds of chemical relatives and found many compounds comparable to buprenorphine, but none superior to it in safety or duration of action. Thus, we believe that buprenorphine is a substance that will be the best of its kind for this type of therapy.

I appreciate the concert of effort that it takes to bring this new type of attention to the problem of drug abuse. It is only with the combined legislative, governmental, pharmaceutical, and scientific efforts that these problems will be dealt with effectively.

DR. CHRIS-ELLYN JOHANSON, WAYNE STATE UNIVERSITY, PRESS CONFERENCE ON FOOD AND DRUG ADMINISTRATION (FDA) APPROVAL OF BUPRENORPHINE/NX (BUP)

My name is Chris-Ellyn Johanson and I am a professor in the Department of Psychiatry and Behavioral Neurosciences at Wayne State University and the incoming president of the College of Problems of Drug Dependence. When I joined the Wayne State faculty in 1995, I was fortunate enough to become a part of a research center at the University of Michigan, headed by Dr. James Woods and funded by the National Institute on Drug Abuse. This center is devoted to the development of safer and better opiate drugs and has been continuously funded by the National Institute on Drug Abuse for over 30 years. My research has focused on trying to understand how buprenorphine exerts its therapeutic effects in the treatment of heroin abuse and dependence.

I have been fortunate to work in collaboration with Jon-Kar Zubieta, also from the University of Michigan, using state-of-the-art neuroimaging techniques in conjunction with behavioral measures to understand the biobehavioral basis of the therapeutic efficacy of buprenorphine. Our studies have clearly demonstrated that because buprenorphine's unique pharmacology as a partial mu agonist, it can block the dependence-related effects of heroin-like drugs and in many ways combines the characteristics of the agonist treatment agent methadone and the antagonist treatment, naltrexone. Further, its pharmacology makes it a drug with a long duration of action and a remarkable margin of safety.

So I am very pleased to be here today to welcome buprenorphine into the armamentaria for the treatment of heroin addiction. Not only will buprenorphine allow the expansion of treatment options for clinicians, but because of the legislation sponsored by Senator Levin to allow office-based practice for drugs such as buprenorphine, this option will be available to an increased number of opiate-dependent patients. I want to personally thank Senator Levin and his staff for their efforts in promoting more rationale treatment for heroin addiction. The Drug Abuse Treatment Act of 2000, which allows qualified physicians to treat opiate addicts in their office, brings the treatment of heroin addiction into mainstream medicine. This will not only increase the availability of treatment but will as well destigmatize it. Without this legislation, buprenorphine's unique advantages could not be effectively utilized.

I would also like to thank Senator Levin and his staff on behalf of the College on Problems of Drug Dependence. One of the major goals of this scientific organization, which has been in existence since 1929, is the development of safer and more useful medications for the treatment of addiction, including heroin dependence. Most of the scientists who have been responsible for the development of buprenorphine are members of this organization and have presented their findings with buprenorphine at its annual scientific meeting. Because of this, CPDD has been very involved in pushing for the approval of buprenorphine and has been appreciative of the help of Senator Levin in getting approval.

DR. CHARLES R. SCHUSTER, WAYNE STATE UNIVERSITY

My name is Charles R. Schuster and I am a Professor of Psychiatry and Behavioral Neuroscience at the Wayne State University School of Medicine.

I am extremely excited by the news that the Food and Drug Administration has approved the marketing of two buprenorphine preparations, Subutex and Suboxone, for the treatment of opiate dependence. These products are the first to be available in a new model of office-based treatment of opiate dependence allowed under the Drug Abuse Treatment Act of 2000. We can thank Senator Levin for his incredible thoughtfulness and tenacity in fighting to get this legislation through Congress.

One of the major advances that has been made in the past several years by a joint effort between Reckitt-Benckiser Pharmaceutical company and the National Institutes on Drug Abuse/NIH is the development of buprenorphine for the treatment of opiate addition. I am privileged to have had a role in the development of this safe, effective treatment both during my tenure as the Director of NIDA and subsequently as a NIDA grantee. Under the auspices of a NIDA funded treatment research project I have utilized buprenorphine as a maintenance therapy and have been very impressed not only with its effectiveness in curtailing heroin use, but as well with its acceptance by patients who would not have considered treatment with methadone. Thus this medication may reach opiate addicts who currently are resistant to enrollment in opiate maintenance programs that use ORLAAM and methadone. I have letters on my desk from patients whose lives have been turned around by the buprenorphine maintenance treatment we have provided them. I have even more letters from opiate addicted people who are asking where they can find such treatment. Because of the approval by the FDA of two buprenorphine preparations and the passage of the Drug Abuse Treatment Act of 2000, it is now possible to give the answer. Find a qualified physician in your area of the country and be seen as a regular patient in their office receiving a prescription for buprenorphine. Tragically, I see young people every day who are in need of medications to ease their need for heroin so that they can become invested in rehabilitation activities that can return their life trajectory to a normal, productive and fulfilling course. Currently the available medications, methadone and ORLAAM, are extremely useful but ensnared in regulations that grossly limit their potential effectiveness. Having a safe, effective narcotic preparation like buprenorphine that can be used by qualified physicians for the treatment of opiate addition that is unfettered by the methadone regulations is a major advance in our ability to provide badly needed services in a cost effective manner.

I am very proud as a resident of the state of Michigan to have Senator Levin as my representative in the United States Senate. He and his staff have worked tirelessly to secure the passage of the Drug Abuse Treatment Act of 2000. This landmark legislation represents a major shift in policy in how we view and treat the problem of opiate addition. This advance in our policies regarding the treatment of opiate addition has been a long time in coming. But thanks to the efforts of Senator Levin, it has finally arrived. I join in celebrating this achievement which has the potential for providing significant help to those attempting to overcome the ravages of opiate addition. Individuals seeking help for their opiate addition do not have much political power and are rarely heard in drug abuse policy debates. Fortunately for them they have a compassionate and steadfast advocate in Senator Levin.

Remarks of Dr. Herbert Kleber at Press Conference on FDA Approval of Buprenorphine/NX

Today marks an important milestone in the treatment of substance dependence disorders. Buprenorphine, both in the combined form with antagonist naloxone and in the mono-form, have just been approved by the Food and Drug Administration, the first therapies approved for in-office prescribing under the Federal Drug Addiction Treatment Act of 2000. The path has been a long and at times torturous one but a careful one. It can hardly be described as a rush to market: my first research paper on buprenorphine was published in 1988 and colleagues had published earlier. During this decade and a half we have learned much about this agent and it's potential for the treatment of narcotic addition. I am very grateful for the help from certain key senators, both in passing the Drug Addition Treatment Act and for their continued encouragement during this long and difficult process.. Senator Carl Levin of Michigan has been a special stalwart in this process but the effort has truly been a bipartisan one with Senators Orrin Hatch of Utah and Joseph Biden of Delaware both playing active roles along with Senator Levin.

The importance of this day, however, is much more than the particular medications involved. Buprenorphine to be sure should help in combating opioid dependence in formerly underserved communities. It is estimated that there are up to 1 million opioid dependent individuals in the United States of whom less than 200,000 are in treatment. The annual cost to society of opioid addiction is more than 20 billion dollars. Buprenorphine may increase the likelihood of people who have not currently sought out treatment to do so, thus reducing the enormous toll, both in health and in crime, that addiction takes on society. Injecting drug users and their sexual partners, for example, have become the largest new group of individuals becoming HIV positive. While buprenorphine is neither a panacea nor a magic bullet, it has major advantages in terms of safety, duration of action, and ease of withdrawal in comparison to existing medications on the market. That plus the ability to be treated in the privacy of the doctor's office are all important advances.

The major importance of the FDA approval and the Drug Abuse Treatment Act, however, go well beyond the particular medications and instead to how we think about addiction. Papers by myself and my colleagues have emphasized that opioid dependence as with other addictions is a chronic relapsing disorder, not a character flaw, failure of will, or lack of self-control. These drugs change our brains, changes that can persist long after the individual has stopped taking the drug and lead frequently to relapse. When a patient who cannot stop smoking on his own seeks help from his physician, he is seen as a patient who needs help and the physician will respond with a variety of medications and behavioral interventions. Likewise, it is my hope that with the advent of these medications the treatment of opioid dependence will be able to be mainstreamed. Individuals who are dependent either on street opioids like heroin or on prescription opioids will be able to receive help in doctors' offices and medical clinics. They will hopefully one day be treated with the same dignity with which we treat the patient trying to give up smoking or the diabetic or the hypertensive, all individuals that have chronic relapsing disorders involving both physical and behavioral components.

Addiction is initiated by a voluntary act but this initial voluntary behavior is in many cases shaped by pre-existing genetic factors and there are early brain changes, which may evolve into compulsive drug taking less subject to voluntary control. It is important to recognize, however, that drug dependence erodes but does not erase a dependent individual's responsibility for control of their behavior. Many patients with other chronic illnesses fail to see the importance of their symptoms and thus may ignore physician's advice, fail to comply with medication, and engage in behaviors that exacerbate their illnesses. While such patients may not be as disruptive, demanding, or manipulative as alcohol or drug dependent patients, the patterns of denial of symptoms, failure to comply with medical care and subsequent relapse are not particular to addiction. One thing, however, that does separate addiction from other illnesses is the waiting list for treatment throughout the United States which contradicts assertions that addicted persons do not want help.

Compassion or sympathy is not the basis for the argument that physicians should treat addicted individuals. Medically oriented treatments can be quite effective. In addition, addiction treatments have been effectively combined with legal sanctions such as drug courts and court-mandated treatments. Medical interventions should be taught in medical schools and primary care residencies. If physicians develop and apply the skills available to diagnose, treat, monitor, and refer patients in the early stages of substance dependence, there will be fewer late-stage cases.

I have been involved in treatment and research with substance dependent individuals for over 35 years, initially at Yale University and the last decade at Columbia University. In between I spent approximately 2½ years as the Deputy Director of the Office of National Drug Control Policy under Bill Bennett and the first President Bush. The new era in office-based treatment of opioid dependence is a worthy successor to efforts made by our Office back in the early 1990's to expand the number of individuals in treatment with substance dependence. My appreciation—and that of many future patients—to the legislators and federal agencies that made this possible.

Thank you.

Press Conference Participants, FDA Approval of Buprenorphine/Naloxone, October 9, 2002, SR 236

Senator Carl Levin.

Senator Orrin Hatch.

Dr. Frank Vocci, Director of the Division of Treatment Research and Development, National Institute on Drug Abuse.

Dr. Steven K. Galson, Deputy Director, Food and Drug Administration's Center for Drug Evaluation and Research.

Dr. Wesley Clark, Director, Center for Substance Abuse Treatment, Substance Abuse and Mental Health Services Administration.

Dr. Herbert D. Kleber, Professor of Psychiatry and Director, Division of Substance Abuse, Columbia University.

Dr. James H. Wood, Professor, Department of Psychology and Pharmacology and Director of Drug Addiction Research Projects, University of Michigan.

Dr. Chris-Ellyn Johanson, Professor of Psychiatry and Associate Director of Substance Abuse Research, Wayne State University.

Dr. Charles Schuster, Professor of Psychiatry and Behavioral Neuroscience, Wayne State University.

THE IMPORTANCE OF ENERGY LITERACY TO A NATIONAL ENERGY POLICY

Mr. ALLARD. Mr. President, I wish to bring the Senate's attention to the importance of energy literacy to a national energy policy.

The National Energy Policy Development Group recommended an energy literacy project in the May 2001, National Energy Policy. You can find it on the first page of Chapter Two, entitled "Striking Home." The recommendation states, "The NEPD Group recommends that the President direct the Secretary of Energy to explore potential opportunities to develop educational programs related to energy development and use. This should include possible legislation to create public awareness programs about energy. Such programs should be long term in nature, should be funded and managed by the respective energy industries, and should include information on energy's compatibility with a clean environment."

The legislation currently under consideration in the House/Senate conference addresses a lot of important issues but these are tactical issues relating to energy. In order to better solve the Nation's long-term energy security or energy needs we must address public education.

One of the best ways to go about this would be with a broad based education program as recommended in chapter two. Today's public is far better informed about their energy choices than the public of even a decade ago, but there is always more room to learn. A highly informed public will be able to make better energy choices and will demand a long-term, far-reaching energy policy.

This will require broad based national, and international, public education and information programs on energy issues, including conservation and efficiency, the role energy plays in the economy and the impact energy use has on the environment. There must also be a focus on the interlocking relationship of what are referred to as the 3 Es: energy, economy, and environment.

It is important that all 3 Es be considered simultaneously in order to have credibility and to recognize this interlocking relationship. It is also important that any effort that tries to achieve a cultural change in how society views energy recognize its importance in the public's economic well-being and its role in the public's quality of life.

An excellent example of this is being conducted by the Energy Literacy Project, ELP. The ELP is currently supporting an ongoing research effort at the Colorado School of Mines to identify programs that offer educational material about the interlocking nature of Energy, the Economy and the Environment, the 3 Es. The ELP is a non-profit 501(c)(3) corporation whose goal is to see a cultural change in how society views the role energy plays in its economic well-being and in its quality of life. They have an excellent web site that explains much of their work located at www.energyliteracy.org.

The public wants and deserves sound, reliable information. A sustainable energy policy will be much more easily attained with a knowledgeable public that can make informed, well-reasoned decisions about its choices and a sustainable energy policy.

SKILLED NURSING FACILITIES

Mr. SMITH of Oregon. Mr. President, I would like to raise another issue today which has a major impact on older and disabled Americans and their families, nursing homes. Under current law, Medicare rates for seniors in nursing homes were reduced by ten percent as of October 1, because a series of previously-enacted add-on provisions expired. Let me be clear. On October 1, the average per diem payment to a nursing home to care for a Medicare patient was cut to a level ten percent lower than it was on September 30. The average rate fell from $337/day to slightly more than $300/day. This is a real cut.

This negative quirk results from the fact the Clinton Administration poorly implemented the Balanced Budget Act, BBA, of 1997, and in the process, set Medicare rates for seniors in nursing homes far below the levels Congress set out in the BBA of 1997. Recognizing that the new system was paying much less for nursing home care for Medicare patients than it had intended, Congress passed the Balanced Budget Refinement Act of 1999 and then the Beneficiary Improvement Protection Act of 2000, which provided limited fixes to the payment structure for skilled nursing care through add-on payments. But, because it was expected HCFA, now CMS, would "refine" the rates and fix the problem, these add-ons were temporary. However, CMS has not yet acted, and the "add-on" provisions have now expired.

Recognizing the pending cuts needed to be prevented, in June, I, along with several of my Senate colleagues, introduced the Medicare Skilled Nursing Beneficiary Protection Act of 2002. Because I felt Congress must ensure beneficiary access to quality care, my bill would protect funding levels for Medicare skilled nursing patients by maintaining payments at 2002 levels going forward.

During the last few years, five of the nation's largest providers of long-term care have filed for Chapter 11 bankruptcy protection. Some of those companies are just now emerging from that wrenching process. Moreover, 353 skilled nursing homes have closed. In my home State of Oregon alone, 23 skilled nursing facilities, SNFs, have closed—a loss of almost 1,500 beds. For a small state like Oregon, this is a significant loss. With the cuts in Medicare funding, a vital segment of our country's health care system is beginning to be thrown, once again, into crisis. More facilities will close. Patients, especially those in rural areas, will find it more difficult to obtain the long-term care services they need.

The instability of skilled nursing facilities is expected to worsen as states reduce Medicaid expenditures in the face of significant budget shortfalls and as private market capital continues to withdraw from the sector. If Congress goes home before re-instating the Medicare payment add-ons, it will result in failures in the sector that will translate to unparalleled access problems for Medicare patients needing care in our nation's skilled nursing facilities. I will do everything I can to ensure quality care for our nation's seniors is not threatened.

CONGRESSIONAL-EXECUTIVE CONSULTATION ON TRADE

Mr. BAUCUS. Mr. President, in the coming weeks, the Finance Committee will be working closely with the Office of the U.S. Trade Representative to develop written Guidelines on consultations between the Administration and Congress in trade negotiations. These Guidelines will be our roadmap for collaboration between the Executive and Legislative Branches on trade negotiations for the next five years. They will be the basis for the partnership of equals called for by the Trade Act of 2002.

The trade negotiation agenda promises to be busy. Even before passage of the Trade Act, work was under way in the Doha Round of WTO negotiations and in the Free Trade Area of the Americas negotiations. USTR also was busy concluding free trade agreements with Chile and Singapore. Since passage of the Trade Act, USTR has expressed the Administration's interest in beginning FTA negotiations with Morocco, Central America, the Southern African Customs Union, and Australia.

This busy agenda requires maximum clarity in the rules governing interaction between the Administration and Congress. Clear rules will form a foundation for a common understanding of how we bring trade agreements from the concept phase to the implementation phase. This common understanding will help ensure a smooth process, with few if any surprises or bumps in the road.

The Trade Act defines the scope of coverage of the contemplated Guidelines on trade negotiations. Specifically, the Guidelines are required to address: the frequency and nature of briefings on the status of negotiations; Member and staff access to pertinent negotiating documents; coordination between the Trade Representative and the Congressional Oversight Group at all critical periods during negotiating sessions, including at negotiation sites; and consultations regarding compliance with and enforcement of trade agreement obligations.

The Guidelines also must identify a time frame for the President's transmittal of labor rights reports concerning the countries with which the United States concludes trade agreements.

The Trade Act contemplates collaboration among USTR, the House Ways and Means Committee and the Senate Finance Committee in developing the Guidelines. I would like to use this opportunity to propose specific provisions that should be included in the Guidelines to maximize the potential for a true partnership between the Legislative and Executive branches.

The first issue that needs to be addressed is access to negotiating documents. When U.S. negotiators prepare to make an offer to their foreign counterparts, Congressional trade advisers and staff must be able to review the proposed offer in time to provide meaningful input. In general, trade advisers and staff should be able to see such documents not less than two weeks before U.S. negotiators present their offer to our negotiating partners. This will give trade advisers time to convey comments and make recommendations, with a reasonable expectation that their comments and recommendations will receive serious consideration.

By the same token, when another country makes an offer during the course of a negotiating session, that offer should promptly be made available to Congressional trade advisers and staff. This will enable trade advisers to keep abreast of the give-and-take of negotiations and to provide intelligent input into the development of the U.S. position.

Second, Congressional trade advisers and staff should have access to regularly scheduled negotiating sessions. I know that some in the Administration will bridle at this suggestion, citing separation of powers concerns. However, I do not think those concerns are warranted.

I am not suggesting that trade advisers or staff actually engage in negotiations. I am suggesting only that they attend as observers. This level of Congressional involvement in negotiations has well established precedents. A recent study by the Congressional Research Service on the role of the Senate in treaties and other international agreements catalogued instances of Congressional inclusion in delegations stretching back to negotiations with Spain in 1898 and continuing to the present day.

I ask unanimous consent that the relevant pages of this lengthy CRS study be printed in the RECORD at the conclusion of this statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BAUCUS. In the early part of the last century, Presidents Harding and Hoover actually designated Senators as delegates, not merely observers, to arms limitation negotiations. President Truman included Members of Congress in the delegations that negotiated the establishment of the United Nations and the North Atlantic Treaty.

More recently, a special Senate Arms Control Observers Group was created in 1985 to oversee negotiations that led to the first Strategic Arms Reduction Treaty. It included distinguished members of this body, including Senators LUGAR, STEVENS, Nunn, Pell, Wallop, Moynihan, KENNEDY, Gore, WARNER, and NICKLES. President Reagan embraced this endeavor, precisely because he knew that a close working relationship with the Senate at the beginning of negotiations would increase the likelihood of ratification at the conclusion.

Indeed, the history of Congressional involvement in the negotiation of treaties and other international agreements has its roots in the very origins of our Nation. Until the closing days of the Constitutional Convention of 1787, the Framers had intended for the Senate to have the sole authority to make treaties. And in the Federalist Papers, Alexander Hamilton acknowledged that treaty making "will be found to partake more of the legislative than of the executive character . . . ."

The well-recognized utility of Congressional involvement in treaty and international agreement negotiation applies with even greater force when it comes to international trade. For here, the making of international agreements intersects with the Constitution's express grant of authority to Congress to regulate commerce with foreign nations.

The statute that framed trade negotiations for the last quarter century, the Trade Act of 1974, contemplated a close working relationship between Congress and the Administration. Thus, during the Tokyo Round and Uruguay Round of multinational trade negotiations, staff of the Finance Committee and the House Ways and Means Committee traveled regularly to Geneva. They were included in U.S. Trade Representative staff meetings and observed negotiations of plurilateral and multilateral agreements. They had regular access to cable traffic and other negotiating documents. By all accounts, this process worked well. Staff, and, in turn, Members were kept well informed of the progress of negotiations, which helped to secure Congressional support for the resulting agreements.

In fact, there are numerous illustrations of close interaction between Executive and Legislative Branches in the trade negotiation arena. I myself have attended trade negotiating sessions on a number of occasions. Just last year, my staff and I attended a session of the Free Trade Area of the Americas negotiations in Quebec City. Before that, I attended some sessions of the mid-term meeting of the Uruguay Round negotiations in Montreal. I know that Members of Congress also have been included in delegations to WTO Ministerial meetings in Singapore and Seattle. And, I understand that during the Uruguay Round, Members traveled to Geneva at key junctures in negotiations on trade remedy laws, and were included in the official delegation to a Ministerial meeting in Brussels.

Even in the period from 1994 to 2002, when fast track negotiating authority lapsed along with the express mandate for a Congressional-Executive partnership on trade, Members of Congress sought to remain closely involved. For example, I understand that my friend Senator GRASSLEY sought permission for staff of the General Accounting Office to attend certain negotiations, in order to keep Congress well informed.

Now, fast track has been renewed. Once again, we have an express mandate for a Congressional-Executive partnership on trade. Indeed, the Trade Act of 2002 contemplates an even closer working relationship between Congress and the Administration than the Trade Act of 1974. It is time to revive and strengthen the practices that solidified a close, robust working relationship in the past.

Given the long history of Legislative-Executive partnership in negotiating in a whole host of sensitive areas, given the constitutional role of Congress when it comes to regulation of commerce with foreign nations, and given the policy articulated in the Trade Act of 2002, I see little basis for excluding Congressional observers from trade negotiations.

Third, the Guidelines should set forth a clear schedule and format for consultations in connection with negotiating sessions. At a minimum, negotiators should meet with Congressional advisers' staff shortly before regularly scheduled negotiating sessions and shortly after the conclusion of such sessions. To the extent practicable, the Administration participants in these consultations should be the individuals negotiating on the subjects at issue, as opposed to their supervisors.

Consultations should be an opportunity for negotiators to lay out, in detail, their plan of action for upcoming talks and to receive and respond to input from Congressional advisers. Whenever practicable, consultations should be accompanied by documents pertaining to the negotiation at issue. If advisers of staff make recommendations during consultation sessions, arrangements should be made for negotiators to respond following consideration of those recommendations.

Additionally, to the extent that Congressional advisers or staff are unable to attend negotiating sessions, arrangements should be made to provide briefings by phone during the negotiations.

The key point here is that it is the quality as much as the quantity of negotiations that counts. It matters little that the Administration briefed Congressional advisers a hundred times in connection with a given negotiations, if the briefings amount to impressionistic summaries with no meaningful opportunity for advisers to offer input.

Fourth, the Guidelines must set forth a plan to keep Congressional advisers fully and timely informed of efforts to monitor and enforce trade agreements. In any trade agreement, follow up is critical. If compliance is spotty, the agreement is not worth the paper it is written on. Also, monitoring and enforcement help to identify provisions that might be modified in future trade agreements.

Currently, Congressional advisers get briefed when a formal dispute arises or sanctions are threatened or imposed. Keeping Congressional advisers in the monitoring and enforcement loop tends to be episodic. It should be systematic.

The Guidelines should provide for consultations with Congressional advisers on monitoring and enforcement at least every two months. These consultations should not just highlight problems. They should provide a complete picture of how the Executive Branch is deploying its monitoring and enforcement resources. They should identify where these efforts are succeeding, as well as where they require reenforcement.

In conclusion, the Trade Act of 2002 represents a watershed in relations between the Executive and Legislative Branches when it comes to trade policy and negotiations. Before the Trade Act, the Executive Branch generally took the lead, and the involvement of Congressional advisers tended to be cursory and episodic. In the Trade Act, Congress sent a clear message that the old way will not do.

From now on, the involvement of Congressional advisers in developing trade policy and negotiations must be in depth and systematic. Congress can no longer be an afterthought. The Trade Act establishes a partnership of equals. It recognizes that Congress's constitutional authority to regulate foreign trade and the President's constitutional authority to negotiate with foreign nations are interdependent. It requires a working relationship that reflects that interdependence.

Our first opportunity to memorialize this new, interdependent relationship is only weeks away. I am very hopeful that the Administration will work closely with us in developing the Guidelines to make the partnership of equals a reality.

EXHIBIT 1

TREATIES AND OTHER INTERNATIONAL AGREEMENTS: THE ROLE OF THE UNITED STATES SENATE

On occasion Senators or Representatives have served as members of or advisers to the U.S. delegation negotiating a treaty. The practice has occurred throughout American history. In September 1898, President William McKinley appointed three Senators to a commission to negotiate a treaty with Spain. President Warren G. Harding appointed Senators Henry Cabot Lodge and Oscar Underwood as delegates to the Conference on the Limitation of Armaments in 1921 and 1922 which resulted in four treaties, and President Hoover appointed two Senators to the London Naval Arms Limitation Conference in 1930.

The practice has increased since the end of the Second World War, in part because President Wilson's lack of inclusion of any Senators in the American delegation to the Paris Peace Conference was considered one of the reasons for the failure of the Versailles Treaty. Four of the eight members of the official U.S. delegation to the San Francisco Conference establishing the United Nations were Members of Congress: Senators Tom Connally and Arthur Vandenberg and Representatives Sol Bloom and Charles A. Eaton.

There has been some controversy over active Members of Congress serving on such delegations. When President James Madison appointed Senator James A. Bayard and Speaker of the House Henry Clay to the commission that negotiated the Treaty of Ghent in 1814, both resigned from Congress to undertake the task. More recently, as in the annual appointment of Senators or Members of Congress to be among the U.S. representatives to the United Nations General Assembly, Members have participated in delegations without resigning, and many observers consider it "now common practice and no longer challenged."

One issue has been whether service by a Member of Congress on a delegation violated Article I, Section 6 of the Constitution. This section prohibits Senators or Representatives during their terms from being appointed to a civil office if it has been created or its emoluments increased during their terms, and prohibits a person holding office to be a Member of the Senate or House. Some contend that membership on a negotiating delegation constitutes holding an office while others contend that because of its temporary nature it is not.

Another issue concerns the separation of powers. One view is that as a member of a negotiating delegation a Senator would be subject to the instructions of the President and would face a conflict of interest when later required to vote on the treaty in the Senate. Others contend that congressional members of delegations may insist on their independence of action and that in any event upon resuming their legislative duties have a right and duty to act independently of the executive branch on matters concerning the treaty.

A compromise solution has been to appoint Members of Congress as advisers or observers, rather than as members of the delegation. The administration has on numerous occasions invited one or more Senators and Members of Congress or congressional staff to serve as advisers to negotiations of multilateral treaties. In 1991 and 1992, for example, Members of Congress and congressional staff were included as advisers and observers in the U.S. delegations to the United Nations Conference on Environment and Development and its preparatory meetings. In 1992, congressional staff advisers were included in the delegations to the World Administrative Radio Conference (WARC) of the International Radio Consultative Committee (CCIR) of the International Telecommunications Union.

In the early 1990s, Congress took initiatives to assure congressional observers. The Senate and House each designated an observer group for strategic arms reductions talks with the Soviet Union that began in 1985 and culminated with the Strategic Arms Reduction Treaty (START) approved by the Senate on October 1, 1992. In 1991, the Senate established a Senate World Climate Convention Observer Group. As of late 2000, at least two ongoing groups of Senate observers existed:

1. Senate National Security Working Group.—This is a bipartisan group of Senators who "act as official observers to negotiations * * * on the reduction or limitation of nuclear weapons, conventional weapons or weapons of mass destruction; the reduction, limitation, or control of missile defenses; or related export controls."

2. Senate Observer Group on U.N. Climate Change Negotiations.—This is a "bipartisan group of Senators, appointed by the Majority and Minority Leaders" to monitor "the status of negotiations on global climate change and report[ing] periodically to the Senate * * *."

OUR LADY OF PEACE ACT

Mr. LEVIN. Mr. President, a sensible gun safety measure has been recently passed by our colleagues in the House of Representatives. The "Our Lady of Peace Act" was first introduced by Representative CAROLYN MCCARTHY after Reverend Lawrence Penzes and Eileen Tosner were killed at Our Lady of Peace church in Lynbrook, NY on March 12, 2002. These deaths may have been prevented if the assailant's misdemeanor and mental health records were part of an automated and complete background check system.

According to the House Judiciary Committee Report on the bill, 25 States have automated less than 60 percent of their felony criminal conviction records. While many States have the capacity to fully automate their background check systems, 13 States do not automate or make domestic violence restraining orders accessible through the National Instant Criminal Background Check System, otherwise known as NICS. Fifteen States do not automate domestic violence misdemeanor records or make them accessible through NICS. Since 1994, the Brady Law has successfully prevented more than 689,000 individuals from illegally purchasing a firearm. More ineligible firearm purchases could have been prevented, and more shooting deaths may have been avoided had state records been fully automated.

The Our Lady of Peace Act would require Federal agencies to provide any government records with information relevant to determining the eligibility of a person to buy a gun for inclusion in NICS. It would also require states to make available any records that would disqualify a person from acquiring a firearm, such as records of convictions for misdemeanor crimes of domestic violence and individuals adjudicated as mentally defective. To make this possible, this bill would authorize appropriations for grant programs to assist States, courts, and local governments in establishing or improving automated record systems. I hope we can move in this direction this Congress or next.

ASSISTANCE FOR SOUTH DAKOTA MEDICARE BENEFICIARIES AND PROVIDERS

Mr. JOHNSON. Mr. President, one of the key remaining issues of the 107th Congress that I believe must be addressed yet this year is Medicare relief for rural health care providers and beneficiaries. Recently, bipartisan legislation was introduced, called the Beneficiary Access to Care and Medicare Equity Act of 2002, S. 3018, that will provide definitive steps to strengthen South Dakota's rural health care delivery system. I am pleased to be a cosponsor of this bill.

The legislation will provide $43 billion over ten years for provider and beneficiary improvements in the Medicare and Medicaid programs. Earlier this summer, the House passed a Medicare bill, which provides approximately $30 billion over ten years. The Senate legislation will provide South Dakota with nearly $84.2 million in Medicare improvements for rural hospitals, skilled nursing facilities, home health services, physicians, and beneficiaries alike. Although the Administration has expressed some resistance to working with Congress on Medicare legislation this year, I will continue to fight for passage of this critically important legislation.

As I travel throughout South Dakota, many health care providers and Medicare beneficiaries have expressed concerns regarding inequities with Medicare reimbursements in rural states like South Dakota. It is a travesty that nationwide, rural providers receive less Medicare reimbursement for providing the same services as their urban counterparts. Therefore, I remain committed to improving the equity in Medicare reimbursement levels for rural States, and increasing access to quality, affordable health care for the citizens of South Dakota.

As a member of the Senate Rural Health Caucus, I joined several of my fellow caucus members in sending a letter to the Senate Finance Committee expressing our rural health priorities as compiled from the input that I received from South Dakotans, such as yourself. I was pleased that many of my rural priorities were included in S. 3018, and would ask unanimous consent that the text of this letter be printed in the CONGRESSIONAL RECORD. As well, I ask unanimous consent that the summary of S. 3018 also be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, September 16, 2002.

Hon. MAX BAUCUS, *Chairman,*
Hon. CHARLES GRASSLEY, *Ranking Member,*
Committee on Finance,
Washington, DC.

DEAR CHAIRMAN BAUCUS AND RANKING MEMBER GRASSLEY: As members of the Senate Rural Health Caucus, we write to urge you to take definitive steps this year to strengthen our nation's rural health care delivery system. We are particularly concerned about geographic inequities in Medicare spending, which are caused in part by disparities in current Medicare payment formulas. Related to this, we strongly urge the Committee to address needed rural payment improvements in its Medicare refinement bill.

Nationwide, rural providers receive less Medicare reimbursement for providing the same services as their urban counterparts. According to the latest Medicare figures, Medicare's annual inpatient payments per beneficiary by state of residence range from slightly more than $3,000 in predominately rural states like Wyoming, Idaho and Iowa to over $7,000 in other states.

This problem is compounded by the fact that rural Medicare beneficiaries tend to be poorer and have more chronic illnesses than urban beneficiaries. This inherent vulnerability of rural providers combined with historic funding shortfalls and rising costs has placed additional burdens on an already strained rural health care system.

It is due to these unique circumstances that rural providers and beneficiaries deserve to be the Committee's top priority as it writes legislation to strengthen the Medicare system. We encourage the Committee to give special consideration to those states that are experiencing the lowest aggregate negative Medicare margins. We request the following rural specific provisions be included in the Committee's final Medicare provider legislation:

1. RURAL HOSPITALS

Market Basket Update: Under current law, all hospitals will receive a Medicare payment update in FY2003 of hospital cost inflation minus approximately one-half percent. However, hospitals in rural areas and smaller urban areas have Medicare profit margins far lower than those of hospitals in large urban areas. Therefore, we urge the Committee to provide hospitals located in rural or smaller urban areas with a full inflation update.

Equalize Medicare Disproportionate Share Hospital Payment (DSH) Formula: Hospitals receive add-on payments to help cover the costs of serving a high proportion of uninsured patients. While urban facilities can receive unlimited add-ons corresponding with the amount of patients served, rural add-on payments are capped at 5.25 percent of the total amount of the inpatient payment. We urge the Committee to remove this cap for rural hospitals, bringing their payments in line with the benefits urban facilities receive.

Close Gap Between Urban and Rural "Standardized Payment" Levels: Inpatient hospital payments are calculated by multiplying several different factors, including a standardized payment amount. Under current law, hospitals located in cities with more than 1 million people receive a base payment among 1.6 percent higher than those serving smaller populations. We urge the Committee to address this disparity by bringing the rural base payment up to the urban payment level.

Low-Volume Hospital Payment: According to recent data, the current hospital inpatient payment rate has placed low-volume hospitals at a disadvantage because it does not adequately account for the fact that smaller facilities have difficulty achieving the economies of scale of their larger counterparts. To address this problem, we request the Committee create a low-volume inpatient payment adjustment for hospitals that have less than 1,000 annual discharges per year and are located more than 15 miles from another hospital.

Outpatient Payment Improvements: Rural Hospitals are highly dependent on outpatient services for revenue; however, the Medicare Outpatient Prospective Payment System sets payments at 16 percent below costs. We urge the Committee to take the following actions to ensure outpatient stability for rural hospitals.

1. Increase emergency room and APC payments by 10 percent.
2. Limit the pro rata reduction in pass-through payments to 20 percent.
3. Limit the budget neutrality adjustment to no more than 2 percent.
4. Extend current provision that holds small, rural hospitals harmless from the current Outpatient PPS for three more years.
5. Improve and extend transitional corridor payments to rural hospitals.

Wage Index Issues: Medicare's current inpatient hospital payments fail to accurately reflect today's labor costs in rural areas. The Caucus has long been concerned about this issue and its impact on rural hospitals as they strive to recruit and retain key health care personnel. We strongly urge the Committee to address the area wage index disparities with new money.

Current law allows rural facilities located near urban area to receive the higher wage index available to the facilities located in the metropolitan area. However, this wage index "reclassification" is available only for inpatient and outpatient services. We believe re-classification should extend to other services offered by hospitals, such as home care and skilled nursing services.

2. CRITICAL ACCESS HOSPITAL PROGRAM IMPROVEMENTS

The Balanced Budget Act of 1997 created the Critical Access Hospital program (CAH) to ensure access to essential health services in underserved rural communities that cannot support a full service hospital. This program has proven to be critically important to rural areas as 667 hospitals across the nation have converted to Critical Access Hospital status. We urge the Committee to include the following modifications to strengthen this critical program.

- Reinstate Periodic Interim Payments (PIP), which provide facilities with a steadier stream of payment in order to improve their cash flow.
- Eliminate the current requirement that CAH-based ambulance services be at least 35 miles from another ambulance service in order to receive cost-based payment.
- Allow for home health services operated by CAHs to be reimbursed on a cost basis, as other CAH services already are.
- Provide cost-based reimbursement for certain clinical diagnostic lab tests furnished by a CAH.

- Provide Medicare coverage to CAHs for certain emergency room on-call providers.
- Allow CAHs to interchange the number of their acute and swing beds as necessary, but still maintain the current 25 bed limit.
- Alleviate payment reductions that will occur as a result of recent cost report changes made by CMS related to the amount of allowable beneficiary coinsurance payments.

3. Rural Home Health Improvements

Home health care is a critical element of the continuum of care, allowing Medicare beneficiaries to remain in their homes rather than being hospitalized. Current law provides for a 10 percent payment boost for patients residing in rural areas, to reflect the higher costs due to distance, as well as the reality that there is often only one provider in rural areas. However, this special payment will expire with the current fiscal year.

4. Rural Health Clinics

Under current law, rural health clinics receive an all-inclusive payment rate that is capped at approximately $63. Various analyses have suggested that this cap does not appropriately cover the cost of services for more than 50 percent of rural health clinics that the cap should be raised by 25 percent to address this shortfall. We request that the Committee raise the rural health clinic cap to $79.

Certain provider services, such as those offered by physicians, nurse practitioners, physician assistants, and qualified psychologists are excluded from the consolidated payments made to skilled nursing facilities (SNFs) under the prospective payment system. However, the same services provided to SNFs by physicians and other providers employed by rural health clinics are not excluded from the consolidated SNF payment. We request the Committee ensure skilled nursing services offered by rural health clinic providers will receive the same payment treatment as services offered by providers employed in other settings.

5. Rural Providers

Rural Physicians: There are several ways to improve the current Medicare Incentive Payment program to increase payments to rural physicians. Such changes include: placing the burden for determining eligibility for the current 10 percent rural physician bonus payment on the Medicare carrier rather than the individual physician; creating a Medicare Incentive Payment Education program at CMS; and establishing an on-going analysis of the program's ability to improve Medicare beneficiaries' access to physician services. We urge the Committee to make these critical changes to the Medicare Inventive Payment program.

Mental Health Providers: The majority of rural and frontier areas are federally designated mental health professional shortage areas. In many of these underserved communities, a Marriage and Family Therapist or a Licensed Professional Counselor is the only mental health provider available to seniors, but is not able to bill Medicare for their services. We strongly urge the Committee to provide Medicare reimbursement for Licensed Professional Counselors and Marriage and Family Therapists at the rate that Social Workers are paid.

6. Other Rural Issues

Ambulance Services: The Balanced Budget Act of 1997 directed the Secretary of Health and Human services to establish a fee schedule payment system for ambulance services. The negotiated rule making committee that was utilized in the regulatory process instructed the Secretary to account for geographic differences and develop a more appropriate coding system. However, the current ambulance payment system does not recognize the unique circumstances of low-volume, rural providers. We strongly urge the Committee to address these issues to ensure access to critical ambulance services in rural and frontier communities.

Pathology Labs: Currently, independent labs can bill Medicare directly for all services. After January 1, 2003 labs will only be able to bill for diagnosis of slides prepared by the lab. The costs of slide preparation must be recovered separately from the hospital. Small, rural hospitals that do not have their own pathology departments and independent labs face increased administrative costs and complexity in this new billing arrangement. We request that the Committee make permanent the grandfather clause enacted in BIPA to allow independent labs to receive direct reimbursement from Medicare.

National Health Service Corps Taxation: The National Health Service Corps program (NHSC) provides either scholarships or loan-repayments to clinicians who agree to serve for at least three years in a designated health professional shortage area. Last year's tax cut exempted NHSC scholarships from taxation, but loan-repayments are still considered taxable income. As a result, almost half of the current NHSC appropriation is spent in the form of stipends to clinicians to offset the tax liability on loan repayments. We strongly urge the Committee to exempt the NHSC loan repayments from taxation.

Flex Reauthorization: As you know, the Balanced Budget Act of 1997 created the Rural Hospital Flexibility program (known as the "flex" program) to assist small rural hospitals in making the switch to Critical Access Hospital status (CAH). This program has proven to be very successful in rural areas as it has maintained access to critical care in small communities. Program funds are used by states for Critical Access Hospital designation and assistance, rural health planning and network development, and rural emergency medical services. We urge the Committee to reauthorize this important rural health program.

We greatly appreciate the Committee's past efforts on behalf of our nation's rural health care delivery system. We look forward to continuing to work with you to ensure that all rural providers receive the necessary resources to provide quality health care services to rural seniors.

Sincerely,

Craig Thomas (Co-Chair), Sam Brownback, ——, Byron L. Dorgan, Ben Nelson, ——, Fred H. Thompson, Conrad R. Burns, Jesse Helms, Wayne Allard, Michael Crapo, Chris Bond, James Inhofe, Patrick Leahy, Jeff Sessions, Debbie Stabenow, Paul Wellstone, Mike DeWine, Carl Levin, Ben Nighthorse Campbell, Jean Carnahan.

Tom Harkin (Co-Chair), Tim Johnson, Jeff Bingaman, Maria Cantwell, Mary Landrieu, Larry Craig, Pat Roberts, John Edwards, Blanche Lincoln, Susan Collins, Patty Murray, Mark Dayton, Gordon Smith, Tom Daschle, Tim Hutchinson, Jim Jeffords, ——, Ernest Hollings, Thad Cochran, Kay Bailey Hutchison, Ron Wyden, Orrin Hatch.

The Beneficiary Access to Care and Medicare Equality Act of 2002

TOTAL COST OVER 10 YEARS: APPROXIMATELY $43 BILLION

NOTE: subtotals below do not sum to $42 billion due to Part B premium and Medicaid interactions and rounding. Part B premium and Medicaid interactions total approximately −$2.5 billion over 10 years.

Title I—Rural Health Care Improvements

(Approx. $12.8 billion over 10 years)

Sec. 101. Full standardized amount for rural and small urban hospitals by FY04 and thereafter.

Sec. 102. Wage index changes: labor-related share for hospitals with a wage index below 1.0 is 68% for FY03 through FY05; labor-related share for hospital with a wage index above 1.0 is held harmless (i.e. remains at current level of 71%).

Sec. 103. Medicare disproportionate share (DSH) payments: increases the maximum DSH adjustment for rural hospitals and urban hospitals with under 100 beds to 10% (phased-in over ten years).

Sec. 104. 1-year extension of hold harmless from outpatient PPS for small rural hospitals.

Sec. 105. 5% add-on for clinic and ER visits for small rural hospitals.

Sec. 106. 2-year extension of reasonable cost payments for diagnostic lab tests in Sole Community Hospitals.

Sec. 107. Critical Access Hospital improvements: (a) Reinstatement of periodic interim payments; (b) Condition for application of special physician payment adjustment; (c) Coverage of costs for certain emergency room on-call providers; (d) Prohibition on retroactive recoupment; (e) Increased flexibility for states with respect to certain frontier critical access hospitals; (f) Permitting hospitals to allocate swing beds and acute care inpatient beds subject to a total limit of 25 beds; (g) Provisions related to certain rural grants; (h) Coordinated survey demonstration program.

Sec. 108. Temporary relief for certain non-teaching hospital for FY03 through FY05 (same as House-passed provision).

Sec. 109. Physician work Geographic Practice Cost Index at 1.0 for CY03 through CY05, holding harmless those areas with work GPCIs over 1.0.

Sec. 110. Make existing Medicare Incentive Payment 10% bonus payments on claims by physicians serving patients in rural Health Professional Shortage Areas automatic, rather than requiring special coding on such claims.

Sec. 111. GAP study on geographic differences in physician payments.

Sec. 112. Extension of 10% rural add-on for home health through FY04.

Sec. 113. 10% add-on for frontier hospice for CY03 through CY07.

Sec. 114. Exclude services provided by Rural Health Clinic-based practitioners from Skilled Nursing Facility consolidated billing.

Sec. 115. Rural Hospital Capital Loan Authorization.

Title II—Provisions Relating to Part A

(Approx. $9.0 billion over 10 years)

Subtitle A—Inpatient Hospital Services

Sec. 201. FY03 inflation adjustment of market basket minus −0.25% for PPS hospitals; full market basket for Sole Community Hospitals.

Sec. 202. Update hospital market basket weights more frequently.

Sec. 203. IME Adjustment: 6.5% in FY03, 6.5% in FY04, 6.0% in FY05.

Sec. 204. Puerto Rico: 75%–25% Federal-Puerto Rico blend beginning in FY 03.

Sec. 205. Geriatric GME programs: certain geriatric residents do not count against caps.

Sec. 206. DSH increase for Pickle hospitals from 35% to 40%.

Subtitle B—Skilled Nursing Facility Services

Sec. 211. Increase to nursing component of RUGs: 15% in FY03, 13% in FY04, 11% in FY05; increase in payment for AIDS patients cared for by SNFs; GAO study.

Sec. 212. Require collection of staffing data; require staffing measure in CMS quality initiative.

Subtitle C—Hospice

Sec. 221. Allow payment for hospice consultation services based on fee schedule set by Secretary; remove one-time limit set by House.

Sec. 222. Authorize use of arrangements with other hospice programs.

Title III—Provisions Relating to Part B

(Approx. $10.0 billion over 10 years)

Subtitle A—Physicians' Services

Sec. 301. Physician payment increase (same as House-passed version); GAO study; MedPAC report.

Sec. 302. Extension of treatment of certain physician pathology services through FY05.

Subtitle B—Other Services

Sec. 311. Competitive bidding for DME: begin national phase-in CY03 for MSAs with over 500,000 people.

Sec. 312. 2-year extension of moratorium on therapy caps.

Sec. 313. Acceleration of reduction of beneficiary copayment for hospital outpatient department services.

Sec. 314. End-Stage Renal Disease: Increase composite rate to 1.2% in CY03 and CY04; composite rate exceptions for pediatric facilities.

Sec. 315. Improved payment for certain mammography services.

Sec. 316. Waiver of Part B late enrollment penalty for certain military retirees and special enrollment period.

Sec. 317. Coverage of cholesterol and blood lipid screening.

Sec. 318. 5% payment increase for rural ground ambulance service, 2% increase for urban ground ambulance services.

Sec. 319. Medical necessity criteria for air ambulance services under ambulance fee schedule.

Sec. 320. Improved payment for thin prep pap tests.

Sec. 321. Coverage of immunsuppressive drugs.

Sec. 322. Geriatric care assessment demonstration program.

Sec. 323. CMS study and recommendations to Congress on revisions to outpatient payment methodology for drugs, devices and biologicals.

Title IV—Provisions Relating to Parts A and B

(Approx. $0.0 billion over 10 years)

Subtitle A—Home Health Services

Sec. 401. Eliminate 15% reduction in payments for home health services.

Sec. 402. Reduce inflation updates in FY03 through FY05; full market basket increases thereafter.

Subtitle B—Other Provisions

Sec. 411. Information technology demonstration project.

Sec. 412. Modifications to the Medicare Payment Advisory Commission.

Sec. 413. Requires CMS to maintain a carrier medical director and carrier advisory committee in every state to ensure access to the local coverage process.

Title V—Medicare+Choice and Related Provisions

(Approx. $2.3 billion over 10 years, including M+C interactions)

Sec. 501. Increase minimum updates to 4% in CY03 and 3% in CY04.

Sec. 502. Clarify Secretary's authority to disapprove certain cost-sharing

Sec. 503. Extend cost contracts for 5 years.

Sec. 504. Extend the Social HMO Demonstration through 2006.

Sec. 505. Extend specialized plans for special needs beneficiaries for 5 years (Evercare).

Sec. 506. Extend 1% entry bonus for M+C for 2 years; bonus does not apply for private fee-for-service or demonstration plans.

Sec. 507. PACE technical fix regarding services furnished by non-contract providers.

Sec. 508. Reference to implementation of certain M+C provisions in 2003.

Title VI—Medicare Appeals, Regulator, and Contracting Improvements

(Approx. $0.0 billion over 10 years)

Subtitle A—Regulatory Reform

Sec. 601. Require status report on interim final rules; limit effectiveness of interim final rules to 12 months with one extension permitted under certain circumstances.

Sec. 602. Requires only prospective compliance with regulation changes.

Sec. 603. Secretary report on legal and regulatory inconsistencies in Medicare.

Subtitle B—Appeals Process Reform

Sec. 611. Requires Secretary to submit detailed plan for transfer of responsibility for medicare appeals from SSA to HHS; GAO evaluation of plan.

Sec. 612. Allows expedited access to judicial review for Medicare appeals involving legal issues that the DAB does not have the authority to decide.

Sec. 613. Allows expedited appeals for certain provider agreement determinations, including terminations.

Sec. 614. Tightens eligibility requirements for QICs and reviewers; ensures notice and improved explanation on determination and redetermination decisions; delays implementation of Section 521 of BIPA for 14 months, but continues implementation of expedited redeterminations; expands CMS discretion on the number of QICs.

Sec. 615. Creates hearing rights in cases of denial or nonrenewal of enrollment agreements; requires consultation before CMS changes provider enrollment forms.

Sec. 616. Permits provider to appeal determinations relating to services rendered to an individual who subsequently dies if there is no other party available to appeal.

Sec. 617. Permits providers to seek appeal of local coverage decisions and to request development of local coverage decisions under certain circumstances.

Subtitle C—Contracting Reform

Sec. 621. Authorizes Medicare contractor reform beginning in October 2004.

Subtitle D—Education and Outreach Improvements

Sec. 631. New education and technical assistance requirements.

Sec. 632. Requires CMS and contractors to provide written responses to health care providers' and beneficiaries' questions with 45 days.

Sec. 633. Suspends penalties and interest payments for providers that have followed incorrect guidance.

Sec. 634. Creates new ombudsmen offices for health care providers and beneficiaries.

Sec. 635. Authorizes beneficiary outreach demonstration.

Subtitle E—Review, Recovery, and Enforcement Reform

Sec. 641. Requires CMS to establish standards for random prepayment audits.

Sec. 642. Requires CMS to enter into overpayment repayment plans. Prevents CMS from recovering overpayments until the second level of appeal is exhausted.

Sec. 643. Establishes a process for the correction of incomplete or missing data without pursuing the appeals process.

Sec. 644. Expands the current waiver of program exclusions in cases where the provider is a sole community physician or sole source of essential health care.

Title VII—Medicaid-SCHIP

(Approx. $10.8 billion over 10 years)

Sec. 701. Extend Medicaid disproportionate share hospital (DSH) inflation updates (for 2001 and 2002) to 2003, 2004 and 2005 allotments; update District of Columbia DSH allotment.

Sec. 702. Raise cap from 1% to 3% for states classified as low Medicaid DSH in FY03 through FY05.

Sec. 703. Five year extension of QI-1 Program.

Sec. 704. Enable public safety net hospitals to access discount drug pricing for inpatient drugs.

Sec. 705. CHIP Redistribution: give states an additional year to spend expiring funds that would otherwise return to the Treasury; continue BIPA arrangement for SCHIP redistribution; establish caseload stabilization pool beginning in FY04; allow certain states to use a portion of unspent SCHIP funds to cover specified Medicaid beneficiaries; GAO study to evaluate program implementation and funding.

Sec. 706. Improvements to Section 1115 waiver process for Medicaid and State Children's Health Insurance Program (SCHIP) waiver.

Sec. 707. Increase the federal medical assistance percentage in Medicaid (FMAP) by 1.3% for 12 months for all states; "hold harmless" states scheduled to have a lower FMAP in FY03; $1 billion increase in Social Services Block Grant for FY03.

Title VIII—Other Provisions

(Approx. $0.9 billion over 10 years)

Sec. 801. Extend funding for Special Diabetes Programs for FY04, FY05, and FY06 at $150 million per program per year.

Sec. 802. Disregard of certain payments under the Emergency Supplemental Act, 2000 in the administration of Federal programs and federally assisted programs.

Sec. 803. Create Safety Net Organizations and Patient Advisory Commission.

Sec. 804. Guidance on prohibitions against discrimination by national origin.

Sec. 805. Extend grants to hospitals for EMTALA treatment of undocumented aliens.

Sec. 806. Extend Medicare Municipal Health Services Demonstration for 1 year.

Sec. 807. Provides for delayed implementation of certain provisions.

VETERANS DAY 2002

Mr. FEINGOLD. Mr. President, as the Senate prepares to recess until after the November elections, I would like to take a moment to express my thanks and the thanks of the people of Wisconsin to our Nation's veterans and their families.

The Senate will not be in session on Veterans Day, November 11th. I urge my colleagues and all Americans to take a moment on that day to reflect upon the meaning of that day and to remember those who have served and sacrificed to protect our country and the freedoms that we enjoy as Americans.

Webster's Dictionary defines a veteran as "one with a long record of service in a particular activity or capacity," or "one who has been in the armed forces." But we can also define a veteran as a grandfather or a grandmother, a father or a mother, a brother or a sister, a son or a daughter. Veterans live in all of our communities, and their contributions have touched all of our lives.

November 11 is a date with special significance in our history. On that day in 1918—at the eleventh hour of the eleventh day of the eleventh month—World War I ended. In 1926, a joint resolution of Congress called on the President to issue a proclamation to encourage all Americans to mark this day by displaying the United States flag and by observing the day with appropriate ceremonies.

In 1938, "Armistice Day" was designated as a legal holiday "to be dedicated to the cause of world peace" by an Act of Congress. This annual recognition of the contributions and sacrifices of our Nation's veterans of World War I was renamed "Veterans Day" in 1954 so that we might also recognize the service and sacrifice of those who had fought in World War II and the veterans of all of America's other wars.

Mr. President, our Nation's veterans and their families have given selflessly to the cause of protecting our freedom. Too many have given the ultimate sacrifice for their country, from the battlefields of the Revolutionary War that gave birth to the United States to the Civil War that sought to secure for all Americans the freedoms envisioned by the Founding Fathers. In the last century, Americans fought and died in two world wars and in conflicts in Korea, Vietnam, and the Persian Gulf. They also participated in peacekeeping missions around the globe, some of which are still going on. Today, our men and women in uniform are waging a fight against terrorism. And in the future, our military personnel could be asked to undertake a campaign in Iraq.

As we prepare to commemorate Veterans Day 2002, we should reflect on the sacrifices—past, present, and future—that are made by our men and women in uniform and their families. We can and should do more for our veterans to ensure that they have a decent standard of living and access to adequate health care.

For those reasons, I am deeply concerned about a memorandum that was sent to Veterans Integrated Service Network Directors by Deputy Under Secretary for Health for Operations and Management Laura Miller in July ordering them to "ensure that no marketing activities to enroll new veterans occur within your networks." The memo continued, "[i]t is important to attend veteran-focused events as part of our responsibilities, but there is a difference between providing general information and actively recruiting people into the system."

Deputy Under Secretary Miller's memo states that the increased demand for VA health care services exceeds the VA's current resources. According to the memo, "In this environment, marketing VA services with such activities as health fairs, veteran open houses to invite new veterans to the facilities, or enrollment displays at VSO, Veteran Service Officer meetings, are inappropriate."

While it is clear that more funding should be provided for VA health care and other programs, what is inappropriate is for the VA to institute a policy to stop making veterans aware of the health care services for which they may be eligible.

Soon after this memo was issued, I joined with the Senator from Massachusetts (Mr. KERRY) and a number of colleagues to send a letter to the President that expressed concern about the memo and asked that the policy outlined in it be reversed. As of today, Mr. President, more than two months later, we have yet to receive a reply to that letter.

I call on the President and the Secretary of Veterans Affairs to reverse immediately this unacceptable policy.

After the 108th Congress convenes next year, I plan to introduce a comprehensive package of reforms that will help to ensure that our nation's veterans are treated in a fashion that respects and recognizes the contributions that they have made to protect generations of Americans.

I am working to build on two pieces of legislation that I introduced during the 107th Congress. The National I Owe You Act, which I introduced with the Senator from Missouri [Mr. BOND], would require the VA to take more aggressive steps to make veterans aware of the benefits that are owed to them. This legislation, which was inspired by the Wisconsin Department of Veterans Affairs' "I Owe You" program, would create programs that identify eligible veterans who are not receiving benefits, notify veterans of changes in benefit programs, and encourage veterans to apply for benefits. The bill also would direct the Secretary of Veterans Affairs to develop an outreach program that encourages veterans and dependents to apply, or to reapply, for federal benefits.

This legislation in no way duplicates the work of County Veterans Service Officers (CVSOs) in my state and other states. The work of CVSOs is indispensable for reaching out to veterans, particularly in rural areas. The I Owe You Act simply calls for the VA to develop a program that encourages veterans to apply for benefits, identify veterans who are eligible but not receiving benefits, and notify veterans of any modifications to benefit programs. The new VA policy that prohibits marketing of health programs underscores the need for legislation in this area.

In addition, I have heard from many Wisconsin veterans about the need to improve claims processing at the VA. They are justifiably angry and frustrated about the amount of time it takes for the Veterans Benefits Administration to process their claims. In some instances, veterans are waiting well over a year. Telling the men and women who served their country in the Armed Forces that they "just have to wait" is wrong and unacceptable.

In response to these concerns, I joined with the Senator from Utah (Mr. HATCH) to introduce the Veterans Benefits Administration Improvement Act, which would require the Secretary of Veterans Affairs to submit a comprehensive plan to Congress for the improvement of the processing of claims for veterans compensation and pensions. In addition, every six months afterwards, the Secretary must report to Congress about the status of the program. I remain concerned about claims processing, and will continue to work with the VA and with my colleagues to address this important issue.

I look forward to continuing to meet with veterans and their families around Wisconsin in order to hear directly from them what services they need and what gaps remain in the VA system.

And so, Mr. President, this coming Veterans Day, and throughout the year, let us continue to honor America's great veterans.

Thank you, Mr. President.

WORKPLACE SAFETY IN THE CHEMICAL PROCESSING INDUSTRY

Mr. WELLSTONE. Mr. President, I would like to bring to the Senate's attention a disturbing new Federal study related to chemical plant safety. This report, dated September 24th from the U.S. Chemical Safety and Hazard Investigation Board, describes the hazards of what are called reactive chemicals. These are substances that can react violently, decompose, burn or explode when managed improperly in industrial settings. Process accidents involving reactive chemicals are reported to be responsible for significant numbers of deaths and injuries and considerable property losses in U.S. industries.

The investigation by the independent, non-regulatory board points out significant deficiencies in federal safety regulations that are meant to control the dangers from chemical processes. As the result of these inadequacies, more than half of the serious accidents caused by reactive chemicals occurred in processes that were exempt from the major Federal process safety rules.

These regulations known as the OSHA Process Safety Management standard and the EPA Risk Management Program rule were mandated in the landmark 1990 Clean Air Act Amendments. Unfortunately, OSHA chose to regulate just a small handful of reactive chemicals only 38 substances out of the many thousands of chemicals used in commerce. EPA for its part did not regulate any reactive chemicals at all.

The tragic results of these omissions now seem apparent. The Chemical Safety Board uncovered 167 serious reactive chemical incidents in the U.S. over the last 20 years. More than half of these occurred after OSHA's rules were adopted in 1992. Serious chemical explosions and fires continue to occur in states around the country. Recent fatal accidents in Texas, Georgia, Pennsylvania, and New Jersey are among those catalogued in the Chemical Safety Board's investigation.

Take the case, for example, of 45-year old Rodney Gott, a supervisor at the Phillips Chemical complex in Pasadena, Texas, outside of Houston. On numerous occasions Mr. Gott was spared as deadly accidents occurred at his plant and those nearby. On one occasion in 1989, 23 of his coworkers were killed during a chemical explosion at his plant. But eleven years later, as he worked next to a 12,000 gallon storage tank containing reactive chemical residues, he fell victim to a huge explosion. Sixty-nine of his colleagues were injured, including some who were burned almost beyond recognition. Rodney Gott never made it out.

As a result of the loophole in OSHA and EPA regulations, many industrial facilities that handle reactive chemicals are not required to follow basic good engineering and safety management practices practices such as hazard analysis, worker training, and maintenance of process equipment.

Frankly, this is hard to understand. These sound to me like practices that should be followed universally in the chemical industry. There should be little disagreement about the need to require these practices wherever dangerous reactive chemicals are in use.

Nonetheless, OSHA has failed to take action to improve its process safety standard. The last administration had regulation of reactive chemicals on its agenda, but did not complete work on the task before leaving office. In December 2001, the new OSHA administration inexplicably dropped rulemaking on reactive chemicals from their published regulatory agenda. I convened an oversight hearing of the Subcommittee on Employment, Safety and Training in July of this year to examine this issue among others.

OSHA Assistant Secretary John Henshaw appeared at that hearing. While he earlier stated that reactive chemical safety is a "vital interest" of the agency, he would not commit to me any particular timetable to put this important rulemaking back on track. I am deeply concerned at OSHA's failure to issue new and revised safety standards on an efficient schedule and at the low priority this item appears to have on OSHA's agenda. As the Chemical Safety Board's compelling statistics make clear, every year of delay on this regulation will cause additional needless deaths among America's working families. And there is ever present risk of a public catastrophe.

The Chemical Safety Board has now issued strong recommendations to both OSHA and EPA to address the safety of reactive chemicals through new regulations. President Bush's new appointee to head the Board, Carolyn Merritt, endorsed both these actions. A 30-year veteran of the chemical industry, she lamented the loss of life from reactive chemicals, noting that "it is much cheaper to invest in sound safety management systems than to pay the cost of a major accident." I hope this is a view that prevails within the administration.

By statute, OSHA and EPA must respond to the Chemical Safety Board's recommendations within 180 days. I urge both Assistant Secretary Henshaw and Administrator Whitman not to wait, but to immediately accept these recommendations and begin enacting new standards. Every day without these standards is another day of peril for workers like Rodney Gott, and for the thousands of people who live and work around chemical facilities nationwide.

The Executive Summary of the Chemical Safety Board's investigation Improving Reactive Hazard Management is too lengthy to include in the record. It can be found on the Chemical Safety Board Web site: http://www.csb.gov/info/docs/2002/ExecutiveSummary.pdf

REALITY CHECK ON BALLISTIC IMAGING

Mr. CRAIG. Mr. President, the Washington, DC, area is in the midst of a terrible crisis. As we all know too well, a murderer has gunned down nine people in cold blood during the past two weeks. Two other victims, including a child, have by the grace of God survived these sick and senseless attacks. Our thoughts and prayers go out to the bereaved, even as we try to comfort and reassure our own families and communities.

I am confident that the deranged person or persons causing all this suffering will be caught. The attempt to hold this area hostage to fear and intimidation will fail, and law enforcement officers will bring the guilty to justice.

As investigators are running down tips and testing forensic evidence, a sudden cry has gone up in some quarters demanding the dramatic expansion of a process known as "ballistic imaging." This technology is a tool employed to assist law enforcement in the analysis of crimes committed with a firearm.

I would like to take a moment to talk about this technology and make sure all our colleagues understand its benefits and limitations. It is easy for good people in the heat and emotion of these troubled times to be swept away by apparently easy solutions to enormously complex problems, and I believe that before we begin to think about expanding ballistic imaging in the United States, we should first take stock of what we do know.

Ballistic imaging technology can be a useful tool in the investigation of crimes committed with firearms. As currently used, forensic experts are able to electronically scan into a database a shell casing recovered from a crime scene to determine if that case matches those from other crime scenes. The technology can serve as a starting point in assisting law enforcement in determining if the same firearm was involved in multiple crimes.

The Federal Government has worked for nearly 10 years on developing an imaging network. The National Integrated Ballistic Information Network, NIBIN, administered by the Bureau of Alcohol, Tobacco, and Firearms, BATF, provides Federal, State, and local law enforcement officials with critical ballistics information on crimes committed with a firearm. This system matches shell casings recovered from crime scenes to ascertain if a firearm has been used in multiple assaults. By focusing strictly on cases recovered from crime scenes, NIBIN cannot be used to build a database of firearm owners, thereby guaranteeing the security and legal rights of millions of Americans who are law-abiding gun owners.

How does it work? When a firearm is discharged, both the shell casing and the bullet traveling down the barrel of the gun are imprinted with distinctive marks. The bullet takes on marks from the barrel's rifling, and the casing is marked by the gun's breech face, firing pin and shell ejector mechanism. Some guns, such as revolvers or single-shot rifles, might not leave ejection marks. These imprints are distinctive to a firearm. A ballistic imaging program can run a casing through its database and select those that offer a close match. A final identification is made visually by a highly trained ballistic examiner. This process does not lend itself to examining bullets from a firearm. Often, bullets are severely damaged on impact. Bullets recovered are usually examined visually by experts.

It is critically important to understand that this is not "ballistic DNA" or "ballistic fingerprinting." Unlike DNA or fingerprints that do not change over time, the unique marks that can identify a particular bullet or shell casing can change because of a number of environmental and use factors. Barrels and operating parts of firearms change with use and wear and tear over time. Moreover, a person can, within minutes, use a file to scratch marks in a barrel or breech face, or replace a firing pin, extractor, and barrel thereby giving a firearm a completely "new" ballistic identity. In other words, imaging remains a tool, but not a silver bullet, in criminal investigations.

Legitimate concerns have been raised about creating a national database that would store ballistic images from all firearms sold. We know that such a database would involve huge costs to the government, firearms manufacturers, and customers. Furthermore, it raises questions about a legal "chain of evidence," i.e., how to handle and store hundreds of millions of bullets or shell casings without exposing all such evidence to attack by defense lawyers. It could also break existing law by creating a database of law-abiding firearms owners and prove much less effective than NIBIN.

A recent study completed by the California Department of Forensic Services on creating a ballistic imaging network merely on a statewide level stated: "When applying this technology to the concept of mass sampling of manufactured firearms, a huge inventory of potential candidates will be generated for manual review. This study indicates that the number of candidate cases will be so large as to be impractical and will likely create logistic complications so great that they cannot be effectively addressed." The study pointed out that when expanding the database of spent shell casings, the system will generate so many "hits" that could be potential matches, it would not be of any use to forensic examiners. Other problems included guns making different markings on casings from different ammunition manufacturers; the shipping, handling, and storage of spent shell casings; the fact that some firearms do not leave marks that can be traced back to that particular firearm; and the requirement of highly-trained personnel for proper operation.

What about the success rate of statewide systems already in operation? Maryland introduced its own ballistic imaging system in 2000. Every new handgun that is sold in the State must be accompanied by spent shell casings for input into the imaging network. According to Maryland budget figures, approximately $5 million has been spent on the system. According to Maryland law enforcement officials, it contains over 11,000 imaged cartridges, has been queried a total of 155 times and has not been responsible for solving any crimes. Meanwhile, in New York, there have been thousands of cartridges entered into their database and, according to reports, no traces have resulted in criminal prosecutions.

Let me raise one more concern. It is clear that any ballistic imaging network would only be as good as the records it contains. While all the proposals put forward deal with compiling information from new firearms, today in the United States, it is estimated that there are more than 200 million firearms in private hands. It would be impossible to retrieve these firearms for ballistics documentation without violating the constitutional rights of millions of law abiding firearms owners.

All of these considerations should be food for thought to anyone seriously contemplating a national ballistic imaging network. At the very least, they support the conclusion that we should look, and look carefully, before we leap into this system. President Bush is calling for a study of the ballistic imaging technology, and so are some members of Congress. For example, the Ballistic Imaging Evaluation and Study Act, introduced in both the House and Senate by the bipartisan, bicameral team of Representative MELISSA HART and Senator ZELL MILLER, would order the Department of Justice to contract for a study by the National Academy of Sciences, which would examine the many questions surrounding imaging technology and provide a list of recommendations to policymakers and Congress. Enacting legislation to begin a study of this technology should be a priority. The proper allocation of dollars to fight crime is critical to ensuring safe communities, and we should obtain firm scientific conclusions on which to base decisions on how best to deploy this technology.

ADDITIONAL STATEMENTS

IN CELEBRATION OF THE WOMEN AT GROUND ZERO

• Mrs. BOXER. Mr. President, I would like to take this opportunity to share with the Senate my thoughts on 33 women who courageously served as rescue and medical workers, firefighters and police officers in New York City on September 11, 2001.

It is my great honor to recognize the extraordinary contributions made by these rescue workers who bravely worked to save lives at Ground Zero in New York City during the horror of September 11, 2001. The selfless actions of these women helped heal our country during a time of national tragedy. On September 11, we found out as a Nation what heroism truly is, how strong and united we can be, how we can set aside differences for the greater good and work together. And these women helped show us the way.

Some wonderful people in my home State of California are bringing these women to Sonoma County for an all-expense-paid week in the wine country to pay tribute to their heroism. I want to send my warmest thanks to Susan Hagen and Mary Carouba, authors of Women at Ground Zero, who wanted to make sure that the contributions of women rescue workers were recognized and honored along with their male counterparts.

In honor of their incredible efforts on September 11 and the important work they do every day, I am going to read the names of 30 women who worked at Ground Zero and then I will remember 3 women rescue workers who lost their lives on September 11, 2001.

Detective Jennifer Abramowitz; Rose Arce, who is not a rescue worker but who was doing a live broadcast next to Ground Zero on September 11 in order to get vital escape and rescue information out; Lieutenant Doreen Ascatigno; Captain Brenda Berkman; Maureen Brown; Tracy Donahoo; Major Kally Eastman; Bonnie Giebfried; Lieutenant Kathleen Gonczi; Sarah Hallett, PhD; Captain Rochelle "Rocky" Jones; Sue Keane; Tracy Lewis; Patty Lucci; Christine Mazzola; Lieutenant Ella McNair; Captain Marianne Monahan; Lieutenant Amy Monroe; Lois Mungay; Captain Janice Olszewski; Carol Paukner; Sergeant Carey Policastro; Mercedes Rivera; Lieutenant Kim Royster; Maureen McArdle-Schulman; Major Molly Shotzberger; JoAnn Spreen; Captain Terri Tobin; Nancy Ramos-Williams; and Regina Wilson.

I also want the following names to be memorialized today: Yamel Merino, Emergency Medical Technician; Captain Kathy Mazza, Commanding Officer of the Police Academy at the Port Authority Police Department; and Moira Smith, police officer with the New York Police Department. All three of these women sacrificed their lives on September 11, 2001 in their heroic efforts to save the lives of others.

None of us is untouched by the terror of September 11, and many Californians were part of each tragic moment of that tragic day. I offer today this tribute to the heroic women who worked tirelessly and selflessly at Ground Zero. I want to assure the families of Yamel Merino, Captain Kathy Mazza, and Officer Moira Smith that their mothers, daughters, aunts, and sisters will not be forgotten. And we will always be grateful to the brave men and women who worked tirelessly and selflessly at Ground Zero.•

IN RECOGNITION OF THE SAN FRANCISCO GIANTS

• Mrs. BOXER. Mr. President, I come before my colleagues today to pay tribute to the San Francisco Giants and their exceptional achievements on their road to the National League Pennant. On October 14, the Giants won the National League Championship Series in the bottom of the ninth inning on three consecutive hits in a rally that began with two outs. This game, and this particular conclusion, were emblematic of their entire season—hard fought, dramatic and filled with contributions from the entire lineup.

Earlier in the season some said that the team did not have a serious chance to make the post-season. One local sports columnist said the Giants should play minor league prospects in September because their situation was effectively hopeless—the Giants were 11½ games out of first place in the Western Division with a week left in August.

Manager Dusty Baker said throughout the season that the Giants were a team of veterans, and he expected them to have a strong second half of the season. He was right, as he has been so many times. After their low mark in August the team went on a run that never ended. The Giants have won 32 of their past 43 games, including eight straight at the end of the season.

This will be the first World Series appearance for the San Francisco Giants since 1989. Their only other trip to the Series was in 1962. Giants fans are rightly thrilled. This has been a special season for the Giants, marked by savvy decisions in the front office, great leadership from the manager, key contributions from the entire team and outstanding fan support. This pennant is a result of organization-wide commitment and effort.

In a world with much cause for anxiety, our national pastime provides a welcome break. I invite my colleagues to join me in saluting the San Francisco Giants, baseball's 2002 National League Champions.•

IN RECOGNITION OF THE ANAHEIM ANGELS

• Mrs. BOXER. Mr. President, I come before my colleagues today to offer my congratulations to the Anaheim Angels on their American League Championship Series victory. The Angels 13 to 5 win on October 13 gives Anaheim its first World Series berth in its 42-year history, a dream come true for Angels' fans around the country.

Throughout the 2002 season, the Angels have demonstrated the grit, dedication and focus that it takes to become champions. Baseball fans across the Nation have fallen in love with this team, not only because of its winning ways, but because of how it wins. It is only appropriate that the Angels' hard work be rewarded with a chance at a World Series Championship.

The road to the World Series was not easy for the Anaheim Angels. Making the playoffs as a wildcard team, nobody expected the Angels to win. When the team matched up against the perennial favorite New York Yankees in the first round of the playoffs, the odds against them grew even greater. However, against all odds, and contrary to the experts who said they could not win, the Anaheim Angels went out and proved everyone wrong.

On the strength of a record-tying inning, and a three home-run night by second baseman Adam Kennedy, the Angels scored 10 runs in the seventh inning to beat a determined Minnesota Twins team. This come-from-behind win epitomizes the heart of the Angels organization, not only this year but throughout its storied history, a history that came full circle when Jackie Autry, widow of the Angels founder and owner and cowboy legend Gene Autry, presented the team with the League Championship trophy.

The Anaheim Angels symbolize what makes team sports great. The team proved that you do not need the biggest stars or the highest payroll to achieve the greatest of goals. I wish the Angels the best of luck in the World Series, and, on behalf of all the fans, I thank the team for what has already been one of the most memorable baseball seasons ever.•

LILLIAN GOLDMAN

• Mrs. CLINTON. Mr. President, on August 20, New York lost one of its finest citizens. Lillian Goldman was a beautiful woman, inside and out. She was also committed, wise and generous. I was fortunate enough to be Lillian's friend, and I know how much her friendship meant to me and to so many others. I witnessed the effects she had on people and their futures. Four years ago, Lillian gave a significant gift to the 92nd Street Y for the family center. Two years ago, I was privileged to attend the dedication of the Lillian Goldman Law Library at Yale Law School. Among the many things about which she cared was the ability of women to make careers in the law, and especially to be educated at Yale Law School. Not only would she provide the scholarships to make that possible, she would have the foresight to support daycare at the law school, as well.

Women, children and their families, will be indebted to Lillian Goldman, her generosity and her progressivism for many generations to come.•

TRIBUTE TO KATHLEEN CLARK HOYT

• Mr. JEFFORDS. Mr. President, I am here today to honor and congratulate Kathleen Clark Hoyt of Norwich, VT, who will retire from Vermont State government on November 1 after many years of dedicated public service.

Most recently, Kathy Hoyt has served as Secretary of Administration in the cabinet of Governor Howard B. Dean, a position she has held since 1997. As such, she has been one of the most influential forces in our State government.

Kathy Hoyt's years of service date back more than three decades. In her native State of North Carolina, she worked to help fight poverty, create jobs and housing, and provide leadership training for minorities and the poor. After arriving in Vermont in 1968, she went to work with the State Office of Economic Opportunity, devoting herself to such issues as welfare reform and child care. She went on to become Commissioner of the Vermont Department of Employment and Training, and in 1989, she was appointed Chief of Staff and Secretary of Civil and Military Affairs for Gov. Madeleine Kunin.

Kathy Hoyt left State government when Gov. Kunin's term ended in January 1991, but her absence was short-lived. When Gov. Kunin's successor, Gov. Richard Snelling, died in office eight months later, Kathy Hoyt was summoned back to assist incoming Gov. Dean with the sudden transition. Once again, Kathy Hoyt found herself serving as Chief of Staff to a Vermont governor. Her unexpected re-entry in State government would keep her there for nearly a dozen more years.

Of all the tributes that have been made and will be made to Kathy Hoyt, perhaps her contribution to State government was best summed up by Gov. Dean. In a newspaper profile of Kathy Hoyt, Gov. Dean referred to his close confidante simply as "Saint Kathy."

I would like to take this opportunity to wish Kathy Hoyt the best in her future endeavors, and to personally thank her for the devotion she has shown to our great State of Vermont.•

IN CELEBRATION OF HISPANIC HERITAGE IN NEW MEXICO

• Mr. DOMENICI. Mr. President, I rise today to recognize the contributions of Hispanic Americans to New Mexico and this great country. I am so proud that New Mexico leads the Nation with the highest Hispanic percentage of population of any State, 42 percent. Of the 50 counties nationwide where Hispanics made up a majority of the population, 43 were located in either New Mexico or Texas. Today New Mexico received the news that five of our own have been named to Hispanic Business magazine's "100 Most Influential Hispanics" list. It is no surprise that our State has produced tremendous representation of Hispanic accomplishments on the national scene in the past year. It gives me great pleasure today to acknowledge the many ways Hispanic New

Mexicans have made a national name for themselves and our state in military and government service, the arts, education, business, sports, and many other fields.

As our Nation focuses on fighting terrorism around the globe and keeping our homeland safe, we are indebted more than ever to those serving in our military. Currently, more than 100,000 Hispanic Americans serve in our Nation's armed forces, making up about nine percent of our military. Thirty-eight Hispanics have attained the Nation's highest award for valor, the Medal of Honor. Five Hispanic New Mexicans have earned this medal serving in the United States Army, three in World War II, including Private Joseph P. Martinez, of Taos; Private First Class Alejandro R. Renteria Ruiz of Loving, NM, and Private First Class Jose F. Valdez, born in Governador, NM; and two in Vietnam, including Army Specialist Fourth Class Daniel Fernandez of Albuquerque, and Warrant Officer, then Sergeant First Class, Louis R. Rocco, of Albuquerque.

April 2002 marked the 60-year anniversary of the horrific Bataan Death March, a calamitous event that involved 1,817 New Mexicans, with fewer than 900 returning home. Memorials were unveiled in Albuquerque and Las Cruces to commemorate the brave veterans of this horrific ordeal, many of whom were Hispanic. In fact, several of the veterans on which this memorial was based were Hispanic natives of Southern New Mexico who survived the march, Private First Class Jose M. "Pepe" Baldonado, and Staff Sergeant Juan T. Baldonado. One of the veterans of this 65-mile forced march and labor camp internment, Ruben Flores of Las Cruces, passed away this year just before the memorial was unveiled. I am pleased that this year we have created a lasting tribute to thank these members of the New Mexico National Guard for their gallant service and valorous sacrifice under conditions too horrific for words, and today I salute them once again.

It has been fantastic for New Mexico that several of our citizens have been appointed by President Bush to serve in important capacities in the Federal Government. But it is also terrific for Hispanics around our nation that many of these individuals happen to be Hispanic. We are seeing greater representation of Hispanics in appointed positions and as candidates in elections around the country, and I'm proud of the New Mexicans who are blazing the trail in government service.

Just to name a few, I am thinking of Lou Gallegos, now Assistant Secretary of Agriculture for Administration; Dr. Cristina Beato, Deputy Assistant Secretary for Health at the Department of Health and Human Services; and Roberto Salazar, head of the Agriculture Department's Food and Nutrition Service. President Bush has also named two qualified Hispanic New Mexicans to serve in the federal judiciary: David Iglesias, United States Attorney for the District of New Mexico and Judge Christina Armijo of the U.S. District Court of New Mexico.

I am so proud of New Mexico's place on center stage in the world of Hispanic arts and culture. A center for Hispanic culture for centuries, Santa Fe has recently drawn renewed attention with its Museum of Spanish Colonial Art. Last month, the Wall Street Journal provided an in-depth look at the unique contributions of this institution to the preservation of Hispanic culture in an article titled Arte Hispanico, saying, "Though Spanish-colonial artworks are in the collections of many major museums, the Santa Fe museum is uniquely focused on illustrating the cultural connections among people of Spanish descent, showing, for example, how Baroque influences in style and artistic method traveled first from Spain to Mexico and then to New Mexico . . ."

Likewise, this article highlighted New Mexico's role as home to the Spanish Colonial Arts Society, saying, "For more than seven decades, the society has purchased historic and contemporary Spanish-colonial artworks and sponsored markets and competitions among living artists, fostering what has grown into a vibrant commercial market for traditional Spanish-colonial arts. Some 300 artists in New Mexico alone continue to make art like their ancestors did . . . Many of the artists participate in the Art Society's annual Spanish market, which drew about 70,000 colonial art aficionados to Santa Fe's plaza earlier this summer."

Finally, I would be remiss if I did not recognize once again the New Mexican who brought home a National Medal of Arts for 2001, writer Rudolfo Anaya. President Bush honored Rudolfo with this award earlier this year for his accomplishments such as his well-known novel "Bless Me, Ultima," and his work to inspire and promote other Hispanic writers. Rudolfo is a New Mexico treasure, and I want to thank this fellow New Mexican for the fine work he has done.

I would now like to recognize another citizen of our state who has had a hand in inspiring the next generation of New Mexicans. Hispanics make up the fastest growing part of the nation's public school system. Earlier this year, we enacted the most comprehensive education reform law in decades, the No Child Left Behind Act, which will help give teachers and schools the tools and resources they need to do their jobs. Joseph Torrez, the principal for the third through fifth grades in Tucumcari, NM, provides a shining example of how our teachers and principals hold the key to ensuring that no child is left behind. In honor of his outstanding contributions to the community and the education profession, the Department of Education and the National Association of Elementary School Principals selected Joseph as the National Distinguished Principal for New Mexico.

Joseph created an after-school program providing recreational activities and assistance to children at risk of failing in school, as well as job training for their parents. He also helped children at his school become in new community opportunities, such as helping the homeless and visiting senior citizens. I appreciate Joseph's great contribution to his community, and this New Mexican has certainly earned the national recognition he has gained.

New Mexico is leading the pack by leaps and bounds in Hispanic business ownership. Hispanics own 21.5 percent of all firms in our State, the highest percentage of any State, or a total of 28,300 businesses, according to the latest figures released by the Department of Commerce. Not surprisingly, Hispanic New Mexicans made an impressive showing this year in the business honors bestowed by the Minority Business Development Agency, MBDA, of the Department of Commerce.

I want to take this opportunity to commend Deborah Valenzuela Baxter, President and CEO of Integrity Networking Systems, Inc. of Albuquerque, for gaining the prestigious title of Minority Female Entrepreneur of the Year. Under her leadership, an enterprise that began as a two-man operation has blossomed into a highly motivated staff of 40 with revenues of over $20 million in 2001. Carlo Lucero, President of Sparkle Maintenance, Inc. of Albuquerque was named 8(a) Graduate of the Year, after his firm this year put its 36 years of experience in commercial janitorial and building maintenance service to work in a contract for the high-tech clean rooms of Sandia National Laboratories.

Finally, this year marked the retirement of a national great from New Mexico, whose achievements charted new waters for both women and Hispanics in the United States. Nancy Lopez, a Roswell native and one of New Mexico's favorite daughters, won 48 titles on the Ladies Professional Golf Association, LPGA, tour, and was inducted into the LPGA Hall of Fame in 1987. Nancy is a luminary and a pacesetter whose accomplishments give testimony to the power of dreaming big and working persistently.

I mentioned that today Hispanic Business magazine announced five New Mexicans selected for the "100 Most Influential Hispanics" list. I have recognized several of their names already, but allow me to include for the record the magazine's list of New Mexican leaders who have blazed the trail in business and their fields: author Rudolfo Anaya; U.S. Department of Agriculture, USDA, Assistant Secretary for Administration Lou Gallegos; LPGA golfer Nancy Lopez; Director of USDA's Food and Nutrition Service, Roberto Salazar; and Eufemia Lucero of the U.S. Postal Service.

In honoring our State's Hispanic heritage, we should be very proud of the New Mexicans whose accomplishments have garnered the national spotlight and appreciation within our State because of the ways they have enriched our lives. I have no doubt that the best is yet to come. I ask that the October 17, 2002 Albuquerque Journal article "5 New Mexicans make top-100 list" be printed in the RECORD.

The article follows.

[From the Albuquerque Journal, Oct. 17, 2002]

5 NEW MEXICANS MAKE TOP-100 HISPANIC LIST

(By Charles D. Brunt)

Albuquerque author Rudolfo Anaya, U.S. Department of Agriculture Assistant Secretary for Administration Lou Gallegos, and LPGA Hall of Fame golfer Nancy Lopez have been named to Hispanic Business magazine's annual "100 Most Influential Hispanics" list.

Also on the list are Roberto Salazar, who heads the USDA's Food and Nutrition Service, and Eufemia S. Lucero, a longtime administrator with the U.S. Postal Service.

The magazine's October 2002 edition says nominations for the list come from the magazine's staff, nominees themselves, readers and Web-site visitors. Nominees must be U.S. citizens of Hispanic origin and must "have had recent national impact," the magazine says.

"That's something," Anaya said of his making the list. "I think it's kind of farsighted for a business magazine to include a writer."

Anaya said people don't usually think of writers as business people.

"We're also part of the economy. I think maybe it's a wake-up call for some of the business organizations here in New Mexico to realize that we're in there punching away," Anaya said.

"I told my wife I was No. 1" on the list, he equipped. "But she told me it was because my name's Anaya." The magazine lists its selections in alphabetical order.

Anaya, widely recognized as the father of Chicago literature, is best known for his New Mexico trilogy "Bless Me, Ultima," "Tortuga" and "Heart of Aztlan" and a dozen other works. He received the Premio Quinto Sol National Chicano Literary Award for his first novela, "Bless Me, Ultima," in 1972, and the PEN Center West Award for his 1992 novel "Alburquerque."

In 2001 Anaya was awarded the National Medal of Arts award by President Bush.

FARMING

Gallegos, who herded sheep on his family's ranch near Amalia in northern Taos County as a child, made the list for the second year in a row.

"It is kind of a feather in one's hat," Gallegos said from his Washington office.

Gallegos also wrote an article for the same issue of the magazine outlining the prospects for Hispanic farmers in the United States.

The essence of the article is that, given that the number of Hispanic farmers has doubled in recent years, farming is still a business. The skills necessary to farm successfully have to be upgraded to keep pace, he said.

For 15 months in 1989–90, Gallegos was assistant secretary for policy, management and budget under Interior Secretary Manuel Lujan, Jr., also of New Mexico.

Gallegos was Gov. Gary Johnson's chief of staff from 1994 until May 2001, when he left for Washington.

Gallegos also made the magazine's list in 2001.

HALL OF FAME

Former Roswell resident Lopez first picked up a golf club at age 8 and learned the game from her father, Domingo Lopez, by following him around Roswell's Cahoon Park Golf Course.

When she debuted on the LPGA tour in 1978, she won nine tournaments. During her career, she has added 39 more titles. She was named to the LPGA Hall of Fame in 1987.

Lopez, 45, announced in March that 2002 would be her final full season on the tour.

Lopez lives in Albany, Ga., with her husband of 20 years, Cincinnati Reds coach Ray Knight, and her three daughters.

According to the LPGA, Lopez has earned $2.25 million during her career.

"Without Nancy and her fans, we would not have a $3 million purse today," Cora Jane Blanchard, the U.S. Golf Association women's committee chairwoman, told the Journal last summer at the start of the U.S. Women's Open.

IN WASHINGTON

Salazar, a native of Las Vegas, N.M., was state director of the USDA's Rural Development agency in New Mexico before taking the Washington job.

He held senior positions with the New Mexico Economic Development Department and the U.S. Department of Commerce's Minority Business Development Agency.

Lucero was manager of the Postal Service's Executive Resources and Leadership Development Program for two years before being named human resources director.

She also has held several management positions with the Postal Service's Albuquerque District office.●

PORTLAND, OREGON AWARDED DIGITAL TV ZONE

● Mr. SMITH of Oregon. Mr. President, I rise today to congratulate the city of Portland for recently being awarded the "Digital TV Zone" distinction by the National Association of Broadcasters and the Consumers Electronics Association.

In Portland my constituents are already served by a number of free, over-the-air, digital signals. Portland stations broadcasting in digital include: KPDX, a Meredith Corporation owned FOX affiliate; KPTV, a FOX owned UPN affiliate; KGW, a Belo Corporation owned NBC affiliate; KOIN, an Emmis Communications owned CBS affiliate; KATU, a Fisher Broadcasting owned ABC affiliate and KOPB, Oregon's local PBS station.

The Digital TV Zone distinction, recognizes Portland as a technology leader for having all of its local network affiliated stations broadcasting in digital.

However, the distinction means more than just that. As part of the Digital TV Zone project, these local stations undertook an awareness campaign to educate Portland consumers about the digital television future. The stations pooled their resources to host digital watch parties in local restaurants and consumer outlets.

The stations posted digital sets in high traffic areas throughout the city like the Rose Garden Arena, the Oregon History Center, and the Portland City Hall. In these venues, Portlanders could see local digital signals displayed in all their glory on High-definition digital television sets.

The stations spent their own revenue airing an advertisement that explains the benefits of digital television to viewers. Some of you may have seen this advertisement. It was entitled "Time Marches On," a reference to how digital television and Portland's digital stations are looking towards the future.

All of these activities worked in tandem to spread the news of digital television among Portland consumers, my constituents.

I am proud of these stations for making the leap into the digital future. I know it is not an inexpensive undertaking. Stations converting to digital must purchase new transmission facilities and often, they must erect new broadcast towers. Once they are on the air in digital, they must broadcast two signals simultaneously: their new digital signal and an analog signal to continue serving viewers who can't yet receive digital signals. Despite the costs, these local Portland stations have invested in digital television and for that they should be commended.

For those who are not familiar with digital television, let me say that it is the next exciting step in TV. Digital television's capacity makes High Definition broadcasting possible, bringing viewers enhanced viewing resolution and sound. Moreover, the capacity can also allow stations to "multi-cast" or provide multiple programs simultaneously, giving viewers more programming options and allowing stations to convey even more information over the airwaves.

As with every other technological advance, there will be challenges before consumers can fully benefit from everything digital television offers. The American consumer will need to embrace digital television for it to catch on. That is why I am so proud of these Portland stations. Not only have they invested in the technology of digital television, they have invested to see that the technology takes hold among consumers. These stations are small businesses like any other. They have payroll to fulfill; they must pay overhead. I think it is commendable that they have shown such a commitment to the future of free, over-the-air television through the "Digital Television Zone" program.●

ON THE 150TH ANNIVERSARY OF THIRD BAPTIST CHURCH

• Mrs. BOXER. Mr. President, on November 10, 2002, Third Baptist Church of San Francisco will celebrate 150 years of service to the community. I would like to take this opportunity to direct the Senate's attention to this remarkable milestone and reflect about the history of the church and what it means to the people of San Francisco.

Third Baptist Church, formally known as the First Colored Baptist Church of San Francisco, was founded in the home of William and Eliza Davis in August, 1852. Since then, the church has grown and thrived. Today it serves as place of worship for thousands of congregants. In addition, it provides a wide variety of ministries to people of all ages.

As the first black Baptist congregation established west of the Rocky Mountains, Third Baptist has developed into a great source of guidance and strength for the people of San Francisco, especially in the African American Community. It is a place of solace and sanctuary, a place where the spirit and soul can be rejuvenated. And it is a place where people gather to celebrate the great joys of life and share in the fellowship of other parishioners. Not just a part of the community, Third Baptist is a community unto itself.

During the past 150 years, thousands of people have found inspiration through Third Baptist's doors. The church has witnessed many pivotal moments in the history of our state, nation and the African-American community. And with each challenge, it has emerged as a stronger, more vibrant institution.

Third Baptist Church has been blessed with the leadership of many fine pastors. From Reverend Charles Satchell to Reverend Amos C. Brown, the current senior pastor, the Third Baptist Church continues to be a strong voice for those who too often have no voice at all.

I am aware that President Bill Clinton and other dignitaries will be present at this 150th anniversary event. I extend my personal congratulations and thanks for 150 years of devoted service.•

IN COMMEMORATION OF THE AMERICAN INDIAN HERITAGE CELEBRATION

• Mr. BOND. Mr. President, I rise to commemorate the American Indian Heritage Celebration which took place at Frank Vaydik Line Creek Park in Kansas City, MO on October 5th and 6th of 2002, and to recognize the Otoe-Missourina nation. For over 10,000 years, the Kansas City area has been home to several ancient cultures with sites that are recorded with the Archaeological Survey of Missouri and the National Register of Historic Places.

In 1673, when French explorers traveled along what is now the Missouri River, they named the indigenous people living in the area, Oumessourit, meaning "people of the big wooden dug out canoes." Oumessourit, later became Missouri and the state of Missouri would subsequently be named after the natives.

The Missouria's main village was approximately 90 miles east of Kansas City. A related tribe, the Otoe, lived in the area of Kansas City, particularly the "Northland." Along with the Winnebagos and Loway, the Otoe and Missouria were once part of a single nation living in the Great Lakes area. The Otoe and Missouria would later reunite to become the Otoe-Missouria nation and in the late 1800s were relocated to a reservation in Oklahoma.

Lewis and Clark once spoke of the Missouria as "a remnant of the most numerous nation inhabiting the Missouria". Today, there are no pure blood Missourias left, only distant decedents which have been absorbed into the Otoe tribe.•

TRIBUTE TO MARGARET CARTER

• Mr. SMITH of Oregon. Mr President, Former Oregon Governor Tom McCall once said, "Heroes are not giant statues framed against a red sky. They are people who say, 'This is my community, and it's my responsibility to make it better.' "

I rise today to pay tribute to Oregon State Senator Margaret Carter, a remarkable woman who truly is a hero, for she has devoted much of her life to making her community and state better.

Senator Carter was honored earlier this week at a dinner saluting her service as President of the Portland Urban League. Nearly 300 civic and business leaders gathered in Portland to thank Margaret for the leadership she provided to the Urban League during a very crucial time.

I first got to know Margaret when I came to the Oregon State Senate in 1993. At that time, she was serving the fifth of her seven terms in the Oregon State House of Representatives, where she made history as the first African-American woman ever elected to the Oregon House.

Margaret was a Democrat representing inner-city Portland. I was a Republican representing rural Eastern Oregon. Yet, we quickly became friends and decided there were a number of projects on which we could unite our efforts. We have been working together ever since.

An educator by training, Margaret has worked as a youth counselor, the assistant director of a community action agency, and for 27 years she served on the faculty of Portland Community College, where she was a founder of the PCC Skills Center. While in the State Senate, I was proud to work with Margaret to preserve funding for the Skills Center, which is a center of hope for those looking for a better future.

In 2000, Margaret was elected to the Oregon State Senate, having won the nomination of both the Democrat and Republican parties. Her legislative achievements include helping to create a statewide Head Start program and the Oregon Youth Conservation Corps. She was also the chief sponsor of the law that created a state holiday to honor Dr. Martin Luther King, Jr. Indeed, few Oregonians have done more to make Dr. King's dreams a reality that Margaret Carter.

Included among Margaret's many talents is the fact that she has one of the most remarkable singing voices I have ever heard. While I couldn't join in the dinner in her honor this week, I did want to raise my voice here on the Senate floor to pay tribute to a woman who I am honored to call my friend a woman who is a true Oregon hero.•

TRIBUTE TO MARY COX

• Mr. BOND. Mr. President, I congratulate Ms. Mary Cox for being honored as Missouri's Outstanding Older Worker by the Experience Works Senior Workforce Solutions. Mary was nominated by her employer at the Kansas City Public Library in Kansas City, Missouri. In 1997, Mary began working for the library as a trainee with the Jewish Vocational Services and has been there ever since. "I had no idea what I could do, but after only one week, I knew the library was a place I wanted to work," Mary stated. At the library, she entered a fast-paced, highly computerized, and customer service oriented world. Mary spent her first year learning how to shelve books, organize materials, and then received computer training. She loves her work as a library clerk because she continually learns new information and enjoys helping library patrons complete research. Mary says, "working keeps me strong physically and mentally." I commend Mary for her dedication and the Kansas City Public Library's contribution to the Kansas City community.•

TRIBUTE TO ANTHONY LAMAR

• Mr. BOND. Mr. President, I rise to pay tribute to the bravery and courage of Anthony Lamar who saved the life of his schoolmate, fifth grader Walter Britton. While working the tree house, Walter lost his balance and reached back to grab onto a branch, but instead he grabbed a live wire. Anthony pulled Walter off the live wire saving his life and helped Walter home. I commend Anthony for his bravery and courage and hope his example will encourage others to assist those in need.•

TRIBUTE TO MARSHAL JOHN WRIGHT

• Mr. BOND. Mr. President, I rise to pay tribute to Marshal John Wright. On June 20, 2002 a minivan collided with a train killing three adults and the only survivor was a 5½-year-old child named Allison Seymour. Bucklin City Marshal John Wright observed the accident from his police car, about a block and a half away from the railroad tracks and rushed to the wreck. He found Allison Seymour belted in a car seat, crying but conscious and alert. Marshal Wright held Allison's hand and was able to keep her calm until the paramedics arrived to life flight her to Children's Mercy Hospital in Kansas City. Allison's injuries consisted of a broken femur on her right leg and lacerations on her calf. While at the crash scene, Marshal Wright was at personal risk from the threat of an explosion from leaking gasoline, but his concern was for Allison's welfare. I commend Marshal Wright for his selfless actions and hope his example will encourage others to assist those in need.•

TRIBUTE TO ERIC C. HURST

• Mr. GRASSLEY. Mr. President, I rise today to bring to your attention an outstanding individual, Eric C. Hurst of Minot, ND.

This young man tragically lost his life in an attempt to rescue one of my fellow Iowans. Mr. Hurst loved his job as a canoe guide in the Boundary Waters Canoe Area Wilderness in Minnesota. While working on July 30, 2002, Mr. Hurst witnessed a young lady, Jamie Christenson, drowning in the boundary Waters near Basswood Falls. Without hesitation, Mr. Hurst dove in to rescue Ms. Christenson. Unfortunately, both Mr. Hurst and Ms. Christenson were pulled under water by the strong undercurrent. When they surfaced, revival attempts were futile.

Although this story has a tragic ending, we must not forget the heroism displayed by Eric Hurst. He was willing to try to save Ms. Christenson from the turbulent waters of Basswood Falls without regard to the danger it posed to his own life. This is truly the ultimate sacrifice one can make.

It is with deep respect and great sadness that I recognize Mr. Eric C. Hurst before this body of Congress and this nation for his unselfish act of heroism. Eric Hurst and Jamie Christenson will be missed by the many people they touched in their life and I express my sincere condolences to their families.•

TRIBUTE TO JOSEPH R. DEVINE

• Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Joseph R. Devine, Chief of Police in Merrimack, NH. Joseph has faithfully served our country for the past 28 years, first in the United States Army and then as a member of the Police Force.

Joseph began his career in law enforcement in 1956 with the Johnston, Rhode Island Police Department. During his tenure there, Joseph proved to be a valuable asset and was rewarded with numerous promotions. Hired originally as a Special officer, Joseph was promoted to Full Time Officer 2 years later, followed by another 3 promotions, eventually leaving him with the rank of Deputy Chief in 1970. His 14 years of dutiful service in Johnston prepared him for his future duties, giving him valuable experience and on the job training.

Joseph later served as the Chief of Police for both St. Johnsbury and Claremont, New Hampshire before settling in the Town of Merrimack. It was there that he has spent the past 21 years making the streets safe for children and adults, patrolling our neighborhoods, and faithfully serving the residents of Merrimack. He will be sorely missed by those who he protected for so many years. Throughout his career, Joseph received numerous awards celebrating his distinguished career, from the VFW Certificate of Appreciation for Community Service to the Life Membership Award from the International Association of Chief of Police to the Professionalism in Law Enforcement Award.

Joseph serves as a positive example to those in law enforcement and to all Granite Staters. He has served his country well and made his family proud. The Town of Merrimack has benefitted greatly from his expertise, and I am confident that in years to come, Joseph will make his expertise and knowledge readily available to the Police Department. It has been an honor and.a privilege representing you in the United States Senate. I wish you continued happiness and success in the years to come.•

A TRIBUTE TO DICK SPEES

• Mrs. BOXER. Mr. President, on Saturday, November 16, 2002, the city of Oakland will celebrate the remarkable career in public service of retiring Oakland City Councilmember Dick Spees, who has served on the council with grace, wit and distinction for 24 years. The celebration—2003: A Spees Odyssey will take place at the Chabot Space and Science Center in Oakland.

Councilmember Spees leaves a quarter-century legacy of service to his constituents, as well as council leadership on issues of economic development, marketing, good government, finance, quality of life, public safety, and regional planning.

Among his many accomplishments, he led local efforts to found Chabot Space & Science Center; Oakland-Sharing the Vision; Oakland Tours; the Bay Area Economic Forum; the Bay Area World Trade Center, and the Bay Area Bioscience Center.

He has led campaigns to pass bond measures that have purchased open space, built recreation centers, libraries and cultural facilities, and upgraded emergency response facilities and equipment.

As chair of the City Council's Rules Committee, Dick has shepherded campaign finance reform, the sunshine ordinance, the lobbyist registration ordinance and the formation of the public ethics commission. He has also spearheaded development of the city, State and Federal legislative programs and led advocacy efforts in Sacramento and Washington, DC.

A skilled negotiator, Dick has resolved many contentious issues in District 4 and in the city, including the expansion of Dreyer's Grand Ice Cream, Montclair Lucky Store, Fred Finch Youth Center, and Lincoln Child Center. He negotiated recent amendments to the Residential Rent Arbitration Program.

In the area of economic development, Councilmember Spees has led many of the city's marketing efforts, has collaborated on writing Oakland's telecommunications policy, and has initiated business attraction efforts for telecommunications, digital media, software, and bioscience companies. He has promoted economic development in District 4 through zoning changes, streetscape improvements, utility undergrounding, and outreach to interested developers.

Throughout his career, Dick has represented Oakland on Bay Area regional agencies. He currently serves on the Association of Bay Area Governments, the Bay Area Economic Forum, the Regional Airport Planning Committee, the Bay Area World Trade Center, Oakland Base Reuse Authority, and cochairs the City-Port Liaison Committee and the BART-Oakland Airport Connector Stakeholders Committee.

The people of Oakland are losing a remarkable public servant in Dick Spees, but I suspect that his heart will never be far from the people he has represented so well for so long. I wish the very best to him and his wife Jean.•

NATIONAL SPINA BIFIDA AWARENESS MONTH

• Mr. ALLEN. Mr. President, I rise today to recognize that October is National Spina Bifida Awareness Month and to pay tribute to the more than 70,000 Americans, and their family members, who are currently affected by Spina Bifida, the nation's most common, permanently disabling birth defect.

Spina Bifida affects more than 4,000 pregnancies each year, with more than half ending tragically in abortion.

Each year 1500 babies are born with Spina Bifida, a terrible condition in which the spine does not close completely during the first few weeks of pregnancy. The result of this neural tube defect is that most babies suffer from a host of physical, psychological, and educational challenges, including paralysis, developmental delay, numerous surgeries, and living with a shunt in their skulls in an attempt to ameliorate their condition. After decades of poor prognoses and short life expectancy, due to breakthroughs in research, combined with improvements in health care and treatment children with Spina Bifida are now living long enough to become adults with the condition. However, with this extended life expectancy people with Spina Bifida now face new challenges education, job training, independent living, health care for secondary conditions, aging concerns, and other related issues.

Therefore, we must do more to ensure a high quality of life for people with Spina Bifida so more families choose the blessing and joy of having a child with this condition. Fortunately, Spina Bifida is no longer the death sentence it once was and now most people born with Spina Bifida will likely have a normal or near normal life expectancy. The challenge now is to ensure that these individuals have the highest quality of life possible.

One of my constituents, sixteen year-old Gregory Pote, is one of the 70,000 Americans who live with Spina Bifida. Gregory had the pleasure of visiting Capitol Hill this summer to hear his uncle testify before the Senate Subcommittee on Children and Families' hearing on "Birth Defects: Strategies for Prevention and Ensuring Quality of Life." Greg's uncle, Hal Pote, President of the Spina Bifida Foundation, testified that one of his proudest moments was the morning that their family awoke before the crack of dawn and gathered together on the side of a street in Philadelphia to watch Greg carry the Olympic torch earlier this year. Despite this amazing accomplishment, it is important to note that at the age of sixteen Greg has already had more than twenty surgeries. It is my understanding that double-digit numbers for surgeries unfortunately are not unusual for children living with this condition. Therefore, it is essential that we do more to prevent and reduce suffering from Spina Bifida and take all the steps we can to ensure that Greg and the 70,000 other Americans like him who live with Spina Bifida every day can have the most productive and full lives possible.

I would like to commend the Spina Bifida Association of America, SBAA, an organization that has helped people with Spina Bifida and their families for nearly 30 years, works every day, not just in the month of October, to prevent and reduce suffering from this devastating birth defect. The SBAA puts expecting parents in touch with families who have a child with Spina Bifida, and these families answer questions and concerns and help guide expecting parents. The SBAA then works to provide lifelong support and assistance for affected children and their families.

During the month of October the SBAA and its chapters make a special push to increase public awareness about Spina Bifida and teach prospective parents about prevention. Simply by taking a daily dose of the B vitamin, folic acid, found in most multivitamins, women of childbearing age have the power to reduce the incidence of Spina Bifida by up to 75 percent. That such a simple change in habit can have such a profound effect should leave no question as to the importance of awareness and the impact of prevention.

In addition, I would like to commend my Senate colleagues for allocating $2 million in much-needed funding for a National Spina Bifida Program at the National Center for Birth Defects and Developmental Disabilities, NCBDDD, at the Centers for Disease Control and Prevention, CDC, to ensure that those individuals living with Spina Bifida can live active, productive, and meaningful lives. I also am very proud that we in the Senate recently passed by unanimous consent the bipartisan "Birth Defects and Developmental Disabilities Prevention Act of 2002," which takes many critical steps that will work to prevent Spina Bifida and to improve quality of life for individuals and families affected by this terrible birth defect.

I again thank the SBAA and its chapters for their commitment to improve the lives of those 70,000 individuals living with Spina Bifida throughout our Nation. I also wish to thank two nationally respected television journalists, Judy Woodruff and Al Hunt for their caring, meaningful leadership in this important cause. In conclusion, I wish the Spina Bifida Association of America the best of results in its endeavors, and urge all of my colleagues and all Americans to support its important efforts.•

25TH ANNIVERSARY OF THE ENVIRONMENTAL DEFENSE CENTER

• Mrs. BOXER. Mr. President, on November 10, the Environmental Defense Center will celebrate its 25th anniversary of action to protect the environment in Santa Barbara and Ventura Counties. I would like to take this moment to reflect on EDC's wonderful work.

For the past quarter century, EDC has served as a powerful voice for the environment. We can look to natural places like the Channel Islands National Park and National Marine Sanctuary and the Los Padres National Forest to see the impact of EDC's work. It has fought for clean air and water, the preservation of our precious wild heritage, and the clean up of military bases and toxic waste sites. It has also played a crucial role in the fight to stop oil drilling off our coast, an issue so important to California.

As a longtime supporter of our nation's environment, I know how crucial it is to protect our natural resources. We must continue to work to both safeguard our environment and maintain a healthy economy. EDC has helped us work toward this goal.

I am pleased to congratulate EDC on this important milestone and wish the staff continued success.•

THE RETIREMENT OF LIEUTENANT RAYMOND GRIFFITH

• Mrs. BOXER. Mr. President, I am pleased to take this moment to reflect on Lieutenant Raymond Griffith's outstanding service on the occasion of his retirement from the Cathedral City Police Department. The Department will honor him on November 8, 2002.

Lieutenant Griffith has had a career devoted to public service spanning more than 33 years. After graduating as Valedictorian from the Los Angeles Police Academy, he began his career at the Orange Police Department and remained there for 15 years. He served the department in many areas, including patrol, training, internal affairs, detectives, juvenile, and nine years in the special weapons unit.

Lieutenant Griffith's expertise equipped him well for the next step in his career, Sergeant of the then-new Cathedral City Police Department. As one of the first employees of the department, Lieutenant Griffith helped get the operation off to a good start. He played a key role in developing policies and procedures, hiring staff and obtaining facilities and equipment. Throughout the agency's 18-year history, Lieutenant Griffith has been seen as a "founding father" of the department and an important leader in its operation.

In addition to serving on the police force, Lieutenant Griffith has served as a valued law enforcement instructor and trainer at the College of the Desert, Riverside Community College and at the Police Academy. He has also served our Nation in the United States Marine Corps and the Coast Guard Reserves.

It is clear that Lieutenant Griffith deserves the praise he has received from his colleagues and peers. I extend to him my sincere congratulations for his service to the force, broader community and to our Nation. Although his presence will be missed, he has left a legacy of leadership that will be long remembered.•

OREGON HERO OF THE WEEK

• Mr. SMITH of Oregon. Mr. President, today I pay tribute to a community's extraordinary effort to improve their situation. In the past year, Oregonians have faced innumerable economic challenges. With unemployment rates surpassing all other States, Oregonians have been pushed to the limit. But in the relatively small eastern Oregon community of Baker County, the citizens refused to give in to economic pressures. The Baker Enterprise Growth Initiative, BEGIN, is helping Baker County grow, one business at a time.

BEGIN has helped community Entrepreneurs realize their dreams of running successful small businesses. BEGIN uses simple, yet effective models to help business owners understand the importance of a balance between product, marketing and financial stability. Management becomes a team effort and people are able to succeed at their strengths while relying on others as well.

BEGIN is a community effort and its successes lift the entire region. In August of 2001, the BEGIN Program was awarded the Kaufmann Foundation Pioneer Award for Leadership in Entrepreneurial Promotion at the National Association of Development Organizations' Annual Conference in San Antonio, TX. Members of the Northeast Oregon Economic Development District were also able to present the BEGIN program and accomplishments to the over 200 economic development professionals from across the Nation.

BEGIN has not only provided much needed economic development in Baker County, but has also shown Oregonians, and the entire Nation, that we will overcome this period of economic hardship. BEGIN truly exemplifies the pioneer heritage and nature of Baker County in searching for its own solutions to problems rather than waiting for someone else to come solve their problems for them. I am proud to salute the Baker Enterprise Growth Initiative as the Oregon Hero of the Week.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a withdrawal which were referred to the Committee on Health, Education, Labor, and Pensions.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

At 11:02 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bills and joint resolution:

H.R. 3295. An act to establish a program to provide funds to States to replace punch card voting systems, to establish the Election Assistance Commission to assist in the administration of Federal elections and to otherwise provide assistance with the administration of certain Federal election laws and programs, to establish minimum election administration standards for States and units of local government with responsibility for the administration of Federal elections, and for other purposes.

H.R. 5010. An act making appropriations for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes.

H.R. 5011. An act making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes.

H.J. Res 123. An act making further continuing appropriations for the fiscal year 2003, and for other purposes.

The enrolled bills and joint resolution were signed subsequently by the President pro tempore (Mr. BYRD).

The following enrolled bills and joint resclution, previously signed by the Speaker of the House, were signed on today, October 17, 2002, by the President pro tempore (Mr. BYRD).

S. 1339. An act to amend the Bring Them Home Alive Act of 2000 to provide an asylum program with regard to American Persian Gulf War POW/MIAs, and for other purposes.

S. 2558. An act to amend the Public Health Service Act to provide for the collection of data on benign brain-related tumors through the national program of cancer registries.

H.J. Res. 113. A joint resolution recognizing the contributions of Patsy Takemoto Mink.

At 12:29 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House agrees to the Senate amendment to House amendment to Senate amendments to the bill (H.R. 3253) to amend title 38, United States Code, to provide for the establishment within the Department of Veterans Affairs of improved emergency medical preparedness, research, and education programs to combat terrorism, and for other purposes.

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 3801) to provide for improvement of Federal education research, statistics, evaluation, information, and dissemination, and for other purposes.

The message further announced that the House agrees to the amendment of the Senate to the bill (H.R. 4015) to amend title 38, United States Code, to revise and improve employment, training and placement services furnished to veterans, and for other purposes.

The message also announced that the House has passed the following bill, with an amendment:

S. 1533. An act to amend the Public Health Service Act to reauthorize and strengthen the health centers program and the National Health Service Corps, and to establish the Healthy Communities Access Program, which will help coordinate services for the uninsured and underinsured, and for other purposes.

The message further announced that the House has passed the following bills, each without amendment:

S. 1210. An act to reauthorize the Native American Housing Assistance and Self-Determination Act of 1996.

S. 1227. An act to authorize the Secretary of the Interior to conduct a study of the suitability and feasibility of establishing the Niagara Falls National Heritage Area in the State of New York, and for other purposes.

S. 1270. An act to designate the United States courthouse to be constructed at 8th Avenue and Mill Street in Eugene, Oregon, as the "Wayne Lyman Morse United States Courthouse."

S. 1646. An act to identify certain routes in the States of Texas, Oklahoma, Colorado, and New Mexico as part of the Ports-to-Plains Corridor, a high priority corridor on the National Highway System.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2155. An act to amend title 18, United States Code, to make it illegal to operate a motor vehicle with a drug or alcohol in the body of the driver at a land border port of entry, and for other purposes.

H.R. 5596. An act to amend section 527 of the Internal Revenue Code of 1986 to eliminate notification and return requirements for State and local party committees and candidate committees and avoid duplicate reporting by certain State and local political committees of information required to be reported and made publicly available under State law, and for other purposes.

H.R. 5640. An act to amend title 5, United States Code, to ensure that the right of Federal employees to display the flag of the United States not be abridged.

H.R. 5647. An act to authorize the duration of the base contract of the Navy-Marine Corps Intranet contract to be more than five years but not more than seven years.

The message further announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 349. Concurrent resolution calling for effective measures to end the sexual exploitation of refugees.

H. Con. Res. 437. Concurrent resolution recognizing the Republic of Turkey for its cooperation in the campaign against global terrorism, for its commitment of forces and assistance to Operation Enduring Freedom and subsequent missions in Afghanistan, and for initiating important economic reforms to build a stable and prosperous economy in Turkey.

H. Con. Res. 479. Concurrent resolution expressing the sense of Congress regarding Greece's contributions to the war against terrorism and its successful efforts against the November 17 terrorist organization.

H. Con. Res. 492. Concurrent resolution welcoming Her Majesty Queen Sirikit of Thailand upon her arrival in the United States.

H. Con. Res. 502. Concurrent resolution expressing the sense of the Congress in support of Breast Cancer Awareness Month, and for other purposes.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, October 17, 2002, she had presented to the President of the United States the following enrolled bills:

S. 1339. An act to amend the Bring Them Home Alive Act of 2000 to provide an asylum program with regard to American Persian Gulf War POW/MIAs, and for other purposes.

S. 2558. An act to amend the Public Health Service Act to provide for the collection of data on benign brain-related tumors through the national program of cancer registries.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communication was laid before the Senate, together with accompanying papers, reports, and documents, which was referred as indicated:

EC-9394. A communication from the Chief Judge, Superior Court of the District of Columbia, transmitting, pursuant to law, the Family Court Transition Plan Progress Report; to the Committee on Governmental Affairs.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-358. A resolution adopted by the Township Committee of the Township of Franklin, County of Warren, State of New Jersey relative to the Pledge of Allegiance; to the Committee on the Judiciary.

POM-359. A resolution adopted by the Township of Jackson, State of New Jersey relative to the Pledge of Allegiance; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JEFFORDS, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute:

S. 606: A bill to provide additional authority to the Office of Ombudsman of the Environmental Protection Agency. (Rept. No. 107-320).

By Mr. INOUYE, from the Committee on Indian Affairs, with an amendment in the nature of a substitute:

S. 2018: A bill to establish the T'uf Shur Bien Preservation Trust Area within the Cibola National Forest in the State of New Mexico to resolve a land claim involving the Sandia Mountain Wilderness, and for other purposes. (Rept. No. 107-321).

By Mr. KENNEDY, from the Committee on Health, Education, Labor, and Pensions, with an amendment in the nature of a substitute:

S. 2499: A Bill to amend the Federal Food, Drug, and Cosmetic Act to establish labeling requirements regarding allergenic substances in food, and for other purposes. (Rept. No. 107-322).

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 2550: A bill to amend the Professional Boxing Safety Act of 1996, and to establish the United States Boxing Administration. (Rept. No. 107-323).

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of committee were submitted:

By Mr. BIDEN, from the Committee on Foreign Relations:

[Treaty Doc. 107-15 Treaty with Honduras for Return of Stolen, Robbed, and Embezzled Vehicles and Aircraft, with Annexes and Exchange of Notes (Exec. Rept. No. 107-11)]

Text of the Committee Recommended Resolution of Advice and Consent

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty between the Government of the United States of America and the Government of the Republic of Honduras for the Return of Stolen, Robbed, or Embezzled Vehicles and Aircraft, with Annexes and a related exchange of notes, signed at Tegucigalpa on November 23, 2001 (Treaty Doc. 107-15).

[Treaty Doc. 107-6 Extradition Treaty with Peru (Exec. Rept. No. 107-12)]

Text of the Committee Recommended Resolution of Advice and Consent

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Advice and Consent to Ratification of the Extradition Treaty with Peru, subject to an understanding and a condition.

The Senate advises and consents to the ratification of the Extradition Treaty Between the United States of America and the Republic of Peru, signed at Lima on July 26, 2001 (Treaty Doc. 107-6; in this resolution referred to as the "Treaty"), subject to the understanding in section 2 and the condition in section 3.

Section 2. Understanding.

The advice and consent of the Senate under section 1 is subject to the following understanding, which shall be included in the instrument of ratification:

Prohibition to Extradition to the International Criminal Court.—The United States understands that the protections contained in Article XIII concerning the Rule of Speciality would preclude the resurrender of any person extradited to the Republic of Peru from the United States to the International Criminal Court, unless the United States consents to such resurrender; and the United States shall not consent to any such resurrender unless the Statute establishing that Court has entered into force for the United States by and with the advice and consent of the Senate in accordance with Article II, section 2 of the United States Constitution.

Section 3. Condition.

The advice and consent of the Senate under section 1 is subject to the condition that nothing in the Treaty requires or authorizes legislation or other action by the United States that is prohibited by the Constitution of the United States as interpreted by the United States.

Treaty Doc. 107-4 Extradition Treaty with Lithuania (Exec. Rept. No. 107-13)]

Text of the Committee Recommended Resolution of Advice and Consent

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Advice and Consent to Ratification of the Extradition Treaty with Lithuania, subject to a condition.

The Senate advises and consents to the ratification of the Extradition Treaty Between the Government of the United States of America and the Government of the Republic of Lithuania, signed at Vilnius on October 23, 2001 (Treaty Doc. 107-4; in this resolution referred to as the "Treaty"), subject to the condition in section 2.

Section 2. Condition.

The advice and consent of the Senate under section 1 is subject to the condition that nothing in the Treaty requires or authorizes legislation or other action by the United States that is prohibited by the Constitution of the United States as interpreted by the United States.

[Treaty Doc. 107-11 Second Protocol Amending Extradition Treaty with Canada (Exec. Rept. No. 107-14)]

Text of the Committee Recommended Resolution of Advice and Consent

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Second Protocol Amending the Treaty on Extradition Between the Government of the United States of America and the Government of Canada, signed at Ottawa on January 12, 2001 (Treaty Doc. 107-11).

[Treaty Doc. 107-13 Treaty with Belize on Mutual Legal Assistance in Criminal Matters (Exec. Rept. No. 107-15)]

Text of the Committee Recommended Resolution of Advice and Consent

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Advice and Consent to Ratification of the Treaty with Belize on Mutual Legal Assistance in Criminal Matters, subject to an understanding and conditions.

The Senate advises and consents to the ratification of the Treaty Between the Government of the United States of America and the Government of Belize on Mutual Legal Assistance in Criminal Matters, signed at Belize, on September 19, 2000, and a related exchange of notes (Treaty Doc. 107-13; in this resolution referred to as the "Treaty"), subject to the understanding in section 2 and the conditions in section 3.

Section 2. Understanding.

The advice and consent of the Senate under section 1 is subject to the following understanding, which shall be included in the instrument of ratification:

Prohibition on Assistance to the International Criminal Court.—The United States shall exercise its rights to limit the use of assistance that it provides under the Treaty so that any assistance provided by the Government of the United States shall not be transferred to or otherwise used to assist the International Criminal Court unless the treaty establishing the Court has entered into force for the United States by and with the advice of the Senate in accordance with Article II, Section 2 of the United States Constitution, or unless the President has waived any applicable prohibition on provision of such assistance in accordance with applicable United States law.

Section 3. Conditions.

The advice and consent of the Senate under section 1 is subject to the following conditions:

(1) Limitation on Assistance.—Pursuant to the right of the United States under the Treaty to deny legal assistance that would prejudice the essential public policy or interests of the United States, the United States shall deny any request for such assistance if the Central Authority of the United States (as designated in Article 2(2) of the Treaty), after consultation with all appropriate intelligence, anti-narcotic, and foreign policy agencies, has specific information that a senior Government official of the requesting party who will have access to information to be provided as part of such assistance is engaged in a felony, including the facilitation of the production or distribution of illegal drugs.

(2) Supremacy of the Constitution.—Nothing in the Treaty requires or authorizes legislation or other action by the United States that is prohibited by the Constitution of the United States as interpreted by the United States.

[Treaty Doc. 107-3 Treaty with India on Mutual Legal Assistance In Criminal Matters (Exec. Rept. No. 107-15)]

Text of the Committee Recommended Resolution of Advice and Consent

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Advice and Consent to Ratification of the Treaty with India on Mutual Legal Assistance in Criminal Matters, subject to an understanding and conditions.

The Senate advises and consents to the ratification of the Treaty Between the Government of the United States of America and the Government of the Republic of India on Mutual Legal Assistance in Criminal Matters, signed at New Delhi on October 17, 2001 (Treaty Doc. 107-3; in this resolution referred to as the "Treaty"), subject to the understanding in section 2 and the conditions in section 3.

Section 2. Understanding.

The advice and consent of the Senate under section 1 is subject to the following understanding, which shall be included in the instrument of ratification:

Prohibition on Assistance to the International Criminal Court.—The United States shall exercise its rights to limit the use of assistance that it provides under the Treaty so that any assistance provided by the Government of the United States shall not be transferred to or otherwise used to assist the International Criminal Court unless the treaty establishing the Court has entered into force for the United States by and with the advice of the Senate in accordance with Article II, Section 2 of the United States Constitution, or unless the President has waived any applicable prohibition on provision of such assistance in accordance with applicable United States law.

[Treaty Doc. 107-9 Treaty with Ireland on Mutual Legal Assistance in Criminal Matters (Exec. Rept. No. 107-15)]

Text of the Committee Recommended Resolution of Advice and Consent

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Advice and Consent to Ratification of the Treaty with Ireland on Mutual Legal Assistance in Criminal Matters, subject to an understanding and conditions.

The Senate advises and consents to the ratification of the Treaty Between the Government of the United States of America and the Government of Ireland on Mutual Legal Assistance in Criminal Matters, signed at Washington on January 18, 2001 (Treaty Doc. 107-9; in this resolution referred to as the "Treaty"), subject to the understanding in section 2 and the conditions in section 3.

Section 2. Understanding.

The advice and consent of the Senate under section 1 is subject to the following understanding, which shall be included in the instrument of ratification:

Prohibition on Assistance to the International Criminal Court.—The United States shall exercise its rights to limit the use of assistance that it provides under the Treaty so that any assistance provided by the Government of the United States shall not be transferred to or otherwise used to assist the International Criminal Court unless the treaty establishing the Court has entered into force for the United States by and with the advice of the Senate in accordance with Article II, Section 2 of the United States Constitution, or unless the President has waived any applicable prohibition on provision of such assistance in accordance with applicable United States law.

[Treaty Doc. 107-16 Treaty with Liechtenstein on Mutual Legal Assistance in Criminal Matters (Exec. Rept. No. 107-15)]

Text of the Committee Recommended Resolution of Advice and Consent

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Advice and Consent to Ratification of the Treaty with Liechtenstein on Mutual Legal Assistance in Criminal Matters, subject to an understanding and conditions.

The Senate advises and consents to the ratification of the Treaty Between the Government of the United States of America and the Principality of Liechtenstein on Mutual Legal Assistance in Criminal Matters, and a related exchange of notes, signed at Vaduz on July 8, 2002 (Treaty Doc. 107-16; in this resolution referred to as the "Treaty"), subject to the understanding in section 2 and the conditions in section 3.

Section 2. Understanding.

The advice and consent of the Senate under section 1 is subject to the following understanding, which shall be included in the instrument of ratification:

Prohibition on Assistance to the International Criminal Court—The United States shall exercise its rights to limit the use of assistance that it provides under the Treaty so that any assistance provided by the Government of the United States shall not be transferred to or otherwise used to assist the International Criminal Court unless the treaty establishing the Court has entered into force for the United States by and with the advice of the Senate in accordance with Article II, Section 2 of the United States Constitution, or unless the President has waived any applicable prohibition on provision of such assistance in accordance with applicable United States law.

Section 3. Conditions.

The advice and consent of the Senate under section 1 is subject to the following conditions:

(1) Limitation on Assistance.—Pursuant to the right of the United States under the Treaty to deny legal assistance that would prejudice the essential public policy or interests of the United States, the United States shall deny any request for such assistance if the Central Authority of the United States (as designated in Article 2(2) of the Treaty), after consultation with all appropriate intelligence, anti-narcotic, and foreign policy agencies, has specific information that a senior Government official of the requesting party who will have access to information to be provided as part of such assistance is engaged in a felony, including the facilitation of the production or distribution of illegal drugs.

(2) Supremacy of the Constitution.—Nothing in the Treaty requires or authorizes legislation or other action by the United States that is prohibited by the Constitution of the United States as interpreted by the United States.

Nominations Discharged

The following nominations were discharged from the Committee on Health, Education, Labor, and Pension pursuant to the order of October 17, 2002 and placed on the Executive Calendar.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

David Gelenter, of Connecticut, to be a Member of the National Council on the Arts for a term expiring September 3, 2006, vice Hsin-Ming Fung.

NATIONAL INSTITUTE FOR LITERACY

Juan R. Olivarez, of Michigan, to be a Member of the National Institute for Literacy Advisory Board for a term of one year. (New Position)

Carol C. Gambill, of Tennessee, to be a Member of the National Institute for Literacy Advisory Board for a term of three years. (New Position)

NATIONAL COUNCIL ON DISABILITY

Joel Kahn, of Ohio, to be a Member of the National Council on Disability for a term expiring September 17, 2004, vice Dave Nolan Brown, term expired.

Patricia Pound, of Texas, to be a Member of the National Council on Disability for a term expiring September 17, 2005. (Reappointment)

Linda Wetters, of Ohio, to be a Member of the National Council on Disability for a term expiring September 17, 2003, vice Gerald S. Segal.

BARRY GOLDWATER SCHOLARSHIP & EXCELLENCE IN EDUCATION FOUNDATION

Peggy Goldwater-Clay, of California, to be a Member of the Board of Trustee of the Barry Goldwater Scholarship and Excellence in Education Foundation for a term expiring June 5, 2006. (Reappointment)

NATIONAL MUSEUM SERVICES BOARD

Judith Ann Rapanos, of Michigan, to be a Member of the National Museum Services Board for a term expiring December 6, 2002, vice Kinshasha Holman Conwill, term expired.

Judity Ann Rapanos, of Michigan, to be a Member of the National Museum Services Board for a term expiring December 6, 2007. (Reappointment)

Beth Walkup, of Arizona, to be a Member of the National Museum Services Board for a term expiring December 6, 2003, vice Robert G. Breunig, term expired.

Nancy S. Dwight, of New Hampshire, to be a Member of the National Museum Services Board for a term expiring December 6, 2005, vice Ayse Manyas Kenmore, term expired.

A. Wilson Greene, of Virginia, to be a Member of the National Museum Services Board for a term expiring December 6, 2004, vice Charles Hummel, term expired.

Maria Mercedes Guillemard, of Puerto Rico, to be a Member of the National Museum Services Board for a term expiring December 6, 2005, vice Lisa A. Hembry, term expired.

Peter Hero, of California, to be a Member of the National Museum Services Board for a term expiring December 6, 2006, vice Alice Rae Yelen, term expired.

Thomas E. Lorentzen, of California, to be a Member of the National Museum Services Board for a term expiring December 6, 2006, vice Philip Frost, term expired.

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

James M. Stephens, of Virginia, to be a Member of the Occupational Safety and Health Review Commission for a term expiring April 27, 2005, vice Ross Edward Eisenbrey.

NATIONAL LABOR RELATIONS BOARD

Robert J. Battista, of Michigan, to be a Member of the National Labor Relations Board for the term of five years expiring December 16, 2007, vice Wilma B. Liebman, term expiring.

Wilma B. Liebman, of the District of Columbia, to be a Member of the National Labor Relations Board for the term of five years expiring August 27, 2006, vice Peter J. Hurtgen.

Peter Schaumber, of the District of Columbia, to be a Member of the National Labor Relations Board for the term of five years expiring August 27, 2005, vice Joseph Robert Brame, III, term expired.

The following nomination was discharged from the Committee on Health, Education, Labor and Pensions. pursuant to the order of October 17, 2002 and further referred to the Committee on Governmental Affairs for not more than 20 days:

DEPARTMENT OF EDUCATION

John Portman Higgins, of Virginia, to be Inspector General, Department of Education, vice Lorraine Pratte Lewis, resigned.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. REED (for himself and Mr. FITZGERALD):

S. 3127. A bill to amend the Safe Drinking Water Act to provide assistance to States to support testing of private wells in areas of suspected contamination to limit or prevent human exposure to contaminated groundwater; to the Committee on Environment and Public Works.

By Mr. VOINOVICH (for himself and Mr. DEWINE):

S. 3128. A bill to authorize the Pyramid of Remembrance Foundation to establish a memorial in the District of Columbia and its environs to honor members of the Armed Forces of the United States who have lost their lives during peacekeeping operations, humanitarian efforts, training, terrorist attacks, or covert operations; to the Committee on Energy and Natural Resources.

By Mr. CRAPO:

S. 3129. A bill to permit the Secretary of the Interior to enter certain leases for fire capitalization improvements; to the Committee on Energy and Natural Resources.

By Mr. DURBIN (for himself and Mr. GREGG):

S. 3130. A bill to amend the Federal Food, Drug, and Cosmetic Act to add requirements regarding device reprocessing and reuse; to the Committee on Health, Education, Labor, and Pensions.

By Mr. VOINOVICH (for himself and Mr. FEINGOLD):

S. 3131. A bill to balance the budget and protect the Social Security Trust Fund surpluses; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one Committee reports, the other Committee have thirty days to report or be discharged.

By Mr. BAUCUS (for himself, Mr. CRAPO, and Mr. CRAIG):

S. 3132. A bill to improve the economy and the quality of life for all citizens by authorizing funds for Federal-aid highways, and for other purposes; to the Committee on Environment and Public Works.

By Mr. BAUCUS (for himself, Mr. CRAPO, and Mr. CRAIG):

S. 3133. A bill to amend the Internal Revenue Code of 1986 to make funding available to carry out the Maximum Economic Growth for America Through Highway Funding Act; to the Committee on Finance.

By Mr. BAUCUS (for himself, Mr. CRAPO, and Mr. CRAIG):

S. 3134. A bill to amend titles 23 and 49, United States Code, to encourage economic growth in the United States by increasing transportation investments in rural areas, and for other purposes; to the Committee on Environment and Public Works.

By Mr. CARPER (for himself, Mr. CHAFEE, Mr. BREAUX, and Mr. BAUCUS):

S. 3135. A bill to amend the Clean Air Act to establish a national uniform multiple air pollutant regulatory program for the electric generating sector; to the Committee on Environment and Public Works.

By Mr. BAUCUS:

S. 3136. A bill to establish a trust fund for the purpose of making medical benefit payments to current and former residents of Libby, Montana; to the Committee on Environment and Public Works.

By Mr. LEAHY:

S. 3137. A bill to provide remedies for retaliation against whistleblowers making congressional disclosures; to the Committee on Governmental Affairs.

By Mr. DOMENICI:

S. 3138. A bill to authorize the Secretary of the Interior, in cooperation with the University of New Mexico, to construct and occupy a portion of the Hibben Center for Archaeological Research at the University of New Mexico, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SESSIONS (for himself, Mr. GRASSLEY, and Mr. LEAHY):

S. 3139. A bill to provide a right to be heard for participants and beneficiaries of an employee pension benefit plan of a debtor in order to protect pensions of those employees and retirees; to the Committee on the Judiciary.

By Mr. DODD (for himself and Ms. COLLINS):

S. 3140. A bill to assist law enforcement in their efforts to recover missing children and to clarify the standards for State sex offender registration programs; to the Committee on the Judiciary.

By Mr. DODD (for himself, Mr. KENNEDY, Mrs. MURRAY, Mrs. BOXER, Mr. INOUYE, Mr. AKAKA, and Mr. CORZINE):

S. 3141. A bill to amend the Family and Medical Leave Act of 1993 to expand the scope of the Act, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. WELLSTONE (for himself, Mr. BINGAMAN, and Mrs. LINCOLN):

S. 3142. A bill to amend title XIX of the Social Security Act to require drug manufacturers to pay rebates to State prescription drug discount programs as a condition of participation in a rebate agreement for outpatient prescription drugs under the medicaid program, to provide increased rebate payments to State medicaid programs, and for other purposes; to the Committee on Finance.

By Mr. WELLSTONE:

S. 3143. A bill to provide for the establishment of the Consumer and Shareholder Protection Association, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mrs. LINCOLN:

S. 3144. A bill to amend title XVI of the Social Security Act to clarify that the value of certain funeral and burial arrangements are not to be considered available resources under the supplemental security income program; to the Committee on Finance.

By Mr. DODD (for himself, Mr. EDWARDS, and Mr. DEWINE):

S. 3145. A bill to amend the Higher Education Act of 1965 to establish a scholarship program to encourage and support students who have contributed substantial public services; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LEAHY (for himself and Mrs. CARNAHAN):

S. 3146. A bill to reauthorize funding for the National Center for Missing and Exploited Children, and for other purposes; to the Committee on the Judiciary.

By Mr. DEWINE (for himself, Mr. LEAHY, Mr. GRASSLEY, Ms. CANTWELL, Mr. BROWNBACK, and Mr. DOMENICI):

S. 3147. A bill to foster local collaborations which will ensure that resources are effectively and efficiently used within the criminal and juvenile justice systems; to the Committee on the Judiciary.

By Mr. LIEBERMAN (for himself and Mr. HATCH):

S. 3148. A bill to provide incentives to increase research by private sector entities to develop antivirals, antibiotics and other drugs, vaccines, microbicides, and diagnostic technologies to prevent and treat illnesses associated with a biological, chemical, or radiological weapons attack; to the Committee on Finance.

By Mr. FRIST (for himself, Mr. LEAHY, and Mr. COCHRAN):

S. 3149. A bill to provide authority for the Smithsonian Institution to use voluntary separation incentives for personnel flexibility, and for other purposes; considered and passed.

By Mr. MCCAIN:

S.J. Res. 50. A joint resolution expressing the sense of the Senate with respect to human rights in Central Asia; to the Committee on Foreign Relations.

By Mr. WYDEN:

S.J. Res. 51. A resolution to recognize the rights of consumers to use copyright protected works, and for other purposes; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. FEINSTEIN (for herself, Mr. HAGEL, Mr. HELMS, and Mr. NELSON of Florida):

S. Res. 345. A resolution expressing sympathy for those murdered and injured in the terrorist attack in Bali, Indonesia, on October 12, 2002, extending condolences to their families, and standing in solidarity with Australia in the fight against terrorism; to the Committee on Foreign Relations.

By Mrs. HUTCHISON (for herself and Mr. GRAMM):

S. Res. 346. A resolution celebrating the 90th Birthday of Lady Bird Johnson; to the Committee on the Judiciary.

By Mr. SPECTER:

S. Res. 347. A resolution expressing the sense of the Senate that in order to seize unique scientific opportunities the Federal commitment to biomedical research should be tripled over a ten year period beginning in 1999; to the Committee on Appropriations.

By Mrs. MURRAY:

S. Res. 348. A resolution recognizing Senator Henry Jackson, commemorating the 30th anniversary of the introduction of the Jackson-Vanik Amendment, and reaffirming the commitment of the Senate to combat human rights violations worldwide; to the Committee on Foreign Relations.

By Mr. DODD:

S. Res. 349. A resolution to authorize the printing of a revised edition of the Senate Rules and Manual; considered and agreed to.

By Mrs. FEINSTEIN:

S. Res. 350. A resolution expressing sympathy for those murdered and injured in the terrorist attack in Bali, Indonesia, on October 12, 2002, extending condolences to their families, and standing in solidarity with Australia in the fight against terrorism; considered and agreed to.

By Mrs. BOXER (for herself and Mr. BROWNBACK):

S. Res. 351. A resolution condemning the posting on the Internet of video and pictures of the murder of Daniel Pearl and calling on such video and pictures to be removed immediately; considered and agreed to.

By Mr. DASCHLE (for himself and Mr. LOTT):

S. Res. 352. A resolution to authorize representation by the Senate Legal Counsel in the case of Judicial Watch, Inc. v. William Jefferson Clinton, et al; considered and agreed to.

By Mr. DASCHLE (for himself and Mr. LOTT):

S. Res. 353. A resolution to authorize testimony, document production, and legal representation in United States v. John Murtari; considered and agreed to.

By Mr. CORZINE (for himself, Mrs. CLINTON, and Mr. TORRICELLI):

S. Con. Res. 154. A concurrent resolution expressing the sense of the Congress that a commemorative postage stamp should be issued honoring Gunnery Sergeant John Basilone, a great American hero; to the Committee on Governmental Affairs.

ADDITIONAL COSPONSORS

S. 191

At the request of Mr. FEINGOLD, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 191, a bill to abolish the death penalty under Federal Law.

S. 710

At the request of Mr. KENNEDY, the names of the Senator from Illinois (Mr. FITZGERALD) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. 710, a bill to require coverage for colorectal cancer screenings.

S. 1054

At the request of Mr. KOHL, the name of the Senator from Missouri (Mrs. CARNAHAN) was added as a cosponsor of S. 1054, a bill to amend titles XVIII and XIX of the Social Security Act to prevent abuse of recipients of long-term care services under the Medicare and Medicaid programs.

S. 1194

At the request of Mr. SPECTER, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 1194, a bill to impose certain limitations on the receipt of out-of-State municipal solid waste, to authorize State and local controls over the flow of municipal solid waste, and for other purposes.

S. 1244

At the request of Mr. KENNEDY, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1244, a bill to amend titles XIX and XXI of the Social Security Act to provide for FamilyCare coverage for parents of enrolled children, and for other purposes.

S. 1291

At the request of Mr. HATCH, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1291, a bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to permit States to determine State residency for higher education purposes and to authorize the cancellation of removal and adjustment of status of certain alien college-bound students who are long term United States residents.

S. 2268

At the request of Mr. MILLER, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2268, a bill to amend the Act establishing the Department of Commerce to protect manufacturers and sellers in the firearms and ammunition industry from restrictions on interstate or foreign commerce.

S. 2520

At the request of Mr. HATCH, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 2520, a bill to amend title 18, United States Code, with respect to the sexual exploitation of children.

S. 2626

At the request of Mr. KENNEDY, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 2626, a bill to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products.

S. 2704

At the request of Mr. AKAKA, his name was added as a cosponsor of S. 2704, a bill to provide for the disclosure of information on projects of the Department of Defense, such as Project 112 and the Shipboard Hazard and Defense Project (Project SHAD), that included testing of biological or chemical agents involving potential exposure of members of the Armed Forces to toxic agents, and for other purposes.

S. 2748

At the request of Mr. CONRAD, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2748, a bill to authorize the formulation of State and regional emergency telehealth network testbeds and, within the Department of Defense, a telehealth task force.

S. 2869

At the request of Mr. KERRY, the names of the Senator from New Jersey (Mr. CORZINE), the Senator from Texas (Mrs. HUTCHISON), the Senator from California (Mrs. FEINSTEIN), the Senator from New York (Mrs. CLINTON), the Senator from Illinois (Mr. DURBIN), the Senator from Hawaii (Mr. AKAKA), the Senator from Delaware (Mr. BIDEN), the Senator from North Carolina (Mr. HELMS), the Senator from Alaska (Mr. MURKOWSKI) and the Senator from Minnesota (Mr. DAYTON) were added as cosponsors of S. 2869, a bill to facilitate the ability of certain spectrum auction winners to pursue alternative measures required in the public interest to meet the needs of wireless telecommunications consumers.

S. 2896

At the request of Mrs. HUTCHISON, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of S. 2896, a bill to enhance the operation of the AMBER Alert communications network in order to facilitate the recovery of abducted children, to provide for enhanced notification on highways of alerts and information on such children, and for other purposes.

S. 2935

At the request of Ms. LANDRIEU, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 2935, a bill to amend the Public Health Service Act to provide grants for the operation of mosquito control programs to prevent and control mosquito-borne diseases.

S. 3018

At the request of Mr. BAUCUS, the names of the Senator from Utah (Mr. HATCH), the Senator from Minnesota (Mr. WELLSTONE) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 3018, a bill to amend title XVIII of the Social Security Act to enhance beneficiary access to quality health care services under the medicare program, and for other purposes.

S. 3031

At the request of Mr. THOMAS, his name was added as a cosponsor of S. 3031, a bill to amend title 23, United States Code, to reduce delays in the development of highway and transit projects, and for other purposes.

S. 3031

At the request of Mr. ENZI, his name was added as a cosponsor of S. 3031, supra.

S. 3031

At the request of Mr. BUNNING, his name was added as a cosponsor of S. 3031, supra.

S. 3034

At the request of Mr. JOHNSON, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 3034, a bill to facilitate check truncation by authorizing substitute checks, to foster innovation in the check collection system without mandating receipt of checks in electronic form, and to improve the overall efficiency of the Nation's payments system, and for other purposes.

S. 3058

At the request of Mr. BINGAMAN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 3058, a bill to amend the Energy Employees Occupational Illness Compensation Program Act of 2000 to provide benefits for contractor employees of the Department of Energy who were exposed to toxic substances at Department of Energy facilities, to provide coverage under subtitle B of that Act for certain additional individuals, to establish an ombudsman and otherwise reform the assistance provided to claimants under that Act, and for other purposes.

S. 3096

At the request of Mr. KOHL, the names of the Senator from Michigan (Mr. LEVIN) and the Senator from New Jersey (Mr. CORZINE) were added as cosponsors of S. 3096, a bill to amend chapter 44 of title 18, United States Code, to require ballistics testing of all firearms manufactured and all firearms in custody of Federal agencies.

S. 3102

At the request of Mr. LEAHY, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 3102, a bill to amend the Communications Act of 1934 to clarify and reaffirm State and local authority to regulate the placement, construction, and modification of broadcast transmission facilities, and for other purposes.

S. 3103

At the request of Mr. LEAHY, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 3103, a bill to amend the Communications Act of 1934 to clarify and reaffirm State and local authority to regulate the placement, construction, and modification of personal wireless services facilities, and for other purposes.

S. 3105

At the request of Mr. FRIST, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 3105, a bill to amend the Public Health Service Act to provide grants for the operation of enhanced mosquito control programs to prevent and control mosquito-borne diseases.

S. 3126

At the request of Mr. KERRY, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 3126, a bill to amend the Internal Revenue Code of 1986 to allow an income tax credit for the provision of homeownership and community development, and for other purposes.

S.J. RES. 49

At the request of Mr. AKAKA, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S.J. Res. 49, a joint resolution recognizing the contributions of Patsy Takemoto Mink.

S. RES. 334

At the request of Mrs. CLINTON, the names of the Senator from Ohio (Mr. DEWINE), the Senator from New Mexico (Mr. DOMENICI) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. Res. 334, a resolution recognizing the Ellis Island Medal of Honor.

S. RES. 339

At the request of Mrs. MURRAY, the names of the Senator from Massachusetts (Mr. KENNEDY), the Senator from Connecticut (Mr. DODD), the Senator from Michigan (Mr. LEVIN), the Senator from Washington (Ms. CANTWELL) and the Senator from Missouri (Mrs. CARNAHAN) were added as cosponsors of S. Res. 339, A resolution designating November 2002, as "National Runaway Prevention Month".

S. CON. RES. 136

At the request of Mr. BAUCUS, the names of the Senator from South Carolina (Mr. HOLLINGS), the Senator from North Carolina (Mr. HELMS), the Senator from Georgia (Mr. CLELAND) and the Senator from Ohio (Mr. DEWINE) were added as cosponsors of S. Con. Res. 136, a concurrent resolution requesting the President to issue a proclamation in observance of the 100th Anniversary of the founding of the International Association of Fish and Wildlife Agencies.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. REED (for himself and Mr. FITZGERALD):

S. 3127. A bill to amend the Safe Drinking Water Act to provide assistance to States to support testing of private wells in areas of suspected contamination to limit or prevent human exposure to contaminated groundwater; to the Committee on Environment and Public Works.

Mr. REED. Mr. President, today I am proud to be joined by my colleague Senator FITZGERALD in introducing the Private Well Testing Assistance Act of 2002. This legislation seeks to protect the health of our Nation's rural families by providing Federal assistance to State health and environmental agencies for sampling of drinking water wells near suspected areas of groundwater contamination.

More than 15.1 million households are served by private drinking water wells in the United States. At times, these wells are affected by serious groundwater contaminants, including industrial solvents, petroleum, nitrates, radon, arsenic, beryllium, chloroform, and gasoline additives such as MTBE.

While private well owners generally are responsible for regular testing of drinking water wells, cases of serious or potentially widespread groundwater contamination often require State agencies to conduct costly tests on numerous wells. Many of these sites are included in the Environmental Protection Agency's Comprehensive Environmental Response, Compensation, and Liability Information System, or CERCLIS, for which Federal funding is available for initial site assessments, but not for subsequent regular sampling to ensure that contaminants have not migrated to additional household wells.

With many State budgets across the country in fiscal crisis, State governments often do not have the resources to provide regular, reliable testing of wells in proximity to suspected areas of contamination. By authorizing EPA to provide up to $20 million per year to assist State well testing programs, subject to a 20 percent State match, the Private Well Testing Assistance Act will create an incentive for states to improve well monitoring near both new and existing areas of groundwater contamination.

I urge my colleagues to help ensure the health and safety of American families that rely on groundwater for their drinking water needs by supporting this legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3127

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Private Well Testing Assistance Act".

SEC. 2. ASSISTANCE FOR TESTING OF PRIVATE WELLS.

Part E of the Safe Drinking Water Act (42 U.S.C. 300j et seq.) is amended by adding at the end the following:

"SEC. 1459. ASSISTANCE FOR TESTING OF PRIVATE WELLS.

"(a) FINDINGS.—Congress finds that—

"(1) more than 15,100,000 households in the United States are served by private drinking water wells;

"(2) while private well owners generally are responsible for regular testing of drinking water wells for the presence of contaminants, cases of serious or potentially widespread groundwater contamination often require State health and environmental agencies to conduct costly tests on numerous drinking water well sites;

"(3) many of those sites are included in the Comprehensive Environmental Response, Compensation, and Liability Information System of the Environmental Protection Agency, through which Federal funding is available for testing of private wells during initial site assessments but not for subsequent regular sampling to ensure that contaminants have not migrated to other wells;

"(4) many State governments do not have the resources to provide regular, reliable testing of drinking water wells that are located in proximity to areas of suspected groundwater contamination;

"(5) State fiscal conditions, already in decline before the terrorist attacks of September 11, 2001, are rapidly approaching a state of crisis;

"(6) according to the National Conference of State Legislatures—

"(A) revenues in 43 States are below estimates; and

"(B) 36 States have already planned or implemented cuts in public services;

"(7) as a result of those economic conditions, most States do not have drinking water well testing programs in place, and many State well testing programs have been discontinued, placing households served by private drinking water wells at increased risk; and

"(8) the provision of Federal assistance, with a State cost-sharing requirement, would establish an incentive for States to provide regular testing of drinking water wells in proximity to new and existing areas of suspected groundwater contamination.

"(b) Definitions.—In this section:

"(1) Administrator.—The term 'Administrator' means the Administrator of the Environmental Protection Agency, acting in consultation with appropriate State agencies.

"(2) Area of concern.—The term 'area of concern' means a geographic area in a State the groundwater of which may, as determined by the State—

"(A) be contaminated or threatened by a release of 1 or more substances of concern; and

"(B) present a serious threat to human health.

"(3) Hazardous substance.—The term 'hazardous substance' has the meaning given the term in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601).

"(4) Pollutant or contaminant.—The term 'pollutant or contaminant' has the meaning given the term in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601).

"(5) Substance of concern.—The term 'substance of concern' means—

"(A) a hazardous substance;

"(B) a pollutant or contaminant;

"(C) petroleum (including crude oil and any fraction of crude oil);

"(D) methyl tertiary butyl ether; and

"(E) such other naturally-occurring or other substances (including arsenic, beryllium, and chloroform) as the Administrator, in consultation with appropriate State agencies, may identify by regulation.

"(c) Establishment of Program.—Not later than 90 days after the date of enactment of this section, the Administrator shall establish a program to provide funds to each State for use in testing private wells in the State.

"(d) Determination of Areas of Concern.—Not later than 30 days after the date of enactment of this section, the Administrator shall promulgate regulations that describe criteria to be used by a State in determining whether an area in the State is an area of concern, including a definition of the term 'threat to human health'.

"(e) Application Process.—

"(1) In general.—A State that seeks to receive funds under this section shall submit to the Administrator, in such form and containing such information as the Administrator may prescribe, an application for the funds.

"(2) Certification.—A State application described in paragraph (1) shall include a certification by the Governor of the State of the potential threat to human health posed by groundwater in each area of concern in the State, as determined in accordance with the regulations promulgated by the Administrator under subsection (d).

"(3) Processing.—Not later than 15 days after the Administrator receives an application under this subsection, the Administrator shall approve or disapprove the application.

"(f) Provision of Funding.—

"(1) In general.—If the Administrator approves an application of a State under subsection (e)(3), the Administrator shall provide to the State an amount of funds to be used to test private wells in the State that—

"(A) is determined by the Administrator based on—

"(i) the number of private wells to be tested;

"(ii) the prevailing local cost of testing a well in each area of concern in the State; and

"(iii) the types of substances of concern for which each well is to be tested; and

"(B) consists of not more than $500 per well, unless the Administrator determines that 1 or more wells to be tested warrant the provision of a greater amount.

"(2) Cost sharing.—

"(A) In general.—The Federal share of the cost of any test described in paragraph (1) shall not exceed 80 percent.

"(B) Non-federal share.—The non-Federal share of the cost of any test described in paragraph (1) may be provided in cash or in kind.

"(g) Number and Frequency of Tests.—

"(1) In general.—Subject to paragraph (2), in determining the number and frequency of tests to be conducted under this section with respect to any private well in an area of concern, a State shall take into consideration—

"(A) typical and potential seasonal variations in groundwater levels; and

"(B) resulting fluctuations in contamination levels.

"(2) Limitation.—Except in a case in which at least 2 years have elapsed since the last date on which a private well was tested using funds provided under this section, no funds provided under this section may be used to test any private well—

"(A) more than 4 times; or

"(B) on or after the date that is 1 year after the date on which the well is first tested.

"(h) Other Assistance.—Assistance provided to test private wells under this section shall be in addition to any assistance provided for a similar purpose under this Act or any other Federal law.

"(i) Report.—Not later than 1 year after the date of enactment of this section, the Administrator, in cooperation with the National Ground Water Association, shall submit to Congress a report that describes the progress made in carrying out this section.

"(j) Authorization of Appropriations.—

"(1) In general.—There is authorized to be appropriated to carry out this section $20,000,000 for each of fiscal years 2003 through 2006, to remain available until expended.

"(2) Minimum allocation.—The Administrator shall ensure that, for each fiscal year, each State receives not less than 0.25 percent of the amount made available under paragraph (1) for the fiscal year.".

By Mr. VOINOVICH (for himself and Mr. DEWINE):

S. 3128. A bill to authorize the Pyramid of Remembrance Foundation to establish a memorial in the District of Columbia and its environs to honor members of the Armed Forces of the United States who have lost their lives during peacekeeping operations, humanitarian efforts, training, terrorist attacks, or covert operations; to the Committee on Energy and Natural Resources.

Mr. VOINOVICH. Mr. President, nearly ten years ago, a group of students at Riverside High School in Painesville, OH watched with horror as a U.S. soldier in Somalia was dragged through the streets of Mogadishu. The students, concerned that there was no memorial in our Nation's capital to honor members of our armed forces who lost their lives during peacekeeping missions such as the one in Somalia, felt compelled to take action.

This group of motivated young people spearheaded a campaign to establish a Pyramid of Remembrance in Washington, DC to honor U.S. servicemen and women who have lost their lives during peacekeeping operations, humanitarian efforts, training, terrorist attacks, or convert operations. The students not only proposed the memorial, they created a private nonprofit foundation to raise the money to construct the memorial. The community pulled together, providing legal counsel for the students and private donations to help fund the project. Thanks to their hard work, the proposed Pyramid of Remembrance would be built at no cost to the taxpayer.

In April 2001, the National Capital Memorial Commission, charged with overseeing monument construction in Washington, DC, held hearings about the proposed Pyramid of Remembrance. The Commission recommended that the memorial be constructed on Defense Department land, possibly at Fort McNair. The commissioners also noted that such a memorial would indeed fill a void in our Nation's military monuments.

On May 6, 1999, I spoke on the Senate floor in honor of two brave American soldiers, Chief Warrant Officer Kevin L. Reichert and Chief Warrant Officer David A. Gibbs, who lost their lives when their Apache helicopter crashed into the Albanian mountains during a routine training exercise on May 5, 1999, as U.S. troops joined with our NATO allies in a military campaign against Slobodan Milosevic. As I remarked at that time, the United States owes David, Kevin and so many other service members a debt of gratitude that we will never be able to repay, for they have paid the ultimate sacrifice. As the Bible says in John chapter 15:13, "Greater love has no man than this, that a man lay down his life for his friends."

I support the vision of the students at Riverside High School and applaud the work they have done to make the Pyramid of Remembrance a reality. I believe it is our duty to honor American men and women in uniform who have lost their lives while serving their country, whether in peacetime or during war.

I am pleased to introduce in the Senate a companion measure to H.R. 282, introduced in the House of Representatives by Congressman STEVE LATOURETTE, which would authorize the Pyramid of Remembrance Foundation to establish a memorial in the District of Columbia or its environs to soldiers who have lost their lives during peacekeeping operations, humanitarian efforts, training, terrorist attacks, or covert operations.

A monument honoring members of our Armed Forces who have lost their lives in peacetime deserves a place of honor in our Nation's capital. I commend and thank the students in Painesville, their parents, and the teachers and community leaders who have supported them for their hard work and dedication to this cause. The proposed Pyramid of Remembrance would fill a void among memorials in Washington, DC. I encourage my colleagues to support their worthy endeavor and to join me in support of this bill.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3128

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DEFINITIONS.

In this Act:

(1) MAP.—The term "map" means the map referred to in section 2(e) of the Commemorative Works Act (40 U.S.C. 1002(e)).

(2) MEMORIAL.—The term "memorial" means the memorial authorized to be established under section 2(a).

SEC. 2. AUTHORITY TO ESTABLISH MEMORIAL.

(a) IN GENERAL.—The Pyramid of Remembrance Foundation may establish a memorial on Federal land in the area depicted on the map as "Area II" to honor members of the Armed Forces of the United States who have lost their lives during peacekeeping operations, humanitarian efforts, training, terrorist attacks, or covert operations.

(b) COMPLIANCE WITH STANDARDS FOR COMMEMORATIVE WORKS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the establishment of the memorial shall be in accordance with the Commemorative Works Act (40 U.S.C. 1001 et seq.).

(2) EXCEPTION.—Subsections (b) and (c) of section 3 of the Commemorative Works Act (40 U.S.C. 1003) shall not apply to the establishment of the memorial.

SEC. 3. FUNDS FOR MEMORIAL.

(a) USE OF FEDERAL FUNDS PROHIBITED.—Except as provided by the Commemorative Works Act (40 U.S.C. 1001 et seq.), no Federal funds may be used to pay any expense incurred from the establishment of the memorial.

(b) DEPOSIT OF EXCESS FUNDS.—The Pyramid of Remembrance Foundation shall transmit to the Secretary of the Treasury for deposit in the account provided for in section 8(b)(1) of the Commemorative Works Act (40 U.S.C. 1008(b)(1))—

(1) any funds that remain after payment of all expenses incurred from the establishment of the memorial (including payment of the amount for maintenance and preservation required under section 8(b) of the Commemorative Works Act (40 U.S.C. 1008(b))); or

(2) any funds that remain on expiration of the authority for the memorial under section 10(b) of that Act (40 U.S.C. 1010(b)).

By Mr. VOINOVICH (for himself and Mr. FEINGOLD):

S. 3131. A bill to balance the budget and protect the Social Security Trust Fund surpluses; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one Committee reports, the other Committee have thirty days to report or be discharged.

Mr. VOINOVICH. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3131

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Truth in Budgeting and Social Security Protection Act of 2002".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—GENERAL REFORMS

Sec. 101. Extension of the discretionary spending caps.
Sec. 102. Extension of pay-as-you-go requirement.
Sec. 103. Automatic budget enforcement for measures considered on the floor.
Sec. 104. Point of order to require compliance with the caps and pay-as-you-go.
Sec. 105. Disclosure of interest costs.
Sec. 106. Executive branch report on fiscal exposures.
Sec. 107. Budget Committee sets 302(b) allocations.
Sec. 108. Long-Term Cost Recognition Point of Order.
Sec. 109. Protection of Social Security surpluses by budget enforcement.

TITLE II—REFORM OF BUDGETARY TREATMENT OF FEDERAL INSURANCE PROGRAMS

Sec. 201. Federal insurance programs.

TITLE III—BIENNIAL BUDGETING AND APPROPRIATIONS

Sec. 301. Revision of timetable.
Sec. 302. Amendments to the Congressional Budget and Impoundment Control Act of 1974.
Sec. 303. Amendments to title 31, United States Code.
Sec. 304. Two-year appropriations; title and style of appropriations Acts.
Sec. 305. Multiyear authorizations.
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TITLE IV—COMMISSION ON FEDERAL BUDGET CONCEPTS

Sec. 401. Establishment of Commission on Federal Budget Concepts.
Sec. 402. Powers and duties of Commission.
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TITLE I—GENERAL REFORMS

SEC. 101. EXTENSION OF THE DISCRETIONARY SPENDING CAPS.

(a) IN GENERAL.—Section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by striking paragraphs (7) through (16) and inserting the following:

"(7) with respect to fiscal years 2004 through 2009 an amount equal to the appropriated amount of discretionary spending in budget authority and outlays for fiscal year 2003 adjusted to reflect inflation;".

(b) EXPIRATION.—Section 275(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 note) is amended by striking subsection (b).

(c) ADDITIONAL ENFORCEMENT.—Section 205(g) of H. Con. Res. 290 (106th Congress) is repealed.

SEC. 102. EXTENSION OF PAY-AS-YOU-GO REQUIREMENT.

Section 252(a) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by striking "enacted before October 1, 2002," both places it appears.

SEC. 103. AUTOMATIC BUDGET ENFORCEMENT FOR MEASURES CONSIDERED ON THE FLOOR.

(a) IN GENERAL.—Title III of the Congressional Budget Act of 1974 is amended by inserting at the end the following:

"BUDGET EVASION POINT OF ORDER

"SEC. 316. (a) DISCRETIONARY CAPS.—It shall not be in order to consider any bill or resolution (or amendment, motion, or conference report on that bill or resolution) that waives or suspends the enforcement of section 251 of the Balanced Budget and Emergency Deficit Control Act of 1985 or otherwise would alter the spending limits set forth in that section.

"(b) PAY-AS-YOU-GO.—It shall not be in order to consider any bill or resolution (or amendment, motion, or conference report on that bill or resolution) that waives or suspends the enforcement of section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 or otherwise would alter the balances of the pay-as-you-go scorecard pursuant to that section.

"(c) DIRECTED SCORING.—It shall not be in order in the Senate to consider any bill or resolution (or amendment, motion, or conference report on that bill or resolution) that directs the scorekeeping of any bill or resolution.

"(d) WAIVER AND APPEAL.—This section may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.".

(b) TABLE OF CONTENTS.—The table of contents for the Congressional Budget Act of 1974 is amended by inserting after the item for section 315 the following:

Sec. 316. Budget evasion point of order.".

SEC. 104. POINT OF ORDER TO REQUIRE COMPLIANCE WITH THE CAPS AND PAY-AS-YOU-GO.

Section 312(b) of the Congressional Budget Act of 1974 (2 U.S.C. 643(b)) is amended to read as follows:

"(b) DISCRETIONARY SPENDING AND PAY-AS-YOU-GO POINT OF ORDER IN THE SENATE.—

"(1) IN GENERAL.—Except as otherwise provided in this subsection, it shall not be in order in the Senate to consider any bill or resolution or any separate provision of a bill or resolution (or amendment, motion, or conference report on that bill or resolution) that would—

"(A) exceed any of the discretionary spending limits in section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985; or

"(B) for direct spending or revenue legislation, would cause or increase an on-budget deficit for any one of the following three applicable time periods—

(i) the first year covered by the most recently adopted concurrent resolution on the budget;

(ii) the period of the first 5 fiscal years covered by the most recently adopted concurrent resolution on the budget; or

(iii) the period of the 5 fiscal years following the first five fiscal years covered in the most recently adopted concurrent resolution on the budget.

"(2) POINT OF ORDER AGAINST A SPECIFIC PROVISION.—If the Presiding Officer sustains a point of order under paragraph (1) with respect to any separate provision of a bill or resolution, that provision shall be stricken from the measure and may not be offered as an amendment from the floor.

"(3) FORM OF THE POINT OF ORDER.—A point of order under this section may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974.

"(4) CONFERENCE REPORTS.—If a point of order is sustained under this section against a conference report the report shall be disposed of as provided in section 313(d) of the Congressional Budget Act of 1974.

"(5) ENFORCEMENT BY THE PRESIDING OFFICER.—In the Senate, if a point of order lies against a bill or resolution (or amendment, motion, or conference report on that bill or resolution) under this section, and no Senator has raised the point of order, and the Senate has not waived the point of order, then before the Senate may vote on the bill or resolution (or amendment, motion, or conference report on that bill or resolution), the Presiding Officer shall on his or her own motion raise a point of order under this section.

"(6) EXCEPTIONS.—This subsection shall not apply if a declaration of war by the Congress is in effect or if a joint resolution pursuant to section 258 of the Balanced Budget and Emergency Deficit Control Act of 1985 has been enacted.".

SEC. 105. DISCLOSURE OF INTEREST COSTS.

Section 308(a)(1) of the Congressional Budget Act of 1974 (2 U.S.C. 639(a)(1)) is amended—

(1) in subparagraph (B), by striking "and" after the semicolon;

(2) in subparagraph (C), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(D) containing a projection by the Congressional Budget Office of the cost of the debt servicing that would be caused by such measure for such fiscal year (or fiscal years) and each of the 4 ensuing fiscal years.".

SEC. 106. EXECUTIVE BRANCH REPORT ON FISCAL EXPOSURES.

(a) IN GENERAL.—The President shall submit to the Committees on Appropriations, Budget, Finance, and Governmental Affairs of the Senate, and the Committees on Appropriations, Budget, Government Reform, and Ways and Means of the House of Representatives, not later than 2 weeks before the first Monday in February of each year, a report (in this section referred to as the "report") on the fiscal exposures of the United States Federal Government and their implications for long-term financial health. The report shall also be included as part of the Consolidated Financial Statement of the United States Government.

(b) CONTENTS.—

(1) IN GENERAL.—The report shall include fiscal exposures for the following categories of fiscal exposures:

(A) DEBT.—Debt, including—

(i) total gross debt;

(ii) publicly held debt; and

(iii) debt held by Government accounts.

(B) OTHER FINANCIAL LIABILITIES.—Other financial liabilities, including—

(i) civilian and military pensions;

(ii) post-retirement health benefits;

(iii) environmental liabilities;

(iv) accounts payable;

(v) loan guarantees; and

(vi) Social Security benefits due and payable.

(C) FINANCIAL COMMITMENTS.—Financial commitments, including—

(i) undelivered orders; and

(ii) long-term operating leases.

(D) FINANCIAL CONTINGENCIES AND OTHER EXPOSURE.—Financial contingencies and other exposures, including—

(i) unadjudicated claims;

(ii) Federal insurance programs (including both the financial contingency for and risk assumed by such programs);

(iii) net future benefits under Social Security, Medicare Part A, Medicare Part B, and other social insurance programs;

(iv) life cycle costs, including deferred and future maintenance and operating costs associated with operating leases and the maintenance of capital assets;

(v) unfunded portions of incrementally funded capital projects;

(vi) disaster relief; and

(vii) others as deemed appropriate.

(2) ESTIMATES.—Where available, estimates for each exposure should be included. Where reasonable estimates are not available, a range of estimates may be appropriate.

(3) OTHER EXPOSURES.—Exposures that are analogous to those specified in paragraph (1) shall also be included in the exposure categories identified in such paragraph.

(c) FORMAT.—The report shall include a 1-page list of all exposures. Additional disclosures shall include descriptions of exposures, the estimation methodologies and significant assumptions used, and an analysis of the implications of the exposures for the long-term financial outlook. Additional analysis deemed informative may be provided on subsequent pages.

(d) REVIEW WITH CONGRESS.—Following the submission of the report on fiscal exposures to the Senate and the House of Representatives, the Comptroller General shall review and report to the committee reviewing the report on the report, discussing—

(1) the extent to which all required disclosures under this section have been made;

(2) the quality of the cost estimates;

(3) the scope of the information;

(4) the long-range financial outlook; and

(5) any other matters deemed appropriate.

(e) DEFINITIONS.—In this section:

(1) LIABILITIES.—The terms "liabilities", "commitments", and "contingencies" shall be defined in accordance with generally accepted accounting principles and standards of the United States Federal Government.

(2) RISK ASSUMED.—The term "risk assumed" means the full portion of the risk premium based on the expected cost of losses inherent in the Government's commitment that is not charged to the insured. For example, the present value of unpaid expected losses net of associated premiums, based on the risk assumed as a result of insurance coverage.

(3) NET FUTURE BENEFIT PAYMENTS.—The term "net future benefit payments" means the net present value of negative cashflow. Negative cashflow is to be calculated as the current amount of funds needed to cover projected shortfalls, excluding trust fund balances, over a 75-year period. This estimate should include births during the period and individuals below age 15 as of January 1 of the valuation year.

SEC. 107. BUDGET COMMITTEE SETS 302(b) ALLOCATIONS.

The Congressional Budget Act of 1974 (2 U.S.C. 621 et seq.) is amended—

(1) in section 301(e)(2)(F) (2 U.S.C. 632(e)(2)(F)), by striking "section 302(a)" and inserting "subsections (a) and (b) of section 302"; and

(2) in section 302 (2 U.S.C. 633), by striking subsection (b) and inserting the following:

"(b) SUBALLOCATIONS FOR APPROPRIATIONS COMMITTEE.—The joint explanatory statement accompanying a conference report on a concurrent resolution on the budget shall include suballocations of amounts allocated to the Committees on Appropriations of each amount allocated to those committees under subsection (a) among each of the subcommittees of those committees.".

SEC. 108. LONG-TERM COST RECOGNITION POINT OF ORDER.

(a) IN GENERAL.—Title III of the Congressional Budget Act of 1974 is amended by adding at the end the following:

"LONG-TERM COST RECOGNITION POINT OF ORDER

"SEC. 318. (a) CONGRESSIONAL BUDGET OFFICE ANALYSIS.—

"(1) IN GENERAL.—CBO shall, in conjunction with the analysis required by section 402, prepare and submit to the Committees on the Budget of the House of Representatives and Senate a report on each bill, joint resolution, amendment, motion, or conference report reported by any committee of the House of Representatives or the Senate that contains any cost drivers that CBO concludes are likely to have the effect of increasing the cost path of that measure such that the estimated discounted cash flows of the measure in the 10 years following the 10th year after the measure takes effect would be 150 percent or greater of the level of the estimated discounted cash flows of the measure at the end of the 10 years following the enactment of the measure.

"(2) PROJECTIONS.—Where possible, CBO should use existing long-term projections of cost drivers prepared by the appropriate Federal agency.

"(3) LIMIT.—Nothing in this section requires CBO to develop cost estimates for a measure beyond the 10th year after the measure takes effect.

"(b) COST DRIVERS.—Cost drivers CBO shall consider under subsection (a) include—

"(1) demographic changes;

"(2) new technologies; and

"(3) environmental factors.

"(c) POINT OF ORDER.—It shall not be in order in the House of Representatives or the Senate to consider any bill, joint resolution, amendment, motion, or conference report that CBO determines will increase the level of the estimated discounted cash flows of that measure as reported in subsection (a) by 150 percent or more.".

SEC. 109. PROTECTION OF SOCIAL SECURITY SURPLUSES BY BUDGET ENFORCEMENT.

(a) REVISION OF ENFORCING DEFICIT TARGETS.—Section 253 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 903) is amended—

(1) in subsection (a), by striking "(if any remains) if it exceeds the margin";

(2) by striking subsection (b) and inserting the following:

"(b) EXCESS DEFICIT.—The excess deficit is the deficit for the budget year.";

(3) by striking subsection (c) and inserting the following:

"(c) ELIMINATING EXCESS DEFICIT.—Each non-exempt account shall be reduced by a dollar amount calculated by multiplying the baseline level of sequesterable budgetary resources in that account at that time by the uniform percentage necessary to eliminate an excess deficit."; and

(4) by striking subsections (g) and (h).

(b) MEDICARE EXEMPT.—

(1) AMENDMENTS.—The Balanced Budget and Emergency Deficit Control Act of 1985 is amended—

(A) in section 253(e)(3)(A), by striking clause (i) and inserting the following:

"(i) the medicare program specified in section 256(d) shall not be reduced; and";

(B) in section 255(g)(1)(A), by inserting "Medicare (for purposes of section 253)" after the item relating to "Medical facilities"; and

(C) in section 256(d)(1), by striking "sections 252 and 253" and inserting "section 252".

(2) EXEMPTION.—Medicare shall not be subject to sequester under section 253 of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended by this section.

(c) ECONOMIC AND TECHNICAL ASSUMPTIONS.—Notwithstanding section 254(j) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 904(j)), the Office of Management and Budget shall use the economic and technical assumptions underlying the report issued pursuant to section 1106 of title 31, United States Code, for purposes of determining the excess deficit under section 253(b) of the Balanced Budget and Emergency Deficit Control Act of 1985, as added by subsection (a).

(d) APPLICATION OF SEQUESTRATION TO BUDGET ACCOUNTS.—Section 256(k) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 906(k)) is amended by—

(1) striking paragraph (2); and

(2) redesignating paragraphs (3) through (6) as paragraphs (2) through (5), respectively.

(e) STRENGTHENING SOCIAL SECURITY POINTS OF ORDER..—

(1) IN GENERAL.—Section 312 of the Congressional Budget Act of 1974 (2 U.S.C. 643) is amended by inserting at the end the following:

"(g) STRENGTHENING SOCIAL SECURITY POINT OF ORDER.—It shall not be in order in the House of Representatives or the Senate to consider a concurrent resolution on the budget (or any amendment thereto or conference report thereon) or any bill, joint resolution, amendment, motion, or conference report that would violate or amend section 13301 of the Budget Enforcement Act of 1990.".

(2) SUPER MAJORITY REQUIREMENT.—

(A) POINT OF ORDER.—Section 904(c)(1) of the Congressional Budget Act of 1974 is amended by inserting "312(g)," after "310(d)(2),".

(B) WAIVER.—Section 904(d)(2) of the Congressional Budget Act of 1974 is amended by inserting "312(g)," after "310(d)(2),".

(3) ENFORCEMENT IN EACH FISCAL YEAR.—The Congressional Budget Act of 1974 is amended in—

(A) section 301(a)(7) (2 U.S.C. 632(a)(7)), by striking "for the fiscal year" through the period and inserting "for each fiscal year covered by the resolution"; and

(B) section 311(a)(3) (2 U.S.C. 642(a)(3)), by striking beginning with "for the first fiscal year" through the period and insert the following: "for any of the fiscal years covered by the concurrent resolution.".

(f) EFFECTIVE DATE.—Section 275(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 note) is amended by striking "253,".

TITLE II—REFORM OF BUDGETARY TREATMENT OF FEDERAL INSURANCE PROGRAMS

SEC. 201. FEDERAL INSURANCE PROGRAMS.

(a) IN GENERAL.—The Congressional Budget Act of 1974 is amended by adding after title V the following new title:

"TITLE VI—BUDGETARY TREATMENT OF FEDERAL INSURANCE PROGRAMS

"SEC. 601. SHORT TITLE.

"This title may be cited as the 'Federal Insurance Budgeting Act of 2002'.

"SEC. 602. BUDGETARY TREATMENT.

"(a) PRESIDENT'S BUDGET.—Beginning with fiscal year 2008, the budget of the Government submitted pursuant to section 1105(a) of title 31, United States Code, shall be based on the risk-assumed cost of Federal insurance programs.

"(b) BUDGET ACCOUNTING.—For any Federal insurance program—

"(1) the program account shall—

"(A) pay the risk-assumed cost borne by taxpayers to the financing account; and

"(B) pay actual insurance program administrative costs; and

"(2) the financing account shall—

"(A) receive premiums and other income;

"(B) pay all claims for insurance and receive all recoveries; and

"(C) transfer to the program account on not less than an annual basis amounts necessary to pay insurance program administrative costs; and

"(3) a negative risk-assumed cost shall be transferred from the financing account to the program account, and shall be transferred from the program account to the general fund;

"(4) all payments by or receipts of the financing accounts shall be treated in the budget as a means of financing.

"(c) APPROPRIATIONS REQUIRED.—(1) Notwithstanding any other provision of law, insurance commitments may be made for fiscal year 2006 and thereafter only to the extent that new budget authority to cover their risk-assumed cost is provided in advance in an appropriation Act.

"(2) An outstanding insurance commitment shall not be modified in a manner that increases its risk-assumed cost unless budget authority for the additional cost has been provided in advance.

"(3) Paragraph (1) shall not apply to Federal insurance programs that constitute entitlements.

"(d) REESTIMATES.—

"(1) IN GENERAL.—The risk-assumed cost for a fiscal year shall be reestimated in each subsequent year. Such reestimate can equal zero. In the case of a positive reestimate, the amount of the reestimate shall be paid from the program account to the financing account. In the case of a negative reestimate, the amount of the reestimate shall be paid from the financing account to the program account, and shall be transferred from the program account to the general fund. Reestimates shall be displayed as a distinct and separately identified subaccount in the program account.

"(2) APPROPRIATIONS.—There are appropriated such sums as are necessary to fund a positive reestimate under paragraph (1).

"(e) ADMINISTRATIVE EXPENSES.—All funding for an agency's administration of a Federal insurance program shall be displayed as a distinct and separately identified subaccount in the program account.

"SEC. 603. TIMETABLE FOR IMPLEMENTATION OF ACCRUAL BUDGETING FOR FEDERAL INSURANCE PROGRAMS.

"(a) AGENCY REQUIREMENTS.—Agencies with responsibility for Federal insurance programs shall develop models to estimate their risk-assumed cost by year through the budget horizon and shall submit those models, all relevant data, a justification for critical assumptions, and the annual projected risk-assumed costs to OMB with their budget requests each year starting with the request for fiscal year 2005. Agencies will likewise provide OMB with annual estimates of modifications, if any, and reestimates of program costs.

"(b) DISCLOSURE.—When the President submits a budget of the Government pursuant to section 1105(a) of title 31, United States Code, for fiscal year 2005, OMB shall publish a notice in the Federal Register advising interested persons of the availability of information describing the models, data (including sources), and critical assumptions (including explicit or implicit discount rate assumptions) that it or other executive branch entities would use to estimate the risk-assumed cost of Federal insurance programs and giving such persons an opportunity to submit comments. At the same time, the chairman of the Committee on the Budget shall publish a notice for CBO in the Federal Register advising interested persons of the availability of information describing the models, data (including sources), and critical assumptions (including explicit or implicit discount rate assumptions) that it would use to estimate the risk-assumed cost of Federal insurance programs and giving such interested persons an opportunity to submit comments.

"(c) REVISION.—After consideration of comments pursuant to subsection (b), and in consultation with the Committees on the Budget of the House of Representatives and the Senate, OMB and CBO shall revise the models, data, and major assumptions they would use to estimate the risk-assumed cost of Federal insurance programs.

"(d) DISPLAY.—

"(1) IN GENERAL.—For fiscal years 2005, 2006, and 2007 the budget submissions of the President pursuant to section 1105(a) of title 31, United States Code, and CBO's reports on the economic and budget outlook pursuant to section 202(e)(1) and the President's budgets, shall for display purposes only, estimate the risk-assumed cost of existing or proposed Federal insurance programs.

"(2) OMB.—The display in the budget submissions of the President for fiscal years 2005, 2006, and 2007 shall include—

"(A) a presentation for each Federal insurance program in budget-account level detail of estimates of risk-assumed cost;

"(B) a summary table of the risk-assumed costs of Federal insurance programs; and

"(C) an alternate summary table of budget functions and aggregates using risk-assumed rather than cash-based cost estimates for Federal insurance programs.

"(3) CBO.—In the second session of the 108th Congress and the 109th Congress, CBO shall include in its estimates under section 308, for display purposes only, the risk-assumed cost of existing Federal insurance programs, or legislation that CBO, in consultation with the Committees on the Budget of the House of Representatives and the Senate, determines would create a new Federal insurance program.

"(e) OMB, CBO, AND GAO EVALUATIONS.—(1) Not later than 6 months after the budget submission of the President pursuant to section 1105(a) of title 31, United States Code, for fiscal year 2007, OMB, CBO, and GAO shall each submit to the Committees on the Budget of the House of Representatives and the Senate a report that evaluates the advisability and appropriate implementation of this title.

"(2) Each report made pursuant to paragraph (1) shall address the following:

"(A) The adequacy of risk-assumed estimation models used and alternative modeling methods.

"(B) The availability and reliability of data or information necessary to carry out this title.

"(C) The appropriateness of the explicit or implicit discount rate used in the various risk-assumed estimation models.

"(D) The advisability of specifying a statutory discount rate (such as the Treasury rate) for use in risk-assumed estimation models.

"(E) The ability of OMB, CBO, or GAO, as applicable, to secure any data or information directly from any Federal agency necessary to enable it to carry out this title.

"(F) The relationship between risk-assumed accrual budgeting for Federal insurance programs and the specific requirements of the Balanced Budget and Emergency Deficit Control Act of 1985.

"(G) Whether Federal budgeting is improved by the inclusion of risk-assumed cost estimates for Federal insurance programs.

"(H) The advisability of including each of the programs currently estimated on a risk-assumed cost basis in the Federal budget on that basis.

"SEC. 604. DEFINITIONS.

"For purposes of this title:

"(1) The term 'Federal insurance program' means a program that makes insurance commitments and includes the list of such programs as to be defined by the budget concepts commission, as required by title IV of the Truth in Budgeting and Social Security Protection Act of 2002.

"(2) The term 'insurance commitment' means an agreement in advance by a Federal agency to indemnify a non-Federal entity against specified losses. This term does not include loan guarantees as defined in title V or benefit programs such as social security, medicare, and similar existing social insurance programs.

"(3)(A) The term 'risk-assumed cost' means the net present value of the estimated cash flows to and from the Government resulting from an insurance commitment or modification thereof.

"(B) The cash flows associated with an insurance commitment include—

"(i) expected claims payments inherent in the Government's commitment;

"(ii) net premiums (expected premium collections received from or on behalf of the insured less expected administrative expenses);

"(iii) expected recoveries; and

"(iv) expected changes in claims, premiums, or recoveries resulting from the exercise by the insured of any option included in the insurance commitment.

"(C) The cost of a modification is the difference between the current estimate of the net present value of the remaining cash flows under the terms of the insurance commitment, and the current estimate of the net present value of the remaining cash flows under the terms of the insurance commitment as modified.

"(D) The cost of a reestimate is the difference between the net present value of the amount currently required by the financing account to pay estimated claims and other expenditures and the amount currently available in the financing account. The cost of a reestimate shall be accounted for in the current year in the budget of the Government submitted pursuant to section 1105(a) of title 31, United States Code.

"(E) For purposes of this definition, expected administrative expenses shall be construed as the amount estimated to be necessary for the proper administration of the insurance program. This amount may differ from amounts actually appropriated or otherwise made available for the administration of the program.

"(4) The term 'program account' means the budget account for the risk-assumed cost, and for paying all costs of administering the insurance program, and is the account from which the risk-assumed cost is disbursed to the financing account.

"(5) The term 'financing account' means the nonbudget account that is associated with each program account which receives payments from or makes payments to the program account, receives premiums and other payments from the public, pays insurance claims, and holds balances.

"(6) The term 'modification' means any Government action that alters the risk-assumed cost of an existing insurance commitment from the current estimate of cash flows. This includes any action resulting from new legislation, or from the exercise of administrative discretion under existing law, that directly or indirectly alters the estimated cost of existing insurance commitments.

"(7) The term 'model' means any actuarial, financial, econometric, probabilistic, or other methodology used to estimate the expected frequency and magnitude of loss-producing events, expected premiums or collections from or on behalf of the insured, expected recoveries, and administrative expenses.

"(8) The term 'current' has the same meaning as in section 250(c)(9) of the Balanced Budget and Emergency Deficit Control Act of 1985.

"(9) The term 'OMB' means the Director of the Office of Management and Budget.

"(10) The term 'CBO' means the Director of the Congressional Budget Office.

"(11) The term 'GAO' means the Comptroller General of the United States.

"SEC. 605. AUTHORIZATIONS TO ENTER INTO CONTRACTS; ACTUARIAL COST ACCOUNT.

"(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $600,000 for each of fiscal years 2002 through 2007 to the Director of the Office of Management and Budget and each agency responsible for administering a Federal program to carry out this title.

"(b) TREASURY TRANSACTIONS WITH THE FINANCING ACCOUNTS.—The Secretary of the Treasury shall borrow from, receive from, lend to, or pay the insurance financing accounts such amounts as may be appropriate. The Secretary of the Treasury may prescribe forms and denominations, maturities, and terms and conditions for the transactions described above. The authorities described above shall not be construed to supersede or override the authority of the head of a Federal agency to administer and operate an insurance program. All the transactions provided in this subsection shall be subject to the provisions of subchapter II of chapter 15 of title 31, United States Code. Cash balances of the financing accounts in excess of current requirements shall be maintained in a form of uninvested funds, and the Secretary of the Treasury shall pay interest on these funds.

"(c) APPROPRIATION OF AMOUNT NECESSARY TO COVER RISK-ASSUMED COST OF INSURANCE COMMITMENTS AT TRANSITION DATE.—(1) A financing account is established on September 30, 2007, for each Federal insurance program.

"(2) There is appropriated to each financing account the amount of the risk-assumed cost of Federal insurance commitments outstanding for that program as of the close of September 30, 2007.

"(3) These financing accounts shall be used in implementing the budget accounting required by this title.

"SEC. 606. EFFECTIVE DATE.

"(a) IN GENERAL.—This title shall take effect immediately and shall expire on September 30, 2009.

"(b) SPECIAL RULE.—If this title is not reauthorized by September 30, 2009, then the accounting structure and budgetary treatment of Federal insurance programs shall revert to the accounting structure and budgetary treatment in effect immediately before the date of enactment of this title.".

(b) CONFORMING AMENDMENT.—The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by inserting after the item relating to section 507 the following new items:

"TITLE VI—BUDGETARY TREATMENT OF FEDERAL INSURANCE PROGRAMS

"Sec. 601. Short title.
"Sec. 602. Budgetary treatment.
"Sec. 603. Timetable for implementation of accrual budgeting for Federal insurance programs.
"Sec. 604. Definitions.
"Sec. 605. Authorizations to enter into contracts; actuarial cost account.
"Sec. 606. Effective date.".

TITLE III—BIENNIAL BUDGETING AND APPROPRIATIONS

SEC. 301. REVISION OF TIMETABLE.

Section 300 of the Congressional Budget Act of 1974 (2 U.S.C. 631) is amended to read as follows:

"TIMETABLE

"SEC. 300. (a) IN GENERAL.—Except as provided by subsection (b), the timetable with respect to the congressional budget process for any Congress (beginning with the One Hundred Eighth Congress) is as follows:

"First Session

"On or before:	Action to be completed:
First Monday in February	President submits budget recommendations.
February 15	Congressional Budget Office submits report to Budget Committees.
Not later than 6 weeks after budget submission	Committees submit views and estimates to Budget Committees.
April 1	Budget Committees report concurrent resolution on the biennial budget.
May 15	Congress completes action on concurrent resolution on the biennial budget.
May 15	Biennial appropriation bills may be considered in the House.
June 10	House Appropriations Committee reports last biennial appropriation bill.
June 30	House completes action on biennial appropriation bills.
August 1	Congress completes action on reconciliation legislation.
October 1	Biennium begins.

"Second Session

"On or before:	Action to be completed:
February 15	President submits budget review.
Not later than 6 weeks after President submits budget review	Congressional Budget Office submits report to Budget Committees.
The last day of the session	Congress completes action on bills and resolutions authorizing new budget authority for the succeeding biennium.

"(b) SPECIAL RULE.—In the case of any first session of Congress that begins in any year immediately following a leap year and during which the term of a President (except a President who succeeds himself) begins, the following dates shall supersede those set forth in subsection (a):

"First Session

"On or before:	Action to be completed:
First Monday in April	President submits budget recommendations.
April 20	Committees submit views and estimates to Budget Committees.
May 15	Budget Committees report concurrent resolution on the biennial budget.
June 1	Congress completes action on concurrent resolution on the biennial budget.
July 1	Biennial appropriation bills may be considered in the House.
July 20	House completes action on biennial appropriation bills.
August 1	Congress completes action on reconciliation legislation.
October 1	Biennium begins.".

SEC. 302. AMENDMENTS TO THE CONGRESSIONAL BUDGET AND IMPOUNDMENT CONTROL ACT OF 1974.

(a) DECLARATION OF PURPOSE.—Section 2(2) of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 621(2)) is amended by striking "each year" and inserting "biennially".

(b) DEFINITIONS.—

(1) BUDGET RESOLUTION.—Section 3(4) of such Act (2 U.S.C. 622(4)) is amended by striking "fiscal year" each place it appears and inserting "biennium".

(2) BIENNIUM.—Section 3 of such Act (2 U.S.C. 622) is further amended by adding at the end the following new paragraph:

"(11) The term 'biennium' means the period of 2 consecutive fiscal years beginning on October 1 of any odd-numbered year.".

(c) BIENNIAL CONCURRENT RESOLUTION ON THE BUDGET.—

(1) CONTENTS OF RESOLUTION.—Section 301(a) of such Act (2 U.S.C. 632(a)) is amended—

(A) in the matter preceding paragraph (1) by—

(i) striking "April 15 of each year" and inserting "May 15 of each odd-numbered year";

(ii) striking "the fiscal year beginning on October 1 of such year" the first place it appears and inserting "the biennium beginning on October 1 of such year"; and

(iii) striking "the fiscal year beginning on October 1 of such year" the second place it appears and inserting "each fiscal year in such period";

(B) in paragraph (6), by striking "for the fiscal year" and inserting "for each fiscal year in the biennium"; and

(C) in paragraph (7), by striking "for the first fiscal year" and inserting "for each fiscal year in the biennium".

(2) ADDITIONAL MATTERS.—Section 301(b)(3) of such Act (2 U.S.C. 632(b)) is amended by striking "for such fiscal year" and inserting "for either fiscal year in such biennium".

(3) VIEWS OF OTHER COMMITTEES.—Section 301(d) of such Act (2 U.S.C. 632(d)) is amended

by inserting "(or, if applicable, as provided by section 300(b))" after "United States Code".

(4) Hearings.—Section 301(e)(1) of such Act (2 U.S.C. 632(e)) is amended by—

(A) striking "fiscal year" and inserting "biennium"; and

(B) inserting after the second sentence the following: "On or before April 1 of each odd-numbered year (or, if applicable, as provided by section 300(b)), the Committee on the Budget of each House shall report to its House the concurrent resolution on the budget referred to in subsection (a) for the biennium beginning on October 1 of that year.".

(5) Goals for reducing unemployment.—Section 301(f) of such Act (2 U.S.C. 632(f)) is amended by striking "fiscal year" each place it appears and inserting "biennium".

(6) Economic assumptions.—Section 301(g)(1) of such Act (2 U.S.C. 632(g)(1)) is amended by striking "for a fiscal year" and inserting "for a biennium".

(7) Section heading.—The section heading of section 301 of such Act is amended by striking "annual" and inserting "biennial".

(8) Table of contents.—The item relating to section 301 in the table of contents set forth in section 1(b) of such Act is amended by striking "Annual" and inserting "Biennial".

(d) Committee Allocations.—Section 302 of such Act (2 U.S.C. 633) is amended—

(1) in subsection (a)(1) by—

(A) striking "for the first fiscal year of the resolution," and inserting "for each fiscal year in the biennium,";

(B) striking "for that period of fiscal years" and inserting "for all fiscal years covered by the resolution"; and

(C) striking "for the fiscal year of that resolution" and inserting "for each fiscal year in the biennium";

(2) in subsection (f)(1), by striking "for a fiscal year" and inserting "for a biennium";

(3) in subsection (f)(1), by striking "first fiscal year" and inserting "each fiscal year of the biennium";

(4) in subsection (f)(2)(A), by—

(A) striking "first fiscal year" and inserting "each fiscal year of the biennium"; and

(B) striking "the total of fiscal years" and inserting "the total of all fiscal years covered by the resolution"; and

(5) in subsection (g)(1)(A), by striking "April" and inserting "May".

(e) Section 303 Point of Order.—

(1) In general.—Section 303(a) of such Act (2 U.S.C. 634(a)) is amended by striking "first fiscal year" and inserting "each fiscal year of the biennium".

(2) Exceptions in the house.—Section 303(b)(1) of such Act (2 U.S.C. 634(b)) is amended—

(A) in subparagraph (A), by striking "the budget year" and inserting "the biennium"; and

(B) in subparagraph (B), by striking "the fiscal year" and inserting "the biennium".

(3) Application to the senate.—Section 303(c)(1) of such Act (2 U.S.C. 634(c)) is amended by—

(A) striking "fiscal year" and inserting "biennium"; and

(B) striking "that year" and inserting "each fiscal year of that biennium".

(f) Permissible Revisions of Concurrent Resolutions on the Budget.—Section 304(a) of such Act (2 U.S.C. 635) is amended—

(1) by striking "fiscal year" the first two places it appears and inserting "biennium";

(2) by striking "for such fiscal year"; and

(3) by inserting before the period "for such biennium".

(g) Procedures for Consideration of Budget Resolutions.—Section 305(a)(3) of such Act (2 U.S.C. 636(b)(3)) is amended by striking "fiscal year" and inserting "biennium".

(h) Completion of House Action on Appropriation Bills.—Section 307 of such Act (2 U.S.C. 638) is amended—

(1) by striking "each year" and inserting "each odd-numbered year";

(2) by striking "annual" and inserting "biennial";

(3) by striking "fiscal year" and inserting "biennium"; and

(4) by striking "that year" and inserting "each odd-numbered year".

(i) Completion of Action on Regular Appropriation Bills.—Section 309 of such Act (2 U.S.C. 640) is amended—

(1) by inserting "of any odd-numbered calendar year" after "July";

(2) by striking "annual" and inserting "biennial"; and

(3) by striking "fiscal year" and inserting "biennium".

(j) Reconciliation Process.—Section 310(a) of such Act (2 U.S.C. 641(a)) is amended—

(1) in the matter preceding paragraph (1), by striking "any fiscal year" and inserting "any biennium"; and

(2) in paragraph (1) by striking "such fiscal year" each place it appears and inserting "any fiscal year covered by such resolution".

(k) Section 311 Point of Order.—

(1) In the house.—Section 311(a)(1) of such Act (2 U.S.C. 642(a)) is amended—

(A) by striking "for a fiscal year" and inserting "for a biennium";

(B) by striking "the first fiscal year" each place it appears and inserting "either fiscal year of the biennium"; and

(C) by striking "that first fiscal year" and inserting "each fiscal year in the biennium".

(2) In the senate.—Section 311(a)(2) of such Act is amended—

(A) in subparagraph (A), by striking "for the first fiscal year" and inserting "for either fiscal year of the biennium"; and

(B) in subparagraph (B)—

(i) by striking "that first fiscal year" the first place it appears and inserting "each fiscal year in the biennium"; and

(ii) by striking "that first fiscal year and the ensuing fiscal years" and inserting "all fiscal years".

(3) Social security levels.—Section 311(a)(3) of such Act is amended by—

(A) striking "for the first fiscal year" and inserting "each fiscal year in the biennium"; and

(B) striking "that fiscal year and the ensuing fiscal years" and inserting "all fiscal years".

(l) MDA Point of Order.—Section 312(c) of the Congressional Budget Act of 1974 (2 U.S.C. 643) is amended—

(1) by striking "for a fiscal year" and inserting "for a biennium";

(2) in paragraph (1), by striking "first fiscal year" and inserting "either fiscal year in the biennium";

(3) in paragraph (2), by striking "that fiscal year" and inserting "either fiscal year in the biennium"; and

(4) in the matter following paragraph (2), by striking "that fiscal year" and inserting "the applicable fiscal year".

SEC. 303. AMENDMENTS TO TITLE 31, UNITED STATES CODE.

(a) Definition.—Section 1101 of title 31, United States Code, is amended by adding at the end thereof the following new paragraph:

"(3) 'biennium' has the meaning given to such term in paragraph (11) of section 3 of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 622(11)).".

(b) Budget Contents and Submission to the Congress.—

(1) Schedule.—The matter preceding paragraph (1) in section 1105(a) of title 31, United States Code, is amended to read as follows:

"(a) On or before the first Monday in February of each odd-numbered year (or, if applicable, as provided by section 300(b) of the Congressional Budget Act of 1974), beginning with the One Hundred Seventh Congress, the President shall transmit to the Congress, the budget for the biennium beginning on October 1 of such calendar year. The budget transmitted under this subsection shall include a budget message and summary and supporting information. The President shall include in each budget the following:".

(2) Expenditures.—Section 1105(a)(5) of title 31, United States Code, is amended by striking "the fiscal year for which the budget is submitted and the 4 fiscal years after that year" and inserting "each fiscal year in the biennium for which the budget is submitted and in the succeeding 4 years".

(3) Receipts.—Section 1105(a)(6) of title 31, United States Code, is amended by striking "the fiscal year for which the budget is submitted and the 4 fiscal years after that year" and inserting "each fiscal year in the biennium for which the budget is submitted and in the succeeding 4 years".

(4) Balance statements.—Section 1105(a)(9)(C) of title 31, United States Code, is amended by striking "the fiscal year" and inserting "each fiscal year in the biennium".

(5) Functions and activities.—Section 1105(a)(12) of title 31, United States Code, is amended in subparagraph (A), by striking "the fiscal year" and inserting "each fiscal year in the biennium".

(6) Allowances.—Section 1105(a)(13) of title 31, United States Code, is amended by striking "the fiscal year" and inserting "each fiscal year in the biennium".

(7) Allowances for uncontrolled expenditures.—Section 1105(a)(14) of title 31, United States Code, is amended by striking "that year" and inserting "each fiscal year in the biennium for which the budget is submitted".

(8) Tax expenditures.—Section 1105(a)(16) of title 31, United States Code, is amended by striking "the fiscal year" and inserting "each fiscal year in the biennium".

(9) Future years.—Section 1105(a)(17) of title 31, United States Code, is amended—

(A) by striking "the fiscal year following the fiscal year" and inserting "each fiscal year in the biennium following the biennium";

(B) by striking "that following fiscal year" and inserting "each such fiscal year"; and

(C) by striking "fiscal year before the fiscal year" and inserting "biennium before the biennium".

(10) Prior year outlays.—Section 1105(a)(18) of title 31, United States Code, is amended—

(A) by striking "the prior fiscal year" and inserting "each of the 2 most recently completed fiscal years,";

(B) by striking "for that year" and inserting "with respect to those fiscal years"; and

(C) by striking "in that year" and inserting "in those fiscal years".

(11) Prior year receipts.—Section 1105(a)(19) of title 31, United States Code, is amended—

(A) by striking "the prior fiscal year" and inserting "each of the 2 most recently completed fiscal years";

(B) by striking "for that year" and inserting "with respect to those fiscal years"; and

(C) by striking "in that year" each place it appears and inserting "in those fiscal years".

(c) ESTIMATED EXPENDITURES OF LEGISLATIVE AND JUDICIAL BRANCHES.—Section 1105(b) of title 31, United States Code, is amended by striking "each year" and inserting "each even-numbered year".

(d) RECOMMENDATIONS TO MEET ESTIMATED DEFICIENCIES.—Section 1105(c) of title 31, United States Code, is amended—

(1) by striking "the fiscal year for" the first place it appears and inserting "each fiscal year in the biennium for";

(2) by striking "the fiscal year for" the second place it appears and inserting "each fiscal year of the biennium, as the case may be,"; and

(3) by striking "that year" and inserting "for each year of the biennium".

(e) CAPITAL INVESTMENT ANALYSIS.—Section 1105(e)(1) of title 31, United States Code, is amended by striking "ensuing fiscal year" and inserting "biennium to which such budget relates".

(f) SUPPLEMENTAL BUDGET ESTIMATES AND CHANGES.—

(1) IN GENERAL.—Section 1106(a) of title 31, United States Code, is amended—

(A) in the matter preceding paragraph (1), by—

(i) striking "Before July 16 of each year," and inserting "Before February 15 of each even numbered year,"; and

(ii) striking "fiscal year" and inserting "biennium";

(B) in paragraph (1), by striking "that fiscal year" and inserting "each fiscal year in such biennium";

(C) in paragraph (2), by striking "4 fiscal years following the fiscal year" and inserting "4 fiscal years following the biennium"; and

(D) in paragraph (3), by striking "fiscal year" and inserting "biennium".

(2) CHANGES.—Section 1106(b) of title 31, United States Code, is amended by—

(A) striking "the fiscal year" and inserting "each fiscal year in the biennium";

(B) striking "April 11 and July 16 of each year" and inserting "February 15 of each even-numbered year"; and

(C) striking "July 16" and inserting "February 15 of each even-numbered year.".

(g) CURRENT PROGRAMS AND ACTIVITIES ESTIMATES.—

(1) IN GENERAL.—Section 1109(a) of title 31, United States Code, is amended—

(A) by striking "On or before the first Monday after January 3 of each year (on or before February 5 in 1986)" and inserting "At the same time the budget required by section 1105 is submitted for a biennium"; and

(B) by striking "the following fiscal year" and inserting "each fiscal year of such period".

(2) JOINT ECONOMIC COMMITTEE.—Section 1109(b) of title 31, United States Code, is amended by striking "March 1 of each year" and inserting "within 6 weeks of the President's budget submission for each odd-numbered year (or, if applicable, as provided by section 300(b) of the Congressional Budget Act of 1974)".

(h) YEAR-AHEAD REQUESTS FOR AUTHORIZING LEGISLATION.—Section 1110 of title 31, United States Code, is amended by—

(1) striking "May 16" and inserting "March 31"; and

(2) striking "year before the year in which the fiscal year begins" and inserting "calendar year preceding the calendar year in which the biennium begins".

SEC. 304. TWO-YEAR APPROPRIATIONS; TITLE AND STYLE OF APPROPRIATIONS ACTS.

Section 105 of title 1, United States Code, is amended to read as follows:

"§105. Title and style of appropriations Acts

"(a) The style and title of all Acts making appropriations for the support of the Government shall be as follows: 'An Act making appropriations (here insert the object) for each fiscal year in the biennium of fiscal years (here insert the fiscal years of the biennium).'.

"(b) All Acts making regular appropriations for the support of the Government shall be enacted for a biennium and shall specify the amount of appropriations provided for each fiscal year in such period.

"(c) For purposes of this section, the term 'biennium' has the same meaning as in section 3(11) of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 622(11)).".

SEC. 305. MULTIYEAR AUTHORIZATIONS.

(a) IN GENERAL.—Title III of the Congressional Budget Act of 1974 is amended by adding at the end the following new section:

"AUTHORIZATIONS OF APPROPRIATIONS

"SEC. 319. (a) POINT OF ORDER.—It shall not be in order in the House of Representatives or the Senate to consider—

"(1) any bill, joint resolution, amendment, motion, or conference report that authorizes appropriations for a period of less than 2 fiscal years, unless the program, project, or activity for which the appropriations are authorized will require no further appropriations and will be completed or terminated after the appropriations have been expended; and

"(2) in any odd-numbered year, any authorization or revenue bill or joint resolution until Congress completes action on the biennial budget resolution, all regular biennial appropriations bills, and all reconciliation bills.

"(b) APPLICABILITY.—In the Senate, subsection (a) shall not apply to—

"(1) any measure that is privileged for consideration pursuant to a rule or statute;

"(2) any matter considered in Executive Session; or

"(3) an appropriations measure or reconciliation bill.".

(b) AMENDMENT TO TABLE OF CONTENTS.—The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by adding after the item relating to section 313 the following new item:

"Sec. 319. Authorizations of appropriations.".

SEC. 306. GOVERNMENT PLANS ON A BIENNIAL BASIS.

(a) STRATEGIC PLANS.—Section 306 of title 5, United States Code, is amended—

(1) in subsection (a), by striking "September 30, 1997" and inserting "September 30, 2003";

(2) in subsection (b)—

(A) by striking "at least every three years" and inserting "at least every 4 years"; and

(B) by striking "five years forward" and inserting "six years forward"; and

(3) in subsection (c), by inserting a comma after "section" the second place it appears and adding "including a strategic plan submitted by September 30, 2003 meeting the requirements of subsection (a)".

(b) BUDGET CONTENTS AND SUBMISSION TO CONGRESS.—Paragraph (28) of section 1105(a) of title 31, United States Code, is amended by striking "beginning with fiscal year 1999, a" and inserting "beginning with fiscal year 2004, a biennial".

(c) PERFORMANCE PLANS.—Section 1115 of title 31, United States Code, is amended—

(1) in subsection (a)—

(A) in the matter before paragraph (1)—

(i) by striking "section 1105(a)(29)" and inserting "section 1105(a)(28)"; and

(ii) by striking "an annual" and inserting "a biennial";

(B) in paragraph (1) by inserting after "program activity" the following: "for both years 1 and 2 of the biennial plan";

(C) in paragraph (5) by striking "and" after the semicolon,

(D) in paragraph (6) by striking the period and inserting a semicolon; and inserting "and" after the inserted semicolon; and

(E) by adding after paragraph (6) the following:

"(7) cover a 2-year period beginning with the first fiscal year of the next biennial budget cycle.";

(2) in subsection (d) by striking "annual" and inserting "biennial"; and

(3) in paragraph (6) of subsection (f) by striking "annual" and inserting "biennial".

(d) MANAGERIAL ACCOUNTABILITY AND FLEXIBILITY.—Section 9703 of title 31, United States Code, relating to managerial accountability, is amended—

(1) in subsection (a)—

(A) in the first sentence by striking "annual"; and

(B) by striking "section 1105(a)(29)" and inserting "section 1105(a)(28)";

(2) in subsection (e)—

(A) in the first sentence by striking "one or" before "years";

(B) in the second sentence by striking "a subsequent year" and inserting "for a subsequent 2-year period"; and

(C) in the third sentence by striking "three" and inserting "four".

(e) PILOT PROJECTS FOR PERFORMANCE BUDGETING.—Section 1119 of title 31, United States Code, is amended—

(1) in paragraph (1) of subsection (d), by striking "annual" and inserting "biennial"; and

(2) in subsection (e), by striking "annual" and inserting "biennial".

(f) STRATEGIC PLANS.—Section 2802 of title 39, United States Code, is amended—

(1) is subsection (a), by striking "September 30, 1997" and inserting "September 30, 2003";

(2) in subsection (b), by striking "at least every three years" and inserting "at least every 4 years";

(3) by striking "five years forward" and inserting "six years forward"; and

(4) in subsection (c), by inserting a comma after "section" the second place it appears and inserting "including a strategic plan submitted by September 30, 2003 meeting the requirements of subsection (a)".

(g) PERFORMANCE PLANS.—Section 2803(a) of title 39, United States Code, is amended—

(1) in the matter before paragraph (1), by striking "an annual" and inserting "a biennial";

(2) in paragraph (1), by inserting after "program activity" the following: "for both years 1 and 2 of the biennial plan";

(3) in paragraph (5), by striking "and" after the semicolon;

(4) in paragraph (6), by striking the period and inserting "; and"; and

(5) by adding after paragraph (6) the following:

"(7) cover a 2-year period beginning with the first fiscal year of the next biennial budget cycle.".

(h) COMMITTEE VIEWS OF PLANS AND REPORTS.—Section 301(d) of the Congressional Budget Act (2 U.S.C. 632(d)) is amended by adding at the end "Each committee of the Senate or the House of Representatives shall review the strategic plans, performance plans, and performance reports, required under section 306 of title 5, United States Code, and sections 1115 and 1116 of title 31, United States Code, of all agencies under the jurisdiction of the committee. Each committee may provide its views on such plans or reports to the Committee on the Budget of the applicable House.".

(i) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on March 1, 2003.

(2) AGENCY ACTIONS.—Effective on and after the date of enactment of this Act, each agency shall take such actions as necessary to prepare and submit any plan or report in accordance with the amendments made by this Act.

SEC. 307. BIENNIAL APPROPRIATIONS BILLS.

(a) IN GENERAL.—Title III of the Congressional Budget Act of 1974 (2 U.S.C. 631 et seq.) is amended by adding at the end the following:

"CONSIDERATION OF BIENNIAL APPROPRIATIONS BILLS

"SEC. 320. It shall not be in order in the House of Representatives or the Senate in any odd-numbered year to consider any regular bill providing new budget authority or a limitation on obligations under the jurisdiction of any of the subcommittees of the Committees on Appropriations for only the first fiscal year of a biennium, unless the program, project, or activity for which the new budget authority or obligation limitation is provided will require no additional authority beyond 1 year and will be completed or terminated after the amount provided has been expended.".

(b) AMENDMENT TO TABLE OF CONTENTS.—The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by adding after the item relating to section 313 the following new item:

"Sec. 320. Consideration of biennial appropriations bills.".

SEC. 308. REPORT ON TWO-YEAR FISCAL PERIOD.

Not later than 180 days after the date of enactment of this subpart, the Director of OMB shall—

(1) determine the impact and feasibility of changing the definition of a fiscal year and the budget process based on that definition to a 2-year fiscal period with a biennial budget process based on the 2-year period; and

(2) report the findings of the study to the Committees on the Budget of the House of Representatives and the Senate.

SEC. 309. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in sections 306 and 308 and subsection (b), this title and the amendments made by this title shall take effect on January 1, 2003, and shall apply to budget resolutions and appropriations for the biennium beginning with fiscal year 2004.

(b) AUTHORIZATIONS FOR THE BIENNIUM.—For purposes of authorizations for the biennium beginning with fiscal year 2004, the provisions of this title and the amendments made by this title relating to 2-year authorizations shall take effect January 1, 2003.

TITLE IV—COMMISSION ON FEDERAL BUDGET CONCEPTS

SEC. 401. ESTABLISHMENT OF COMMISSION ON FEDERAL BUDGET CONCEPTS.

There is established a commission to be known as the Commission on Federal Budget Concepts (referred to in this title as the "Commission").

SEC. 402. POWERS AND DUTIES OF COMMISSION.

(a) DUTIES OF THE COMMISSION.—

(1) IN GENERAL.—The duties of the Commission shall include—

(A) a review of the 1967 report of the President's Commission on Budget Concepts and assessment of the implementation of the recommendations of that report;

(B) identification and evaluation of the structure, concepts, classifications, and bases of accounting of the Federal budget;

(C) identification of any applicable general accounting principles and practices in the private sector and evaluation of their value to budget practices in the Federal sector;

(D) a report that shall include recommendations for modifications to the structure, concepts, classifications, and bases of accounting of the Federal budget that would enhance the usefulness of the budget for public policy and financial planning.

(2) SPECIFIC AREAS OF CONSIDERATION.—Specific areas for consideration by the Commission shall include the following:

(A) Should part ownership by the Government be sufficient to make an entity Federal and to include it in the budget?

(B) When is Federal control of an entity, including control exercised through Federal regulations, sufficient to cause it to be included in the budget?

(C) Are privately owned assets under long-term leases to the Federal Government effectively purchased by the Government during the lease period?

(D) Should there be an "off-budget" section of the budget? How should the Federal Government differentiate between spending and receipts?

(E) Should the total costs of refundable tax credits belong on the spending side of the budget?

(F) When should Federal Reserve earnings be reported as receipts or offsetting receipts (negative spending) in the net interest portion of the budget?

(G) What is a "user fee" and under what circumstances is it properly an offset to spending or a governmental receipt? What uses do trust funds have?

(H) Do trust fund balances provide misleading information? Do the roughly 200 trust funds add clarity or confusion to the budget process?

(I) Are there better ways than trust fund accounting to identify long-term liabilities?

(J) Should accrual budgetary accounting be adopted for Federal retirement, military retirement, or Social Security and other entitlements?

(K) Are off-budget accounts suitable for capturing accruals in the budget?

(L) What is the appropriate budgetary treatment of—

(i) purchases and sales of financial assets, including equities, bonds, and foreign currencies;

(ii) emergency spending;

(iii) the cost of holding fixed assets (cost of capital);

(iv) sales of physical assets; and

(v) seigniorage on coins and currency?

(M) When policy changes have strong but indirect feedback effects on revenues and other aggregates, should they be reported in budget estimates?

(N) How should the policies that are one-sided bets on economic events (probabilistic scoring) be represented in the budget?

(b) POWERS OF THE COMMISSION.—

(1) CONDUCT OF BUSINESS.—The Commission may hold hearings, take testimony, receive evidence, and undertake such other activities necessary to carry out its duties.

(2) ACCESS TO INFORMATION.—The Commission may secure directly from any department of agency of the United States information necessary to carry out its duties. Upon request of the Chair of the Commission, the head of that department or agency shall furnish that information to the Commission.

(3) POSTAL SERVICE.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

SEC. 403. MEMBERSHIP.

(a) MEMBERSHIP.—The Commission shall be composed of 12 members as follows:

(1) Three members appointed by the chairman of the Committee on the Budget of the Senate.

(2) Three members appointed by the chairman of the Committee on the Budget of the House of Representatives.

(3) Three members appointed by the ranking member of the Committee on the Budget of the Senate.

(4) Three members appointed by the ranking member of the Committee on the Budget of the House of Representatives.

(b) QUALIFICATIONS AND TERM.—

(1) QUALIFICATIONS.—Members appointed to the Commission pursuant to subsection (a) shall—

(A) have expertise and experience in the fields or disciplines related to the subject areas to be considered by the Commission; and

(B) not be Members of Congress.

(2) TERM OF APPOINTMENT.—The term of an appointment to the Commission shall be for the life of the Commission.

(3) CHAIR AND VICE CHAIR.—The Chair and Vice Chair may be elected from among the members of the Commission. The Vice Chair shall assume the duties of the Chair in the Chair's absence.

(c) MEETINGS; QUORUM; AND VACANCIES.—

(1) MEETINGS.—The Commission shall meet at least once a month on a day to be decided by the Commission. The Commission may meet at such other times at the call of the Chair or of a majority of its voting members. The meetings of the Commission shall be open to the public, unless by public vote, the Commission shall determine to close a meeting or any portion of a meeting to the public.

(2) QUORUM.—A majority of the voting membership shall constitute a quorum of the Commission, except that 3 or more voting members may conduct hearings.

(3) VACANCIES.—A vacancy on the Commission shall be filled in the same manner in which the original appointment was filled under subsection (a).

(d) COMPENSATION AND EXPENSES.—Members of the Commission shall serve without pay for their service on the Commission, but may receive travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code.

SEC. 404. STAFF AND SUPPORT SERVICES.

(a) STAFF.—With the advance approval of the Commission, the executive director may appoint such personnel as is appropriate. The staff of the Commission shall be appointed without regard to political affiliation and without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classifications and General Schedule pay rates.

(b) EXECUTIVE DIRECTOR.—The Chairman shall appoint an executive director, who shall be paid the rate of basic pay for level II of the Executive Schedule.

(c) EXPERTS AND CONSULTANTS.—With the advance approval of the Commission, the executive director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(d) TECHNICAL AND ADMINISTRATIVE ASSISTANCE.—Upon the request of the Commission—

(1) the head of any agency, office, or establishment within the executive or legislative branches of the United States shall provide, without reimbursement, such technical assistance as the Commission determines is necessary to carry out its duties; and

(2) the Administrator of the General Services Administration shall provide, on a reimbursable basis, such administrative support services as the Commission may require.

(e) DETAIL OF FEDERAL PERSONNEL.—Upon the request of the Commission, the head of an agency, office, or establishment in the executive or legislative branch of the United States is authorized to detail, without reimbursement, any of the personnel of that agency, office, or establishment to the Commission to assist the Commission in carrying out its duties. Any such detail shall not interrupt or otherwise affect the employment status or privileges of that employee.

(f) CBO.—The Director of the Congressional Budget Office shall provide the Commission with its latest research on the accuracy of its past budget and economic projections as compared to those of the Office of Management and Budget and, if possible, those of private sector forecasters. The Commission shall work with the Directors of the Congressional Budget Office and the Office of Management and Budget in their efforts to explain the factors affecting the accuracy of budget projections.

SEC. 405. REPORT.

Not later than   , the Commission shall transmit a report to the President and to each House of Congress. The report shall contain a detailed statement of the findings and conclusions of the Commission, together with its recommendations for such legislative or administrative actions as it considers appropriate. No finding, conclusion, or recommendation may be made by the Commission unless approved by a majority of those voting, a quorum being present. At the request of any Commission member, the report shall include that member's dissenting findings, conclusions, or recommendations.

SEC. 406. TERMINATION.

The Commission shall terminate 30 days after the date of transmission of the report required in section 405.

SEC. 407. FUNDING.

There are authorized to be appropriated not more than $1,000,000 to carry out this title. Sums so appropriated shall remain available until expended.

Mr. FEINGOLD. Mr. President, I am pleased to join today with my Colleague from Ohio, Mr. VOINOVICH, to introduce the Truth in Budgeting and Social Security Protection Act of 2002. This bill collects a variety of budget process ideas to help protect Social Security, promote balanced budgets, and improve government accounting practices. I hope that this effort will help spur greater debate and action to restore fiscal discipline.

Our government's finances have taken a dire turn in the last year-and-a-half. While in January of last year the Congressional Budget Office projected that, in the fiscal year just ended, fiscal year 2002, the government would run a unified budget surplus of $313 billion, now it projects a unified budget deficit of $157 billion.

And not counting Social Security surpluses, the picture is even worse. While in January of last year CBO projected that for fiscal year 2002, the government would run a surplus of $142 billion, without using Social Security surpluses, now it projects a deficit of $314 billion, not counting Social Security.

We must stop running deficits because they cause the government to use the surpluses of the Social Security Trust Fund for other government purposes, rather than to pay down the debt and help our Nation prepare for the coming retirement of the Baby Boom generation.

And we must stop running deficits because every dollar that we add to the Federal debt is another dollar that we are forcing our children to pay back in higher taxes or fewer government benefits. When the government in this generation chooses to spend on current consumption and to accumulate debt for our children's generation to pay, it does nothing less than rob our children of their own choices. We make our choices to spend on our wants, but we saddle them with debts that they must pay from their tax dollars and their hard work. And the government should not do that.

That is why I am joining with my Colleague from Ohio to introduce this bill to improve the budget process today. We need to strengthen the budget process. We need to do more.

Our bill would: extend the discretionary spending caps and the pay-as-you-go rules for 5 years, strengthen the enforcement of those budget rules, help protect Social Security surpluses, institute biennial budgeting, improve accounting for long-term costs of legislation, improve accounting for federal insurance programs, highlight the full expenses, including interest costs, of spending or tax cuts, and create a new commission to study the budget process.

Together, these budget process proposals would go a long way toward increasing the responsibility of the Federal budget. I hope that between now and the beginning of the next Congress, my Colleagues and observers of the budget process will review these proposals, perhaps build on them, and then join with us in a major effort to strengthen the budget process next year.

We must stop using Social Security surpluses to fund other government programs. We must stop piling up debt for our children to pay off. We must enact major reforms of the budget process.

I hope that this effort will contribute to those ends.

By Mr. BAUCUS (for himself, Mr. CRAPO, and Mr. CRAIG):

S. 3132. A bill to improve the economy and the quality of life for all citizens by authorizing funds for Federal-aid highways, and for other purposes; to the Committee on Environment and Public Works.

By Mr. BAUCUS (for himself, Mr. CRAPO, and Mr. CRAIG):

S. 3133. A bill to amend the Internal Revenue Code of 1986 to make funding available to carry out the Maximum Economic Growth for America Through Highway Funding Act; to the Committee on Finance.

Mr. BAUCUS. Mr. President, I rise today to introduce two bills, the Maximum Economic Growth for America Through Highway Funding Act", or "MEGA FUND ACT"—Parts one and two.

The MEGA FUND ACT is intended to do exactly what its name suggest, increase Federal investment in our Nation's highway system. That is an important objective. Highway investments create jobs, increase the productivity of our economy, and improve the quality of life for all Americans.

In 1998 Congress passed one of the most successful and bipartisan bills in recent memory, the "Transportation Equity Act for the 21st Century", better known as "TEA–21." I am honored to have been an author of that piece of legislation.

The MEGA FUND ACT builds on the success of the highway elements of TEA–21, keeping nearly all of its structure in place and increasing funding levels.

There are several major aspects of this legislation.

First, the MEGA FUND ACT significantly increases highway program levels. The principal feature of the bill is its increased funding for the program, something that will help all States and all citizens. Under TEA–21, as amended, the total obligation authority for FY 2003 is $28.485 billion.

Under the 6 years of the MEGA FUND ACT, the comparable program level would grow to $34.839 billion in FY 2004 and to $41.839 billion by FY 2009.

These funding increases will be enabled by enactment of legislation that I have already introduced with Senator CRAPO, S. 2678, the Mega Trust Act and S. 3097, MEGA INNOVATE ACT.

While these program levels represent a substantial increase, the needs of our highway system are even greater. So, the program levels in the bill represent only a down payment on the investment in highways that is needed to improve our economy through commerce and job creation, increase personal mobility and make our roads safer.

Second, the MEGA FUND ACT continues the basic program structure and formulas from TEA-21. The current TEA-21 minimum guarantee formula is extended.

Also, the bill would continue to focus funding on the core programs administered by the States: Interstate Maintenance, National Highway System, Surface Transportation Program, Bridge, Congestion Mitigation and Air Quality Improvement, and the Minimum Guarantee. These key programs would constitute approximately the same proportion of the overall program as under TEA-21.

Third, a new category is added to aid states in overcoming economic and demographic barriers. The bill would create a new program, at $2 billion annually, to assist States in dealing with certain economic and demographic hardships.

This would be a new type of program, not subject to the minimum guarantee. It is not keyed to specific project types but to types of problems facing States. States with very high growth rates, high population density, low population density, or low per capita incomes, for example, face real challenges.

This different approach lets States facing those problems receive funds and pick the projects. Every one of the 50 States would receive significant funding under this program every year.

The MEGA FUND ACT continues firewalls and improves RABA. One of the great contributions of TEA-21 is that it provides the highway program protection under the budget procedures of Congress.

These "firewall" provisions enable our citizens to be confident that highway taxes will be invested in highways, not saved or diverted.

TEA-21 also established Revenue Aligned Budget Authority, or RABA. The principle of RABA is that, if funds available for the highway program exceed expectations, then additional money can be put to work in the highway program. This bill would continue those important provisions with improvements.

One key improvement is the elimination of so-called "negative RABA." Under the bill, there are only automatic upward adjustments in obligation levels under RABA. These adjustments would still take place when the Highway Account balance is financially stronger than initially estimated.

Another key reform would focus RABA calculations on the actual balance in the Highway Account, rather than on annual revenues.

This important reform will help ensure that monies in the Highway Account of the Highway Trust Fund are invested and not allowed to build up to a large balance. Today's RABA did not preclude a build up of funds in the Highway Account, delaying the delivery of needed highway investments to our citizens.

The MEGA FUND ACT increased the stability of distributions to states under the allocation programs. The bill includes proposed revisions to several so-called "allocation" programs that will increase funding for all States.

Today, large portions of the program funds that are not apportioned to States are distributed on a discretionary basis. This bill would leave portions of the program subject to discretion, but move the allocation programs, collectively, in a general direction that would provide States greater certainty that they will be participating in allocation program funds.

Specifically, the bill makes modest changes to the Intelligent Transportation System, ITS, program and to the Transportation and Community and System Preservation Pilot, TCSP, program, to ensure that some of those funds find their way into every State.

Another modest change will ensure that each State with a border receives at least some funding under the borders and corridors programs, and that States with significant public lands receive at least some public lands discretionary funding.

Let me say a few things about what is not addressed in this bill. The MEGA FUND ACT sets forth an outline for the highway program. It does not address the transit program that is within the jurisdiction of the Banking Committee, or the highway safety programs within the jurisdiction of the Commerce Committee, or the revenue for the highway program that is within the jurisdiction of the Finance Committee.

My proposals for those issues are in previous bills that I have introduced—MEGA RED TRANS, MEGA SAFE, MEGA STREAM, MEGA TRUST, MEGA INNOVATE and today, MEGA FUND, Part II. Those are important matters that also must be addressed as part of the final overall legislation that will extend and build upon TEA-21.

As for MEGA FUND Part II, this bill although short and simple, actually represents the most important step in any reauthorization bill. MEGA FUND, Part II allows the funding program set forth in MEGA FUND Part I to be spend from the Highway Trust Fund.

Without this important step, Congress can write formulas until Christmas, but no money can actually be sent to the states and spent. The ability to spend this money requires a change to the Internal Revenue Code that makes those Highway Trust Funds available for payment. MEGA FUND PART II takes care of that.

In summary, the MEGA FUND ACT stays close to the successful program structure of TEA-21 and maintains its apportionment formulas. It would significantly increase funding for the program as a whole, continue budgetary firewalls and strengthen RABA, and provide some extra funds to all States through the economic and demographic barriers program and through some innovations in other programs not subject to the minimum guarantee.

I ask unanimous consent that a section-by-section analysis of both bills be printed in the RECORD.

There being no objection, the bills and the additional material was ordered to be printed in the RECORD, as follows:

S. 3132

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Maximum Economic Growth for America Through Highway Funding Act" or the "MEGA Fund Act".

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

(a) PROGRAMS SUBJECT TO MINIMUM GUARANTEE.—The following sums are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account):

(1) INTERSTATE MAINTENANCE PROGRAM.—For the Interstate maintenance program under section 119 of title 23, United States Code, $4,864,000,000 for fiscal year 2004, $5,020,000,000 for fiscal year 2005, $5,176,000,000 for fiscal year 2006, $5,333,000,000 for fiscal year 2007, $5,645,000,000 for fiscal year 2008, and $5,958,000,000 for fiscal year 2009.

(2) NATIONAL HIGHWAY SYSTEM.—For the National Highway System under section 103(b) of title 23, United States Code, $5,836,000,000 for fiscal year 2004, $6,024,000,000 for fiscal year 2005, $6,212,000,000 for fiscal year 2006, $6,399,000,000 for fiscal year 2007, $6,774,000,000 for fiscal year 2008, and $7,150,000,000 for fiscal year 2009.

(3) BRIDGE PROGRAM.—For the bridge program under section 144 of title 23, United States Code, $4,173,000,000 for fiscal year 2004, $4,307,000,000 for fiscal year 2005, $4,442,000,000 for fiscal year 2006, $4,576,000,000 for fiscal year 2007, $4,844,000,000 for fiscal year 2008, and $5,112,000,000 for fiscal year 2009.

(4) SURFACE TRANSPORTATION PROGRAM.—For the surface transportation program under section 133 of title 23, United States Code, $6,809,000,000 for fiscal year 2004, $7,028,000,000 for fiscal year 2005, $7,247,000,000 for fiscal year 2006, $7,466,000,000 for fiscal year 2007, $7,903,000,000 for fiscal year 2008, and $8,341,000,000 for fiscal year 2009.

(5) CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.—For the congestion mitigation and air quality improvement program under section 149 of title 23, United States Code, $1,654,000,000 for fiscal year 2004, $1,707,000,000 for fiscal year 2005, $1,760,000,000 for fiscal year 2006, $1,813,000,000 for fiscal year 2007, $1,919,000,000 for fiscal year 2008, and $2,026,000,000 for fiscal year 2009.

(6) APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM PROGRAM.—For the Appalachian development highway system program under section 14501 of title 40, United States Code, $450,000,000 for each of fiscal years 2004 through 2009.

(7) Recreational trails program.—For the recreational trails program under section 206 of title 23, United States Code, $75,000,000 for each of fiscal years 2004 through 2009.

(8) High priority projects program.—For the high priority projects program under section 117 of title 23, United States Code, $1,000,000,000 for each of fiscal years 2004 through 2009.

(b) Assistance in Overcoming Economic and Demographic Barriers.—For the program to provide assistance in overcoming economic and demographic barriers under section 139 of title 23, United States Code, there is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) $2,000,000,000 for each of fiscal years 2004 through 2009.

(c) Additional Programs.—The following sums are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account):

(1) Federal lands highways program.—

(A) Indian reservation roads.—For Indian reservation roads under section 204 of title 23, United States Code, $300,000,000 for each of fiscal years 2004 through 2009.

(B) Public lands highways.—For public lands highways under section 204 of title 23, United States Code, $350,000,000 for each of fiscal years 2004 through 2009.

(C) Park roads and parkways.—For park roads and parkways under section 204 of title 23, United States Code, $300,000,000 for each of fiscal years 2004 through 2009.

(D) Refuge roads.—For refuge roads under section 204 of title 23, United States Code, $35,000,000 for each of fiscal years 2004 through 2009.

(2) National corridor planning and development program.—For the national corridor planning and development program under section 1118 of the Transportation Equity Act for the 21st Century (23 U.S.C. 101 note; 112 Stat. 161) $100,000,000 for each of fiscal years 2004 through 2009.

(3) Coordinated border infrastructure program.—For the coordinated border infrastructure program under section 1119 of the Transportation Equity Act for the 21st Century (23 U.S.C. 101 note; 112 Stat. 163) $100,000,000 for each of fiscal years 2004 through 2009.

(4) Construction of ferry boats and ferry terminal facilities.—For construction of ferry boats and ferry terminal facilities under section 1064 of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 129 note; 105 Stat. 2005) $50,000,000 for each of fiscal years 2004 through 2009.

(5) National scenic byways program.—For the national scenic byways program under section 162 of title 23, United States Code, $30,000,000 for each of fiscal years 2004 through 2009.

(6) Highway use tax evasion projects.—For highway use tax evasion projects under section 143 of title 23, United States Code, $40,000,000 for each of fiscal years 2004 through 2009.

(7) Commonwealth of Puerto Rico highway program.—For the Commonwealth of Puerto Rico highway program under section 1214(r) of the Transportation Equity Act for the 21st Century (112 Stat. 209) $130,000,000 for each of fiscal years 2004 through 2009.

(d) Transportation and Community and System Preservation Pilot Program.—Section 1221(e)(1) of the Transportation Equity Act for the 21st Century (23 U.S.C. 101 note; 112 Stat. 223) is amended—

(1) by striking "1999 and" and inserting "1999,"; and

(2) by inserting before the period at the end the following: ", and $50,000,000 for each of fiscal years 2004 through 2009".

(e) National Historic Covered Bridge Preservation.—Section 1224(d) of the Transportation Equity Act for the 21st Century (112 Stat. 837) is amended by striking "2003" and inserting "2009".

(f) Safety Incentive Grants for Use of Seat Belts.—Section 157(g)(1) of title 23, United States Code, is amended—

(1) by striking "2002, and" and inserting "2002,"; and

(2) by inserting before the period at the end the following: ", and $115,000,000 for each of fiscal years 2004 through 2009".

(g) Research Programs.—The following sums are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account):

(1) Surface transportation research.—For carrying out sections 502, 506, 507, and 508 of title 23, United States Code, $103,000,000 for each of fiscal years 2004 through 2009.

(2) Technology deployment program.—For carrying out section 503 of title 23, United States Code, $50,000,000 for each of fiscal years 2004 through 2009.

(3) Training and education.—For carrying out section 504 of title 23, United States Code, $20,000,000 for each of fiscal years 2004 through 2009.

(4) Bureau of transportation statistics.—For the Bureau of Transportation Statistics to carry out section 111 of title 49, United States Code, $31,000,000 for each of fiscal years 2004 through 2009.

(5) ITS standards, research, operational tests, and development.—For carrying out sections 5204, 5205, 5206, and 5207 of the Transportation Equity Act for the 21st Century (23 U.S.C. 502 note; 112 Stat. 453) $110,000,000 for each of fiscal years 2004 through 2009.

(6) ITS deployment.—For carrying out sections 5208 and 5209 of the Transportation Equity Act for the 21st Century (23 U.S.C. 502 note; 112 Stat. 458) $140,000,000 for each of fiscal years 2004 through 2009.

(7) University transportation research.—For carrying out section 5505 of title 49, United States Code, $32,000,000 for each of fiscal years 2004 through 2009.

(h) Future Strategic Highway Research Program.—Section 104 of title 23, United States Code, is amended by adding at the end the following:

"(m) Future Strategic Highway Research Program.—

"(1) Deductions.—For each of fiscal years 2004 through 2009, whenever an apportionment is made of the sums made available for expenditure on each of the surface transportation program under section 133, the bridge program under section 144, the congestion mitigation and air quality improvement program under section 149, and the Interstate and National Highway System program, the Secretary shall make proportionate deductions from those programs, in a total amount equal to $75,000,000, to be used to pay the costs of a future strategic highway research program established under paragraph (2).

"(2) Program.—The Secretary shall establish and carry out a future strategic highway research program.

"(3) Federal share.—The Federal share of the cost of a project carried out under the future strategic highway research program shall be 80 percent (unless the Secretary determines otherwise with respect to a project).

"(4) Availability of amounts.—The amounts deducted under paragraph (1) shall be available for obligation in the same manner as if the funds were apportioned under this chapter, except that the funds shall remain available until expended.".

(i) Magnetic Levitation Transportation Technology Deployment Program.—Section 322(h)(1)(B)(i) of title 23, United States Code, is amended—

(1) by striking "2002, and" and inserting "2002,"; and

(2) by inserting before the period at the end the following: ", and such sums as are necessary for fiscal year 2004 and each fiscal year thereafter".

(j) TIFIA.—Section 188 of title 23, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1)(E), by striking "fiscal year 2003" and inserting "each of fiscal years 2003 through 2009"; and

(B) in paragraph (2), by striking "2003" and inserting "2009"; and

(2) in the table contained in subsection (c), by striking the item relating to fiscal year 2003 and inserting the following:

"2003	$2,600,000,000
"2004	$2,600,000,000
"2005	$2,600,000,000
"2006	$2,600,000,000
"2007	$2,600,000,000
"2008	$2,600,000,000
"2009	$2,600,000,000.".

SEC. 3. OBLIGATION CEILING.

(a) In General.—Section 1102 of the Transportation Equity Act for the 21st Century (23 U.S.C. 104 note; 112 Stat. 115) is amended—

(1) in subsection (a)—

(A) in paragraph (5), by striking "and" at the end;

(B) in paragraph (6), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

"(7) $34,000,000,000 for fiscal year 2004;

"(8) $35,000,000,000 for fiscal year 2005;

"(9) $36,000,000,000 for fiscal year 2006;

"(10) $37,000,000,000 for fiscal year 2007;

"(11) $39,000,000,000 for fiscal year 2008; and

"(12) $41,000,000,000 for fiscal year 2009.";

(2) in subsection (b)(8), by striking "through 2007" and inserting "through 2009";

(3) in subsection (c)—

(A) by striking "For each of fiscal years 1998 through 2003," and inserting "Except as otherwise provided, for fiscal year 1998 and each fiscal year thereafter,";

(B) in paragraph (1)—

(i) by striking "Code, and amounts" and inserting "Code, amounts"; and

(ii) by inserting before the semicolon at the end the following: "or, for fiscal year 2004 and each fiscal year thereafter, amounts authorized for the Indian reservation roads program under section 204 of title 23, United States Code"; and

(C) in paragraph (5), by striking "this Act" and inserting "this Act, the Maximum Economic Growth for America Through Highway Funding Act,";

(4) in subsection (d), by striking "2003" and inserting "2009";

(5) in subsection (e)—

(A) by striking "Obligation" and inserting the following:

"(1) In general.—Obligation";

(B) in paragraph (1) (as designated by subparagraph (A)), by striking "and under title V of this Act" and inserting "under title V of this Act, and under the Maximum Economic Growth for America Through Highway Funding Act"; and

(C) by adding at the end the following:

"(2) Limitation for fiscal years 2004 through 2009.—Notwithstanding any other provision of law, the total of all obligations from amounts made available from the Highway Trust Fund (other than the Mass Transit Account) by section 2(f) of the Maximum Economic Growth for America Through Highway Funding Act, and section 104(m) of title 23, United States Code, shall not exceed $561,000,000 for each of fiscal years 2004 through 2009.";

(6) in the first sentence of subsection (f), by striking "2003" and inserting "2009";

(7) in subsection (h)—

(A) by striking "Limitations on obligations imposed by subsection (a)" and inserting the following:

"(1) Fiscal years 1998 through 2003.—Limitations on obligations imposed by paragraphs (1) through (6) of subsection (a)"; and

(B) by adding at the end the following:

"(2) Fiscal years 2004 through 2009.—

"(A) In general.—Limitations on obligations imposed by paragraphs (7) through (12) of subsection (a) for a fiscal year shall be increased by an amount equal to the amount of any increase for the fiscal year determined under section 4(b)(5) of the Maximum Economic Growth for America Through Highway Funding Act.

"(B) Distribution of increases.—Any increase under subparagraph (A) shall be distributed in accordance with this section."; and

(8) in subsection (i)—

(A) in paragraph (5), by striking "and" at the end;

(B) in paragraph (6), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

"(7) $450,000,000 for fiscal year 2004;

"(8) $470,000,000 for fiscal year 2005;

"(9) $490,000,000 for fiscal year 2006;

"(10) $510,000,000 for fiscal year 2007;

"(11) $530,000,000 for fiscal year 2008; and

"(12) $550,000,000 for fiscal year 2009.".

(b) Deduction for Administrative Expenses.—Section 104(a)(1) of title 23, United States Code, is amended—

(1) by inserting "the lesser of" after "in an amount not to exceed";

(2) in subparagraph (A)—

(A) by redesignating clauses (i) and (ii) as subclauses (I) and (II), respectively, and indenting appropriately; and

(B) by striking "(A) 1⅙ percent" and inserting the following:

"(A) the sum of—

"(i) 1⅙ percent";

(3) by striking "(B) one-third" and inserting the following:

"(ii) one-third";

(4) in subparagraph (A)(ii) (as so designated), by striking the period at the end and inserting "; or"; and

(5) by adding at the end the following:

"(B) the amount specified for the applicable fiscal year in section 1102(i) of the Transportation Equity Act for the 21st Century (23 U.S.C. 104 note; 112 Stat. 118) for use as described in subparagraph (A).".

SEC. 4. RELIABLE HIGHWAY PROGRAM LEVELS; REVISIONS TO REVENUE ALIGNED BUDGET AUTHORITY.

(a) Sense of the Senate Relating to Reform of Revenue Aligned Budget Authority.—

(1) Findings.—The Senate finds that—

(A) the experience under the Transportation Equity Act for the 21st Century (112 Stat. 107) with respect to revenue aligned budget authority (referred to in this subsection as "RABA") has been that, while RABA has produced increases in highway program obligation levels in some fiscal years, RABA also—

(i) has allowed the balance in the Highway Trust Fund (other than the Mass Transit Account) to grow since the date of enactment of the Transportation Equity Act for the 21st Century;

(ii) does not provide a mechanism to allow that balance to be expended for the benefit of the public; and

(iii) has resulted in unexpectedly large annual differences, or estimated differences, in highway program obligation authority as compared with the levels specified in section 1102 of the Transportation Equity Act for the 21st Century (23 U.S.C. 104 note; 112 Stat. 115); and

(B) Congress has taken legislative action to reject the implementation of estimates that would have resulted in "negative" RABA.

(2) Sense of the senate.—It is the sense of the Senate that the provisions of budget legislation pertaining to the highway program should be amended—

(A) to improve predictability and stability in the levels of highway program obligation authority;

(B) to facilitate the expenditure of funds in the Highway Trust Fund (other than the Mass Transit Account); and

(C) to eliminate the possibility of reductions in the levels of highway program obligation authority being imposed automatically, so that any reductions are solely the prerogative of Congress.

(b) Reliable Highway Program Levels.—

(1) In general.—Notwithstanding any other provision of law, no spending limits other than the spending limits specified in this subsection may be imposed, for any of fiscal years 2004 through 2009, on budget accounts or portions of budget accounts that are subject to the obligation limitations and the exemptions from obligation limitations that are specified in section 1102 of the Transportation Equity Act for the 21st Century (23 U.S.C. 104 note; 112 Stat. 115).

(2) Amount of obligation authority.—For each of fiscal years 2004 through 2009, the limitation on obligation authority for the budget accounts described in paragraph (1) shall be equal to the sum of—

(A) the limitation for that fiscal year specified in section 1102(a) of the Transportation Equity Act for the 21st Century;

(B) all amounts exempt from that limit under section 1102(b) of that Act; and

(C) the amount of any increase for the fiscal year under paragraph (5).

(3) Outlays.—For each of fiscal years 2004 through 2009, the limitation on outlays for the budget accounts described in paragraph (1) shall be the level of outlays necessary to accommodate outlays resulting from obligations for that fiscal year under paragraph (2) and obligations from prior fiscal years.

(4) Annual report on estimated balance in highway account.—In the submission by the President of the budget of the United States Government under section 1105 of title 31, United States Code, for each of fiscal years 2005 through 2009, the President shall include an estimate of the balance that will be in the Highway Account of the Highway Trust Fund (as defined in section 9503(e)(5)(B) of the Internal Revenue Code of 1986) at the end of fiscal year 2009.

(5) Increase based on fund balance.—

(A) Estimate for fiscal year 2005.—In the submission by the President of the budget of the United States Government under section 1105 of title 31, United States Code, for fiscal year 2005, if the estimate described in paragraph (4) is that, but for this subparagraph, the balance in the Highway Account of the Highway Trust Fund at the end of fiscal year 2009 will be in excess of $7,000,000,000, the amount specified in section 1102(a)(8) of the Transportation Equity Act for the 21st Century shall be deemed to have been increased by an amount equal to 50 percent of the amount of the estimated excess.

(B) Estimate for fiscal year 2006.—In the submission by the President of the budget of the United States Government under section 1105 of title 31, United States Code, for fiscal year 2006, if the estimate described in paragraph (4) is that, but for this subparagraph, the balance in the Highway Account of the Highway Trust Fund at the end of fiscal year 2009 will be in excess of $6,500,000,000, the amount specified in section 1102(a)(9) of the Transportation Equity Act for the 21st Century shall be deemed to have been increased by an amount equal to 50 percent of the amount of the estimated excess.

(C) Estimate for fiscal year 2007.—In the submission by the President of the budget of the United States Government under section 1105 of title 31, United States Code, for fiscal year 2007, if the estimate described in paragraph (4) is that, but for this subparagraph, the balance in the Highway Account of the Highway Trust Fund at the end of fiscal year 2009 will be in excess of $6,000,000,000, the amount specified in section 1102(a)(10) of the Transportation Equity Act for the 21st Century shall be deemed to have been increased by an amount equal to 50 percent of the amount of the estimated excess.

(D) Estimate for fiscal year 2008.—In the submission by the President of the budget of the United States Government under section 1105 of title 31, United States Code, for fiscal year 2008, if the estimate described in paragraph (4) is that, but for this subparagraph, the balance in the Highway Account of the Highway Trust Fund at the end of fiscal year 2009 will be in excess of $5,500,000,000, the amount specified in section 1102(a)(11) of the Transportation Equity Act for the 21st Century shall be deemed to have been increased by an amount equal to 50 percent of the amount of the estimated excess.

(E) Estimate for fiscal year 2009.—In the submission by the President of the budget of the United States Government under section 1105 of title 31, United States Code, for fiscal year 2009, if the estimate described in paragraph (4) is that, but for this subparagraph, the balance in the Highway Account of the Highway Trust Fund at the end of fiscal year 2009 will be in excess of $5,000,000,000, the amount specified in section 1102(a)(12) of the Transportation Equity Act for the 21st Century shall be deemed to have been increased by an amount equal to the amount of the estimated excess.

(6) No effect on byrd rule.—Nothing in this subsection affects section 9503(d) of the Internal Revenue Code of 1986.

(c) Sense of the Senate Supporting Reliable Program Levels in Additional Budget Accounts.—It is the sense of the Senate that the Act reauthorizing highway, highway safety, and transit programs for fiscal years beginning with fiscal year 2004 should include, in addition to the budgetary protections for the highway program provided under subsection (b), appropriate budgetary protections for highway safety and transit programs.

(d) Conforming Amendments to Revenue Aligned Budget Authority.—Section 110 of title 23, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by inserting "for fiscal years 2000 through 2003" after "Allocation"; and

(ii) by striking "fiscal year 2000 and each fiscal year thereafter" and inserting "each of fiscal years 2000 through 2003";

(B) in paragraph (2)—

(i) by inserting "FOR FISCAL YEARS 2001 THROUGH 2003" after "REDUCTION"; and

(ii) by striking "fiscal year 2000 or any fiscal year thereafter" and inserting "any of fiscal years 2000 through 2002"; and

(C) by adding at the end the following:

"(3) ALLOCATIONS FOR FISCAL YEARS 2005 THROUGH 2009.—For any of fiscal years 2005 through 2009, if an increase is made to the level of obligation authority under section 4(b)(5) of the Maximum Economic Growth for America Through Highway Funding Act, the Secretary shall allocate for the fiscal year an amount equal to the amount of the increase."; and

(2) in subsection (b)—

(A) in paragraph (1)(A)—

(i) by striking "for" the second place it appears; and

(ii) by inserting "(112 Stat. 107), the Maximum Economic Growth for America Through Highway Funding Act" after "21st Century";

(B) in paragraph (2), by striking "subsection (a)(1)" and inserting "paragraph (1) or (3) of subsection (a), as applicable,"; and

(C) in paragraph (4), by striking "subsection (a)(1)" and inserting "paragraph (1) or (3) of subsection (a), as applicable,".

SEC. 5. ASSISTANCE IN OVERCOMING ECONOMIC AND DEMOGRAPHIC BARRIERS.

(a) IN GENERAL.—Title 23, United States Code, is amended by inserting after section 138 the following:

"§139. Assistance in overcoming economic and demographic barriers

"(a) DEFINITIONS.—In this section:

"(1) HIGH-GROWTH STATE.—The term 'high-growth State' means a State that has a population according to the 2000 decennial census that is at least 25 percent greater than the population for the State according to the 1990 decennial census.

"(2) HIGH-POPULATION-DENSITY STATE.—The term 'high-population-density State' means a State in which the number of individuals per principal arterial mile is greater than 75 percent of the number of individuals per principal arterial mile in the 50 States and the District of Columbia, as determined using population according to the 2000 decennial census.

"(3) HIGHWAY STATISTICS.—

"(A) IN GENERAL.—The term 'Highway Statistics' means the Highway Statistics published by the Federal Highway Administration for the most recent calendar or fiscal year for which data are available, which most recent calendar or fiscal year shall be determined as of the first day of the fiscal year for which any calculation using the Highway Statistics is made.

"(B) TERMS.—Any reference to a term that is used in the Highway Statistics is a reference to the term as used in the Highway Statistics as of September 30, 2002.

"(4) LOW-INCOME STATE.—The term 'low-income State' means a State that, according to Table PS–1 of the Highway Statistics, has a per capita income that is less than the national average per capita income.

"(5) LOW-POPULATION-DENSITY STATE.—The term 'low-population-density State' means a State in which the number of individuals per principal arterial mile is less than 75 percent of the number of individuals per principal arterial mile in the 50 States and the District of Columbia, as determined using population according to the 2000 decennial census.

"(6) NATIONAL AVERAGE PER CAPITA INCOME.—The term 'national average per capita income' means the average per capita income for the 50 States and the District of Columbia, as specified in the Highway Statistics.

"(7) PRINCIPAL ARTERIAL MILES.—The term 'principal arterial miles', with respect to a State, means the principal arterial miles (including Interstate and other expressway or freeway system miles) in the State, as specified in Table HM–20 of the Highway Statistics.

"(8) STATE.—The term 'State' means each of the 50 States.

"(9) STATE WITH EXTENSIVE ROAD OWNERSHIP.—The term 'State with extensive road ownership' means a State that owns more than 80 percent of the total Federal-aid and non-Federal-aid mileage in the State according to Table HM–14 of the Highway Statistics.

"(b) ESTABLISHMENT.—There is established a program to assist States that face certain economic and demographic barriers in meeting transportation needs.

"(c) ALLOCATION OF FUNDS.—For each of fiscal years 2004 through 2009, funds made available to carry out this section shall be allocated as follows:

"(1) LOW-INCOME STATES.—For each fiscal year, each low-income State shall receive an allocation under this paragraph that is equal to the product obtained by multiplying—

"(A) $600,000,000; and

"(B) the ratio that—

"(i) the difference between—

"(I) the national average per capita income; and

"(II) the per capita income of the low-income State; bears to

"(ii) the sum of the differences determined under clause (i) for all low-income States.

"(2) HIGH-GROWTH STATES.—For each fiscal year, each high-growth State shall receive an allocation under this paragraph that is equal to the product obtained by multiplying—

"(A) $75,000,000; and

"(B) the ratio that—

"(i) the percentage by which the population of the high-growth State according to the 2000 decennial census exceeds the population of the high-growth State according to the 1990 decennial census; bears to

"(ii) the sum of the percentages determined under clause (i) for all high-growth States.

"(3) LOW-POPULATION-DENSITY STATES.—

"(A) IN GENERAL.—Subject to subparagraph (B), for each fiscal year, each low-population-density State shall receive an allocation under this paragraph that is equal to the product obtained by multiplying—

"(i) $625,000,000; and

"(ii) the ratio that—

"(I) the quotient obtained by dividing—

"(aa) the number of principal arterial miles in the State; by

"(bb) the population of the low-population-density State according to the 2000 decennial census; bears to

"(II) the sum of the quotients determined under subclause (I) for all low-population-density States.

"(B) MAXIMUM ALLOCATION.—

"(i) IN GENERAL.—If the allocation for a low-population-density State under subparagraph (A) is greater than $35,000,000, the allocation of the low-population-density State shall be reduced to $35,000,000.

"(ii) USE OF EXCESS ALLOCATIONS.—

"(I) REALLOCATION.—Subject to subclause (II), the funds in addition to the $35,000,000 that would have been allocated to a low-population-density State but for clause (i) shall be reallocated among the low-population-density States that were allocated less than $35,000,000 under subparagraph (A) in accordance with the proportionate shares of those low-population-density States under subparagraph (A).

"(II) ADDITIONAL REALLOCATIONS.—If a reallocation under subclause (I) would result in the receipt by any low-population-density State of an amount greater than $35,000,000 under this paragraph—

"(aa) the allocation for the low-population-density State shall be reduced to $35,000,000; and

"(bb) the amounts in excess of $35,000,000 shall be subject to 1 or more further reallocations in accordance with that subclause so that no low-population-density State is allocated more than $35,000,000 under this paragraph.

"(4) HIGH-POPULATION-DENSITY STATES.—

"(A) IN GENERAL.—Subject to subparagraph (B), for each fiscal year, each high-population-density State shall receive an allocation under this paragraph that is equal to the product obtained by multiplying—

"(i) $625,000,000; and

"(ii) the ratio that—

"(I) the quotient obtained by dividing—

"(aa) the population of the high-population-density State according to the 2000 decennial census; by

"(bb) the number of principal arterial miles in the State; bears to

"(II) the sum of the quotients determined under subclause (I) for all high-population-density States.

"(B) MAXIMUM ALLOCATION.—

"(i) IN GENERAL.—If the allocation for a high-population-density State under subparagraph (A) is greater than $35,000,000, the allocation of the high-population-density State shall be reduced to $35,000,000.

"(ii) USE OF EXCESS ALLOCATIONS.—

"(I) REALLOCATION.—Subject to subclause (II), the funds in addition to the $35,000,000 that would have been allocated to a high-population-density State but for clause (i) shall be reallocated among the high-population-density States that were allocated less than $35,000,000 under subparagraph (A) in accordance with the proportionate shares of those high-population-density States under subparagraph (A).

"(II) ADDITIONAL REALLOCATIONS.—If a reallocation under subclause (I) would result in the receipt by any high-population-density State of an amount greater than $35,000,000 under this paragraph—

"(aa) the allocation for the high-population-density State shall be reduced to $35,000,000; and

"(bb) the amounts in excess of $35,000,000 shall be subject to 1 or more further reallocations in accordance with that subclause so that no high-population-density State is allocated more than $35,000,000 under this paragraph.

"(5) STATES WITH EXTENSIVE ROAD OWNERSHIP.—For each fiscal year, each State with extensive road ownership shall receive an allocation under this paragraph that is equal to the product obtained by multiplying—

"(A) $75,000,000; and

"(B) the ratio that—

"(i) the total Federal-aid and non-Federal-aid mileage owned by each State with extensive road ownership according to Table HM–14 of the Highway Statistics; bears to

"(ii) the sum of the mileages determined under clause (i) for all States with extensive road ownership.

"(d) TREATMENT OF ALLOCATED FUNDS.—

"(1) IN GENERAL.—Subject to paragraph (2), funds allocated to a State under this section for a fiscal year shall be treated for program administrative purposes as if the funds—

"(A) were funds apportioned to the State under sections 104(b)(1), 104(b)(2), 104(b)(3), 104(b)(4), and 144; and

"(B) were apportioned to the State in the same ratio that the State is apportioned funds under the sections specified in subparagraph (A) for the fiscal year.

"(2) Program administrative purposes.—Program administrative purposes referred to in paragraph (1)—

"(A) include—

"(i) the Federal share;

"(ii) availability for obligation; and

"(iii) except as provided in subparagraph (B), applicability of deductions; and

"(B) exclude—

"(i) calculation of the minimum guarantee under section 105; and

"(ii) applicability of the deduction for the future strategic highway research program under section 104(m).".

(b) Conforming Amendment.—The analysis for subchapter I of chapter 1 of title 23, United States Code, is amended by inserting after the item relating to section 138 the following:

"139. Assistance in overcoming economic and demographic barriers.".

SEC. 6. EMERGENCY RELIEF.

Section 125 of title 23, United States Code, is amended—

(1) in subsection (c)(1), by striking "Not more than $100,000,000 is authorized to be obligated in any 1 fiscal year commencing after September 30, 1980," and inserting "Not more than $100,000,000 is authorized to be obligated in any of fiscal years 1981 through 2003, and not more than $200,000,000 is authorized to be obligated in fiscal year 2004 or any fiscal year thereafter."; and

(2) by adding at the end the following:

"(g) Protection of Highway Trust Fund.—Effective beginning on the earlier of October 1, 2003, or the date of enactment of this subsection, notwithstanding any other provision of law, if an Act is enacted that provides for an amount in excess of $200,000,000 for any fiscal year for the emergency fund authorized by this section (including any Act that states that provision of that amount in excess of $200,000,000 is 'notwithstanding any other provision of law'), that Act shall be applied so that all funds for that fiscal year for the program established by this section in excess of $200,000,000—

"(1) shall be derived from the general fund of the Treasury, and not from the Highway Trust Fund (other than the Mass Transit Account); but

"(2) shall be administered by the Secretary in all other respects as if the funds were appropriated from the Highway Trust Fund (other than the Mass Transit Account).".

SEC. 7. INCREASED STABILITY OF DISTRIBUTION UNDER ALLOCATION PROGRAMS.

(a) National Corridor Planning and Development Program.—Section 1118 of the Transportation Equity Act for the 21st Century (23 U.S.C. 101 note; 112 Stat. 161) is amended—

(1) by redesignating subsection (g) as subsection (h); and

(2) by inserting after subsection (f) the following:

"(g) Minimum Allocations to Border States.—Notwithstanding any other provision of law, in allocating funds under this section for fiscal year 2004 and each fiscal year thereafter, the Secretary shall ensure that not less than 2 percent of the funds made available to carry out the program under this section are allocated to each border State (as defined in section 1119(e)).".

(b) Coordinated Border Infrastructure Program.—Section 1119 of the Transportation Equity Act for the 21st Century (23 U.S.C. 101 note; 112 Stat. 163) is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following:

"(e) Minimum Allocations to Border States.—Notwithstanding any other provision of law, in allocating funds under this section for fiscal year 2004 and each fiscal year thereafter, the Secretary shall ensure that not less than 2 percent of the funds made available to carry out the program under this section are allocated to each border State.".

(c) Transportation and Community and System Preservation Pilot Program.—Section 1221 of the Transportation Equity Act for the 21st Century (23 U.S.C. 101 note; 112 Stat. 221) is amended by adding at the end the following:

"(f) Minimum Allocations to States.—Notwithstanding any other provision of law, in allocating funds made available under this section for fiscal year 2004 and each fiscal year thereafter, the Secretary shall ensure that the total of the allocations to each State (including allocations to the metropolitan planning organizations and local governments in the State) under this section is not less than the product obtained by multiplying—

"(1) 50 percent of the percentage specified for the State in section 105 of title 23, United States Code, for the fiscal year; and

"(2) the total amount of funds made available to carry out this section for the fiscal year.".

(d) Minimum Allocations to States for ITS Deployment.—

(1) In general.—Notwithstanding any other provision of law, for fiscal year 2004 and each fiscal year thereafter, in allocating funds made available under section 2(f)(6), the Secretary shall ensure that the total of the allocations to each State using those funds is not less than the product obtained by multiplying—

(A) 50 percent of the percentage specified for the State in section 105 of title 23, United States Code, for the fiscal year; and

(B) the total amount of funds made available under section 2(f)(6).

(2) Use of funds for both types of projects.—In administering funds available for allocation under section 2(f)(6), the Secretary shall encourage States to carry out both—

(A) projects eligible under section 5208 of the Transportation Equity Act for the 21st Century (23 U.S.C. 502 note; 112 Stat. 458); and

(B) projects eligible under section 5209 of that Act.

SEC. 8. HISTORIC PARK ROADS AND PARKWAYS.

(a) In General.—Section 202(c) of title 23, United States Code, is amended—

(1) by striking "(c) On" and inserting the following:

"(c) Park Roads and Parkways.—

"(1) In general.—On"; and

(2) by adding at the end the following:

"(2) Historic park roads and parkways.—

"(A) Definitions.—In this paragraph:

"(i) National park.—The term 'national park' means an area of land or water administered by the National Park Service that is designated as a national park.

"(ii) Recreation visit.—The term 'recreation visit' means the entry into a national park for a recreational purpose of an individual who is not—

"(I) an employee of the Federal Government, or other individual, who has business in the national park;

"(II) an individual passing through the national park for a purpose other than visiting the national park; or

"(III) an individual residing in the national park.

"(iii) Recreation visitor day.—The term 'recreation visitor day' means a period of 12 hours spent in a national park by an individual making a recreation visit to the national park.

"(B) Allocation.—Notwithstanding paragraph (1), for fiscal year 2004 and each fiscal year thereafter, the first $100,000,000 authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) for park roads and parkways for the fiscal year shall be allocated for projects to reconstruct, rehabilitate, restore, resurface, or improve to applicable safety standards any highway that meets the criteria specified in subparagraph (C).

"(C) Eligibility criteria.—The criteria referred to in subparagraph (B) are that—

"(i) the highway provides access to or is located in a national park;

"(ii) the highway was initially constructed before 1940; and

"(iii) as determined using data provided by the National Park Service averaged over the 3 most recent years for which the data are available, the national park to which the highway provides access or in which the highway is located is used more than 1,000,000 recreation visitor days per year.

"(D) Priority.—In funding projects eligible under subparagraphs (B) and (C), the Secretary shall give priority to any project on a highway that is located in or provides access to a national park that—

"(i) is adjacent to a national park of a foreign country; or

"(ii) is located in more than 1 State.

"(E) Federal-state cooperation in project development.—Projects to be carried out under this paragraph shall be developed cooperatively by the Secretary and the State in which a national park is located.

"(F) Support by the secretary.—The Secretary shall provide the maximum feasible support to ensure prompt development and implementation of projects under this paragraph.

"(G) Reservation of funds for projects outside national parks.—

"(i) In general.—For each fiscal year, not less than 40 percent of the funds allocated under this paragraph shall be used for projects described in subparagraph (B) on highways that are located outside national parks but provide access to national parks.

"(ii) Use of excess funds.—If the Secretary determines that funds set aside under clause (i) are in excess of the needs for reconstruction, rehabilitation, restoration, resurfacing, or improvement of the highways described in that clause, the funds set aside under that clause may be used for transit projects that serve national parks with highways (including access highways) that meet the criteria specified in subparagraph (C).

"(H) Availability of amounts.—Funds allocated under this paragraph shall remain available until expended.

"(I) Relationship to other law.—Nothing in this paragraph reduces the eligibility or priority of a project under any other provision of this title or other law.".

(b) Authorization of Appropriations.—There are authorized to be appropriated such sums as are necessary to carry out projects that—

(1) are eligible for funding under section 202(c)(2) of title 23, United States Code; but

(2) are not fully funded from funds made available under paragraph (1) or (2) of section 202(c) of that title.

SEC. 9. COOPERATIVE FEDERAL LANDS TRANSPORTATION PROGRAM.

(a) In General.—Chapter 2 of title 23, United States Code, is amended by inserting after section 206 the following:

"§ 207. Cooperative Federal lands transportation program

"(a) In General.—

"(1) Establishment.—There is established the cooperative Federal lands transportation program (referred to in this section as the 'program').

"(2) Projects.—

"(A) Locations.—Funds available for the program under subsection (d) may be used for projects, or portions of projects, on highways that—

"(i) are owned or maintained by States or political subdivisions of States; and

"(ii) cross, are adjacent to, or lead to federally owned land or Indian reservations (including Corps of Engineers reservoirs), as determined by the State.

"(B) Selection.—The projects shall be selected by a State after consultation with the Secretary and each affected local or tribal government.

"(C) Types of projects.—A project selected by a State under this section—

"(i) shall be on a highway or bridge owned or maintained by the State or 1 or more political subdivisions of the State; and

"(ii) may be—

"(I) a highway or bridge construction or maintenance project eligible under this title; or

"(II) any eligible project under section 204(h).

"(b) Distribution of Funds for Projects.—

"(1) In general.—

"(A) Determinations by the secretary.—The Secretary—

"(i) after consultation with the Administrator of General Services, the Secretary of the Interior, and the heads of other agencies as appropriate (including the Chief of Engineers), shall determine the percentage of the total land in each State that is owned by the Federal Government or that is held by the Federal Government in trust;

"(ii) shall determine the sum of the percentages determined under clause (i) for States with respect to which the percentage is 4.5 or greater; and

"(iii) shall determine for each State included in the determination under clause (ii) the percentage obtained by dividing—

"(I) the percentage for the State determined under clause (i); by

"(II) the sum determined under clause (ii).

"(B) Adjustment.—The Secretary shall—

"(i) reduce any percentage determined under subparagraph (A)(iii) that is greater than 7.5 percent to 7.5 percent; and

"(ii) redistribute the percentage points equal to any reduction under clause (i) among other States included in the determination under subparagraph (A)(ii) in proportion to the percentages for those States determined under subparagraph (A)(iii).

"(2) Availability to states.—For each fiscal year, the Secretary shall make funds available to carry out eligible projects in a State in an amount equal to the amount obtained by multiplying—

"(A) the percentage for the State, if any, determined under paragraph (1); by

"(B) the funds made available for the program under subsection (d) for the fiscal year.

"(c) Transfers.—Notwithstanding any other provision of law, a State and the Secretary may agree to transfer amounts made available to a State under this section to the allocations of the State under section 202 for use in carrying out projects on any Federal lands highway that is located in the State.

"(d) Funding.—

"(1) In general.—Notwithstanding section 202 or any other provision of law, for fiscal year 2004 and each fiscal year thereafter, the Secretary shall transfer for use in accordance with this section an amount equal to 50 percent of the funds that would otherwise be allocated for the fiscal year under the first sentence of section 202(b).

"(2) Contract authority.—Funds transferred for use in accordance with this section shall be available for obligation in the same manner as if the funds were apportioned under chapter 1.".

(b) Conforming Amendment.—The analysis for chapter 2 of title 23, United States Code, is amended by striking the item relating to section 207 and inserting the following:

"207. Cooperative Federal lands transportation program.".

SEC. 10. MISCELLANEOUS PROGRAM IMPROVEMENTS.

(a) Federal Share.—

(1) In general.—Section 120 of title 23, United States Code, is amended—

(A) in subsection (b), by striking "the percentage that the area of all such lands in such State" each place it appears and inserting "twice the percentage that the area of all such lands in the State";

(B) in subsection (f)—

(i) by striking "and with the Department of the Interior" and inserting ", the Department of the Interior, and the Department of Agriculture"; and

(ii) by striking "and national parks and monuments under the jurisdiction of the Department of the Interior" and inserting ", national parks, national monuments, and national forests under the jurisdiction of the Department of the Interior or the Department of Agriculture"; and

(C) by adding at the end the following:

"(m) Multistate Weight Enforcement Improvements.—The Federal share of the cost of any project described in section 101(a)(3)(H) shall be 100 percent if the project is to be used, or is carried out jointly, by more than 1 State.".

(2) High priority projects program.—Section 117(c) of title 23, United States Code, is amended by striking "80 percent" and inserting "the share applicable under section 120(b)".

(3) Highway bridge replacement and rehabilitation program.—Section 144 of title 23, United States Code, is amended by striking subsection (f).

(4) National scenic byways program.—Section 162(f) of title 23, United States Code, is amended by striking "80 percent" and inserting "the share applicable under section 120(b)".

(5) State planning and research.—Section 505(c) of title 23, United States Code, is amended by striking "80 percent" and inserting "the share applicable under section 120(b),".

(6) Intelligent transportation system integration program.—Section 5208 of the Transportation Equity Act for the 21st Century (23 U.S.C. 502 note; 112 Stat. 458) is amended by striking subsection (f) and inserting the following:

"(f) Federal Share.—The Federal share of the cost of a project payable from funds made available to carry out this section shall be the share applicable under section 120(b) of title 23, United States Code.".

(7) Commercial vehicle intelligent transportation system infrastructure deployment.—Section 5209 of the Transportation Equity Act for the 21st Century (23 U.S.C. 502 note; 112 Stat. 461) is amended by striking subsection (e) and inserting the following:

"(e) Federal Share.—The Federal share of the cost of a project payable from funds made available to carry out this section shall be the share applicable under section 120(b) of title 23, United States Code.".

(b) Increased Flexibility in Addressing Railway-Highway Crossings.—Section 130(e) of title 23, United States Code, is amended by striking the first sentence and inserting the following: "Funds authorized for or expended under this section may be used for installation of protective devices at railway-highway crossings.".

(c) Flexibility in Improving Air Quality.—Section 149(c) of title 23, United States Code, is amended—

(1) in paragraph (1), by striking "for any project eligible under the surface transportation program under section 133." and inserting the following: "for any project in the State that—

"(A) would be eligible under this section if the project were carried out in a nonattainment or maintenance area; or

"(B) is eligible under the surface transportation program under section 133."; and

(2) in paragraph (2), by striking "for any project in the State eligible under section 133." and inserting the following: "for any project in the State that—

"(A) would be eligible under this section if the project were carried out in a nonattainment or maintenance area; or

"(B) is eligible under the surface transportation program under section 133.".

(d) Broadened TIFIA Eligibility.—Section 182(a)(3) of title 23, United States Code, is amended—

(1) in subparagraph (A)(i), by striking "$100,000,000" and inserting "$25,000,000";

(2) by striking "PROJECT COSTS" and all that follows through "to be eligible" and inserting the following: "PROJECT COSTS.—To be eligible";

(3) by striking subparagraph (B); and

(4) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively, and indenting appropriately.

(e) State Role in Selection of Forest Highway Projects.—Section 204(a) of title 23, United States Code, is amended by adding at the end the following:

"(7) State role in selection of forest highway projects.—Notwithstanding any other provision of this title, no forest highway project may be carried out in a State under this chapter unless the State concurs in the selection of the project.".

(f) Historic Bridge Eligibility.—Section 144(o) of title 23, United States Code, is amended—

(1) in paragraph (3), by inserting "200 percent of" after "shall not exceed"; and

(2) in paragraph (4)—

(A) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and indenting appropriately;

(B) by striking "Any State" and inserting the following:

"(A) In general.—Any State";

(C) in the second sentence—

(i) by striking "Costs incurred" and inserting the following:

"(B) Eligibility as reimbursable project costs.—

"(i) In general.—Costs incurred"; and

(ii) by inserting "200 percent of" after "not to exceed"; and,

(D) by striking the third sentence and inserting the following:

“(ii) AMOUNT.—If a State elects to use funds apportioned under this section to support the relocation of a historic bridge, the eligible reimbursable project costs shall be equal to the greater of the Federal share that would be available for the construction of a new bicycle or pedestrian bridge or 200 percent of the cost of demolition of the historic bridge.

“(iii) EFFECT.—Nothing in clause (ii) creates an obligation on the part of a State to preserve a historic bridge.”.

SEC. 11. MISCELLANEOUS PROGRAM EXTENSIONS AND TECHNICAL AMENDMENTS.

(a) RAILWAY-HIGHWAY CROSSING HAZARD ELIMINATION.—Section 104(d)(2)(A) of title 23, United States Code, is amended by striking “for a fiscal year” and inserting “for each of fiscal years 1998 through 2003”.

(b) MINIMUM GUARANTEE.—Section 105 of title 23, United States Code, is amended in subsections (a), (d), and (f) by striking “2003” each place it appears and inserting “2009”.

(c) HIGH PRIORITY PROJECTS PROGRAM.—Section 117 of title 23, United States Code, is amended—

(1) in subsection (a)—

(A) by striking “The Secretary” and inserting the following:

“(1) IN GENERAL.—The Secretary”;

(B) by striking “Of amounts made available to carry out this section,” and inserting the following:

“(2) AVAILABILITY OF FUNDS FOR FISCAL YEARS 1998 THROUGH 2003.—Of the funds made available to carry out this section for each of fiscal years 1998 through 2003,”; and

(C) by adding at the end the following:

“(3) AVAILABILITY OF FUNDS FOR FISCAL YEARS 2004 THROUGH 2009.—

“(A) IN GENERAL.—For each of fiscal years 2004 through 2009, the Secretary shall allocate the funds made available to carry out this section to each of the 50 States and the District of Columbia in accordance with the percentage specified for each such State and the District of Columbia under section 105.

“(B) USE OF FUNDS.—Funds allocated in accordance with subparagraph (A) may be used for any project eligible under this chapter that is designated by the State transportation department as a high priority project.”; and

(2) in subsection (b), by striking “For” and inserting “With respect to funds made available to carry out this section for each of fiscal years 1998 through 2003, for”.

(d) HIGHWAY BRIDGE REPLACEMENT AND REHABILITATION PROGRAM.—Section 144(g)(1) of title 23, United States Code, is amended by adding at the end the following:

“(D) FISCAL YEARS 2004 THROUGH 2009.—Of the amounts authorized to be appropriated to carry out the bridge program under this section for each of fiscal years 2004 through 2009, all but $100,000,000 shall be apportioned as provided in subsection (e). That $100,000,000 shall be available at the discretion of the Secretary.”.

(e) DISADVANTAGED BUSINESS ENTERPRISES.—Section 1101(b)(1) of the Transportation Equity Act for the 21st Century (23 U.S.C. 101 note; 112 Stat. 113) is amended by striking “of this Act” and inserting “of this Act and the Maximum Economic Growth for America Through Highway Funding Act”.

(f) PUERTO RICO HIGHWAY PROGRAM.—Section 1214(r)(1) of the Transportation Equity Act for the 21st Century (112 Stat. 209) is amended by inserting “, and funds authorized by section 2(b)(7) of the Maximum Economic Growth for America Through Highway Funding Act for each of fiscal years 2004 through 2009,” after “2003”.

SEC. 12. EFFECTIVE DATE.

Except as otherwise provided, this Act and the amendments made by this Act take effect on October 1, 2003.

S. 3133

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Maximum Economic Growth for America Through Highway Funding Part II Act” or the “MEGA Fund Part II Act”.

SEC. 2. AUTHORIZATION TO MAKE FUNDING AVAILABLE FROM THE HIGHWAY TRUST FUND.

Section 9503(c)(1) of the Internal Revenue Code of 1986 (relating to expenditures from the Highway Trust Fund) is amended—

(1) in the first sentence—

(A) by striking “2003” and inserting “2009”;

(B) in subparagraph (D), by striking “or” at the end;

(C) in subparagraph (E), by striking the period at the end and inserting “, or”; and

(D) by adding at the end the following:

“(F) authorized to be paid out of the Highway Trust Fund under the Maximum Economic Growth for America Through Highway Funding Act.”; and

(2) in the second sentence, by striking “TEA 21 Restoration Act” and inserting “Maximum Economic Growth for America Through Highway Funding Act”.

MEGA FUND ACT—SECTION-BY-SECTION ANALYSIS

SECTION 1, SHORT TITLE

This section sets forth the title of the bill.

SECTION 2. AUTHORIZATION OF APPROPRIATIONS

Subsection (a) would authorize the programs subject to the Minimum Guarantee. The 5 principal apportioned programs of TEA-21—Interstate Maintenance, National Highway System, Surface Transportation Program, Bridge, Congestion Mitigation and Air Quality Improvement (CMAQ)—would be significantly increased. Collectively, they would grow from $20.2 billion for FY 2003 to $28.6 billion by FY 2009. Also, they would maintain their current proportion to one another. The Appalachian Highway program would be continued at present levels of $450 million annually and the Recreational Trails program increased to $75 million annually. A technical and conforming provision in section 11 of the bill would extend the Minimum Guarantee program—which would grow considerably by operation of its own terms.

The High Priority Projects program would be continued but reduced from nearly $1.8 billion in FY 2003 to a still-generous $1 billion for each of FYs 2004–2009. The bill does not pretend that high priority projects will go away, but tries to set a realistic goal of reducing them, providing States a wider role in administering the program.

Subsection (b) would authorize $2 billion annually for the new economic and demographic barriers program set forth in section 5 of the bill.

Subsection (c) would authorize additional programs, The borders program and the corridors program would be separately authorized, at $100 million annually each. Federal lands highways programs are reauthorized and increased to the following annual levels: Indian Reservation Roads, $300 million; Public Land Highways, $350 million; Park Roads, $300 million; and Refuge Roads, $35 million. The programs for ferry boats and terminals, scenic byways, and highways in Puerto Rico would be reauthorized at increased annual levels of $50 million, $30 million, and $130 million, respectively.

The program to combat highway use tax evasion would be significantly increased, from $5 million today to $40 million annually from FYs 2004–2009. This is an important investment. Improved compliance with highway tax obligations will increase revenues available for the program.

Subsection (d) would double, to $50 million annual, the TCSP program. Subsection (e) would continue the National Historic Bridge Preservation program at $10 million annually. Subsection (f) would continue the program for incentive grants for seat belt use at $115 million annually. Subsection (g) would continue current research programs at current levels. Subsection (h) would authorize $75 million annually for 6 years for a new Future Strategic Highway Research Program (“FSHRP”). Subsection (i) would continue the current authorization for magnetic levitation deployment of such sums as may be necessary. Subsection (j) would continue authorization for the TIFIA program at current levels of $130 million annually.

SECTION 3, OBLIGATION CEILING

This section amends the obligation ceiling provision of TEA-21 to set the obligation limit for FYs 2004–2009 and to make a handful of changes. The non-technical provisions of the section include the following.

Paragraph (a)(1) sets the annual obligation ceilings, starting at $34 billion for FY 2004 and rising gradually to $39 billion for FY 2008 and $41 billion for FY 2009. Paragraph (a)(2) continues current exemptions from the obligation ceiling. Paragraph (a)(3) includes an amendment that would newly provide the Indian Reservation Roads program with obligation authority equal to authorizations. Paragraph (a)(5) would continue the practice of setting a separate obligation limit for research. Paragraph (a)(7) would provide for obligation authority to be increased when called for by the terms of the RABA provision. Paragraph (a)(8) would set a distinct obligation limit on administrative expenses.

SECTION 4, RELIABLE HIGHWAY PROGRAM LEVELS; REVISIONS TO REVENUE ALIGNED BUDGET AUTHORITY

Subsection (a) of section 4 sets forth the Sense of the Senate as to why RABA should be continued but improved. Subsection (a) recites that under current law the balance in the Highway Account has grown, denying the public the benefit of the user taxes paid. It also recites that the RABA calculation mechanism has led to annual program levels that differ widely from prior estimates. In addition, the current law produced an estimate of large “negative RABA” for fiscal year 2003, a result that Congress found to be totally unacceptable. Congress proceeded to eliminate FY 2003 negative RABA through enactment of legislation (section 1402 of Public Law No. 107–206).

Subsection (b) would carry forward firewalls and continue and improve RABA. Paragraphs (b)(1)–(3) would continue firewalls. They would make clear that no spending limits may be imposed to limit highway program obligations below the level of the obligation limit for that year, plus amounts exempt from the obligation limit for that year, plus any applicable upward adjustment due to RABA. The provisions would also protect any outlays made pursuant to the protected obligation (and exempt) levels.

Paragraphs (b)(4) and (5) would continue and improve RABA. Under the provisions there would be no negative RABA. As a result, States and the public would be able to count on receiving at least the specified program levels.

The determination of whether additional funding would be automatically provided, above the levels set in the obligation provision, would be based on the balance in the Highway Account, not based on current year revenue. Under current law, with program levels keyed to Highway Account income, the current balance is locked up. One can only access Account income, not the balance, even though the user taxes residing in the Account were paid with the expectation that they would be invested in the highway program.

As to the specifics of potential upward adjustment in obligation authority under this provision, a key point of reference for the calculations is that Congress should attempt to achieve a prudent, though not overly cautious balance in the Highway Account of approximately $5 billion at the end of FY 2009. As the bill properly deletes negative RABA, it takes a cautious approach to allowing positive RABA in the initial years of the bill, not paying out all funds.

Thus, as provided in paragraph (5) if, when the FY 2005 budget is submitted, it is estimated that, but for upward adjustment of obligation levels, the balance in the Account as of the close of fiscal year 2009 would exceed $7 billion, then there would be an upward adjustment in FY 2005 obligation levels of 50% of the estimated excess over that $7 billion balance.

However, as the RABA payments are geared towards the fund balance, the 50% of any calculated "excess" for a year that is "forgone" in that year is not "lost" to the highway program, only delayed in release, if the estimates hold firm over the years. By FY 2009, the provision would pay out as RABA, the full excess over a $5 billion balance in the Highway Account.

This approach constrains upward adjustments in RABA obligations during the early years of the bill out of respect for the possibility that revenues could be disappointing during the later years of the bill. But this approach still allows the currently large balance in the Highway Account to be put to work.

Subsection (b) concerns budgetary protection only for the highway program, as it was developed in conjunction with provisions concerning that program. Subsection (b) does not establish specific budget protections for highway safety and transit programs. Accordingly, subsection (c) of this section includes a Sense of the Senate resolution that appropriate protections for such programs, developed in conjunction with proposals for such programs, should be included in final legislation reauthorizing highway and transit programs.

SECTION 5, ASSISTANCE IN OVERCOMING ECONOMIC AND DEMOGRAPHIC BARRIERS

Section 5 would create a new type of program that would provide $2 billion per year to assist States in overcoming certain economic and demographic characteristics that can make it more difficult to meet transportation challenges.

Five challenges are recognized under this section: low population density ($625 million), high population density ($625 million), low income ($600 million), high population growth ($75 million), and high levels of State road ownership ($75 million). In each category, the amount of funds distributed to a State is increased when the degree of the challenge is more extreme.

Once received by a State, these funds are to be treated as if received in the same proportion as the State's apportionments under the Interstate Maintenance, National Highway System, Surface Transportation Program, Bridge, Congestion Mitigation and Air Quality programs and would be subject to the administrative rules governing those programs.

SECTION 6, EMERGENCY RELIEF

The Emergency Relief program, 23 U.S.C. 125, has been under funded for years. This section would double the Emergency Relief authorization from the Highway Account of the Highway Trust Fund from $100 million to $200 million annually. It also includes language limiting the Highway Account's annual contribution to the program to a maximum of that level. This in no way limits the ability of the Congress to respond rapidly to emergencies, but it does address the degree to which the Highway Account should be financing the response.

SECTION 7, INCREASED STABILITY OF DISTRIBUTION UNDER ALLOCATION PROGRAMS

Under this section States would be provided assurance of receiving at least some funding under some of these programs, while leaving some funding for treatment on a discretionary basis. Thus, under subsections (c) and (d), 50 per cent of the funds for the TCSP and ITS deployment programs would be distributed to the States based on their Minimum Guarantee percentage shares, leaving the balance for discretionary distribution. As these programs grow, it is appropriate to move in the direction of mainstreaming their distribution, so that all States participate.

In addition, under subsections (a) and (b), concerning the separately funded border infrastructure and corridor programs, each border state, within the meaning of the border program, would receive at least 2 per cent of the program's funds. This leaves most of the funds for discretionary distribution but ensures some participation by the border states in these programs.

SECTION 8, HISTORIC PARK ROADS AND PARKWAYS

This section would ensure that, in the administration of the park roads and parkways program, older and intensively used national parks receive some priority in funding. There are major parks, national treasures, where the roads in the parks or providing access to them were initially constructed before 1940 and are in need of serious attention. This provision focuses on such parks that handle many visitors, specifically those with over 1 million visitor days per year. The bill does not ignore other park and parkway needs, as the proposed increase represents an increase apart from this section's requirement that some funds be dedicated to these high-use, old infrastructure parks.

SECTION 9, COOPERATIVE FEDERAL LANDS TRANSPORTATION PROGRAM

This section would ensure that at least some of the discretionary public lands funding goes to States with significant public lands holdings, in proportion to the extent to which the land in such States is owned by the Federal Government (or held by the Federal Government in trust). The provision should make the delivery of our public lands highway projects more effective and efficient. While leaving significant funds for discretionary distribution, by making the distribution of some funds more regular, the provision would allow States to work with Federal agencies on projects on a longer term and more regular basis.

SECTION 10, MISCELLANEOUS PROGRAM IMPROVEMENTS

This section contains a number of modest program improvements. Under subsection (c) a State that has the flexibility to use CMAQ funds for highway projects in attainment areas could use those funds for projects in attainment areas that would help prevent pollution. Subsection (e) would codify current practice, under which forest highway projects are not undertaken in a State without the concurrence of the State. Subsection (d) would allow small States the potential to participate in the TIFIA credit program, by lowering the project threshold under that program to $25 million from $100 million. Subsection (b) would increase State flexibility in choosing rail-highway crossing projects. Subsection (a) would correct anomalies in highway statutes that result in inadequate recognition of the economic difficulties facing States with large Federal land holdings.

States with significant Federal lands have greater difficulty raising the non-Federal match for Federal projects due to the restrictions on the use of Federal lands for economic activity and the inability of the States to tax such lands. Thus, the basic rule in title 23 of the U.S. Code has long been that the non-Federal match is reduced in such States. Yet careful review of title 23 reveals many provisions, including even the bridge program, which do not follow this general rule. This section would update the Federal lands match provision, to reflect the greater difficulty in raising match faced by such States and to ensure that the principle of the reduced match for Federal lands States is applied to all major elements of the highway program.

The subsection on Historic Bridges would allow states to use bridge program funds up to an amount not to exceed 200 percent of the cost of demolishing a historic bridge. Additionally, this subsection repeals the prohibition on the use of Federal-aid highway funds in the future, for projects associated with such bridges after the bridge has been donated.

This flexibility does not create an obligation on the state to fund preservation or relocation of a historic bridge.

SECTION 11, MISCELLANEOUS PROGRAM EXTENSIONS AND TECHNICAL REVISIONS

This largely technical section would: not extend a takedown of surface transportation program funds that has been used to support a narrow class of projects; continue the Minimum Guarantee program, the discretionary bridge program, Puerto Rico highway program, and the DBE program. Given overall funding increases, the provision does not extent the Interstate Maintenance Discretionary program, further increasing funds available to all the States under that program. It establishes a placeholder for distribution of funds for high priority projects.

SECTION 12, EFFECTIVE DATE

Under this section the provisions of the bill would take effect on October 1, 2003.

MEGA FUND ACT, PART II—SECTION-BY-SECTION ANALYSIS

SECTION 1, SHORT TITLE

This section sets forth the title of the bill.

SECTION 2

This section amends section 9503(c) of the United States Internal Revenue Code to allow expenditures pursuant to the Mega

Fund Act to be available from the Highway Trust Fund.

By Mr. BAUCUS (for himself, Mr. CRAPO, and Mr. CRAIG):

S. 3134. A bill to amend titles 23 and 49, United States Code, to encourage economic growth in the United States by increasing transportation investments in rural areas, and for other purposes; to the Committee on Environment and Public Works.

Mr. BAUCUS. Mr. President I rise today to introduce a bill to help rural America. Now I am always trying to help Montana, but this bill will help every State. Today I introduce the MEGA RURAL ACT, Maximum Economic Growth for America Through Rural Transportation Investment.

Quite simply, there are rural transportation needs not being met nationwide. This bill addresses those needs.

This is the eighth bill in a series of bills that Senator CRAPO and I are introducing to highlight our proposals on reauthorization of TEA 21—the Transportation Equity Act for the 21st Century.

So far we've introduced a series of MEGA ACTs, Maximum Economic Growth for America Through different types of investments and policy changes. In the past 6 months I have introduced MEGA TRUST, MEGA RED TRANS, MEGA FUND, Parts I and II, MEGA SAFE, MEGA STREAM and MEGA INNOVATE. Today it's the MEGA RURAL ACT.

The first provision in the MEGA RURAL Act will help states overcome certain rural hardships. In the same manner as the MEGA FUND ACT addresses this, the MEGA RURAL ACT would create a new program, at $2 billion annually, to assist States in dealing with certain economic and demographic barriers.

This would be a new type of program, not subject to the minimum guarantee, that is not keyed to specific project types but to types of problems facing States. States with low population density, or low per capita incomes, for example, face real challenges. While the provision also addresses some problems faced by non-rural States, this new section will give real help to rural States.

The different approach of this program lets States facing those problems receive funds and pick the projects. Every one of the 50 States would receive significant funding under this program every year.

The second issue that the MEGA RURAL ACT addresses is that of rural roads. I've been hearing from County Commissioners from Montana as well as other States, about how much they need direct funding for local roads.

These localities are hard pressed for funds and many of these roads are unsafe. This bill, just as the MEGA SAFE ACT does, would establish a pilot program, at $200 million annually from FY 2004–2009, to address safety on rural local roads. Funds could be used only on local roads and rural minor collectors, roads that are not Federal-aid highways.

The program does not affect distribution of funds among States, as funds will be distributed to each of the 50 States in accord with their relative formula share under 23 U.S.C. 105. Funds could be used only for projects or activities that have a safety benefit. By January 1, 2009 the Secretary of Transportation is to report on progress under the provision and whether any modifications are recommended.

Finally, just as the MEGA RED TRANS ACT does, the MEGA RURAL ACT would ensure that, as Federal transit programs are reauthorized, increased funding is provided to meet the needs of the elderly and disabled and of rural and small urban areas.

There is no question that our nation's large metropolitan areas have substantial transit needs that will receive attention as transit reauthorization legislation is developed. But the transit needs of rural and smaller areas, and of our elderly and disabled citizens, also require additional attention and funding.

The bill would provide that additional funding in a way that does not impact other portions of the transit program. For example, while the bill would at least double every State's funding for the elderly and disabled transit program by FY 2004, nothing in the bill would reduce funding for any portion of the transit program or for any State.

To the contrary, the bill would help strengthen the transit program as a whole by providing that the Mass Transit Account of the Highway Trust Fund is credited with the interest on its balance. This is a key provision in the MEGA TRUST Act the MEGA RED TRANS Act, and now the MEGA RURAL ACT.

Specifically, the bill would set modest minimum annual apportionments, by State, for the elderly and disabled transit program, the rural transit program, and for States that have urbanized areas with a population of less than 200,000.

It would ensure that each State that has a small urbanized area receives a minimum of $11 million for these three programs.

It is not a large amount of money but, for my State of Montana it is double what we get for those programs currently. For some other States it is more than four times what they receive.

The bill would also establish a $30 million program for essential bus service, to help connect citizens in rural communities to the rest of the world by facilitating transportation between rural areas and airports and passenger rail stations.

I am very aware of the role that public transit plays in the lives of rural citizens and the elderly and disabled. When most people hear the word "transit" they think of a light rail system. But in rural areas transit translates to buses and vanpools.

Its about time that these issues are being addressed for rural America. Thank You.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3134

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Maximum Economic Growth for America Through Rural Transportation Investment Act" or the "MEGA Rural Act".

SEC. 2. ASSISTANCE IN OVERCOMING ECONOMIC AND DEMOGRAPHIC BARRIERS.

(a) IN GENERAL.—Title 23, United States Code, is amended by inserting after section 138 the following:

"§139. Assistance in overcoming economic and demographic barriers

"(a) DEFINITIONS.—In this section:

"(1) HIGH-GROWTH STATE.—The term 'high-growth State' means a State that has a population according to the 2000 Census that is at least 25 percent greater than the population for the State according to the 1990 Census.

"(2) HIGH-POPULATION-DENSITY STATE.—The term 'high-population-density State' means a State in which the number of individuals per principal arterial mile is greater than 75 percent of the number of individuals per principal arterial mile in the 50 States and the District of Columbia, as determined using population according to the 2000 Census.

"(3) HIGHWAY STATISTICS.—

"(A) IN GENERAL.—The term 'Highway Statistics' means the Highway Statistics published by the Federal Highway Administration for the most recent calendar or fiscal year for which data are available, which most recent calendar or fiscal year shall be determined as of the first day of the fiscal year for which any calculation using the Highway Statistics is made.

"(B) TERMS.—Any reference to a term that is used in the Highway Statistics is a reference to the term as used in the Highway Statistics as of September 30, 2002.

"(4) LOW-INCOME STATE.—The term 'low-income State' means a State that, according to Table PS–1 of the Highway Statistics, has a per capita income that is less than the national average per capita income.

"(5) LOW-POPULATION-DENSITY STATE.—The term 'low-population-density State' means a State in which the number of individuals per principal arterial mile is less than 75 percent of the number of individuals per principal arterial mile in the 50 States and the District of Columbia, as determined using population according to the 2000 Census.

"(6) NATIONAL AVERAGE PER CAPITA INCOME.—The term 'national average per capita income' means the average per capita income for the 50 States and the District of Columbia, as specified in the Highway Statistics.

"(7) PRINCIPAL ARTERIAL MILES.—The term 'principal arterial miles', with respect to a

State, means the principal arterial miles (including Interstate and other expressway or freeway system miles) in the State, as specified in Table HM–20 of the Highway Statistics.

"(8) STATE.—The term 'State' means each of the 50 States.

"(9) STATE WITH EXTENSIVE ROAD OWNERSHIP.—The term 'State with extensive road ownership' means a State that owns more than 80 percent of the total Federal-aid and non-Federal-aid mileage in the State according to Table HM–14 of the Highway Statistics.

"(b) ESTABLISHMENT.—There is established a program to assist States that face certain economic and demographic barriers in meeting transportation needs.

"(c) ALLOCATION OF FUNDS.—For each of fiscal years 2004 through 2009, funds made available to carry out this section shall be allocated as follows:

"(1) LOW-INCOME STATES.—For each fiscal year, each low-income State shall receive an allocation under this paragraph that is equal to the product obtained by multiplying—

"(A) $600,000,000; and

"(B) the ratio that—

"(i) the difference between—

"(I) the national average per capita income; and

"(II) the per capita income of the low-income State; bears to

"(ii) the sum of the differences determined under clause (i) for all low-income States.

"(2) HIGH-GROWTH STATES.—For each fiscal year, each high-growth State shall receive an allocation under this paragraph that is equal to the product obtained by multiplying—

"(A) $75,000,000; and

"(B) the ratio that—

"(i) the percentage by which the population of the high-growth State according to the 2000 Census exceeds the population of the high-growth State according to the 1990 Census; bears to

"(ii) the sum of the percentages determined under clause (i) for all high-growth States.

"(3) LOW-POPULATION-DENSITY STATES.—

"(A) IN GENERAL.—Subject to subparagraph (B), for each fiscal year, each low-population-density State shall receive an allocation under this paragraph that is equal to the product obtained by multiplying—

"(i) $625,000,000; and

"(ii) the ratio that—

"(I) the quotient obtained by dividing—

"(aa) the number of principal arterial miles in the State; by

"(bb) the population of the low-population-density State according to the 2000 Census; bears to

"(II) the sum of the quotients determined under subclause (I) for all low-population-density States.

"(B) MAXIMUM ALLOCATION.—

"(i) IN GENERAL.—If the allocation for a low-population-density State under subparagraph (A) is greater than $35,000,000, the allocation of the low-population-density State shall be reduced to $35,000,000.

"(ii) USE OF EXCESS ALLOCATIONS.—

"(I) REALLOCATION.—Subject to subclause (II), the funds in addition to the $35,000,000 that would have been allocated to a low-population-density State but for clause (i) shall be reallocated among the low-population-density States that were allocated less than $35,000,000 under subparagraph (A) in accordance with the proportionate shares of those low-population-density States under subparagraph (A).

"(II) ADDITIONAL REALLOCATIONS.—If a reallocation under subclause (I) would result in the receipt by any low-population-density State of an amount greater than $35,000,000 under this paragraph—

"(aa) the allocation for the low-population-density State shall be reduced to $35,000,000; and

"(bb) the amounts in excess of $35,000,000 shall be subject to 1 or more further reallocations in accordance with that subclause so that no low-population-density State is allocated more than $35,000,000 under this paragraph.

"(4) HIGH-POPULATION-DENSITY STATES.—

"(A) IN GENERAL.—Subject to subparagraph (B), for each fiscal year, each high-population-density State shall receive an allocation under this paragraph that is equal to the product obtained by multiplying—

"(i) $625,000,000; and

"(ii) the ratio that—

"(I) the quotient obtained by dividing—

"(aa) the population of the high-population-density State according to the 2000 Census; by

"(bb) the number of principal arterial miles in the State; bears to

"(II) the sum of the quotients determined under subclause (I) for all high-population-density States.

"(B) MAXIMUM ALLOCATION.—

"(i) IN GENERAL.—If the allocation for a high-population-density State under subparagraph (A) is greater than $35,000,000, the allocation of the high-population-density State shall be reduced to $35,000,000.

"(ii) USE OF EXCESS ALLOCATIONS.—

"(I) REALLOCATION.—Subject to subclause (II), the funds in addition to the $35,000,000 that would have been allocated to a high-population-density State but for clause (i) shall be reallocated among the high-population-density States that were allocated less than $35,000,000 under subparagraph (A) in accordance with the proportionate shares of those high-population-density States under subparagraph (A).

"(II) ADDITIONAL REALLOCATIONS.—If a reallocation under subclause (I) would result in the receipt by any high-population-density State of an amount greater than $35,000,000 under this paragraph—

"(aa) the allocation for the high-population-density State shall be reduced to $35,000,000; and

"(bb) the amounts in excess of $35,000,000 shall be subject to 1 or more further reallocations in accordance with that subclause so that no high-population-density State is allocated more than $35,000,000 under this paragraph.

"(5) STATES WITH EXTENSIVE ROAD OWNERSHIP.—For each fiscal year, each State with extensive road ownership shall receive an allocation under this paragraph that is equal to the product obtained by multiplying—

"(A) $75,000,000; and

"(B) the ratio that—

"(i) the total Federal-aid and non-Federal-aid mileage owned by each State with extensive road ownership according to Table HM–14 of the Highway Statistics; bears to

"(ii) the sum of the mileages determined under clause (i) for all States with extensive road ownership.

"(d) TREATMENT OF ALLOCATED FUNDS.—

"(1) IN GENERAL.—Subject to paragraph (2), funds allocated to a State under this section for a fiscal year shall be treated for program administrative purposes as if the funds—

"(A) were funds apportioned to the State under sections 104(b)(1), 104(b)(2), 104(b)(3), 104(b)(4), and 144; and

"(B) were apportioned to the State in the same ratio that the State is apportioned funds under the sections specified in paragraph (1) for the fiscal year.

"(2) PROGRAM ADMINISTRATIVE PURPOSES.—Program administrative purposes referred to in paragraph (1)—

"(A) include—

"(i) the Federal share;

"(ii) availability for obligation; and

"(iii) except as provided in subparagraph (B), applicability of deductions; and

"(B) exclude—

"(i) calculation of the minimum guarantee under section 105; and

"(ii) applicability of the deduction for the future strategic highway research program under section 104(m).".

(b) ASSISTANCE IN OVERCOMING ECONOMIC AND DEMOGRAPHIC BARRIERS.—For the program to provide assistance in overcoming economic and demographic barriers under section 139 of title 23, United States Code, there is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) $2,000,000,000 for each of fiscal years 2004 through 2009.

(c) CONFORMING AMENDMENT.—The analysis for subchapter I of chapter 1 of title 23, United States Code, is amended by inserting after the item relating to section 138 the following:

"139. Assistance in overcoming economic and demographic barriers.".

SEC. 3. RURAL LOCAL ROADS SAFETY PILOT PROGRAM.

(a) DEFINITIONS.—In this section:

(1) IN GENERAL.—

(A) ELIGIBLE ACTIVITY.—

(i) IN GENERAL.—The term "eligible activity" means a project or activity that—

(I) is carried out only on public roads that are functionally classified as rural local roads or rural minor collectors (and is not carried out on a Federal-aid highway); and

(II) provides a safety benefit.

(ii) INCLUSIONS.—The term "eligible activity" includes—

(I) a project or program such as those described in section 133(d)(1) of title 23, United States Code;

(II) road surfacing or resurfacing;

(III) improvement or maintenance of local bridges;

(IV) road reconstruction or improvement;

(V) installation or improvement of signage, signals, or lighting;

(VI) a maintenance activity that provides a safety benefit (including repair work, striping, surface marking, or a similar safety precaution); or

(VII) acquisition of materials for use in projects described in any of subclauses (I) through (VI).

(B) PROGRAM.—The term "program" means the rural local roads safety pilot program established under subsection (b).

(C) STATE.—The term "State" does not include the District of Columbia or Puerto Rico.

(2) OTHER TERMS.—Except as otherwise provided, terms used in this section have the meanings given those terms in title 23, United States Code.

(b) ESTABLISHMENT.—The Secretary shall establish a rural local roads safety pilot program to carry out eligible activities.

(c) ALLOCATION OF FUNDS WITH RESPECT TO STATES.—For each fiscal year, funds made available to carry out this section shall be allocated by the Secretary to the State transportation department in each of the States in the ratio that—

(1) the relative share of the State under section 105 of title 23, United States Code, for a fiscal year; bears to

(2) the total shares of all 50 States under that section for the fiscal year.

(d) Allocation of Funds Within States.—Each State that receives funds under subsection (c) shall allocate those funds within the State as follows:

(1) Counties.—Except as provided in paragraph (2) and subject to paragraph (3), a State shall allocate to each county in the State an amount in the ratio that—

(A) the public road miles within the county that are functionally classified as rural local roads or rural minor collectors; bears to

(B) the total of all public road miles within all counties in the State that are functionally classified as rural local roads or rural minor collectors.

(2) Alternative formula for allocation.—Paragraph (1) shall not apply to a State if the State transportation department certifies to the Secretary that the State has in effect an alternative formula or system for allocation of funds received under subsection (c) (including an alternative formula or system that permits allocations to political subdivisions or groups of political subdivisions, in addition to individual counties, in the State) that—

(A) was developed under the authority of State law; and

(B) provides that funds allocated to the State transportation department under this section will be allocated within the State in accordance with a program that includes selection by local governments of eligible activities funded under this section.

(3) Administrative expenses.—Before allocating amounts under paragraph (1) or (2), as applicable, a State transportation department may retain not more than 10 percent of an amount allocated to the State transportation department under subsection (c) for administrative costs incurred in carrying out this section.

(e) Project Selection.—

(1) By county.—If an allocation of funds within a State is made under subsection (d)(1), counties within the State to which the funds are allocated shall select eligible activities to be carried out using the funds.

(2) By state alternative.—If an allocation of funds within a State is made under subsection (d)(2), eligible activities to be carried out using the funds shall be selected in accordance with the State alternative.

(f) Federal Share.—The Federal share of the cost of an eligible activity carried out under this section shall be 100 percent.

(g) Report.—Not later than January 1, 2009, after providing States, local governments, and other interested parties an opportunity for comment, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that—

(1) describes progress made in carrying out the program; and

(2) includes recommendations as to whether the program should be continued or modified.

(h) Contract Authority.—Funds made available to carry out this section shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of an eligible activity under this section shall be determined in accordance with this section.

(i) Authorization of Appropriations.—There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $200,000,000 for each of fiscal years 2004 through 2009.

SEC. 4. MINIMUM LEVEL OF FUNDING FOR ELDERLY AND DISABLED PROGRAM.

Section 5310 of title 49, United States Code, is amended—

(1) in subsection (b), in the first sentence, by striking the period at the end and inserting the following: ", provided that, for fiscal years 2004, 2005, and 2006, each State shall receive annually, of the amounts apportioned under this section, a minimum of double the amount apportioned to the State in fiscal year 2003 or $1,000,000, whichever is greater, and that for fiscal years 2007, 2008, and 2009, each State shall receive annually, of the amounts apportioned under this section, a minimum equal to the minimum required to be apportioned to the State for fiscal year 2006 plus $500,000."; and

(2) by adding at the end the following:

"(k) Amounts for Operating Assistance.—Amounts made available under this section may be used for operating assistance.

"(l) Available Funds.—Notwithstanding any other provision of law, of the aggregate amounts made available by and appropriated under this chapter, the amount made available to provide transportation services to elderly individuals and individuals with disabilities under this section in each of fiscal years 2004 through 2009, shall be not less than the amount necessary to match the minimum apportionment levels required by subsection (b).".

SEC. 5. MINIMUM LEVEL OF FUNDING FOR RURAL PROGRAM.

Section 5311 of title 49, United States Code, is amended—

(1) in subsection (c), in the first sentence, by striking the period at the end and inserting the following: ", provided that none of the 50 States shall receive, from the amounts annually apportioned under this section, an apportionment of less than $5,000,000 for each of fiscal years 2004, 2005, and 2006, and $5,500,000 for each of fiscal years 2007, 2008, and 2009."; and

(2) by adding at the end the following:

"(k) Amounts.—Notwithstanding any other provision of law, of the aggregate amounts made available by and appropriated under this chapter, the amount made available for the program established by this section in each of fiscal years 2004 through 2009 shall be not less than the sum of—

"(1) the amount made available for all States for such purpose for fiscal year 2003; and

"(2)(A) for each of fiscal years 2004, 2005, and 2006, the amount equal to the difference between $5,000,000 and the apportionment for fiscal year 2003, for each of those individual States that were apportioned less than $5,000,000 under this section for fiscal year 2003; or

"(B) for each of fiscal years 2007, 2008, and 2009, the amount equal to the difference between $5,500,000 and the apportionment for fiscal year 2003, for each of those individual States that were apportioned less than $5,500,000 under this section for fiscal year 2003.".

SEC. 6. ESSENTIAL BUS SERVICE.

(a) In General.—Chapter 53 of title 49, United States Code, is amended by adding at the end the following:

"§ 5339. Essential bus service

"(a) In General.—The Secretary shall establish a program under which States shall provide essential bus service between rural areas and primary airports, as defined in section 47102, and between rural areas and stations for intercity passenger rail service, and appropriate intermediate or nearby points.

"(b) Eligible Activities.—Eligible activities under the program established by this section shall include—

"(1) planning and marketing for intercity bus transportation;

"(2) capital grants for intercity bus shelters, park and ride facilities, and joint use facilities;

"(3) operating grants, including direct assistance, purchase of service agreements, user-side subsidies, demonstration projects, and other means; and

"(4) enhancement of connections between bus service and commercial air passenger service and intercity passenger rail service.

"(c) Availability of Funds.—Amounts made available pursuant to this section shall remain available until expended.

"(d) Relationship to Section 5311.—Amounts for the program established by this section shall be apportioned to the States in the same proportion as amounts apportioned to the States under section 5311. Section 5311(j) applies to this section.

"(e) Funds.—Notwithstanding any other provision of law, of the aggregate amounts made available by and appropriated under this chapter—

"(1) for fiscal years 2004, 2005, and 2006, $30,000,000 of the total for each fiscal year shall be for the implementation of this section; and

"(2) for fiscal years 2007, 2008, and 2009, $35,000,000 of the total for each fiscal year shall be for the implementation of this section.".

(b) Technical and Conforming Amendment.—The table of sections for chapter 53 of title 49, United States Code, is amended by adding at the end the following:

"5339. Essential bus service.".

SEC. 7. MINIMUM LEVEL OF FUNDING FOR URBANIZED AREAS WITH A POPULATION OF LESS THAN 200,000.

(a) Minimum Apportionment.—Section 5336(a)(1) of title 49, United States Code, is amended by striking "mile; and" and inserting the following: "mile,

provided that the apportionments under this paragraph shall be modified to the extent required so that urbanized areas that are eligible under this paragraph and are located in a State in which all urbanized areas in the State eligible under this paragraph collectively receive apportionments totaling less than $5,000,000 in any of fiscal years 2004, 2005, or 2006, or less than $5,500,000 in any of fiscal years 2007, 2008, or 2009, shall each have their apportionments increased, proportionately, to the extent that, collectively, all of the urbanized areas in the State that are eligible under this paragraph receive, of the amounts apportioned annually under this paragraph, $5,000,000 for each of fiscal years 2004, 2005, and 2006, and $5,500,000 for each of fiscal years 2007, 2008, and 2009; and".

(b) Funds.—Section 5307 of title 49, United States Code, is amended by adding at the end the following:

"(o) Funds.—Notwithstanding any other provision of law, of the aggregate amounts made available by and appropriated under this chapter, in each of fiscal years 2004 through 2009, the amount made available for the program established by this section shall be not less than the sum of—

"(1) the amount made available for such purpose for fiscal year 2003; and

"(2) the amount equal to the sum of the increase in apportionments for that fiscal year over fiscal year 2003, to urbanized areas with a population of less than 200,000, in affected States, attributable to the operation of section 5336(a)(1).".

SEC. 8. LEVEL PLAYING FIELD FOR GOVERNMENT SHARE.

(a) IN GENERAL.—Chapter 53 of title 49, United States Code (as amended by section 6) is amended by adding at the end the following:

"§ 5340. Government share

"With respect to amounts apportioned or otherwise distributed for fiscal year 2004 and each subsequent fiscal year, the Government share of eligible transit project costs or eligible operating costs, shall be the greater of—

"(1) the share applicable under other provisions of this chapter; or

"(2) the share that would apply, in the State in which the transit project or operation is located, to a highway project under section 133 of title 23.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 53 of title 49, United States Code, is amended by adding at the end the following:

"5340. Government share.".

SEC. 9. INTEREST CREDITED TO MASS TRANSIT ACCOUNT.

Section 9503(f)(2) of the Internal Revenue Code of 1986 (relating to the Highway Trust Fund) is amended by striking the period at the end and inserting the following: ", provided that after September 30, 2003, interest accruing on the balance in the Mass Transit Account shall be credited to such account.".

By Mr. CARPER (for himself, Mr. CHAFEE, Mr. BREAUX, and Mr. BAUCUS):

S. 3135. A bill to amend the Clean Air Act to establish a national uniform multiple air pollutant regulatory program for the electric generating sector; to the Committee on Environment and Public Works.

Mr. CARPER. Mr. President, this past June, at an EPW Committee markup, I joined the majority of committee members in reporting out legislation to reduce harmful emissions from our Nation's power plants. At that time, I offered, and then withdrew an alternate, comprehensive, 4-emission approach. Since then, along with representatives from electric generators who would be impacted by such legislation, and some leaders in the environmental community, I have worked to strengthen my amendment even further. The result is the Clean Air Planning Act. I rise today to introduce this bill, and am pleased to be joined by Senators CHAFEE, BEAUX, and BAUCUS.

The bill takes a market-based approach that would aggressively reduce emissions of sulfur dioxide, SO_2, nitrogen oxides, NO_X, carbon dioxide, CO_2, and mercury from electrical power generators. This approach also would provide planning and regulatory certainty to electric generators, who are required to achieve these reductions. It is mindful of the fact that coal fuels approximately 50 percent of our Nation's electricity and contributes a disproportionate share of emissions, and will remain the leading source of reliable, affordable electricity for decades to come.

The public health and environmental impacts of SO_2, NO_X, and mercury have been well documented. While there is bipartisan agreement that emissions of these three pollutants from power plants need further control, there is some disagreement over how much and how fast. The Clean Air Planning Act would establish significant caps on total emissions of these pollutants, but the caps would be phased in to provide the industry the time needed to meet the caps. In addition, the bill includes a flexible trading system to allow the caps to be attained most efficiently.

There is also a growing consensus that greenhouse gases such as CO_2 emissions from power plants are contributing to climate change. The time has come to set up mechanisms that will address these emissions without impeding economic growth. The Clean Air Planning Act establishes the modest goal of capping CO_2 emissions from electrical generators at 2001 levels by 2012. Generators can meet that goal with a flexible system that allows both trading between generators.

The bill also includes flexible options to reduce the costs of controlling carbon dioxide emissions through international projects and through forest and agricultural projects that can sequester carbon from the atmosphere while also providing additional environmental benefits. Part of the task ahead is to get better analysis that helps determine the right parameters for these flexibility provisions, so that the bill provides a smooth least-cost transition for the industry yet also delivers a meaningful incentive for improved efficiency and reduced emissions from power plants.

In the context of comprehensive legislation that will achieve significant reductions in emissions from power plants, some existing regulatory requirements should be updated. This bill carefully updates some New Source Review requirements to eliminate redundancy while retaining strict environmental protections.

I have heard from several experts in recent weeks who have studied provisions of this bill as it was being developed, and I plan to engage them in further discussions in the weeks and months ahead. I appreciate their willingness to help keep this important topic moving forward. This is a complex issue, one that should be of great importance to electric generators, environmental leaders, State and local regulators, and to each of us here in the Senate. There are numerous complicated issues in this legislation such as the proper extent of crediting off system carbon reductions, equitable allocation of allowances, appropriate regulatory streamlining, and prevention of local impacts, and we invite assistance from all who want to help us address these issues.

Today, America's power plants will emit over 6 million tons of harmful emissions. They will also power the world's most productive economy. Reducing emissions while retaining affordable electricity is the goal of the Clean Air Planning Act, and I urge my colleagues to join me in this effort. I look forward to developing consensus within the Senate next year and passing strong, comprehensive legislation.

Thank you, Mr. President. I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3135

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Clean Air Planning Act of 2002".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings and purposes.
Sec. 3. Integrated air quality planning for the electric generating sector.
Sec. 4. New source review program.
Sec. 5. Revisions to sulfur dioxide allowance program.
Sec. 6. Relationship to other law.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) fossil fuel-fired electric generating facilities, consisting of facilities fueled by coal, fuel oil, and natural gas, produce nearly ⅔ of the electricity generated in the United States;

(2) fossil fuel-fired electric generating facilities produce approximately ⅔ of the total sulfur dioxide emissions, ⅓ of the total nitrogen oxides emissions, ⅓ of the total carbon dioxide emissions, and ⅓ of the total mercury emissions, in the United States;

(3)(A) many electric generating facilities have been exempt from the emission limitations applicable to new units based on the expectation that over time the units would be retired or updated with new pollution control equipment; but

(B) many of the exempted units continue to operate and emit pollutants at relatively high rates;

(4) pollution from existing electric generating facilities can be reduced through adoption of modern technologies and practices;

(5) the electric generating industry is being restructured with the objective of providing lower electricity rates and higher quality service to consumers;

(6) the full benefits of competition will not be realized if the environmental impacts of generation of electricity are not uniformly internalized; and

(7) the ability of owners of electric generating facilities to effectively plan for the future is impeded by the uncertainties surrounding future environmental regulatory requirements that are imposed inefficiently on a piecemeal basis.

(b) PURPOSES.—The purposes of this Act are—

(1) to protect and preserve the environment and safeguard public health by ensuring that substantial emission reductions are achieved at fossil fuel-fired electric generating facilities;

(2) to significantly reduce the quantities of mercury, carbon dioxide, sulfur dioxide, and nitrogen oxides that enter the environment as a result of the combustion of fossil fuels;

(3) to encourage the development and use of renewable energy;

(4) to internalize the cost of protecting the values of public health, air, land, and water quality in the context of a competitive market in electricity;

(5) to ensure fair competition among participants in the competitive market in electricity that will result from fully restructuring the electric generating industry;

(6) to provide a period of environmental regulatory stability for owners and operators of electric generating facilities so as to promote improved management of existing assets and new capital investments; and

(7) to achieve emission reductions from electric generating facilities in a cost-effective manner.

SEC. 3. INTEGRATED AIR QUALITY PLANNING FOR THE ELECTRIC GENERATING SECTOR.

The Clean Air Act (42 U.S.C. 7401 et seq.) is amended by adding at the end the following:

"TITLE VII—INTEGRATED AIR QUALITY PLANNING FOR THE ELECTRIC GENERATING SECTOR

"Sec. 701. Definitions.
"Sec. 702. National pollutant tonnage limitations.
"Sec. 703. Nitrogen oxide and mercury allowance trading programs.
"Sec. 704. Carbon dioxide allowance trading program.

"SEC. 701. DEFINITIONS.

"In this title:

"(1) AFFECTED UNIT.—

"(A) MERCURY.—The term 'affected unit', with respect to mercury, means a coal-fired electric generating facility (including a cogenerating facility) that—

"(i) has a nameplate capacity greater than 25 megawatts; and

"(ii) generates electricity for sale.

"(B) NITROGEN OXIDES AND CARBON DIOXIDE.—The term 'affected unit', with respect to nitrogen oxides and carbon dioxide, means a fossil fuel-fired electric generating facility (including a cogenerating facility) that—

"(i) has a nameplate capacity greater than 25 megawatts; and

"(ii) generates electricity for sale.

"(C) SULFUR DIOXIDE.—The term 'affected unit', with respect to sulfur dioxide, has the meaning given the term in section 402.

"(2) CARBON DIOXIDE ALLOWANCE.—The term 'carbon dioxide allowance' means an authorization allocated by the Administrator under this title to emit 1 ton of carbon dioxide during or after a specified calendar year.

"(3) COVERED UNIT.—The term 'covered unit' means—

"(A) an affected unit;

"(B) a nuclear generating unit with respect to incremental nuclear generation; and

"(C) a renewable energy unit.

"(4) GREENHOUSE GAS.—The term 'greenhouse gas' means—

"(A) carbon dioxide;

"(B) methane;

"(C) nitrous oxide;

"(D) hydrofluorocarbons;

"(E) perfluorocarbons; and

"(F) sulfur hexafluoride.

"(5) INCREMENTAL NUCLEAR GENERATION.—The term 'incremental nuclear generation' means the difference between—

"(A) the quantity of electricity generated by a nuclear generating unit in a calendar year; and

"(B) the quantity of electricity generated by the nuclear generating unit in calendar year 1990;

as determined by the Administrator and measured in megawatt hours.

"(6) MERCURY ALLOWANCE.—The term 'mercury allowance' means an authorization allocated by the Administrator under this title to emit 1 pound of mercury during or after a specified calendar year.

"(7) NEW RENEWABLE ENERGY UNIT.—The term 'new renewable energy unit' means a renewable energy unit that has operated for a period of not more than 3 years.

"(8) NEW UNIT.—The term 'new unit' means an affected unit that has operated for not more than 3 years and is not eligible to receive—

"(A) sulfur dioxide allowances under section 417(b);

"(B) nitrogen oxide allowances or mercury allowances under section 703(c)(2); or

"(C) carbon dioxide allowances under section 704(c)(2).

"(9) NITROGEN OXIDE ALLOWANCE.—The term 'nitrogen oxide allowance' means an authorization allocated by the Administrator under this title to emit 1 ton of nitrogen oxides during or after a specified calendar year.

"(10) NUCLEAR GENERATING UNIT.—The term 'nuclear generating unit' means an electric generating facility that—

"(A) uses nuclear energy to supply electricity to the electric power grid; and

"(B) commenced operation in calendar year 1990 or earlier.

"(11) RENEWABLE ENERGY.—The term 'renewable energy' means electricity generated from—

"(A) wind;

"(B) organic waste (excluding incinerated municipal solid waste);

"(C) biomass (including anaerobic digestion from farm systems and landfill gas recovery);

"(D) fuel cells; or

"(E) a hydroelectric, geothermal, solar thermal, photovoltaic, or other nonfossil fuel, nonnuclear source.

"(12) RENEWABLE ENERGY UNIT.—The term 'renewable energy unit' means an electric generating facility that uses exclusively renewable energy to supply electricity to the electric power grid.

"(13) SEQUESTRATION.—The term 'sequestration' means the action of sequestering carbon by—

"(A) enhancing a natural carbon sink (such as through afforestation); or

"(B)(i) capturing the carbon dioxide emitted from a fossil fuel-based energy system; and

"(ii)(I) storing the carbon in a geologic formation or in a deep area of an ocean; or

"(II) converting the carbon to a benign solid material through a biological or chemical process.

"(14) SULFUR DIOXIDE ALLOWANCE.—The term 'sulfur dioxide allowance' has the meaning given the term 'allowance' in section 402.

"SEC. 702. NATIONAL POLLUTANT TONNAGE LIMITATIONS.

"(a) SULFUR DIOXIDE.—The annual tonnage limitation for emissions of sulfur dioxide from affected units in the United States shall be equal to—

"(1) for each of calendar years 2008 through 2011, 4,500,000 tons;

"(2) for each of calendar years 2012 through 2014, 3,500,000 tons; and

"(3) for calendar year 2015 and each calendar year thereafter, 2,250,000 tons.

"(b) NITROGEN OXIDES.—The annual tonnage limitation for emissions of nitrogen oxides from affected units in the United States shall be equal to—

"(1) for each of calendar years 2008 through 2011, 1,870,000 tons; and

"(2) for calendar year 2012 and each calendar year thereafter, 1,700,000 tons.

"(c) MERCURY.—

"(1) IN GENERAL.—The annual tonnage limitation for emissions of mercury from affected units in the United States shall be equal to—

"(A) for each of calendar years 2008 through 2011, 24 tons; and

"(B) for calendar year 2012 and each calendar year thereafter, a percentage determined under paragraph (2) of the total quantity of mercury present in delivered coal in calendar year 1999 (as determined by the Administrator).

"(2) DETERMINATION OF PERCENTAGE.—The percentage referred to in paragraph (1)(B) shall be—

"(A) not less than 7 nor more than 21 percent; and

"(B) determined by the Administrator not later than January 1, 2004, based on the best scientific data available concerning—

"(i) the reduction in emissions of mercury necessary to protect public health and the environment; and

"(ii) the cost and performance of mercury control technology.

"(3) MAXIMUM EMISSIONS OF MERCURY FROM EACH AFFECTED UNIT.—

"(A) CALENDAR YEARS 2008 THROUGH 2011.—For each of calendar years 2008 through 2011, the emissions of mercury from each affected unit shall not exceed either, at the option of the operator of the affected unit—

"(i) 50 percent of the total quantity of mercury present in the coal delivered to the affected unit in the calendar year; or

"(ii) an annual output-based emission rate for mercury that shall be determined by the Administrator based on an input-based rate of 4 pounds per trillion British thermal units.

"(B) CALENDAR YEAR 2012 AND THEREAFTER.—For calendar year 2012 and each calendar year thereafter, the emissions of mercury from each affected unit shall not exceed—

"(i) 30 percent of the total quantity of mercury present in the coal delivered to the affected unit in the calendar year; or

"(ii) an annual output-based emission rate for mercury that shall be determined by the Administrator.

"(d) CARBON DIOXIDE.—Subject to section 704(d), the annual tonnage limitation for emissions of carbon dioxide from covered units in the United States shall be equal to—

"(1) for each of calendar years 2008 through 2011, the quantity of emissions projected to be emitted from affected units in calendar year 2005, as determined by the Energy Information Administration of the Department of Energy based on the projections of the Administration the publication of which most closely precedes the date of enactment of this title; and

"(2) for calendar year 2012 and each calendar year thereafter, the quantity of emissions emitted from affected units in calendar year 2001, as determined by the Energy Information Administration of the Department of Energy.

"(e) REVIEW OF ANNUAL TONNAGE LIMITATIONS.—

"(1) PERIOD OF EFFECTIVENESS.—The annual tonnage limitations established under subsections (a) through (d) shall remain in effect until the date that is 20 years after the date of enactment of this title.

"(2) DETERMINATION BY ADMINISTRATOR.—Not later than 15 years after the date of enactment of this title, the Administrator, after considering impacts on human health, the environment, the economy, and costs, shall determine whether 1 or more of the annual tonnage limitations should be revised.

"(3) DETERMINATION NOT TO REVISE.—If the Administrator determines under paragraph (2) that none of the annual tonnage limitations should be revised, the Administrator shall publish in the Federal Register a notice of the determination and the reasons for the determination.

"(4) DETERMINATION TO REVISE.—

"(A) IN GENERAL.—If the Administrator determines under paragraph (2) that 1 or more of the annual tonnage limitations should be revised, the Administrator shall publish in the Federal Register—

"(i) not later than 15 years and 180 days after the date of enactment of this title, proposed regulations implementing the revisions; and

"(ii) not later than 16 years and 180 days after the date of enactment of this title, final regulations implementing the revisions.

"(B) EFFECTIVE DATE OF REVISIONS.—Any revisions to the annual tonnage limitations under subparagraph (A) shall take effect on the date that is 20 years after the date of enactment of this title.

"(f) REDUCTION OF EMISSIONS FROM SPECIFIED AFFECTED UNITS.—Subject to the requirements of this Act concerning national ambient air quality standards established under part A of title I, notwithstanding the annual tonnage limitations established under this section, the Federal Government or a State government may require that emissions from a specified affected unit be reduced to address a local air quality problem.

"SEC. 703. NITROGEN OXIDE AND MERCURY ALLOWANCE TRADING PROGRAMS.

"(a) REGULATIONS.—

"(1) PROMULGATION.—

"(A) IN GENERAL.—Not later than January 1, 2004, the Administrator shall promulgate regulations to establish for affected units in the United States—

"(i) a nitrogen oxide allowance trading program; and

"(ii) a mercury allowance trading program.

"(B) REQUIREMENTS.—Regulations promulgated under subparagraph (A) shall establish requirements for the allowance trading programs under this section, including requirements concerning—

"(i)(I) the generation, allocation, issuance, recording, tracking, transfer, and use of nitrogen oxide allowances and mercury allowances; and

"(II) the public availability of all information concerning the activities described in subclause (I) that is not confidential;

"(ii) compliance with subsection (e)(1);

"(iii) the monitoring and reporting of emissions under paragraphs (2) and (3) of subsection (e); and

"(iv) excess emission penalties under subsection (e)(4).

"(2) MIXED FUEL, CO-GENERATION FACILITIES AND COMBINED HEAT AND POWER FACILITIES.—The Administrator shall promulgate such regulations as are necessary to ensure the equitable issuance of allowances to—

"(A) facilities that use more than 1 energy source to produce electricity; and

"(B) facilities that produce electricity in addition to another service or product.

"(3) REPORT TO CONGRESS ON USE OF CAPTURED OR RECOVERED MERCURY.—

"(A) IN GENERAL.—Not later than 18 months after the date of enactment of this title, the Administrator shall submit to Congress a report on the public health and environmental impacts from mercury that is or may be—

"(i) captured or recovered by air pollution control technology; and

"(ii) incorporated into products such as soil amendments and cement.

"(B) REQUIRED ELEMENTS.—The report shall—

"(i) review—

"(I) technologies, in use as of the date of the report, for incorporating mercury into products; and

"(II) potential technologies that might further minimize the release of mercury; and

"(ii)(I) address the adequacy of legal authorities and regulatory programs in effect as of the date of the report to protect public health and the environment from mercury in products described in subparagraph (A)(ii); and

"(II) to the extent necessary, make recommendations to improve those authorities and programs.

"(b) NEW UNIT RESERVES.—

"(1) ESTABLISHMENT.—The Administrator shall establish by regulation a reserve of nitrogen oxide allowances and a reserve of mercury allowances to be set aside for use by new units.

"(2) DETERMINATION OF QUANTITY.—The Administrator, in consultation with the Secretary of Energy, shall determine, based on projections of electricity output for new units—

"(A) not later than June 30, 2004, the quantity of nitrogen oxide allowances and mercury allowances required to be held in reserve for new units for each of calendar years 2008 through 2012; and

"(B) not later than June 30 of each fifth calendar year thereafter, the quantity of nitrogen oxide allowances and mercury allowances required to be held in reserve for new units for the following 5-calendar year period.

"(c) NITROGEN OXIDE AND MERCURY ALLOWANCE ALLOCATIONS.—

"(1) TIMING OF ALLOCATIONS.—The Administrator shall allocate nitrogen oxide allowances and mercury allowances to affected units—

"(A) not later than December 31, 2004, for calendar year 2008; and

"(B) not later than December 31 of calendar year 2005 and each calendar year thereafter, for the fourth calendar year that begins after that December 31.

"(2) ALLOCATIONS TO AFFECTED UNITS THAT ARE NOT NEW UNITS.—

"(A) QUANTITY OF NITROGEN OXIDE ALLOWANCES ALLOCATED.—The Administrator shall allocate to each affected unit that is not a new unit a quantity of nitrogen oxide allowances that is equal to the product obtained by multiplying—

"(i) 1.5 pounds of nitrogen oxides per megawatt hour; and

"(ii) the quotient obtained by dividing—

"(I) the average annual net quantity of electricity generated by the affected unit during the most recent 3-calendar year period for which data are available, measured in megawatt hours; by

"(II) 2,000 pounds of nitrogen oxides per ton.

"(B) QUANTITY OF MERCURY ALLOWANCES ALLOCATED.—The Administrator shall allocate to each affected unit that is not a new unit a quantity of mercury allowances that is equal to the product obtained by multiplying—

"(i) 0.0000227 pounds of mercury per megawatt hour; and

"(ii) the average annual net quantity of electricity generated by the affected unit during the most recent 3-calendar year period for which data are available, measured in megawatt hours.

"(C) ADJUSTMENT OF ALLOCATIONS.—

"(i) IN GENERAL.—If, for any calendar year, the total quantity of allowances allocated under subparagraph (A) or (B) is not equal to the applicable quantity determined under clause (ii), the Administrator shall adjust the quantity of allowances allocated to affected units that are not new units on a pro-rata basis so that the quantity is equal to the applicable quantity determined under clause (ii).

"(ii) APPLICABLE QUANTITY.—The applicable quantity referred to in clause (i) is the difference between—

"(I) the applicable annual tonnage limitation for emissions from affected units specified in subsection (b) or (c) of section 702 for the calendar year; and

"(II) the quantity of nitrogen oxide allowances or mercury allowances, respectively, placed in the applicable new unit reserve established under subsection (b) for the calendar year.

"(3) ALLOCATION TO NEW UNITS.—

"(A) METHODOLOGY.—The Administrator shall promulgate regulations to establish a methodology for allocating nitrogen oxide allowances and mercury allowances to new units.

"(B) QUANTITY OF NITROGEN OXIDE ALLOWANCES AND MERCURY ALLOWANCES ALLOCATED.—The Administrator shall determine the quantity of nitrogen oxide allowances and mercury allowances to be allocated to each new unit based on the projected emissions from the new unit.

"(4) ALLOWANCE NOT A PROPERTY RIGHT.—A nitrogen oxide allowance or mercury allowance—

"(A) is not a property right; and

"(B) may be terminated or limited by the Administrator.

"(5) NO JUDICIAL REVIEW.—An allocation of nitrogen oxide allowances or mercury allowances by the Administrator under this subsection shall not be subject to judicial review.

"(d) NITROGEN OXIDE ALLOWANCE AND MERCURY ALLOWANCE TRANSFER SYSTEM.—

"(1) USE OF ALLOWANCES.—The regulations promulgated under subsection (a)(1)(A) shall—

"(A) prohibit the use (but not the transfer in accordance with paragraph (3)) of any nitrogen oxide allowance or mercury allowance before the calendar year for which the allowance is allocated;

"(B) provide that unused nitrogen oxide allowances and mercury allowances may be carried forward and added to nitrogen oxide allowances and mercury allowances, respectively, allocated for subsequent years; and

"(C) provide that unused nitrogen oxide allowances and mercury allowances may be transferred by—

"(i) the person to which the allowances are allocated; or

"(ii) any person to which the allowances are transferred.

"(2) USE BY PERSONS TO WHICH ALLOWANCES ARE TRANSFERRED.—Any person to which nitrogen oxide allowances or mercury allowances are transferred under paragraph (1)(C)—

“(A) may use the nitrogen oxide allowances or mercury allowances in the calendar year for which the nitrogen oxide allowances or mercury allowances were allocated, or in a subsequent calendar year, to demonstrate compliance with subsection (e)(1); or

“(B) may transfer the nitrogen oxide allowances or mercury allowances to any other person for the purpose of demonstration of that compliance.

“(3) CERTIFICATION OF TRANSFER.—A transfer of a nitrogen oxide allowance or mercury allowance shall not take effect until a written certification of the transfer, authorized by a responsible official of the person making the transfer, is received and recorded by the Administrator.

“(4) PERMIT REQUIREMENTS.—An allocation or transfer of nitrogen oxide allowances or mercury allowances to an affected unit shall, after recording by the Administrator, be considered to be part of the federally enforceable permit of the affected unit under this Act, without a requirement for any further review or revision of the permit.

“(e) COMPLIANCE AND ENFORCEMENT.—

“(1) IN GENERAL.—For calendar year 2008 and each calendar year thereafter, the operator of each affected unit shall surrender to the Administrator—

“(A) a quantity of nitrogen oxide allowances that is equal to the total tons of nitrogen oxides emitted by the affected unit during the calendar year; and

“(B) a quantity of mercury allowances that is equal to the total pounds of mercury emitted by the affected unit during the calendar year.

“(2) MONITORING SYSTEM.—The Administrator shall promulgate regulations requiring the accurate monitoring of the quantities of nitrogen oxides and mercury that are emitted at each affected unit.

“(3) REPORTING.—

“(A) IN GENERAL.—Not less often than quarterly, the owner or operator of an affected unit shall submit to the Administrator a report on the monitoring of emissions of nitrogen oxides and mercury carried out by the owner or operator in accordance with the regulations promulgated under paragraph (2).

“(B) AUTHORIZATION.—Each report submitted under subparagraph (A) shall be authorized by a responsible official of the affected unit, who shall certify the accuracy of the report.

“(C) PUBLIC REPORTING.—The Administrator shall make available to the public, through 1 or more published reports and 1 or more forms of electronic media, data concerning the emissions of nitrogen oxides and mercury from each affected unit.

“(4) EXCESS EMISSIONS.—

“(A) IN GENERAL.—The owner or operator of an affected unit that emits nitrogen oxides or mercury in excess of the nitrogen oxide allowances or mercury allowances that the owner or operator holds for use for the affected unit for the calendar year shall—

“(i) pay an excess emissions penalty determined under subparagraph (B); and

“(ii) offset the excess emissions by an equal quantity in the following calendar year or such other period as the Administrator shall prescribe.

“(B) DETERMINATION OF EXCESS EMISSIONS PENALTY.—

“(i) NITROGEN OXIDES.—The excess emissions penalty for nitrogen oxides shall be equal to the product obtained by multiplying—

“(I) the number of tons of nitrogen oxides emitted in excess of the total quantity of nitrogen oxide allowances held; and

“(II) $5,000, adjusted (in accordance with regulations promulgated by the Administrator) for changes in the Consumer Price Index for All-Urban Consumers published by the Department of Labor.

“(ii) MERCURY.—The excess emissions penalty for mercury shall be equal to the product obtained by multiplying—

“(I) the number of pounds of mercury emitted in excess of the total quantity of mercury allowances held; and

“(II) $10,000, adjusted (in accordance with regulations promulgated by the Administrator) for changes in the Consumer Price Index for All-Urban Consumers published by the Department of Labor.

“SEC. 704. CARBON DIOXIDE ALLOWANCE TRADING PROGRAM.

“(a) REGULATIONS.—

“(1) IN GENERAL.—Not later than January 1, 2004, the Administrator shall promulgate regulations to establish a carbon dioxide allowance trading program for covered units in the United States.

“(2) REQUIRED ELEMENTS.—Regulations promulgated under paragraph (1) shall establish requirements for the carbon dioxide allowance trading program under this section, including requirements concerning—

“(A)(i) the generation, allocation, issuance, recording, tracking, transfer, and use of carbon dioxide allowances; and

“(ii) the public availability of all information concerning the activities described in clause (i) that is not confidential;

“(B) compliance with subsection (f)(1);

“(C) the monitoring and reporting of emissions under paragraphs (2) and (3) of subsection (f);

“(D) excess emission penalties under subsection (f)(4); and

“(E) standards, guidelines, and procedures concerning the generation, certification, and use of additional carbon dioxide allowances made available under subsection (d).

“(b) NEW UNIT RESERVE.—

“(1) ESTABLISHMENT.—The Administrator shall establish by regulation a reserve of carbon dioxide allowances to be set aside for use by new units and new renewable energy units.

“(2) DETERMINATION OF QUANTITY.—The Administrator, in consultation with the Secretary of Energy, shall determine, based on projections of electricity output for new units and new renewable energy units—

“(A) not later than June 30, 2004, the quantity of carbon dioxide allowances required to be held in reserve for new units and new renewable energy units for each of calendar years 2008 through 2012; and

“(B) not later than June 30 of each fifth calendar year thereafter, the quantity of carbon dioxide allowances required to be held in reserve for new units and renewable energy units for the following 5-calendar year period.

“(c) CARBON DIOXIDE ALLOWANCE ALLOCATION.—

“(1) TIMING OF ALLOCATIONS.—The Administrator shall allocate carbon dioxide allowances to covered units—

“(A) not later than December 31, 2004, for calendar year 2008; and

“(B) not later than December 31 of calendar year 2005 and each calendar year thereafter, for the fourth calendar year that begins after that December 31.

“(2) ALLOCATIONS TO COVERED UNITS THAT ARE NOT NEW UNITS.—

“(A) IN GENERAL.—The Administrator shall allocate to each affected unit that is not a new unit, to each nuclear generating unit with respect to incremental nuclear generation, and to each renewable energy unit that is not a new renewable energy unit, a quantity of carbon dioxide allowances that is equal to the product obtained by multiplying—

“(i) the quantity of carbon dioxide allowances available for allocation under subparagraph (B); and

“(ii) the quotient obtained by dividing—

“(I) the average net quantity of electricity generated by the unit in a calendar year during the most recent 3-calendar year period for which data are available, measured in megawatt hours; and

“(II) the total of the average net quantities described in subclause (I) with respect to all such units.

“(B) QUANTITY TO BE ALLOCATED.—For each calendar year, the quantity of carbon dioxide allowances allocated under subparagraph (A) shall be equal to the difference between—

“(i) the annual tonnage limitation for emissions of carbon dioxide from affected units specified in section 702(d) for the calendar year; and

“(ii) the quantity of carbon dioxide allowances placed in the new unit reserve established under subsection (b) for the calendar year.

“(3) ALLOCATION TO NEW UNITS AND NEW RENEWABLE ENERGY UNITS.—

“(A) METHODOLOGY.—The Administrator shall promulgate regulations to establish a methodology for allocating carbon dioxide allowances to new units and new renewable energy units.

“(B) QUANTITY OF CARBON DIOXIDE ALLOWANCES ALLOCATED.—The Administrator shall determine the quantity of carbon dioxide allowances to be allocated to each new unit and each new renewable energy unit based on the unit's projected share of the total electric power generation attributable to covered units.

“(d) ISSUANCE AND USE OF ADDITIONAL CARBON DIOXIDE ALLOWANCES.—

“(1) IN GENERAL.—

“(A) ALLOWANCES FOR PROJECTS CERTIFIED BY INDEPENDENT REVIEW BOARD.—In addition to carbon dioxide allowances allocated under subsection (c), the Administrator shall make carbon dioxide allowances available to projects that are certified, in accordance with paragraph (3), by the independent review board established under paragraph (2) as eligible to receive the carbon dioxide allowances.

“(B) ALLOWANCES OBTAINED UNDER OTHER PROGRAMS.—The regulations promulgated under subsection (a)(1) shall—

“(i) allow covered units to comply with subsection (f)(1) by purchasing and using carbon dioxide allowances that are traded under any other United States or internationally recognized carbon dioxide reduction program that is specified under clause (ii);

“(ii) specify, for the purpose of clause (i), programs that meet the goals of this section; and

“(iii) apply such conditions to the use of carbon dioxide allowances traded under programs specified under clause (ii) as are necessary to achieve the goals of this section.

“(2) INDEPENDENT REVIEW BOARD.—

“(A) IN GENERAL.—

“(i) ESTABLISHMENT.—The Administrator shall establish an independent review board to assist the Administrator in certifying projects as eligible for carbon dioxide allowances made available under paragraph (1)(A).

“(ii) REVIEW AND APPROVAL.—Each certification by the independent review board of a project shall be subject to the review and approval of the Administrator.

“(iii) Requirements.—Subject to this subsection, requirements relating to the creation, composition, duties, responsibilities, and other aspects of the independent review board shall be included in the regulations promulgated by the Administrator under subsection (a).

“(B) Membership.—The independent review board shall be composed of 12 members, of whom—

“(i) 10 members shall be appointed by the Administrator, of whom—

“(I) 1 member shall represent the Environmental Protection Agency (who shall serve as chairperson of the independent review board);

“(II) 3 members shall represent State governments;

“(III) 3 members shall represent the electric generating sector; and

“(IV) 3 members shall represent environmental organizations;

“(ii) 1 member shall be appointed by the Secretary of Energy to represent the Department of Energy; and

“(iii) 1 member shall be appointed by the Secretary of Agriculture to represent the Department of Agriculture.

“(C) Staff and other resources.—The Administrator shall provide such staff and other resources to the independent review board as the Administrator determines to be necessary.

“(D) Development of guidelines.—

“(i) In general.—The independent review board shall develop guidelines for certifying projects in accordance with paragraph (3), including—

“(I) criteria that address the validity of claims that projects result in the generation of carbon dioxide allowances;

“(II) guidelines for certifying incremental carbon sequestration in accordance with clause (ii); and

“(III) guidelines for certifying geological sequestration of carbon dioxide in accordance with clause (iii).

“(ii) Guidelines for certifying incremental carbon sequestration.—The guidelines for certifying incremental carbon sequestration in forests, agricultural soil, rangeland, or grassland shall include development, reporting, monitoring, and verification guidelines, to be used in quantifying net carbon sequestration from land use projects, that are based on—

“(I) measurement of increases in carbon storage in excess of the carbon storage that would have occurred in the absence of such a project;

“(II) comprehensive carbon accounting that—

“(aa) reflects net increases in carbon reservoirs; and

“(bb) takes into account any carbon emissions resulting from disturbance of carbon reservoirs in existence as of the date of commencement of the project;

“(III) adjustments to account for—

“(aa) emissions of carbon that may result at other locations as a result of the impact of the project on timber supplies; or

“(bb) potential displacement of carbon emissions to other land owned by the entity that carries out the project; and

“(IV) adjustments to reflect the expected carbon storage over various time periods, taking into account the likely duration of the storage of the carbon stored in a carbon reservoir.

“(iii) Guidelines for certifying geological sequestration of carbon dioxide.—The guidelines for certifying geological sequestration of carbon dioxide produced by a covered unit shall—

“(I) provide that a project shall be certified only to the extent that the geological sequestration of carbon dioxide produced by a covered unit is in addition to any carbon dioxide used by the covered unit in 2008 for enhanced oil recovery; and

“(II) include requirements for development, reporting, monitoring, and verification for quantifying net carbon sequestration—

“(aa) to ensure the permanence of the sequestration; and

“(bb) to ensure that the sequestration will not cause or contribute to significant adverse effects on the environment.

“(iv) Deadlines for development.—The guidelines under clause (i) shall be developed—

“(I) with respect to projects described in paragraph (3)(A), not later than January 1, 2004; and

“(II) with respect to projects described in paragraph (3)(B), not later than January 1, 2005.

“(v) Updating of guidelines.—The independent review board shall periodically update the guidelines as the independent review board determines to be appropriate.

“(E) Certification of projects.—

“(i) In general.—Subject to clause (ii), subparagraph (A)(ii), and paragraph (3), the independent review board shall certify projects as eligible for additional carbon dioxide allowances.

“(ii) Limitation.—The independent review board shall not certify a project under this subsection if the carbon dioxide emission reductions achieved by the project will be used to satisfy any requirement imposed on any foreign country or any industrial sector to reduce the quantity of greenhouse gases emitted by the foreign country or industrial sector.

“(3) Projects eligible for additional carbon dioxide allowances.—

“(A) Projects carried out in calendar years 1990 through 2007.—

“(i) In general.—The independent review board may certify as eligible for carbon dioxide allowances a project that—

“(I) is carried out on or after January 1, 1990, and before January 1, 2008; and

“(II) consists of—

“(aa) a carbon sequestration project carried out in the United States or a foreign country;

“(bb) a project reported under section 1605(b) of the Energy Policy Act of 1992 (42 U.S.C. 13385(b)); or

“(cc) any other project to reduce emissions of greenhouse gases that is carried out in the United States or a foreign country.

“(ii) Maximum quantity of additional carbon dioxide allowances.—The Administrator may make available to projects certified under clause (i) a quantity of allowances that is not greater than 10 percent of the tonnage limitation for calendar year 2008 for emissions of carbon dioxide from affected units specified in section 702(d)(1).

“(iii) Use of allowances.—Allowances made available under clause (ii) may be used to comply with subsection (f)(1) in calendar year 2008 or any calendar year thereafter.

“(B) Projects carried out in calendar year 2008 and thereafter.—The independent review board may certify as eligible for carbon dioxide allowances a project that—

“(i) is carried out on or after January 1, 2008; and

“(ii) consists of—

“(I) a carbon sequestration project carried out in the United States or a foreign country; or

“(II) a project to reduce the greenhouse gas emissions (on a carbon dioxide equivalency basis determined by the independent review board) of a source of greenhouse gases that is not an affected unit.

“(e) Carbon Dioxide Allowance Transfer System.—

“(1) Use of allowances.—The regulations promulgated under subsection (a)(1) shall—

“(A) prohibit the use (but not the transfer in accordance with paragraph (3)) of any carbon dioxide allowance before the calendar year for which the carbon dioxide allowance is allocated;

“(B) provide that unused carbon dioxide allowances may be carried forward and added to carbon dioxide allowances allocated for subsequent years;

“(C) provide that unused carbon dioxide allowances may be transferred by—

“(i) the person to which the carbon dioxide allowances are allocated; or

“(ii) any person to which the carbon dioxide allowances are transferred; and

“(D) provide that carbon dioxide allowances allocated and transferred under this section may be transferred into any other market-based carbon dioxide emission trading program that is—

“(i) approved by the President; and

“(ii) implemented in accordance with regulations developed by the Administrator or the head of any other Federal agency.

“(2) Use by persons to which carbon dioxide allowances are transferred.—Any person to which carbon dioxide allowances are transferred under paragraph (1)(C)—

“(A) may use the carbon dioxide allowances in the calendar year for which the carbon dioxide allowances were allocated, or in a subsequent calendar year, to demonstrate compliance with subsection (f)(1); or

“(B) may transfer the carbon dioxide allowances to any other person for the purpose of demonstration of that compliance.

“(3) Certification of transfer.—A transfer of a carbon dioxide allowance shall not take effect until a written certification of the transfer, authorized by a responsible official of the person making the transfer, is received and recorded by the Administrator.

“(4) Permit requirements.—An allocation or transfer of carbon dioxide allowances to a covered unit, or for a project carried out on behalf of a covered unit, under subsection (c) or (d) shall, after recording by the Administrator, be considered to be part of the federally enforceable permit of the covered unit under this Act, without a requirement for any further review or revision of the permit.

“(f) Compliance and Enforcement.—

“(1) In general.—For calendar year 2008 and each calendar year thereafter—

“(A) the operator of each affected unit and each renewable energy unit shall surrender to the Administrator a quantity of carbon dioxide allowances that is equal to the total tons of carbon dioxide emitted by the affected unit or renewable energy unit during the calendar year; and

“(B) the operator of each nuclear generating unit that has incremental nuclear generation shall surrender to the Administrator a quantity of carbon dioxide allowances that is equal to the total tons of carbon dioxide emitted by the nuclear generating unit during the calendar year from incremental nuclear generation.

“(2) Monitoring system.—The Administrator shall promulgate regulations requiring the accurate monitoring of the quantity of carbon dioxide that is emitted at each covered unit.

“(3) Reporting.—

"(A) IN GENERAL.—Not less often than quarterly, the owner or operator of a covered unit, or a person that carries out a project certified under subsection (d) on behalf of a covered unit, shall submit to the Administrator a report on the monitoring of carbon dioxide emissions carried out at the covered unit in accordance with the regulations promulgated under paragraph (2).

"(B) AUTHORIZATION.—Each report submitted under subparagraph (A) shall be authorized by a responsible official of the covered unit, who shall certify the accuracy of the report.

"(C) PUBLIC REPORTING.—The Administrator shall make available to the public, through 1 or more published reports and 1 or more forms of electronic media, data concerning the emissions of carbon dioxide from each covered unit.

"(4) EXCESS EMISSIONS.—

"(A) IN GENERAL.—The owner or operator of a covered unit that emits carbon dioxide in excess of the carbon dioxide allowances that the owner or operator holds for use for the covered unit for the calendar year shall—

"(i) pay an excess emissions penalty determined under subparagraph (B); and

"(ii) offset the excess emissions by an equal quantity in the following calendar year or such other period as the Administrator shall prescribe.

"(B) DETERMINATION OF EXCESS EMISSIONS PENALTY.—The excess emissions penalty shall be equal to the product obtained by multiplying—

"(i) the number of tons of carbon dioxide emitted in excess of the total quantity of carbon dioxide allowances held; and

"(ii) $100, adjusted (in accordance with regulations promulgated by the Administrator) for changes in the Consumer Price Index for All-Urban Consumers published by the Department of Labor.

"(g) ALLOWANCE NOT A PROPERTY RIGHT.—A carbon dioxide allowance—

"(1) is not a property right; and

"(2) may be terminated or limited by the Administrator.

"(h) NO JUDICIAL REVIEW.—An allocation of carbon dioxide allowances by the Administrator under subsection (c) or (d) shall not be subject to judicial review.".

SEC. 4. NEW SOURCE REVIEW PROGRAM.

Section 165 of the Clean Air Act (42 U.S.C. 7475) is amended by adding at the end the following:

"(f) REVISIONS TO NEW SOURCE REVIEW PROGRAM.—

"(1) DEFINITIONS.—In this subsection:

"(A) COVERED UNIT.—The term 'covered unit' has the meaning given the term in section 701.

"(B) NEW SOURCE REVIEW PROGRAM.—The term 'new source review program' means the program to carry out section 111 and this part.

"(2) REGULATIONS.—In accordance with this subsection, the Administrator shall promulgate revisions to the new source review program.

"(3) APPLICABILITY CRITERIA.—The regulations shall revise the applicability criteria under the new source review program for covered units so that, beginning January 1, 2008, a physical change or a change in the method of operation at a covered unit shall be subject to the regulations under the new source review program and subject to approval by the Administrator only if—

"(A)(i) the change involves the replacement of 1 or more components of the covered unit; and

"(ii) the amount of the fixed capital costs of the replacement exceeds 50 percent of the amount of the fixed capital costs of construction of a comparable new covered unit; or

"(B) the change results in any increase in the rate of emissions from the covered unit of air pollutants regulated under the new source review program (measured in pounds per megawatt hour).

"(4) LOWEST ACHIEVABLE EMISSION RATE.—The regulations shall revise the definition of 'lowest achievable emission rate' under section 171, with respect to technology required to be installed by the electric generating sector, to allow costs to be considered in the determination of the lowest achievable emission rate, so that, beginning January 1, 2008, a covered unit (as defined in section 701) shall not be required to install technology required to meet a lowest achievable emission rate if the cost of the technology exceeds a maximum amount (in dollars per ton) that—

"(A) is determined by the Administrator; but

"(B) does not exceed twice the amount of the cost guideline for best available control technology established under subsection (a)(4).

"(5) EMISSION OFFSETS.—A new source within the electric generating sector that locates in a nonattainment area after December 31, 2007, shall not be required to obtain offsets for emissions of air pollutants.

"(6) NO EFFECT ON OTHER REQUIREMENTS.—Nothing in this subsection affects the obligation of any State or local government to comply with the requirements established under this section concerning—

"(A) national ambient air quality standards;

"(B) maximum allowable air pollutant increases or maximum allowable air pollutant concentrations; or

"(C) protection of visibility and other air quality-related values in areas designated as class I areas under part C of title I.".

SEC. 5. REVISIONS TO SULFUR DIOXIDE ALLOWANCE PROGRAM.

(a) IN GENERAL.—Title IV of the Clean Air Act (relating to acid deposition control) (42 U.S.C. 7651 et seq.) is amended by adding at the end the following:

"SEC. 417. REVISIONS TO SULFUR DIOXIDE ALLOWANCE PROGRAM.

"(a) DEFINITIONS.—In this section, the terms 'affected unit' and 'new unit' have the meanings given the terms in section 701.

"(b) REGULATIONS.—Not later than January 1, 2004, the Administrator shall promulgate such revisions to the regulations to implement this title as the Administrator determines to be necessary to implement section 702(a).

"(c) NEW UNIT RESERVE.—

"(1) ESTABLISHMENT.—Subject to the annual tonnage limitation for emissions of sulfur dioxide from affected units specified in section 702(a), the Administrator shall establish by regulation a reserve of allowances to be set aside for use by new units.

"(2) DETERMINATION OF QUANTITY.—The Administrator, in consultation with the Secretary of Energy, shall determine, based on projections of electricity output for new units—

"(A) not later than June 30, 2004, the quantity of allowances required to be held in reserve for new units for each of calendar years 2008 through 2012; and

"(B) not later than June 30 of each fifth calendar year thereafter, the quantity of allowances required to be held in reserve for new units for the following 5-calendar year period.

"(3) ALLOCATION.—

"(A) REGULATIONS.—The Administrator shall promulgate regulations to establish a methodology for allocating allowances to new units.

"(B) NO JUDICIAL REVIEW.—An allocation of allowances by the Administrator under this subsection shall not be subject to judicial review.

"(d) EXISTING UNITS.—

"(1) ALLOCATION.—

"(A) REGULATIONS.—Subject to the annual tonnage limitation for emissions of sulfur dioxide from affected units specified in section 702(a), and subject to the reserve of allowances for new units under subsection (c), the Administrator shall promulgate regulations to govern the allocation of allowances to affected units that are not new units.

"(B) REQUIRED ELEMENTS.—The regulations shall provide for—

"(i) the allocation of allowances on a fair and equitable basis between affected units that received allowances under section 405 and affected units that are not new units and that did not receive allowances under that section, using for both categories of units the same or similar allocation methodology as was used under section 405; and

"(ii) the pro-rata distribution of allowances to all units described in clause (i), subject to the annual tonnage limitation for emissions of sulfur dioxide from affected units specified in section 702(a).

"(2) TIMING OF ALLOCATIONS.—The Administrator shall allocate allowances to affected units—

"(A) not later than December 31, 2004, for calendar year 2008; and

"(B) not later than December 31 of calendar year 2005 and each calendar year thereafter, for the fourth calendar year that begins after that December 31.

"(3) NO JUDICIAL REVIEW.—An allocation of allowances by the Administrator under this subsection shall not be subject to judicial review.

"(e) WESTERN REGIONAL AIR PARTNERSHIP.—

"(1) DEFINITIONS.—In this subsection:

"(A) COVERED STATE.—The term 'covered State' means each of the States of Arizona, California, Colorado, Idaho, Nevada, New Mexico, Oregon, Utah, and Wyoming.

"(B) COVERED YEAR.—The term 'covered year' means—

"(i)(I)(aa) the third calendar year after the first calendar year in which the Administrator determines by regulation that the total of the annual emissions of sulfur dioxide from all affected units in the covered States is projected to exceed 271,000 tons in calendar year 2018 or any calendar year thereafter; but

"(bb) not earlier than calendar year 2016; or

"(II) if the Administrator does not make the determination described in subclause (I)(aa)—

"(aa) the third calendar year after the first calendar year with respect to which the total of the annual emissions of sulfur dioxide from all affected units in the covered States first exceeds 271,000 tons; but

"(bb) not earlier than calendar year 2021; and

"(ii) each calendar year after the calendar year determined under clause (i).

"(2) MAXIMUM EMISSIONS OF SULFUR DIOXIDE FROM EACH AFFECTED UNIT.—In each covered year, the emissions of sulfur dioxide from each affected unit in a covered State shall not exceed the number of allowances that are allocated under paragraph (3) and held by the affected unit for the covered year.

"(3) ALLOCATION OF ALLOWANCES.—

"(A) IN GENERAL.—Not later than January 1, 2013, the Administrator shall promulgate regulations to establish—

"(i) a methodology for allocating allowances to affected units in covered States under this subsection; and

"(ii) the timing of the allocations.

"(B) NO JUDICIAL REVIEW.—An allocation of allowances by the Administrator under this paragraph shall not be subject to judicial review.".

(b) DEFINITION OF ALLOWANCE.—Section 402 of the Clean Air Act (relating to acid deposition control) (42 U.S.C. 7651a) is amended by striking paragraph (3) and inserting the following:

"(3) ALLOWANCE.—The term 'allowance' means an authorization, allocated by the Administrator to an affected unit under this title, to emit, during or after a specified calendar year, a quantity of sulfur dioxide determined by the Administrator and specified in the regulations promulgated under section 417(b).".

(c) TECHNICAL AMENDMENTS.—

(1) Title IV of the Clean Air Act (relating to noise pollution) (42 U.S.C. 7641 et seq.)—

(A) is amended by redesignating sections 401 through 403 as sections 801 through 803, respectively; and

(B) is redesignated as title VIII and moved to appear at the end of that Act.

(2) The table of contents for title IV of the Clean Air Act (relating to acid deposition control) (42 U.S.C. prec. 7651) is amended by adding at the end the following:

"Sec. 417. Revisions to sulfur dioxide allowance program.".

SEC. 6. RELATIONSHIP TO OTHER LAW.

(a) EXEMPTION FROM HAZARDOUS AIR POLLUTANT REQUIREMENTS RELATING TO MERCURY.—Section 112 of the Clean Air Act (42 U.S.C. 7412) is amended—

(1) in subsection (f), by adding at the end the following:

"(7) MERCURY EMITTED FROM CERTAIN AFFECTED UNITS.—Not later than 8 years after the date of enactment of this paragraph, the Administrator shall carry out the duties of the Administrator under this subsection with respect to mercury emitted from affected units (as defined in section 701)."; and

(2) in subsection (n)(1)(A)—

(A) by striking "(A) The Administrator" and inserting the following:

"(A) STUDY, REPORT, AND REGULATIONS.—

"(i) STUDY AND REPORT TO CONGRESS.—The Administrator";

(B) by striking "The Administrator" in the fourth sentence and inserting the following:

"(ii) REGULATIONS.—

"(I) IN GENERAL.—The Administrator"; and

(C) in clause (ii) (as designated by subparagraph (B)), by adding at the end the following:

"(II) EXEMPTION FOR CERTAIN AFFECTED UNITS RELATING TO MERCURY.—An affected unit (as defined in section 701) that would otherwise be subject to mercury emission standards under subclause (I) shall not be subject to mercury emission standards under subclause (I) or subsection (c).".

(b) TEMPORARY EXEMPTION FROM VISIBILITY PROTECTION REQUIREMENTS.—Section 169A(c) of the Clean Air Act (42 U.S.C. 7491(c)) is amended—

(1) in paragraph (3), by striking "this subsection" and inserting "paragraph (1)"; and

(2) by adding at the end the following:

"(4) TEMPORARY EXEMPTION FOR CERTAIN AFFECTED UNITS.—An affected unit (as defined in section 701) shall not be subject to subsection (b)(2)(A) during the period—

"(A) beginning on the date of enactment of this paragraph; and

"(B) ending on the date that is 20 years after the date of enactment of this paragraph.".

(c) NO EFFECT ON OTHER FEDERAL AND STATE REQUIREMENTS.—Except as otherwise specifically provided in this Act, nothing in this Act or an amendment made by this Act—

(1) affects any permitting, monitoring, or enforcement obligation of the Administrator of the Environmental Protection Agency under the Clean Air Act (42 U.S.C. 7401 et seq.) or any remedy provided under that Act;

(2) affects any requirement applicable to, or liability of, an electric generating facility under that Act;

(3) requires a change in, affects, or limits any State law that regulates electric utility rates or charges, including prudency review under State law; or

(4) precludes a State or political subdivision of a State from adopting and enforcing any requirement for the control or abatement of air pollution, except that a State or political subdivision may not adopt or enforce any emission standard or limitation that is less stringent than the requirements imposed under that Act.

Mr. CHAFEE. Mr. President, I am pleased to join with Senator CARPER today to introduce the Clean Air Planning Act of 2002. Congress needs to advance four pollutant legislation that offers the best chance for broad bipartisan support, and I believe this bill meets that test. The testimony received through hearings in the Environment and Public Works Committee over the past several years has clearly outlined the need for controlling the major emissions from power plants, sulfur dioxide, nitrogen oxide, mercury and carbon dioxide, while at the same time recognizing the added costs of these new controls. We know through experience that we will only be successful at passing legislation if we find middle ground.

The relationship of fossil fuels to global warming is clear and scientifically validated. The release of the "U.S. Climate Action Report 2002" by the Administration in May tells us we need to take real actions toward solving the problem. The longer we wait, the harder this problem will be to solve. The Rio Convention is a perfect example of why waiting is not reasonable. In 1992, we agreed to voluntarily reduce harmful emissions to 1990 levels. It didn't happen. Now, in 2002 we are told that reductions to 1990 levels will stall the economy. If we wait much longer before taking any action, imagine how much harder it will be to achieve real reductions without harming the economy.

I am a co-sponsor of Senator JEFFORDS' bill, S. 556, and I voted for it in the Environment and Public Works Committee. However, I believe that Carper-Chafee will ultimately enjoy broader support. Our bill would achieve significant reductions in a more cost effective way than other proposals. For sulfur dioxide, nitrogen oxide, and mercury, we will establish emission caps that are superior to reductions that can be achieved under the existing Clean Air Act. In addition, for the first time, we will ensure that we achieve real reductions of carbon dioxide emissions.

Many predicted that the passage of S. 556 from the Committee would create a stalemate on this important issue. I believe that the Carper-Chafee bill offers a real opportunity to break the stalemate and begin an honest debate that will eventually lead to enactment of strong legislation. I look forward to working with all of my colleagues as we move forward to pass a bill that enjoys the broadest support and adequately addresses the serious health, environmental, and economic issues facing the nation.

By Mr. LEAHY:

S. 3137. A bill to provide remedies for retaliation against whistleblowers making congressional disclosures; to the Committee on Governmental Affairs.

Mr. LEAHY. Mr. President, I rise to introduce the Congressional Oversight Protection Act of 2002. The 107th Congress has truly been the Congress of the whistleblower. From Sherron Watkins who helped expose many of the misdeeds at Enron, to FBI Special Agent Coleen Rowley and others who brought needed public attention to some of the shortcomings of the FBI prior to 9–11, we have been eyewitness to the value of getting the inside story.

The 107th Congress has also been one of rejuvenated bipartisan oversight. On the Judiciary Committee we convened the first series of comprehensive bipartisan FBI oversight hearings in decades after I assumed the Chairmanship. The Joint Intelligence Committee is now conducting bipartisan hearings to ascertain what shortcomings on the part of our intelligence community need to be corrected so as not to allow the 9–11 terrorist attacks to recur. The Senate Banking Committee conducted extensive oversight of the SEC and its relationship with the accounting industry, to ascertain whether a new regulatory scheme was required. Both the Senate and House Judiciary Committees are attempting to ascertain how the new powers we provided in the USA PATRIOT Act are being used. These are only a few examples.

We have all been the beneficiaries of such increased oversight and the courage of the whistleblowers who provided information as part of that effort, because their revelations have led to important reforms. The Enron scandal and the subsequent hearings led to the most extensive corporate reform legislation in decades, including the criminal provisions and the first ever corporate whistleblower protections from S. 2010, the Corporate Fraud and Criminal Accountability Act, that I authored. The testimony of the rank and file FBI agents that we heard on the Judiciary Committee helped us to craft the bipartisan FBI Reform Act, S. 1974. This legislation, which included enhanced whistleblower protections, was reported unanimously to the full Senate in April but is being blocked by an anonymous Republican hold. The same day as Coleen Rowley's nationally televised testimony before the Judiciary Committee, President Bush not only reversed his previous opposition to establishing a new cabinet level Department of Homeland Security, but gave a national address calling for the largest government reorganization in 50 years. In the last year we have learned once again that the public as a whole benefits from a lone voice in the government.

Unfortunately, the people who very rarely benefit from these revelations are the whistleblowers themselves. We have heard testimony in oversight hearings on the Judiciary Committee that there is quite often retaliation against those who raise public awareness about problems within large organizations even to Congress. Sometimes the retaliation is overt, sometimes it is more subtle and invidious, but it is almost always there. The law needs to protect the people who risk so much to protect us and create a culture that encourages employees to report waste, fraud, and mismanagement.

For those who provide information to Congress, that protection is a hollow promise. On one hand, the law is very clear that it is illegal to interfere with or deny, "the right of employees, individually or collectively, to petition Congress or a Member of Congress, or to furnish information to either House of Congress, or to a committee or Member thereof . . ." See 18 U.S.C. §7211. Amazingly, however, this simple provision is a right without a remedy. Employees who are retaliated against for providing information to Congress cannot pursue any avenue of redress to protect their statutory rights. The only exception to this applies to employees of publicly traded companies, who are now covered by the whistleblower provision included in the Sarbanes-Oxley Act that we passed this year. Thus, under current law, government whistleblowers reporting to Congress have less protection than private industry whistleblowers.

This bill would merely correct this anomaly by providing government employees that come to Congress with the right to bring an action in court when they suffer the type of retaliation already prohibited under the law. Thus, it does not create new statutory rights, but merely provides a statutory remedy for existing law. That way, we can promise future whistleblowers who come before Congress that their right to access the legislative branch is not an illusion. We can also assure the public at large that our future efforts at Congressional oversight and improving the functions of government will be effective. This legislation is strongly supported by leading whistleblower groups, including the National Whistleblower Center and the Government Accountability Project, and I ask unanimous consent that their letters of support be printed in the RECORD.

For all these reasons, I urge swift passage of this legislation. I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 3137

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Congressional Oversight Protection Act of 2002".

SEC. 2. PROVIDING REMEDIES FOR RETALIATION AGAINST WHISTLEBLOWERS MAKING CONGRESSIONAL DISCLOSURES.

Section 7211 of title 5, United States Code, is amended—

(1) by inserting "(a)" before "The right"; and

(2) by adding at the end the following:

"(b) Any employee aggrieved by the discrimination of an employer in violation of subsection (a) may bring an action at law or equity for de novo review in the appropriate district court of the United States, which shall have jurisdiction over an action under this subsection, without regard to the amount in controversy.

"(c) Any employee prevailing in an action under this section shall be entitled to all relief necessary to make the employee whole, including—

"(1) reinstatement with the same seniority status that the employee would have had but for the discrimination;

"(2) the amount of back pay lost as a result of the discrimination, with interest;

"(3) compensation for any special damages sustained as a result of the discrimination, including litigation costs, expert witness fees, and reasonable attorney fees; and

"(4) punitive damages, in appropriate cases.

"(d) Upon the request of the complainant, any action under this section shall be tried by the court with a jury.

"(e) The same legal burdens of proof in proceedings under this section shall apply as apply under sections 1214(b)(4)(B) and 1221(c) in the case of any alleged prohibited personal practice described in section 2302(b)(8).

"(f) For purposes of this section, the term 'employee' means an individual (as defined by section 2105) and any individual or organization performing services under a contract with the Government (including as an employee of an organization).".

NATIONAL WHISTLEBLOWER CENTER,
Washington, DC, October 16, 2002.

Hon. PATRICK J. LEAHY,
Chairman, Committee on the Judiciary,
U.S. Senate, Washington, DC.

DEAR CHAIRMAN LEAHY: I am writing to strongly support your legislation, the Congressional Oversight Protection Act of 2002. The National Whistleblower Center (Center) is the pre-eminent national organization that promotes effective measures to protect whistleblowers who come forward in the public interest at great risk to their careers. In that regard, your introduction of this bill once again demonstrates your leadership in understanding the importance of whistleblowing and its role in our democratic process, and the Center is pleased to support your bill and work hard to achieve its swift passage.

In the wake of the events of 9/11, the stakes have been raised for Congress to perform the most effective oversight of the federal government. To do so, Congress must have unfettered access to information. And that means that citizens in both the public and private sectors must be free to come forward to Congress with proper disclosures without the fear of retaliation. Under current law, citizens have the right to make disclosures to Congress, but there is no remedy for them to protect their rights in the event of retaliation. Your bill would provide such a remedy and, in doing so, would put government whistleblowers on a par with whistleblowers in publicly-held companies who have such protections under the newly-passed Sarbanes-Oxley Act.

This year, the concept and importance of whistleblowing has been etched indelibly on the minds of the public, thanks to congressional investigations into Enron and other companies, thanks to the joint investigation into intelligence lapses in the government, and thanks to extensive media coverage of these matters. The public's appreciation for the necessity of whistleblowers and whistleblower protections creates an atmosphere conducive to passing the Congressional Oversight Protection Act at the earliest possible time. Your leadership in trying to fill an important void in whistleblower law should be commended and hailed by all those who support "good government."

Once again, thank you for your continued leadership on this and other whistleblower issues throughout the 107th Congress. Please feel free to call on the Center to work together to pass this bill.

Respectfully,

KRIS J. KOLESNIK,
Executive Director.

GOVERNMENT ACCOUNTABILITY PROJECT,
Washington, DC, October 17, 2002.

Hon. PATRICK LEAHY,
Chairman, Senate Judiciary Committee, Dirksen Senate Office Building, Washington, DC.

DEAR CHAIRMAN LEAHY: This letter is to express unqualified appreciation for introduction of the Congressional Oversight Protection Act, providing access to jury trials in court for federal whistleblowers and others who bear witness through disclosures to Congress. This legislation reflects leadership to close an inherent flaw that has prejudiced even the best administrative law remedial systems. Administrative boards do not have the judicial independence or resources for high-stakes, politically sensitive whistleblower disputes with national consequences. Ironically, those type of disputes are the primary, most significant reason for enacting whistleblower protection laws.

The legislation puts teeth into the congressional right to know law, the Lloyd LaFollette Act of 1912. (5 USC 7211) That law's purpose is simple, and fundamental—to protect the free flow of information to Congress. It prohibits discrimination for communicating with Congress. It was passed in response to presidential gag orders that had imposed prior approval before federal employees could communicate with Congress. Flood statements before passage emphasized the free flow of information as the lifeblood for Congress to carry out its mission. The need is even greater when freedom of speech means the freedom to warn Congress of national security breakdowns, before the public suffers the consequences again.

Unfortunately, Congress failed to specifically provide access to court to enforce Lloyd LaFollette rights. As a result, it has been a right without a remedy. That means it is of little more than rhetorical significance, and no benefit to reprisal victims. Since 1912, 54 whistleblowers have tried to assert their rights under this law. Fifty three cases were dismissed for lack of jurisdiction. Consistently the explanation is that the statute did not provide the court with jurisdiction as authority to act. The bill's purpose is to strengthen Congress' right to know—a prerequisite for informed oversight. The bill's strategy is to provide reinforced protection, beyond normal civil service remedies, for those who choose to communicate through and work with Congress.

There should be no question of the need for reinforced protection of congressional whistleblowers. The system of administrative civil service hearings was never designed for major public policy disputes involving high stakes national consequences and active congressional oversight. The Administrative Judges who hear the cases have no judicial independence and know they will be treated like whistleblowers if they rule for those challenging politically powerful government officials. As a result, those hearing officers treat significant whistleblower cases like poison ivy. Consistently, the administrative process has been a black hole for politically significant disputes, with decisions regularly not being finalized for years, and one case still pending after 11 years. In a significant environmental dispute involving millions of dollars in timber theft, four Forest Service employees are still waiting for their day in court after six years.

After lessons learned from the FBI's Coleen Rowley, it is beyond credible debate that whistleblowers can make a major contribution toward preventing another 9/11. Analogous frustrations of Border Patrol, Customs Service, Department of Energy, Federal Bureau of Investigation, Federal Aviation Administration and the Nuclear Regulatory Commission whistleblowers illustrate an unmistakable pattern of ignoring or silencing patriots on the front lines of homeland security. As our nation's modern Paul Reveres, whistleblowers are invaluable as an early warning signal to prevent avoidable disasters.

It should also be clear, however, that this legislation is a necessity to strengthen homeland security. It will not solve the complex problems of the civil service system. But it will give whistleblowers a credible remedy for the first time in eight years, if they work with Congress. Increasingly whistleblowers have been lionized for their bravery, but that is no substitute for genuine, enforceable rights. Indeed, the praise can ring cynically hollow to those whose careers are in ashes for doing their duty. It is unrealistic to expect whistleblowers to defend the public, if they cannot defend themselves. Profiles in Courage are the exception, not the rule. If successful, your initiative to add rights matching the rhetoric supporting whistleblowers will be a good government breakthrough.

Sincerely,

TOM DEVINE,
Legal Director.

By Mr. DOMENICI:

S. 3138. A bill to authorize the Secretary of the Interior, in cooperation with the University of New Mexico, to construct and occupy a portion of the Hibben Center for Archaeological Research at the University of New Mexico, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. DOMENICI. Mr. President, I rise to introduce a bill that would authorize the Secretary of the Interior to help construct and occupy part of the Hibben Center for Archaeological Research at the University of New Mexico. This bill will help the University of New Mexico finish a state of the art museum facility to store, and display the National Park Service's Chaco Collection.

Let me give you a bit of background. In 1907, Theodore Roosevelt founded the Chaco Canyon Culture National Historical Park in Northwestern New Mexico. The Monument was created to preserve the extensive prehistoric pueblo ruins in Chaco Canyon.

The height of the Chaco culture began in the mid 800's and lasted over 300 years. People built dozens of complex multi-storied masonry buildings containing hundreds of rooms. These complexes were connected to communities by a network of prehistoric roads. I helped to establish the Chaco Culture National Historic Park to preserve these areas.

Since 1907, the University of New Mexico and the National Park Service have been partners in this area. From 1907 to 1949, the University owned the land within the Park boundaries. During this period, Dr. Frank Hibben excavated in Chaco Canyon and remained interested in the area throughout his long career. The University built a large collection of artifacts that it retains today.

In 1949, the University deeded the land to the Federal Government, and since that time, the University and the Park Service have continued a partnership through a series of memoranda of understanding. Since 1985, the NPS Chaco collections have been housed at University of New Mexico's Maxwell Museum of Anthropology. As both the University of New Mexico and the National Park Service collections have begun to grow, a new home for them is needed.

To this end, Dr Hibben began planning a new research and curation facility at the University of New Mexico. He asked the Park Service to partner with him on this project, and today, construction of the Hibben center, a modern, professional facility to house the University of New Mexico's collections as well as the Park Service collections is a reality.

Dr. Hibben recently passed away, and left the University of New Mexico the funds to assist with this project. The partnership between the Park Service and the University will mean that the Hibben center will hold a world-class collection and will facilitate and encourage the study of these important Southwestern collections.

This bill will provide authorization to pay for the Federal share of the improvement costs to the Hibben Center. This bill is long overdue, and will honor both the legacy of Dr. Hibben and the Chaco Culture.

I urge my colleagues to support this important piece of legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3138

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Hibben Center for Archaeological Research Act of 2002".

SEC. 2. FINDINGS.

Congress finds that—

(1) when the Chaco Culture National Historical Park was established in 1907 as the Chaco Canyon National Monument, the University of New Mexico owned a significant portion of the land located within the boundaries of the Park;

(2) during the period from the 1920's to 1947, the University of New Mexico conducted archaeological research in the Chaco Culture National Historical Park;

(3) in 1949, the University of New Mexico—

(A) conveyed to the United States all right, title, and interest of the University in and to the land in the Park; and

(B) entered into a memorandum of agreement with the National Park Service establishing a research partnership with the Park;

(4) since 1971, the Chaco Culture National Historical Park, through memoranda of understanding and cooperative agreements with the University of New Mexico, has maintained a research museum collection and archive at the University;

(5) both the Park and the University have large, significant archaeological research collections stored at the University in multiple, inadequate, inaccessible, and cramped repositories; and

(6) insufficient storage at the University makes research on and management, preservation, and conservation of the archaeological research collections difficult.

SEC. 3. DEFINITIONS.

In this Act:

(1) HIBBEN CENTER.—The term "Hibben Center" means the Hibben Center for Archaeological Research to be constructed at the University under section 4(a).

(2) PARK.—The term "Park" means the Chaco Culture National Historical Park in the State of New Mexico.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(4) TENANT IMPROVEMENT.—The term "tenant improvement" includes—

(A) finishing the interior portion of the Hibben Center leased by the National Park Service under section 4(c)(1); and

(B) installing in that portion of the Hibben Center—

(i) permanent fixtures; and

(ii) portable storage units and other removable objects.

(5) UNIVERSITY.—The term "University" means the University of New Mexico.

SEC. 4. HIBBEN CENTER FOR ARCHAEOLOGICAL RESEARCH.

(a) ESTABLISHMENT.—The Secretary may, in cooperation with the University, construct and occupy a portion of the Hibben Center for Archaeological Research at the University.

(b) GRANTS.—

(1) IN GENERAL.—The Secretary may provide to the University a grant to pay the Federal share of the construction and related costs for the Hibben Center under paragraph (2).

(2) FEDERAL SHARE.—The Federal share of the construction and related costs for the Hibben Center shall be 37 percent.

(3) LIMITATION.—Amounts provided under paragraph (1) shall not be used to pay any costs to design, construct, and furnish the tenant improvements under subsection (c)(2).

(c) LEASE.—

(1) IN GENERAL.—Before funds made available under section 5 may be expended for construction costs under subsection (b)(1) or for the costs for tenant improvements under paragraph (2), the University shall offer to enter into a long-term lease with the United States that—

(A) provides to the National Park Service space in the Hibben Center for storage, research, and offices; and

(B) is acceptable to the Secretary.

(2) TENANT IMPROVEMENTS.—The Secretary may design, construct, and furnish tenant improvements for, and pay any moving costs relating to, the portion of the Hibben Center leased to the National Park Service under paragraph (1).

(d) COOPERATIVE AGREEMENTS.—To encourage collaborative management of the Chacoan archaeological objects associated with northwestern New Mexico, the Secretary may enter into cooperative agreements with the University, other units of the National Park System, other Federal agencies, and Indian tribes for—

(1) the curation of and conduct of research on artifacts in the museum collection described in section 2(4); and

(2) the development, use, management, and operation of the portion of the Hibben Center leased to the National Park Service under subsection (c)(1).

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated—

(1) to pay the Federal share of the construction costs under section 4(b), $1,574,000; and

(2) to pay the costs of carrying out section 4(c)(2), $2,198,000.

(b) AVAILABILITY.—Amounts made available under subsection (a) shall remain available until expended.

(c) REVERSION.—If the lease described in section 4(c)(1) is not executed by the date that is 2 years after the date of enactment of this Act, any amounts made available under subsection (a) shall revert to the Treasury of the United States.

By Mr. SESSIONS (for himself, Mr. GRASSLEY, and Mr. LEAHY):

S. 3139. A bill to provide a right to be heard for participants and beneficiaries of an employee pension benefit plan of a debtor in order to protect pensions of those employees and retirees; to the Committee on the Judiciary.

Mr. SESSIONS. Mr. President, I rise today to introduce The Employee Pension Bankruptcy Protection Act of 2002. Today, when a company declares bankruptcy, it is often the employees and retirees who suffer. They suffer because they often loose their hard earned pensions and retirement benefits during the bankruptcy process. This is simply not right. When Americans loose the pensions and benefits that they have worked a lifetime to earn, it is the responsibility of the members of this body to take notice and to act to protect them.

The bill I introduce today does one very simple thing it gives employees and retirees the right to request that they be represented before the bankruptcy court, the same kind of representation that protects the rights of others that are owed money by the corporation. Under this bill, a representative of the employees and retirees can appear and be heard if it is likely that the employee benefit pension plan of the bankrupt corporation will be terminated or substantially underfunded and if it is possible that the beneficiaries of the plan will be adversely affected.

By allowing employees and retirees to be represented before the bankruptcy court, we will ensure that the bankruptcy court hears from the people who entrusted their retirement savings to their employer. Employees and retirees will be able to argue to the court that any division of assets or bankruptcy plan must be fair to the pensioners. The needs of the corporation's employees and retirees should be heard BEFORE the assets of a bankrupt corporation are split up among creditors and lost forever. They deserve to have their day in court.

It has only recently been brought to my attention that under current law, employees and retirees are not represented before the bankruptcy court as creditors. Legally, the pension fund is the "creditor" of the corporation, not the employees and retirees. Thus, the pension interests of employees and retirees are represented in the bankruptcy process by a trustee of the pension, if one exists, or by the PBGC, if it takes over the pension fund.

Because PBGC, under its governing statutes, can not guarantee the full benefits of the pension plan, but can only guarantee the statutory amount, significant portions of hard earned pensions can remain unpaid when a company goes bankrupt. While the PBGC is often able to pay most of the pension benefits when a company goes bankrupt, in certain cases the statutory limit can be much lower than the pension payment the employee or retiree was promised by the corporation. Employees and retirees deserve more than this. They deserve the additional representation before the bankruptcy court that this bill provides if their hard earned pensions and retiree benefits are to be adequately protected.

I would like to thank Mr. John Nichols of Gadsden, AL, and his son, Phil for bringing this to my attention. The ordeal faced by Mr. Nichols, is a prime example of why employees and retirees need more representation before the bankruptcy court. Mr. Nichols spent his entire career at a steel plant in Gadsden. He began working for Republic Steel in 1956 and stayed with the company through two ownership changes and a buyout by LTV Steel.

When LTV bought out Mr. Nichols employers, LTV Steel took over the monthly pension payments guaranteed to the former employees and retirees of Republic Steel, including Mr. Nichols. Soon after the takeover, however, LTV filed for bankruptcy, claiming that it could no longer make pension payments to Republic Steel's former employees. PBGC, the Pension Benefit Guarantee Corporation stepped in to help LTV make a small part of the pension payments, but LTV eventually stopped making payments at all.

Because all the payments LTV had been making were not guaranteed by the PBGC, the long awaited pension payments earned by Mr. Nichols and by Republic Steel's other loyal employees were severely reduced. Mr. Nichols' pension payments went from $2,225.00 to $675.00—only 30 percent of what he had been promised. A third of this payment now covers Mr. Nichols' health insurance premium that he can no longer purchase through LTV, leaving him with only 20 percent of his promised pension each month. PBGC could only pay the retirees the amount their statute allowed, and no one had the responsibility of going to the bankruptcy court and telling them what was happening to the retirees of Republic Steel. PBGC itself recognized that the claims of the pensioners against LTV, "are among the many claims that will probably never be paid, except perhaps in cents on the dollar" and stated that PBGC's claim against LTV for the pension plan underfunding was perhaps "[t]he largest of these claims [that will go unpaid]."

During LTV's bankruptcy case, various creditors were represented before the bankruptcy court, but not the employees and retirees. Thus, when the assets of LTV were divided among its creditors, employees and the retirees were not at the table. If the employees and retirees had had an opportunity to make their case before the bankruptcy judge, the result could have been different.

The Employee Pension Bankruptcy Protection Act of 2002 seeks to make sure that what happened to the retirees of Republic Steel will never happen again, employees and retirees will never be deprived of their pensions without having their day in court. While a company may still be able to discharge its obligation to pay pensioners in bankruptcy, this bill at least takes the first modest step to protect pensioners by providing them the opportunity to be part of the bankruptcy bargaining process. Before the bankruptcy court sells assets or adopts a plan of reorganization, the employees and retirees will be heard. After all, it is their money. This is only fair.

I strongly urge my colleagues in the Senate to support this bill and to work with me to further ensure that employees and retirees of corporations are fairly treated and protected under the United States Bankruptcy Code.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3139

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This act may be cited as the "Employee Pension Bankruptcy Protection Act of 2002".

SEC. 2. PURPOSE AND INTENT.

The purpose and intent of this Act is to provide employees and retirees with a greater likelihood of having outstanding pension liabilities paid by a corporation that files for bankruptcy by allowing the employees and retirees of that corporation the right to be heard before the bankruptcy court.

SEC. 3. RIGHT TO BE HEARD.

Section 1109 of title 11, United States Code, is amended by adding at the end the following:

"(c) In a case in which the debtor is the sponsor of an employee pension benefit plan pursuant to section 3(2) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(2)), and such plan is likely to be terminated pursuant to title IV of that Act or substantially underfunded by the debtor resulting in a hardship to the participants or beneficiaries, a representative of the participants (as defined in section 3(7) of that Act) and beneficiaries (as defined in section 3(8) of that Act) who are entitled to benefits under such plan and who may be adversely affected by events in the case, may appear and be heard with respect to a sale of all or substantially all of the assets of the debtor or with respect to a plan of reorganization, provided that such participants and beneficiaries may employ counsel and other professionals who shall be compensated from the estate of the debtor.".

By Mr. DODD (for himself and Ms. COLLINS):

S. 3140. A bill to assist law enforcement in their efforts to recover missing children and to clarify the standards for State sex offender registration programs; to the Committee on the Judiciary.

Mr. DODD. Mr. President, I am pleased to join with my colleague from Maine, Senator COLLINS to introduce the Prevention and Recovery of Missing Children Act of 2002, to improve the recovery of missing children and the tracking of convicted sexual offenders and child predators.

Sexual offenders pose an enormous challenge for policy makers. They create unparalleled fear among citizens, and most of their victims are children and youth. Two-thirds of imprisoned sex offenders report that their victims were under age 18, and nearly half report that their victims are ages 12 and younger.

Last year, several newspapers across the country, including the Hartford Courant, highlighted the inadequacy of reporting information in missing child cases and the lack of tracking of convicted sex offenders and known child predators. One tragic example reported a convicted sex offender who moved from Massachusetts to Montana, where police were never contacted about his history. He brutally murdered several Montana children before he was apprehended, and was later linked to 54 cases of child abduction and molestation in several States. In many cases, convicted sex offenders and child predators slip through law enforcement loopholes and continue to prey on children.

Over the last decade, Congress enacted several laws designed to improve the tracking of convicted sex offenders and improve the recovery of missing children, including The Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act of 1994; Megan's Law of 1996; and The Pam Lyncher Sex Offender Tracking and Identification Act of 1996. Collectively, these acts established minimum standards for State sex offender registration programs and created systems to track convicted sex offenders.

While these current Federal laws address the main features of an effective registry system, the discretion over registry details and procedures is left up to the States. This has led to a lack of consistency and wide disparities between States. For example, State requirements for sex offender notification of registration changes range from 1 day to 40 days, and State requirements for a sex offender to register an address after moving to a new State range from 48 hours to 70 days.

In addition, many States place the burden to notify changes in registry information solely on the sex offender. We need to tighten registry systems so that law enforcement in all States is better equipped to track sexual offenders. This bill strengthens the registry foundation for all States built upon the practices already in place in some States. It builds on successful practices to better protect our communities nationwide.

The tracking of released sex offenders is critical to protecting our children. Most sex offenders are not in prison, about 60 percent of convicted sex offenders are under conditional supervision in the community, and those who are in prison often serve limited sentences. This is of great concern because sex offenders, particularly if untreated, are at risk of re-offending.

This bill makes several important changes to improve the tracking of sex offenders and the recovery of missing children. The bill: amends the definition of "minimally sufficient program" to include: the registration of all convicted sex offenders prior to release; the collection of information to assist in tracking individuals, including a DNA sample, current photograph, driver's license and vehicle information; and verification of address and employment information for all offenders every 90 days; amends penalties for non-compliance with registry requirements. It provides that State programs must designate non-compliance as a felony and permits the issuance of a warrant. This provision is intended to encourage compliance by offenders as well as provide a tool for prosecutors; improves the chances for recovering missing children and aides law enforcement in solving cases by preventing the removal of missing children from the National Crime Information Center (NCIC) database and making sure that convicted sex offenders do not become exempt from the lifetime registration requirement; improves the chances for recovery of missing children by requiring entry of child information into the NCIC database within 2 hours.

We must make the tracking of convicted sex offenders and the post-release supervision of child sexual predators a higher priority. It is not enough to ensure that an offender completes his sentence.

Since most sexual offenders are in the community, we must ensure that there is continuing contact and supervision of released sexual offenders. We have an obligation to protect our children from sexual offenders and sexual predators who prey on our children.

I urge my colleagues to join us in supporting this legislation.

By Mr. DODD (for himself, Mr. KENNEDY, Mrs. MURRAY, Mrs. BOXER, Mr. INOUYE, Mr. AKAKA, and Mr. CORZINE):

S. 3141. A bill to amend the Family and Medical Leave Act of 1993 to expand the scope of the Act, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. DODD: Mr. President, I am pleased to join with my colleagues Senator KENNEDY, Senator MURRAY, Senator BOXER, Senator INOUYE, Senator AKAKA, and Senator CORZINE to introduce the "Family and Medical Leave Expansion Act." Since enactment in 1993, more than 35 million Americans have taken leave under the Family and Medical Leave Act.

Despite the many Americans the Family and Medical Leave Act has helped, too many continue to be left behind. Too many continue to have to choose between job and family. The facts are clear: millions of Americans remain uncovered by the Family and Medical Leave Act. And, too many who are eligible for the Family and Medical Leave Act cannot afford to take unpaid leave from work. The "Family and Medical Leave Expansion Act" addresses both these problems.

The "Family and Medical Leave Expansion Act" would expand the scope and coverage of FMLA. It would fund pilot programs at the state level to offer partial or full wage replacement programs to ensure that employees do not have to choose between job and family.

Times have changed over the years. More and more mothers are working. While only 27 percent of mothers with infants were in the labor force in 1960, by 1999 that percentage rose to nearly 60 percent. Even as employment rates within this group rises, family responsibilities remain constant, a reality that lies at the core of the FMLA. According to an employee survey by the Department of Labor, about one fifth of US workers have a need for some form of leave covered under the FMLA, and about 40 percent of all employees think they will need FMLA-covered leave within the next five years.

According to a Department of Labor study in 2000, leave to care for one's own health or for the health of a seriously ill child, spouse or parent, together account for almost 80 percent of all FMLA leave. Approximately 52 percent of the leave taken is due to employees' own serious health problems, while 26 percent of the leave is taken by young parents caring for their children at birth or adoption.

The FMLA requires that all public sector employers and private employers of 50 or more employees provide up to twelve weeks of unpaid leave for medical and family care reasons for eligible employees. About 77 percent of employees, in the private and public sector, currently work in FMLA-covered sites, although only 62 percent of employees are actually eligible for leave.

However, only 11 percent of private sector work sites are covered under FMLA. Individuals working for small private employers deserve the same work protections afforded to other employees. As a step toward expanding protection to all hard-working Americans, this bill would extend FMLA coverage to all private sector worksites with 25 or more employees within a 75-mile radius.

Mothers and fathers, sons and daughters have the same family responsibilities and personal health problems, regardless of whether they work for the government, a large private enterprise, or a small private business. Expanding the FMLA to businesses with 25 or more employees is a crucial acknowledgment of this reality.

The bill recognizes the enormous physical and emotional toll domestic violence takes on victims. The bill expands the scope of FMLA to include leave for individuals to care for themselves or to care for a daughter, son, or parent suffering from domestic violence.

Expanding the scope and coverage of FMLA is a positive step for many Americans. But, alone, it is not enough. According to a Department of Labor study, 3.5 million covered Americans needed leave but, without wage replacement, could not afford to take leave. Over four-fifths of those who needed leave but did not take it said they could not afford unpaid leave. Others cut their leave short, with the average duration of FMLA leave being 10 days. Of those individuals taking leave under the Family and Medical Leave Act, nearly three-quarters had incomes above $30,000.

While the financial sacrifice is often enormous, the need for leave can be even more so. Every year, many Americans bite the bullet and accept unpaid leave. As a result, nine percent of leave takers go on public assistance to cover their lost wages. Almost twelve percent of female leave takers use public assistance for this reason. These individuals are far from unwilling to work. Instead, they are trying to balance work with family, often during a crisis, too often with inadequate means to get by.

Other major industrialized nations have implemented policies far more family-friendly to promote early childhood development and family caregiving. At least 128 countries provide paid and job-protected maternity leave, with sixteen weeks the average basic paid leave. In 1992, before we enacted the Family and Medical Leave Act, the European Union mandated a paid fourteen week maternity leave as a health and safety measure. Among the 29 Organization for Economic Cooperation and Development, OECD, countries, the average childbirth-related leave is 44 weeks, while the average duration of paid leave is 36 weeks.

Compared to these other developed nations, the United States is far behind in efforts to promote worker welfare and productivity. The "Family and Medical Leave Expansion Act" builds on current law to provide pilot programs for states and the federal government to provide for partial or full wage replacement for 6 weeks. At a minimum, this will ensure that parents can continue to make ends meet while taking family and medical leave.

No one should have to choose between work and family. Women and men deserve to take leave when family or health conditions require it without fear of losing their job or livelihood. We must not simply pay lip service to family integrity and the promotion of a healthy workplace. Instead, we must actively work to reduce workplace barriers. I urge my colleagues to support the "Family and Medical Leave Expansion Act" to promote our national values and ensure the welfare and health of hard-working Americans.

By Mrs. LINCOLN:

S. 3144. A bill to amend title XVI of the Social Security Act to clarify that the value of certain funeral and burial arrangements are not to be considered available resources under the supplemental security income program; to the Committee on Finance.

Mrs. LINCOLN. Mr. President, I am pleased to introduce legislation that codifies the exclusion of irrevocable funeral trusts from Supplemental Security Income, SSI, resource calculations.

Irrevocable funeral trusts are funds set aside for funeral and burial expenses. These funds cannot be accessed until after the owner's death. Until recently, these trusts were not included in SSI resource calculations, but an administrative misinterpretation in 2001 dropped this important exclusion.

This misinterpretation has since been corrected, but it had serious repercussions for many senior citizens while it was in effect. When irrevocable funeral and burial trusts were included in SSI calculations, it penalized those SSI applicants who chose to save for their funeral by inflating their actual individual wealth, even though the trusts could not be accessed. The end result was that many senior citizens' SSI applications were rejected. Because the SSI definition of resources and exclusions is used for Medicaid eligibility determinations, the inclusion also affected Medicaid applicants.

I am introducing this bill to codify the exclusion to give senior citizens certainty that future administrations will not be able to misinterpret Congressional intent.

In the past, Congress has recognized the value of funeral planning as good social policy. We have encouraged consumers to engage in "pre-need" funeral planning in a number of ways.

This legislation will encourage people to engage in pre-need planning. It will codify the existing practice of excluding irrevocable funeral trusts from SSI calculations and ensure that future misinterpretations are avoided. We must ensure that people are not penalized for providing for their own funerals. I encourage my colleagues to give this legislation serious consideration.

By Mr. DODD (for himself, Mr. EDWARDS, and Mr. DEWINE):

S. 3145. A bill to amend the Higher Education Act of 1965 to establish a scholarship program to encourage and support students who have contributed substantial public services; to the Committee on Health, Education, Labor, and Pensions.

Mr. DODD. Mr. President, I rise to introduce, along with Senators EDWARDS and DEWINE, the Youth Service Scholarship Act. This Act would authorize the Secretary of Education to award college scholarships of up to $5,000 to students who perform at least

300 hours of community service in each of two years of high school and continuing scholarships to students who continue their service in college.

I believe that education is the hub of the wheel of our democracy. There is no better way to address any and all of the challenges we face as a nation than by providing all of our children with the education they need and deserve. In the 21st Century, higher education is not a luxury, it is a necessity, and this Act would extend access to higher education to more low-income students who otherwise might have difficulty attending college.

Naturally, education means reading and math and history and science, but it also means learning to be a citizen. It's not easy to be a good citizen, and this Act will encourage our young people to engage in community service and reward them for that, and in so doing, will help ensure that our next generation of leaders understands that being an American is not just a privilege, but a responsibility.

We know that students who participate in community service and youth development are less likely to use drugs and alcohol and to misbehave in school, and are more likely to receive good grades and be interested in going to college. We also know that Federal resources can be an effective incentive to leverage broader community support.

So, I urge my colleagues to join me, and Senators EDWARDS and DEWINE, in supporting the Youth Service Scholarship Act so that we can achieve more of those and other positive outcomes.

By Mr. LEAHY (for himself and Mrs. CARNAHAN):

S. 3146. A bill to reauthorize funding for the National Center for Missing and Exploited Children, and for other purposes; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, I rise today to introduce the "Protecting Our Children Comes First Act of 2002," which will double funding for the National Center for Missing and Exploited Children, NCMEC, reauthorize the Center through fiscal year 2006, and increase Federal support to help NCMEC programs to find missing children across the Nation. I am pleased that Senator CARNAHAN joins me as the original cosponsor of this legislation.

It is painful to see on TV or in the newspapers photo after photo of missing children from every corner of the Nation. As a father and grandfather, I know that an abducted child is the worst nightmare. Unfortunately, it is a nightmare that happens all too often. Indeed, the Justice Department estimates that 2,200 children are reported missing each day of the year. There are approximately 114,600 attempted stranger abductions every year, with 3,000-5,000 of those attempts succeeding. These families deserve the assistance of the American people and helping hand of the Congress.

As the Nation's top resource center for child protection, the National Center for Missing & Exploited Children spearheads national efforts to locate and recover missing children and raises public awareness about ways to prevent child abduction, molestation, and sexual exploitation.

As a national voice and advocate for those too young to vote or speak up for their own rights, the NCMEC works to make our children safer. The Center operates under a Congressional mandate and works in cooperation with the U.S. Department of Justice's, DOJ, Office of Juvenile Justice and Delinquency Prevention in coordinating the efforts of law enforcement officers, social service agencies, elected officials, judges, prosecutors, educators, and the public and private sectors to break the cycle of violence that historically has perpetuated these needless crimes against children.

NCMEC professionals have disturbingly busy jobs, they have worked on more than 90,000 cases of missing and exploited children since its 1984 founding, helping to recover more than 66,000 children, and raised its recovery rate from 60 percent in the 1980s to 94 percent today. The Center has set up a nationwide, toll free, 24-hour telephone hotline to take reports about missing children and clues that might lead to their recovery, a National Child Pornography Tipline to handle calls from individuals reporting the sexual exploitation of children through the production and distribution of pornography, and a CyberTipline to process online leads from individuals reporting the sexual exploitation of children. It has taken the lead in circulating millions of photographs of missing children, and serves as a vital resource for the 17,000 law enforcement agencies located throughout the U.S. in the search for missing children and the quest for child protection.

Today, NCMEC is truly a national organization, having established its headquarters in Alexandria, VA; and operating branch offices in five other locations throughout the country to provide hands-on assistance to families of missing children, advocating legislative changes to better protect children, conducting an array of prevention and awareness programs, and motivating individuals to become personally involved in child-protection issues. It has also grown into an international organization, establishing the International Division of the National Center for Missing and Exploited Children, which has been working to fulfill the Hague Convention on the Civil Aspects of International Child Abduction. The International Division provides assistance to parents, law enforcement, attorneys, nonprofit organizations, and other concerned individuals who are seeking assistance in preventing or resolving international child abductions.

NCMEC manages to do all of this good work with only a $10 million annual DOJ grant, which will expire after fiscal year 2003. We should act now both to extend its authorization and increase the Center's funding to $20 million each year through fiscal year 2006 so that it can continue to help keep children safe and families intact around the nation. There is so much more to be done to ensure the safety of our children, and the legislation we introduce today will help the Center in its efforts to prevent crimes that are committed against them.

The "Protecting Our Children Comes First Act" also increases Federal support of NCMEC programs to find missing children by allowing the U.S. Secret Service to provide forensic and investigative support to the NCMEC.

The bill also amends of the Missing Children's Assistance Act to coordinate the operation of the Center's CyberTipline to provide all online users an effective means of reporting Internet-related child sexual exploitation, such as child pornography, child enticement, and child prostitution. Since its creation in 1998, the NCMEC CyberTipline has fielded almost 100,000 reports, which has allowed Internet users to quickly and easily report suspicious activities linked to the Internet.

Our legislation gives Federal authorities the authority to share the facts or circumstances of sexual exploitation crimes against children with state authorities without a court order. The bill also gives the NCMEC the power to make reports directly to state and local law enforcement officials instead of only through the FBI and other agencies. Finally, it provides that reports to NCMEC by Internet Service Providers may include additional information, such as the identity of a subscriber who sent a message containing child pornography, in addition to the required reporting of the contents of such a communication.

I applaud the ongoing work of the Center and hope both the Senate and the House of Representatives will promptly pass this bill to provide more Federal support for the NCMEC to continue to find missing children and protect exploited children across the country.

By Mr. DEWINE (for himself, Mr. LEAHY, Mr. GRASSLEY, Ms. CANTWELL, Mr. BROWNBACK, and Mr. DOMENICI):

S. 3147. A bill to foster local collaborations which will ensure that resources are effectively and efficiently used within the criminal and juvenile justice systems; to the Committee on the Judiciary.

Mr. DEWINE. Mr. President, I rise today, along with Senators LEAHY, GRASSLEY, CANTWELL, DOMENICI, and BROWNBACK, to introduce the "Mentally Ill Offender Treatment and Crime Reduction Act." This bipartisan measure would, among other things, create a program of planning and implementation grants for communities so they may offer more treatment and other services to mentally ill offenders. Under this bill, programs receiving grant funds would be operated collaboratively by both a criminal justice agency and a mental health agency.

The mentally ill population poses a particularly difficult challenge for our criminal justice system. People afflicted with mental illness are incarcerated at significantly higher rates than the general population. According to the Bureau of Justice Statistics, while only about five percent of the American population has a mental illness, about 16 percent of the State prison population has such an illness. The Los Angeles County Jail, for example, typically has more mentally ill inmates than any hospital in the country.

Unfortunately, however, the reality of our criminal justice system is that jails and prisons do not provide a therapeutic environment for the mentally ill and are unlikely to do so any time soon. Indeed, the mentally ill inmate often is preyed upon by other inmates or becomes even sicker in jail. Once released from jail or prison, many mentally ill people end up on the streets. With limited personal resources and little or no ability to handle their illness alone, they often commit further offenses resulting in their re-arrest and re-incarceration. This "revolving door" is costly and disruptive for all involved.

Although these problems tend to manifest themselves primarily within the prison system, the root cause of our current situation is found in the mental health system and its failure to provide sufficient community-based treatment solutions. Accordingly, the solution will necessarily involve collaboration between the mental health system and criminal justice system. In fact, it also will require greater collaboration between the substance abuse treatment and mental health treatment communities, because many mentally ill offenders have a drug or alcohol problem in addition to their mental illness.

The purpose of the "Mentally Ill Offender Treatment and Crime Reduction Act" is to foster exactly this type of collaboration at the federal, state, and local levels. The bill provides incentives for the criminal justice, juvenile justice, mental health, and substance abuse treatment systems to work together at each level of government to establish a network of services for offenders with mental illness. The bill's approach is unique, in that it not only would promote public safety by helping curb the incidence of repeat offenders, but it also would promote public health, by ensuring that those with a serious mental illness are treated as soon as possible and as efficiently and effectively as possible.

Among its major provisions, this legislation calls for the establishment of a new competitive grant program, which would be housed at the U.S. Department of Justice, but administered by the Attorney General with the active involvement of the Secretary of Health and Human Services. To ensure that collaboration occurs at the local level, the bill requires that two entities jointly submit a single grant application on behalf of a community.

Applications demonstrating the greatest commitment to collaboration would receive priority for grant funds. If applicants can show that grant funds would be used to promote public health, as well as public safety, and if the program they propose would have the active participation of each joint applicant, and if their grant application has the support of both the Attorney General and the Secretary of Health and Human Services, then it would receive priority for funding.

The bill permits grant funds to be used for a variety of purposes, each of which embodies the goal of collaboration. First, grant funds may be used to provide courts with more options, such as specialized dockets, for dealing with the non-violent offender who has a serious mental illness or a co-occurring mental illness and drug or alcohol problem. Second, grant funds could be used to enhance training of mental health and criminal justice system personnel, who must know how to deal appropriately with the mentally ill offender. Third, grant funds could be devoted to programs that divert non-violent offenders with severe and persistent mental illness from the criminal justice system into treatment. Finally, correctional facilities may use grant funds to promote the treatment of inmates and ease their transition back into the community upon release from jail or prison.

In specifically authorizing grant funds to be used to promote more options for courts to deal with mentally ill offenders, this bill builds on legislation that I introduced with Congressman Ted Strickland two years ago. That measure, which became law, authorized $10 million per year for the establishment of more mental health courts. I have long supported mental health courts, which enable the criminal justice system to provide an individualized treatment solution for a mentally ill offender, while also requiring accountability of the offender. The legislation we are introducing today would make possible the creation or expansion of more mental health courts, and it also would promote the funding of treatment services that support such courts.

In addition to making planning and implementation grants available to communities, the "Mentally Ill Offender Treatment and Crime Reduction Act" also calls for an Interagency Task Force to be established at the federal level. This Task Force would include the Attorney General and the Secretary of Health and Human Services, as well as the Secretary of Housing and Urban Development, the Secretary of Labor, the Secretary of Education, the Secretary of Veterans Affairs, and the Commissioner of Social Security. The Task Force would be charged with identifying new ways that federal departments can work together to reduce recidivism among mentally ill adults and juveniles.

Finally, the bill directs the Attorney General and Secretary of Health and Human Services to develop a list of "best practices" for criminal justice personnel to use when diverting mentally ill offenders from the criminal justice system.

This is a good bill and one that is long overdue. I encourage my colleagues to support this important measure. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3147

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Mentally Ill Offender Treatment and Crime Reduction Act of 2002".

SEC. 2. FINDINGS.

Congress finds the following:

(1) According to the Bureau of Justice Statistics, over 16 percent of adults incarcerated in United States jails and prisons have a mental illness.

(2) According to the Office of Juvenile Justice and Delinquency Prevention, over 20 percent of youth in the juvenile justice system have serious mental health problems, and many more have co-occurring mental health and substance abuse disorders.

(3) According to the National Alliance for the Mentally Ill, up to 40 percent of adults who suffer from a serious mental illness will come into contact with the American criminal justice system at some point in their lives.

(4) According to the Office of Juvenile Justice and Delinquency Prevention, over 150,000 juveniles who come into contact with the juvenile justice system each year meet the diagnostic criteria for at least 1 mental or emotional disorder.

(5) A significant proportion of adults with a serious mental illness who are involved with the criminal justice system are homeless or at imminent risk of homelessness; and many of these individuals are arrested and jailed for minor, nonviolent offenses.

(6) The majority of individuals with a mental illness or emotional disorder who are involved in the criminal or juvenile justice systems are responsive to medical and psychological interventions that integrate treatment, rehabilitation, and support services.

(7) According to the Bureau of Justice Statistics, as of July 1999, 75 percent of mentally ill inmates had previously been sentenced at least once to time in prison or jail or probation.

(8) Collaborative programs between mental health, substance abuse, and criminal or juvenile justice systems that ensure the provision of services for those with mental illness or co-occurring mental illness and substance abuse disorders can reduce the number of such individuals in adult and juvenile corrections facilities, while providing improved public safety.

SEC. 3. PURPOSE.

The purpose of this Act is to increase public safety by facilitating collaboration among the criminal justice, juvenile justice, mental health treatment, and substance abuse systems. Such collaboration is needed to—

(1) reduce rearrests among adult and juvenile offenders with mental illness, or co-occurring mental illness and substance abuse disorders;

(2) provide courts, including existing and new mental health courts, with appropriate mental health and substance abuse treatment options;

(3) maximize the use of alternatives to prosecution through diversion in appropriate cases involving non-violent offenders with mental illness;

(4) promote adequate training for criminal justice system personnel about mental illness and substance abuse disorders and the appropriate response to people with such illnesses;

(5) promote adequate training for mental health treatment personnel about criminal offenders with mental illness and the appropriate response to such offenders in the criminal justice system; and

(6) promote communication between criminal justice or juvenile justice personnel, mental health treatment personnel, nonviolent offenders with mental illness, and other support services such as housing, job placement, community, and faith-based organizations.

SEC. 4. DEPARTMENT OF JUSTICE MENTAL HEALTH AND CRIMINAL JUSTICE COLLABORATION PROGRAM.

(a) In General.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by adding at the end the following:

"PART HH—ADULT AND JUVENILE COLLABORATION PROGRAM GRANTS

"SEC. 2991. ADULT AND JUVENILE COLLABORATION PROGRAMS.

"(a) Definitions.—In this section, the following definitions shall apply:

"(1) Applicant.—The term 'applicant' means States, units of local government, Indian tribes, and tribal organizations that apply for a grant under this section.

"(2) Collaboration program.—The term 'collaboration program' means a program to promote public safety by ensuring access to adequate mental health and other treatment services for mentally ill adults or juveniles that is overseen cooperatively by—

"(A) a criminal justice agency, a juvenile justice agency, or a mental health court; and

"(B) a mental health agency.

"(3) Criminal or juvenile justice agency.—The term 'criminal or juvenile justice agency' means an agency of a State or local government that is responsible for detection, arrest, enforcement, prosecution, defense, adjudication, incarceration, probation, or parole relating to the violation of the criminal laws of that State or local government.

"(4) Diversion.—The term 'diversion' means the appropriate use of effective mental health treatment alternatives to juvenile justice or criminal justice system institutional placements for adult offenders with severe and persistent mental illness or juvenile offenders with serious mental or emotional disorders.

"(5) Mental health agency.—The term 'mental health agency' means an agency of a State or local government that is responsible for mental health services.

"(6) Mental health court.—The term 'mental health court' means a judicial program that meets the requirements of part V of this title.

"(7) Mental illness.—The term 'mental illness' means a diagnosable mental, behavioral, or emotional disorder—

"(A) of sufficient duration to meet diagnostic criteria within the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association; and

"(B) that has resulted in the substantial impairment of thought processes, sensory input, mood balance, memory, or ability to reason and substantially interferes with or limits 1 or more major life activities.

"(8) Preliminarily qualified offender.—The term 'preliminarily qualified offender' means an adult or juvenile who—

"(A)(i) previously or currently has been diagnosed by a qualified mental health professional as having a mental illness or co-occurring mental illness and substance abuse disorders; or

"(ii) manifests obvious signs of mental illness or co-occurring mental illness and substance abuse disorders during arrest or confinement or before any court; and

"(B) has faced or is facing criminal charges and is deemed eligible by a designated pretrial screening and diversion process, or by a magistrate or judge.

"(9) Secretary.—The term 'Secretary' means the Secretary of the Department of Health and Human Services.

"(10) Unit of local government.—The term 'unit of local government' means any city, county, township, town, borough, parish, village, or other general purpose political subdivision of a State, including a State court, local court, or a governmental agency located within a city, county, township, town, borough, parish, or village.

"(b) Planning and Implementation Grants.—

"(1) In general.—The Attorney General, in consultation with the Secretary, may award nonrenewable grants to eligible applicants to prepare a comprehensive plan for and implement an adult or juvenile collaboration program, which targets adults or juveniles with mental illness or co-occurring mental illness and substance abuse disorders in order to promote public safety and public health.

"(2) Purposes.—Grants awarded under this section shall be used to create or expand—

"(A) mental health courts;

"(B) programs that offer specialized training to the officers and employees of a criminal or juvenile justice agency and mental health personnel in procedures for identifying the symptoms of mental illness and co-occurring mental illness and substance abuse disorders in order to respond appropriately to individuals with such illnesses; and

"(C) programs that support cooperative efforts by criminal and juvenile justice agencies and mental health agencies to promote public safety by offering mental health treatment services and, where appropriate, substance abuse treatment services for—

"(i) preliminarily qualified offenders with mental illness or co-occurring mental illness and substance abuse disorders;

"(ii) juveniles and adults with mental illness for whom diversion is appropriate; or

"(iii) adult offenders with mental illness during periods of incarceration, while under the supervision of a criminal justice agency, or following release from correctional facilities.

"(3) Applications.—

"(A) In general.—To receive a planning grant or an implementation grant, the joint applicants shall prepare and submit a single application to the Attorney General at such time, in such manner, and containing such information as the Attorney General and the Secretary shall reasonably require. An application under part V of this title may be made in conjunction with an application under this section.

"(B) Combined planning and implementation grant application.—The Attorney General shall develop a procedure under which applicants may apply at the same time and in a single application for a planning grant and an implementation grant, with receipt of the implementation grant conditioned on successful completion of the activities funded by the planning grant.

"(4) Planning grants.—

"(A) Application.—The joint applicants may apply to the Attorney General for a nonrenewable planning grant to develop a collaboration program.

"(B) Contents.—The Attorney General may not approve a planning grant unless the application for the grant includes or provides, at a minimum, for a budget and a budget justification, a description of the outcome measures that will be used to measure the effectiveness of the program in promoting public safety and public health, the activities proposed (including the provision of substance abuse treatment services, where appropriate) and a schedule for completion of such activities, and the personnel necessary to complete such activities.

"(C) Period of grant.—A planning grant shall be effective for a period of 1 year, beginning on the first day of the month in which the planning grant is made. Applicants may not receive more than 1 such planning grant.

"(D) Amount.—The amount of a planning grant may not exceed $75,000, except that the Attorney General may, for good cause, approve a grant in a higher amount.

"(5) Implementation grants.—

"(A) Application.—Joint applicants that have prepared a planning grant application may apply to the Attorney General for approval of a nonrenewable implementation grant to develop a collaboration program.

"(B) Collaboration.—To receive an implementation grant, the joint applicants shall—

"(i) document that at least 1 criminal or juvenile justice agency (which can include a mental health court) and 1 mental health agency will participate in the administration of the collaboration program;

"(ii) describe the responsibilities of each participating agency, including how each agency will use grant resources to jointly ensure that the provision of mental health treatment services is integrated with the provision of substance abuse treatment services, where appropriate;

"(iii) in the case of an application from a unit of local government, document that a State mental health authority has provided comment and review; and

"(iv) involve, to the extent practicable, in developing the grant application—

“(I) individuals with mental illness or co-occurring mental illness and substance abuse disorders; or

“(II) the families or advocates of such individuals under subclause (I).

“(C) Content.—To be eligible for an implementation grant, joint applicants shall comply with the following:

“(i) Definition of target population.—Applicants for an implementation grant shall—

“(I) describe the population with mental illness or co-occurring mental illness and substance abuse disorders that is targeted for the collaboration program; and

“(II) develop guidelines that can be used by personnel of a criminal or juvenile justice agency to identify individuals with mental illness or co-occurring mental illness and substance abuse disorders.

“(ii) Services.—Applicants for an implementation grant shall—

“(I) ensure that offenders with mental illness who are to receive services under the collaboration program will first receive individualized, needs-based assessments to determine, plan, and coordinate the most appropriate services for such individuals;

“(II) specify plans for making mental health treatment services available and accessible to mentally ill offenders at the time of their release from the criminal justice system, including outside of normal business hours;

“(III) ensure that mentally ill offenders served by the collaboration program will have access to community-based mental health services, such as crisis intervention, case management, assertive community treatment, medications, medication management, psychiatric rehabilitation, peer support, or, where appropriate, integrated substance abuse treatment services;

“(IV) make available, to the extent practicable, individualized mental health treatment services, other support services (such as housing, education, job placement, mentoring, or health care), benefits (such as disability income, disability insurance, and medicaid, where appropriate), and the services of faith-based and community organizations for mentally ill individuals served by the collaboration program; and

“(V) include strategies to address developmental and learning disabilities and problems arising from a documented history of physical or sexual abuse, if the population targeted for the collaboration program includes juveniles with mental illness.

“(D) Housing and job placement.—Recipients of an implementation grant may use grant funds to assist mentally ill offenders compliant with the program in seeking housing or employment assistance.

“(E) Policies and procedures.—Applicants for an implementation grant shall strive to ensure prompt access to defense counsel by criminal defendants with mental illness who are facing charges that would trigger a constitutional right to counsel.

“(F) Financial.—Applicants for an implementation grant shall—

“(i) explain the applicant's inability to fund the collaboration program adequately without Federal assistance;

“(ii) specify how the Federal support provided will be used to supplement, and not supplant, State, local, Indian tribe, or tribal organization sources of funding that would otherwise be available, including billing third-party resources for services already covered under programs (such as medicaid, medicare, and the State Children's Insurance Program); and

“(iii) outline plans for obtaining necessary support and continuing the proposed collaboration program following the conclusion of Federal support.

“(G) Outcomes.—Applicants for an implementation grant shall—

“(i) identify methodology and outcome measures, as required by the Attorney General and the Secretary, to be used in evaluating the effectiveness of the collaboration program;

“(ii) ensure mechanisms are in place to capture data, consistent with the methodology and outcome measures under clause (i); and

“(iii) submit specific agreements from affected agencies to provide the data needed by the Attorney General and the Secretary to accomplish the evaluation under clause (i).

“(H) State plans.—Applicants for an implementation grant shall describe how the adult or juvenile collaboration program relates to existing State criminal or juvenile justice and mental health plans and programs.

“(I) Use of funds.—Applicants that receive an implementation grant may use funds for 1 or more of the following purposes:

“(i) Mental health courts and diversion.—Funds may be used to create or expand existing mental health courts that meet program requirements established by the Attorney General under part V of this title or diversion programs (including crisis intervention teams and treatment accountability services for communities) that meet requirements established by the Attorney General and the Secretary.

“(ii) Training.—Funds may be used to create or expand programs, such as crisis intervention training, which offer specialized training to—

“(I) criminal justice system personnel to identify and respond appropriately to the unique needs of an adult or juvenile with mental illness or co-occurring mental illness and substance abuse disorders; or

“(II) mental health system personnel to respond appropriately to the treatment needs of criminal offenders with mental illness or co-occurring mental illness and substance abuse disorders.

“(iii) Service delivery.—Funds may be used to create or expand local treatment programs that promote public safety by serving individuals with mental illness or co-occurring mental illness and substance abuse disorders.

“(iv) In-jail and transitional services.—Funds may be used to promote and provide mental health treatment for those incarcerated or for transitional re-entry programs for those released from any penal or correctional institution.

“(J) Geographic distribution.—The Attorney General, in consultation with the Secretary, shall ensure that implementation grants are equitably distributed among the geographical regions of the United States and between urban and rural populations.

“(c) Priority.—The Attorney General, in awarding funds under this section, shall give priority to applications that—

“(1) demonstrate the strongest commitment to ensuring that such funds are used to promote both public health and public safety;

“(2) demonstrate the active participation of each co-applicant in the administration of the collaboration program; and

“(3) have the support of both the Attorney General and the Secretary.

“(d) Matching Requirements.—

“(1) Federal share.—The Federal share of the cost of a collaboration program carried out by a State, unit of local government, Indian tribe, or tribal organization under this section shall not exceed—

“(A) 80 percent of the total cost of the program during the first 2 years of the grant;

“(B) 60 percent of the total cost of the program in year 3; and

“(C) 25 percent of the total cost of the program in years 4 and 5.

“(2) Non-federal share.—The non-Federal share of payments made under this section may be made in cash or in-kind fairly evaluated, including planned equipment or services.

“(e) Federal Use of Funds.—The Attorney General, in consultation with the Secretary, in administering grants under this section, may use up to 3 percent of funds appropriated to—

“(1) research the use of alternatives to prosecution through pretrial diversion in appropriate cases involving individuals with mental illness;

“(2) offer specialized training to personnel of criminal and juvenile justice agencies in appropriate diversion techniques;

“(3) provide technical assistance to local governments, mental health courts, and diversion programs, including technical assistance relating to program evaluation;

“(4) help localities build public understanding and support for community reintegration of individuals with mental illness;

“(5) develop a uniform program evaluation process; and

“(6) conduct a national evaluation of the collaboration program that will include an assessment of its cost-effectiveness.

“(f) Interagency Task Force.—

“(1) In general.—The Attorney General and the Secretary shall establish an interagency task force with the Secretaries of Housing and Urban Development, Labor, Education, and Veterans Affairs and the Commissioner of Social Security, or their designees.

“(2) Responsibilities.—The task force established under paragraph (1) shall—

“(A) identify policies within their departments which hinder or facilitate local collaborative initiatives for adults or juveniles with mental illness or co-occurring mental illness and substance abuse disorders; and

“(B) submit, not later than 2 years after the date of enactment of this section, a report to Congress containing recommendations for improved interdepartmental collaboration regarding the provision of services to adults and juveniles with mental illness or co-occurring mental illness and substance abuse disorders.

“(g) Minimum Allocation.—Unless all eligible applications submitted by any State or unit of local government within such State for a planning or implementation grant under this section have been funded, such State, together with grantees within the State (other than Indian tribes), shall be allocated in each fiscal year under this section not less than 0.75 percent of the total amount appropriated in the fiscal year for planning or implementation grants pursuant to this section.

“(h) Authorization of Appropriations.—There are authorized to be appropriated to the Department of Justice to carry out this section—

“(1) $100,000,000 for each of fiscal years 2003 and 2004; and

“(2) such sums as may be necessary for fiscal years 2005 through 2007.”.

(b) List of “Best Practices”.—The Attorney General, in consultation with the Secretary of Health and Human Services, shall develop a list of "best practices" for appropriate diversion from incarceration of adult and juvenile offenders.

(c) TECHNICAL AMENDMENT.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by adding at the end the following:

"PART HH—ADULT AND JUVENILE COLLABORATION PROGRAM GRANTS

"Sec. 2991. Adult and juvenile collaboration programs.".

Mr. LEAHY. Mr. President, I have joined today with Senators DEWINE, CANTWELL, BROWNBACK, and GRASSLEY to introduce legislation that will help State and local governments reduce crime by providing more effective treatment for the mentally ill. All too often, people with mental illness rotate repeatedly between the criminal justice system and the streets of our communities, committing a series of minor offenses. Their crimes occupy the ever scarcer time of law enforcement officers, diverting them from their more urgent responsibilities, and leave the offenders themselves in prisons or jails where little or no medical care is available for them. With this legislation, we are trying to give State and local governments the tools they need to break this cycle, for the good of law enforcement, corrections officers, our public safety, and mentally ill offenders.

I held a Judiciary Committee hearing in June on the criminal justice system and mentally ill offenders. At that hearing, we heard from State mental health officials, law enforcement officers, corrections officials, and the representative of counties around our Nation. All agreed that people with untreated mental illness are more likely to commit crimes, and that our State mental health systems, prisons and jails do not have the resources they need to treat the mentally ill, and prevent crime and recidivism. As this legislation's findings detail, 16 percent of adults incarcerated in U.S. jails and prisons have a mental illness, more than 20 percent of youth in the juvenile justice system have serious mental health problems, and up to 40 percent of adults who suffer from a serious mental illness will come into contact with the American criminal justice system at some point in their lives. This is a serious problem that has not received the legislative or public attention it deserves.

Under this bill, State and local governments can apply for funding to: a. create or expand mental health courts, which divert qualified offenders from prison to receive treatment; b. create or expand programs to provide specialized training for criminal justice and mental health system personnel; c. create or expand local treatment programs that serve individuals with mental illness or co-occurring mental illness and substance abuse disorders; and d. promote and provide mental health treatment for those incarcerated in or released from and penal or correctional institution. This new program authorizes $100 million for each of the next two fiscal years, and such sums as necessary through fiscal year 2007.

I would like to thank a number of people for their advice and involvement in this legislation. First, we would not be here today without the hard work of the Bazelon Center for Mental Health Law. I know that the Bazelon Center has additional ideas to improve this legislation, and I look forward to working with the Center as this bill moves through the legislative process. For example, I think we need to do more to ensure close coordination between the Department of Justice and the Department of Health and Human Services in designing and making these grants. Through this legislation, we are forcing States to bring together their health and law enforcement officials to make grant requests it only makes sense to have the joint perspectives of DOJ and HHS fully involved in evaluating those requests. This is an issue that we will continue to work on, and I hope we will continue to receive the input of the Bazelon Center as we do so.

Second, we have received great advice and support from officials in my State of Vermont. Susan Besio, the commissioner of Vermont's Department of Developmental and Mental Health Services, and John Gorczyk, the commissioner of Vermont's Department of Corrections, reviewed this legislation and offered their comments, which have been adopted in the version that we introduce today. Gary Margolis, the Chief of Police Services at the University of Vermont, testified at our June hearing and helped me understand the importance of this issue for law enforcement officers in Vermont and around the nation.

Third, the Council of State Governments has also provided invaluable assistance and advice on this issue. Indeed, their report on mentally ill offenders and the criminal justice system was instrumental in focusing the attention of the Judiciary Committee on this important topic.

Although I am pleased that we have introduced this bill before the end of this Congress, I think we all understand that the passage of meaningful mental health legislation may have to wait until the next Congress. I want to work with all of the officials and groups I have mentioned, the other sponsors of this legislation, and any other interested parties, to continue to make improvements to this bill. This is a topic that should be a priority for the Judiciary Committee next year, and I will work to make it so.

Mr. GRASSLEY. Mr. President, I'm pleased today to be introducing with Senators DEWINE, LEAHY, BROWNBACK, and CANTWELL the Mentally Ill Offender Treatment and Crime Reduction Act of 2002. This bipartisan bill authorizes the Attorney General to administer a grant program to assist communities in planning and implementing services for mentally ill offenders. These grants will increase public safety by fostering collaborative efforts by criminal justice, mental health, and substance abuse agencies. I've seen these types of collaborative programs work in Iowa and I know that they can work elsewhere.

We have an obligation to ensure that the public is protected from these offenders who suffer from mental illness. The Bureau of Justice Statistics has reported that over 16 percent of adults incarcerated in U.S. jails and prisons have a mental illness. In addition, the Office of Juvenile Justice and Delinquency Prevention has reported that over 20 percent of youth in the juvenile justice system have serious mental problems. This grant program will help increase public safety, as well as reduce the number of mentally ill adults and juveniles incarcerated in correctional facilities.

These grant dollars may be used by States and localities to establish mental health courts or other diversion programs, create or expand community-based treatment programs, provide in-jail treatment and transitional services, and for training of criminal justice and mental health system employees. The State of Iowa and a number of its counties are already leading the way in finding creative and collaborative programs to address the problems presented by these mentally ill criminals. Working together, the criminal justice, mental health, and substance abuse professionals can make a difference in the lives of this special class of offenders and also increase the safety of the public.

I want to thank Senator DEWINE for his leadership on this important issue. He has drafted a bill that reflects a common sense approach to a serious public safety issue. I also want to encourage my colleagues to support this important piece of legislation.

Ms. CANTWELL. Mr. President, I am proud to join with Senator DEWINE and Judiciary Chairman PATRICK LEAHY along with Senators GRASSLEY and BROWNBACK in cosponsoring this important legislation. This bill will take steps to reduce the prevalence of mentally ill individuals in the criminal justice system by providing more effective treatment. Forty percent of the mentally ill in this country come in contact with the criminal justice system, many for minor but repeated offenses. This wastes tremendous law enforcement resources that can be better focused on more urgent responsibilities and results in many of the mentally ill sitting in jail cells with little treatment available to them. My State has already taken some forward looking action in this area, and this legislation is an important next step.

The Mentally Ill Crime Reduction Act of 2002 funds new grants that will give States the tools they need to work collaboratively to break the cycle of mentally ill people repeatedly moving through the corrections system. This legislation will allow more jurisdictions to follow Seattle's lead in creating mental health courts that monitor individuals to keep them in treatment and out of jail. It will provide much needed funding to mental health and substance abuse programs, and it will provide critical dollars for treatment of those incarcerated in, or released from, prisons. The legislation has the support of Washington State Corrections Director Joe Lehman and the Washington Department of Social and Health Services as well as the National Alliance for the Mentally Ill and the Council of State Governments. I'd like to especially thank the Bazelon Center for their work in this area and their commitment to improving this situation.

Earlier this year, the Council on State Governments Criminal Justice/Mental Health Consensus Project issued a report that detailed the disparate proportions of the mentally ill in the criminal justice system. The Project found that while those suffering from serious mental illness represent approximately 5 percent of the population of this country, they represent over 16 percent of the prison population. Of that 16 percent, nearly three-quarters also have a substance abuse problem, and nearly half were incarcerated for committing a nonviolent crime. In some jurisdictions recidivism rates for mentally ill inmates can reach over 70 percent. Police, judges and prosecutors are usually without options of what to do with mentally ill patients given the lack of health services, and thus many end up in jail for minor crimes. The Los Angeles County Jail alone holds as many as 3,300 individuals with mental illness, more than any state hospital or mental health institution in the United States.

Each time a mentally ill individual is incarcerated, his or her mental condition will likely worsen. Once incarcerated, people with mental illness are particularly susceptible to harming themselves or others. This environment exacerbates their mental illness, yet access to effective counseling or medication is severely limited. This in turn brings on depression or delusions that immobilize them; many have spent years trying to mask torments or hallucinations with alcohol or drugs which leads to these individuals, on average, spending more time in prisons.

This problem is particularly acute in the area of juvenile offenders. The Office of Juvenile Justice and Delinquency Prevention reports that over 20 percent of children in the juvenile justice system, over 155,000, have serious mental health problems. This bill creates specialized training programs for juvenile and criminal justice agency personnel in identifying symptoms of mentally ill individuals that will help identify and treat juveniles at an earlier stage.

The prevalence of people with mental illness in the criminal justice system comes at a high price to taxpayers. In King County, WA officials identified 20 people who had been repeatedly hospitalized, jailed or admitted to detoxification centers. These emergency services cost the county approximately $1.1 million in a single year. In contrast, an Illinois Cooperative Program, which brought criminal justice and mental health service personnel together to provide services to those mentally ill patients released from jail, calculated that the 30 individuals in the study spent approximately 2,200 days less in jail, and 2,100 fewer days, in hospitals than they had the previous year for a savings of $1.2 million dollars.

In 1997, Seattle Fire Department Captain Stanley Stevenson was murdered by an individual who had been found incompetent by the local municipal court but was released because of the lack of alternative options. This murder was the impetus for the creation of a Task Force that led directly to the formation of the Seattle mental health court in 1999. The primary reason why this Court has been growing more effective in dealing with mentally ill offenders is that it has increased cooperation between the mental health and criminal justice systems, operations that have traditionally not worked closely together. Building on the model of the drug court, the mental health court closely monitors compliance with treatment regimens through a team proficient in dealing with the mentally ill and at using the stick of the criminal justice system to make that treatment work. The vast majority of these individuals are responsive to treatment.

This program has progressed well and is becoming an effective means of helping mentally ill offenders, assuring public safety, and running a more cost efficient system. Yet to allow this system to continue to expand in Seattle and other communities in Washington state, as well as to allow other states to begin using these types of programs, federal grant funding is critical. That is what this bill provides.

Collaboration between mental health, substance abuse, law enforcement, judicial, and other criminal justice personnel is also critical to the success of our mental health court program in Seattle. It is only through full coordination between the criminal justice and the mental health treatment community at the federal and the local level that these efforts will be successful.

Similarly, only through full coordination at the federal and local level will this bill be able to make a critical difference. I believe that some additional improvements can be made to strengthen that critical coordination and I look forward to working with Senator DEWINE and Chairman LEAHY to accomplish that goal. I welcome the introduction of this legislation and look forward to working with my cosponsors to make this bill law in the next Congress.

By Mr. LIEBERMAN (for himself
and Mr. HATCH):

S. 3148. A bill to provide incentives to increase research by private sector entities to develop antivirals, antibiotics and other drugs, vaccines, microbicides, and diagnostic technologies to prevent and treat illnesses associated with a biological, chemical, or radiological weapons attack; to the Committee on Finance.

Mr. LIEBERMAN. Mr. President, America has a major flaw in its defenses against bioterrorism. Hearings I chaired in the Governmental Affairs Committee on bioterrorism demonstrated that America has not made a national commitment to research and development of treatments and cures for those who might be exposed to or infected by a biological agent, chemical toxin, or radiological material. Correcting this critical gap is the purpose of legislation we are introducing today. This legislation is a refined and upgraded version of legislation I introduced last year (S. 1764, December 4, 2001) and I am delighted that Senator HATCH has joined me as the lead cosponsor of the new bill.

Obviously, our first priority must be to attempt to prevent the use of these agents and toxins by terrorists, quickly assess when an attack has occurred, take appropriate public health steps to contain the exposure, stop the spread of contagion, and then detoxify the site. These are all critical functions, but in the end we must recognize that some individuals may be exposed or infected. Then the critical issue is whether we can treat and cure them and prevent death and disability.

In short, we need a diversified portfolio of medicines. In cases where we have ample advance warning of an attack and specific information about the agent, toxin, or material, we may be able to vaccinate the vulnerable population in advance. In other cases, even if we have a vaccine, we might well prefer to use medicines that would quickly stop the progression of the disease or the toxic effects. We also need a powerful capacity quickly to develop new countermeasures where we face a new agent, toxin, or material.

Unfortunately, we are woefully short of vaccines and medicines to treat individuals who are exposed or infected. We have antibiotics that seem to work for most of those infected in the current anthrax attack, but these have not prevented five deaths. We have no effective vaccines or medicines for most other biological agents and chemical toxins we might confront. We have very limited capacity to respond medically to a radiological attack. In some cases we have vaccines to prevent, but no medicines to treat, an agent. We have limited capacity to speed the development of vaccines and medicines to prevent or treat novel agents and toxins not currently known to us.

We have provided, and should continue to provide, direct Federal funding for research and development of new medicines, however, this funding is unlikely to be sufficient. Even with ample Federal funding, many private companies will be reluctant to enter into agreements with government agencies to conduct this research. Other companies would be willing to conduct the research with their own capital and at their own risk but are not able to secure the funding from investors.

The legislation we introduce today would provide incentives for private biotechnology companies to form capital to develop countermeasures—medicines—to prevent, treat and cure victims of bioterror, chemical and radiological attacks. This will enable this industry to become a vital part of the national defense infrastructure and do so for business reasons that make sense for their investors on the bottom line.

Enactment of these incentives is necessary because most biotech companies have no approved products or revenue from product sales to fund research. They rely on investors and equity capital markets to fund the research. They must necessarily focus on research that will lead to product sales and revenue and, thus, to an end to their dependence on investor capital. There is no established or predictable market for countermeasures. These concerns are shared by pharmaceutical firms. Investors are justifiably reluctant to fund this research, which will present challenges similar in complexity to AIDS. Investors need assurances that research on countermeasures has the potential to provide a rate of return commensurate with the risk, complexity and cost of the research, a rate of return comparable to that which may arise from a treatment for cancer, MS, Cystic Fibrosis and other major diseases.

It is in our national interest to enlist these companies in the development of countermeasures as biotech companies tend to be innovative and nimble and intently focused on the intractable diseases for which no effective medical treatments are available.

The incentives we have proposed are innovative and some may be controversial. We invite everyone who has an interest and a stake in this research to enter into a dialogue about the issue and about the nature and terms of the appropriate incentives. We have attempted to anticipate the many complicated technical and policy issues that this legislation raises. The key focus of our debate should be how, not whether, we address this critical gap in our public health infrastructure and the role that the private sector should play. Millions of Americans will be at risk if we fail to enact legislation to meet this need.

RELATIONSHIP TO BIOTERRORISM PREPAREDNESS LEGISLATION

My proposal is complimentary to legislation on bioterrorism preparedness we enacted earlier this year. That law, Bioweapons Preparedness Act, focuses on many needed improvements in our public health infrastructure. These investments provide the infrastructure where we could deploy the countermeasures that could be developed pursuant to the incentives proposed in my legislation.

Among the provisions in the Frist-Kennedy law are initiatives regarding bioterrorism preparedness capacities, improvements in communications about bioterrorism, protection of children, protection of food safety, and global pathogen surveillance and response. We need to fully fund these new programs and capacities.

My legislation builds on these provisions by providing incentives to enable the biotechnology industry acting on its own initiative to fund and conduct research on countermeasures. It includes tax, procurement, intellectual property and liability incentives. Accordingly, my proposal raises issues falling within the jurisdiction of the HELP, Finance, and Judiciary Committees.

The Frist-Kennedy law and my bill are complimentary. The bottom line is that we need both bills—one focusing on public health and one focusing on medical research. Without medical research, public health workers will not have the single most important tool to use in an attack—medicine to prevent death and disability and medicine that will help us avoid public panic.

CIPRO AS A COUNTERMEASURE

We are fortunate that we have broad-spectrum antibiotics, including Cipro, to treat the type of anthrax to which so many have been exposed. This treatment seems to be effective before the anthrax symptoms become manifest, and effective to treat cutaneous anthrax, and we have been able to effectively treat some individuals who have inhalation anthrax. I am thankful that this drug exists to treat those who have been exposed, including my own Senate staff. Our offices are immediately above those of Senator DASCHLE.

We have seen how reassuring it is that we have an effective treatment for this biological agent. We see long lines of Congressional staffers and postal workers awaiting their Cipro. Think what it would be like if we could only say, "We have nothing to treat you and hope you don't contract the disease." Think of the public panic that we might see.

I am grateful that this product exists and proud of the fact that the Bayer Company is based in Connecticut. The last thing we should be doing is criticizing this company for their research success. The company has dispensed millions of dollars worth of Cipro free of charge. Criticizing it for the price that it charges tells other research companies that the more valuable their products are in protecting the public health, the more likely they are to be criticized and bullied.

It is fortuitous that Cipro seems to be effective against anthrax. The product was not developed with this use in mind. My point with this legislation is we cannot rely on good fortune and chance in the development of countermeasures. We need to make sure that these countermeasures will be developed. We need more companies like Bayer, we need them focused specifically on developing medicines to deal with the new bioterror threat, and we need to tell them that there are good business reasons for this focus.

We also are fortunate to have an FDA-licensed vaccine, made by BioPort Corporation, that is recommended by our country's medical experts at the DOD and CDC for pre-anthrax exposure vaccination of individuals in the military and some individuals in certain laboratory and other occupational settings where there is a high risk of exposure to anthrax. This vaccine is also recommended for use with Cipro after exposure to anthrax to give optimal and long-lasting protection. That vaccine is not now available for use. We must do everything necessary to make this and other vaccines available in adequate quantities to protect against future attacks.

The point of this legislation is that we need many more Cipro-like and anthrax vaccine-like products. That we have these products is the good news; that we have so few others is the problem.

BIOLOGICAL WEAPONS CONVENTION

One unfortunate truth in this debate is that we cannot rely upon international legal norms and treaties alone to protect our citizens from the threat of biological or chemical attack.

The United States ratified the Biological and Toxin Weapons Convention (BWC) on January 22, 1975. That Convention now counts 144 nations as parties. Twenty-two years later, on April 24, 1997, the United States Senate joined 74 other countries when it ratified the Chemical Weapons Convention (CWC). While these Conventions serve important purposes, they do not in any way guarantee our safety in a world with rogue states and terrorist organizations.

The effectiveness of both Conventions is constrained by the fact that many countries have failed to sign on to either of them. Furthermore, two signatories of the BWC, Iran and Iraq, are among the seven governments that the Secretary of State has designated as state sponsors of international terrorism, and we know for a fact that they have both pursued clandestine biological weapons programs. The BWC, unlike the CWC, has no teeth—it does not include any provisions for verification or enforcement. Since we clearly cannot assume that any country that signs on to the Convention does so in good faith, the Convention does so in good faith, the Convention's protective value is limited.

On November 1 of 2001, the President announced his intent to strengthen the BWC as part of his comprehensive strategy for combating terrorism. A BWC review conference, held every five years to consider ways of improving the Convention's effectiveness, will convene in Geneva beginning November 19. In anticipation of that meeting, the President has urged that all parties to the Convention enact strict national criminal legislation to crack down on prohibited biological weapons activities, and he has called for an effective United Nations procedures for investigation suspicious outbreaks of disease or allegations of biological weapons use.

These steps are welcomed, but they are small. Even sweeping reforms, like creating a more stringent verification and enforcement regime, would not guarantee our safety. The robust verification and enforcement mechanisms in the CWC, for instance, have proven to be imperfect, and scientists agree that it is much easier to conceal the production of biological agents than chemical weapons.

The inescapable fact, therefore, is that we cannot count on international regimes to prevent those who wish us ill from acquiring biological and chemical weapons. We must be prepared for the reality that these weapons could fall into the hands of terrorists, and could be used against Americans on American soil. And we must be prepared to treat the victims of such an attack if it were ever to occur.

CDC QUARANTINE PLANS

On November 26 of last year, the Centers for Disease Control issued its interim working draft plan for responding to an outbreak of smallpox. The plan does not call for mass vaccination in advance of a smallpox outbreak because the risk of side effects from the vaccine outweighs the risks of someone actually being exposed to the smallpox virus. At the heart of the plan is a strategy sometimes called "search and containment."

This strategy involves identifying infected individual or individuals with confirmed smallpox, identifying and locating those people who come in contact with that person, and vaccinating those people in outward rings of contact. The goal is to produce a buffer of immune individuals and was shown to prevent smallpox and to ultimately eradicate the outbreak. Priorities would be set on who is vaccinated, perhaps focusing on the outward rings before those at the center of the outbreak. The plan assumes that the smallpox vaccination is effective for persons who have been exposed to the disease as long as the disease has not taken hold.

In practice it may be necessary to set a wide perimeter for these areas because smallpox is highly contagious before it might be diagnosed. There may be many areas subject to search and containment because people in our society travel frequently and widely. Terrorists might trigger attacks in a wide range of locations to multiply the confusion and panic. The most common form of smallpox has a 30 percent mortality rate, but terrorists might be able to obtain supplies of "flat-type" smallpox with a mortality rate of 96 percent and hemorrhagic-type smallpox, which is almost always fatal. For these reasons, the CDC plan accepts the possibility that whole cities or other geographic areas could be cordoned off, letting no one in or out—a quarantine enforced by police or troops.

The plan focuses on enforcement authority through police or National Guard, isolation and quarantine, mandatory medical examinations, and rationing of medicines. It includes a discussion of "population-wide quarantine measures which restrict activities or limit movement of individuals [including] suspension of large public gatherings, closing of public places, restriction on travel [air, rail, water, motor vehicle, and pedestrian], and/or 'cordon sanitaire' [literally a 'sanitary cord' or line around a quarantined area guarded to prevent spread of disease by restricting passage into or out of the area]." The CDC recommends that states update their laws to provide authority for "enforcing quarantine measures" and it recommends that States in "pre-event planning" identify personnel who can enforce these isolation and quarantine measures, if necessary." Guide C—Isolation and Quarantine, page 17.

On October 23, 2001, the CDC published a "Model State Emergency Health Powers Act." It was prepared by the Center for Law and the Public's Health at Georgetown and Johns Hopkins Universities, in conjunction with the National Governors Association, National Conference of State Legislatures, Association of State and Territorial Health Officials, National Association of City and County Health Officers, and National Association of Attorneys General. A copy of the model law is printed at www.publichealthlaw.net. The law would provide powers to enforce the "compulsory physical separation (including the restriction of movement and confinement) of individuals and/or groups believed to have been exposed to or known to have been infected with a contagious disease from individuals who are believed not to have been exposed or infected, in order to prevent or limit the transmission of the disease to others." Federal law on this subject is very strong and the Administration can always rely on the President's Constitutional authority as Commander in Chief.

Let us try to imagine, however, what it would be like if a quarantine is imposed. Let us assume that there is not enough smallpox vaccine available for use in a large outbreak, that the priority is to vaccinate those in the outward rings of the containment area first, that the available vaccines cannot be quickly deployed inside the quarantined area, that it is not possible to quickly trace and identify all of the individuals who might have been exposed, and/or that public health workers themselves might be infected. We know that there is no medicine to treat those who do become infected. We know the mortality rates. It is not hard to imagine how much force might be necessary to enforce the quarantine. It would be quite unacceptable to permit individuals to leave the quarantined area no matter how much panic had taken hold.

Think about how different this scenario would be if we had medicines that could effectively treat and cure those who become infected by smallpox. We still might implement the CDC plan but a major element of the strategy would be to persuade people to visit their local clinic or hospital to be dispensed their supply of medicine. We could trust that there would be a very high degree of voluntary compliance. This would give us more time, give us options if the containment is not successful, give us options to treat those in the containment area who are infected, and enable us to quell the public panic.

Because we have no medicine to treat those infected by smallpox, we have to be prepared to implement a plan like the one CDC has proposed. Theirs is the only option because our options are so limited. We need to expand our range of options.

THE COUNTERMEASURE RESEARCH GAP

We should not be lulled by the apparent successes with Cipro and the strains of anthrax we have seen in the recent attacks. We have not been able to prevent death in some of the patients with late-stage inhalation anthrax and Robert Stevens, Thomas Morris, Jr., Joseph Curseen, Kathy Nguyen, and Ottilie Lundgren died. This legislation is named in honor of them. What we needed for them, and did not have, is a drug or vaccine that would treat late stage inhalation anthrax.

As I have said, we need an effective treatment for those who become infected with smallpox. We have a vaccine that effectively prevents smallpox infection, and administering this vaccine within four days of first exposure has been shown to offer some protections against acquiring infection and significant protection against a fatal outcome. The problem is that administering the vaccine in this time frame to all those who might have been exposed may be exceedingly difficult. And once infection has occurred, we have no effective treatment options.

In the last century 500 million people have died of smallpox—more than have from any other infectious disease—as compared to 320 million deaths in all the wars of the twentieth century. Smallpox was one of the diseases that nearly wiped out the entire Native American population in this hemisphere. The last naturally acquired case of smallpox occurred in Somalia in 1977 and the last case from laboratory exposure was in 1978.

Smallpox is a nasty pathogen, carried in microscopic airborne droplets inhaled by its victims. The first signs are headache, fever, nausea and backache, sometimes convulsions and delirium. Soon, the skin turns scarlet. When the fever lets up, the telltale rash appears—flat red spots that turn into pimples, then big yellow pustules, then scabs. Smallpox also affects the throat and eyes, and inflames the heart, lungs, liver, intestines and other internal organs. Death often came from internal bleeding, or from the organs simply being overwhelmed by the virus. Survivors were left covered with pockmarks—if they were lucky. The unlucky ones were left blind, their eyes permanently clouded over. Nearly one in four victims died. The infection rate is estimated to be 25–40 percent for those who are unvaccinated and a single case can cause 20 or more additional infections.

During the 16th Century, 3.5 million Aztecs—more than half the population—died of smallpox during a two-year span after the Spanish army brought the disease to Mexico. Two centuries later, the virus ravaged George Washington's troops at Valley Forge. And it cut a deadly path through the Crow, Dakota, Sioux, Blackfoot, Apache, Comanche and other American Indian tribes, helping to clear the way for white settlers to lay claim to the western plains. The epidemics began to subside with one of medicine's most famous discoveries: the finding by British physician Edward Jenner in 1796 that English milkmaids who were exposed to cowpox, a mild second cousin to smallpox that afflicts cattle, seemed to be protected against the more deadly disease. Jenner's work led to the development of the first vaccine in Western medicine. While later vaccines used either a killed or inactivated form of the virus they were intended to combat, the smallpox vaccine worked in a different way. It relied on a separate, albeit related virus: first cowpox and the vacinnia, a virus of mysterious origins that is believed to be a cowpox derivative. The last American was vaccinated back in the 1970s and half of the US population has never been vaccinated. It is not known how long these vaccines provide protection, but it is estimated that the term is 3–5 years.

In an elaborate smallpox biowarfare scenario enacted in February 1999 by the Johns Hopkins Center for Civilians Biodefense Studies, it was projected that within two months 15,000 people had died, epidemics were out of control in fourteen countries, all supplies of smallpox vaccine were depleted, the global economy was on the verge of collapse, and military control and quarantines were in place. Within twelve months it was projected that eighty million people worldwide had died.

A single case of smallpox today would become a global public health threat and it has been estimated that a single smallpox bioterror attack on a single American city would necessitate the vaccination of 30–40 million people.

The U.S. government is now in the process of purchasing substantial stocks of the smallpox vaccine. We then face a very difficult decision on deploying the vaccine. We know that some individuals will have an adverse reaction to this vaccine. No one in the United States has been vaccinated against smallpox in twenty-five years. Those that were vaccinated back then may not be protected against the disease today. If we had an effective treatment for those who might become infected by smallpox, we would face much less pressure regarding deploying the vaccine. If we face a smallpox epidemic from a bioterrorism attack, we will have no Cipro to reassure the public and we will be facing a highly contagious disease and epidemic. To be blunt, it will make the current anthrax attack look benign by comparison.

Smallpox is not the only threat. We have seen other epidemics in this century. The 1918 influenza epidemic provides a sobering admonition about the need for research to develop medicines. In two years, a fifth of the world's population was infected. In the United States the 1918 epidemic killed more than 650,000 people in a short period of time and left 20 million seriously ill, one fourth of the entire population. The average lifespan in the U.S. was depressed by ten years. In just one year, the epidemic killed 21 million human beings worldwide—well over twice the number of combat deaths in the whole of World War I. The flu was exceptionally virulent to begin with and it then underwent several sudden and dramatic mutations in its structure. Such mutations can turn flu into a killer because its victims' immune systems have no antibodies to fight off the altered virus. Fatal pneumonia can rapidly develop.

Another deadly toxin, ricin toxin, was of interest to the al-Qaeda terrorist network. At an al-Qaeda safehouse in Saraq Panza, Kabul reporters found instructions for making ricin. The instructions make chilling reading. "A certain amount, equal to a strong dose, will be able to kill an adult, and a dose equal to seven seeds will kill a child," one page reads. Another page says: "Gloves and face mask are essential for the preparation of ricin. Period of death varies from 3–5 days minimum, 4–14 days maximum." The instructions listed the symptoms of ricin as vomiting, stomach cramps, extreme thirst, bloody diarrhoea, throat irritation, respiratory collapse and death.

No specific treatment or vaccine for ricin toxin exists. Ricin is produced easily and inexpensively, highly toxic, and stable in aerosolized form. A large amount of ricin is necessary to infect whole populations—the amount of ricin necessary to cover a 100-km^2 area and cause 50 percent lethality, assuming aerosol toxicity of 3 mcg/kg and optimum dispersal conditions, is approximately 4 metric tons, whereas only 1 kg of Bacillus anthracis is required. But it can be used to terrorize a large population with great effect because it is so lethal.

Use of ricin as a terror weapon is not theoretical. In 1991 in Minnesota, 4 members of the Patriots Council, an extremist group that held antigovernmental and antitax ideals and advocated the overthrow of the U.S. government, were arrested for plotting to kill a U.S. marshal with ricin. The ricin was produced in a home laboratory. They planned to mix the ricin with the solvent dimethly sulfoxide (DMSO) and then smear it on the door handles of the marshal's vehicle. The plan was discovered, and the 4 men were convicted. In 1995, a man entered Canada from Alaska on his way to North Carolina. Canadian custom officials stopped the man and found him in possession of several guns, $98,000, and a container of white powder, which was identified as ricin. In 1997, a man shot his stepson in the face. Investigators discovered a makeshift laboratory in his basement and found agents such as ricin and nicotine sulfate. And, ricin was used by the Bulgarian secret police when they killed Georgi Markov by stabbing him with a poison umbrella as he crossed Waterloo Bridge in 1978.

Going beyond smallpox, influenza, and ricin, we do not have an effective vaccine or treatment for dozens of other deadly and disabling agents and toxin. Here is a partial list of some of the other biological agents and chemical toxins for which we have no effective treatments: clostridium botulinum toxin (botulism), francisella tularensis (tularaemia), Ebola hemorrhagic fever, Marbug hemorrhagic fever, Lassa fever, Julin (Argentine hemorrhagic fever), Coxiella burnetti (Q fever), brucella species (brucellosis), burkholderia mallei (glanders), Venezuelan encephalomyelitis, eastern and western equine encephalomyelitis, epsilon toxin of clostridium perfringens, staphylococcus entretoxin B, salmonella species, shigella dysenteriae, escherichia coli O157:H7, vibrio cholerae, cryptosporidium parvum, nipah virus, hantaviruses, tickborne hemorrhagic fever viruses, tickborne encephalitis virus, yellow fever, nerve agents (tabun, sarin, soman, GF, and VX), blood agents (hydrogen cyanide and cyanogens chloride), blister agents (lewisite, nitrogenadn sulfur mustards, and phosgene oxime), heavy metals (arsenic, lead, and mercury), and volatile toxins (benzene, chloroform, trihalomethanes), pulmonary agents (Phosgene, chlorine, vinly chloride), and incapacitating agents (BZ).

The naturally occurring forms of these agents and toxins are enough to cause concern, but we also know that during the 1980s and 1990s the Soviet Union conducted bioweapons research at forty-seven laboratories and testing sites, employed nearly fifty thousand scientists in the work, and that they developed genetically modified versions of some of these agents and toxins. The goal was to develop an agent or toxin that was particularly virulent or not vulnerable to available antibiotic.

The United States has publicly stated that five countries are developing biological weapons in violation of the Biological Weapons convention, North Korea, Iraq, Iran, Syria, and Libya, and stated that additional countries not yet named (possibly including Russia, China, Israel, Sudan and Egypt) are also doing so as well.

What is so insidious about biological weapons is that in many cases the symptoms resulting from a biological weapons attack would likely take time to develop, so an act of bioterrorism may go undetected for days or weeks. Affected individuals would seek medical attention not from special emergency response teams but in a variety of civilian settings at scattered locations. This means we will need medicines that can treat a late stage of the disease, long after the infection has taken hold.

We must recognize that the distinctive characteristic of biological weapons is that they are living micro-organisms and are thus the only weapons that can continue to proliferate without further assistance once released in a suitable environment.

The lethality of these agents and toxins, and the panic they can cause, is quite frightening. The capacity for terror is nearly beyond comprehension. We do not believe it is necessary to describe the facts here. Our point is simple: we need more than military intelligence, surveillance, and public health capacity. We also need effective medicines. We also need more powerful research tools that will enable us to quickly develop treatments for agents and toxins not on this or any other list.

We need to do whatever it takes to be able to reassure the American people that hospitals and doctors have powerful medicines to treat them if they are exposed to biological agents or toxins, that we can contain an outbreak of an infectious agent, and that there is little to fear. To achieve this objective, we need to rely on the entrepreneurship of the biotechnology industry.

DIRECT GOVERNMENT FUNDING OF RESEARCH

There is already some direct funding of research by the Defense Advanced Research Projects Agency (DARPA), the National Institutes of Health (NIH), and the Centers for Disease Control (CDC). This research should go forward.

DARPA, for instance, has been described as the Pentagon's "venture capital fund," its mission to provide seed money for novel research projects that offer the potential for revolutionary findings. Last year, DARPA's Unconventional Pathogen Countermeasures program awarded contracts totalling $50 million to universities, foundations, pharmaceutical and biotechnology companies seeking new ways to fight biological agents and toxins.

The Unconventional Pathogen Countermeasures program now funds 43 separate research efforts on anti-bacterials, anti-toxins, anti-virals, decontamination, external protection from pathogens, immunization and multi-purpose vaccines and treatments. A common thread among many of these undertakings is the goal of developing drugs that provide broad-spectrum protection against several different pathogens. This year, with a budget of $63 million, the program has received over 100 research proposals in the last two months alone.

Some of this DARPA research is directed at developing revolutionary, broad-spectrum, medical countermeasures against significantly pathogenic products. This goal is to develop countermeasures that are versatile enough to eliminate biological threats, whether from natural sources or modified through bioengineering or other manipulation. The countermeasures would need the potential to provide protection both within the body and at the most common portals of entry (e.g., inhalation, ingestion, transcutaneous). The strategies might include defeating the pathogen's ability to enter the body, traverse the bloodstream or lymphatics, and enter target tissues; identifying novel pathogen vulnerabilities based on fundamental, critical molecular mechanisms of survival or pathogenesis (e.g., Type III secretion, cellular energetics, virulence modulation); constructing unique, robust vehicles for the delivery of countermeasures into or within the body; and modulating the advantageous and/or deleterious aspects of the immune response to significantly pathogenic microorganisms and/or the pathogenic products in the body.

While DAPRA's work is specifically aimed at protecting our military personnel, the National Institutes of Health also spent $49.7 million in the last fiscal year to find new therapies for those who contract smallpox and on systems for detecting the disease. In recent years, NIH's research programs have sought to create more rapid and accurate diagnostics, develop vaccines for those at risk of exposure to biological agents, and improve treatment for those infected. Moreover, in the last fiscal year, the Centers for Disease Control has allocated $18 million to continue research on an anthrax vaccine and $22.3 million on smallpox research.

Some companies are willing to enter into a research relationships funded by DARPA and other agencies to develop countermeasures. Relationships between the government and private industry can be very productive, but they can also involve complex issues reflecting the different cultures of government and industry. Some companies—including some of the most entrepreneurial—might prefer to take their own initiative to conduct this research. Relationships with government entities involve risks, issues, and bureaucracy that are not present in relationships among biotechnology companies and between them and non-governmental partners.

The Defense Department's Joint Vaccine Acquisition Program (JVAP) illustrates the problems with a government led and managed program. A report in December 2000 by a panel of independent experts found that the current program "is insufficient and will fail" and recommended it adopt an approach more on the model of a private sector effort. It needs to adopt "industry practices," "capture industry interest," "implement an organizational alignment that mirrors the vaccine industry's short chain of command and decision making," "adopt an industry-based management philosophy," and "develop a sound investment strategy." It bemoaned the "extremely limited" input from industry in the JVAP program.

It is clear from this experience that we should not rely exclusively on government funding of countermeasures research. We should take advantage of the entrepreneurial fervor, and the independence, of our biotechnology industry entrepreneurs. It is not likely that the government will be willing or able to provide sufficient funding for the development of the countermeasures we need. Some of the most innovative approaches to vaccines and medicines might not be funded with the limited funds available to the government. We need to provide incentives that will encourage every biotech company to review its research priorities and technology portfolio for its relevance and potential for countermeasure research. Some of this research is early stage, basic research that is being developed and considered only for its value in treating an entirely different disease. We need to kindle the imagination of biotechnology companies and their tens of thousands of scientists regarding countermeasure research.

INDUSTRY RESEARCH ON COUNTERMEASURES

My proposal would supplement direct Federal government funding of research with incentives that make it possible for private companies to form the capital to conduct this research on their own initiative, utilizing their own capital, and at their own risk—all for good business reasons going to their bottom line.

The U.S. biotechnology industry, approximately 1,300 companies, spent $13.8 billion on research last year. Only 350 of these companies have managed to go public. The industry employs 124,000 (Ernst & Young data) people. The top five companies spent an average of $89,000 per employee on research, making it the most research-intensive industry in the world. The industry has 350 products in human clinical trials targeting more than 200 diseases. Losses for the industry were $5.8 billion in 2001, $5.6 billion in 2000, $4.4 billion in 1999, $4.1 billion in 1998, $4.5 billion in 1997, $4.6 billion in 1996, and similar amounts before that. In 2000 fully 38 percent of the public biotech companies had less than 2 years of funding for their research. Only one quarter of the biotech companies in the United States are publicly traded and they tend to be the best funded.

There is a broad range of research that could be undertaken under this legislation. Vaccines could be developed to prevent infection or treat an infection from a bioterror attack. Broad-spectrum antibiotics are needed. Also, promising research has been undertaken on antitoxins that could neutralize the toxins that are released, for example, by anthrax. With anthrax it is the toxins, not the bacteria itself, that cause death. An antitoxin could act like a decoy, attaching itself to sites on cells where active anthrax toxin binds and then combining with normal active forms of the toxin and inactivating them. An antitoxin could block the production of the toxin.

We can rely on the innovations of the biotech industry, working in collaboration with academic medical centers, to explore a broad range of innovative approaches. This mobilizes the entire biotechnology industry as a vital component of our national defense against bioterror weapons.

INCENTIVES NEEDED TO SPUR RESEARCH

The legislation takes a comprehensive approach to the challenges the biotechnology industry faces in forming capital to conduct research on countermeasures. It includes capital formation tax incentives, guaranteed purchase funds, patent protections, and liability protections. We believe we will have to include each of these types of incentives to ensure that we mobilize the biotechnology industry for this urgent national defense research.

Some of the tax incentives in this legislation, and both of the two patent incentives I have proposed, may be controversial. In our view, we can debate tax or patent policy as long as you want, but let's not lose track of the issue here—development of countermeasures to treat people infected or exposed to lethal and disabling bioterror weapons.

We know that incentives can spur research. In 1983 we enacted the Orphan Drug Act to provide incentives for companies to develop treatments for rare diseases with small potential markets deemed to be unprofitable by the industry. In the decade before this legislation was enacted, fewer than 10 drugs for orphan diseases were developed and these were mostly chance discoveries. Since the Act became law, 218 orphan drugs have been approved and 800 more are in the pipeline. The Act provides 7 years of market exclusivity and a tax credit covering some research costs. The effectiveness of the incentives we have enacted for orphan disease research shows us how much we can accomplish when we set a national priority for certain types of research.

The incentives we have proposed differ from those set by the Orphan Drug Act. We need to maintain the effectiveness of the Orphan Drug Act and not undermine it by adding many other disease research targets. In addition, the tax credits for research for orphan drug research have no value for most biotechnology companies because few of them have tax liability with respect to which to claim the credit. This explains why we have not proposed to utilize tax credits to spur countermeasures research. It is also clear that the market for countermeasures is even more speculative than the market for orphan drugs and we need to enact a broader and deeper package of incentives.

DECISION MAKING ON TARGETS AND REGISTRATION OF RESEARCH

The government determines which research is covered by the legislation and which companies qualify for the incentives for this research. No company is entitled to utilize the incentives until the government certifies its eligibility.

These decisions are vested in the Secretary, Department of Homeland Security. In S. 1764, the decisions were vested in the White House Office of Homeland Security, but it is now likely that a Department will be created. I have strongly endorsed that concept and led the effort to enact the legislation forming the new Department.

The legislation confers on the Secretary, in consultation with the Secretary of Defense and Secretary of Health and Human Services, authority to set the list of agents and toxins with respect to which the legislation and incentives applies.

The Secretary determines which agents and toxins present a threat and whether the countermeasures are "more likely" to be developed with the application of the incentives in the legislation. The Secretary may determine that an agent or toxin does not present a threat or that countermeasures are not more likely to be developed with the incentives. It may determine that the government itself should fund the research and development effort and not rely on private companies. The Department is required to consider the status of existing research, the availability of non-countermeasure markets for the research, and the most effective strategy for ensuring that the research goes forward. The legislation includes an illustrative, non-binding list of fifty-four agents and toxins that might be included on the Secretary's list. The decisions of the Secretary are final and are not subject to judicial review.

The Department then must provide information to potential manufacturers of these countermeasures in sufficient detail to permit them to conduct the research and determine when they have developed the needed countermeasure. It may exempt from publication such information as it deems to be sensitive.

The Department also must specify the government market that will be available when a countermeasure is successfully developed, including the minimum number of dosages that will be purchased, the minimum price per dose, and the timing and number of years projected for such purchases. Authority is provided for the Department to make advance, partial, progress, milestone, or other payments to the manufacturers.

The Department is responsible for determining when a manufacturer has, in fact, successfully developed the needed countermeasure. It must provide information in sufficient detail so that manufacturers and the government may determine when the manufacturer has successfully developed the countermeasure the government needs. If and when the manufacturer has successfully developed the countermeasure, it becomes entitled to the procurement, patent, and liability incentives in the legislation.

Once the list of agents and toxins is set, companies may register with the Department their intent to undertake research and development of a countermeasure to prevent or treat the agent or toxin. This registration is required only for companies that seek to be eligible for the tax, purchase, patent, and liability provisions of the legislation. The registration requirement gives the Department vital information about the research effort and the personnel involved with the research, authorizes inspections and other review of the research effort, and the filing of reports by the company.

The Secretary then may certify that the company is eligible for the tax, purchase, patent, and liability incentives in the legislation. It bases this certification on the qualifications of the company to conduct the countermeasure research. Eligibility for the purchase fund, patent and liability incentives is contingent on successful development of a countermeasure according to the standards set in the legislation, as determined by the Secretary.

The legislation contemplates that a company might well register and seek certification with respect to more than one research project and become eligible for the tax, purchase, patent, and liability incentives for each. There is no policy rationale for limiting a company to one registration and one certification.

This process is similar to the current registration process for research on orphan (rare) diseases. In that case, companies that are certified by the FDA become eligible for both tax and market exclusivity incentives. This process gives the government complete control on the number of registrations and certifications. This gives the government control over the cost and impact of the legislation on private sector research.

DIAGNOSTICS AND RESEARCH TOOLS

The registration and certification process applies to research to develop diagnostics and research tools, not just drugs and vaccines.

Diagnostics are vital because healthcare professionals need to know which agent or toxin has been used in an attack. This enables them to determine which treatment strategy is likely to be most effective. We need quickly to determine which individuals have been exposed or infected, and to separate them from the "worried well." It is likely in an attack that large numbers of individuals who have not been exposed or infected will flood into healthcare facilities seeking treatment. We need to be able to focus on those individuals who are at risk and reassure those who are not at risk.

In terms of research tools, it is possible that we will face biological agents and chemical agents we have never seen before. As I've mentioned, the Soviet Union bioterror research focused in part on use of genetic modification technology to develop agents and toxins that currently-available antibiotics can not treat. Australian researchers accidentally created a modified mousepox virus, which does not affect humans, but it was 100 percent lethal to the mice. Their research focused on trying to make a mouse contraceptive vaccine for pest control. The surprise was that it totally suppressed the "cell-medicated response"—the arm of the immune system that combats viral infection. To make matters worse, the engineered virus also appears unnaturally resistant to attempts to vaccinate the mice. A vaccine that would normally protect mouse strains that are susceptible to the virus only worked in half the mice exposed to the killer version. If bioterrorists created a human version of the virus, vaccination programs would be of limited use. This highlights the drawback of working on vaccines against bioweapons rather than treatments.

With the advances in gene sequencing—genomics—we will know the exact genetic structure of a biological agent. This information in the wrong hands could easily be manipulated to design and possibly grow lethal new bacterial and viral strains not found in nature. A scientist might be able to mix and match traits from different microorganisms—called recombinant technology—to take a gene that makes a deadly toxin from one strain of bacteria and introduce it into other bacterial strains. Dangerous pathogens or infectious agents could be made more deadly, and relatively benign agents could be designed as major public health problems. Bacteria that cause diseases such as anthrax could be altered in such a way that would make current vaccines or antibiotics against them ineffective. It is even possible that a scientist could develop an organism that develops resistance to antibiotics at an accelerated rate.

This means we need to develop technology—research tools—that will enable us to quickly develop a tailor-made, specific countermeasure to a previously unknown organism or agent. These research tools will enable us to develop a tailor-made vaccine or drug to deploy as a countermeasure against a new threat. The legislation authorizes companies to register and receive a certification making them eligible for the incentives in the bill for this vital research.

TAX INCENTIVES FOR CAPITAL FORMATION

The legislation includes four tax incentives to enable biotechnology and pharmaceutical companies to form capital to fund research and development of countermeasures. Companies must irrevocably elect only one of the incentives with regard to the countermeasure research.

Four different tax incentives are available so that companies have flexibility in forming capital to fund the research. Each of the options comes with advantages and limitations that may make it appropriate or inappropriate for a given company or research project. We do not now know fully how investors and capital markets will respond to the different options; but we assume that companies will consult with the investor community about which option will work best for a given research project. Capital markets are diverse and investors have different needs and expectations. Over time these markets and investor expectations evolve. If companies register for more than one research project, they may well utilize different tax incentives for the different projects.

Companies are permitted to undertake a series of discrete and separate research projects and make this election with respect to each project. They may only utilize one of the options with respect to each of these research projects.

The first option is for the company to establish an R&D Limited Partnership to conduct the research. The partnership passes through all business deductions and credits to the partners. For example, under this arrangement, the research and development tax credits and depreciation deductions for the company may be passed by the corporation through to its partners to be used to offset their individual tax liability. These deductions and credits are then lost to the corporation. This alternative is available only to companies with less than $750,000,000 in paid-in capital.

The second option is for the company to issue a special class of stock for the entity to conduct the research. The investors would be entitled to a zero capital gains tax rate on any gains realized on the stock held for at least three years. This is a modification of the current Section 1202 where only 50 percent of the gains are not taxed. This provision is adapted from legislation I have introduced, S. 1134, and introduced in the House by Representatives DUNN and MATSUI (H.R. 2383). A similar bill has been introduced by Senator COLLINS, S. 455. This option also is available to small companies.

The third and fourth options grant special tax credits to the company for the research. The first credit is for research conducted by the company and the other for research conducted at a teaching hospital or similar institution. Tax credits are available to any company, but they are only useful to a company with tax liability against which to claim the credit. Very few biotechnology companies receive revenue from product sales and therefore have no tax liability. Companies with revenue may be able to fund the research from retained earnings rather than secure funding from investors.

A company that elects to utilize one of these incentives is not eligible to receive benefits of the Orphan Drug Tax

Credit. Companies that can utilize tax credits—companies with taxable income and tax liability—might find the Orphan Credit more valuable. The legislation includes an amendment to the Orphan Credit to correct a defect in the current credit. The amendment has been introduced in the Senate as S. 1341 by Senators HATCH, KENNEDY and JEFFORDS. The amendment simply states that the Credit is available starting the day an application for orphan drug status is filed, not the date the FDA finally acts on it. The amendment was one of many initiatives championed by Lisa J. Raines, who died on September 11 in the plane that hit the Pentagon, and the amendment is named in her honor. As we go forward in the legislative process, I hope we will have an opportunity to speak in more detail about the service of Ms. Raines on behalf of medical research, particularly on rare diseases.

The guaranteed purchase fund, and the patent protections, and liability provisions described below provide an additional incentive for investors and companies to fund the research.

GOVERNMENT COUNTERMEASURE PURCHASE FUND

The market for countermeasures is speculative and small. This means that if a company successfully develops a countermeasure, it may not receive sufficient revenue on sales to justify the risk and expense of the research. This is why the legislation establishes a countermeasures purchase fund that will define the market for the products with some specificity before the research begins.

The Secretary will set standards for which countermeasures it will purchase and define the financial terms of the purchase commitment. This will enable companies to evaluate the market potential of its research before it launches into the project. The specifications will need to be set with sufficient specificity so that the company—and its investors—can evaluate the market and with enough flexibility so that it does not inhibit the innovativeness of the researchers. This approach is akin to setting a performance standard for a new military aircraft.

The legislation provides that the Secretary will determine whether the government will purchase more than one product per class. It might make sense—as an incentive—for the government to commit to purchasing more than one product so that many more than one company conduct the research. A winner-take-all system may well intimidate some companies and we may end up without a countermeasure to be purchased. It is also possible that we will find that we need more than one countermeasure because different products are useful for different patients. We may also find that the first product developed is not the most effective.

The purchase commitment for countermeasures is available to any company irrespective of its paid-in capital.

INTELLECTUAL PROPERTY PROTECTIONS

Intellectual property protection of research is essential to biotechnology and pharmaceutical companies for one simple reason: they need to know that if they successfully develop a medical product another company cannot expropriate it. It's a simple matter of incentives.

The patent system has its basis in the U.S. Constitution where the federal government is given the mandate to "promote the progress of Science and the Useful Arts by securing for a limited time to Authors and Inventors the exclusive right to their respective Writings and Discoveries." In exchange for full disclosure of the terms of their inventions, inventors are granted the right to exclude others from making, using, or selling their inventions for a limited period of time. This quid pro quo provides investors with the incentive to invent. In the absence of the patent law, discoverable inventions would be freely available to anyone who wanted to use them and inventors would not be able to capture the value of their inventions or secure a return on their investments.

The patent system strikes a balance. Companies receive limited protection of their inventions if they are willing to publish the terms of their invention for all to see. At the end of the term of the patent, anyone can practice the invention without any threat of an infringement action. During the term of the patent, competitors can learn from the published description of the invention and may well find a new and distinct patentable invention.

The legislation provides two types of intellectual property protection. The first simply provides that the term of the patent on the countermeasure will be the term of the patent granted by the Patent and Trademark Office without any erosion due to delays in approval of the product by the Food and Drug Administration. The second provides that a company that successfully develops a countermeasure will receive a bonus of two years on the term of any patent held by that company. Companies must elect one of these two protections, but only small biotechnology companies may elect the second protection. Large, profitable pharmaceutical companies may elect only the first of the two options.

The first protection against erosion of the term of the patent is an issue that is partially addressed in current law, the Hatch-Waxman Patent Term Restoration Act. That act provides partial protection against erosion of the term (length) of a patent when there are delays at the FDA in approving a product. The erosion occurs when the PTO issues a patent before the product is approved by the FDA. In these cases, the term of the patent is running but the company cannot market the product. The Hatch-Waxman Act provides some protections against erosion of the term of the patent, but the protections are incomplete. As a result, many companies end up with a patent with a reduced term, sometimes substantially reduced.

The issue of patent term erosion has become more serious due to changes at the PTO in the patent system. The term of a patent used to be fixed at 17 years from the date the patent was granted by the PTO. It made no difference how long it took for the PTO to process the patent application and sometimes the processing took years, even decades. Under this system, there were cases where the patent would issue before final action at the FDA, but there were other cases where the FDA acted to approve a product before the patent was issued. Erosion was an issue, but it did not occur in many cases.

Since 1995 the term of a patent has been set at 20 years from the date of application for the patent. This means that the processing time by the PTO of the application all came while the term of the patent is running. This gives companies a profound incentive to rush the patent through the PTO. (Under the old system, companies had the opposite incentive.) With patents being issued earlier by the PTO, the issue of erosion of patent term due to delays at the FDA is becoming more serious and more common.

The provision in the legislation simply states that in the case of bioterrorism countermeasures, no erosion in the term of the patent will occur. The term of the patent at the date of FDA approval will be the same as the term of the patent when it was issued by the PTO. There is no extension of the patent, simply protections against erosion. Under the new 20 year term, patents might be more or less than 17 years depending on the processing time at the PTO, and all this legislation says is that whatever term is set by the PTO will govern irrespective of the delays at the FDA. This option is available to any company that successfully develops a countermeasure eligible to be purchased by the fund.

The second option, the bonus patent term, is only available to small companies with less than $750,000,000 in paid-in capital. It provides that a company that successfully develops a countermeasure is entitled to a two-year extension of any patent in its portfolio. This does not apply to any patent of another company bought or transferred in to the countermeasure research company.

I am well aware that this bonus patent term provision will be controversial with some. A company would tend to utilize this option if it owned the patent on a product that still had, or might have, market value at the end of the term of the patent. Because this option is only available to small biotechnology companies, most of whom have no product on the market, in most cases they would be speculating about the value of a product at the end of its patent. The company might apply this provision to a patent that otherwise would be eroded due to FDA delays or it might apply it to a patent that was not eroded. The result might be a patent term that is no longer than the patent term issued by the PTO. It all depends on which companies elect this option and which patent they select. In some cases, the effect of this provision might be to delay the entry onto the market of lower priced generics. This would tend to shift some of the cost of the incentive to develop a countermeasure to insurance companies and patients with an unrelated disease.

My rationale for including the patent bonus in the legislation is simple: I want this legislation to say emphatically that we mean business, we are serious, and we want biotechnology companies to reconfigure their research portfolios to focus in part on development of countermeasures. The other provisions in the legislation are powerful, but they may not be sufficient.

LIMITATION ON LIABILITY

This proposal protects companies willing to take the risks of producing anti-terrorism products for the American public from potential losses incurred from lawsuits alleging adverse reactions to these products. It also preserves the right for plaintiffs to seek recourse for alleged adverse reactions in Federal District Court, with procedural and monetary limitations.

Under the plan, the Secretary of HHS is required to indemnify and defend entities engaged in qualified countermeasure research through execution of "indemnification and defense agreements." This protection is only available for countermeasures purchased under the legislation or to use of such countermeasures as recommended by the Surgeon General in the event of a public health emergency.

An exclusive means of resolving civil cases that fall within the scope of the indemnification and defense agreements is provided with litigation rights for injured parties. Non-economic damages are limited to $250,000 per plaintiff and no punitive or exemplary damages may be awarded.

Some have tried to apply the existing Vaccine Injury Compensation Program (VICP) to this national effort. That is inappropriate because that program will be extremely difficult to use, both administratively and scientifically. For example, it would take several years to develop the appropriate "table" that identifies a compensable injury. Companies will be liable during this process. Note that when VICP was created, there had been studies of what adverse reactions to mandated childhood vaccines had occurred and the table was based largely on this experience. Even so, it has taken years of effort, ultimately resulting in wholesale revisions to the table by regulation, to get the current table in place. For anti-bioterrorism products currently being developed, it will simply be impossible to construct a meaningful Vaccine Injury Table—there will be no experience with the product.

MISCELLANEOUS PROVISIONS

The legislation contains a series of provisions designed to enhance countermeasure research.

The legislation provides for accelerated approval by the FDA of countermeasures developed under the legislation. In most cases, the products would clearly qualify for accelerated approval, but the legislation ensures that they will be reviewed under this process.

It provides a statutory basis for the FDA approving countermeasures where human clinical trials are not appropriate or ethical. Rules regarding such products have been promulgated by the FDA.

It grants a limited antitrust exemption for certain cooperative research and development of countermeasures.

It provides incentives for the construction of biologics manufacturing facilities and research to increase the efficiency of current biologics manufacturing facilities.

It enhances the synergy between our for-profit and not-for-profit biomedical research entities. The Bayh-Dole Act and Stevenson-Wydler Act form the legal framework for mutually beneficial partnerships between academia and industry. My legislation strengthens this synergy and these relationships with two provisions, one to upgrade the basic research infrastructure available to conduct research on countermeasures and the other to increase cooperation between the National Institutes of Health and private companies.

Research on countermeasures necessitates the use of special facilities where biological agents can be handled safely without exposing researchers and the public to danger. Very few academic institutions or private companies can justify or capitalize the construction of these special facilities. The Federal government can facilitate research and development of countermeasures by financing the construction of these facilities for use on a fee-for-service basis. The legislation authorizes appropriations for grants to nonprofit and for-profit institutions to construct, maintain, and manage up to ten Biosafety Level 3–4 facilities, or their equivalent, in different regions of the country for use in research to develop countermeasures. BSL 3–4 facilities are ones used for research on indigenous, exotic or dangerous agents with potential for aerosol transmission of disease that may have serious or lethal consequences or where the agents pose high risk of life-threatening disease, aerosol-transmitted lab infections, or related agents with unknown risk of transmission. The Director of the Office and NIH shall issue regulations regarding the qualifications of the researchers who may utilize the facilities. Companies that have registered with and been certified by the Director—to develop countermeasures under Section 5(d) of the legislation—shall be given priority in the use of the facilities.

The legislation also reauthorizes a very successful NIH-industry partnership program launched in FY 2000 in Public Law 106–113. The funding is for partnership challenge grants to promote joint ventures between NIH and its grantees and for-profit biotechnology, pharmaceutical and medical device industries with regard to the development of countermeasures (as defined in Section 3 of the bill) and research tools (as defined in Section 4(d)(3) of the bill). Such grants shall be awarded on a one-for-one matching basis. So far the matching grants have focused on development of medicines to treat malaria, tuberculosis, emerging and resistant infections, and therapeutics for emerging threats. My proposal should be matched by reauthorization of the challenge grant program for these deadly diseases.

The legislation also sets incentives for the development of adjuvents to enhance the potency, and efficacy of antigens in responding to a biological agent.

It requires the new Department to issue annual reports on the effectiveness of this legislation and these incentives, and directs it to host an international conference each year on countermeasure research.

CALIBRATION OF INCENTIVES

The legislation is carefully calibrated to provide incentives only where they are needed. This accounts for the choices in the legislation about which provisions are available to small biotechnology companies and large pharmaceutical companies.

The legislation makes choices. It sets the priorities. It provides a dose of incentives and seeks a response in the private sector. We are attempting here to do something that has not been done before. This is uncharted territory. And it also an urgent mission.

There may be cases where a countermeasure developed to treat a biological toxin or chemical agent will have applications beyond this use. A broad-spectrum antibiotic capable of treating many different biological agents may well have the capacity to treat naturally occurring diseases.

This same issue arises with the Orphan Drug Act, which provides both tax and FDA approval incentives for companies that develop medicines to treat rare diseases. In some cases these treatments can also be used for larger disease populations. There are few who object to this situation. We have come to the judgment that urgency of this research is worth the possible additional benefits that might accrue to a company.

In the context of research to develop countermeasures, I do not consider it a problem that a company might find a broader commercial market for a countermeasure. Indeed, it may well be the combination of the incentives in this legislation and these broader markets that drives the successful development of a countermeasure. If our intense focus on developing countermeasures, and research tools, provides benefits for mankind going well beyond terror weapons, we should rejoice. If this research helps us to develop an effective vaccine or treatment for AIDS, we should give the company the Nobel Prize for Medicine. If we do not develop a vaccine or treatment for AIDS, we may see 100 million people die of AIDS. We also have 400 million people infected with malaria and more than a million annual deaths. Millions of children die of diarrhea, cholera and other deadly and disabling diseases. Countermeasures research may deepen our understanding of the immune system and speed and development of treatments for cancer and autoimmune diseases. That is not the central purpose of this legislation, but it is also an additional rationale for it.

CONCLUSION

This issue raised by my legislation is very simple: do we want the Federal government to fund and supervise much of the research to develop countermeasures or should we also provide incentives that make it possible for the private sector, at its own expense, and at its own risk, to undertake this research for good business reasons. This Frist-Kennedy law focuses effectively on direct Federal funding and coordination issues, but it does not include the sufficient incentives for the private sector to undertake this research on its own initiative. That law and my legislation are perfectly complimentary. We need to enact both to ensure that we are prepared for bioterror attacks.

I ask unanimous consent that an outline of the legislation appear at this point in the RECORD.

BIOLOGICAL, CHEMICAL AND RADIOLOGICAL WEAPONS COUNTERMEASURES RESEARCH ACT OF 2002

The legislation, a refined version of S. 1764 introduced on December 4, 2001, proposes incentives that will enable biotechnology and pharmaceutical companies to take the initiative—for good business reasons—to conduct research to develop countermeasures, including diagnostics, drugs, and vaccines, to treat those who might be exposed to or infected by biological, chemical or radiological agents and materials in a terror attack.

The premise of this legislation is that direct government funding of this research is likely to be much more expensive to the government and less likely to produce the countermeasures we need to defend America. Shifting some of the risk and expense of this research to entrepreneurial private sector firms is likely to be less expensive to the government and much more likely to produce the countermeasures we need to protect ourselves in the event of an attack.

For biotechnology companies, incentives for capital formation are needed because most such companies have no approved products or revenue from product sales to fund research. They rely on investors and equity capital markets to fund the research. These companies must focus on research that will lead to product sales and revenue and end their dependence on investor capital. When they are able to form the capital to fund research, biotech companies tend to be innovative and nimble and focused on the intractable diseases for which no effective medical treatments are available. Special research credits for pharmaceutical companies are also needed.

For both biotech and pharmaceutical companies, there is no established or predictable market for these countermeasures. Investors and companies are justifiable reluctant to fund this research, which will present technical challenges similar in complexity to development of effective treatments for AIDS. Investors and companies need assurances that research on countermeasures has the potential to provide a rate of return commensurate with the risk, complexity and cost of the research, a rate of return comparable to that which may arise from a treatment for cancer, MS, Cystic Fibrosis and other major diseases or from other investments.

The legislation provides tax incentives to enable companies to form capital to conduct the research and tax credits usable by larger companies with tax liability with respect to which to claim the credits. It provides a guaranteed and pre-determined market for the countermeasures and special intellectual property protections to serve as a substitute for a market. Finally, it establishes liability protections for the countermeasures that are developed.

Specifics of the legislation are as follows:

(1) Setting Research Priorities (Section 101): The Department of Homeland Security sets the countermeasure research priorities in advance. It focuses the priorities on threats for which countermeasures are needed, and with regard to which the incentives make it "more likely" that the private sector will conduct the research to develop countermeasures. It is required to consider the status of existing research, the availability of non-countermeasure markets for the research, and the most effective strategy for ensuring that the research goes forward. The Department then provides information to potential manufacturers of these countermeasures in sufficient detail to permit them to conduct the research and determine when they have developed the needed countermeasure. The Department is responsible for determining when a manufacturer has, in fact, successfully developed the needed countermeasure.

(2) Registration of Companies (Section 102): Biotechnology and pharmaceutical companies register with the Department to become eligible for the incentives in the legislation. They are obligated to provide reports to the Department as requested and be open to inspections. The Department certifies with companies are eligible for the incentives. Once a company is certified as eligible for the incentives, it becomes eligible for the tax incentives for capital formation, and if it successfully develops a countermeasure that meets the specifications of the Department, it becomes eligible for the procurement, patent, and liability provisions.

(3) Diagnostics (Section 103): The incentives apply to development of diagnostics, as well as drugs, vaccines and other needed countermeasures.

(4) Research tools (Section 104): A company is also eligible for certification for the tax and patent provisions if it seeks to develop a research tool that will make it possible to quickly develop a countermeasure to a previously unknown agent or toxin, or an agent or toxin not targeted by the Department for research.

(5) Capital Formation for Countermeasure Research (Section 201): The legislation provides that a company seeking to fund research is eligible to elect from among four tax incentives. The companies are eligible to:

(a) Establish an R&D Limited Partnership to conduct the research. The partnership passes through all business deductions and credits to the partners. Section 201 (b)(1).

(b) Issue a special class of stock for the entity to conduct the research. The investors would be entitled to a zero capital gains tax rate on any gains realized on the stock. Section 201(b)(2).

(c) Receive a special tax credit to help fund the research. Section 201 (b)(3).

(d) Receive a special tax credit for research conducted at a non-profit and academic research institution. Section 201 (b)(4).

A company must elect only one of these incentives and, if it elects one of these incentives, it is then not eligible to receive benefits under the Orphan Drug Act. The legislation includes amendments (Section 218) to the Orphan Drug Act championed by Senators HATCH, KENNEDY and JEFFORDS (S. 1341). the amendments make the Credit available from the date of the application for Orphan Drug status, not the date the application is approved as provided under current law.

(6) Countermeasure Purchase Fund (Section 202): The legislation provides that a company that successfully develops a countermeasure—through FDA approval—is eligible to sell the product to the Federal government at a pre-established price and in a predetermined amount. The company is given notice of the terms of the sale before it commences the research.

(7) Intellectual Property Incentives (Section 203): The legislation provides that a company that successfully develops a countermeasure is eligible to elect one of two patent incentives. The two alternatives are as follows:

(a) The company is eligible to receive a patent for its invention with a term as long as the term of the patent when it was issued by the Patent and Trademark Office, without any erosion due to delays in the FDA approval process. This alternative is available to any company that successfully develops a countermeasure irrespective of its paid-in capital.

(b) The company is eligible to extend the term of any patent owned by the company for two years. The patent may not be one that is acquired by the company from a third party. This is included as a capital formation incentive for small biotechnology companies with less than $750 million in paid-in capital, or, at the discretion of the Department of

Homeland Security, to any firm that successfully develops a countermeasure.

In addition, a company that successfully develops a countermeasure is eligible for a 10 year period of market exclusivity on the countermeasure.

(8) Liability Protections (Section 204): The legislation provides for protections against liability for the company that successfully develops a countermeasure.

(9) Accelerated Approval of Countermeasure (Section 211): The countermeasures are considered for approval by the FDA on a "fast track" basis.

(10) Special Approval Standards (Section 212): The countermeasures may be approved in the absence of human clinical trails if such trails are impractical or unethical.

(11) Limited Antitrust Exemption (Section 213): Companies are granted a limited exemption from the antitrust laws as they seek to expedite research on countermeasures.

(12) Biologics Manufacturing Capacity and Efficiency (Sections 214–215): Special incentives are incorporated to ensure that manufacturing capacity is available for countermeasures.

(13) Strengthening of Biomedical Research Infrastructure: Authorizes appropriations for grants to construct specialized biosafety containment facilities where biological agents can be handled safely without exposing researchers and the public to danger (Section 216). Also reauthorizes a successful NIH-industry partnership challenge grants to promote joint ventures between NIH and its grantees and for-profit biotechnology, pharmaceutical and medical device industries with regard to the development of countermeasures and research tools (Section 217).

(14) Adjuvents (Section 219): The legislation provides incentives for the development and use of adjuvents to enhance the potency of countermeasures.

(15) Annual Report (Section 220): The Department is required to prepare for the Congress an annual report on the implementation of these incentives.

(16) International Conference (Section 221): The Department is required to organize an annual international conference on countermeasure research.

Mr. HATCH. Mr. President, I rise today to cosponsor, with my colleague Senator LIEBERMAN from Connecticut, Chairman of the Governmental Affairs Committee, legislation that we believe is essential to better prepare our nation to prepare for and respond to bioterrorist attacks. The goal of our bill, the Biological, Chemical and Radiological Measures Research Act of 2002, is to encourage private sector research and development of diagnostic products, drugs, and vaccines designed to counter biological, chemical, or radiological attacks.

One year ago our country faced a series of anthrax attacks that exposed deficiencies in our nation's ability to respond to attacks of bioterrorism. We need to do more. This bill will help protect the American public by deterring future acts of bioterrorism and, in the event of another such attack, will increase our capacity to respond effectively to the weapon deployed.

This legislation complements the bioterrorism bill passed by Congress earlier this year that focused on building up the public health infrastructure. Senators KENNEDY, GREGG and FRIST deserve much credit for their work on that bill as do Congressmen TAUZIN, BILIRAKIS, DINGELL and BROWN. Also, we would be remiss if we did not recognize the manner in which the Appropriations Committees in both the Senate and the House adjusted their priorities so quickly last Fall. I salute the leadership of Senators BYRD, HARKIN, STEVENS and SPECTER in making available substantial new funding for building up the capacity of the public health system to protect our citizens against the threat of bioterrorism.

When it comes to protecting America, partisanship has no place. Senator LIEBERMAN built upon the strong tradition of bi-partisanship in the war against terrorism in introducing this bill today.

Although we are far better prepared for a terrorist attack today than ever before, and preventing a terrorist attack is our first priority, there are areas where we can improve our preparedness in the case of such an attack. Chief among these is the development of preventive agents and treatments for those citizens who may become exposed to or infected by deadly biological, chemical, and radiological agents.

Building up the public health infrastructure alone will be insufficient if our national medicine chest does not contain safe and effective medicines to counter particular threat agents. This bill creates incentives for the private sector to try to fill the medicine chest with new products designed to respond to biological or other similar attacks. We need many new treatments and vaccines and the Lieberman-Hatch bill will unleash the creative energy and many resources of the private sector biomedical research enterprise.

America leads the world in biomedical research capacity. The Lieberman-Hatch bill attempts to help focus the enormous assets of our research expertise in a manner that will protect the public health. This legislation seeks to help translate the basic knowledge, much of it funded through the $27 billion taxpayer-investment in the National Institutes of Health, into tangible products developed by the private sector.

Given the growing risk of further attacks and the potentially devastating consequences of bioterrorism, we must abandon a business as usual attitude and take the vigorous steps that Senator LIEBERMAN and I urge through this legislation.

Our legislation is an additional measure to other avenues we have pursued to protect our nation from terrorism, including the Biologic Weapons Convention and government funded research at NIH, the Defense Advanced Research Projects Agency, DARPA, and the Centers for Disease Control and Prevention, CDC.

Though we have mobilized many governmental agencies and increased direct federal funding for research and development of new treatments, I agree with Senator LIEBERMAN, that what we have done thus far, impressive as it has been, is not nearly enough. Direct government funding for this research is likely to be insufficient for our national defense needs unless we marry our efforts with the private sector to the greatest extent possible. That is exactly what this bill does.

Unfortunately, it is hard to avoid sounding somewhat like an alarmist when speaking on these matters. But, the truth of the matter today is that we do not have effective treatment for a host of potential biological, chemical and radiological threat agents. We must develop these with a greater sense of urgency and this legislation will serve as a catalyst for private sector investment and research and development activities.

We need to develop an expedient, efficient capacity that combines the best of what our society has—strong federal and academic institutions with the most innovative biotechnology and pharmaceutical companies in the world. It would be a grave mistake to ignore the tremendous capabilities and potential of our country's biotech and pharmaceutical private sector.

We must be creative, willing to work together, putting aside partisan politics and our opinions of the government or the private sector when dealing with a potential deadly threat to our nation. I believe Senator LIEBERMAN and I have done that. Though we have not agreed on all the details on everything related to homeland security, we agree on this vital component. We must provide the tools to forge a collaborative effort by the private sector and the Federal Government to come up with the cures and vaccines we may, sadly, need one day.

The best deterrent of bioterrorist attacks is to be able to demonstrate the capacity to counter such dastardly acts. I think the case can be made that all the rapid progress we have made in smallpox in the last year makes an attack with that agent less likely. That is the good news. The bad news is that there are too many agents for which we do not have any vaccine or effective therapeutic response. We need to roll up our sleeves and get to work on many other potential tools of destruction. Our bill provides the private sector with important incentives to get this work done and to get it done now.

Most private sector companies rely on equity capital markets and investments to fund research. Naturally, they focus on research that will lead to products that will sell and have a dependable market. As we know, thankfully, there is no dependable or established market for counter terrorism. Therefore, not unreasonably, investors need some kind of assurance that the costly and complex research we are asking them to invest in will be rewarded—that the reward will be commensurate with the risk.

Under current law, private companies are reluctant to enter into agreements with government agencies to conduct needed research. The bill Senator LIEBERMAN and I are introducing greatly expands the incentives for biotechnology and pharmaceutical companies to develop bioterrorism countermeasures. I do not think anyone will oppose involving some of the most powerful research minds and new technology as we defend our country against these threats. We need to involve these biomedical research companies more directly into our national defense plan, as they may very well be the ones to provide us with what we need to the medical front.

I know there are novel, and perhaps controversial, features in this bill—anything innovative usually does. I ask that each and every one of you who has a stake in this issue enter into this debate. Keep in mind that the goal is to close any gap that exists in our plan against terrorism—I believe this includes engaging the private sector. We need to make sure that these companies have the proper incentives to engage in expensive, arduous research that could potentially save millions of Americans.

Let me now review the specifics of our proposal. We provide incentives, such as tax incentives, guaranteed purchase funds, and patent and liability protections, which make it possible for private companies to form the capital needed to conduct this vital research. Again, we cannot expect these companies to engage in expensive research and development for an extremely unpredictable market without providing them meaningful incentives and reassurance.

In some respects this legislation is similar to another bill I co-authored, the Orphan Drug Act. The Orphan Drug Act utilizes tax credits and marketing exclusivity incentives to spur research into rare diseases with patient populations under 200,000 in the United States. This modest little bill has resulted in over 220 approved orphan products with over 1000 more designated for investigation. It is my hope and expectation that, in introducing our bill today, we can recreate the success of the Orphan Drug Act in getting the private sector motivated in a particular area of research.

The Lieberman-Hatch bill contains powerful incentives. Here is how it works. The bill requires the private sector to work closely with the appropriate governmental officials. The legislation ensures that the Department of Homeland Security sets the countermeasure research priorities in advance. The Department of Homeland Security is required to take into account the status of existing research, the potential for non-countermeasure markets for the research, and the most effective strategy for propelling the research forward and provides this information to potential manufacturers. The bill also requires companies to register with the Department, to provide reports as requested and to be open to inspections, in order to be eligible for incentives. Once a company is certified, it is eligible for tax incentives for capital formation.

The Department then determines if a manufacturer has successfully developed a countermeasure. Once the specifications of the Department are met, the company is eligible for the procurement, patent, and liability provisions. These incentives apply to diagnostics, drugs, vaccines and other countermeasures deemed necessary, including research tools.

If companies seek to develop a research tool that enables the advancement of a countermeasure to a previously unknown agent or toxin, or an agent or toxin not targeted by the Department, they are also eligible for incentives.

The four tax incentives companies are eligible to select from include:

(a) An R&D Limited Partnership to conduct the research. The partnership passes through all business deductions and credits to the partners.

(b) A special class of stock for the entity to conduct the research. The investors would be entitled to a zero capital gains tax rate on any gains realized on the stock.

(c) A special tax credit to help fund the research.

(d) A special tax credit for research conducted at a non-profit and academic research institution.

I want to point out that a company can elect only one of these incentives and, if it elects one of these incentives, the company is not eligible to further benefits under the Orphan Drug Act. That is only fair.

I would like to briefly discuss the Countermeasure Purchase Fund contained in Section 202 of the bill. Basically, the legislation affords a company that successfully develops a countermeasure—through FDA approval—eligibility to sell the product to the Federal Government at a pre-established price and in a pre-determined amount. The company is given notice of the terms of the sale before it begins research.

The intellectual property incentives are contained in Section 203 of the bill. There are two patent incentives:

One, the company is eligible to receive full patent term restoration for its invention. This means that it is held harmless for patent term erosion due to the lengthy FDA approval process. This alternative is available to any company that successfully develops a countermeasure irrespective of its paid-in capital. This is a significant incentive over the normal partial patent term restoration provisions contained in the Drug Price Competition and Patent Term Restoration Act. I am a coauthor of this law which has contributed to consumer savings of $8 to $10 billion each year since its passage in 1984. This was the legislation that created the modern generic drug industry. But under this law the patent term cannot be restored beyond 14 years. When the 1984 law was enacted the patent term was 17 years from date of patent issuance; with the enactment of the GATT Treaty implementing legislation, the patent term was changed to 20 years from date of application. By adopting a policy of day for day patent term restoration, the Lieberman-Hatch bill is sending a strong signal to the private sector to pour its resources into this research. By lengthening the patent term beyond the existing 14 year cap, drug companies will have a new incentive to devote their efforts to this research.

Two, under the bill, small companies are also eligible to elect to extend the term of any patent owned by the company for two years. The patent may not be one that is acquired by the company from a third party. This is included as a capital formation incentive for small biotechnology companies with less than $750 million in paid-in capital, or, at the discretion of the Department of Homeland Security, to any firm that successfully develops a countermeasure. This provision will get the attention of our nation's growing biotechnology sector.

In addition, a company that successfully develops a countermeasure is eligible for a 10 year period of market exclusivity on the countermeasure. This means that the FDA may not approve a generic copy of such a drug for 10 years regardless of whether the drug has any patent protection. This is in contrast to the 5 years of marketing exclusivity granted under the Drug Price Competition and Patent Term Restoration Act. This is an important incentive because it is the government that enforces the marketing exclusivity provision, not the firm through costly, risky, and time-consuming private patent infringement litigation.

Other incentives in the bill include the liability protections set forth in section 204; a limited antitrust exemption designed to expedite and coordinate research as set forth in section 213; accelerated FDA approval provisions described in section 211; and, special FDA approval standards established in section 212 that codify the FDA regulations that authorize approval in the absence of human clinical trails if such trails are impractical or unethical.

In addition the bill provide; incentives to enhance biologics manufacturing capacity for countermeasures.

This includes grants to construct specialized biosafety containment facilities where biological agents can be handled safely without exposing researchers and the public to danger. The bill also reauthorizes a successful NIH-industry partnership challenge grants to promote joint ventures between NIH and its grantees and for-profit biotechnology, pharmaceutical, and medical device industries with regard to the development of countermeasures and research tools.

Finally, the bill also provides incentives for the development and use of adjuvants to enhance the potency of countermeasures; requires the Department of Homeland Security to prepare an Annual Report to Congress on the implementation of these incentives in the legislation and to organize an annual international conference on countermeasure research.

Let me conclude by saying that this legislation lays out an unabashedly aggressive set of incentives designed to stimulate research. There will undoubtedly be criticisms of some of the features of the bill. Senator LIEBERMAN and I recognize that adjustments will have to be made along the way. We want to work closely with President Bush, Vice President CHENEY, Governor Ridge, and Secretary Thompson and others in the Administration in refining this legislation. We recognize that unless the President feel that this type of program is necessary it is unlikely to be adopted.

The subject mater of this legislation cuts across many Committees of the Senate. Senator LIEBERMAN and I will work with the Finance Committee, the Judiciary Committee I serve on both of these committees—as well as the HELP Committee, Commerce Committee, and the Governmental Affairs Committee which my friend from Connecticut Chairs. I might add, as much as I admire Senator LIEBERMAN, I hope that next month he becomes the Ranking Democratic Member of the Governmental Affairs Committee.

We will continue to work with all interested parties in the private sector to refine this legislation. We welcome this dialog.

Let me state clearly that my cosponsorship today is more an unambiguous statement that I intend to work in partnership with Senator LIEBERMAN than it is a statement that I agree with each provision and detail of this bill. Specifically, I do not agree with—and would not support—the anti-trust and indemnification provisions as currently drafted. We must tread carefully in the areas of government indemnification and in holding any meetings with the private sector in which antitrust concerns are triggered.

My cosponsorship of this legislation today which will serve as a discussion draft between the 107th and 108th Congress—should not be considered as a reversal of my views on indemnification and antitrust policy. It is not. My cosponsorship only signals my willingness to be open to rethinking my traditional views of indemnification and antitrust policy in light of this grave threat to our national security. These sections—as well as many other parts of the bill need more work. At the end of the day, I hope we can come together on these questions.

I want to stress the fact that I opposed proposed indemnification language in the Kennedy-Gregg-Frist bioterrorism bill passed earlier this year. I have opposed indemnification provisions in discussions over matters of homeland security. I continue to hold my position that indemnification is not only not the best policy but that it may also be counterproductive in the long run.

Similarly, I have rejected any general policy of governmental indemnification of those injured by asbestos or tobacco use. The private sector must bare its share of the risk and responsibility when it produces potentially dangerous products.

Frankly, I believe the solution to the indemnification issue may ultimately stem from the hard work of Senators WARNER and THOMPSON with respect to their amendment, Number 4530, to the Homeland Security bill. This language was carefully worked out in close consultation with by Senators WARNER and THOMPSON and the White House earlier this year. We will take advantage of amendment Number 4530 as we further refine our legislation in this area.

The Warner-Thompson language builds upon the principles contained in Executive order No. 10879 and the authority set forth in Public Law 85–804. These authorities grant the Department of Defense, at DoD's discretion, to include indemnification clauses in its contracts with military contractors, with certain limitations and conditions. In order for this authority to apply to the new Office of Homeland Security, current law needs to be amended.

It is important to note that the language of the Warner-Thompson amendment retains the principle of discretionary authority. That is important. We can not write a blank check to the private sector. Senator LIEBERMAN and I have included language in our bill that requires the new Secretary of Homeland Security "to make a determination . . . that it is in the national security interest of the United States" before any indemnification provision could be triggered. The Warner-Thompson amendment is narrowly tailored to the procurement of anti-terrorism technology or services by a federal agency directly engaged in homeland security activities. Moreover, consistent with the Warner-Thompson language, we need to flesh out the factors the Administration shall consider in negotiating the extent of any indemnification.

Although we need to further refine the language in the discussion draft bill we introduce today, my intent is do follow the lead of and principles contained in the Warner-Thompson Amendment. Further, the Warner-Thompson Amendment language includes procurements made by State and local governments but only through contracts made by the head of an agency of the Federal Government and only to the extent that those loses are not covered by insurance.

A discussion of indemnification in the context of bioterrorism countermeasures is a very special case. It is a unique circumstance in which we may very well face many issues never confronted before such as the possibility of using drugs that can not be ethically tested in human beings due to the danger of the agent the drug is intended to treat. We are not talking about asbestos or tobacco here, we are talking about potential attacks that could undermine the public health, economic wealth, and environmental integrity of the United States of America.

We are trying to protect against the use weapons of terror in the hands of terrorists, not routine uses of consumer and other products. If unforseen side effects occur when countermeasures are dispensed, society may be presented with problems that will require innovative responses. The future of our country is at stake. I have twenty grandchildren and I want them to hand down our traditions and heritage to their grandchildren. It is for their sake that we must try to settle these issues.

But let us not get to far ahead of ourselves at this point with all these details. This legislation is a work in progress. Anyone who has witnessed the extensive floor debate over the last 2 months over the creation of the Office of Homeland Security understands that we have much, much more work to do with respect to the creation of the new department and many other homeland security issues. I hope and expect that President Bush and the Congress will come together on the Department of Homeland Security. I commend Senator LIEBERMAN for his constructive role in this ongoing debate.

My support of this legislation should be construed as a personal commitment to work closely with Senator LIEBERMAN, the White House and other parties to address the issues raised in the bill. It is my hope that we can arrive at an acceptable compromise on the indemnification and antitrust provisions, as well as, all the other matters taken up in this important legislation.

As a pragmatic legislator, I understand that to make an omelette, you always have to break an egg. I hope this discussion draft bill will help inspire discussion and move the process along.

We are facing unprecedented threats to our Nation's security. We need to be open to novel solutions to these new problems. We hope that this bill will foster thoughtful discussion on how best to prepare the nation for any potential biological, chemical, or radiological attack.

Let us not lose sight of our mission to protect our nation from the devastating illness and death that bioterrorism can bring. We desperately need to develop the technology to prevent, detect, diagnose, and treat our citizens who may fall victim to bioterrorism. I believe that strengthening the government's partnership with the private sector is the most effective and expedient step we can take at this point in time. The Kennedy-Gregg-Frist bioterrorism law was an enormous step forward. The funding support provided by Senators BYRD, STEVENS, HARKIN, and SPECTER and other appropriators is also essential. This public sector investment must now be joined by legislation that will foster a commensurate private sector response. That is exactly what the Lieberman-Hatch bill, the Biological, Chemical and Radiological Measures Research Act of 2002, will do if Congress passes this law.

Let me close by saying that I have enjoyed working with Senator LIEBERMAN in developing this bill and look forward to continuing this partnership in the future as we work with other Senators on this legislation. I also want to recognize the efforts of Chuck Ludlam on Senator LIEBERMAN's staff for all the work he has done to bring the bill to this point. Senator LIEBERMAN and I urge our colleagues to review the "Biological, Chemical and Radiological Measures Research Act of 2002". I hope that our colleagues will conclude that this legislation deserves to be near the top of the agenda when the 108th Congress convenes in January.

By Mr. MCCAIN:

S.J. Res. 50. A joint resolution expressing the sense of the Senate with respect to human rights in Central Asia; to the Committee on Foreign Relations.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the text of the resolution be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 50

Whereas the Central Asian nations of Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan provided the United States with important assistance in the war in Afghanistan, from military basing and overflight rights to the facilitation of humanitarian relief;

Whereas America's victory over the Taliban in turn provided important benefits to the Central Asian nations, removing a regime that threatened their security, and significantly weakening the Islamic Movement of Uzbekistan, a terrorist organization that had previously staged armed raids from Afghanistan into the region;

Whereas the United States has consistently urged the nations of Central Asia to open their political systems and economies and to respect human rights, both before and since the attacks of September 11, 2001;

Whereas Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan are members of the United Nations and the Organization for Security and Cooperation in Europe, both of which confer a range of human rights obligations on their members;

Whereas according to the State Department Country Reports on Human Rights Practices, the government of Kazakhstan harasses and monitors independent media and human rights activists, restricts freedom of association and opposition political activity, and allows security forces to commit extrajudicial executions, torture, and arbitrary detention with impunity;

Whereas according to the State Department, the government of the Kyrgyz Republic engages in arbitrary arrest and detention, restricts the activities of political opposition figures, religious organizations deemed "extremist," human rights activists, and nongovernmental organizations, and discriminates against ethnic minorities;

Whereas according to the State Department, the government of Tajikistan remains authoritarian, curtailing freedoms of speech, assembly, and association, with security forces committing extrajudicial executions, kidnappings, disappearances, and torture;

Whereas according to the State Department, Turkmenistan is a Soviet-style one-party state centered around the glorification of its president, which engages in serious human rights abuses, including arbitrary arrest and detention, severe restrictions of personal privacy, repression of political opposition, and restrictions on freedom of speech and nongovernmental activity;

Whereas according to the State Department, the government of Uzbekistan continues to commit serious human rights abuses, including arbitrary arrest, detention and torture in custody, particularly of Muslims who practice their religion outside state controls, the severe restriction of freedom of speech, the press, religion, independent political activity and nongovernmental organizations, and detains over 7,000 people for political or religious reasons;

Whereas the United States Commission on International Religious Freedom has expressed concern about religious persecution in the region, recommending that Turkmenistan be named a Country of Particular Concern under the International Religious Freedom Act of 1998, and that Uzbekistan be placed on a special "Watch List";

Whereas, by continuing to suppress human rights and to deny citizens peaceful, democratic means of expressing their convictions, the nations of Central Asia risk fueling popular support for violent and extremist movements, thus undermining the goals of the war on terrorism;

Whereas President Bush has made the defense of "human dignity, the rule of law, limits on the power of the state, respect for women and private property and free speech and equal justice and religious tolerance" strategic goals of United States foreign policy in the Islamic world, arguing that "a truly strong nation will permit legal avenues of dissent for all groups that pursue their aspirations without violence"; and

Whereas the Congress has expressed its desire to see deeper reform in Central Asia in past resolutions and legislation, most recently conditioning assistance to Uzbekistan on its progress in meeting human rights and democracy commitments to the United States: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That it is the Sense of the Congress that:

(1) the governments of Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan should accelerate democratic reforms and fulfill their human rights obligations including, where appropriate, by—

"(A) releasing from prison all those jailed for peaceful political activism or the nonviolent expression of their political or religious beliefs;

"(B) fully investigating any credible allegations of torture and prosecuting those responsible;

"(C) permitting the free and unfettered functioning of independent media outlets, independent political parties, and non-governmental organizations, whether officially registered or not;

(D) permitting the free exercise of religious beliefs and ceasing the persecution of members of religious groups and denominations not registered with the state;

(E) holding free, competitive, and fair elections;

(F) making publicly available documentation of their revenues and punishing those engaged in official corruption;

(2) the President of the United States, the Secretary of State, and the Secretary of Defense should—

(A) continue to raise at the highest levels with the governments of the nations of Central Asia specific cases of political and religious persecution, and urge greater respect for human rights and democratic freedoms at every diplomatic opportunity;

(B) take progress in meeting the goals outlined in paragraph (1) into account when determining the level and frequency of United States diplomatic engagement with the governments of the Central Asian nations, the allocation of United States assistance, and the nature of United States military engagement with the countries of the region;

(C) ensure that the provisions of the Foreign Operations Appropriations Act are fully implemented to ensure that no United States assistance benefits security forces in Central Asia implicated in violations of human rights;

(D) follow the recommendations of the United States Commission on International Religious Freedom by designating Turkmenistan a Country of Particular Concern under the International Religious Freedom Act of 1998 and by making clear that Uzbekistan risks designation if conditions there do not improve;

(E) work with the Government of Kazakhstan to create a political climate free of intimidation and harassment, including releasing political prisoners and permitting the return of political exiles, most notably Akezan Kazegeldin, and to reduce official corruption, including by urging the Government of Kazakhstan to cooperate with the ongoing United States Department of Justice investigation;

(F) support through United States assistance programs those individuals, non-governmental organizations, and media outlets in Central Asia working to build more open societies, to support the victims of human rights abuses, and to expose official corruption; and

(3) increased levels of United States assistance to the governments of the Central Asian nations made possible by their cooperation in the war in Afghanistan can be sustained only if there is substantial and continuing progress towards meeting the goals outlined in paragraph (1).

By Mr. WYDEN:

S.J. Res. 51. A resolution to recognize the rights of consumers to use copyright protected works, and for other purposes; to the Committee on the Judiciary.

Mr. WYDEN. Mr. President, today I am introducing a resolution that spells out what I believe should be the basic rights of consumers to use and enjoy legally acquired copyrighted works. The purpose of this resolution is simple: to establish the principle that as the Nation's copyright system evolves and adapts to new technologies, it must respect and preserve the interests of consumers. I am joined in this effort by my friend and frequent collaborator, Representative CHRIS COX, who has already introduced a similar resolution in the House.

In today's information age, intellectual property rules are the oil that helps keep the economic engine running smoothly. Digitization and the rise of the Internet have given the engine a big boost by creating new and more efficient ways of circulating, manipulating, and using information. The pace of these developments has left the copyright system scrambling to keep up.

Industry working groups have been meeting over the past several years to negotiate new copy protection rules, but consumers have not always had a prominent seat at the table, and there is a real risk that the interests of consumers could get short shift. That is why I believe it is important to affirm that new copyright protection systems must not be allowed to undermine or erode the existing rights and expectations of consumers. Existing copyright laws, under the doctrine of "fair use," permit consumers to make copies of content for limited, non-commercial purposes. A new copyright regime for the digital world must not narrow or limit these rights. It would be a terrible irony if the advances in digital technology were to result in a step backwards for consumers.

I expect to see a great deal of activity on this subject during the next Congress—on the legislative front certainly, but also in further negotiations between industry groups and in efforts to devise new technological approaches. To ensure that the scope of "fair use" in the digital world will not be any narrower than it has been in the analog world, I believe it would be helpful for Congress to spell out its expectations concerning what legitimate fair use includes. That is what this resolution aims to do. Specifically, it says that consumers of legally acquired content should be permitted to make copies for purposes of using the content later (time-shifting), using it in a different place (space-shifting), or making a backup; to use the content on different platforms or devices; to translate the content into different formats; and to use technology to achieve any of these purposes. Copyright law should not give copyright holders the ability to prohibit such legitimate, personal, non-commercial activity.

It is clear to me that the content industries face very serious challenges in preventing piracy, and that intellectual property protections must be strong. People and companies that create copyrighted works must be fairly compensated, and piracy must be punished. America's information-based economy depends on it.

But efforts to combat piracy must not come at the expense of legitimate consumer uses of intellectual property. That would be throwing out the baby with the bathwater.

I understand that the content industries have serious concerns about this resolution. I have listened to them, and I can appreciate their fear that, for example, expressing consumer rights in too absolute a fashion could open the door to someone making 1,000 copies of a CD to share with all their friends and acquaintances at no charge. That is not my intention. So the resolution I am introducing specifies that the rights in question must be exercised in a reasonable, personal, and non-commercial manner. The rights are not absolute.

Going forward, I intend to continue to listen to both sides of this debate, and to support solutions that do not upset the balance in existing law between commercial use and non-commercial, personal use. I want to protect the interests of both copyright holders and consumers. But the fact is, as of today, nobody in the Senate has stepped forward with legislation on the consumer side of this issue. This resolution helps fill that void.

Introducing this resolution now, with the end of this Congress drawing near, Congressman COX, and I are essentially laying down a marker for next year's debate. I will work closely with my Chairman on the Senate Commerce Committee, Senator HOLLINGS, and others to move the issue forward. A positive expression affirming the reasonable interests of consumers should be part of this Nation's evolving copyright regime.

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE RESOLUTION 345—EXPRESSING SYMPATHY FOR THOSE MURDERED AND INJURED IN THE TERRORIST ATTACK IN BALI, INDONESIA, ON OCTOBER 12, 2002, EXTENDING CONDOLENCES TO THEIR FAMILIES, AND STANDING IN SOLIDARITY WITH AUSTRALIA IN THE FIGHT AGAINST TERRORISM

Mrs. FEINSTEIN (for herself, Mr. HAGEL, Mr. HELMS, and Mr. NELSON of Florida) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 345

Whereas more than 180 innocent people were murdered and at least 300 injured by a cowardly and brutal terrorist bombing of a nightclub in Bali, Indonesia, on October 12, 2002, the worst terrorist incident since September 11, 2001;

Whereas those killed include two United States citizens, as well as citizens from Germany, the United Kingdom, and Canada, but the vast majority of those killed and injured were Australian, with more than 220 Australians still missing;

Whereas two American citizens are still missing;

Whereas this bloody attack appears to be part of an ongoing terror campaign by al-Qaida, and strong evidence exists that suggests the involvement of al-Qaida, together with Jemaah Islamiah, in this attack; and

Whereas the people of the United States and Australia have developed a strong friendship based on mutual respect for democracy and freedom: Now, therefore, be it

Resolved, That the Senate—

(1) expresses its deepest condolences and sympathies to the families of the American victims, to the other families of those murdered and injured in this heinous attack, and to the people of Australia, Great Britain, Canada, and Germany;

(2) condemns in the strongest possible terms the vicious terrorist attacks of October 12, 2002, in Bali, Indonesia;

(3) expresses the solidarity of the United States with Australia in our common struggle against terrorism;

(4) supports the Government of Australia in its call for the al-Qaida-linked Jemaah Islamiah to be listed by the United Nations as a terrorist group;

(5) urges the Secretary of State to designate Jemaah Islamiah as a foreign terrorist organization; and

(6) calls on the Government of Indonesia to take every appropriate measure to bring to justice those responsible for this reprehensible attack.

SENATE RESOLUTION 346—CELEBRATING THE 90TH BIRTHDAY OF LADY BIRD JOHNSON

Mrs. HUTCHISON (for herself and Mr. GRAMM) submitted the following resolution; which was referred to the Committee on the Judiciary.

S. RES. 346

Whereas Mrs. Lyndon Baines Johnson was born Claudia Alta Taylor in Karnack, Texas, on December 22, 1912, the daughter of Thomas Jefferson and Minnie Pattillo Taylor;

Whereas at an early age, it was noted that she was "purty as a lady bird," and since that time she has been known to family, friends, and all Americans as "Lady Bird";

Whereas Lady Bird Johnson, as wife of the 36th President of the United States, served with great distinction as First Lady from 1963–1969;

Whereas Mrs. Johnson has dedicated her life to education and the beautification of our environment, and provided a legacy of wildflowers growing along our highways;

Whereas in 1982, Mrs. Johnson founded the National Wildflower Research Center (later renamed the Lady Bird Johnson Wildflower Center) in Austin, Texas, dedicated to the preservation and reestablishment of native plants in natural and planned landscapes;

Whereas Mrs. Johnson is the recipient of our Nation's highest civilian award, the Medal of Freedom, and in 1988 received the Congressional Gold Medal from President Ronald Reagan; and

Whereas the American people have a great and lasting admiration and affection for Lady Bird Johnson: Now, therefore, be it

Resolved, That the Senate—

(1) celebrates the 90th birthday of Lady Bird Johnson on December 22, 2002;

(2) extends best wishes to Mrs. Johnson; and

(3) directs the Secretary of the Senate to transmit an enrolled copy of this resolution to—

(A) Lady Bird Johnson;

(B) the National Archives; and

(C) the Lyndon Baines Johnson Library and Museum.

SENATE RESOLUTION 347—EXPRESSING THE SENSE OF THE SENATE THAT IN ORDER TO SEIZE UNIQUE SCIENTIFIC OPPORTUNITIES THE FEDERAL COMMITMENT TO BIOMEDICAL RESEARCH SHOULD BE TRIPLED OVER A TEN YEAR PERIOD BEGINNING IN 1999

Mr. SPECTER submitted the following resolution; which was referred to the Committee on Appropriations:

S. RES. 347

Whereas past investments in biomedical research have resulted in better health, and improved quality of life for all Americans;

Whereas the Nation's commitment to biomedical research has expanded the base of scientific knowledge regarding health and disease and revolutionized the practice of medicine;

Whereas biomedical research continues to play a vital role in the growth of this Nation's biotechnology, medical device, and pharmaceutical industries;

Whereas the origins of many of the new drugs and medical devices currently in use are based in biomedical research supported by the National Institutes of Health;

Whereas research sponsored by the National Institutes of Health has contributed significantly to the first overall reduction in cancer death rates since recordkeeping was instituted;

Whereas research sponsored by the National Institutes of Health has developed effective treatments for Acute Lymphoblastic Leukemia;

Whereas research sponsored by the National Institutes of Health in the last 30 years has doubled the life expectancy of sickle cell disease patients;

Whereas research sponsored by the National Institutes of Health has resulted in the identification of genetic mutations for osteoporosis, Lou Gehrig's Disease, cystic fibrosis, Huntington's Disease, breast cancer, skin cancer, prostate cancer, and a variety of other illnesses;

Whereas a third of all known genetic defects affect the nervous system, and so far more than 200 genes have been identified that can cause or contribute to neurological disorders, but a better understanding of multiple gene influences on disease risk, progression, and severity is needed;

Whereas research sponsored by the NIH has brought remarkable progress, with the first treatments for acute stroke and spinal cord injury, new immune therapies that ameliorate symptoms and slow the progression of multiple sclerosis, and increased drug and surgical options for Parkinson's disease, epilepsy and chronic pain;

Whereas research sponsored by the National Institutes of Health has been key to the development of Magnetic Resonance Imaging (MRI), Positron Emission Tomography (PET), and other imaging technologies;

Whereas the emerging understanding of the principles of biomimetics has been applied to the development of hard tissue such as bone and teeth as well as soft tissue, and this field of study holds great promise for the design of new classes of biomaterials, pharmaceuticals, diagnostic and analytical reagents;

Whereas many Americans still face serious and life-threatening health problems, both acute and chronic;

Whereas neurodegenerative diseases of the elderly, such as Alzheimer's and Parkinson's disease threaten to destroy the lives of millions of Americans, overwhelm the Nation's health care system, and bankrupt the Medicare and Medicaid programs;

Whereas muscular dystrophies continue to severely affect the quality of life and shorten the lifespan of many Americans;

Whereas one in one hundred Americans are currently infected with the hepatitis C virus, an insidious liver condition that can lead to inflammation, cirrhosis, and cancer as well as liver failure;

Whereas women have traditionally been under-represented in medical research protocols, yet are severely affected by diseases including breast cancer; ovarian cancer; and osteoporosis and cardiovascular disorders;

Whereas cancer remains a comprehensive threat to any tissue or organ of the body at any age, and remains a leading cause of morbidity and mortality;

Whereas the extent of psychiatric and neurological diseases poses considerable challenges in understanding the workings of the brain and nervous system;

Whereas recent advances in the treatment of HIV illustrate the promise research holds for even more effective, accessible, and affordable treatments for persons with HIV, however at least 320,000 Americans are now suffering from AIDS and hundreds of thousands more with HIV infection;

Whereas diabetes, both insulin and non-insulin forms, afflict over 16 million Americans and place them at risk for acute and chronic complications, including blindness, kidney failure, atherosclerosis and nerve degeneration;

Whereas research sponsored by the National Institutes of Health has mapped and sequenced the entire human genome ahead of schedule, thereby ushering in a new era of molecular medicine that will provide unprecedented opportunities for the prevention, diagnoses, treatment, and cure of diseases that currently plague society;

Whereas an unprecedented variety of new treatments and prevention strategies for neurological disorders are under development, including drugs that are targeted at specific molecular processes, stem cell therapies that replace lost nerve cells, neural prostheses that read control signals directly from the brain, vaccines that target neurodegeneration, implantable electrical stimulators that compensate for brain circuits unbalanced by disease, vectors to repair or replace defective genes, and behavioral interventions that encourage the brain's latent capacity to repair itself;

Whereas the fundamental way science is conducted is changing at a revolutionary pace, demanding a far greater investment in emerging new technologies, research training programs, and in developing new skills among scientific investigators; and

Whereas most Americans show overwhelming support for an increased Federal investment in biomedical research: Now, therefore, be it

Resolved,

SECTION 1. SHORT TITLE.

This resolution may be cited as the "Resolution for the Tripling of Biomedical Research".

SEC. 2. SENSE OF THE SENATE.

It is the sense of the Senate that appropriations for the National Institutes of Health should be tripled over the ten year period from fiscal year 1999 to 2008.

Mr. SPECTER. Mr. President, I have sought recognition to submit a resolution with respect to the National Institutes of Health. The progress on medical research has been astounding, thanks to remarkable biomedical research and achievements.

When I came to the Senate after being elected in 1980, the budget for the National Institutes of Health was $3.6 billion. The Senate bill this year will advance that funding to more than $27 billion, and a good bit of that growth has been occasioned by the resolution which was passed in 1997 to double the NIH funding over a 5-year period.

Today I am submitting a resolution to triple the NIH funding over the 10-year period from fiscal year 1999 through the 2008.

When the resolution was passed to double NIH funding, that was a statement of the Senate's druthers, so to speak. It has been very hard to get the dollars, but we have managed to do so.

In 1998, Senator TOM HARKIN, who was then ranking member, and I, chairman—Senator HARKIN and I have passed the gavel back and forth, and it has been a seamless transition. I much prefer to be the chairman, but when Senator HARKIN is the chairman, our partnership is such that we move ahead in the public interest. I learned a long time ago, if you want to get something done in Washington, you have to cross party lines.

In 1998, Senator HARKIN and I asked for an additional $1 billion. The Budget Committee turned us down. We came to the floor and lost on a vote of 63 to 37, but got out our sharp pencils and found the $1 billion as a matter of priorities.

Having lost on the effort for $1 billion, we came back the next year and asked for $2 billion. Again, we were defeated on a floor vote. Again, we established priorities and found the $2 billion. We had a number of votes and had difficulties in coming to the figure, but the last recorded vote on the NIH budget was 96 to 4.

There have been remarkable achievements by the National Institutes of Health. NIH research has developed effective treatments for acute leukemia.

NIH research in the past 30 years has doubled the life expectancy of sickle cell disease patients.

NIH research has resulted in the identification of the genetic mutations for osteoporosis, amyotrophic lateral sclerosis, known as Lou Gehrig's disease, cystic fibrosis, Huntington's disease, skin cancer, breast cancer, and prostate cancer.

A third of all known genetic defects affect the nervous system, and so far more than 200 genes have been identified that can cause or contribute to neurological disorders, with a better understanding of multiple gene influences on disease risk, progression, and severity.

Research by the NIH has brought remarkable progress with the first treatments for acute stroke, spinal cord injury, new immune therapies that ameliorate symptoms and slow the progression of multiple sclerosis, and increased drug and surgical options for Parkinson's disease, epilepsy, and chronic pain.

Research sponsored by the National Institutes of Health has been key in the development of the MRI, magnetic resonance imaging, positron emission tomography, and other imaging technologies.

Emerging understanding of the principles of biomimetics has been applied to the development of hard tissue, such as bone and teeth, as well as soft tissue, and this field of study holds great promise for the design of new classes of biomaterials, pharmaceuticals, diagnostic and analytical reagents.

Notwithstanding all of these achievements, Americans continue to suffer greatly. Women have traditionally been under-represented in medical research protocols, yet are severely affected by diseases, including breast cancer, ovarian cancer, osteoporosis, and cardiovascular disorders.

Cancer remains a comprehensive threat to any tissue or organ of a body at any age and remains a leading cause of morbidity and mortality.

The extent of psychiatric and neurological diseases poses considerable challenges in understanding the workings of the brain and nervous system.

Recent advances in the treatment of HIV illustrate the promise research holds for even more effective, accessible, and affordable treatments for persons with HIV, but at least 320,000 Americans are now suffering from AIDS and hundreds of thousands more with HIV infections.

The written resolution, which I am submitting, chronicles in greater detail the severe problems facing Americans with Parkinson's, Alzheimer's, heart ailments, cancer, and many other afflictions, but also we note the tremendous achievements of the National Institutes of Health.

There remains a great deal more to be done and since November of 1998, when the stem cell phenomenon came upon the scene, we now have a real opportunity for enormous progress with stem cell research. That requires a change in Federal law on the Federal funding, and it is controversial because stem cells come from embryos. They come from embryos which are discarded.

Characteristically, when a dozen or so embryos are created for in vitro fertilization, many—8, 9, 10—are discarded, thrown away. If those embryos could produce life, that would be their highest form, and that is what should be done. But if the choice is discarding them or using them to save lives, it seems to me the choice is clear: To use them to save lives.

Last year, I suggested, successfully, that we have $1 million for embryo adoption in our appropriations bill to encourage people to come forward and adopt embryos, but still many remain to be discarded.

Confusion has arisen over an issue of what is called therapeutic cloning which is confused with human cloning. There is, I think, a consensus, if not unanimity, that human cloning is undesirable. But nuclear transplantation, which has been mislabeled as therapeutic cloning, offers lifesaving procedures.

In essence, it takes a skin cell from a person and places it into an egg with the nucleus removed. The stem cells produced from this process are not rejected and can be inserted in the brain for people who suffer from Parkinson's.

Legislation will soon be proposed which will promote Federal funding on important stem cell research which has the potential to save millions of lives.

These issues of disease which confront America involve virtually all Americans in terms of someone in a family or a friend or an acquaintance suffering from these ailments.

To reiterate, Mr. President, I have sought recognition today to submit a resolution to triple funding for the National Institutes of Health over a 10-year period beginning in 1999.

As chairman, and now ranking member, of the Appropriations Subcommittee for Labor, Health and Human Services, Education and Related Agencies, I have said many times that the National Institutes of Health is the crown jewel of the Federal Government—perhaps the only jewel of the Federal Government. When I came to the Senate in 1981, NIH spending totaled $3.6 billion. In fiscal year 2003, $27.1 billion is recommended by the Senate Appropriations Committee. If this recommendation is signed into law, it will result in a doubling of the fiscal year 1998 level within a 5-year period. This money has been very well spent. The successes realized by this investment in NIH have spawned revolutionary advances in our knowledge and treatment for diseases such as cancer, Alzheimer's disease, Parkinson's disease, mental illness, diabetes, osteoporosis, heart disease, ALS and many others. It is clear that Congress' commitment to the NIH is paying off. Now it is crucial that increased funding be continued in order to convert these advances into treatment and cures.

Our investment has resulted in new generations of AIDS drugs which are reducing the presence of the AIDS virus in HIV infected persons to nearly undetectable levels. Death rates from cancer have begun a steady decline. With the sequencing of the human genome, we will begin, over the next few years, to reap the benefits in many fields of research. And if scientists are correct, stem cell research could result in a veritable fountain of youth by replacing diseased or damaged cells. I anxiously await the results of all of these avenues of remarkable research. This is the time to seize the scientific opportunities that lie before us.

On May 21, 1997, the Senate passed a sense of the Senate resolution stating that funding for the NIH be doubled over 5 years. Regrettably, even though the resolution was passed by an overwhelming vote of 98 to 0, the Budget Resolution contained a $100 million reduction for health programs. That prompted Senator HARKIN and myself to offer an amendment to the budget resolution to add $1.1 billion to carry out the expressed sense of the Senate to increase NIH funding. Unfortunately, our amendment was tabled by a vote of 63 to 37. We were extremely disappointed that, while the Senate had expressed its druthers on a resolution, it was simply unwilling to put up the actual dollars to accomplish this vital goal.

The following year, Senator HARKIN and I again introduced an amendment to the Budget Resolution which called for a $2 billion increase for the NIH. While we gained more support on this vote than in the previous year, our amendment was again tabled by a vote of 57 to 41. Not to be deterred, Senator HARKIN and I again went to work with our subcommittee and we were able to add an addition $2 billion to the NIH account for fiscal year 1999.

In fiscal year 2000, Senator HARKIN and I yet again offered another amendment to the Budget Resolution to add $1.4 billion to the health accounts, over and above the $600 million increase which had already been provided by the Budget Committee. Despite this amendment's defeat by a vote of 47 to 52, we were able to provide a $2.3 billion increase for NIH in the fiscal year 2000 appropriation's bill.

In fiscal year 2001, Senator HARKIN and I yet again offered an amendment to the Budget Resolution to increase funding for health programs by $1.6 billion. This amendment passed by a vote of 55 to 45. This victory brought the NIH increase to $2.7 billion for fiscal year 2001. However, after late night conference negotiations with the House, the funding for NIH was cut by $200 million below that amount.

In fiscal year 2002, the budget resolution once again fell short of the amount necessary to achieve the NIH doubling. Senator HARKIN and I, along with nine other Senators offered an amendment to add an additional $700 million to the resolution to achieve our goal. The vote was 96 to 4. The Senate Labor-HHS Subcommittee reported a bill recommending $23.7 billion, an increase of $3.4 billion over the previous year's funding. But during conference negotiations with the House, we fell short of that amount by $410 million. That meant that in order to stay on a path to double NIH, we would need to provide an increase of $3.7 billion in the fiscal year appropriations bill.

The fiscal year 2003 bill, reported on July 22, 2002, by the Senate Appropriations Committee, contained $3.7 billion which will complete our doubling effort.

We have fought long and hard to achieve a doubling of the NIH research dollars, but until treatments and cures are found for the many maladies that continue to plague our society, we must continue our fight.

I, like millions of Americans, have benefited tremendously from the investment we have made in the National Institutes of Health. That is why I offer this resolution today—to call upon the Congress to triple the funding for the National Institutes of Health, so that we can continue to carry forward the important research work of the world's premier medical research facility.

I ask that my colleagues join me in supporting this resolution.

I yield the floor.

I ask unanimous consent that the text of the resolution, together with a schedule which sets forth the progress necessary to achieve the tripling of the NIH funding over the allotted period, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

In FY1998, the NIH appropriation was $13.6 billion. In FY 2003, the Senate Committee mark is $27.2 billion. To achieve tripling, the FY 2008 level must be $40.81 billion. Achieving this goal will require the enactment of the FY2003 NIH appropriation at the level of the Senate Committee Markup—$27.2 billion, an increase of $3.7 billion over FY2002, and increases of 8.45% per year for fiscal years 2004 to 2008.

Fiscal year	NIH appropriation (in billions)	$Increase (in billions)	Percent increase
1998	$13.65		
1999	15.60	1.95	14.28
2000	17.79	2.19	14.04
2001	20.29	2.50	14.05
2002	23.29	3.00	14.79
2003 (Senate)	27.20	3.70	15.89
2004	29.50	2.30	8.45
2005	31.99	2.49	8.45
2006	34.69	2.70	8.45
2007	37.63	2.93	8.45
2008	40.81	3.18	8.45

SENATE RESOLUTION 348—RECOGNIZING SENATOR HENRY JACKSON, COMMEMORATING THE 30TH ANNIVERSARY OF THE INTRODUCTION OF THE JACKSON-VANIK AMENDMENT, AND REAFFIRMING THE COMMITMENT OF THE SENATE TO COMBAT HUMAN RIGHTS VIOLATIONS WORLDWIDE

Mrs. MURRAY submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 348

Whereas Henry M. Jackson served as the Senator from the State of Washington from January 3, 1953, to September 1, 1983;

Whereas Senator Jackson fought tirelessly, in spite of opposition from the executive branch, to expose human rights violations in the former Soviet Union and to find a way for Soviet Jews to worship freely;

Whereas on October 4, 1972, Senator Jackson first introduced legislation that linked United States trade benefits, now known as normal trade relations, to the emigration and human rights policies of Communist or formerly Communist countries;

Whereas Senator Jackson, in introducing the legislation, stated "In moving as we are today we are giving birth to a bipartisan coalition for freedom. It is the least we can do.";

Whereas Senator Jackson expressed the importance of exposing the human rights situation in the former Soviet Union by quoting Russian Nobel laureate Alexander Solzhenitzyn's statement that "there are no internal affairs left on our crowded earth";

Whereas Senator Jackson's legislation became known as the Jackson-Vanik Amendment and was enacted into law on January 3, 1975, as title IV of the Trade Act of 1974;

Whereas by highlighting human rights abuses in the former Soviet Union and other Communist countries, the Jackson-Vanik Amendment helped pave the way toward the end of the Cold War, aided in the activation of United States' and multilateral mechanisms to promote human rights globally, including the Helsinki Final Act, and reaffirmed the role of Congress in formulating our Nation's human rights policy;

Whereas the Jackson-Vanik Amendment opened the door for over 1,000,000 Jews to emigrate from the former Soviet Union and its successor states;

Whereas since 1975, over 500,000 refugees from areas of the former Soviet Union, many of them Jews, have been resettled in the United States and over 1,000,000 Soviet Jews have immigrated to Israel;

Whereas former Soviet dissident and current Israeli cabinet minister Natan Sharansky called the Jackson-Vanik Amendment "the turning point not only in the exodus of the Jews but in the ultimate victory of the West over the Soviet Union in the Cold War";

Whereas Natan Sharansky also hailed the Jackson-Vanik Amendment as a "historical and practical weapon" for Zionists that added to the spiritual weapon of their Jewish heritage;

Whereas on the 20th anniversary of the passing of the Jackson-Vanik Amendment, Ehud Olmert, the Mayor of Jerusalem, stated that Henry Jackson was "a leader, a pacesetter and an inspiration for all, who forced his will on the U.S. leadership and across the world"; and

Whereas October 4, 2002, marks the 30th anniversary of the introduction of the Jackson-Vanik Amendment: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes Senator Henry M. Jackson for the introduction of the Jackson-Vanik Amendment, a historic piece of legislation that paved the way for millions of refugees to flee Communist oppression and hastened the end of the Cold War;

(2) commemorates the 30th anniversary of the introduction of the Jackson-Vanik Amendment;

(3) reaffirms the commitment of the Senate to combating human rights violations and promoting tolerance and freedom throughout former Communist nations and worldwide; and

(4) congratulates Mrs. Helen Jackson and the Henry M. Jackson Foundation for continuing Senator Jackson's vision and passion for dialogue, understanding, and human freedom.

SENATE RESOLUTION 349—TO AUTHORIZE THE PRINTING OF A REVISED EDITION OF THE SENATE RULES AND MANUAL

Mr. DODD submitted the following resolution; which was considered and agreed to:

S. RES. 349

Resolved, That (a) the Committee on Rules and Administration shall prepare a revised edition of the Senate Rules and Manual for the use of the 108th Congress.

(b) The manual shall be printed as a Senate document.

(c) In addition to the usual number of documents, 1,500 additional copies of the manual shall be bound of which—

(1) 500 paperbound copies shall be for the use of the Senate; and

(2) 1000 copies shall be bound (550 paperbound; 250 nontabbed black skiver; 200 tabbed black skiver) and delivered as may be directed by the Committee on Rules and Administration.

SENATE RESOLUTION 350—EXPRESSING SYMPATHY FOR THOSE MURDERED AND INJURED IN THE TERRORIST ATTACK IN BALI, INDONESIA, ON OCTOBER 12, 2002, EXTENDING CONDOLENCES TO THEIR FAMILIES, AND STANDING IN SOLIDARITY WITH AUSTRALIA IN THE FIGHT AGAINST TERRORISM

Mrs. FEINSTEIN submitted the following resolution; which was considered and agreed to:

S. RES. 350

Whereas more than 180 innocent people were murdered and at least 300 injured by a cowardly and brutal terrorist bombing of a nightclub in Bali, Indonesia, on October 12, 2002, the worst terrorist incident since September 11, 2001;

Whereas those killed include two United States citizens, as well as citizens from Indonesia, Germany, the United Kingdom, Canada, and elsewhere but the vast majority of those killed and injured were Australian, with more than 119 Australians still missing;

Whereas two American citizens are still missing;

Whereas this bloody attack appears to be part of an ongoing terror campaign by al-Qaida, and strong evidence exists that suggests the involvement of al-Qaida, together with Jemaah Islamiah, in this attack; and

Whereas the people of the United States and Australia have developed a strong friendship based on mutual respect for democracy and freedom: Now, therefore, be it

Resolved, That the Senate—

(1) expresses its deepest condolences and sympathies to the families of the American victims, to the other families of those murdered and injured in this heinous attack, and to the people of Australia, Indonesia, Great Britain, Canada, and Germany;

(2) condemns in the strongest possible terms the vicious terrorist attacks of October 12, 2002, in Bali, Indonesia;

(3) expresses the solidarity of the United States with Australia in our common struggle against terrorism;

(4) supports the Government of Australia in its call for the al-Qaida-linked Jemaah Islamiah to be listed by the United Nations as a terrorist group;

(5) urges the Secretary of State to designate Jemaah Islamiah as a foreign terrorist organization; and

(6) calls on the Government of Indonesia to take every appropriate measure to bring to justice those responsible for this reprehensible attack.

SENATE RESOLUTION 351—CONDEMNING THE POSTING ON THE INTERNET OF VIDEO AND PICTURES OF THE MURDER OF DANIEL PEARL AND CALLING ON SUCH VIDEO AND PICTURES TO BE REMOVED IMMEDIATELY

Mrs. BOXER (for herself and Mr. BROWNBACK) submitted the following resolution; which was considered and agreed to:

S. RES. 351

Whereas Daniel Pearl, a reporter for the Wall Street Journal, was murdered by terrorists following his abduction in Pakistan on January 23, 2002;

Whereas video of Mr. Pearl's gruesome murder has been posted on web sites;

Whereas this video was made by terrorists for anti-American propaganda purposes, in an attempt to recruit new terrorists and to spread a message of hate;

Whereas posting this video on web sites undermines efforts to fight terrorism throughout the world by glorifying such heinous acts;

Whereas posting this video on web sites could invite more abductions and more murders of innocent civilians by anti-American terrorists because of the attention these heinous acts might gain from such posting; and

Whereas posting this video on the Internet shows a complete and utter disrespect for Mr. Pearl's life and legacy and a complete and utter disregard for the respect of his family: Now, therefore, be it

Resolved, That the Senate—

(1) calls on terrorist-produced murder video and pictures to be removed from all web sites immediately; and

(2) encourages all web-site operators to refrain from placing any terrorist-produced murder videos and pictures on the Internet.

SENATE RESOLUTION 352—TO AUTHORIZE REPRESENTATION BY THE SENATE LEGAL COUNSEL IN THE CASE OF JUDICIAL WATCH, INC. V. WILLIAM JEFFERSON CLINTON, ET AL

Mr. DASCHLE (for himself and Mr. LOTT) submitted the following resolution; which was considered and agreed to:

S. RES. 352

Whereas, in the case of Judicial Watch, Inc. v. William J. Clinton, et. al, No. 1:02-cv-01633 (EGS), pending in the United States District Court for the District of Columbia, the plaintiff has named as defendants current and former Senators, along with former President William J. Clinton and several Members of the House of Representatives;

Whereas, pursuant to section 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(1), the Senate may direct its counsel to defend Members of the Senate in civil actions relating to their official responsibilities: Now therefore, be it

Resolved, That the Senate Legal Counsel is authorized to represent Senator Graham, former Senator Bryan, former Senator Robb, and any other Senator who may be named as a defendant in the case of Judicial Watch, Inc. v. William J. Clinton, et al., and who requests representation by the Senate Legal Counsel.

SENATE RESOLUTION 353—TO AUTHORIZE TESTIMONY, DOCUMENT PRODUCTION AND LEGAL REPRESENTATION IN UNITED STATES V. JOHN MURTARI

Mr. DASCHLE (for himself and Mr. LOTT) submitted the following resolution; which was considered and agreed to:

S. RES. 353

Whereas, in the case of *United States* v. *John Murtari* Crim. Act. No. 02-CR-369, pending in the United States District Court for the Northern District of New York, testimony has been requested from Cathy Calhoun, an employee in the office of Senator Hillary Rodham Clinton;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process be taken from such control or possession but by permission of the Senate; and

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now therefore, be it

Resolved, That Cathy Calhoun, and any other employees of the Senate from whom testimony or document production is required, are authorized to testify and produce documents in the cases of *United States* v. *John Murtari*, except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel if authorized to represent employees of the Senate in connection with the testimony and document production authorized in section one of this resolution.

SENATE CONCURRENT RESOLUTION 154—EXPRESSING THE SENSE OF THE CONGRESS THAT A COMMEMORATIVE POSTAGE STAMP SHOULD BE ISSUED HONORING GUNNERY SERGEANT JOHN BASILONE, A GREAT AMERICAN HERO

Mr. CORZINE (for himself, Mrs. CLINTON, and Mr. TORRICELLI) submitted the following concurrent resolution; which was referred to the Committee on Governmental Affairs:

S. CON. RES. 154

Whereas Gunnery Sergeant John Basilone was born in 1916 in Buffalo, New York, son of Salvatore and Dora Basilone, one of 10 children;

Whereas John Basilone was raised and educated in Raritan, New Jersey;

Whereas, at the age of 18, John Basilone enlisted in the United States Army, principally seeing garrison service in the Philippines;

Whereas, after his honorable discharge in 1937, Sergeant Basilone, known by his comrades as "Manila John", returned to Raritan;

Whereas, seeing the storm clouds of war hovering over the Nation, and believing that his place was with this country's fighting forces, Sergeant Basilone enlisted in the United States Marine Corps in July 1940;

Whereas, on October 24 and 25, 1942, on Guadalcanal, Solomon Islands, Sergeant Basilone was a member of "C" Company, 1st Battalion, 7th Regiment, 1st Marine Division, and was in charge of 2 sections of heavy machine guns defending a narrow pass that led to Henderson Airfield;

Whereas, although Sergeant Basilone and his machine gunners were vastly outnumbered and without available reinforcements, Sergeant Basilone and his fellow Marines fought valiantly to check the savage and determined assault by the Japanese Imperial Army;

Whereas, for this action, Sergeant Basilone was awarded the Congressional Medal of Honor and sent home a hero;

Whereas, in December 1944, Sergeant Basilone's restlessness to rejoin his fellow Marines, who were fighting the bloody island-to-island battles en route to the Philippines and Japan, prompted him to volunteer again for combat;

Whereas, on Iwo Jima, on February 19, 1945, Sergeant Basilone again distinguished himself by single-handedly destroying an enemy blockhouse while braving heavy-caliber fire;

Whereas, minutes later, an artillery shell killed Sergeant Basilone and 4 of his platoon members;

Whereas Sergeant Basilone was posthumously awarded the Navy Cross and Purple Heart, and a life-sized bronze statue stands in Raritan, New Jersey, where "Manila John" is clad in battle dress and cradles a machine gun in his arms;

Whereas, in 1949, the United States Government commissioned a destroyer the U.S.S. Basilone, and in November 1951, Governor Alfred E. Driscoll posthumously awarded Sergeant Basilone the State of New Jersey's highest decoration;

Whereas, following World War II, Sergeant Basilone's remains were reinterred in the Arlington National Cemetery;

Whereas Sergeant Basilone was the first recipient of the Congressional Medal of Honor awarded in World War II;

Whereas Sergeant Basilone was also awarded the Navy Cross and the Purple Heart, giving him the distinction of being the only enlisted Marine in World War II to receive all 3 medals; and

Whereas commemorative postage stamps have been commissioned to honor other great heroes in American history: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that—

(1) a commemorative postage stamp should be issued by the United States Postal Service honoring Gunnery Sergeant John Basilone; and

(2) the Citizens' Stamp Advisory Committee should recommend to the Postmaster General that such a stamp be issued.

Mr. CORZINE. Mr. President, I rise today to submit a resolution calling on the United States Postal Service to issue a commemorative postage stamp honoring an extraordinary American hero: Gunnery Sergeant John Basilone. Basilone is the only person in American history to be awarded both the Congressional Medal of Honor and the Navy Cross. Only one USPS stamp has ever commemorated an individual Marine, a stamp featuring John Phillip Sousa; it bears noting that although Sousa was a Marine, he was not selected for his service on the battlefield. It is time to remember the tremendous sacrifice of at least one individual Marine, John Basilone, an American Patriot.

John Basilone was raised in Raritan, New Jersey, one of ten children in a large Italian-American family. Soon after he turned 18, Basilone heeded the patriotic call and enlisted in the US Army. Basilone was immediately sent to the Philippines where he earned a nickname that would stick with him for the rest of his career. "Manila John."

Following his tour of duty in 1937, Basilone returned to Raritan. But he wouldn't stay there long. In July 1940—with much of Europe at war and the United States on the brink—"Manila John" left New Jersey, enlisting in the military once again, this time joining the United States Marine Corps.

On October 24, 1942, Basilone earned his Congressional Medal of Honor. He was sent to a position on the Tenaru River at Guadalcanal and placed in command of two sections of heavy machine guns. Sergeant Basilone and his men were charged with defending Henderson Airfield, an important American foothold on the island. Although the Marine Contingent was vastly outnumbered and without needed support, Basilone and his men successfully repelled a Japanese assault. Other survivors reported that their success can be attributed to one man: "Manila John." He crossed enemy lines to replenish a dangerously low stockpile of ammunition, repaired artillery pieces, and steadied his troops in the midst of torrential rain. He went several days and nights without food or sleep, and the US military was able to carry the day. His exploits became Marine lore, and served as a patriotic inspiration to others facing daunting challenges in the midst of war.

For his courage under fire and profound patriotism, Basilone was the first enlisted Marine to be awarded the Congressional Medal of Honor in World War II. When he returned to the United States, he was heralded as a hero and quickly sent on tour around the country to help finance the war through the sale of war bonds. The Marine Corps offered to commission Basilone as an officer and station him far away from the frontlines.

But, Basilone was not interested in riding out the war in Washington, D.C. He was quoted as saying, "I ain't no officer, and I ain't no museum piece. I belong back with my outfit." In December 1944, he got his wish and returned to the frontlines.

General Douglas MacArthur called him "a one-man army," and on February 19, 1945 at Iwo Jima, Basilone once again lived up to that reputation. Basilone destroyed an enemy stronghold, a blockhouse on that small Japanese island and commanded his young troops to move the heavy guns off the beach. Unfortunately, less than two hours into the assault on that fateful day in February, Basilone and four of his fellow marines were killed when any enemy mortar shell exploded nearby.

When Gunnery Sergeant John Basilone died, he was only 27, but he had already earned the Congressional Medal of Honor, the Navy Cross, the Purple Heart, and the appreciation of his Nation. Basilone is a true American patriot whose legacy should be preserved.

Now more than ever, the United States needs to honor and praise the courageous efforts put forth by the men and woman of our military. I strongly urge my colleagues to support this resolution as an important message to our soldiers that we appreciate and admire all of their efforts in the war on terrorism.

AMENDMENTS SUBMITTED & PROPOSED

SA 4891. Mr. KERRY (for himself, Mr. BROWNBACK, and Mr. HOLLINGS) submitted an amendment intended to be proposed by him to the bill S. 2869, to facilitate the ability of certain spectrum auction winners to pursue alternative measures required in the public interest to meet the needs of wireless telecommunications consumers; which was referred to the Committee on Commerce, Science, and Transportation.

SA 4892. Mr. REID (for Mr. JEFFORDS (for himself and Mr. SMITH of New Hampshire)) proposed an amendment to the bill H.R. 1070, to amend the Federal Water Pollution Control Act to authorize the Administrator of the Environmental Protection Agency to carry out projects and conduct research for remediation of sediment contamination in areas of concern in the Great Lakes, and for other purposes.

SA 4893. Mr. REID (for Mr. THOMPSON) proposed an amendment to the bill S. 2530, to amend the Inspector General Act of 1978 (5 U.S.C. App.) to establish police powers for certain Inspector General agents engaged in official duties and provide an oversight mechanism for the exercise of those powers.

SA 4894. Mr. REID (for Mr. DODD) proposed an amendment to the bill S. 969, to establish a Tick-Borne Disorders Advisory Committee, and for other purposes.

SA 4895. Mr. REID (for Mr. ENSIGN (for himself, Mr. ALLARD, and Mr. ALLEN)) proposed an amendment to the bill S. 1998, to amend the Higher Education Act of 1965 with respect to the qualifications of foreign schools.

SA 4896. Mr. REID (for Mr. BIDEN (for himself and Mr. THURMOND)) proposed an amendment to the bill S. 1868, to amend the National Child Protection Act of 1993, and for other purposes.

SA 4897. Mr. REID (for Mr. SARBANES) proposed an amendment to the bill S. 2239, to amend the National Housing Act to simplify the downpayment requirements for FHA mortgage insurance for single family homebuyers.

TEXT OF AMENDMENTS

SA 4891. Mr. KERRY (for himself, Mr. BROWNBACK, and Mr. HOLLINGS) submitted an amendment intended to be proposed by him to the bill S. 2869, to facilitate the ability of certain spectrum auction winners to pursue alternative measures required in the public interest to meet the needs of wireless telecommunications consumers; which was referred to the Committee on Commerce, Science, and Transportation; as follows:

Strike out all after the enacting clause and insert the following:

SECTION 1. RELIEF FROM CONTINUING OBLIGATIONS.

A winning bidder to which the Commission has not granted an Auction 35 license may irrevocably elect to relinquish any right, title, or interest in that license and the associated license application by formal written notice to the Commission. Such an election may only be made within 30 days after the date of enactment of this Act. A winning bidder that makes such an election shall be free of any obligation the winning bidder would otherwise have with respect to that license, the associated license application, and the associated winning bid, including the obligation to pay the amount of its winning bid that would be otherwise due for such license.

SEC. 2. RETURN OF DEPOSITS AND DOWNPAYMENTS.

Within 37 days after receiving an election that meets the requirements of section 3 from an Auction 35 winning bidder that has made the election described in section 1, the Commission shall refund any deposit or down-payment made with respect to a winning bidder for the license that is the subject of the election.

SEC. 3. COMMISSION TO ISSUE PUBLIC NOTICE.

(a) Public Notice.—Within 5 days after the date of enactment of this Act, the Commission shall issue a public notice specifying the form and the process for the return of deposits and downpayments under section 2.

(b) Time for Election.—An election under this section is not valid unless it is made within 30 days after the date of enactment of this Act.

SEC. 4. WAIVER OF PAPERWORK REDUCTION ACT REQUIREMENTS.

Section 3507 of title 44, United States Code, shall not apply to the Commission's implementation of this Act.

SEC. 5. NO INFERENCE WITH RESPECT TO NEXTWAVE CASE.

It is the sense of the Congress that no inference with respect to any issue of law or fact in *Federal Communications Commission* v. *NextWAVE Personal Communications, Inc., et al.* (Supreme Court Docket No. 01-653) should be drawn from the introduction, amendment, defeat, or enactment of this Act.

SEC. 6. DEFINITIONS.

In this Act:

(1) Auction 35.—The term "Auction 35" means the C and F block broadband personal communications service spectrum auction of the Commission that began on December 1, 2000, and ended on January 6, 2001, insofar as that auction related to spectrum previously licensed to NextWave Personal Communications, Inc., NextWave Power Partners, Inc., or Urban Comm North Carolina, Inc.

(2) Commission.—The term "Commission" means the Federal Communications Commission or a bureau or division thereof acting on delegated authority.

(3) Winning bidder.—The term "winning bidder" means any person who is entitled under Commission order FCC 02-99 (released March 27, 2002), to a refund of a substantial portion of monies on deposit for spectrum formerly licensed to NextWave and Urban Comm as defined in that order.

SA 4892. Mr. REID (for Mr. JEFFORDS (for himself and Mr. SMITH of New Hampshire)) proposed an amendment to the bill H.R. 1070, to amend the Federal Water Pollution Control Act to authorize the Administrator of the Environmental Protection Agency to carry out projects and conduct research for remediation of sediment contamination in areas of concern in the Great Lakes, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the "Great Lakes and Lake Champlain Act of 2002".

(b) Table of Contents.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—GREAT LAKES

Sec. 101. Short title.
Sec. 102. Report on remedial action plans.
Sec. 103. Remediation of sediment contamination in areas of concern in the Great Lakes.
Sec. 104. Relationship to Federal and State authorities.
Sec. 105. Authorization of appropriations.
Sec. 106. Research and development program.

TITLE II—LAKE CHAMPLAIN

Sec. 201. Short title.
Sec. 202. Lake Champlain Basin Program.

TITLE III—MISCELLANEOUS

Sec. 301. Phase II storm water program.
Sec. 302. Preservation of reporting requirements.
Sec. 303. Repeal.
Sec. 304. Cross Harbor Freight Movement Project EIS, New York City.

TITLE I—GREAT LAKES

SEC. 101. SHORT TITLE.

This title may be cited as the "Great Lakes Legacy Act of 2002".

SEC. 102. REPORT ON REMEDIAL ACTION PLANS.

Section 118(c)(3) of the Federal Water Pollution Control Act (33 U.S.C. 1268(c)(3)) is amended by adding at the end the following:

"(E) Report.—Not later than 1 year after the date of enactment of this subparagraph, the Administrator shall submit to Congress a report on such actions, time periods, and resources as are necessary to fulfill the duties of the Agency relating to oversight of Remedial Action Plans under—

"(i) this paragraph; and

"(ii) the Great Lakes Water Quality Agreement.".

SEC. 103. REMEDIATION OF SEDIMENT CONTAMINATION IN AREAS OF CONCERN IN THE GREAT LAKES.

Section 118(c) of the Federal Water Pollution Control Act (33 U.S.C. 1268(c)) is amended by adding at the end the following:

"(12) Remediation of sediment contamination in areas of concern.—

"(A) In general.—In accordance with this paragraph, the Administrator, acting through the Program Office, may carry out projects that meet the requirements of subparagraph (B).

"(B) Eligible projects.—A project meets the requirements of this subparagraph if the project is to be carried out in an area of concern located wholly or partially in the United States and the project—

"(i) monitors or evaluates contaminated sediment;

"(ii) subject to subparagraph (D), implements a plan to remediate contaminated sediment; or

"(iii) prevents further or renewed contamination of sediment.

"(C) Priority.—In selecting projects to carry out under this paragraph; the Administrator shall give priority to a project that—

"(i) constitutes remedial action for contaminated sediment;

"(ii)(I) has been identified in a Remedial Action Plan submitted under paragraph (3); and

"(II) is ready to be implemented;

"(iii) will use an innovative approach, technology, or technique that may provide greater environmental benefits, or equivalent environmental benefits at a reduced cost; or

"(iv) includes remediation to be commenced not later than 1 year after the date of receipt of funds for the project.

"(D) Limitation.—The Administrator may not carry out a project under this paragraph for remediation of contaminated sediments located in an area of concern—

"(i) if an evaluation of remedial alternatives for the area of concern has not been conducted, including a review of the short-term and long-term effects of the alternatives on human health and the environment; or

"(ii) if the Administrator determines that the area of concern is likely to suffer significant further or renewed contamination from existing sources of pollutants causing sediment contamination following completion of the project.

"(E) Non-federal share.—

"(i) In general.—The non-Federal share of the cost of a project carried out under this paragraph shall be at least 35 percent.

"(ii) In-kind contributions.—The non-Federal share of the cost of a project carried out under this paragraph may include the value of in-kind services contributed by a non-Federal sponsor.

"(iii) Non-federal share.—The non-Federal share of the cost of a project carried out under this paragraph—

"(I) may include monies paid pursuant to, or the value of any in-kind service performed under, an administrative order on consent or judicial consent decree; but

"(II) may not include any funds paid pursuant to, or the value of any in-kind service performed under, a unilateral administrative order or court order.

"(iv) Operation and maintenance.—The non-Federal share of the cost of the operation and maintenance of a project carried out under this paragraph shall be 100 percent.

"(F) Maintenance of effort.—The Administrator may not carry out a project under this paragraph unless the non-Federal sponsor enters into such agreements with the Administrator as the Administrator may require to ensure that the non-Federal sponsor will maintain its aggregate expenditures from all other sources for remediation programs in the area of concern in which the project is located at or above the average level of such expenditures in the 2 fiscal years preceding the date on which the project is initiated.

"(G) Coordination.—In carrying out projects under this paragraph, the Administrator shall coordinate with the Secretary of the Army, and with the Governors of States in which the projects are located, to ensure that Federal and State assistance for remediation in areas of concern is used as efficiently as practicable.

"(H) Authorization of appropriations.—

"(i) In general.—In addition to other amounts authorized under this section, there is authorized to be appropriated to carry out this paragraph $50,000,000 for each of fiscal years 2004 through 2008.

"(ii) Availability.—Funds made available under clause (i) shall remain available until expended.

"(13) Public information program.—

"(A) In general.—The Administrator, acting through the Program Office and in coordination with States, Indian tribes, local governments, and other entities, may carry out a public information program to provide information relating to the remediation of contaminated sediment to the public in areas of concern that are located wholly or partially in the United States.

"(B) Authorization of appropriations.—There is authorized to be appropriated to carry out this paragraph $1,000,000 for each of fiscal years 2004 through 2008.".

SEC. 104. RELATIONSHIP TO FEDERAL AND STATE AUTHORITIES.

Section 118(g) of the Federal Water Pollution Control Act (33 U.S.C. 1268(g)) is amended—

(1) by striking "construed to affect" and inserting the following: "construed—

"(1) to affect";

(2) by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(2) to affect any other Federal or State authority that is being used or may be used to facilitate the cleanup and protection of the Great Lakes.".

SEC. 105. AUTHORIZATION OF APPROPRIATIONS.

Section 118(h) of the Federal Water Pollution Control Act (33 U.S.C. 1268(h)) is amended—

(1) by striking the second sentence; and

(2) in the first sentence—

(A) by striking "not to exceed $11,000,000" and inserting "not to exceed—

"(1) $11,000,000";

(B) by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

"(2) such sums as are necessary for each of fiscal years 1992 through 2003; and

"(3) $25,000,000 for each of fiscal years 2004 through 2008.".

SEC. 106. RESEARCH AND DEVELOPMENT PROGRAM.

(a) In General.—In coordination with other Federal, State, and local officials, the Administrator of the Environmental Protection Agency may conduct research on the development and use of innovative approaches, technologies, and techniques for the remediation of sediment contamination in areas of concern that are located wholly or partially in the United States.

(b) Authorization of Appropriations.—

(1) In general.—In addition to amounts authorized under other laws, there is authorized to be appropriated to carry out this section $3,000,000 for each of fiscal years 2004 through 2008.

(2) Availability.—Funds appropriated under paragraph (1) shall remain available until expended.

TITLE II—LAKE CHAMPLAIN

SEC. 201. SHORT TITLE.

This title may be cited as the "Daniel Patrick Moynihan Lake Champlain Basin Program Act of 2002".

SEC. 202. LAKE CHAMPLAIN BASIN PROGRAM.

Section 120 of the Federal Water Pollution Control Act (33 U.S.C. 1270) is amended—

(1) by striking the section heading and all that follows through "There is established" in subsection (a) and inserting the following:

"SEC. 120. LAKE CHAMPLAIN BASIN PROGRAM.

"(a) Establishment.—

"(1) In general.—There is established";

(2) in subsection (a) (as amended by paragraph (1)), by adding at the end the following:

"(2) Implementation.—The Administrator—

"(A) may provide support to the State of Vermont, the State of New York, and the New England Interstate Water Pollution Control Commission for the implementation of the Lake Champlain Basin Program; and

"(B) shall coordinate actions of the Environmental Protection Agency under subparagraph (A) with the actions of other appropriate Federal agencies.";

(3) in subsection (d), by striking "(1)";

(4) in subsection (e)—

(A) in paragraph (1), by striking "(hereafter in this section referred to as the 'Plan')"; and

(B) in paragraph (2)—

(i) in subparagraph (D), by striking "and" at the end;

(ii) in subparagraph (E), by striking the period at the end and inserting "; and"; and

(iii) by adding at the end the following:

"(F) be reviewed and revised, as necessary, at least once every 5 years, in consultation with the Administrator and other appropriate Federal agencies.";

(5) in subsection (f)—

(A) in paragraph (1), by striking "the Management Conference," and inserting "participants in the Lake Champlain Basin Program,"; and

(B) in paragraph (2), by striking "development of the Plan" and all that follows and inserting "development and implementation of the Plan.";

(6) in subsection (g)—

(A) by striking "(g)" and all that follows through "the term" and inserting the following:

"(g) Definitions.—In this section:

"(1) Lake Champlain basin program.—The term 'Lake Champlain Basin Program' means the coordinated efforts among the Federal Government, State governments, and local governments to implement the Plan.

"(2) Lake Champlain drainage basin.—The term";

(B) in paragraph (2) (as designated by subparagraph (A))—

(i) by inserting "Hamilton," after "Franklin,"; and

(ii) by inserting "Bennington," after "Rutland,"; and

(C) by adding at the end the following:

"(3) Plan.—The term 'Plan' means the plan developed under subsection (e).";

(7) by striking subsection (h) and inserting the following:

"(h) No Effect on Certain Authority.—Nothing in this section—

"(1) affects the jurisdiction or powers of—

"(A) any department or agency of the Federal Government or any State government; or

"(B) any international organization or entity related to Lake Champlain created by treaty or memorandum to which the United States is a signatory;

"(2) provides new regulatory authority for the Environmental Protection Agency; or

"(3) affects section 304 of the Great Lakes Critical Programs Act of 1990 (Public Law 101–596; 33 U.S.C. 1270 note)."; and

(8) in subsection (i)—

(A) by striking "section $2,000,000" and inserting "section—

"(1) $2,000,000";

(B) by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

"(2) such sums as are necessary for each of fiscal years 1996 through 2003; and

"(3) $11,000,000 for each of fiscal years 2004 through 2008.".

TITLE III—MISCELLANEOUS

SEC. 301. PHASE II STORM WATER PROGRAM.

Notwithstanding any other provision of law, for fiscal year 2003, funds made available to a State to carry out nonpoint source management programs under section 319 of the Federal Water Pollution Control Act (33 U.S.C. 1329) may, at the option of the State, be used to carry out projects and activities in the State relating to the development or implementation of phase II of the storm water program of the Environmental Protection Agency established by the rule entitled "National Pollutant Discharge Elimination System—Regulations for Revision of the Water Pollution Control Program Addressing Storm Water Discharges", promulgated by the Administrator of the Environmental Protection Agency on December 8, 1999 (64 Fed. Reg. 68722).

SEC. 302. PRESERVATION OF REPORTING REQUIREMENTS.

(a) In General.—Section 3003(a)(1) of the Federal Reports Elimination and Sunset Act of 1995 (31 U.S.C. 1113 note; Public Law 104–66) does not apply to any report required to be submitted under any of the following provisions of law:

(1) Effects of pollution on estuaries of the united states.—Section 104(n)(3) of the Federal Water Pollution Control Act (33 U.S.C. 1254(n)(3)).

(2) Implementation of great lakes water quality agreement of 1978.—Section 118(c)(10) of the Federal Water Pollution Control Act (33 U.S.C. 1268(c)(10)).

(3) Comprehensive conservation and management plan for long island sound.—Section 119(c)(7) of the Federal Water Pollution Control Act (33 U.S.C. 1269(c)(7)).

(4) Level b plan on all river basins.—Section 209(b) of the Federal Water Pollution Control Act (33 U.S.C. 1289(b)).

(5) State reports on water quality of all navigable waters.—Section 305(b) of the Federal Water Pollution Control Act (33 U.S.C. 1315(b)).

(6) Exemptions from water pollution control requirements for executive agencies.—Section 313(a) of the Federal Water Pollution Control Act (33 U.S.C. 1323(a)).

(7) Status of water quality in united states lakes.—Section 314(a) of the Federal Water Pollution Control Act (33 U.S.C. 1324(a)).

(8) National estuary program activities.—Section 320(j)(2) of the Federal Water Pollution Control Act (33 U.S.C. 1330(j)(2)).

(9) Reports on contracts entered into relating to procurement from violators of water quality standards.—Section 508(e) of the Federal Water Pollution Control Act (33 U.S.C. 1368(e)).

(10) National requirements and costs of water pollution control.—Section 516 of the Federal Water Pollution Control Act (33 U.S.C. 1375).

(b) Other Reports.—

(1) In general.—Effective November 10, 1998, section 501 of the Federal Reports Elimination Act of 1998 (Public Law 105-362; 112 Stat. 3283) is amended by striking subsections (a), (b), (c), and (d).

(2) Applicability.—The Federal Water Pollution Control Act (33 U.S.C. 1254(n)(3)) shall be applied and administered on and after the date of enactment of this Act as if the amendments made by subsections (a), (b), (c), and (d) of section 501 of the Federal Reports Elimination Act of 1998 (Public Law 105-362; 112 Stat. 3283) had not been enacted.

SEC. 303. REPEAL.

Title VII of Public Law 105–78 (20 U.S.C. 50 note; 111 Stat. 1524) (other than section 702) is repealed.

SEC. 304. CROSS HARBOR FREIGHT MOVEMENT PROJECT EIS, NEW YORK CITY.

Section 1602 of the Transportation Equity Act for the 21st Century (112 Stat. 305) is amended in item number 1320 of the table by striking "Reconstruct 79th Street Traffic Circle, New York City" and inserting "Cross Harbor Freight Movement Project EIS, New York City".

SEC. 305. CENTER FOR BROWNFIELDS EXCELLENCE.

(a) In General.—To demonstrate the transfer of technology and expertise from the Federal Government to the private sector, and to demonstrate the effectiveness of the reuse by the private sector of properties and assets that Federal Government, has determined, through applicable statutes and processes, that it no longer needs. The Administrator of the Environmental Protection Agency shall make a grant to not less than one eligible sponsor to establish and operate a center for brownfields excellence.

(b) RESPONSIBILITIES OF CENTER.—The responsibilities of a center established under this section shall include the transfer of technology and expertise in the redevelopment of abandoned or underutilized property that may have environmental contamination and the dissemination of information regarding successful models for such redevelopment.

(c) PRIORITY.—In carrying out this section, the Administrator shall give priority consideration to a grant application submitted by an eligible sponsor that meets the following criteria:

(1) Demonstrated ability to facilitate the return of property that may have environmental contamination to productive use.

(2) Demonstrated ability to facilitate public-private partnerships and regional cooperation.

(3) Capability to provide leadership in making both national and regional contributions to addressing the problem of underutilized or abandoned properties.

(4) Demonstrated ability to work with Federal departments and agencies to facilitate reuse by the private sector of properties and assets no longer needed by the Federal Government.

(5) Demonstrated ability to foster technology transfer.

(d) ELIGIBLE SPONSOR DEFINED.—In this section, the term "eligible sponsor" means a regional nonprofit community redevelopment organization assisting an area that—

(1) has lost jobs due to the closure of a private sector or Federal installation; and

(2) as a result, has an underemployed workforce and underutilized or abandoned properties.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,000,000.

SEC. 206. Louisiana Highway 1026 Project, Louisiana.

Section 1602 of the Transportation Equity Act for the 21st Century (112 Stat. 272) is amended in item number 426 of the table by striking "Louisiana Highway 16" and inserting the following: "Louisiana Highway 1026."

SA 4893. Mr. REID (for Mr. THOMPSON) proposed an amendment to the bill S. 2530, to amend the Inspector General Act of 1978 (5 U.S.C. App.) to establish police powers for certain Inspector General agents engaged in official duties and provide an oversight mechanism for the exercise of those powers; as follows:

On page 4, strike lines 15 through 22, and insert the following:

"(5)(A) Powers authorized for an Office of Inspector General under paragraph (1) may be rescinded or suspended upon a determination by the Attorney General that any of the requirements under paragraph (2) is no longer satisfied or that the exercise of authorized powers by that Office of Inspector General has not complied with the guidelines promulgated by the Attorney General under paragraph (4).

"(B) Powers authorized to be exercised by any individual under paragraph (1) may be rescinded or suspended with respect to that individual upon a determination by the Attorney General that such individual has not complied with guidelines promulgated by the Attorney General under paragraph (4).

SA 4894. Mr. REID (for Mr. DODD) proposed an amendment to the bill S. 969, to establish a Tick-Borne Disorders Advisory Committee, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. FINDINGS.

Congress makes the following findings:

(1) Lyme disease is a common but frequently misunderstood illness that, if not caught early and treated properly, can cause serious health problems.

(2) Lyme disease is a bacterial infection that is transmitted by a tick bite. Early signs of infection may include a rash and flu-like symptoms such as fever, muscle aches, headaches, and fatigue.

(3) Although Lyme disease can be treated with antibiotics if caught early, the disease often goes undetected because it mimics other illnesses or may be misdiagnosed. Untreated, Lyme disease can lead to severe heart, neurological, eye, and joint problems because the bacteria can affect many different organs and organ systems.

(4) If an individual with Lyme disease does not receive treatment, such individual can develop severe heart, neurological, eye, and joint problems.

(5) Although Lyme disease accounts for 90 percent of all vector-borne infections in the United States, the ticks that spread Lyme disease also spread other disorders, such as ehrlichiosis, babesiosis, and other strains of Borrelia. All of these diseases in 1 patient makes diagnosis and treatment more difficult.

(6) Although tick-borne disease cases have been reported in 49 States and the District of Columbia, about 90 percent of the 15,000 cases have been reported in the following 10 States: Connecticut, Pennsylvania, New York, New Jersey, Rhode Island, Maryland, Massachusetts, Minnesota, Delaware, and Wisconsin. Studies have shown that the actual number of tick-borne disease cases are approximately 10 times the amount reported due to poor surveillance of the disease.

(7) Persistence of symptomatology in many patients without reliable testing makes treatment of patients more difficult.

SEC. 2. ESTABLISHMENT OF A TICK-BORNE DISORDERS ADVISORY COMMITTEE.

(a) ESTABLISHMENT OF COMMITTEE.—Not later than 180 days after the date of enactment of this Act, there shall be established an advisory committee to be known as the Tick-Borne Disorders Advisory Committee (referred to in this Act as the "Committee") organized in the Office of the Secretary.

(b) DUTIES.—The Committee shall advise the Secretary and Assistant Secretary of Health regarding how to—

(1) assure interagency coordination and communication and minimize overlap regarding efforts to address tick-borne disorders;

(2) identify opportunities to coordinate efforts with other Federal agencies and private organizations addressing tick-borne disorders; and

(3) develop informed responses to constituency groups regarding the Department of Health and Human Services' efforts and progress.

(c) MEMBERSHIP.—

(1) APPOINTED MEMBERS.—

(A) IN GENERAL.—The Secretary of Health and Human Services shall appoint voting members to the Committee from among the following member groups:

(i) Scientific community members.

(ii) Representatives of tick-borne disorder voluntary organizations.

(iii) Health care providers.

(iv) Patient representatives who are individuals who have been diagnosed with tick-borne illnesses or who have had an immediate family member diagnosed with such illness.

(v) Representatives of State and local health departments and national organizations who represent State and local health professionals.

(B) REQUIREMENT.—The Secretary shall ensure that an equal number of individuals are appointed to the Committee from each of the member groups described in clauses (i) through (v) of subparagraph (A).

(2) EX OFFICIO MEMBERS.—The Committee shall have nonvoting ex officio members determined appropriate by the Secretary.

(d) CO-CHAIRPERSONS.—The Assistant Secretary of Health shall serve as the co-chairperson of the Committee with a public co-chairperson chosen by the members described under subsection (c). The public co-chairperson shall serve a 2-year term and retain all voting rights.

(e) TERM OF APPOINTMENT.—All members shall be appointed to serve on the Committee for 4 year terms.

(f) VACANCY.—If there is a vacancy on the Committee, such position shall be filled in the same manner as the original appointment. Any member appointed to fill a vacancy for an unexpired term shall be appointed for the remainder of that term. Members may serve after the expiration of their terms until their successors have taken office.

(g) MEETINGS.—The Committee shall hold public meetings, except as otherwise determined by the Secretary, giving notice to the public of such, and meet at least twice a year with additional meetings subject to the call of the co-chairpersons. Agenda items can be added at the request of the Committee members, as well as the co-chairpersons. Meetings shall be conducted, and records of the proceedings kept as required by applicable laws and Departmental regulations.

(h) REPORTS.—

(1) IN GENERAL.—Not later than 24 months after the date of enactment of this Act, and annually thereafter, the Secretary shall submit to Congress a report on the activities carried out under this Act.

(2) CONTENT.—Such reports shall describe—

(A) progress in the development of accurate diagnostic tools that are more useful in the clinical setting; and

(B) the promotion of public awareness and physician education initiatives to improve the knowledge of health care providers and the public regarding clinical and surveillance practices for Lyme disease and other tick-borne disorders.

(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this Act, $250,000 for each of fiscal years 2003 and 2004. Amounts appropriated under this subsection shall be used for the expenses and per diem costs incurred by the Committee under this section in accordance with the Federal Advisory Committee Act (5 U.S.C. App.), except that no voting member of the Committee shall be a permanent salaried employee.

SEC. 3. AUTHORIZATION FOR RESEARCH FUNDING.

There are authorized to be appropriated $10,000,000 for each of fiscal years 2003 through 2007 to provide for research and educational activities concerning Lyme disease and other tick-borne disorders, and to carry out efforts to prevent Lyme disease and other tick-borne disorders.

SEC. 4. GOALS.

It is the sense of the Senate that, in carrying out this Act, the Secretary of Health and Human Services (referred to in this section as the "Secretary"), acting as appropriate in consultation with the Director of the Centers for Disease Control and Prevention, the Director of the National Institutes of Health, the Committee, and other agencies, should consider carrying out the following:

(1) FIVE-YEAR PLAN.—It is the sense of the Senate that the Secretary should consider the establishment of a plan that, for the five fiscal years following the date of the enactment of this Act, provides for the activities to be carried out during such fiscal years toward achieving the goals under paragraphs (2) through (4). The plan should, as appropriate to such goals, provide for the coordination of programs and activities regarding Lyme disease and other tick-borne disorders that are conducted or supported by the Federal Government.

(2) FIRST GOAL: DIAGNOSTIC TEST.—The goal described in this paragraph is to develop a diagnostic test for Lyme disease and other tick-borne disorders for use in clinical testing.

(3) SECOND GOAL: SURVEILLANCE AND REPORTING OF LYME DISEASE AND OTHER TICK-BORNE DISORDERS.—The goal described in this paragraph is to accurately determine the prevalence of Lyme disease and other tick-borne disorders in the United States.

(4) THIRD GOAL: PREVENTION OF LYME DISEASE AND OTHER TICK-BORNE DISORDERS.—The goal described in this paragraph is to develop the capabilities at the Department of Health and Human Services to design and implement improved strategies for the prevention and control of Lyme disease and other tick-borne diseases. Such diseases may include Masters' disease, ehrlichiosis, babesiosis, other bacterial, viral and rickettsial diseases such as tularemia, tick-borne encephalitis, Rocky Mountain Spotted Fever, and bartonella, respectively.

SA 4895. Mr. REID (for Mr. ENSIGN (for himself, Mr. ALLARD, and Mr. ALLEN)) proposed an amendment to the bill S. 1998, to amend the Higher Education Act of 1965 with respect to the qualifications of foreign schools; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. FOREIGN SCHOOL ELIGIBILITY.

(a) IN GENERAL.—Section 102(a)(2)(A) of the Higher Education Act of 1965 (20 U.S.C. 1002(a)(2)(A)) is amended to read as follows:

"(A) IN GENERAL.—For the purpose of qualifying as an institution under paragraph (1)(C), the Secretary shall establish criteria by regulation for the approval of institutions outside the United States and for the determination that such institutions are comparable to an institution of higher education as defined in section 101 (except that a graduate medical school, or a veterinary school, located outside the United States shall not be required to meet the requirements of section 101(a)(4)). Such criteria shall include a requirement that a student attending such school outside the United States is ineligible for loans made, insured, or guaranteed under part B of title IV unless—

"(i) in the case of a graduate medical school located outside the United States—

"(I)(aa) at least 60 percent of those enrolled in, and at least 60 percent of the graduates of, the graduate medical school outside the United States were not persons described in section 484(a)(5) in the year preceding the year for which a student is seeking a loan under part B of title IV; and

"(bb) at least 60 percent of the individuals who were students or graduates of the graduate medical school outside the United States or Canada (both nationals of the United States and others) taking the examinations administered by the Educational Commission for Foreign Medical Graduates received a passing score in the year preceding the year for which a student is seeking a loan under part B of title IV; or

"(II) the institution has a clinical training program that was approved by a State as of January 1, 1992; or

"(ii) in the case of a veterinary school located outside the United States that does not meet the requirements of section 101(a)(4), the institution's students complete their clinical training at an approved veterinary school located in the United States.".

(b) EFFECTIVE DATE.—This Act and the amendments made by this Act shall be effective as if enacted on October 1, 1998.

SA 4896. Mr. REID (for Mr. BIDEN (for himself and Mr. THURMOND)) proposed an amendment to the bill S. 1868, to amend the National Child Protection Act of 1993, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Child Protection and Volunteers for Children Improvement Act of 2002".

SEC. 2. DEFINITIONS.

Section 5 of the National Child Protection Act of 1993 (42 U.S.C. 5119c) is amended—

(1) in paragraph (10), by striking "and" at the end; and

(2) by inserting after paragraph (10) the following:

"(10A) the term 'qualified State program' means the policies and procedures referred to in section 3(a)(1) of a State that are in place in order to implement this Act, including policies and procedures that require—

"(A) requests for national criminal history background checks to be routinely returned to a qualified entity not later than 20 business days after the date on which the request was made;

"(B) authorized agencies to charge not more than $18 for State background checks;

"(C) the designation of the authorized agencies that may receive national criminal history background check requests from qualified entities; and

"(D) the designation of the qualified entities that shall submit background check requests to an authorized agency;

"(10B) the term 'routinely' means—

"(A) instances where 85 percent or more of nationwide background check requests are returned to qualified entities within 20 business days; or

"(B) instances where 90 percent or more of nationwide background check requests are returned to qualified entities within 30 business days; and".

SEC. 3. STRENGTHENING AND ENFORCING THE NATIONAL CHILD PROTECTION ACT AND THE VOLUNTEERS FOR CHILDREN ACT.

Section 3 of the National Child Protection Act of 1993 (42 U.S.C. 5119a) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking "A State may" and inserting the following: "REQUEST.—A State may";

(ii) by inserting after "procedures" the following: "meeting the guidelines set forth in subsection (b)";

(iii) by inserting after "regulation)" the following: "or a qualified State program"; and

(iv) by striking "convicted of" and all that follows through the period and inserting "convicted of, or is under pending arrest or indictment for, a crime that renders the provider unfit to provide care to children, the elderly, or individuals with disabilities.";

(B) in paragraph (2)—

(i) by striking "The authorized agency" and inserting the following: "RESPONSE.—The authorized agency";

(ii) by striking "make reasonable efforts to";

(iii) by striking "15" and inserting "20"; and

(iv) by adding at the end the following: "The Attorney General shall respond to the inquiry of the State authorized agency within 15 business days of the request. A State is not in violation of this section if the Attorney General fails to respond to the inquiry within 15 business days of the request."; and

(C) by striking paragraph (3), and inserting the following:

"(3) ABSENCE OF QUALIFIED STATE PROGRAM.—

"(A) REQUEST.—Not later than 12 months after the date of enactment of the National Child Protection and Volunteers for Children Improvement Act of 2002, a qualified entity doing business in a State that does not have a qualified State program may request a national criminal background check from the Attorney General for the purpose of determining whether a provider has been convicted of, or is under pending arrest or indictment for, a crime that renders the provider unfit to provide care to children, the elderly, or individuals with disabilities.

"(B) REVIEW AND RESPONSE.—The Attorney General shall respond to the request of a qualified entity made under subparagraph (A) not later than 20 business days after the request is made."; and

(2) in subsection (b)—

(A) in paragraph (4), by striking "shall make" and inserting "may make"; and

(B) in paragraph (5)—

(i) by inserting after "qualified entity" the following: "or by a State authorized agency that disseminates criminal history records information directly to qualified entities"; and

(ii) by striking "pursuant to subsection (a)(3)".

SEC. 4. DISSEMINATION OF INFORMATION.

The National Child Protection Act of 1993 (42 U.S.C. 5119 et seq.) is amended by adding at the end the following:

"SEC. 6. DISSEMINATION OF INFORMATION.

"Notwithstanding any other provision of law, the Attorney General and authorized agencies of States may disseminate criminal history background check record information to a qualified entity.

"SEC. 7. OFFICE FOR VOLUNTEER AND PROVIDER SCREENING.

"(a) IN GENERAL.—The Attorney General shall establish an Office for Volunteer and

Provider Screening (referred to in this Act as the 'Office') which shall serve as a point of contact for qualified entities to request a national criminal background check pursuant to section 3(a)(3).

"(b) MODEL GUIDELINES.—The Office shall provide model guidelines concerning standards to guide qualified entities in making fitness determinations regarding care providers based upon the criminal history record information of those providers.".

SEC. 5. FEES.

Section 3(e) of the National Child Protection Act of 1993 (42 U.S.C. 5119a(e)) is amended—

(1) by striking "In the case" and inserting the following:

"(1) IN GENERAL.—In the case"; and

(2) by adding at the end the following:

"(2) VOLUNTEER WITH QUALIFIED ENTITY.—In the case of a national criminal fingerprint background check conducted pursuant to section 3(a)(3) on a person who volunteers with a qualified entity, the fee collected by the Federal Bureau of Investigation shall not exceed $5.

"(3) PROVIDER.—In the case of a national criminal fingerprint background check on a provider who is employed by or applies for a position with a qualified entity, the fee collected by the Federal Bureau of Investigation shall not exceed $18.".

SEC. 6. STRENGTHENING STATE FINGERPRINT TECHNOLOGY.

(a) ESTABLISHMENT OF MODEL PROGRAM IN EACH STATE TO STRENGTHEN CRIMINAL DATA REPOSITORIES AND FINGERPRINT TECHNOLOGY.—The Attorney General shall establish a model program in each State and the District of Columbia for the purpose of improving fingerprinting technology which shall grant to each State funds to either—

(1) purchase Live-Scan fingerprint technology and a State-vehicle to make such technology mobile and these mobile units shall be used to travel within the State to assist in the processing of fingerprint background checks; or

(2) purchase electric fingerprint imaging machines for use throughout the State to send fingerprint images to the Attorney General to conduct background checks.

(b) ADDITIONAL FUNDS.—In addition to funds provided in subsection (a), funds shall be provided to each State and the District of Columbia to hire personnel to provide information and training to each county law enforcement agency within the State regarding all requirements for input of criminal and disposition data into the national criminal history background check system under the National Child Protection Act of 1993 (42 U.S.C. 5119 et seq.).

(c) FUNDING ELIGIBILITY.—States with a qualified State program shall be eligible for not more than $2,000,000 under this section.

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section sums sufficient to improve fingerprint technology units and hire data entry improvement personnel in each of the 50 States and the District of Columbia for each of fiscal years 2004 through 2008.

(2) AVAILABILITY.—Sums appropriated in accordance with this section shall remain available until expended.

SEC. 7. PRIVACY PROTECTIONS.

(a) INFORMATION.—Information derived as a result of a national criminal fingerprint background check request under section 3 of the National Child Protection Act of 1993 (42 U.S.C. 5119a) shall not be adjusted, deleted, or altered in any way except as required by law for national security purposes.

(b) DESIGNATED REPRESENTATIVE.—

(1) IN GENERAL.—Each qualified entity (as defined in section 5 of the National Child Protection Act of 1993 (42 U.S.C. 5119c)) shall assign a representative in their respective organization to receive and process information requested under section 3 of the National Child Protection Act of 1993 (42 U.S.C. 5119a).

(2) DELETION OF INFORMATION.—Each representative assigned under paragraph (1) shall review the requested information and delete all information that is not needed by the requesting entity in making an employment decision.

(c) CRIMINAL PENALTIES.—Any person who knowingly releases information derived as a result of a national criminal fingerprint background check to any person other than the hiring authority or organizational leadership with the qualified entity shall be—

(1) fined $50,000 for each violation; or

(2) imprisoned not more than 1 year.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to carry out this Act—

(1) $100,000,000 for fiscal year 2004; and

(2) such sums as may be necessary for each of fiscal years 2005 through 2008.

(b) AVAILABILITY OF FUNDS.—Sums appropriated in accordance with this section shall remain available until expended.

Amend the title so as to read: "A bill to amend the National Child Protection Act of 1993, and for other purposes.".

SA 4897. Mr. REID (for Mr. SARBANES) proposed an amendment to the bill S. 2239, to amend the National Housing Act to simplify the downpayment requirements for FHA mortgage insurance for single family homebuyers; as follows:

At the end, add the following:

SEC. 4. INDEXING OF FHA MULTIFAMILY HOUSING LOAN LIMITS.

(a) The National Housing Act (12 U.S.C. 1701 et seq.) is amended by inserting after section 206 the following new section 206A (12 U.S.C.) 1712A):

"SEC. 206A. INDEXING OF FHA MULTIFAMILY HOUSING LOAN LIMITS.

"METHOD OF INDEXING.—(a) The dollar amounts set forth in—

"(A) section 207(c)(3)(A) (12 U.S.C. 1713(c)(3)(A));

"(B) section 213(b)(2)(A) (12 U.S.C. 1715e(b)(2)(A));

"(C) section 220(d)(3)(B)(iii)(I) (12 U.S.C. 1715k(d)(3)(B)(iii)(I));

"(D) section 221(d)(3)(ii)(A) (12 U.S.C. 1715l(d)(3)(ii)(A));

"(E) section 221(d)(4)(ii)(A) (12 U.S.C. 1715l(d)(4)(ii)(A));

"(F) section 231(c)(2)(A) (12 U.S.C. 1715v(c)(2)(A)); and

"(G) section 234(e)(3)(A) (12 USC1715y(e)(3)(A))

(collectively hereinafter referred to as the "Dollar Amounts") shall be adjusted annually (commencing in 2004) on the effective date of the Federal Reserve Board's adjustment of the $400 figure in the Home Ownership and Equity Protection Act of 1994 (HOEPA). The adjustment of the Dollar Amounts shall be calculated using the percentage change in the Consumer Price Index for All Urban Consumers (CPI–U) as applied by the Federal Reserve Board for purposes of the above-described HOEPA adjustment.

(b) The Federal Reserve Board on a timely basis shall notify the Secretary, or his designee, in writing of the adjustment described in paragraph (a) and of the effective date of such adjustment in order to permit the Secretary to undertake publication in the Federal Register of corresponding adjustments to the Dollar Amounts. The dollar amount of any adjustment shall be rounded to the next lower dollar.".

(b) TECHNICAL AND CONFERENCE CHANGES.—

(1) Section 207(c)(3) of the National Housing Act (12 U.S.C. 1713(c)(3)) is amended—

(a) by inserting "(A)" after "(3)";

(b) by striking "and except that the Secretary" through and including "in this paragraph" and inserting in lieu thereof: "(B) the Secretary may, by regulation, increase any of the dollar amount limitation in paragraph (A) (as such limitations may have been adjusted in accordance with Section 206A of this Act)".

(2) Section 213(b)(2) of the National Housing Act (12 U.S.C. 1715e(b)(2)) is amended—

(a) by inserting "(A)" following "(2)";

(b) by striking ": Provided further, That" the first time that it occurs, through and including "contained in this paragraph" and inserting in lieu thereof: "; (B)(I) the Secretary may, by regulation, increase any of the dollar amount limitations in paragraph (A) (as such limitations may have been adjusted in accordance with Section 206A of this Act)";

(c) by striking ": Provided further, That" the second time it occurs and inserting in lieu thereof: "; and (II)";

(d) by striking ": And provided further, That" and inserting in lieu thereof: "; and (III)";

(e) by striking "with this subsection without regard to the preceding proviso" at the end of that subsection and inserting in lieu thereof: "with this paragraph (B)(I).".

(3) Section 220(d)(3)(B)(iii) of the National Housing Act (12 U.S.C. 1715k(d)(3)(B)(iii)) is amended—

(a) by inserting "(I)" following "(iii)";

(b) by striking "design; and except that" and inserting in lieu thereof: "design; and (II)";

(c) by striking "any of the foregoing dollar amount limitations contained in this clause" and inserting in lieu thereof: "any of the dollar amount limitations in subclause (B)(iii)(I) (as such limitations may have been adjusted in accordance with Section 206A of this Act)";

(d) by striking ": Provided, That" through and including "proviso" and inserting in lieu thereof: "with respect to dollar amount limitations applicable to rehabilitation projects described in subclause (II), the Secretary may, by regulation, increase the dollar amount limitations contained in subclause (B)(ii)(I) (as such limitations may have been adjusted in accordance with Section 206A of this Act)";

(e) by striking ": Provided further," and inserting in lieu thereof: "; (III)";

(f) by striking "subparagraph" in the second proviso and inserting in lieu thereof "subclause (B)(iii)(I)";

(g) in the last proviso, by striking ": And provided further, That" and all that follows through and including "this clause" and inserting in lieu thereof: "; (IV) with respect to rehabilitation projects involving not more than five family units, the Secretary may further increase any of the dollar limitations which would otherwise apply to such projects."

(4) Section 221(d)(3)(ii) of the National Housing Act (12 U.S.C. 1715l(d)(3)(ii)) is amended—

(a) by inserting "(A)" following "(ii)";

(b) by striking "; and except that" and all that follows through and including "in this clause" and inserting in lieu thereof: "; (B) the Secretary may, by regulation, increase any of the dollar amount limitations in paragraph (A) (as such limitations may have been adjusted in accordance with Section 206A of this Act)";

(5) Section 221(d)(4)(ii) of the National Housing Act (12 U.S.C. 1715l(d)(4)(ii)) is amended—

(a) by inserting "(A)" following "(ii)";

(b) by striking "; and except that" and all that follows through and including "in this clause" and inserting in lieu thereof: "; (B) the Secretary may, by regulation, increase any of the dollar limitations in paragraph (A) (as such limitations may have been adjusted in accordance with Section 206A of this Act)".

(6) Section 231(c)(2) of the National Housing Act (12 U.S.C. 1715v(c)(2)) is amended—

(a) by inserting "(A)" following "(2)";

(b) by striking "; and except that" and all that follows through and including "in this paragraph" and inserting in lieu thereof: "; (B) the Secretary may, by regulation, increase any of the dollar limitations in paragraph (A) (as such limitations may have been adjusted in accordance with Section 206A of this Act)";

(c) by striking ": Provided, That" and all that follows through and including "of this section" and inserting in lieu thereof: "; (C) the Secretary may, by regulation, increase any of the dollar limitations in paragraph (A) (as such limitations may have been adjusted in accordance with section 206A of this Act)".

(7) Section 234(e)(3) of the National Housing Act (12 U.S.C. 1715y(e)(3)) is amended—

(a) by inserting "(A)" following "(3)";

(b) by replacing "$38,025" with "$42,048"; $42,120" with "48,481"; $50,310" with "$58,469"; "$62,010" with "$74,840"; "$70,200" with "$83,375"; "43,875"; with "$44,250"; "$49,140" with "$50,724"; "$60,255" with "$61,680"; "$75,465" with "$79,793"; and "$85,328" with "$87,588";

(c) by striking "; except that each" and all that follows through and including "contained in this paragraph" and inserting in lieu thereof: "; (B) the Secretary may, by regulation, increase any of the dollar limitations in paragraph (A) (as such limitations may have been adjusted in accordance with Section 206A of this Act)".

AUTHORITY FOR COMMITTEES TO MEET

SELECT COMMITTEE ON INTELLIGENCE

Mr. REID. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, October 17, 2002 at 10:00 a.m. to hold an open hearing with the House Permanent Select Committee on Intelligence concerning the Joint Inquiry into the events of September 11, 2001.

The PRESIDING OFFICER. Without objection, it is so ordered.

GREAT LAKES LEGACY ACT OF 2001

Mr. REID. I ask unanimous consent that the Senate proceed to the consideration of calendar 704, H.R. 1070.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 1070) to amend the Federal Water Pollution Control Act to make grants for remediation of sediment contamination in areas of concern and to authorize assistance for research and development of innovative technologies for such purposes.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Environment and Public Works with an amendment, as follows:

(The part of the bill intended to be stricken is shown in black brackets and the part of the bill intended to be inserted is shown in italic.)

H.R. 1070

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Great Lakes Legacy Act of 2002".

[SEC. 2. REMEDIATION OF SEDIMENT CONTAMINATION IN AREAS OF CONCERN IN THE GREAT LAKES.

[Section 118(c) of the Federal Water Pollution Control Act (33 U.S.C. 1268(c)) is amended by adding at the end the following:

["(12) REMEDIATION OF SEDIMENT CONTAMINATION IN AREAS OF CONCERN.—

["(A) IN GENERAL.—In accordance with this paragraph, the Administrator, acting through the Great Lakes National Program Office and in coordination with the Office of Research and Development, may carry out qualified projects.

["(B) QUALIFIED PROJECT.—In this paragraph, a qualified project is a project to be carried out in an area of concern located wholly or in part in the United States that—

["(i) monitors or evaluates contaminated sediment;

["(ii) subject to subparagraph (D), implements a plan to remediate contaminated sediment; or

["(iii) prevents further or renewed contamination of sediment.

["(C) PRIORITY.—In selecting projects to carry out under this paragraph, the Administrator shall give priority to a project that—

["(i) constitutes remedial action for contaminated sediment;

["(ii) has been identified in a Remedial Action Plan submitted pursuant to paragraph (3) and is ready to be implemented; or

["(iii) will use an innovative approach, technology, or technique that may provide greater environmental benefits or equivalent environmental benefits at a reduced cost.

["(D) LIMITATION.—The Administrator may not carry out a project under this paragraph for remediation of contaminated sediments located in an area of concern—

["(i) if an evaluation of remedial alternatives for the area of concern has not been conducted, including a review of the short-term and long-term effects of the alternatives on human health and the environment; or

["(ii) if the Administrator determines that the area of concern is likely to suffer significant further or renewed contamination from existing sources of pollutants causing sediment contamination following completion of the project.

["(E) NON-FEDERAL MATCHING REQUIREMENT.—

["(i) IN GENERAL.—The non-Federal share of the cost of a project carried out under this paragraph shall be not less than 35 percent.

["(ii) IN-KIND CONTRIBUTIONS.—The non-Federal share of the cost of a project carried out under this paragraph may include the value of in-kind services contributed by a non-Federal sponsor, including any in-kind service performed under an administrative order on consent or judicial consent decree, but not including any in-kind services performed under a unilateral administrative order or court order.

["(iii) OPERATION AND MAINTENANCE.—The non-Federal share of the cost of the operation and maintenance of a project carried out under this paragraph shall be 100 percent.

["(F) MAINTENANCE OF EFFORT.—The Administrator may not carry out a project under this paragraph unless the non-Federal sponsor enters into such agreements with the Administrator as the Administrator may require to ensure that the non-Federal sponsor will maintain its aggregate expenditures from all other sources for remediation programs in the area of concern in which the project is located at or above the average level of such expenditures in its 2 fiscal years preceding the date on which the project is initiated.

["(G) COORDINATION.—In carrying out projects under this paragraph, the Administrator shall coordinate with the Secretary of the Army, and with the Governors of States in which the projects are located, to ensure that Federal and State assistance for remediation in areas of concern is used as efficiently as possible.

["(H) AUTHORIZATION OF APPROPRIATIONS.—

["(i) IN GENERAL.—In addition to other amounts authorized under this section, there is authorized to be appropriated to carry out this paragraph $50,000,000 for each of fiscal years 2003 through 2007.

["(ii) AVAILABILITY.—Funds appropriated under clause (i) shall remain available until expended.".

[SEC. 3. RELATIONSHIP TO FEDERAL AND STATE AUTHORITIES.

[Section 118(g) of the Federal Water Pollution Control Act (33 U.S.C. 1268) is amended—

[(1) by striking "construed to affect" and inserting the following: "construed—

["(1) to affect";

[(2) by striking the period at the end and inserting "; or";

[(3) by adding at the end the following:

["(2) to affect any other Federal or State authority that is being used or may be used to facilitate the cleanup and protection of the Great Lakes."; and

[(4) by aligning the remainder of the text of paragraph (1) (as designated by paragraph (1) of this section) with paragraph (2) (as added by paragraph (3) of this section).

[SEC. 4. RESEARCH AND DEVELOPMENT PROGRAM.

[(a) IN GENERAL.—In coordination with other Federal and local officials, the Administrator of the Environmental Protection Agency is authorized to conduct research on the development and use of innovative approaches, technologies, and techniques for the remediation of sediment contamination in areas of concern in the Great Lakes.

[(b) AUTHORIZATION OF APPROPRIATIONS.—

[(1) IN GENERAL.—In addition to amounts authorized under other laws, there is authorized to be appropriated to carry out this section $2,000,000 for each of fiscal years 2003 through 2007.

[(2) AVAILABILITY.—Funds appropriated under paragraph (1) shall remain available until expended.]

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Great Lakes and Lake Champlain Program Act of 2002".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—GREAT LAKES

Sec. 101. Short title.

Sec. 102. Report on remedial action plans.
Sec. 103. Remediation of sediment contamination in areas of concern in the Great Lakes.
Sec. 104. Relationship to existing Federal and State laws and international agreements.
Sec. 105. Authorization of appropriations.
TITLE II—LAKE CHAMPLAIN
Sec. 201. Short title.
Sec. 202. Lake Champlain basin program.
Sec. 203. Lake Champlain watershed, Vermont and New York.
TITLE III—MISCELLANEOUS
Sec. 301. Phase II storm water program.

TITLE I—GREAT LAKES

SEC. 101. SHORT TITLE.

This title may be cited as the "Great Lakes Legacy Act of 2002".

SEC. 102. REPORT ON REMEDIAL ACTION PLANS.

Section 118(c)(3) of the Federal Water Pollution Control Act (33 U.S.C. 1268(c)(3)) is amended by adding at the end the following:

"(E) REPORT.—Not later than 1 year after the date of enactment of this subparagraph, the Administrator shall submit to Congress a report on such actions, time periods, and resources as are necessary to fulfill the duties of the Agency relating to oversight of Remedial Action Plans under—

"(i) this paragraph; and

"(ii) the Great Lakes Water Quality Agreement.".

SEC. 103. REMEDIATION OF SEDIMENT CONTAMINATION IN AREAS OF CONCERN IN THE GREAT LAKES.

Section 118(c) of the Federal Water Pollution Control Act (33 U.S.C. 1268(c)) is amended by adding at the end the following:

"(12) REMEDIATION OF SEDIMENT CONTAMINATION IN AREAS OF CONCERN.—

"(A) DEFINITION OF QUALIFIED PROJECT.—In this paragraph, the term 'qualified project' means a project, to be carried out in an area of concern located wholly or in part in the United States, to—

"(i) monitor or evaluate contaminated sediment, including conducting a site characterization;

"(ii) remediate contaminated sediment (including disposal of the contaminated sediment); or

"(iii) prevent further or renewed contamination of sediment.

"(B) PROJECTS.—The Administrator, acting through the Program Office and in coordination with the Office of Research and Development of the Agency, may carry out qualified projects under this paragraph.

"(C) PRIORITY.—In carrying out this paragraph, the Administrator shall give priority to a qualified project that—

"(i) consists of remedial action for contaminated sediment;

"(ii) has been identified in a Remedial Action Plan that is—

"(I) submitted under paragraph (3); and

"(II) ready to be implemented;

"(iii) will use an innovative approach, technology, or technique for remediation; or

"(iv) includes remediation to be commenced not later than 1 year after the receipt of funds for the project.

"(D) LIMITATIONS.—The Administrator may not carry out a qualified project described in clause (ii) or (iii) of subparagraph (A)—

"(i) that is located in an area of concern that the Administrator determines is likely to suffer significant further or renewed sediment contamination from sources of pollutants after the completion of the qualified project; or

"(ii) at a site that has not had a thorough site characterization.

"(E) NON-FEDERAL MATCHING REQUIREMENT.—

"(i) IN GENERAL.—The non-Federal share of the cost of a qualified project carried out under this paragraph shall be not less than 35 percent.

"(ii) IN-KIND CONTRIBUTIONS.—The non-Federal share of the cost of a qualified project carried out under this paragraph may include the value of in-kind services contributed by a non-Federal sponsor.

"(iii) OPERATION AND MAINTENANCE.—The non-Federal share of the cost of the operation and maintenance of a qualified project carried out under this paragraph shall be 100 percent.

"(F) COORDINATION.—In carrying out qualified projects under this paragraph, the Administrator shall coordinate with the Secretary of the Army, and with the Governors of States in which qualified projects assisted under this paragraph are located, to ensure that Federal and State assistance for remediation in areas of concern is used as efficiently as practicable.

"(G) AUTHORIZATION OF APPROPRIATIONS.—

"(i) IN GENERAL.—In addition to other amounts authorized to be appropriated under this section, there is authorized to be appropriated to carry out this paragraph $50,000,000 for each of fiscal years 2004 through 2008.

"(ii) AVAILABILITY.—Funds appropriated under clause (i) shall remain available until expended.

"(13) RESEARCH AND DEVELOPMENT PROGRAM.—

"(A) IN GENERAL.—The Administrator, in coordination with other Federal and local officials, shall conduct research on the development and use of innovative approaches, technologies, and techniques for the remediation of sediment contamination in areas of concern in the Great Lakes.

"(B) AUTHORIZATION OF APPROPRIATIONS.—

"(i) IN GENERAL.—In addition to amounts authorized to be appropriated under other law, there is authorized to be appropriated to carry out this paragraph $2,000,000 for each of fiscal years 2004 through 2008.

"(ii) AVAILABILITY.—Funds appropriated under clause (i) shall remain available until expended.

"(14) PUBLIC INFORMATION PROGRAM.—

"(A) IN GENERAL.—The Administrator, acting through the Program Office and in coordination with the Office of Research and Development of the Agency, States, Indian tribes, local governments, and other entities, may carry out a public information program to provide—

"(i) information relating to the remediation of contaminated sediment to the public in areas of concern that are—

"(I) located wholly within the United States; or

"(II) shared with Canada; and

"(ii) local coordination and organization in those areas.

"(B) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this paragraph $5,000,000 for each of fiscal years 2004 through 2008.".

SEC. 104. RELATIONSHIP TO EXISTING FEDERAL AND STATE LAWS AND INTERNATIONAL AGREEMENTS.

Section 118(g) of the Federal Water Pollution Control Act (33 U.S.C. 1268(g)) is amended by inserting ", including the cleanup and protection of the Great Lakes" after "Lakes".

SEC. 105. AUTHORIZATION OF APPROPRIATIONS.

Section 118(h) of the Federal Water Pollution Control Act (33 U.S.C. 1268(h)) is amended by striking the first sentence and inserting the following: "There is authorized to be appropriated to carry out this section $40,000,000 for each of fiscal years 2004 through 2008.".

TITLE II—LAKE CHAMPLAIN

SEC. 201. SHORT TITLE.

This title may be cited as the "Daniel Patrick Moynihan Lake Champlain Basin Program Act of 2002".

SEC. 202. LAKE CHAMPLAIN BASIN PROGRAM.

Title I of the Federal Water Pollution Control Act is amended by striking section 120 (33 U.S.C. 1270) and inserting the following:

"SEC. 120. LAKE CHAMPLAIN BASIN PROGRAM.

"(a) DEFINITIONS.—In this section:

"(1) COMMITTEE.—The term 'Committee' means the steering committee of the program comprised of representatives of Federal, State, and local governments and other persons, as specified in the Plan.

"(2) LAKE CHAMPLAIN BASIN.—

"(A) IN GENERAL.—The term 'Lake Champlain basin' means all water and land resources in the United States in the drainage basin of Lake Champlain.

"(B) INCLUSIONS.—The term 'Lake Champlain basin' includes—

"(i) Clinton, Essex, Franklin, Hamilton, Warren, and Washington counties in the State of New York; and

"(ii) Addison, Bennington, Caledonia, Chittenden, Franklin, Grand Isle, Lamoille, Orange, Orleans, Rutland, and Washington counties in the State of Vermont.

"(3) PLAN.—The term 'Plan' means the plan entitled 'Opportunities for Action: An Evolving Plan for the Future of the Lake Champlain Basin', approved by Lake Champlain Steering Committee on January 30, 2002, that describes the actions necessary to protect and enhance the environmental integrity and the social and economic benefits of the Lake Champlain basin.

"(4) PROGRAM.—The term 'program' means the Lake Champlain Basin Program established by subsection (b)(1).

"(b) ESTABLISHMENT.—

"(1) IN GENERAL.—There is established a program to be known as the 'Lake Champlain Basin Program'.

"(2) PURPOSES.—The purposes of the program are—

"(A) to protect and enhance the environmental integrity and social and economic benefits of the Lake Champlain basin; and

"(B) to achieve the environmental goals described in the Plan, including—

"(i) the reduction of phosphorous inputs to Lake Champlain from point sources and nonpoint sources so as to—

"(I) promote a healthy and diverse ecosystem; and

"(II) provide for sustainable human use and enjoyment of Lake Champlain;

"(ii) the reduction of toxic contamination, such as contamination by mercury and polychlorinated biphenyls, to protect public health and the ecosystem of the Lake Champlain basin;

"(iii) the control of the introduction, spread, and impacts of nonnative nuisance species to preserve the integrity of the ecosystem of the Lake Champlain basin;

"(iv) the minimization of risks to humans from water-related health hazards in the Lake Champlain basin, including through the protection of sources of drinking water in the Lake Champlain basin;

"(v) the restoration and maintenance of a healthy and diverse community of fish and wildlife in the Lake Champlain basin;

"(vi) the protection and restoration of wetland, streams, and riparian habitat in the Lake Champlain basin, including functions and values provided by those areas;

"(vii) the management of Lake Champlain, including shorelines and tributaries of Lake Champlain, to achieve—

"(I) the protection of natural and cultural resources of Lake Champlain; and

"(II) the maintenance of recreational uses of Lake Champlain;

"(viii) the protection of recreation and cultural heritage resources of the Lake Champlain basin;

"(ix) the continuance of the Lake Champlain long-term water quality and biological monitoring program; and

"(x) the promotion of healthy and diverse economic activity and sustainable development principles in the Lake Champlain basin.

"(c) IMPLEMENTATION.—The Committee, in consultation with appropriate heads of Federal agencies, shall implement the program.

"(d) REVISION OF PLAN.—At least once every 5 years, the Committee shall review and, as necessary, revise the Plan.

"(e) GRANTS.—

"(1) IN GENERAL.—Subject to paragraph (2), the Administrator may, in consultation with the Committee, make grants, for the purpose of implementing the management strategies contained in the Plan, to—

"(A) State, interstate, and regional water pollution control agencies; and

"(B) public or nonprofit agencies, institutions, and organizations.

"(2) COST SHARING.—The Federal share of the cost of any activity carried out using funds from a grant provided under this subsection shall not exceed 75 percent.

"(3) ADDITIONAL REQUIREMENTS.—The Administrator may establish such additional requirements for the administration of grants provided under this subsection as the Administrator determines to be appropriate.

"(f) COORDINATION OF FEDERAL PROGRAMS.—

"(1) AGRICULTURE.—The Secretary of Agriculture shall support the implementation of the program by providing financial and technical assistance relating to best management practices for controlling nonpoint source pollution, particularly with respect to preventing pollution from agricultural activities.

"(2) INTERIOR.—

"(A) GEOLOGICAL SURVEY.—The Secretary of the Interior, acting through the United States Geological Survey, shall support the implementation of the program by providing financial, scientific, and technical assistance and applicable watershed research, such as—

"(i) stream flow monitoring;

"(ii) water quality monitoring;

"(iii) evaluation of effectiveness of best management practices;

"(iv) research on the transport and final destination of toxic chemicals in the environment; and

"(v) development of an integrated geographic information system for the Lake Champlain basin.

"(B) FISH AND WILDLIFE.—The Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service and in cooperation with the Committee, shall support the implementation of the program by—

"(i) supporting the protection and restoration of wetland, streams, aquatic, and riparian habitat;

"(ii) supporting restoration of interjurisdictional fisheries and declining aquatic species in the Lake Champlain watershed through—

"(I) propagation of fish in hatcheries; and

"(II) continued advancement in fish culture and aquatic species management technology;

"(iii) supporting the control and management of aquatic nuisance species that have adverse effects on—

"(I) fisheries; or

"(II) the form, function, or structure of the ecosystem of the Lake Champlain basin;

"(iv) providing financial and technical assistance in accordance with the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.) to private landowners seeking to improve fish and wildlife habitat, a goal of which is—

"(I) restoration of full function to degraded habitat;

"(II) enhancement of specific habitat functions; or

"(III) establishment of valuable fish and wildlife habitat that did not previously exist on a particular parcel of real property; and

"(v) taking other appropriate action to assist in implementation of the Plan.

"(C) NATIONAL PARKS.—The Secretary of the Interior, acting through the Director of the National Park Service, shall support the implementation of the program by providing, through the use of funds in the National Recreation and Preservation Appropriation account of the National Park Service, financial and technical assistance for programs concerning cultural heritage, natural resources, recreational resources, or other programs consistent with the mission of the National Park Service that are associated with the Lake Champlain basin, as identified in the Plan.

"(3) COMMERCE.—The Secretary of Commerce, acting through the Under Secretary for Oceans and Atmosphere, shall support the implementation of the program by providing financial and technical assistance, through the national sea grant program of the Department of Commerce, for—

"(A) research;

"(B) management of fisheries and other aquatic resources;

"(C) related watershed programs; and

"(D) other appropriate action to assist in implementation of the Plan.

"(g) NO EFFECT ON OTHER AUTHORITY.—Nothing in this section affects the authority of—

"(1) any Federal or State agency; or

"(2) any international entity relating to Lake Champlain established by an international agreement to which the United States is a party.

"(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $11,000,000 for each of fiscal years 2003 through 2007, of which—

"(1) $5,000,000 shall be made available to the Administrator;

"(2) $3,000,000 shall be made available to the Secretary of the Interior;

"(3) $1,000,000 shall be made available to the Secretary of Commerce; and

"(4) $2,000,000 shall be made available to the Secretary of Agriculture.".

SEC. 203. LAKE CHAMPLAIN WATERSHED, VERMONT AND NEW YORK.

Section 542 of the Water Resources Development Act of 2000 (114 Stat. 2671) is amended—

(1) in subsection (a)—

(A) by striking "(a)" and all that follows through "(A) the land areas" and inserting the following:

"(a) DEFINITION OF LAKE CHAMPLAIN WATERSHED.—In this section, the term 'Lake Champlain watershed' means—

"(1) the land areas";

(B) by striking "(B)(i) the" and inserting the following:

"(2)(A) the";

(C) by striking "(ii) the" and inserting the following:

"(B) the";

(D) in paragraph (2)(A) (as redesignated by subparagraph (B)), by inserting "Hamilton," after "Franklin,"; and

(E) in paragraph (2)(B) (as redesignated by subparagraph (C)), by striking "clause (i)" and inserting "subparagraph (A)";

(2) in subsections (b) through (e), by striking "critical restoration" each place it appears and inserting "ecosystem restoration";

(3) in subsection (b)—

(A) in the subsection heading, by striking "CRITICAL RESTORATION PROJECTS" and inserting "ECOSYSTEM RESTORATION PROGRAM";

(B) in paragraph (1), by striking "participate in" and inserting "provide design and construction assistance to non-Federal interests for"; and

(C) in paragraph (2)—

(i) by striking "A" and inserting "An"; and

(ii) in subparagraph (E), by inserting before the period at the end the following: ", including remote sensing and the development of a geographic information system for the Lake Champlain basin by the Cold Regions Research and Engineering Laboratory";

(4) in subsection (c)—

(A) by striking "assistance for a" and inserting "design and construction assistance for an"; and

(B) in paragraph (2), by inserting "ecosystem restoration or" after "form of";

(5) in subsection (d)—

(A) by striking "(d)" and all that follows through "(A) IN GENERAL.—A" and inserting the following:

"(d) CRITERIA FOR ELIGIBILITY.—

"(1) IN GENERAL.—An"; and

(B) by striking "(B) SPECIAL" and inserting the following:

"(2) SPECIAL"; and

(6) in subsection (e)—

(A) in paragraph (1)—

(i) by striking "to a" and inserting "to an";

(ii) by striking "project," and inserting "project (which assistance may include the provision of funds through the Lake Champlain Basin Program),"; and

(iii) by striking "agreement that shall require the non-Federal interest" and inserting the following: "agreement that is in accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b) and under which the non-Federal interest agrees";

(B) in paragraph (2)(C), by striking "50" and inserting "100"; and

(C) by adding at the end the following:

"(3) CREDIT FOR AGRICULTURAL CONSERVATION.—Funds provided to a non-Federal interest under the conservation reserve enhancement program of the Department of Agriculture announced on May 27, 1998 (63 Fed. Reg. 28965), or the wetlands reserve program under subchapter C of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3837 et seq.), for use in carrying out a project under the Plan shall be credited toward the non-Federal share of the cost of the project if the Secretary of Agriculture certifies that those funds may be used for the purpose of the project under the Plan.".

TITLE III—MISCELLANEOUS

SEC. 301. PHASE II STORM WATER PROGRAM.

Notwithstanding any other provision of law, for fiscal year 2003, funds made available to carry out nonpoint source management programs under section 319 of the Federal Water Pollution Control Act (33 U.S.C. 1329) in a State may, at the option of the State, be used to carry out projects and activities in the State relating to the development or implementation of phase II of the storm water program of the Environmental Protection Agency established by the final rule entitled "National Pollutant Discharge Elimination System—Regulations for Revision of the Water Pollution Control Program Addressing Storm Water Discharges", promulgated by the Administrator of the Environmental Protection Agency on December 8, 1999 (64 Fed. Reg. 68722).

Amend the title so as to read: "An Act to amend the Federal Water Pollution Control Act to authorize the Administrator of the Environmental Protection Agency to provide assistance for remediation of sediment contamination in areas of concern, to authorize assistance for research and development of innovative technologies for such remediation, and to amend the Federal Water Pollution Control Act and the Water Resources Development Act of 2000 to modify provisions relating to the Lake Champlain basin, and for other purposes.".

Mr. REID. Mr. President, I understand Senator JEFFORDS and Senator SMITH of New Hampshire have a substitute amendment at the desk. I ask unanimous consent the amendment be considered and agreed to, the committee-reported substitute amendment, as amended, be agreed to, the bill, as amended, be read three times and passed, and the motion to reconsider be laid upon the table with any statements being printed in the RECORD without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4892) was agreed to.

(The amendment is printed in today's RECORD under "Text of Amendments.")

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (H.R. 1070), as amended, was read the third time and passed.

To title amendment was agreed to.

TO AMEND THE DISTRICT OF COLUMBIA RETIREMENT PROTECTION ACT OF 1997

Mr. REID. I ask unanimous consent we proceed to the consideration of H.R. 5205.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 5205) to amend the District of Columbia Retirement Protection Act of 1997 to permit the Secretary of the Treasury to use estimated amounts in determining the service longevity component of the Federal benefit payment required to be paid under such Act to certain retirees of the Metropolitan Police Department of the District of Columbia.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. I ask unanimous consent that the bill be read three times, passed, the motion to reconsider be laid upon the table, there be no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 5205) was read the third time and passed.

AUTHORIZING PRINTING OF SENATE RULES AND MANUAL

Mr. REID. I ask that the Senate proceed to the consideration of S. Res. 349, submitted earlier today by Senator DODD.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A resolution (S. Res. 349) to authorize printing of revised edition of Senate Rules and Manual.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 349) was agreed to, as follows:

S. RES. 349

Resolved, That (a) the Committee on Rules and Administration shall prepare a revised edition of the Senate Rules and Manual for the use of the 108th Congress.

(b) The manual shall be printed as a Senate document.

(c) In addition to the usual number of documents, 1,500 additional copies of the manual shall be bound of which—

(1) 500 paperbound copies shall be for the use of the Senate; and

(2) 1000 copies shall be bound (550 paperbound; 250 nontabbed black skiver; 200 tabbed black skiver) and delivered as may be directed by the Committee on Rules and Administration.

ORDER TO FILE EXECUTIVE CALENDAR BUSINESS

Mr. REID. I ask unanimous consent that the Senate committees may file Legislative and Executive Calendar business notwithstanding an adjournment of the Senate, and they may do this on Monday, November 4, from 10 a.m. to 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION TO MAKE APPOINTMENTS

Mr. REID. I ask unanimous consent notwithstanding our recess or adjournment of the Senate for the duration of the 107th Congress, the President of the Senate President pro tempore and the majority and minority leaders be authorized to make appointments to commissions, committees, boards, conferences or interparliamentary conferences authorized by law and concurrent action of the two Houses or by order of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZING BASE CONTRACT OF NAVY-MARINE CORPS INTRANET

Mr. REID. I ask unanimous consent we now proceed to the consideration of H.R. 5647.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 5647) to authorize the duration of the base contract of the Navy-Marine Corps Intranet contract to be more than five years but not more than seven years.

There being no objection, the Senate proceeded to the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read the third time, passed, the motion to reconsider be laid upon the table, and there be no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 5647) was read the third time and passed.

FHA DOWNPAYMENT SIMPLIFICATION ACT OF 2002

Mr. REID. I ask unanimous consent the Senate proceed to the consideration of calendar 703, S. 2239.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2239) to amend the National Housing Act to simplify the downpayment required of FHA mortgage insurance for single family homebuyers.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Banking, Housing, and Urban Affairs, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic.)

S. 2239

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "FHA Downpayment Simplification Act of 2002".

SEC. 2. DOWNPAYMENT SIMPLIFICATION.

Section 203 of the National Housing Act (12 U.S.C. 1709) is amended—

(1) in subsection (b)—

(A) by striking "shall—" and inserting "shall comply with the following:";

(B) in paragraph (2)—

(i) in subparagraph (A), in the matter that precedes clause (ii), by moving the margin 2 ems to the right;

(ii) in the undesignated matter immediately following subparagraph (B)(iii)—

(I) by striking the second and third sentences of such matter; **[**and

[(II) by striking the sixth sentence (relating to the increases for costs of solar energy systems) and all that follows through the end of the last undesignated paragraph (relating to disclosure notice); and**]**

[*(II) by striking the seventh sentence (relating to principal obligation) and all that follows through the end of the ninth sentence (relating to charges and fees); and*

(III) by striking the eleventh sentence (relating to disclosure notice) and all that follows through the end of the last undesignated paragraph (relating to disclosure notice requirements); and

(iii) by striking subparagraph (B) and inserting the following:

"(B) not to exceed an amount equal to the sum of—

"(i) the amount of the mortgage insurance premium paid at the time the mortgage is insured; and

"(ii) in the case of—

"(I) a mortgage for a property with an appraised value equal to or less than $50,000, 98.75 percent of the appraised value of the property;

"(II) a mortgage for a property with an appraised value in excess of $50,000 but not in excess of $125,000, 97.65 percent of the appraised value of the property;

"(III) a mortgage for a property with an appraised value in excess of $125,000, 97.15

percent of the appraised value of the property; or

"(IV) notwithstanding subclauses (II) and (III), a mortgage for a property with an appraised value in excess of $50,000 that is located in an area of the State for which the average closing cost exceeds 2.10 percent of the average, for the State, of the sale price of properties located in the State for which mortgages have been executed, 97.75 percent of the appraised value of the property.";

(C) by transferring and inserting the text of paragraph (10)(B) after the period at the end of the first sentence of the undesignated paragraph that immediately follows paragraph (2)(B) (relating to the definition of "area"); and

(D) by striking paragraph (10); and

(2) by inserting after subsection (e), the following:

"(f) Disclosure of Other Mortgage Products.—

"(1) In general.—In conjunction with any loan insured under this section, an original lender shall provide to each prospective borrower a disclosure notice that provides a 1-page analysis of mortgage products offered by that lender and for which the borrower would qualify.

"(2) Notice.—The notice required under paragraph (1) shall include—

"(A) a generic analysis comparing the note rate (and associated interest payments), insurance premiums, and other costs and fees that would be due over the life of the loan for a loan insured by the Secretary under subsection (b) with the note rates, insurance premiums (if applicable), and other costs and fees that would be expected to be due if the mortgagor obtained instead other mortgage products offered by the lender and for which the borrower would qualify with a similar loan-to-value ratio in connection with a conventional mortgage (as that term is used in section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2)) or section 302(b)(2) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1717(b)(2)), as applicable), assuming prevailing interest rates; and

"(B) a statement regarding when the requirement of the mortgagor to pay the mortgage insurance premiums for a mortgage insured under this section would terminate, or a statement that the requirement shall terminate only if the mortgage is refinanced, paid off, or otherwise terminated.".

SEC. 3. CONFORMING AMENDMENTS.

Section 245 of the National Housing Act (12 U.S.C. 1715z–10) is amended—

(1) in subsection (a), by striking ", or if the mortgagor" and all that follows through "case of veterans"; and

(2) in subsection (b)(3), by striking ", or, if the" and all that follows through "for veterans,".

SEC. 4. REPEAL OF GNMA GUARANTEE FEE INCREASE.

Section 972 of the Higher Education Amendments of 1998 (Public Law 105–244; 112 Stat. 1837) is hereby repealed.

Mr. SARBANES. Mr. President, S. 2239, the FHA Downpayment Simplification Act, has been cosponsored by 23 Senators, including 15 members of the Committee on Banking, Housing, and Urban Affairs. This legislation takes a program that has been in place since October, 1997, and makes it permanent. The program simplifies the downpayment process for FHA borrowers which, in turn, makes it work better for lenders, realtors, and sellers, as well. The bill was also amended by Senator Reed and others to prevent an increase in the GNMA fee from taking place in 2005. This fee increase is not needed for the safety or soundness of the GNMA program, and it raises the costs of the program for homeowners. Finally, included with this is an amendment that has been worked out by Senators Corzine and Gramm to index the FHA multi-family loan limits. This will help keep the multi-family loan limits viable as costs go up in the future.

This legislation is supported by HUD, the Mortgage Bankers Association, the National Association of Realtors, and the National Association of Homebuilders. If the Congress does not act, the authority to use the simplified downpayment calculation will expire at the end of the year, resulting in a more complex process and higher costs for thousands of American homebuyers.

I urge that the legislation, S. 2239, as reported out of the Banking Committee be taken up with the amendment and passed. I ask unanimous consent the letter from the Congressional Budget Office be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

U.S. Congress,
Congressional Budget Office,
Washington, DC, September 18, 2002.

Hon. Paul S. Sarbanes,
Chairman, Committee on Banking, Housing, and Urban Affairs, U.S. Senate, Washington, DC.

Dear Mr. Chairman: The Congressional Budget Office has prepared the enclosed cost estimate for S. 2239, the FHA Downpayment Simplification Act of 2002.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Susanne S. Mehlman.

Sincerely,

Barry B. Anderson
(For Dan L. Crippen, Director).

Enclosure.

	By fiscal year, in millions of dollars—					
	2002	2003	2004	2005	2006	2007
SPENDING SUBJECT TO APPROPRIATION						
FHA and GNMA Spending Under Current Law:						
Estimated Authorization Level[1]	−2,854	−3,100	−3,107	−3,187	−3,267	−3,348
Estimated Outlays	−2,854	−3,100	−3,107	−3,187	−3,267	−3,348
Proposed Changes:						
Down-Payment Simplification:						
Estimated Authorization Level	0	6	8	8	9	9
Estimated Outlays	0	6	8	8	9	9
GNMA Guarantee Fee:						
Estimated Authorization Level	0	0	0	56	58	59
Estimated Outlays	0	0	0	56	58	59
Total Changes:						
Estimated Authorization Level	0	6	8	64	67	68
Estimated Outlays	0	6	8	64	67	68
Total Spending Under S. 2239						
Estimated Authorization Level	−2,854	−3,094	−3,099	−3,123	−3,200	−3,280
Estimated Outlays		−3,094	−3,099	−3,123	−3,200	−3,280

[1] The 2002–2007 levels are CBO's baseline estimates of the amount of offsetting collections generated by FHA's single-family program and GNMA's single-family Mortgage-Backed Securities program.

Basis of estimate: CBO estimates that implementing the bill would cost $213 million over the 2003–2007 period, assuming appropriation action consistent with the bill's proposed changes to FHA and GNMA programs. The estimated costs are for the provisions concerning down-payment simplification for FHA's mortgage guarantee program, and the fee charged by GNMA. These provisions are explained below.

Down-payment simplification

Currently, the down payment for FHA's single-family program is calculated using a formula established in 1996. Under this formula, the maximum mortgage amount that FHA could insure is determined by a fixed percentage of the home value. The authority to use this formula is scheduled to expire on December 31, 2002, but this legislation would make its use permanent.

Based on information from FHA, CBO estimates that continuing the use of the current downpayment formula would slightly increase the cost of guaranteeing FHA loans because it would lead to a small increase in the loan-to-value (LTV) ratios for about 15 percent of the loans guaranteed each year after 2002. The LTV ratio indicates how much equity a borrower initially has in the home, and serves as a good predictor of the likelihood of default. On average, borrowers with less equity (that is, higher LTV ratios) have higher default rates than borrowers with more equity. We estimate that this provision would increase the cost of guaranteeing some loans, resulting in a cost of $6 million in 2003 and $40 million over the 2003–2007 period. The estimated changes in FHA's loan subsidy cost—which are treated as discretionary spending—would be recorded in each year as new loans are disbursed.

GNMA guarantee fee

GNMA is responsible for guaranteeing securities backed by pools of mortgages insured by the federal government. (These securities are known as mortgage-backed securities or MBS.) In exchange for a fee charged to lenders or issuers of the securities, GNMA guarantees the timely payments of scheduled principal and interest due on the pooled mortgages that back these securities. Under current law, GNMA charges lenders or issuers an annual fee of 6 cents for every $100 (6 basis points) of guaranteed mortgage-backed securities backed by single-family loans. Furthermore, a fee increase to 9 basis points is scheduled to take effect on October 1, 2004. Section 901 would repeal that fee increase. CBO estimates that eliminating the fee increase would increase the subsidy rate associated with the single-family MBS program and increase the demand for the program.

Based on information from GNMA, CBO estimates that lowering guarantee fees would reduce the subsidy for the single-family MBS program from negative 0.56 percent to negative 0.37 percent. (As with the FHA single-family program, GNMA guarantee fees for the mortgage-backed securities more than offset the costs of expected defaults, resulting in net collections from the MBS program.) Under the bill, CBO expects that extending the lower fee of 6 basis points would allow GNMA to remain competitive with other MBS programs and continue to guarantee more than $100 billion worth of mortgage-backed securities, as it does under the current fee structure. Thus, while repealing the fee increase would result in a less profitable program, this loss would be partially offset by additional receipts stemming from an expected increase in demand for GNMA services of about 25 percent. On balance, CBO estimates that implementing this provision would cost $56 million in 2005 and $173 million over the 2005–2007 period.

S. 2239—FHA Downpayment Simplification Act of 2002

Summary: S. 2239 would permanently change the process the Federal Housing Administration (FHA) uses to determine the amount of a down payment that is necessary for mortgages on the single-family homes that it insures. This legislation also would repeal a 3 basis point increase in the Government National Mortgage Association's (GNMA's) guarantee fee, scheduled to be implemented in 2005 under current law.

CBO estimates that implementing this legislation would cost $6 million in 2003 and $213 million over the 2003–2007 period, assuming appropriation action consistent with the bill. Enacting this bill would not affect direct spending or receipts. Therefore, pay-as-you-go procedures would not apply.

S. 2239 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

Estimated cost to the Federal Government: The estimated budgetary impact of S. 2239 is shown in the following table. The costs of this legislation fall within budget function 370 (mortgage and housing credit).

Pay-as-you-go considerations: None.

Intergovernmental and private-sector impact: S. 2239 contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on state, local, or tribal governments.

Previous CBO estimates: On August 21, 2002, CBO transmitted a cost estimate for H.R. 3995, the Housing Affordability Act of 2002, as ordered reported by the House Committee on the Judiciary on July 23, 2002, and on September 10, 2002, CBO transmitted a cost estimate for H.R. 3995 as ordered reported by the House Committee on Financial Services on July 9, 2002. Both versions of H.R. 3995 include the provision included in S. 2239, and our cost estimates are the same.

Estimate prepared by: Federal Costs: Susanne S. Mehlman. Impact on State, Local, and Tribal Governments: Greg Waring. Impact on the Private Sector: Cecil McPherson.

Estimate approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

Mr. REID. Mr. President, I ask unanimous consent the committee amendments be agreed to, that a Sarbanes amendment at the desk be agreed to, the bill, as amended, be read the third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendments were agreed to.

The amendment (No. 4897) was agreed to, as follows:

(Purpose: To provide for the indexing of multifamily mortgage limits for purposes of the Federal Housing Administration's mortgage insurance programs)

At the end, add the following:

SEC. 4. INDEXING OF FHA MULTIFAMILY HOUSING LOAN LIMITS.

(a) The National Housing Act (12 U.S.C. 1701 et seq.) is amended by inserting after section 206 the following new section 206A (12 U.S.C. 1712A):

"SEC. 206A. INDEXING OF FHA MULTIFAMILY HOUSING LOANS LIMITS.

"METHOD OF INDEXING.—(a) The dollar amounts set forth in—

(A) section 207(c)(3)(A) (12 U.S.C. 1713(c)(3)(A));

(B) section 213(b)(2)(A) (12 U.S.C. 1715e(b)(2)(A));

(C) section 220(d)(3)(B)(iii)(I) (12 U.S.C. 1715k(d)(3)(B)(iii)(I));

(D) section 221(d)(3)(ii)(A) (12 U.S.C. 1715l(d)(3)(ii)(A));

(E) section 221(d)(4)(ii)(A) (12 U.S.C. 1715l(d)(4)(ii)(A));

(F) section 231(c)(2)(A) (12 U.S.C. 1715l(c)(2)(A)); and

(G) section 234(e)(3)(A) (12 U.S.C. 1715y(e)(3)(A))

(collectively hereinafter referred to as the "Dollar Amounts") shall be adjusted annually (commencing in 2004) on the effective date of the Federal Reserve Board's adjustment of the $400 figure in the Home Ownership and Equity Protection Act of 1994 (HOEPA). The adjustment of the Dollar Amounts shall be calculated using the percentage change in the Consumer Price Index for All Urban Consumers (CPI-U) as applied by the Federal Reserve Board for purposes of the above-described HOEPA adjustment.

(b) The Federal Reserve Board on a timely basis shall notify the Secretary, or his designee, in writing of the adjustment described in paragraph (a) and of the effective date of such adjustment in order to permit the Secretary to undertake publication in the Federal Register of corresponding adjustments to the Dollar Amounts. The dollar amount of any adjustment shall be rounded to the next lower dollar.".

(b) TECHNICAL AND CONFORMING CHANGES.—

(1) Section 207(c)(3) of the National Housing Act (12 U.S.C. 1713(c)(3)) is amended—

(A) by inserting "(A)" after "(3)";

(B) by striking "and except that the Secretary" through and including "in this paragraph" and inserting in lieu thereof: "(B) the Secretary may, by regulation, increase any of the dollar amount limitations in paragraph (A) (as such limitations may have been adjusted in accordance with Section 206A of this Act)".

(2) Section 213(b)(2) of the National Housing Act (12 U.S.C. 1715e(b)(2)) is amended—

(A) by inserting "(A)" following "(2)";

(B) by striking ": *Provided further*, That" the first time that it occurs, through and including "contained in this paragraph" and inserting in lieu thereof: "; (B)(I) the Secretary may, by regulation, increase any of the dollar amount limitations in paragraph (A) (as such limitations may have been adjusted in accordance with Section 206A of this Act)";

(C) by striking ": *Provided further*, That" the second time it occurs and inserting in lieu thereof: "; and (II)";

(D) by striking ": And *provided further*, That" and inserting in lieu thereof: "; and (III)";

(E) by striking "with this subsection without regard to the preceding proviso" at the end of that subsection and inserting in lieu thereof: "with this paragraph (B)(I).".

(3) Section 220(d)(3)(B)(iii) of the National Housing Act (12 U.S.C. 1715k(d)(3)(B)(iii)) is amended—

(A) by inserting "(I)" following "(iii)";

(B) by striking "design; and except that" and inserting in lieu thereof: "design; and (II)";

(C) by striking "any of the foregoing dollar amount limitations contained in this clause" and inserting in lieu thereof: "any of the dollar amount limitations in subclause (B)(iii)(I) (as such limitations may have been adjusted in accordance with Section 206A of this Act)";

(D) by striking ": *Provided*, That" through and including "proviso" and inserting in lieu thereof: "with respect to dollar amount limitations applicable to rehabilitation projects described in subclause (II), the Secretary may, by regulation, increase the dollar amount limitations contained in subclause (B)(iii)(I) (as such limitations may have been adjusted in accordance with Section 206A of this Act)";

(E) by striking ": *Provided further*," and inserting in lieu thereof: "; (III)";

(F) by striking "subparagraph" in the second proviso and inserting in lieu thereof "subclause (B)(iii)(I)";

(G) in the last proviso, by striking ": And *provided further*, That" and all that follows through and including "this clause" and inserting in lieu thereof: "; (IV) with respect to rehabilitation projects involving not more than five family units, the Secretary may further increase any of the dollar limitations which would otherwise apply to such projects".

(4) Section 221(d)(3)(ii) of the National Housing Act (12 U.S.C. 1715*l*(d)(3)(ii)) is amended—

(A) by inserting "(A)" following "(ii)";

(B) by striking "; and except that" and all that follows through and including "in this clause" and inserting in lieu thereof: "; (B) the Secretary may, by regulation, increase any of the dollar amount limitations in paragraph (A) (as such limitations may have been adjusted in accordance with Section 206A of this Act)".

(5) Section 221(d)(4)(ii) of the National Housing Act (12 U.S.C. 1715*l*(d)(4)(ii)) is amended—

(A) by inserting "(A)" following "(ii)";

(B) by striking "; and except that" and all that follows through and including "in this clause" and inserting in lieu thereof: "; (B) the Secretary may, by regulation, increase any of the dollar limitations in paragraph (A) (as such limitations may have been adjusted in accordance with Section 206A of this Act)".

(6) Section 231(c)(2) of the National Housing Act (12 U.S.C. 1715v(c)(2)) is amended—

(A) by inserting "(A) following "(2)";

(B) by striking "; and except that" and all that follows through and including "in this paragraph" and inserting in lieu thereof: "; (B) the Secretary may, by regulation, increase any of the dollar limitations in paragraph (A) (as such limitations may have been adjusted in accordance with Section 296A of this Act)";

(C) by striking ": *Provided*, That" and all that follows through and including "of this section" and inserting in lieu thereof: "; (C) the Secretary may, by regulation, increase any of the dollar limitations in paragraph (A) (as such limitations may have been adjusted in accordance with section 206A of this Act)".

(7) Section 234(e)(3) of the National Housing Act (12 U.S.C. 1715y(e)(3)) is amended—

(A) by inserting "(A) following "(3)";

(B) by replacing "$38,025" with "$42,048"; "$42,120" with "$48,481"; "$50,310" with "$58,469"; "$62,010" with "$74,840"; "$70,200" with "$83,375"; "$43,875" with "$44,250"; "$49,140" with "$50,724"; "$60,255" with "$61,680"; "$75,465" with "$79,793"; and "$85,328" with "$87,588";

(C) by striking "; except that each" and all that follows through and including "contained in this paragraph" and inserting in lieu thereof: "; (B) the Secretary may, by regulation, increase any of the dollar limitations in paragraph (A) (as such limitations may have been adjusted in accordance with Section 206A of this Act)".

The bill (S. 2239), as amended, was read the third time and passed.

(The bill will be printed in a future edition of the RECORD.)

REAL INTERSTATE DRIVER EQUITY ACT OF 2001

Mr. REID. I ask unanimous consent the Senate proceed to the consideration of H.R. 2546.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2546) to amend title 49, United States Code, to prohibit States from requiring a license or fee on account of the fact that a motor vehicle is providing interstate pre-arranged ground transportation service, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce, Science, and Transportation, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic.)

H.R. 2546

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Real Interstate Driver Equity Act of 2001".

SEC. 2. REGULATION OF INTERSTATE PRE-ARRANGED GROUND TRANSPORTATION SERVICE.

Section 14501 of title 49, United States Code, is amended by adding at the end the following:

"(d) PRE-ARRANGED GROUND TRANSPORTATION.—

"(1) IN GENERAL.—No State or political subdivision thereof and no interstate agency or other political agency of 2 or more States shall enact or enforce any law, rule, regulation, standard or other provision having the force and effect of law requiring a license or fee on account of the fact that a motor vehicle is providing pre-arranged ground transportation service if the motor carrier providing such service—

"(A) meets all applicable registration requirements under chapter 139 for the interstate transportation of passengers;

"(B) meets all applicable vehicle and intrastate passenger licensing requirements of the State or States in which the motor carrier is domiciled or registered to do business; and

"(C) is providing such service pursuant to a contract for—

["(i) travel from one State, including intermediate stops, to a destination in another State; or

"(ii) travel from one State, including one or more intermediate stops in another State, to a destination in the original State.]

"(i) transportation by the motor carrier from one State, including intermediate stops, to a destination in another State; or

"(ii) transportation by the motor carrier from one State, including intermediate stops in another State, to a destination in the original State.

"(2) INTERMEDIATE STOP DEFINED.—In this section, the term 'intermediate stop', with respect to transportation by a motor carrier, means a pause in the transportation in order for one or more passengers to engage in personal or business activity, but only if the driver providing the transportation to such passenger or passengers does not, before resuming the transportation of such passenger (or at least 1 of such passengers), provide transportation to any other person not included among the passengers being transported when the pause began.

["(2)](3) MATTERS NOT COVERED.—Nothing in this subsection shall be construed—

"(A) as subjecting taxicab service to regulation under chapter 135 or section 31138;

"(B) as prohibiting or restricting an airport, train, or bus terminal operator from contracting to provide preferential access or facilities to one or more providers of pre-arranged ground transportation service; and

"(C) as restricting the right of any State or political subdivision of a State to [require] *require, in a nondiscriminatory manner*, that any individual operating a vehicle providing prearranged ground transportation service originating in the State or political subdivision have submitted to *pre-licensing drug testing or* a criminal background investigation of the records of the State in which the operator is domiciled, [by the motor carrier providing such service or] by the State or political subdivision by which the operator is licensed to provide such service, *or by the motor carrier providing such service*, as a condition of providing such service.".

SEC. 3. DEFINITIONS.

(a) IN GENERAL.—Section 13102 of title 49, United States Code, is amended—

(1) by redesignating paragraphs (17), (18), (19), (20), (21), and (22) as paragraphs (18), (19), (21), (22), (23), and (24), respectively;

(2) by inserting after paragraph (16) the following:

"(17) PRE-ARRANGED GROUND TRANSPORTATION SERVICE.—The term 'pre-arranged ground transportation service' means transportation for a passenger (or a group of passengers) that is arranged in advance (or is operated on a regular route or between specified points) and is provided in a motor vehicle with a seating capacity not exceeding 15 passengers (including the driver)."; and

(3) by inserting after paragraph (19) (as so redesignated) the following:

"(20) TAXICAB SERVICE.—The term 'taxicab service' means passenger transportation in a motor vehicle having a capacity of not more than 8 passengers (including the driver), not operated on a regular route or between specified places, and that—

"(A) is licensed as a taxicab by a State or a local jurisdiction; or

"(B) is offered by a person that—

"(i) provides local transportation for a fare determined (except with respect to transportation to or from airports) primarily on the basis of the distance traveled; and

"(ii) does not primarily provide transportation to or from airports.".

(b) CONFORMING AMENDMENTS.—

(1) MOTOR CARRIER TRANSPORTATION.—Section 13506(a)(2) of title 49, United States Code, is amended to read as follows:

"(2) a motor vehicle providing taxicab service;".

(2) MINIMUM FINANCIAL RESPONSIBILITY.—Section 31138(e)(2) of such title is amended to read as follows:

"(2) providing taxicab service (as defined in section 13102);".

Mr. REID. Mr. President, I ask unanimous consent that the committee-reported amendments be agreed to, the bill, as amended, be read three times and passed, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendments were agreed to.

The bill (H.R. 2546), as amended, was read the third time and passed.

EXPRESSING SYMPATHY FOR THOSE MURDERED AND INJURED IN THE TERRORIST ATTACK IN BALI, INDONESIA, ON OCTOBER 12, 2002

Mr. REID. I ask unanimous consent that we now proceed to S. Res. 350 introduced earlier today by Senator FEINSTEIN.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 350) expressing sympathy for those murdered and injured in the terrorist attack in Bali, Indonesia, on October 12, 2002.

There being no objection, the Senate proceeded to consider the resolution.

Mrs. CLINTON. Mr. President, on October 12, the world was shocked as we learned of the tragedy in Indonesia. As news spread across the globe, we heard about the victims, the missing, and the utter devastation unleashed by a group of nameless and faceless murderers.

New Yorkers and Americans understand the grief that has enveloped those who lost loved ones in the Bali bombing, and we wish them solace in this time of great personal loss.

This was the largest terrorist attack since September 11, and while 13 months have passed since that fateful day in September, the images of that day remain crystal clear in our minds. While words often fail to provide comfort, perhaps knowing that there are others who can empathize with the shock that's felt in the days and weeks and months after such a tragedy, can console a grieving nation, city, and friend.

After the attacks on the World Trade Centers, New Yorkers were so grateful for the outpouring of support that came from every corner of the globe. It is a sense of solidarity that no country wishes to share, but we must use it to strengthen our efforts in our war against terrorism.

In the weeks and months ahead, New Yorkers will do everything we can to help those impacted by the bombings in Bali. This act of terror has taken nearly 200 lives and injured hundreds. These were parents, children, husbands and wives and friends from so many countries: Indonesia, Australia, Japan, Italy, Great Britain, South Korea, Germany, and two Americans. Five Americans are still unaccounted for. For many, watching family members go to hospitals in Bali carrying pictures of their loved ones is an all too familiar sight. But every opportunity to maintain hope in a desperate time should be pursued.

Bali is known as a peaceful place where people from many different religions, races, and backgrounds can come for relaxation and recreation. Its hospitality is honored around the world. These bombings were a deliberate attempt to disrupt that tranquility and undermine the Indonesian government and its economy. We stand with the Indonesian government as they seek to punish those who are responsible and root out the terrorists in their midst.

Australia was also deeply impacted by these bombings, and to date they are mourning the loss of 33 citizens and wait desperately to learn about 119 who are still missing. In New York's time of need, Australia provided us with so much kindness and generosity. They supported our efforts to defend freedom and we send our deepest condolences to the Australian people.

Last week, we were reminded that the terrorists are still organized and determined to inflict violence and bloodshed in furtherance of their destructive goals. Whether it is murdering innocent people on vacation or bombing a French tanker in Yemen or killing American soldiers in Kuwait, those who wish to do us harm will continue to disrupt this world until we stop them. We must maintain our resolve to seek out and destroy every network in every country until the war on terror has been won.

Mr. REID. I ask unanimous consent the resolution and preamble be agreed to, en bloc, the motion to reconsider be laid upon the table, and any statements in relation thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 350) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 350

Whereas more than 180 innocent people were murdered and at least 300 injured by a cowardly and brutal terrorist bombing of a nightclub in Bali, Indonesia, on October 12, 2002, the worst terrorist incident since September 11, 2001;

Whereas those killed include two United States citizens, as well as citizens from Indonesia, Germany, the United Kingdom, Canada, and elsewhere but the vast majority of those killed and injured were Australian, with more than 119 Australians still missing;

Whereas two American citizens are still missing;

Whereas this bloody attack appears to be part of an ongoing terror campaign by al-Qaida, and strong evidence exists that suggests the involvement of al-Qaida, together with Jemaah Islamiah, in this attack; and

Whereas the people of the United States and Australia have developed a strong friendship based on mutual respect for democracy and freedom: Now, therefore, be it

Resolved, That the Senate—

(1) expresses its deepest condolences and sympathies to the families of the American victims, to the other families of those murdered and injured in this heinous attack, and to the people of Australia, Indonesia,Great Britain, Canada, and Germany;

(2) condemns in the strongest possible terms the vicious terrorist attacks of October 12, 2002, in Bali, Indonesia;

(3) expresses the solidarity of the United States with Australia in our common struggle against terrorism;

(4) supports the Government of Australia in its call for the al-Qaida-linked Jemaah Islamiah to be listed by the United Nations as a terrorist group;

(5) urges the Secretary of State to designate Jemaah Islamiah as a foreign terrorist organization; and

(6) calls on the Government of Indonesia to take every appropriate measure to bring to justice those responsible for this reprehensible attack.

THE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed en bloc to the immediate consideration of the following calendar items: Calendar No. 718, H.R. 3034; Calendar No. 719, H.R. 3738; Calendar No. 720, H.R. 3739; Calendar No. 721, H.R. 3740; Calendar No. 722, H.R. 4102; Calendar No. 723, H.R. 4717; Calendar No. 724, H.R. 4755; Calendar No. 725, H.R. 4794; Calendar No. 726, H.R. 4797; Calendar No. 728, H.R. 5308; Calendar No. 729, H.R. 5333; and Calendar No. 730, H.R. 5336.

Mr. REID. I ask unanimous consent that the bills be read three times, passed, the motions to reconsider be laid on the table en bloc, without any intervening action or debate, and any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

FRANK SINATRA POST OFFICE BUILDING

The bill (H.R. 3034) to redesignate the facility of the United States Postal Service located at 89 River Street in Hoboken, New Jersey, as the "Frank Sinatra Post Office Building" was considered, ordered to a third reading, read the third time, and passed.

HERBERT ARLENE POST OFFICE BUILDING

The bill (H.R. 3738) to designate the facility of the United States Postal Service located at 1299 North 7th Street in Philadelphia, Pennsylvania, as the "Herbert Arlene Post Office Building" was considered, ordered to a third reading, read the third time, and passed.

REV. LEON SULLIVAN POST OFFICE BUILDING

The bill (H.R. 3739) to designate the facility of the United States Postal Service located at 6150 North Broad Street in Philadelphia, Pennsylvania, as the "Rev. Leon Sullivan Post Office Building" was considered, ordered to a third reading, read the third time, and passed.

WILLIAM A. CIBOTTI POST OFFICE BUILDING

The bill (H.R. 3740) to designate the facility of the United States Postal Service located at 925 Dickinson Street in Philadelphia, Pennsylvania, as the "William A. Cibotti Post Office Building" was considered, ordered to a third reading, read the third time, and passed.

ROLLAN D. MELTON POST OFFICE BUILDING

The bill (H.R. 4102) to designate the facility of the United States Postal Service located at 120 North Maine Street in Fallon, Nevada, as the "Rollan D. Melton Post Office Building" was considered, ordered to a third reading, read the third time, and passed.

JIM FONTENO POST OFFICE BUILDING

The bill (H.R. 4717) to designate the facility of the United States Postal

Service located at 1199 Pasadena Boulevard in Pasadena, Texas, as the "Jim Fonteno Post Office Building" was considered, ordered to a third reading, read the third time, and passed.

CLARENCE MILLER POST OFFICE BUILDING

The bill (H.R. 4755) to designate the facility of the United States Postal Service located at 204 South Broad Street in Lancaster, Ohio, as the "Clarence Miller Post Office Building" was considered, ordered to a third reading, read the third time, and passed.

RONALD C. PACKARD POST OFFICE BUILDING

The bill (H.R. 4794) to designate the facility of the United States Postal Service located at 1895 Avenida Del Oro in Oceanside, California, as the "Ronald C. Packard Post Office Building" was considered, ordered to a third reading, read the third time, and passed.

NAT KING COLE POST OFFICE

The bill (H.R. 4797) to redesignate the facility of the United States Postal Service located at 265 South Western Avenue, Los Angeles, California, as the "Nat King Cole Post Office" was considered, ordered to a third reading, read the third time, and passed.

BARNEY APODACA POST OFFICE

The bill (H.R. 5308) to designate the facility of the United States Postal Service located at 301 South Howes Street in Fort Collins, Colorado, as the "Barney Apodaca Post Office" was considered, ordered to a third reading, read the third time, and passed.

JOSEPH D. EARLY POST OFFICE BUILDING

The bill (H.R. 5333) to designate the facility of the United States Postal Service located at 4 East Central Street in Worcester, Massachusetts, as the "Joseph D. Early Post Office Building" was considered, ordered to a third reading, read the third time, and passed.

PETER J. GANCI, JR. POST OFFICE BUILDING

The bill (H.R. 5336) to designate the facility of the United States Postal Service located at 380 Main Street in Farmingdale, New York, as the "Peter J. Ganci, Jr. Post Office Building" was considered, ordered to a third reading, read the third time, and passed.

ROBERT WAYNE JENKINS STATION POST OFFICE

FRANCIS DAYLE "CHICK" HEARN POST OFFICE

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to the consideration en bloc of H.R. 4851 and H.R. 5340, which are at the desk.

The PRESIDING OFFICER. The clerk will report the bills by title.

A bill (H.R. 4851) to redesignate the facility of the United States Postal Service located at 6910 South Yorktown Avenue in Tulsa, Oklahoma, as the "Robert Wayne Jenkins Station".

A bill (H.R. 5340) to designate the facility of the United States Postal Service located at 5805 White Oak Avenue in Encino, California, as the "Francis Dayle 'Chick' Hearn Post Office".

Mr. REID. I ask unanimous consent the bills be read three times, passed, the motions to reconsider be laid on the table en bloc, with no intervening action or debate, and any statements submitted thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bills (H.R. 4841 and H.R. 5340) were read the third time and passed, en bloc.

ALPHONSE F. AUCLAIR POST OFFICE BUILDING

BRUCE F. COTTA POST OFFICE BUILDING

MICHAEL LEE WOODCOCK POST OFFICE BUILDING

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to the consideration of H.R. 669, H.R. 670, H.R. 5574, en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I ask unanimous consent that the bills be read three times and passed, the motion to reconsider be laid upon the table en bloc, with no intervening action or debate, and that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bills (H.R. 669, H.R. 670, and H.R. 5574) were read a third time and passed.

SMITHSONIAN INSTITUTION PERSONNEL FLEXIBILITY ACT OF 2002

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. 3149 submitted earlier today by Senators LEAHY, FRIST, and COCHRAN.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 3149) to provide authority for the Smithsonian Institution to use voluntary separation incentives for personnel flexibility, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements regarding this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 3149) was read a third time and passed, as follows:

S. 3149

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Smithsonian Institution Personnel Flexibility Act of 2002".

SEC. 2. DEFINITIONS.

In this Act:

(1) EMPLOYEE.—

(A) IN GENERAL.—The term "employee" means an employee of the Smithsonian Institution in the civil service who—

(i) is serving under an appointment without time limitation; and

(ii) has been employed for a continuous period of at least 3 years in the civil service at the Smithsonian Institution.

(B) EXCLUSION.—The term "employee" does not include—

(i) a reemployed annuitant under subchapter III of chapter 83 or chapter 84 of title 5, United States Code or any other retirement system for employees of the Federal Government;

(ii) an employee having a disability on the basis of which the employee is, or would be, eligible for disability retirement under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, or any other retirement system for employees of the Federal Government;

(iii) an employee who is in receipt of a decision notice of involuntary separation for misconduct or unacceptable performance;

(iv) an employee who has previously received any voluntary separation incentive payment from the Federal Government under this Act or any other authority;

(v) an employee covered by statutory reemployment rights who is on transfer employment with another organization; or

(vi) any employee who—

(I) during the 24-month period preceding the employee's date of separation, received and did not repay a recruitment or relocation bonus under section 5753 of title 5, United States Code;

(II) within the 12-month period preceding the employee's date of separation, received and did not repay a retention allowance under section 5754 of title 5, United States Code; or

(III) within the 36-month period preceding the employee's date of separation, received and did not repay funds provided for student loan repayment under section 5379 of title 5, United States Code;

unless the paying agency has waived its right of recovery of those funds.

(2) SECRETARY.—The term "Secretary" means the Secretary of the Smithsonian Institution.

SEC. 3. AUTHORITY TO PROVIDE VOLUNTARY SEPARATION INCENTIVE PAYMENTS.

(a) In General.—The Secretary may pay, or authorize the payment of, voluntary separation incentive payments to employees of the Smithsonian Institution only in accordance with the plan required under section 4.

(b) Voluntary Separation Incentive Payments.—A voluntary separation incentive payment—

(1) shall be offered to employees on the basis of—

(A) organizational unit;

(B) occupational series or level;

(C) geographic location;

(D) specific periods during which eligible employees may elect a voluntary separation incentive payment;

(E) skills, knowledge, or other job-related factors; or

(F) a combination of any of the factors specified in subparagraphs (A) through (E);

(2) shall be paid in a lump sum after the employee's separation;

(3) shall be in an amount equal to the lesser of—

(A) the amount the employee would be entitled to receive under section 5595(c) of title 5, United States Code, if the employee were entitled to payment under that section (without adjustment for any previous payment made); or

(B) an amount determined by the Secretary, not to exceed $25,000;

(4) may be made only in the case of an employee who voluntarily separates (whether by retirement or resignation) under this Act;

(5) shall not be a basis for payment, and shall not be included in the computation, of any other type of Federal Government benefit;

(6) shall not be taken into account in determining the amount of any severance pay to which the employee may be entitled under section 5595 of title 5, United States Code, based on any other separation; and

(7) shall be paid from appropriations or funds available for the payment of the basic pay of the employee.

(c) Limitation.—No amount shall be payable under this Act based on any separation occurring more than 3 years after the date of enactment of this Act.

SEC. 4. INSTITUTION PLAN; CONSULTATION.

(a) In General.—Before obligating any resources for voluntary separation incentive payments under section 3, the Secretary shall develop a plan outlining—

(1) the intended use of such incentive payments; and

(2) a proposed organizational chart for the Smithsonian Institution once such incentive payments have been completed.

(b) Plan.—The Smithsonian Institution's plan under subsection (a) shall include—

(1) the specific positions and functions of the Smithsonian Institution to be reallocated;

(2) a description of which categories of employees will be offered voluntary separation incentive payments;

(3) the time period during which voluntary separation incentive payments may be paid;

(4) the number and amounts of voluntary separation incentive payments to be offered; and

(5) a description of how the Smithsonian Institution will operate with the reallocation of positions to other functions.

(c) Consultation.—The Secretary shall consult with the Office of Management and Budget regarding the Smithsonian Institution's plan prior to implementation.

SEC. 5. EFFECT OF SUBSEQUENT EMPLOYMENT WITH THE FEDERAL GOVERNMENT.

(a) Definition of Employment.—In this section the term "employment"—

(1) in subsection (b), includes employment under a personal services contract with the Federal Government (other than the legislative branch); and

(2) in subsection (c), does not include employment under a contract described in paragraph (1).

(b) Repayment Requirement.—Except as provided in subsection (c), an individual who has received a voluntary separation incentive payment under section 3 and accepts any employment for compensation with the Federal Government (other than the legislative branch) within 5 years after the date of the separation on which the payment is based shall be required to pay to the Smithsonian Institution, prior to the individual's first day of employment, the entire amount of the voluntary separation incentive payment.

(c) Waiver of Repayment Requirement.—

(1) Executive branch.—If the employment under this section is with an Executive agency (as defined in section 105 of title 5, United States Code) other than the United States Postal Service or the Postal Rate Commission, the Director of the Office of Personnel Management may, at the request of the head of the agency, waive the repayment if—

(A) the individual involved possesses unique abilities; or

(B) in the case of an emergency involving a direct threat to life or property, the individual involved—

(i) has skills directly related to resolving the emergency; and

(ii) will serve on a temporary basis only so long as that individual's services are made necessary by the emergency.

(2) Judicial branch.—If the employment under this section is with the judicial branch, the Director of the Administrative Office of the United States Courts may waive the repayment if the individual involved—

(A) possesses unique abilities; and

(B) is the only qualified applicant available for the position.

SEC. 6. ADDITIONAL SPACE AND RESOURCES FOR NATIONAL COLLECTIONS HELD BY THE SMITHSONIAN INSTITUTION.

(a) In General.—Public Law 94–98 (20 U.S.C. 50 note; 89 Stat. 480) is amended by adding at the end the following:

"SEC. 4. ADDITIONAL SPACE AND RESOURCES FOR NATIONAL COLLECTIONS HELD BY THE SMITHSONIAN INSTITUTION.

"(a) In General.—The Board of Regents of the Smithsonian Institution may plan, design, construct, and equip additional storage and laboratory space at the museum support facility of the Smithsonian Institution in Suitland, Maryland, to accommodate the care, preservation, conservation, deposit, and study of national collections held in trust by the Institution.

"(b) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section—

"(1) $2,000,000 for fiscal year 2003; and

"(2) such sums as are necessary for each of fiscal years 2004 through 2008.".

(b) Conforming Amendment.—Section 3 of Public Law 94–98 (20 U.S.C. 50 note; 89 Stat. 480) is amended in the first sentence by striking "the purposes of this Act." and inserting "this Act (other than section 4).".

(c) Museum Support Center.—

(1) In general.—Notwithstanding any other provision of law, the Smithsonian Institution may enter into a single procurement contract for the construction of additional facilities at the Museum Support Center of the Institution.

(2) Requirement.—The contract entered into under paragraph (1) and the solicitation for the contract shall include the clause specified in section 52.232–18 of title 48, Code of Federal Regulations.

SEC. 7. PATENT OFFICE BUILDING IMPROVEMENTS.

(a) Authorization.—Pursuant to sections 5579, 5583, 5586, and 5588 of the Revised Statutes (20 U.S.C. 41, 46, 50, and 52) and Public Law 85–357 (72 Stat. 68), the Board of Regents of the Smithsonian Institution may plan, design, and construct improvements, which may include a roof covering for the courtyard, to the Patent Office Building transferred to the Smithsonian Institution by Public Law 85–357 (72 Stat. 68) in order to provide increased public space, enhanced visitors' services, and improved public access.

(b) Design and Specifications.—The design and specifications for any exterior alterations authorized by subsection (a) shall be—

(1) submitted by the Secretary to the Commission of Fine Arts for comments and recommendations; and

(2) subject to the review and approval of the National Capital Planning Commission in accordance with section 8722 of title 40, United States Code, and D.C. Code 6–641.15.

(c) Authority of Historic Preservation Agencies.—

(1) In general.—The Secretary shall—

(A) take into account the effect of the improvements authorized by subsection (a) on the historic character of the Patent Office Building; and

(B) provide the Advisory Council on Historic Preservation a reasonable opportunity to comment with regard to such improvements.

(2) Status of smithsonian.—In carrying out this subsection, and for other projects in the District of Columbia subject to the review and approval of the National Capital Planning Commission in accordance with D.C. Code 6–641.15, the Smithsonian Institution shall be deemed to be an agency for purposes of compliance with regulations promulgated by the Advisory Council on Historic Preservation pursuant to section 106 of the National Historic Preservation Act (16 U.S.C. 470f).

(d) Renovation of Patent Office Building.—

(1) In general.—Notwithstanding any other provision of law, the Smithsonian Institution may enter into a single procurement contract for the repair and renovation of the Patent Office Building.

(2) Requirement.—The contract entered into under paragraph (1) and the solicitation for the contract shall include the clause specified in section 52.232–18 of title 48, Code of Federal Regulations.

SEC. 8. SENSE OF CONGRESS.

(a) Findings.—Congress finds the following:

(1) On December 4, 1987, Congress approved House Concurrent Resolution 57, designating jazz as "a rare and valuable national American treasure".

(2) Jazz has inspired some of the Nation's leading creative artists and ranks as 1 of the greatest cultural exports of the United States.

(3) Jazz is an original American art form which has inspired dancers, choreographers, poets, novelists, filmmakers, classical composers, and musicians in many other kinds of music.

(4) Jazz has become an international language that bridges cultural differences and brings people of all races, ages, and backgrounds together.

(5) The jazz heritage of the United States should be appreciated as broadly as possible and should be part of the educational curriculum for children in the United States.

(6) The Smithsonian Institution's National Museum of American History has established April as Jazz Appreciation Month to pay tribute to jazz as both a historic and living American art form.

(7) The Smithsonian Institution's National Museum of American History has received great contributions toward this effort from other governmental agencies and cultural organizations.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Smithsonian Institution has played a vital role in the preservation of American culture, including art and music;

(2) the Smithsonian Institution's National Museum of American History should be commended for establishing a Jazz Appreciation Month; and

(3) musicians, schools, colleges, libraries, concert halls, museums, radio and television stations, and other organizations should develop programs to explore, perpetuate, and honor jazz as a national and world treasure.

INSPECTOR GENERAL ACT OF 1978 AMENDMENT

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 443, S. 2530.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2530) to amend the Inspector General Act of 1978—5 U.S.C. App—to establish police powers for certain Inspector General agents engaged in official duties and provide an oversight mechanism for the exercise of those powers.

There being no objection, the Senate proceeded to consider the bill.

Mr. THOMPSON. Mr. President, I am pleased that the Senate is taking up S. 2530, a bill to provide statutory law enforcement authority for certain Inspectors General, which I have introduced along with Senator LIEBERMAN. In July of 2000, the Governmental Affairs Committee held a hearing on Inspector General issues. Among the issues addressed in that hearing was the need for statutory law enforcement authority. This bill was reported favorably by the committee on June 25, 2002 without opposition.

Currently there are 23 Offices of Inspector General whose qualified law enforcement agents are deputized by the Attorney General on a periodic basis. Over the last five years, IGs have been responsible for over 25,000 successful criminal prosecutions, over $12 billion in investigative recoveries, and over 35,000 suspensions and debarments based on their investigations. In addition, they have played key roles in numerous joint task forces with Federal, State and local law enforcement officials. Under the current system, the Attorney General must renew each of these law enforcement deputations periodically.

Unfortunately, there are some problems that exist under the current regime. First, the deputation process places a heavy burden on the U.S. Marshals Service. The Marshals Service is given responsibility for 2,500 IG agents without sufficient resources to conduct proper oversight. In addition, as we learned at our hearing, gaps in the renewal process could compromise ongoing investigations. Finally, many are concerned that the current blanket deputation process could leave an agent's actions open to legal challenge.

This bill would remedy these problems without conferring any additional authorities on the IGs. And it provides for more oversight than currently exists under the deputation process. Specifically, it requires that the IGs conduct periodic peer reviews of their use of law enforcement authority and to provide reports from those reviews to the relevant IG as well as the Attorney General. Those peer reviews are not currently required under the deputation process. If the Attorney General determines than an IG no longer needs law enforcement authority, or that an IG has violated relevant guidelines, then that authority can be rescinded. Simply put, by making the process statutory, we will solidify a process already in place, provide for more oversight of the law enforcement authority than currently exists, and relieve some unnecessary administrative burdens.

In addition, I believe that the bill is even more important in light of the events of September 11. The IGs provided valuable personnel and law enforcement assistance in the months following the tragedy. They served as sky marshals while permanent personnel were being trained. They helped the FBI run down leads in its followup investigation. And they worked within their own agencies to provide information about individuals on the FBI's watch list. The IG community's law enforcement agents provide a valuable service to this country, on top of the valuable service they provide every day, and they deserve to be recognized for what they are—valuable law enforcement agents.

I am pleased that the Department of Justice and the Federal Bureau of Investigation have written to me in support of the legislation. The Justice Department suggested one change in the legislation—that the Attorney General be allowed to rescind law enforcement authority for individual agents as well as for entire offices—and I am happy to add that provision. I am gratified that the Senate will move forward with this important legislation and send it to the House.

I ask unanimous consent that a copy of each of these letters be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, DC, September 30, 2002.

Hon. FRED THOMPSON,
Ranking Minority Member, Committee on Governmental Affairs, U.S. Senate, Washington, DC.

DEAR SENATOR THOMPSON: This responds to your request for the views of the Department of Justice on S. 2530, a bill "[t]o amend the Inspector General Act of 1978 (5 U.S.C. App.) to establish police powers for certain Inspector General agents engaged in official duties and provide an oversight mechanism for the exercise of those powers." Subject to the concern outlined below, we support enactment of this legislation.

Under administrative procedures that are currently in place, Inspector General agents are granted "blanket special deputations" (including law enforcement authorities, such as the authority to make arrests and to carry firearms) by the Attorney General. As part of this program, the Attorney General is able to rescind or suspend the police powers of individual Inspector General agents for failure to comply with guidelines governing the exercise of the special deputation police powers that the Attorney General has granted. Proposed section 6(e)(5) of the Inspector General Act, however, only permits the Attorney General to rescind or suspend the police powers of an entire Office of Inspector General upon a determination that the respective Office has not complied with applicable guidelines promulgated by the Attorney General. Because such an action against an entire Office of Inspector General could severely disrupt numerous ongoing criminal investigations, such an enforcement mechanism is neither desirable nor practicable. Accordingly, we strongly recommend that the Attorney General's current authority to suspend police powers of individual agents for failures to comply with applicable Attorney General guidelines or standards be incorporated in the bill as an important component of the oversight of the respective Inspectors General offices.

Thank you for the opportunity to present our views regarding this legislation. If we may be of additional assistance, we trust that you will not hesitate to call upon us. The Office of Management and Budget has advised that there is no objection from the standpoint of the Administration's program to the presentation of this report.

Sincerely,

DANIEL J. BRYANT,
Assistant Attorney General.

DEPARTMENT OF JUSTICE,
FEDERAL BUREAU OF INVESTIGATION,
Washington, DC, October 4, 2002.

Hon. FRED THOMPSON
Ranking Minority Member, Committee on Governmental Affairs, U.S. Senate, Washington, DC.

DEAR SENATOR THOMPSON: The Federal Bureau of Investigation supports the passage of S. 2530, a bill "[t]o amend the Inspector General Act of 1978 (5 U.S.C. App.) to establish police powers for certain Inspector General Agents engaged in official duties and provide an oversight mechanism for the exercise of those powers." The FBI reviewed the bill and made some recommendations which were forwarded to the Department of Justice. The

Department of Justice has forwarded its recommendations to you.

Sincerely,

ROBERT S. MUELLER, III,
Director.

Mr. REID. Mr. President, I ask unanimous consent that the Thompson amendment at the desk be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to this measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4893) was agreed to, as follows:

(Purpose: To provide that the Attorney General may rescind or suspend certain authority with respect to an individual, and for other purposes)

On page 4, strike lines 15 through 22, and insert the following:

"(5)(A) Powers authorized for an Office of Inspector General under paragraph (1) may be rescinded or suspended upon a determination by the Attorney General that any of the requirements under paragraph (2) is no longer satisfied or that the exercise of authorized powers by that Office of Inspector General has not complied with the guidelines promulgated by the Attorney General under paragraph (4).

"(B) Powers authorized to be exercised by any individual under paragraph (1) may be rescinded or suspended with respect to that individual upon a determination by the Attorney General that such individual has not complied with guidelines promulgated by the Attorney General under paragraph (4).

The bill (S. 2530), as amended, was read a third time and passed, as follows:

S. 2530

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LAW ENFORCEMENT POWERS OF INSPECTOR GENERAL AGENTS.

(a) IN GENERAL.—Section 6 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by adding at the end the following:

"(e)(1) In addition to the authority otherwise provided by this Act, each Inspector General appointed under section 3, any Assistant Inspector General for Investigations under such an Inspector General, and any special agent supervised by such an Assistant Inspector General may be authorized by the Attorney General to—

"(A) carry a firearm while engaged in official duties as authorized under this Act or other statute, or as expressly authorized by the Attorney General;

"(B) make an arrest without a warrant while engaged in official duties as authorized under this Act or other statute, or as expressly authorized by the Attorney General, for any offense against the United States committed in the presence of such Inspector General, Assistant Inspector General, or agent, or for any felony cognizable under the laws of the United States if such Inspector General, Assistant Inspector General, or agent has reasonable grounds to believe that the person to be arrested has committed or is committing such felony; and

"(C) seek and execute warrants for arrest, search of a premises, or seizure of evidence issued under the authority of the United States upon probable cause to believe that a violation has been committed.

"(2) The Attorney General may authorize exercise of the powers under this subsection only upon an initial determination that—

"(A) the affected Office of Inspector General is significantly hampered in the performance of responsibilities established by this Act as a result of the lack of such powers;

"(B) available assistance from other law enforcement agencies is insufficient to meet the need for such powers; and

"(C) adequate internal safeguards and management procedures exist to ensure proper exercise of such powers.

"(3) The Inspector General offices of the Department of Commerce, Department of Education, Department of Energy, Department of Health and Human Services, Department of Housing and Urban Development, Department of the Interior, Department of Justice, Department of Labor, Department of State, Department of Transportation, Department of the Treasury, Department of Veterans Affairs, Agency for International Development, Environmental Protection Agency, Federal Deposit Insurance Corporation, Federal Emergency Management Agency, General Services Administration, National Aeronautics and Space Administration, Nuclear Regulatory Commission, Office of Personnel Management, Railroad Retirement Board, Small Business Administration, Social Security Administration, and the Tennessee Valley Authority are exempt from the requirement of paragraph (2) of an initial determination of eligibility by the Attorney General.

"(4) The Attorney General shall promulgate, and revise as appropriate, guidelines which shall govern the exercise of the law enforcement powers established under paragraph (1).

"(5)(A) Powers authorized for an Office of Inspector General under paragraph (1) may be rescinded or suspended upon a determination by the Attorney General that any of the requirements under paragraph (2) is no longer satisfied or that the exercise of authorized powers by that Office of Inspector General has not complied with the guidelines promulgated by the Attorney General under paragraph (4).

"(B) Powers authorized to be exercised by any individual under paragraph (1) may be rescinded or suspended with respect to that individual upon a determination by the Attorney General that such individual has not complied with guidelines promulgated by the Attorney General under paragraph (4).

"(6) A determination by the Attorney General under paragraph (2) or (5) shall not be reviewable in or by any court.

"(7) To ensure the proper exercise of the law enforcement powers authorized by this subsection, the Offices of Inspector General described under paragraph (3) shall, not later than 180 days after the date of enactment of this subsection, collectively enter into a memorandum of understanding to establish an external review process for ensuring that adequate internal safeguards and management procedures continue to exist within each Office and within any Office that later receives an authorization under paragraph (2). The review process shall be established in consultation with the Attorney General, who shall be provided with a copy of the memorandum of understanding that establishes the review process. Under the review process, the exercise of the law enforcement powers by each Office of Inspector General shall be reviewed periodically by another Office of Inspector General or by a committee of Inspectors General. The results of each review shall be communicated in writing to the applicable Inspector General and to the Attorney General.

"(8) No provision of this subsection shall limit the exercise of law enforcement powers established under any other statutory authority, including United States Marshals Service special deputation.".

(b) PROMULGATION OF INITIAL GUIDELINES.—

(1) DEFINITION.—In this subsection, the term "memoranda of understanding" means the agreements between the Department of Justice and the Inspector General offices described under section 6(e)(3) of the Inspector General Act of 1978 (5 U.S.C. App) (as added by subsection (a) of this section) that—

(A) are in effect on the date of enactment of this Act; and

(B) authorize such offices to exercise authority that is the same or similar to the authority under section 6(e)(1) of such Act.

(2) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Attorney General shall promulgate guidelines under section 6(e)(4) of the Inspector General Act of 1978 (5 U.S.C. App) (as added by subsection (a) of this section) applicable to the Inspector General offices described under section 6(e)(3) of that Act.

(3) MINIMUM REQUIREMENTS.—The guidelines promulgated under this subsection shall include, at a minimum, the operational and training requirements in the memoranda of understanding.

(4) NO LAPSE OF AUTHORITY.—The memoranda of understanding in effect on the date of enactment of this Act shall remain in effect until the guidelines promulgated under this subsection take effect.

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—Subsection (a) shall take effect 180 days after the date of enactment of this Act.

(2) INITIAL GUIDELINES.—Subsection (b) shall take effect on the date of enactment of this Act.

ANNUITY COMPUTATION ADJUSTMENT FOR PERIODS OF DISABILITY

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of calendar No. 716, S. 2936.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2936) to amend chapter 84 of title 5, United States Code, to provide that certain Federal annuity computations are adjusted by 1 percent relating to periods of receiving disability payments, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Governmental Affairs with an amendment and an amendment to the title.

[Strike the part shown in black brackets and insert the part shown in italic.]

S. 2936

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

[SECTION 1. ANNUITY COMPUTATION ADJUSTMENT FOR PERIODS OF DISABILITY.

[Section 8415 of title 5, United States Code, is amended—

[(1) by redesignating the second subsection (i) and subsection (j) as subsections (j) and (k), respectively; and

[(2) by adding at the end the following:

"[(l) In the case of any annuity computation under this section that includes, in the aggregate, at least 1 year of credit under section 8411(d) for any period while receiving benefits under subchapter I of chapter 81, the percentage otherwise applicable under this section for that period so credited shall be increased by 1 percent.".]

SECTION 1. ANNUITY COMPUTATION ADJUSTMENT FOR PERIODS OF DISABILITY.

(a) IN GENERAL.—Section 8415 of title 5, United States Code, is amended—

(1) by redesignating the second subsection (i) as subsection (k); and

(2) by adding at the end the following:

"(l) In the case of any annuity computation under this section that includes, in the aggregate, at least 1 year of credit under section 8411(d) for any period while receiving benefits under subchapter I of chapter 81, the percentage otherwise applicable under this section for that period so credited shall be increased by 1 percentage point."

(b) CONFORMING AMENDMENT.—Section 8422(d)(2) of title 5, United States Code (as added by section 122(b)(2) of Public Law 107–135), is amended by striking "8415(i)" and inserting "8415(k)".

(c) APPLICABILITY.—The amendments made by this section shall apply with respect to any annuity entitlement which is based on a separation from service occurring on or after the date of enactment of this Act.

Amend the title so as to read: "A bill to amend chapter 84 of title 5, United States Code, to provide that certain Federal annuity computations are adjusted by 1 percentage point relating to periods of receiving disability payments, and for other purposes.".

Mr. ALLEN. Mr. President, today I rise to thank my colleagues for their unanimous support of S. 2936 which will adjust Federal employees retirement computations to offset reductions in their retirement arising from on-the-job injuries covered by the Workers Compensation program. An extraordinary amount of hard work went into this legislation and I would like to thank my colleague from New York, Senator CLINTON, for her most valuable assistance on her side of the aisle in pushing this important measure through the legislative process. I would also like to thank Senators AKAKA, COCHRAN, LIEBERMAN, and THOMPSON of the Governmental Affairs Committee for their advice and bipartisan support, and Senator WARNER for his support from the first day I introduced this bill.

S. 2936 addresses a problem in the retirement program for federal employees that has been recognized but unresolved since 1986 when the current retirement system was established. Unfortunately, complications arising from the Tax Code and the Workers Rehabilitation Act of 1973 have blocked any solution.

My resolve to address the problem was inspired by Ms. Louise Kurtz, a federal employee who was severely injured in the September 11 attack on the Pentagon. She suffered burns over 70% of her body, lost her fingers, yet fights daily in rehabilitition and hopes to return to work some day. Current law does not allow Mrs. Kurtz to contribute to her retirement program while she is recuperating and receiving Worker's Compensation disability payments. As a result, after returning to work and eventually retiring, she will find herself inadequately prepared and unable to afford to retire because of the lack of contributions during her recuperation.

As Ms. Kurtz's situation reveals, federal employees under the Federal Employees Retirement System who have sustained an on-the-job injury and are receiving disability compensation from the Department of Labor's Office of Workers' Compensation Programs are unable to make contributions or payments into Social Security or the Thrift Savings Plan. Therefore, the future retirement benefits from both sources are reduced.

This legislation offsets the reductions in Social Security and Thrift Savings Plan retirement benefits by increasing the Federal Employees Retirement System Direct Benefit calculation by one percentage point for extended periods of disability.

The passage of this bill ensures that the pensions of our hard-working federal employees will be kept whole during a period of injury and recuperation, especially now that many of them are on the frontlines of protecting our homeland security in this new war on terror. By protecting the retirement security of injured federal employees, we have provided an incentive for them to return to work and increased our ability to retain our most dedicated and experienced federal workers. This is a reasonable and fair approach in which the whole Senate has acted in a logical and compassionate manner.

I wish to reiterate my gratitude to Senators LIEBERMAN and THOMPSON and their staffs for their assistance in passing this legislation. I also wish to thank Office of Personnel Management Director Kay Coles James and Harry Wolf, Ted Newland, and Mary Ellen Wilson of her staff for helping craft this legislative solution to a heretofore insolvable problem. They are truly wonderful, creative, caring, and principled leaders who worked long hours to accomplish this equitable solution.

I am glad to see the Senate come together and pass this important legislation and again thank my colleague from New York for her leadership. I have truly enjoyed working with her for the successful passage of this positive and constructive legislation that will improve the retirement security of America's dedicated federal employees.

Mr. REID. Mr. President, I ask that the Senate agree to the committee substitute; the bill, as amended, be read a third time and passed, the title amendment be agreed to, the motion to reconsider be laid upon the table with no intervening action or debate, and that any statements relating to this measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

The title amendment was agreed to.

The bill (S. 2936), as amended, was read a third time and passed.

IMPROPER PAYMENTS REDUCTION ACT OF 2002

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of calendar No. 727, H.R. 4878.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4878) to provide for estimates and reports of improper payments by Federal agencies.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Governmental Affairs, with an amendment.

[Strike the part shown in black brackets and insert the part shown in italic.]

H.R. 4878

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

[SECTION 1. SHORT TITLE.

[This Act may be cited as the "Improper Payments Information Act of 2002".

[SEC. 2. ESTIMATES OF IMPROPER PAYMENTS AND REPORTS ON ACTIONS TO REDUCE THEM.

[(a) IDENTIFICATION OF SUSCEPTIBLE PROGRAMS AND ACTIVITIES.—The head of each agency shall, in accordance with guidance prescribed by the Director of the Office of Management and Budget, annually review all programs and activities that it administers and identify all such programs and activities that may be susceptible to significant improper payments.

[(b) ESTIMATION OF IMPROPER PAYMENT.—With respect to each program and activity identified under subsection (a), the head of the agency concerned shall—

[(1) estimate the annual amount of improper payments; and

[(2) include that estimate in its annual budget submission.

[(c) REPORTS ON ACTIONS TO REDUCE IMPROPER PAYMENTS.—With respect to any program or activity of an agency with estimated improper payments under subsection (b) that exceed one percent of the total program or activity budget or $1,000,000 annually (whichever is less), the head of the agency shall provide with the estimate under subsection (b) a report on what actions the agency is taking to reduce the improper payments, including—

[(1) a statement of whether the agency has the information systems and other infrastructure it needs in order to reduce improper payments to minimal cost-effective levels;

[(2) if the agency does not have such systems and infrastructure, a description of the resources the agency has requested in its budget submission to obtain the necessary information systems and infrastructure; and

[(3) a description of the steps the agency has taken to ensure that agency managers (including the agency head) are held accountable for reducing improper payments.

[(d) DEFINITIONS.—For the purposes of this section:

[(1) AGENCY.—The term "agency" means an executive agency, as that term is defined in section 102 of title 31, United States Code.

[(2) IMPROPER PAYMENT.—The term "improper payment"—

[(A) means any payment that should not have been made or that was made in an incorrect amount (including overpayments and underpayments) under statutory, contractual, administrative, or other legally applicable requirements; and

[(B) includes any payment to an ineligible recipient, any payment for an ineligible service, any duplicate payment, payments for services not received, and any payment that does not account for credit for applicable discounts.

[(3) PAYMENT.—The term "payment" means any payment (including a commitment for future payment, such as a loan guarantee) that is—

[(A) made by a Federal agency, a Federal contractor, or a governmental or other organization administering a Federal program or activity; and

[(B) derived from Federal funds or other Federal resources or that will be reimbursed from Federal funds or other Federal resources.

[(e) APPLICATION.—This section—

[(1) applies with respect to the administration of programs, and improper payments under programs, in fiscal years after fiscal year 2002; and

[(2) requires the inclusion of estimates under subsection (b)(2) only in annual budget submissions for fiscal years after fiscal year 2003.

[(f) GUIDANCE BY THE OFFICE OF MANAGEMENT AND BUDGET.—The Director of the Office of Management and Budget shall prescribe guidance to implement the requirements of this section.]

SECTION 1. SHORT TITLE.

This Act may be cited as the "Improper Payments Information Act of 2002".

SEC. 2. ESTIMATES OF IMPROPER PAYMENTS AND REPORTS ON ACTIONS TO REDUCE THEM.

(a) IDENTIFICATION OF SUSCEPTIBLE PROGRAMS AND ACTIVITIES.—The head of each agency shall, in accordance with guidance prescribed by the Director of the Office of Management and Budget, annually review all programs and activities that it administers and identify all such programs and activities that may be susceptible to significant improper payments.

(b) ESTIMATION OF IMPROPER PAYMENT.—With respect to each program and activity identified under subsection (a), the head of the agency concerned shall—

(1) estimate the annual amount of improper payments; and

(2) submit those estimates to Congress before March 31 of the following applicable year, with all agencies using the same method of reporting, as determined by the Director of the Office of Management and Budget.

(c) REPORTS ON ACTIONS TO REDUCE IMPROPER PAYMENTS.—With respect to any program or activity of an agency with estimated improper payments under subsection (b) that exceed $10,000,000, the head of the agency shall provide with the estimate under subsection (b) a report on what actions the agency is taking to reduce the improper payments, including—

(1) a discussion of the causes of the improper payments identified, actions taken to correct those causes, and results of the actions taken to address those causes;

(2) a statement of whether the agency has the information systems and other infrastructure it needs in order to reduce improper payments to minimal cost-effective levels;

(3) if the agency does not have such systems and infrastructure, a description of the resources the agency has requested in its budget submission to obtain the necessary information systems and infrastructure; and

(4) a description of the steps the agency has taken to ensure that agency managers (including the agency head) are held accountable for reducing improper payments.

(d) DEFINITIONS.—For the purposes of this section:

(1) AGENCY.—The term "agency" means an executive agency, as that term is defined in section 102 of title 31, United States Code.

(2) IMPROPER PAYMENT.—The term "improper payment"—

(A) means any payment that should not have been made or that was made in an incorrect amount (including overpayments and underpayments) under statutory, contractual, administrative, or other legally applicable requirements; and

(B) includes any payment to an ineligible recipient, any payment for an ineligible service, any duplicate payment, payments for services not received, and any payment that does not account for credit for applicable discounts.

(3) PAYMENT.—The term "payment" means any payment (including a commitment for future payment, such as a loan guarantee) that is—

(A) made by a Federal agency, a Federal contractor, or a governmental or other organization administering a Federal program or activity; and

(B) derived from Federal funds or other Federal resources or that will be reimbursed from Federal funds or other Federal resources.

(e) APPLICATION.—This section—

(1) applies with respect to the administration of programs, and improper payments under programs, in fiscal years after fiscal year 2002; and

(2) requires the inclusion of estimates under subsection (b)(2) only in annual budget submissions for fiscal years after fiscal year 2003.

(f) GUIDANCE BY THE OFFICE OF MANAGEMENT AND BUDGET.—Not later than 6 months after the date of enactment of this Act, the Director of the Office of Management and Budget shall prescribe guidance to implement the requirements of this section.

Mr. REID. Mr. President, I ask unanimous consent that the committee substitute be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

The bill (H.R. 4878), as amended, was read a third time and passed.

THE MEDICAL DEVICE USER FEE AND MODERNIZATION ACT OF 2002

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to the consideration of H.R. 5651.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 5651) to amend the Federal Food, Drug and Cosmetic Act to make improvements in the regulation of medical devices, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. KENNEDY. Mr. President, I am pleased to support passage of H.R. 5651, "The Medical Device User Fee and Modernization Act of 2002." Just as passage of a user-fee program was a breakthrough in the regulation of critical prescription drugs, this legislation is a breakthrough in regulation of life-saving medical devices, devices that can open blocked arteries, keep hearts beating, save the lives of stroke patients, and diagnose deadly cancers in time for effective treatment.

Currently, because FDA lacks adequate resources, too many critical devices are unnecessarily slowed in their progress to patients' bedsides by the regulatory process. At the same time, careful FDA oversight is essential to assure that patients not suffer serious injury or even lose their lives because of devices which are unsafe or ineffective.

By assessing a modest fee on device manufacturers, raising the level of appropriated funds, and setting ambitious performance targets for the FDA, this bill is just what the doctor ordered to speed life-saving devices to the market while protecting the public health.

The goal of establishing a user-fee program for medical devices is one that I have pursued for more than a decade. I am gratified that this legislation finally brings that goal to fruition. It will mean life and hope for thousands of patients each year.

The legislation also improves regulation of potentially faulty and harmful reprocessed devices. Patients deserve to know that the devices that are used in their medical treatment are safe and effective, whether they are being used for the first time or whether they are being reused.

The legislation provides for a new regime of third party inspections for device manufacturers who manufacture products for both the United States and export. This regime will reduce duplicative inspections, while assuring that FDA remains the final arbiter and safety check on the quality of the manufacturing process for medical devices.

For many years, the FDA's Center for devices and Radiological Health, CDRH, has needed additional funding and staff to better assure the safety and effectiveness of new and innovative medical technologies. As the coauthor of the Medical device User Fee Act of 1994, I have long advocated medical device user fees and I am proud that we have finally secured such funding through a fair and efficient system of user fees.

This legislation will provide great benefits to patient health and safety. I am confident that these fees will assure greater certainty for consumers and manufacturers that the FDA can meet its statutory responsibilities for the timely and thorough review of medical devices.

Under Federal law, medical devices must be reviewed by the FDA prior to marketing. These reviews must be completed in accordance with ambitious statutory timeframes. While the FDA has done an excellent job of reviewing lower risk devices in a timely manner, it has frequently lacked the resources and staff to achieve similar success with the most sophisticated devices, which require premarket approval.

Under this legislation, device companies will pay the FDA fees for the application they submit for review. These fees will raise nearly $150 million over the next 5 years. The legislation also calls for tens of millions of dollars in newly appropriated funding for the FDA's device center.

These funds will be devoted to reviewing device applications and to assuring the post-market safety of devices. I am pleased that the legislation authorizes an additional $3 million in fiscal year 2003 and $6 million in fiscal year 2004 for the post-market surveillance of medical devices.

I want to acknowledge the contributions of Senator HATCH in ensuring that the user fees are fair and equitable to small businesses and startup companies.

The user-fee program will sunset after 5 years, allowing Congress to review whether it has expedited the review of devices and whether improvements are needed to better assure public health and safety.

In addition to medical device user fees, the legislation strengthens the FDA's regulation of reprocessed devices. I believe that the American people will greatly benefit from the new requirements for substantial equivalence determinations and premarket approvals of such devices. I am particularly pleased that there are robust requirements for the assurance of safety and effectiveness of any reprocessed class III devices, such as angioplasty balloons or heart valves.

Finally, the legislation authorizes a 10-year program for third-party inspections of device manufacturing plants. This will enable FDA to better target its enforcement resources—resources that we also increase in the legislation. To ensure that third parties operate appropriately, the bill places important controls over conflicts of interest and places third parties at risk of significant civil monetary, criminal, and debarment penalties, if they act in a manner inconsistent with public health and safety.

Moreover, the bill limits inspections to plants which manufacture devices for export, and ensures that FDA conduct every third inspection before additional third-party inspections take place.

Let me acknowledge the important work of Congressmen TAUZIN, DINGELL, GREENWOOD, Congresswoman ESHOO, and Senator GREGG, the ranking member of the Committee on Health, Education, Labor, and Pensions, in drafting this legislation. I also want to acknowledge the leadership role played by Senator WELLSTONE in moving this legislation through the Senate, and by Senator DURBIN in enduring strong protections over reprocessed devices.

I would like to thank FDA Deputy Commissioner Lester Crawford, Associate Commissioner Peggy Dotzell, Associate Commissioner Amit Sachdev, Center for Devices Director David Feigel, Linda Kahan, and Frank Claunts.

I want to recognize the hard work and dedication of Michael Myers, David Nexon, David Dorsey, and Paul Kim on my staff, as well as Vince Ventimiglia with Senator GREGG, Pat Morrisey, and Brent Delmonte with Congressman TAUZIN, and John Ford and David Nelson with Congressman DINGELL.

Let me also recognize the contributions of Patti Unruh and Richard McKeon with Senator WELLSTONE, Lisa German and Daborah Wolf with Senator JACK REED, Adam Gluck with Senator HARKIN, Deborah Barrett and Stephanie Sikora with Senator DODD, Christina Ho with Senator CLINTON, Rhonda Richards with Senator MIKULSKI, Anne Grady with Senator MURRAY, Dean Rosen with Senator FRIST, Anne Marie Murphy with Senator DURBIN, Bruce Artim and Trisha Knight with Senator HATCH, Karen Nelson and Ann Witt with Congressman WAXMAN, and Steve Tilton with Congressman BILIRAKIS.

I ask my colleagues to join me in supporting passage of H.R. 5651, "The Medical Device User Fee and Modernization Act of 2002."

Mr. GREGG. Mr. President, I would like to make a few comments concerning the Medical Device User Fee and Modernization Act of 2002, which was passed by both the House and Senate earlier this morning.

This legislation was the product of a tremendous amount of hard work—from folks in both Chambers and on both sides of the aisle—and includes the most significant improvements in the way medical devices are reviewed and regulated, arguably since 1976.

More importantly, these changes will have a very positive and lasting impact on both patients and consumers.

The legislation accomplishes this in several ways:

User Fees: First, it ensures adequate resources for the Food and Drug Administration (FDA), by creating a new user-fee program, modeled after the one used to review drugs and biologics—which has been incredibly successful.

FDA resources at the device center have dramatically declined in the last 10 years, resulting in significant staff turn-over (as high as 10%) and increased review times (more than 400 days per submission when the statute requires reviews of 180 days).

By charging manufacturers a reasonable fee for reviewing their products, FDA can hire more staff, meet review deadlines, and ensure that patients have timely access to the newest, most innovative medical technologies. I particularly want to thank my friend from Utah, Senator HATCH, for his work on this issue.

Moreover, in order to protect some of the smaller companies—including a substantial number in New Hampshire—the bill in many cases exempt or significantly reduce these fees.

Re-Use: Second, the legislation provides greater protection to patients from reused and reprocessed medical devices. The bill ensures that medical devices—especially some of the more delicate, high risk products, such as angioplasty balloons—are not used over and over again on different patients without first demonstrating that this can be done safely and reliably.

On that note, I would especially like to thank Senator DURBIN for his invaluable assistance in working with us to craft this very important provision. I believe that it will save a great many lives. The legislation that he and I worked on this summer and have introduced separately today represents the foundation for the final product included in this bill.

Third-Party Inspections: Third, it increases the frequency and quality of inspections of medical device manufacturing facilities—both here and abroad—by allowing inspections from FDA-accredited third-parties.

On average, the FDA is currently able to inspect a U.S. facility only once every 7 years, and foreign facilities once every 11 years. This is unacceptable and in direct contravention to the current statutory requirement for inspections every 2 years.

By augmenting FDA's inspection capabilities, we will help ensure that these medical devices are being manufactured in accordance with established manufacturing practices.

Modernizing FDA: Finally, the bill brings FDA regulation into the 21st century, by instituting electronic labeling, electronic registration, and modular reviews of applications. It also establishes a more effective review process for the fastest wave of innovative combination biotechnologies, including drug and biologics coated stents, drug pumps, and engineered tissues.

Working together, these changes will give FDA the tools it needs to work more effectively, and to get the next generation of life-saving medical devices into the hands of doctors and patients more quickly than ever before.

I am also pleased to report that this legislation is widely supported by the administration, FDA, patient/consumer groups, industry, and provider/hospital groups.

I am proud of what we have been able to accomplish here today and believe that this legislation will have a tremendous positive impact on people's lives as they enjoy the benefits of today and tomorrow's medical technology.

Mr. DODD. Mr. President, I would like to applaud my colleagues in both the House and the Senate, particularly Congressman BILLY TAUZIN, Congressman JOHN DINGELL, Senator JUDD GREGG, and Senator TED KENNEDY, for reaching a compromise on this important legislation. I know that there were several difficult issues to be negotiated, and I am pleased that we were able to reach a bipartisan agreement before the end of this Congress.

I support this legislation because, first and foremost, it could increase the quality of patient care. At the same time, it will also prove beneficial to the manufacturers who make these devices, and the hospitals and health care providers that use them. By creating a system of user fees for FDA approval of medical devices, we are ensuring that life-improving and life-saving technologies will be available on the market in a more efficient and timely manner. Put more simply, this bill could save lives. In creating a user fee structure, we are expanding a model that has already proven dramatically successful in the prescription drug market.

This bill will also have a positive impact on patient safety by expanding FDA regulation of the medical device reprocessing industry. Device reprocessing can certainly be beneficial when used appropriately. There are environmental benefits, as well as cost savings for hospitals. However, we must ensure that patient safety is not sacrificed. This legislation will do that by providing us with a better understanding of the impact that reprocessing has on the safety and efficacy of devices, and allowing the FDA to prevent the reprocessing of devices when safety is in question.

Again, I thank my colleagues for working so diligently to come to this agreement, and I proudly support this legislation.

HEALTH CARE SAFETY NET AMENDMENTS ACT

Mr. FRIST. Mr. President, I am pleased to speak today on behalf of the Health Care Safety Net Amendments Act, which passed the House of Representatives by a wide margin earlier this week. I urge my colleagues to support this critical bill. This legislation represents an important next step towards improving the quality and availability of health care services for our nation's uninsured and medically underserved.

This critical legislation strengthens our Nation's health care safety net and is vital to helping millions of uninsured Americans get the health care they need. Far too many Americans lack health insurance today. We must tackle this problem head on to reduce the number of people who are not receiving care. This bill takes important steps to expand access to care and responds to the challenges providers, particularly our community health centers, face.

The Health Care Safety Net Amendments Act reauthorizes the Consolidated Health Center program, the National Health Service Corps and the rural health outreach and telehealth grant programs, and establishes the Healthy Communities Access Program. Together, these programs represent our first line of defense in providing health care to the nation's uninsured and underserved. The bill increases funding for these programs, expands access to health centers, improves existing health infrastructures and takes steps to improve the recruitment and retention of health professionals in underserved areas.

A key component of the bill is an increase in funding for the Consolidated Health Centers program, providing more than $1.3 billion for this program. This increase further demonstrates the commitment to this program, which today serves more than 9 million people each year. This is critical to achieving President Bush's goal of doubling the number of community health centers across America.

In 1996, the Health Centers Consolidation Act reauthorized the community health centers, the migrant health centers, health centers for the homeless, and health centers for residents of public housing until 2001. Today, our nation's health centers face difficult environmental and operational challenges. Not only do they serve a significant number of uninsured and increasing numbers of immigrants, but health centers are also affected by aging facilities and difficulties in recruitment, retention, and retraining of health center leadership. Today's legislation responds to those difficulties in order to reinforce the important work being done by our Nation's health centers.

The bill also expands and strengthens the National Health Service Corps, a program that has placed over 20,000 health care providers in health professional shortage areas in the last 30 years. Presently, over 4 million people currently receive care from National Health Service Corps clinicians. However, to help communities meet their basic health care needs, more clinicians are needed in these areas. The legislation improves recruitment and retention of health care professionals through expanded use of scholarship and loan repayment programs and added flexibility for local communities.

Finally, data indicates that uninsured individuals receive most of their care from private health care providers and that private hospitals bear over 60 percent of the costs of uncompensated care; and private, office-based physicians provide more than 75 percent of the ambulatory care for uninsured patients with Medicaid coverage. Given this, today's bill takes into account safety net providers other than those supported by Consolidated Health Centers and the National Health Service Corp, such as local hospitals and emergency room departments, public health departments, home health agencies, and many other health care organizations, through the establishment of the Healthy Communities Access Program that seeks to integrate all of the safety net providers within a community.

I appreciate the hard work and dedication to this issue among my colleagues, including Senators KENNEDY, GREGG and BOND and Representatives TAUZIN, DINGELL, BILIRAKIS and BROWN. I also appreciate the hard work of my staff, Shana Christrup, Craig Burton and Dean Rosen, on this important bill.

Mr. REED. Mr. President, I rise to express my reservations with the Medical Device User Fee and Modernization Act of 2002. While the legislation offers some improvements to the current medical device approval and regulation process, I have serious concerns about some aspects of the bill and about the process leading to its impending passage in the Senate.

User fees will allow the Food and Drug Administration, FDA, to expedite the review and approval of medical devices, resulting in faster patient access to new and potentially lifesaving technologies. Third party inspections similarly have the potential to enhance the agency's ability to ensure that manufacturing sites are meeting FDA quality standards for device production. And regulating the reprocessing of single use devices should be a positive step for the safe use of these devices. All of these elements of the legislation, however, carry significant potential risk. In our attempts to enhance the efficiency of an agency to which we are not able to give adequate appropriations, we run the risk of undermining FDA's scientific and policy authority and its vital public health mission.

It will be up to the Senate Health, Education, Labor and Pensions Committee, of which I am a member, to pay close attention to the health and safety implications of these provisions as they are implemented. As part of that ongoing oversight, the committee should review and evaluate the manner in which the bill was written and passed. While I understand the importance of this legislation, I am deeply troubled by the lack of a formal process in its development and consideration. I assure you and my colleagues that I will be paying close attention as these new provisions are implemented in the coming months, and I urge my colleagues to do likewise to protect the public health and maintain the vital mission of the FDA.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to this matter be printed in the RECORD with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 5651) was read a third time and passed.

HEALTH CARE SAFETY NET AMENDMENTS OF 2002

Mr. REID. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on the bill, S. 1533, to amend the Public Health Service Act to reauthorize and strengthen the health centers program and the National Health Service Corps, and to establish the Healthy Communities Access Program, which will help coordinate services for the uninsured and underinsured, and for other purposes.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Health Care Safety Net Amendments of 2002".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—CONSOLIDATED HEALTH CENTER PROGRAM AMENDMENTS

Sec. 101. Health centers.
Sec. 102. Telemedicine; incentive grants regarding coordination among States.

TITLE II—RURAL HEALTH

Subtitle A—Rural Health Care Services Outreach, Rural Health Network Development, and Small Health Care Provider Quality Improvement Grant Programs

Sec. 201. Grant programs.

Subtitle B—Telehealth Grant Consolidation

Sec. 211. Short title.
Sec. 212. Consolidation and reauthorization of provisions.

Subtitle C—Mental Health Services Telehealth Program and Rural Emergency Medical Service Training and Equipment Assistance Program

Sec. 221. Programs.

TITLE III—NATIONAL HEALTH SERVICE CORPS PROGRAM

Sec. 301. National Health Service Corps.
Sec. 302. Designation of health professional shortage areas.
Sec. 303. Assignment of Corps personnel.
Sec. 304. Priorities in assignment of Corps personnel.
Sec. 305. Cost-sharing.
Sec. 306. Eligibility for Federal funds.
Sec. 307. Facilitation of effective provision of Corps services.
Sec. 308. Authorization of appropriations.
Sec. 309. National Health Service Corps Scholarship Program.
Sec. 310. National Health Service Corps Loan Repayment Program.
Sec. 311. Obligated service.
Sec. 312. Private practice.
Sec. 313. Breach of scholarship contract or loan repayment contract.
Sec. 314. Authorization of appropriations.
Sec. 315. Grants to States for loan repayment programs.
Sec. 316. Demonstration grants to States for community scholarship programs.
Sec. 317. Demonstration project.

TITLE IV—HEALTHY COMMUNITIES ACCESS PROGRAM

Sec. 401. Purpose.
Sec. 402. Creation of Healthy Communities Access Program.
Sec. 403. Expanding availability of dental services.
Sec. 404. Study regarding barriers to participation of farmworkers in health programs.

TITLE V—STUDY AND MISCELLANEOUS PROVISIONS

Sec. 501. Guarantee study.
Sec. 502. Graduate medical education.

TITLE VI—CONFORMING AMENDMENTS

Sec. 601. Conforming amendments.

TITLE I—CONSOLIDATED HEALTH CENTER PROGRAM AMENDMENTS

SEC. 101. HEALTH CENTERS.

Section 330 of the Public Health Service Act (42 U.S.C. 254b) is amended—

(1) in subsection (b)(1)(A)—

(A) in clause (i)(III)(bb), by striking "screening for breast and cervical cancer" and inserting "appropriate cancer screening";

(B) in clause (ii), by inserting "(including specialty referral when medically indicated)" after "medical services"; and

(C) in clause (iii), by inserting "housing," after "social,";

(2) in subsection (b)(2)—

(A) in subparagraph (A)(i), by striking "associated with water supply;" and inserting the following: "associated with—

"(I) water supply;

"(II) chemical and pesticide exposures;

"(III) air quality; or

"(IV) exposure to lead;";

(B) by redesignating subparagraphs (A) and (B) as subparagraphs (C) and (D), respectively; and

(C) by inserting before subparagraph (C) (as so redesignated by subparagraph (B)) the following:

"(A) behavioral and mental health and substance abuse services;

"(B) recuperative care services;";

(D) in subparagraph (B)—

(3) in subsection (c)(1)—

(A) in subparagraph (B)—

(i) in the heading, by striking "COMPREHENSIVE SERVICE DELIVERY" and inserting "MANAGED CARE";

(ii) in the matter preceding clause (i), by striking "network or plan" and all that follows to the period and inserting "managed care network or plan."; and

(iii) in the matter following clause (ii), by striking "Any such grant may include" and all that follows through the period; and

(B) by adding at the end the following:

"(C) PRACTICE MANAGEMENT NETWORKS.—The Secretary may make grants to health centers that receive assistance under this section to enable the centers to plan and develop practice management networks that will enable the centers to—

"(i) reduce costs associated with the provision of health care services;

"(ii) improve access to, and availability of, health care services provided to individuals served by the centers;

"(iii) enhance the quality and coordination of health care services; or

"(iv) improve the health status of communities.

"(D) USE OF FUNDS.—The activities for which a grant may be made under subparagraph (B) or (C) may include the purchase or lease of equipment, which may include data and information systems (including paying for the costs of amortizing the principal of, and paying the interest on, loans for equipment), the provision of training and technical assistance related to the provision of health care services on a prepaid basis or under another managed care arrangement, and other activities that promote the development of practice management or managed care networks and plans.";

(4) in subsection (d)—

(A) by striking the subsection heading and inserting "LOAN GUARANTEE PROGRAM.—";

(B) in paragraph (1)—

(i) in subparagraph (A), by striking "the principal and interest on loans" and all that follows through the period and inserting "up to 90 percent of the principal and interest on loans made by non-Federal lenders to health centers, funded under this section, for the costs of developing and operating managed care networks or plans described in subsection (c)(1)(B), or practice management networks described in subsection (c)(1)(C).";

(ii) in subparagraph (B)—

(I) in clause (i), by striking "or";

(II) in clause (ii), by striking the period and inserting "; or"; and

(III) by adding at the end the following:

"(iii) to refinance an existing loan (as of the date of refinancing) to the center or centers, if the Secretary determines—

"(I) that such refinancing will be beneficial to the health center and the Federal Government;

"(II) that the center (or centers) can demonstrate an ability to repay the refinanced loan equal to or greater than the ability of the center (or centers) to repay the original loan on the date the original loan was made."; and

(iii) by adding at the end the following:

"(D) PROVISION DIRECTLY TO NETWORKS OR PLANS.—At the request of health centers receiving assistance under this section, loan guarantees provided under this paragraph may be made directly to networks or plans that are at least majority controlled and, as applicable, at least majority owned by those health centers.

"(E) FEDERAL CREDIT REFORM.—The requirements of the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.) shall apply with respect to loans refinanced under subparagraph (B)(iii)."; and

(C)(i) by striking paragraphs (6) and (7); and

(ii) by redesignating paragraph (8) as paragraph (6);

(4) in subsection (e)—

(A) in paragraph (1)—

(i) in subparagraph (B), by striking "subsection (j)(3)" and inserting "subsection (k)(3)"; and

(ii) by adding at the end the following:

"(C) OPERATION OF NETWORKS AND PLANS.—The Secretary may make grants to health centers that receive assistance under this section, or at the request of the health centers, directly to

a network or plan (as described in subparagraphs (B) and (C) of subsection (c)(1)) that is at least majority controlled and, as applicable, at least majority owned by such health centers receiving assistance under this section, for the costs associated with the operation of such network or plan, including the purchase or lease of equipment (including the costs of amortizing the principal of, and paying the interest on, loans for equipment).";

(B) in paragraph (5)—

(i) in subparagraph (A), by inserting "subparagraphs (A) and (B) of" after "any fiscal year under";

(ii) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively; and

(iii) by inserting after subparagraph (A) the following:

"(B) NETWORKS AND PLANS.—The total amount of grant funds made available for any fiscal year under paragraph (1)(C) and subparagraphs (B) and (C) of subsection (c)(1) to a health center or to a network or plan shall be determined by the Secretary, but may not exceed 2 percent of the total amount appropriated under this section for such fiscal year."; and

(C) by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively;

(5) in subsection (g)—

(A) in paragraph (2)—

(i) in subparagraph (A), by inserting "and seasonal agricultural worker" after "agricultural worker"; and

(ii) in subparagraph (B), by striking "and members of their families" and inserting "and seasonal agricultural workers, and members of their families,"; and

(B) in paragraph (3)(A), by striking "on a seasonal basis";

(6) in subsection (h)—

(A) in paragraph (1), by striking "homeless children and children at risk of homelessness" and inserting "homeless children and youth and children and youth at risk of homelessness";

(B)(i) by redesignating paragraph (4) as paragraph (5); and

(ii) by inserting after paragraph (3) the following:

"(4) TEMPORARY CONTINUED PROVISION OF SERVICES TO CERTAIN FORMER HOMELESS INDIVIDUALS.—If any grantee under this subsection has provided services described in this section under the grant to a homeless individual, such grantee may, notwithstanding that the individual is no longer homeless as a result of becoming a resident in permanent housing, expend the grant to continue to provide such services to the individual for not more than 12 months."; and

(C) in paragraph (5)(C) (as redesignated by subparagraph (B)), by striking "and residential treatment" and inserting ", risk reduction, outpatient treatment, residential treatment, and rehabilitation";

(7) in subsection (j)(3)—

(A) in subparagraph (E)—

(i) in clause (i)—

(I) by striking "(i)" and inserting "(i)(I)";

(II) by striking "plan; or" and inserting "plan; and"; and

(III) by adding at the end the following:

"(II) has or will have a contractual or other arrangement with the State agency administering the program under title XXI of such Act (42 U.S.C. 1397aa et seq.) with respect to individuals who are State children's health insurance program beneficiaries; or"; and

(ii) by striking clause (ii) and inserting the following:

"(ii) has made or will make every reasonable effort to enter into arrangements described in subclauses (I) and (II) of clause (i);";

(B) in subparagraph (G)—

(i) in clause (ii)(II), by striking "; and" and inserting ";";

(ii) by redesignating clause (iii) as clause (iv); and

(iii) by inserting after clause (ii) the following:

"(iii)(I) will assure that no patient will be denied health care services due to an individual's inability to pay for such services; and

"(II) will assure that any fees or payments required by the center for such services will be reduced or waived to enable the center to fulfill the assurance described in subclause (I); and";

(C) in subparagraph (H), in the matter following clause (iii), by striking "or (p)" and inserting "or (q)";

(D) in subparagraph (K)(ii), by striking "and" at the end;

(E) in subparagraph (L), by striking the period and inserting "; and"; and

(F) by inserting after subparagraph (L), the following:

"(M) the center encourages persons receiving or seeking health services from the center to participate in any public or private (including employer-offered) health programs or plans for which the persons are eligible, so long as the center, in complying with this subparagraph, does not violate the requirements of subparagraph (G)(iii)(I).";

(8)(A) by redesignating subsection (l) as subsection (s) and moving that subsection (s) to the end of the section;

(B) by redesignating subsections (j), (k), and (m) through (q) as subsections (n), (o), and (p) through (s), respectively; and

(C) by inserting after subsection (i) the following:

"(j) ACCESS GRANTS.—

"(1) IN GENERAL.—The Secretary may award grants to eligible health centers with a substantial number of clients with limited English speaking proficiency to provide translation, interpretation, and other such services for such clients with limited English speaking proficiency.

"(2) ELIGIBLE HEALTH CENTER.—In this subsection, the term 'eligible health center' means an entity that—

"(A) is a health center as defined under subsection (a);

"(B) provides health care services for clients for whom English is a second language; and

"(C) has exceptional needs with respect to linguistic access or faces exceptional challenges with respect to linguistic access.

"(3) GRANT AMOUNT.—The amount of a grant awarded to a center under this subsection shall be determined by the Administrator. Such determination of such amount shall be based on the number of clients for whom English is a second language that is served by such center, and larger grant amounts shall be awarded to centers serving larger numbers of such clients.

"(4) USE OF FUNDS.—An eligible health center that receives a grant under this subsection may use funds received through such grant to—

"(A) provide translation, interpretation, and other such services for clients for whom English is a second language, including hiring professional translation and interpretation services; and

"(B) compensate bilingual or multilingual staff for language assistance services provided by the staff for such clients.

"(5) APPLICATION.—An eligible health center desiring a grant under this subsection shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require, including—

"(A) an estimate of the number of clients that the center serves for whom English is a second language;

"(B) the ratio of the number of clients for whom English is a second language to the total number of clients served by the center;

"(C) a description of any language assistance services that the center proposes to provide to aid clients for whom English is a second language; and

"(D) a description of the exceptional needs of such center with respect to linguistic access or a description of the exceptional challenges faced by such center with respect to linguistic access.

"(6) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection, in addition to any funds authorized to be appropriated or appropriated for health centers under any other subsection of this section, such sums as may be necessary for each of fiscal years 2002 through 2006.";

(9) by striking subsection (m) (as redesignated by paragraph (9)(B)) and inserting the following:

"(m) TECHNICAL ASSISTANCE.—The Secretary shall establish a program through which the Secretary shall provide technical and other assistance to eligible entities to assist such entities to meet the requirements of subsection (l)(3). Services provided through the program may include necessary technical and nonfinancial assistance, including fiscal and program management assistance, training in fiscal and program management, operational and administrative support, and the provision of information to the entities of the variety of resources available under this title and how those resources can be best used to meet the health needs of the communities served by the entities.";

(10) in subsection (q) (as redesignated by paragraph (9)(B)), by striking "(j)(3)(G)" and inserting "(l)(3)(G)"; and

(11) in subsection (s) (as redesignated by paragraph (9)(A))—

(A) in paragraph (1), by striking "$802,124,000" and all that follows through the period and inserting "$1,340,000,000 for fiscal year 2002 and such sums as may be necessary for each of the fiscal years 2003 through 2006.";

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) by striking "(j)(3))" and inserting "(l)(3))"; and

(II) by striking "(j)(3)(G)(ii)" and inserting "(l)(3)(H)"; and

(ii) by striking subparagraph (B) and inserting the following:

"(B) DISTRIBUTION OF GRANTS.—For fiscal year 2002 and each of the following fiscal years, the Secretary, in awarding grants under this section, shall ensure that the proportion of the amount made available under each of subsections (g), (h), and (i), relative to the total amount appropriated to carry out this section for that fiscal year, is equal to the proportion of the amount made available under that subsection for fiscal year 2001, relative to the total amount appropriated to carry out this section for fiscal year 2001.".

SEC. 102. TELEMEDICINE; INCENTIVE GRANTS REGARDING COORDINATION AMONG STATES.

(a) IN GENERAL.—The Secretary of Health and Human Services may make grants to State professional licensing boards to carry out programs under which such licensing boards of various States cooperate to develop and implement State policies that will reduce statutory and regulatory barriers to telemedicine.

(b) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out subsection (a), there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2002 through 2006.

TITLE II—RURAL HEALTH

Subtitle A—Rural Health Care Services Outreach, Rural Health Network Development, and Small Health Care Provider Quality Improvement Grant Programs

SEC. 201. GRANT PROGRAMS.

Section 330A of the Public Health Service Act (42 U.S.C. 254c) is amended to read as follows:

"SEC. 330A. RURAL HEALTH CARE SERVICES OUTREACH, RURAL HEALTH NETWORK DEVELOPMENT, AND SMALL HEALTH CARE PROVIDER QUALITY IMPROVEMENT GRANT PROGRAMS.

"(a) PURPOSE.—The purpose of this section is to provide grants for expanded delivery of health care services in rural areas, for the planning and implementation of integrated health care networks in rural areas, and for the planning and implementation of small health care provider quality improvement activities.

"(b) DEFINITIONS.—

"(1) DIRECTOR.—The term 'Director' means the Director specified in subsection (d).

"(2) FEDERALLY QUALIFIED HEALTH CENTER; RURAL HEALTH CLINIC.—The terms 'Federally qualified health center' and 'rural health clinic' have the meanings given the terms in section 1861(aa) of the Social Security Act (42 U.S.C. 1395x(aa)).

"(3) HEALTH PROFESSIONAL SHORTAGE AREA.—The term 'health professional shortage area' means a health professional shortage area designated under section 332.

"(4) MEDICALLY UNDERSERVED COMMUNITY.—The term 'medically underserved community' has the meaning given the term in section 799B.

"(5) MEDICALLY UNDERSERVED POPULATION.—The term 'medically underserved population' has the meaning given the term in section 330(b)(3).

"(c) PROGRAM.—The Secretary shall establish, under section 301, a small health care provider quality improvement grant program.

"(d) ADMINISTRATION.—

"(1) PROGRAMS.—The rural health care services outreach, rural health network development, and small health care provider quality improvement grant programs established under section 301 shall be administered by the Director of the Office of Rural Health Policy of the Health Resources and Services Administration, in consultation with State offices of rural health or other appropriate State government entities.

"(2) GRANTS.—

"(A) IN GENERAL.—In carrying out the programs described in paragraph (1), the Director may award grants under subsections (e), (f), and (g) to expand access to, coordinate, and improve the quality of essential health care services, and enhance the delivery of health care, in rural areas.

"(B) TYPES OF GRANTS.—The Director may award the grants—

"(i) to promote expanded delivery of health care services in rural areas under subsection (e);

"(ii) to provide for the planning and implementation of integrated health care networks in rural areas under subsection (f); and

"(iii) to provide for the planning and implementation of small health care provider quality improvement activities under subsection (g).

"(e) RURAL HEALTH CARE SERVICES OUTREACH GRANTS.—

"(1) GRANTS.—The Director may award grants to eligible entities to promote rural health care services outreach by expanding the delivery of health care services to include new and enhanced services in rural areas. The Director may award the grants for periods of not more than 3 years.

"(2) ELIGIBILITY.—To be eligible to receive a grant under this subsection for a project, an entity—

"(A) shall be a rural public or rural nonprofit private entity;

"(B) shall represent a consortium composed of members—

"(i) that include 3 or more health care providers; and

"(ii) that may be nonprofit or for-profit entities; and

"(C) shall not previously have received a grant under this subsection for the same or a similar project, unless the entity is proposing to expand the scope of the project or the area that will be served through the project.

"(3) APPLICATIONS.—To be eligible to receive a grant under this subsection, an eligible entity, in consultation with the appropriate State office of rural health or another appropriate State entity, shall prepare and submit to the Secretary an application, at such time, in such manner, and containing such information as the Secretary may require, including—

"(A) a description of the project that the eligible entity will carry out using the funds provided under the grant;

"(B) a description of the manner in which the project funded under the grant will meet the health care needs of rural underserved populations in the local community or region to be served;

"(C) a description of how the local community or region to be served will be involved in the development and ongoing operations of the project;

"(D) a plan for sustaining the project after Federal support for the project has ended;

"(E) a description of how the project will be evaluated; and

"(F) other such information as the Secretary determines to be appropriate.

"(f) RURAL HEALTH NETWORK DEVELOPMENT GRANTS.—

"(1) GRANTS.—

"(A) IN GENERAL.—The Director may award rural health network development grants to eligible entities to promote, through planning and implementation, the development of integrated health care networks that have combined the functions of the entities participating in the networks in order to—

"(i) achieve efficiencies;

"(ii) expand access to, coordinate, and improve the quality of essential health care services; and

"(iii) strengthen the rural health care system as a whole.

"(B) GRANT PERIODS.—The Director may award such a rural health network development grant for implementation activities for a period of 3 years. The Director may also award such a rural health network development grant for planning activities for a period of 1 year, to assist in the development of an integrated health care network, if the proposed participants in the network do not have a history of collaborative efforts and a 3-year grant would be inappropriate.

"(2) ELIGIBILITY.—To be eligible to receive a grant under this subsection, an entity—

"(A) shall be a rural public or rural nonprofit private entity;

"(B) shall represent a network composed of participants—

"(i) that include 3 or more health care providers; and

"(ii) that may be nonprofit or for-profit entities; and

"(C) shall not previously have received a grant under this subsection (other than a grant for planning activities) for the same or a similar project.

"(3) APPLICATIONS.—To be eligible to receive a grant under this subsection, an eligible entity, in consultation with the appropriate State office of rural health or another appropriate State entity, shall prepare and submit to the Secretary an application, at such time, in such manner, and containing such information as the Secretary may require, including—

"(A) a description of the project that the eligible entity will carry out using the funds provided under the grant;

"(B) an explanation of the reasons why Federal assistance is required to carry out the project;

"(C) a description of—

"(i) the history of collaborative activities carried out by the participants in the network;

"(ii) the degree to which the participants are ready to integrate their functions; and

"(iii) how the local community or region to be served will benefit from and be involved in the activities carried out by the network;

"(D) a description of how the local community or region to be served will experience increased access to quality health care services across the continuum of care as a result of the integration activities carried out by the network;

"(E) a plan for sustaining the project after Federal support for the project has ended;

"(F) a description of how the project will be evaluated; and

"(G) other such information as the Secretary determines to be appropriate.

"(g) SMALL HEALTH CARE PROVIDER QUALITY IMPROVEMENT GRANTS.—

"(1) GRANTS.—The Director may award grants to provide for the planning and implementation of small health care provider quality improvement activities. The Director may award the grants for periods of 1 to 3 years.

"(2) ELIGIBILITY.—To be eligible for a grant under this subsection, an entity—

"(A)(i) shall be a rural public or rural nonprofit private health care provider or provider of health care services, such as a critical access hospital or a rural health clinic; or

"(ii) shall be another rural provider or network of small rural providers identified by the Secretary as a key source of local care; and

"(B) shall not previously have received a grant under this subsection for the same or a similar project.

"(3) APPLICATIONS.—To be eligible to receive a grant under this subsection, an eligible entity, in consultation with the appropriate State office of rural health or another appropriate State entity shall prepare and submit to the Secretary an application, at such time, in such manner, and containing such information as the Secretary may require, including—

"(A) a description of the project that the eligible entity will carry out using the funds provided under the grant;

"(B) an explanation of the reasons why Federal assistance is required to carry out the project;

"(C) a description of the manner in which the project funded under the grant will assure continuous quality improvement in the provision of services by the entity;

"(D) a description of how the local community or region to be served will experience increased access to quality health care services across the continuum of care as a result of the activities carried out by the entity;

"(E) a plan for sustaining the project after Federal support for the project has ended;

"(F) a description of how the project will be evaluated; and

"(G) other such information as the Secretary determines to be appropriate.

"(4) EXPENDITURES FOR SMALL HEALTH CARE PROVIDER QUALITY IMPROVEMENT GRANTS.—In awarding a grant under this subsection, the Director shall ensure that the funds made available through the grant will be used to provide services to residents of rural areas. The Director shall award not less than 50 percent of the funds made available under this subsection to providers located in and serving rural areas.

"(h) GENERAL REQUIREMENTS.—

"(1) PROHIBITED USES OF FUNDS.—An entity that receives a grant under this section may not use funds provided through the grant—

"(A) to build or acquire real property; or

"(B) for construction.

"(2) COORDINATION WITH OTHER AGENCIES.—The Secretary shall coordinate activities carried out under grant programs described in this section, to the extent practicable, with Federal and State agencies and nonprofit organizations that are operating similar grant programs, to maximize the effect of public dollars in funding meritorious proposals.

"(3) PREFERENCE.—In awarding grants under this section, the Secretary shall give preference to entities that—

"(A) are located in health professional shortage areas or medically underserved communities, or serve medically underserved populations; or

"(B) propose to develop projects with a focus on primary care, and wellness and prevention strategies.

"(i) REPORT.—Not later than September 30, 2005, the Secretary shall prepare and submit to the appropriate committees of Congress a report on the progress and accomplishments of the grant programs described in subsections (e), (f), and (g).

"(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $40,000,000 for fiscal year 2002, and such sums as may be necessary for each of fiscal years 2003 through 2006.".

Subtitle B—Telehealth Grant Consolidation

SEC. 211. SHORT TITLE.

This subtitle may be cited as the "Telehealth Grant Consolidation Act of 2002".

SEC. 212. CONSOLIDATION AND REAUTHORIZATION OF PROVISIONS.

Subpart I of part D of title III of the Public Health Service Act (42 U.S.C. 254b et seq) is amended by adding at the end the following:

"SEC. 330I. TELEHEALTH NETWORK AND TELEHEALTH RESOURCE CENTERS GRANT PROGRAMS.

"(a) DEFINITIONS.—In this section:

"(1) DIRECTOR; OFFICE.—The terms 'Director' and 'Office' mean the Director and Office specified in subsection (c).

"(2) FEDERALLY QUALIFIED HEALTH CENTER AND RURAL HEALTH CLINIC.—The term 'Federally qualified health center' and 'rural health clinic' have the meanings given the terms in section 1861(aa) of the Social Security Act (42 U.S.C. 1395x(aa)).

"(3) FRONTIER COMMUNITY.—The term 'frontier community' shall have the meaning given the term in regulations issued under subsection (r).

"(4) MEDICALLY UNDERSERVED AREA.—The term 'medically underserved area' has the meaning given the term 'medically underserved community' in section 799B.

"(5) MEDICALLY UNDERSERVED POPULATION.—The term 'medically underserved population' has the meaning given the term in section 330(b)(3).

"(6) TELEHEALTH SERVICES.—The term 'telehealth services' means services provided through telehealth technologies.

"(7) TELEHEALTH TECHNOLOGIES.—The term 'telehealth technologies' means technologies relating to the use of electronic information, and telecommunications technologies, to support and promote, at a distance, health care, patient and professional health-related education, health administration, and public health.

"(b) PROGRAMS.—The Secretary shall establish, under section 301, telehealth network and telehealth resource centers grant programs.

"(c) ADMINISTRATION.—

"(1) ESTABLISHMENT.—There is established in the Health and Resources and Services Administration an Office for the Advancement of Telehealth. The Office shall be headed by a Director.

"(2) DUTIES.—The telehealth network and telehealth resource centers grant programs established under section 301 shall be administered by the Director, in consultation with the State offices of rural health, State offices concerning primary care, or other appropriate State government entities.

"(d) GRANTS.—

"(1) TELEHEALTH NETWORK GRANTS.—The Director may, in carrying out the telehealth network grant program referred to in subsection (b), award grants to eligible entities for projects to demonstrate how telehealth technologies can be used through telehealth networks in rural areas, frontier communities, and medically underserved areas, and for medically underserved populations, to—

"(A) expand access to, coordinate, and improve the quality of health care services;

"(B) improve and expand the training of health care providers; and

"(C) expand and improve the quality of health information available to health care providers, and patients and their families, for decisionmaking.

"(2) TELEHEALTH RESOURCE CENTERS GRANTS.—The Director may, in carrying out the telehealth resource centers grant program referred to in subsection (b), award grants to eligible entities for projects to demonstrate how telehealth technologies can be used in the areas and communities, and for the populations, described in paragraph (1), to establish telehealth resource centers.

"(e) GRANT PERIODS.—The Director may award grants under this section for periods of not more than 4 years.

"(f) ELIGIBLE ENTITIES.—

"(1) TELEHEALTH NETWORK GRANTS.—

"(A) GRANT RECIPIENT.—To be eligible to receive a grant under subsection (d)(1), an entity shall be a nonprofit entity.

"(B) TELEHEALTH NETWORKS.—

"(i) IN GENERAL.—To be eligible to receive a grant under subsection (d)(1), an entity shall demonstrate that the entity will provide services through a telehealth network.

"(ii) NATURE OF ENTITIES.—Each entity participating in the telehealth network may be a nonprofit or for-profit entity.

"(iii) COMPOSITION OF NETWORK.—The telehealth network shall include at least 2 of the following entities (at least 1 of which shall be a community-based health care provider):

"(I) Community or migrant health centers or other Federally qualified health centers.

"(II) Health care providers, including pharmacists, in private practice.

"(III) Entities operating clinics, including rural health clinics.

"(IV) Local health departments.

"(V) Nonprofit hospitals, including community access hospitals.

"(VI) Other publicly funded health or social service agencies.

"(VII) Long-term care providers.

"(VIII) Providers of health care services in the home.

"(IX) Providers of outpatient mental health services and entities operating outpatient mental health facilities.

"(X) Local or regional emergency health care providers.

"(XI) Institutions of higher education.

"(XII) Entities operating dental clinics.

"(2) TELEHEALTH RESOURCE CENTERS GRANTS.—To be eligible to receive a grant under subsection (d)(2), an entity shall be a nonprofit entity.

"(g) APPLICATIONS.—To be eligible to receive a grant under subsection (d), an eligible entity, in consultation with the appropriate State office of rural health or another appropriate State entity, shall prepare and submit to the Secretary an application, at such time, in such manner, and containing such information as the Secretary may require, including—

"(1) a description of the project that the eligible entity will carry out using the funds provided under the grant;

"(2) a description of the manner in which the project funded under the grant will meet the health care needs of rural or other populations to be served through the project, or improve the access to services of, and the quality of the services received by, those populations;

"(3) evidence of local support for the project, and a description of how the areas, communities, or populations to be served will be involved in the development and ongoing operations of the project;

"(4) a plan for sustaining the project after Federal support for the project has ended;

"(5) information on the source and amount of non-Federal funds that the entity will provide for the project;

"(6) information demonstrating the long-term viability of the project, and other evidence of institutional commitment of the entity to the project;

"(7) in the case of an application for a project involving a telehealth network, information demonstrating how the project will promote the integration of telehealth technologies into the operations of health care providers, to avoid redundancy, and improve access to and the quality of care; and

"(8) other such information as the Secretary determines to be appropriate.

"(h) TERMS; CONDITIONS; MAXIMUM AMOUNT OF ASSISTANCE.—The Secretary shall establish the terms and conditions of each grant program described in subsection (b) and the maximum amount of a grant to be awarded to an individual recipient for each fiscal year under this section. The Secretary shall publish, in a publication of the Health Resources and Services Administration, notice of the application requirements for each grant program described in subsection (b) for each fiscal year.

"(i) PREFERENCES.—

"(1) TELEHEALTH NETWORKS.—In awarding grants under subsection (d)(1) for projects involving telehealth networks, the Secretary shall give preference to an eligible entity that meets at least 1 of the following requirements:

"(A) ORGANIZATION.—The eligible entity is a rural community-based organization or another community-based organization.

"(B) SERVICES.—The eligible entity proposes to use Federal funds made available through such a grant to develop plans for, or to establish, telehealth networks that provide mental health, public health, long-term care, home care, preventive, or case management services.

"(C) COORDINATION.—The eligible entity demonstrates how the project to be carried out under the grant will be coordinated with other relevant federally funded projects in the areas, communities, and populations to be served through the grant.

"(D) NETWORK.—The eligible entity demonstrates that the project involves a telehealth network that includes an entity that—

"(i) provides clinical health care services, or educational services for health care providers and for patients or their families; and

"(ii) is—

"(I) a public library;

"(II) an institution of higher education; or

"(III) a local government entity.

"(E) CONNECTIVITY.—The eligible entity proposes a project that promotes local connectivity within areas, communities, or populations to be served through the project.

“(F) INTEGRATION.—The eligible entity demonstrates that health care information has been integrated into the project.

“(2) TELEHEALTH RESOURCE CENTERS.—In awarding grants under subsection (d)(2) for projects involving telehealth resource centers, the Secretary shall give preference to an eligible entity that meets at least 1 of the following requirements:

“(A) PROVISION OF SERVICES.—The eligible entity has a record of success in the provision of telehealth services to medically underserved areas or medically underserved populations.

“(B) COLLABORATION AND SHARING OF EXPERTISE.—The eligible entity has a demonstrated record of collaborating and sharing expertise with providers of telehealth services at the national, regional, State, and local levels.

“(C) BROAD RANGE OF TELEHEALTH SERVICES.—The eligible entity has a record of providing a broad range of telehealth services, which may include—

“(i) a variety of clinical specialty services;

“(ii) patient or family education;

“(iii) health care professional education; and

“(iv) rural residency support programs.

“(j) DISTRIBUTION OF FUNDS.—

“(1) IN GENERAL.—In awarding grants under this section, the Director shall ensure, to the greatest extent possible, that such grants are equitably distributed among the geographical regions of the United States.

“(2) TELEHEALTH NETWORKS.—In awarding grants under subsection (d)(1) for a fiscal year, the Director shall ensure that—

“(A) not less than 50 percent of the funds awarded shall be awarded for projects in rural areas; and

“(B) the total amount of funds awarded for such projects for that fiscal year shall be not less than the total amount of funds awarded for such projects for fiscal year 2001 under section 330A (as in effect on the day before the date of enactment of the Health Care Safety Net Amendments of 2002).

“(k) USE OF FUNDS.—

“(1) TELEHEALTH NETWORK PROGRAM.—The recipient of a grant under subsection (d)(1) may use funds received through such grant for salaries, equipment, and operating or other costs, including the cost of—

“(A) developing and delivering clinical telehealth services that enhance access to community-based health care services in rural areas, frontier communities, or medically underserved areas, or for medically underserved populations;

“(B) developing and acquiring, through lease or purchase, computer hardware and software, audio and video equipment, computer network equipment, interactive equipment, data terminal equipment, and other equipment that furthers the objectives of the telehealth network grant program;

“(C)(i) developing and providing distance education, in a manner that enhances access to care in rural areas, frontier communities, or medically underserved areas, or for medically underserved populations; or

“(ii) mentoring, precepting, or supervising health care providers and students seeking to become health care providers, in a manner that enhances access to care in the areas and communities, or for the populations, described in clause (i);

“(D) developing and acquiring instructional programming;

“(E)(i) providing for transmission of medical data, and maintenance of equipment; and

“(ii) providing for compensation (including travel expenses) of specialists, and referring health care providers, who are providing telehealth services through the telehealth network, if no third party payment is available for the telehealth services delivered through the telehealth network;

“(F) developing projects to use telehealth technology to facilitate collaboration between health care providers;

“(G) collecting and analyzing usage statistics and data to document the cost-effectiveness of the telehealth services; and

“(H) carrying out such other activities as are consistent with achieving the objectives of this section, as determined by the Secretary.

“(2) TELEHEALTH RESOURCE CENTERS.—The recipient of a grant under subsection (d)(2) may use funds received through such grant for salaries, equipment, and operating or other costs for—

“(A) providing technical assistance, training, and support, and providing for travel expenses, for health care providers and a range of health care entities that provide or will provide telehealth services;

“(B) disseminating information and research findings related to telehealth services;

“(C) promoting effective collaboration among telehealth resource centers and the Office;

“(D) conducting evaluations to determine the best utilization of telehealth technologies to meet health care needs;

“(E) promoting the integration of the technologies used in clinical information systems with other telehealth technologies;

“(F) fostering the use of telehealth technologies to provide health care information and education for health care providers and consumers in a more effective manner; and

“(G) implementing special projects or studies under the direction of the Office.

“(l) PROHIBITED USES OF FUNDS.—An entity that receives a grant under this section may not use funds made available through the grant—

“(1) to acquire real property;

“(2) for expenditures to purchase or lease equipment, to the extent that the expenditures would exceed 40 percent of the total grant funds;

“(3) in the case of a project involving a telehealth network, to purchase or install transmission equipment (such as laying cable or telephone lines, or purchasing or installing microwave towers, satellite dishes, amplifiers, or digital switching equipment);

“(4) to pay for any equipment or transmission costs not directly related to the purposes for which the grant is awarded;

“(5) to purchase or install general purpose voice telephone systems;

“(6) for construction; or

“(7) for expenditures for indirect costs (as determined by the Secretary), to the extent that the expenditures would exceed 15 percent of the total grant funds.

“(m) COLLABORATION.—In providing services under this section, an eligible entity shall collaborate, if feasible, with entities that—

“(1)(A) are private or public organizations, that receive Federal or State assistance; or

“(B) are public or private entities that operate centers, or carry out programs, that receive Federal or State assistance; and

“(2) provide telehealth services or related activities.

“(n) COORDINATION WITH OTHER AGENCIES.—The Secretary shall coordinate activities carried out under grant programs described in subsection (b), to the extent practicable, with Federal and State agencies and nonprofit organizations that are operating similar programs, to maximize the effect of public dollars in funding meritorious proposals.

“(o) OUTREACH ACTIVITIES.—The Secretary shall establish and implement procedures to carry out outreach activities to advise potential end users of telehealth services in rural areas, frontier communities, medically underserved areas, and medically underserved populations in each State about the grant programs described in subsection (b).

“(p) TELEHEALTH.—It is the sense of Congress that, for purposes of this section, States should develop reciprocity agreements so that a provider of services under this section who is a licensed or otherwise authorized health care provider under the law of 1 or more States, and who, through telehealth technology, consults with a licensed or otherwise authorized health care provider in another State, is exempt, with respect to such consultation, from any State law of the other State that prohibits such consultation on the basis that the first health care provider is not a licensed or authorized health care provider under the law of that State.

“(q) REPORT.—Not later than September 30, 2005, the Secretary shall prepare and submit to the appropriate committees of Congress a report on the progress and accomplishments of the grant programs described in subsection (b).

“(r) REGULATIONS.—The Secretary shall issue regulations specifying, for purposes of this section, a definition of the term ‘frontier area’. The definition shall be based on factors that include population density, travel distance in miles to the nearest medical facility, travel time in minutes to the nearest medical facility, and such other factors as the Secretary determines to be appropriate. The Secretary shall develop the definition in consultation with the Director of the Bureau of the Census and the Administrator of the Economic Research Service of the Department of Agriculture.

“(s) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

“(1) for grants under subsection (d)(1), $40,000,000 for fiscal year 2002, and such sums as may be necessary for each of fiscal years 2003 through 2006; and

“(2) for grants under subsection (d)(2), $20,000,000 for fiscal year 2002, and such sums as may be necessary for each of fiscal years 2003 through 2006.”.

Subtitle C—Mental Health Services Telehealth Program and Rural Emergency Medical Service Training and Equipment Assistance Program

SEC. 221. PROGRAMS.

Subpart 1 of part D of title III of the Public Health Service Act (42 U.S.C. 254b et seq.) (as amended by section 212) is further amended by adding at the end the following:

“SEC. 330J. RURAL EMERGENCY MEDICAL SERVICE TRAINING AND EQUIPMENT ASSISTANCE PROGRAM.

“(a) GRANTS.—The Secretary, acting through the Administrator of the Health Resources and Services Administration (referred to in this section as the ‘Secretary’) shall award grants to eligible entities to enable such entities to provide for improved emergency medical services in rural areas.

“(b) ELIGIBILITY.—To be eligible to receive a grant under this section, an entity shall—

“(1) be—

“(A) a State emergency medical services office;

“(B) a State emergency medical services association;

“(C) a State office of rural health;

“(D) a local government entity;

“(E) a State or local ambulance provider; or

“(F) any other entity determined appropriate by the Secretary; and

“(2) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, that includes—

“(A) a description of the activities to be carried out under the grant; and

“(B) an assurance that the eligible entity will comply with the matching requirement of subsection (e).

“(c) USE OF FUNDS.—An entity shall use amounts received under a grant made under

subsection (a), either directly or through grants to emergency medical service squads that are located in, or that serve residents of, a nonmetropolitan statistical area, an area designated as a rural area by any law or regulation of a State, or a rural census tract of a metropolitan statistical area (as determined under the most recent Goldsmith Modification, originally published in a notice of availability of funds in the Federal Register on February 27, 1992, 57 Fed. Reg. 6725), to—

"(1) recruit emergency medical service personnel;

"(2) recruit volunteer emergency medical service personnel;

"(3) train emergency medical service personnel in emergency response, injury prevention, safety awareness, and other topics relevant to the delivery of emergency medical services;

"(4) fund specific training to meet Federal or State certification requirements;

"(5) develop new ways to educate emergency health care providers through the use of technology-enhanced educational methods (such as distance learning);

"(6) acquire emergency medical services equipment, including cardiac defibrillators;

"(7) acquire personal protective equipment for emergency medical services personnel as required by the Occupational Safety and Health Administration; and

"(8) educate the public concerning cardiopulmonary resuscitation, first aid, injury prevention, safety awareness, illness prevention, and other related emergency preparedness topics.

"(d) PREFERENCE.—In awarding grants under this section the Secretary shall give preference to—

"(1) applications that reflect a collaborative effort by 2 or more of the entities described in subparagraphs (A) through (F) of subsection (b)(1); and

"(2) applications submitted by entities that intend to use amounts provided under the grant to fund activities described in any of paragraphs (1) through (5) of subsection (c).

"(e) MATCHING REQUIREMENT.—The Secretary may not award a grant under this section to an entity unless the entity agrees that the entity will make available (directly or through contributions from other public or private entities) non-Federal contributions toward the activities to be carried out under the grant in an amount equal to 25 percent of the amount received under the grant.

"(f) EMERGENCY MEDICAL SERVICES.—In this section, the term 'emergency medical services'—

"(1) means resources used by a qualified public or private nonprofit entity, or by any other entity recognized as qualified by the State involved, to deliver medical care outside of a medical facility under emergency conditions that occur—

"(A) as a result of the condition of the patient; or

"(B) as a result of a natural disaster or similar situation; and

"(2) includes services delivered by an emergency medical services provider (either compensated or volunteer) or other provider recognized by the State involved that is licensed or certified by the State as an emergency medical technician or its equivalent (as determined by the State), a registered nurse, a physician assistant, or a physician that provides services similar to services provided by such an emergency medical services provider.

"(g) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2002 through 2006.

"(2) ADMINISTRATIVE COSTS.—The Secretary may use not more than 10 percent of the amount appropriated under paragraph (1) for a fiscal year for the administrative expenses of carrying out this section.

"SEC. 330K. MENTAL HEALTH SERVICES DELIVERED VIA TELEHEALTH.

"(a) DEFINITIONS.—In this section:

"(1) ELIGIBLE ENTITY.—The term 'eligible entity' means a public or nonprofit private telehealth provider network that offers services that include mental health services provided by qualified mental health providers.

"(2) QUALIFIED MENTAL HEALTH PROFESSIONALS.—The term 'qualified mental health professionals' refers to providers of mental health services reimbursed under the medicare program carried out under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) who have additional training in the treatment of mental illness in children and adolescents or who have additional training in the treatment of mental illness in the elderly.

"(3) SPECIAL POPULATIONS.—The term 'special populations' refers to the following 2 distinct groups:

"(A) Children and adolescents in mental health underserved rural areas or in mental health underserved urban areas.

"(B) Elderly individuals located in long-term care facilities in mental health underserved rural or urban areas.

"(4) TELEHEALTH.—The term 'telehealth' means the use of electronic information and telecommunications technologies to support long distance clinical health care, patient and professional health-related education, public health, and health administration.

"(b) PROGRAM AUTHORIZED.—

"(1) IN GENERAL.—The Secretary, acting through the Director of the Office for the Advancement of Telehealth of the Health Resources and Services Administration, shall award grants to eligible entities to establish demonstration projects for the provision of mental health services to special populations as delivered remotely by qualified mental health professionals using telehealth and for the provision of education regarding mental illness as delivered remotely by qualified mental health professionals using telehealth.

"(2) POPULATIONS SERVED.—The Secretary shall award the grants under paragraph (1) in a manner that distributes the grants so as to serve equitably the populations described in subparagraphs (A) and (B) of subsection (a)(4).

"(c) USE OF FUNDS.—

"(1) IN GENERAL.—An eligible entity that receives a grant under this section shall use the grant funds—

"(A) for the populations described in subsection (a)(4)(A)—

"(i) to provide mental health services, including diagnosis and treatment of mental illness, as delivered remotely by qualified mental health professionals using telehealth; and

"(ii) to collaborate with local public health entities to provide the mental health services; and

"(B) for the populations described in subsection (a)(4)(B)—

"(i) to provide mental health services, including diagnosis and treatment of mental illness, in long-term care facilities as delivered remotely by qualified mental health professionals using telehealth; and

"(ii) to collaborate with local public health entities to provide the mental health services.

"(2) OTHER USES.—An eligible entity that receives a grant under this section may also use the grant funds to—

"(A) pay telecommunications costs; and

"(B) pay qualified mental health professionals on a reasonable cost basis as determined by the Secretary for services rendered.

"(3) PROHIBITED USES.—An eligible entity that receives a grant under this section shall not use the grant funds to—

"(A) purchase or install transmission equipment (other than such equipment used by qualified mental health professionals to deliver mental health services using telehealth under the project involved); or

"(B) build upon or acquire real property.

"(d) EQUITABLE DISTRIBUTION.—In awarding grants under this section, the Secretary shall ensure, to the greatest extent possible, that such grants are equitably distributed among geographical regions of the United States.

"(e) APPLICATION.—An entity that desires a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary determines to be reasonable.

"(f) REPORT.—Not later than 4 years after the date of enactment of the Health Care Safety Net Amendments of 2002, the Secretary shall prepare and submit to the appropriate committees of Congress a report that shall evaluate activities funded with grants under this section.

"(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $20,000,000 for fiscal year 2002 and such sums as may be necessary for fiscal years 2003 through 2006.".

TITLE III—NATIONAL HEALTH SERVICE CORPS PROGRAM

SEC. 301. NATIONAL HEALTH SERVICE CORPS.

(a) IN GENERAL.—Section 331 of the Public Health Service Act (42 U.S.C. 254d) is amended—

(1) by adding at the end of subsection (a)(3) the following:

"(E)(i) The term 'behavioral and mental health professionals' means health service psychologists, licensed clinical social workers, licensed professional counselors, marriage and family therapists, psychiatric nurse specialists, and psychiatrists.

"(ii) The term 'graduate program of behavioral and mental health' means a program that trains behavioral and mental health professionals.";

(2) in subsection (b)—

(A) in paragraph (1), by striking "health professions" and inserting "health professions, including schools at which graduate programs of behavioral and mental health are offered,"; and

(B) in paragraph (2), by inserting "behavioral and mental health professionals," after "dentists,"; and

(3) by striking subsection (c) and inserting the following:

"(c)(1) The Secretary may reimburse an applicant for a position in the Corps (including an individual considering entering into a written agreement pursuant to section 338D) for the actual and reasonable expenses incurred in traveling to and from the applicant's place of residence to an eligible site to which the applicant may be assigned under section 333 for the purpose of evaluating such site with regard to being assigned at such site. The Secretary may establish a maximum total amount that may be paid to an individual as reimbursement for such expenses.

"(2) The Secretary may also reimburse the applicant for the actual and reasonable expenses incurred for the travel of 1 family member to accompany the applicant to such site. The Secretary may establish a maximum total amount that may be paid to an individual as reimbursement for such expenses.

"(3) In the case of an individual who has entered into a contract for obligated service under the Scholarship Program or under the Loan Repayment Program, the Secretary may reimburse such individual for all or part of the actual and reasonable expenses incurred in transporting the individual, the individual's family, and the family's possessions to the site of the individual's assignment under section 333. The Secretary may establish a maximum total amount that may be paid to an individual as reimbursement for such expenses.".

(b) DEMONSTRATION PROJECTS.—Section 331 of the Public Health Service Act (42 U.S.C. 254d) is amended—

(1) by redesignating subsection (i) as subsection (j); and

(2) by inserting after subsection (h) the following:

"(i)(1) In carrying out subpart III, the Secretary may, in accordance with this subsection, carry out demonstration projects in which individuals who have entered into a contract for obligated service under the Loan Repayment Program receive waivers under which the individuals are authorized to satisfy the requirement of obligated service through providing clinical service that is not full-time.

"(2) A waiver described in paragraph (1) may be provided by the Secretary only if—

"(A) the entity for which the service is to be performed—

"(i) has been approved under section 333A for assignment of a Corps member; and

"(ii) has requested in writing assignment of a health professional who would serve less than full time;

"(B) the Secretary has determined that assignment of a health professional who would serve less than full time would be appropriate for the area where the entity is located;

"(C) a Corps member who is required to perform obligated service has agreed in writing to be assigned for less than full-time service to an entity described in subparagraph (A);

"(D) the entity and the Corps member agree in writing that the less than full-time service provided by the Corps member will not be less than 16 hours of clinical service per week;

"(E) the Corps member agrees in writing that the period of obligated service pursuant to section 338B will be extended so that the aggregate amount of less than full-time service performed will equal the amount of service that would be performed through full-time service under section 338C; and

"(F) the Corps member agrees in writing that if the Corps member begins providing less than full-time service but fails to begin or complete the period of obligated service, the method stated in 338E(c) for determining the damages for breach of the individual's written contract will be used after converting periods of obligated service or of service performed into their full-time equivalents.

"(3) In evaluating a demonstration project described in paragraph (1), the Secretary shall examine the effect of multidisciplinary teams.".

SEC. 302. DESIGNATION OF HEALTH PROFESSIONAL SHORTAGE AREAS.

(a) In General.—Section 332 of the Public Health Service Act (42 U.S.C. 254e) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting after the first sentence the following: "All Federally qualified health centers and rural health clinics, as defined in section 1861(aa) of the Social Security Act (42 U.S.C. 1395x(aa)), that meet the requirements of section 334 shall be automatically designated as having such a shortage. Not earlier than 6 years after such date of enactment, and every 6 years thereafter, each such center or clinic shall demonstrate that the center or clinic meets the applicable requirements of the Federal regulations, issued after the date of enactment of this Act, that revise the definition of a health professional shortage area for purposes of this section."; and

(B) in paragraph (3), by striking "340(r)) may be a population group" and inserting "330(h)(4)), seasonal agricultural workers (as defined in section 330(g)(3)) and migratory agricultural workers (as so defined)), and residents of public housing (as defined in section 3(b)(1) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(1))) may be population groups";

(2) in subsection (b)(2), by striking "with special consideration to the indicators of" and all that follows through "services." and inserting a period; and

(3) in subsection (c)(2)(B), by striking "XVIII or XIX" and inserting "XVIII, XIX, or XXI".

(b) Regulations.—

(1) Report.—

(A) In general.—The Secretary shall submit the report described in subparagraph (B) if the Secretary, acting through the Administrator of the Health Resources and Services Administration, issues—

(i) a regulation that revises the definition of a health professional shortage area for purposes of section 332 of the Public Health Service Act (42 U.S.C. 254e); or

(ii) a regulation that revises the standards concerning priority of such an area under section 333A of that Act (42 U.S.C. 254f–1).

(B) Report.—On issuing a regulation described in subparagraph (A), the Secretary shall prepare and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report that describes the regulation.

(2) Effective date.—Each regulation described in paragraph (1)(A) shall take effect 180 days after the committees described in paragraph (1)(B) receive a report referred to in paragraph (1)(B) describing the regulation.

(c) Scholarship and Loan Repayment Programs.—The Secretary of Health and Human Services, in consultation with organizations representing individuals in the dental field and organizations representing publicly funded health care providers, shall develop and implement a plan for increasing the participation of dentists and dental hygienists in the National Health Service Corps Scholarship Program under section 338A of the Public Health Service Act (42 U.S.C. 254l) and the Loan Repayment Program under section 338B of such Act (42 U.S.C. 254l–1).

(d) Site Designation Process.—

(1) Improvement of designation process.—The Administrator of the Health Resources and Services Administration, in consultation with the Association of State and Territorial Dental Directors, dental societies, and other interested parties, shall revise the criteria on which the designations of dental health professional shortage areas are based so that such criteria provide a more accurate reflection of oral health care need, particularly in rural areas.

(2) Public health service act.—Section 332 of the Public Health Service Act (42 U.S.C. 254e) is amended by adding at the end the following:

"(i) Dissemination.—The Administrator of the Health Resources and Services Administration shall disseminate information concerning the designation criteria described in subsection (b) to—

"(1) the Governor of each State;

"(2) the representative of any area, population group, or facility selected by any such Governor to receive such information;

"(3) the representative of any area, population group, or facility that requests such information; and

"(4) the representative of any area, population group, or facility determined by the Administrator to be likely to meet the criteria described in subsection (b).".

(e) GAO Study.—Not later than February 1, 2005, the Comptroller General of the United States shall submit to the Congress a report on the appropriateness of the criteria, including but not limited to infant mortality rates, access to health services taking into account the distance to primary health services, the rate of poverty and ability to pay for health services, and low birth rates, established by the Secretary of Health and Human Services for the designation of health professional shortage areas and whether the deeming of Federally qualified health centers and rural health clinics as such areas is appropriate and necessary.

SEC. 303. ASSIGNMENT OF CORPS PERSONNEL.

Section 333 of the Public Health Service Act (42 U.S.C. 254f) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in the matter before subparagraph (A), by striking "(specified in the agreement described in section 334)";

(ii) in subparagraph (A), by striking "nonprofit"; and

(iii) by striking subparagraph (C) and inserting the following:

"(C) the entity agrees to comply with the requirements of section 334; and"; and

(B) in paragraph (3), by adding at the end "In approving such applications, the Secretary shall give preference to applications in which a nonprofit entity or public entity shall provide a site to which Corps members may be assigned."; and

(2) in subsection (d)—

(A) in paragraphs (1), (2), and (4), by striking "nonprofit" each place it appears; and

(B) in paragraph (1),

(i) in the second sentence—

(I) in subparagraph (C), by striking "and" at the end; and

(II) by striking the period and inserting ", and (E) developing long-term plans for addressing health professional shortages and improving access to health care."; and

(ii) by adding at the end the following: "The Secretary shall encourage entities that receive technical assistance under this paragraph to communicate with other communities, State Offices of Rural Health, State Primary Care Associations and Offices, and other entities concerned with site development and community needs assessment.".

SEC. 304. PRIORITIES IN ASSIGNMENT OF CORPS PERSONNEL.

Section 333A of the Public Health Service Act (42 U.S.C. 254f–1) is amended—

(1) in subsection (a)(1)(A), by striking ", as determined in accordance with subsection (b)";

(2) by striking subsection (b);

(3) in subsection (c), by striking the second sentence;

(4) in subsection (d)—

(A) by redesignating paragraphs (1) through (3) as paragraphs (2) through (4), respectively;

(B) by inserting before paragraph (2) (as redesignated by subparagraph (A)) the following:

"(1) Proposed list.—The Secretary shall prepare and publish a proposed list of health professional shortage areas and entities that would receive priority under subsection (a)(1) in the assignment of Corps members. The list shall contain the information described in paragraph (2), and the relative scores and relative priorities of the entities submitting applications under section 333, in a proposed format. All such entities shall have 30 days after the date of publication of the list to provide additional data and information in support of inclusion on the list or in support of a higher priority determination and the Secretary shall reasonably consider such data and information in preparing the final list under paragraph (2).";

(C) in paragraph (2) (as redesignated by subparagraph (A)), in the matter before subparagraph (A)—

(i) by striking "paragraph (2)" and inserting "paragraph (3)";

(ii) by striking "prepare a list of health professional shortage areas" and inserting "prepare and, as appropriate, update a list of health professional shortage areas and entities"; and

(iii) by striking "for the period applicable under subsection (f)";

(D) by striking paragraph (3) (as redesignated by subparagraph (A)) and inserting the following:

"(3) NOTIFICATION OF AFFECTED PARTIES.—

"(A) ENTITIES.—Not later than 30 days after the Secretary has added to a list under paragraph (2) an entity specified as described in subparagraph (A) of such paragraph, the Secretary shall notify such entity that the entity has been provided an authorization to receive assignments of Corps members in the event that Corps members are available for the assignments.

"(B) INDIVIDUALS.—In the case of an individual obligated to provide service under the Scholarship Program, not later than 3 months before the date described in section 338C(b)(5), the Secretary shall provide to such individual the names of each of the entities specified as described in paragraph (2)(B)(i) that is appropriate for the individual's medical specialty and discipline."; and

(E) by striking paragraph (4) (as redesignated by subparagraph (A)) and inserting the following:

"(4) REVISIONS.—If the Secretary proposes to make a revision in the list under paragraph (2), and the revision would adversely alter the status of an entity with respect to the list, the Secretary shall notify the entity of the revision. Any entity adversely affected by such a revision shall be notified in writing by the Secretary of the reasons for the revision and shall have 30 days to file a written appeal of the determination involved which shall be reasonably considered by the Secretary before the revision to the list becomes final. The revision to the list shall be effective with respect to assignment of Corps members beginning on the date that the revision becomes final.";

(5) by striking subsection (e) and inserting the following:

"(e) LIMITATION ON NUMBER OF ENTITIES OFFERED AS ASSIGNMENT CHOICES IN SCHOLARSHIP PROGRAM.—

"(1) DETERMINATION OF AVAILABLE CORPS MEMBERS.—By April 1 of each calendar year, the Secretary shall determine the number of participants in the Scholarship Program who will be available for assignments under section 333 during the program year beginning on July 1 of that calendar year.

"(2) DETERMINATION OF NUMBER OF ENTITIES.—At all times during a program year, the number of entities specified under subsection (c)(2)(B)(i) shall be—

"(A) not less than the number of participants determined with respect to that program year under paragraph (1); and

"(B) not greater than twice the number of participants determined with respect. to that program year under paragraph (1).";

(6) by striking subsection (f); and

(7) by redesignating subsections (c), (d), and (e) as subsections (b), (c), and (d) respectively.

SEC. 305. COST-SHARING.

Subpart II of part D of title III of the Public Health Service Act (42 U.S.C. 254d et seq.) is amended by striking section 334 and inserting the following:

"SEC. 334. CHARGES FOR SERVICES BY ENTITIES USING CORPS MEMBERS.

"(a) AVAILABILITY OF SERVICES REGARDLESS OF ABILITY TO PAY OR PAYMENT SOURCE.—An entity to which a Corps member is assigned shall not deny requested health care services, and shall not discriminate in the provision of services to an individual—

"(1) because the individual is unable to pay for the services; or

"(2) because payment for the services would be made under—

"(A) the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.);

"(B) the medicaid program under title XIX of such Act (42 U.S.C. 1396 et seq.); or

"(C) the State children's health insurance program under title XXI of such Act (42 U.S.C. 1397aa et seq.).

"(b) CHARGES FOR SERVICES.—The following rules shall apply to charges for health care services provided by an entity to which a Corps member is assigned:

"(1) IN GENERAL.—

"(A) SCHEDULE OF FEES OR PAYMENTS.—Except as provided in paragraph (2), the entity shall prepare a schedule of fees or payments for the entity's services, consistent with locally prevailing rates or charges and designed to cover the entity's reasonable cost of operation.

"(B) SCHEDULE OF DISCOUNTS.—Except as provided in paragraph (2), the entity shall prepare a corresponding schedule of discounts (including, in appropriate cases, waivers) to be applied to such fees or payments. In preparing the schedule, the entity shall adjust the discounts on the basis of a patient's ability to pay.

"(C) USE OF SCHEDULES.—The entity shall make every reasonable effort to secure from patients fees and payments for services in accordance with such schedules, and fees or payments shall be sufficiently discounted in accordance with the schedule described in subparagraph (B).

"(2) SERVICES TO BENEFICIARIES OF FEDERAL AND FEDERALLY ASSISTED PROGRAMS.—In the case of health care services furnished to an individual who is a beneficiary of a program listed in subsection (a)(2), the entity—

"(A) shall accept an assignment pursuant to section 1842(b)(3)(B)(ii) of the Social Security Act (42 U.S.C. 1395u(b)(3)(B)(ii)) with respect to an individual who is a beneficiary under the medicare program; and

"(B) shall enter into an appropriate agreement with—

"(i) the State agency administering the program under title XIX of such Act with respect to an individual who is a beneficiary under the medicaid program; and

"(ii) the State agency administering the program under title XXI of such Act with respect to an individual who is a beneficiary under the State children's health insurance program.

"(3) COLLECTION OF PAYMENTS.—The entity shall take reasonable and appropriate steps to collect all payments due for health care services provided by the entity, including payments from any third party (including a Federal, State, or local government agency and any other third party) that is responsible for part or all of the charge for such services.".

SEC. 306. ELIGIBILITY FOR FEDERAL FUNDS.

Section 335(e)(1)(B) of the Public Health Service Act (42 U.S.C. 254h(e)(1)(B)) is amended by striking "XVIII or XIX" and inserting "XVIII, XIX, or XXI".

SEC. 307. FACILITATION OF EFFECTIVE PROVISION OF CORPS SERVICES.

(a) HEALTH PROFESSIONAL SHORTAGE AREAS.—Section 336 of the Public Health Service Act (42 U.S.C. 254h–1) is amended—

(1) in subsection (c), by striking "health manpower" and inserting "health professional"; and

(2) in subsection (f)(1), by striking "health manpower" and inserting "health professional".

(b) TECHNICAL AMENDMENT.—Section 336A(8) of the Public Health Service Act (42 U.S.C. 254i(8)) is amended by striking "agreements under".

SEC. 308. AUTHORIZATION OF APPROPRIATIONS.

Section 338(a) of the Public Health Service Act (42 U.S.C. 254k(a)) is amended—

(1) by striking "(1) For" and inserting "For";

(2) by striking "1991 through 2000" and inserting "2002 through 2006"; and

(3) by striking paragraph (2).

SEC. 309. NATIONAL HEALTH SERVICE CORPS SCHOLARSHIP PROGRAM.

Section 338A of the Public Health Service Act (42 U.S.C. 254l) is amended—

(1) in subsection (a)(1), by inserting "behavioral and mental health professionals," after "dentists,";

(2) in subsection (b)(1)(B), by inserting ", or an appropriate degree from a graduate program of behavioral and mental health" after "other health profession";

(3) in subsection (c)(1)—

(A) in subparagraph (A), by striking "338D" and inserting "338E"; and

(B) in subparagraph (B), by striking "338C" and inserting "338D";

(4) in subsection (d)(1)—

(A) in subparagraph (A), by striking "and" at the end;

(B) by redesignating subparagraph (B) as subparagraph (C); and

(C) by inserting after subparagraph (A) the following:

"(B) the Secretary, in considering applications from individuals accepted for enrollment or enrolled in dental school, shall consider applications from all individuals accepted for enrollment or enrolled in any accredited dental school in a State; and";

(5) in subsection (f)—

(A) in paragraph (1)(B)—

(i) in clause (iii), by striking "and" after the semicolon;

(ii) by redesignating clause (iv) as clause (v); and

(iii) by inserting after clause (iii) the following new clause:

"(iv) if pursuing a degree from a school of medicine or osteopathic medicine, to complete a residency in a specialty that the Secretary determines is consistent with the needs of the Corps; and"; and

(B) in paragraph (3), by striking "338D" and inserting "338E"; and

(6) by striking subsection (i).

SEC. 310. NATIONAL HEALTH SERVICE CORPS LOAN REPAYMENT PROGRAM.

Section 338B of the Public Health Service Act (42 U.S.C. 254l–1) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting "behavioral and mental health professionals," after "dentists,"; and

(B) in paragraph (2), by striking "(including mental health professionals)";

(2) in subsection (b)(1), by striking subparagraph (A) and inserting the following:

"(A) have a degree in medicine, osteopathic medicine, dentistry, or another health profession, or an appropriate degree from a graduate program of behavioral and mental health, or be certified as a nurse midwife, nurse practitioner, or physician assistant;";

(3) in subsection (e), by striking "(1) IN GENERAL.—"; and

(4) by striking subsection (i).

SEC. 311. OBLIGATED SERVICE.

Section 338C of the Public Health Service Act (42 U.S.C. 254m) is amended—

(1) in subsection (b)—

(A) in paragraph (1), in the matter preceding subparagraph (A), by striking "section 338A(f)(1)(B)(iv)" and inserting "section 338A(f)(1)(B)(v)"; and

(B) in paragraph (5)—

(i) by striking all that precedes subparagraph (C) and inserting the following:

"(5)(A) In the case of the Scholarship Program, the date referred to in paragraphs (1) through (4) shall be the date on which the individual completes the training required for the degree for which the individual receives the scholarship, except that—

"(i) for an individual receiving such a degree after September 30, 2000, from a school of medicine or osteopathic medicine, such date shall be the date the individual completes a residency in a specialty that the Secretary determines is consistent with the needs of the Corps; and

"(ii) at the request of an individual, the Secretary may, consistent with the needs of the Corps, defer such date until the end of a period of time required for the individual to complete advanced training (including an internship or residency).";

(ii) by striking subparagraph (D);

(iii) by redesignating subparagraphs (C) and (E) as subparagraphs (B) and (C), respectively; and

(iv) in clause (i) of subparagraph (C) (as redesignated by clause (iii)) by striking "subparagraph (A), (B), or (D)" and inserting "subparagraph (A)"; and

(2) by striking subsection (e).

SEC. 312. PRIVATE PRACTICE.

Section 338D of the Public Health Service Act (42 U.S.C. 254n) is amended by striking subsection (b) and inserting the following:

"(b)(1) The written agreement described in subsection (a) shall—

"(A) provide that, during the period of private practice by an individual pursuant to the agreement, the individual shall comply with the requirements of section 334 that apply to entities; and

"(B) contain such additional provisions as the Secretary may require to carry out the objectives of this section.

"(2) The Secretary shall take such action as may be appropriate to ensure that the conditions of the written agreement prescribed by this subsection are adhered to.".

SEC. 313. BREACH OF SCHOLARSHIP CONTRACT OR LOAN REPAYMENT CONTRACT.

(a) In General.—Section 338E of the Public Health Service Act (42 U.S.C. 254o) is amended—

(1) in subsection (a)(1)—

(A) in subparagraph (A), by striking the comma and inserting a semicolon;

(B) in subparagraph (B), by striking the comma and inserting "; or";

(C) in subparagraph (C), by striking "or" at the end; and

(D) by striking subparagraph (D);

(2) in subsection (b)—

(A) in paragraph (1)(A)—

(i) by striking "338F(d)" and inserting "338G(d)";

(ii) by striking "either";

(iii) by striking "338D or" and inserting "338D,"; and

(iv) by inserting "or to complete a required residency as specified in section 338A(f)(1)(B)(iv)," before "the United States"; and

(B) by adding at the end the following new paragraph:

"(3) The Secretary may terminate a contract with an individual under section 338A if, not later than 30 days before the end of the school year to which the contract pertains, the individual—

"(A) submits a written request for such termination; and

"(B) repays all amounts paid to, or on behalf of, the individual under section 338A(g).";

(3) in subsection (c)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking "338F(d)" and inserting "338G(d)"; and

(ii) by striking subparagraphs (A) through (C) and inserting the following:

"(A) the total of the amounts paid by the United States under section 338B(g) on behalf of the individual for any period of obligated service not served;

"(B) an amount equal to the product of the number of months of obligated service that were not completed by the individual, multiplied by $7,500; and

"(C) the interest on the amounts described in subparagraphs (A) and (B), at the maximum legal prevailing rate, as determined by the Treasurer of the United States, from the date of the breach;

"except that the amount the United States is entitled to recover under this paragraph shall not be less than $31,000.";

(B) by striking paragraphs (2) and (3) and inserting the following:

"(2) The Secretary may terminate a contract with an individual under section 338B if, not later than 45 days before the end of the fiscal year in which the contract was entered into, the individual—

"(A) submits a written request for such termination; and

"(B) repays all amounts paid on behalf of the individual under section 338B(g)."; and

(C) by redesignating paragraph (4) as paragraph (3);

(4) in subsection (d)(3)(A), by striking "only if such discharge is granted after the expiration of the five-year period" and inserting "only if such discharge is granted after the expiration of the 7-year period"; and

(5) by adding at the end the following new subsection:

"(e) Notwithstanding any other provision of Federal or State law, there shall be no limitation on the period within which suit may be filed, a judgment may be enforced, or an action relating to an offset or garnishment, or other action, may be initiated or taken by the Secretary, the Attorney General, or the head of another Federal agency, as the case may be, for the repayment of the amount due from an individual under this section.".

(b) Effective Date.—The amendment made by subsection (a)(4) shall apply to any obligation for which a discharge in bankruptcy has not been granted before the date that is 31 days after the date of enactment of this Act.

SEC. 314. AUTHORIZATION OF APPROPRIATIONS.

Section 338H of the Public Health Service Act (42 U.S.C. 254q) is amended to read as follows:

"SEC. 338H. AUTHORIZATION OF APPROPRIATIONS.

"(a) Authorization of Appropriations.—For the purposes of carrying out this subpart, there are authorized to be appropriated $146,250,000 for fiscal year 2002, and such sums as may be necessary for each of fiscal years 2003 through 2006.

"(b) Scholarships for New Participants.—Of the amounts appropriated under subsection (a) for a fiscal year, the Secretary shall obligate not less than 10 percent for the purpose of providing contracts for—

"(1) scholarships under this subpart to individuals who have not previously received such scholarships; or

"(2) scholarships or loan repayments under the Loan Repayment Program under section 338B to individuals from disadvantaged backgrounds.

"(c) Scholarships and Loan Repayments.—With respect to certification as a nurse practitioner, nurse midwife, or physician assistant, the Secretary shall, from amounts appropriated under subsection (a) for a fiscal year, obligate not less than a total of 10 percent for contracts for both scholarships under the Scholarship Program under section 338A and loan repayments under the Loan Repayment Program under section 338B to individuals who are entering the first year of a course of study or program described in section 338A(b)(1)(B) that leads to such a certification or individuals who are eligible for the loan repayment program as specified in section 338B(b) for a loan related to such certification.".

SEC. 315. GRANTS TO STATES FOR LOAN REPAYMENT PROGRAMS.

Section 338I of the Public Health Service Act (42 U.S.C. 254q–1) is amended—

(1) in subsection (a), by striking paragraph (1) and inserting the following:

"(1) Authority for Grants.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, may make grants to States for the purpose of assisting the States in operating programs described in paragraph (2) in order to provide for the increased availability of primary health care services in health professional shortage areas. The National Advisory Council established under section 337 shall advise the Administrator regarding the program under this section.";

(2) in subsection (e), by striking paragraph (1) and inserting the following:

"(1) to submit to the Secretary such reports regarding the States loan repayment program, as are determined to be appropriate by the Secretary; and"; and

(3) in subsection (i), by striking paragraph (1) and inserting the following:

"(1) In General.—For the purpose of making grants under subsection (a), there are authorized to be appropriated $12,000,000 for fiscal year 2002 and such sums as may be necessary for each of fiscal years 2003 through 2006.".

SEC. 316. DEMONSTRATION GRANTS TO STATES FOR COMMUNITY SCHOLARSHIP PROGRAMS.

Section 338L of the Public Health Service Act (42 U.S.C. 254t) is repealed.

SEC. 317. DEMONSTRATION PROJECT.

Subpart III of part D of title III of the Public Health Service Act (42 U.S.C. 254l et seq.) is amended by adding at the end the following:

"SEC. 338L. DEMONSTRATION PROJECT.

"(a) Program Authorized.—The Secretary shall establish a demonstration project to provide for the participation of individuals who are chiropractic doctors or pharmacists in the Loan Repayment Program described in section 338B.

"(b) Procedure.—An individual that receives assistance under this section with regard to the program described in section 338B shall comply with all rules and requirements described in such section (other than subparagraphs (A) and (B) of section 338B(b)(1)) in order to receive assistance under this section.

"(c) Limitations.—

"(1) In General.—The demonstration project described in this section shall provide for the participation of individuals who shall provide services in rural and urban areas.

"(2) Availability of Other Health Professionals.—The Secretary may not assign an individual receiving assistance under this section to provide obligated service at a site unless—

"(A) the Secretary has assigned a physician (as defined in section 1861(r) of the Social Security Act) or other health professional licensed to prescribe drugs to provide obligated service at such site under section 338C or 338D; and

"(B) such physician or other health professional will provide obligated service at such site concurrently with the individual receiving assistance under this section.

"(3) Rules of Construction.—

"(A) Supervision of Individuals.—Nothing in this section shall be construed to require or imply that a physician or other health professional licensed to prescribe drugs must supervise an individual receiving assistance under the demonstration project under this section, with respect to such project.

"(B) LICENSURE OF HEALTH PROFESSIONALS.—Nothing in this section shall be construed to supersede State law regarding licensure of health professionals.

"(d) DESIGNATIONS.—The demonstration project described in this section, and any providers who are selected to participate in such project, shall not be considered by the Secretary in the designation of a health professional shortage area under section 332 during fiscal years 2002 through 2004.

"(e) RULE OF CONSTRUCTION.—This section shall not be construed to require any State to participate in the project described in this section.

"(f) REPORT.—

"(1) IN GENERAL.—The Secretary shall evaluate the participation of individuals in the demonstration projects under this section and prepare and submit a report containing the information described in paragraph (2) to—

"(A) the Committee on Health, Education, Labor, and Pensions of the Senate;

"(B) the Subcommittee on Labor, Health and Human Services, and Education of the Committee on Appropriations of the Senate;

"(C) the Committee on Energy and Commerce of the House of Representatives; and

"(D) the Subcommittee on Labor, Health and Human Services, and Education of the Committee on Appropriations of the House of Representatives.

"(2) CONTENT.—The report described in paragraph (1) shall detail—

"(A) the manner in which the demonstration project described in this section has affected access to primary care services, patient satisfaction, quality of care, and health care services provided for traditionally underserved populations;

"(B) how the participation of chiropractic doctors and pharmacists in the Loan Repayment Program might affect the designation of health professional shortage areas; and

"(C) whether adding chiropractic doctors and pharmacists as permanent members of the National Health Service Corps would be feasible and would enhance the effectiveness of the National Health Service Corps.

"(g) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There are authorized to be appropriated to carry out this section, such sums as may be necessary for fiscal years 2002 through 2004.

"(2) FISCAL YEAR 2005.—If the Secretary determines and certifies to Congress by not later than September 30, 2004, that the number of individuals participating in the demonstration project established under this section is insufficient for purposes of performing the evaluation described in subsection (f)(1), the authorization of appropriations under paragraph (1) shall be extended to include fiscal year 2005.".

TITLE IV—HEALTHY COMMUNITIES ACCESS PROGRAM

SEC. 401. PURPOSE.

The purpose of this title is to provide assistance to communities and consortia of health care providers and others, to develop or strengthen integrated community health care delivery systems that coordinate health care services for individuals who are uninsured or underinsured and to develop or strengthen activities related to providing coordinated care for individuals with chronic conditions who are uninsured or underinsured, through the—

(1) coordination of services to allow individuals to receive efficient and higher quality care and to gain entry into and receive services from a comprehensive system of care;

(2) development of the infrastructure for a health care delivery system characterized by effective collaboration, information sharing, and clinical and financial coordination among all providers of care in the community; and

(3) provision of new Federal resources that do not supplant funding for existing Federal categorical programs that support entities providing services to low-income populations.

SEC. 402. CREATION OF HEALTHY COMMUNITIES ACCESS PROGRAM.

Part D of title III of the Public Health Service Act (42 U.S.C. 254b et seq.) is amended by inserting after subpart IV the following new subpart:

"Subpart V—Healthy Communities Access Program

"SEC. 340. GRANTS TO STRENGTHEN THE EFFECTIVENESS, EFFICIENCY, AND COORDINATION OF SERVICES FOR THE UNINSURED AND UNDERINSURED.

"(a) IN GENERAL.—The Secretary may award grants to eligible entities to assist in the development of integrated health care delivery systems to serve communities of individuals who are uninsured and individuals who are underinsured—

"(1) to improve the efficiency of, and coordination among, the providers providing services through such systems;

"(2) to assist communities in developing programs targeted toward preventing and managing chronic diseases; and

"(3) to expand and enhance the services provided through such systems.

"(b) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this section, an entity shall be an entity that—

"(1) represents a consortium—

"(A) whose principal purpose is to provide a broad range of coordinated health care services for a community defined in the entity's grant application as described in paragraph (2); and

"(B) that includes at least one of each of the following providers that serve the community (unless such provider does not exist within the community, declines or refuses to participate, or places unreasonable conditions on their participation):

"(i) a Federally qualified health center (as defined in section 1861(aa) of the Social Security Act (42 U.S.C. 1395x(aa)));

"(ii) a hospital with a low-income utilization rate (as defined in section 1923(b)(3) of the Social Security Act (42 U.S.C. 1396r–4(b)(3)), that is greater than 25 percent;

"(iii) a public health department; and

"(iv) an interested public or private sector health care provider or an organization that has traditionally served the medically uninsured and underserved; and

"(2) submits to the Secretary an application, in such form and manner as the Secretary shall prescribe, that—

"(A) defines a community or geographic area of uninsured and underinsured individuals;

"(B) identifies the providers who will participate in the consortium's program under the grant, and specifies each provider's contribution to the care of uninsured and underinsured individuals in the community, including the volume of care the provider provides to beneficiaries under the medicare, medicaid, and State child health insurance programs and to patients who pay privately for services;

"(C) describes the activities that the applicant and the consortium propose to perform under the grant to further the objectives of this section;

"(D) demonstrates the consortium's ability to build on the current system (as of the date of submission of the application) for serving a community or geographic area of uninsured and underinsured individuals by involving providers who have traditionally provided a significant volume of care for that community;

"(E) demonstrates the consortium's ability to develop coordinated systems of care that either directly provide or ensure the prompt provision of a broad range of high-quality, accessible services, including, as appropriate, primary, secondary, and tertiary services, as well as substance abuse treatment and mental health services in a manner that assures continuity of care in the community or geographic area;

"(F) provides evidence of community involvement in the development, implementation, and direction of the program that the entity proposes to operate;

"(G) demonstrates the consortium's ability to ensure that individuals participating in the program are enrolled in public insurance programs for which the individuals are eligible or know of private insurance programs where available;

"(H) presents a plan for leveraging other sources of revenue, which may include State and local sources and private grant funds, and integrating current and proposed new funding sources in a way to assure long-term sustainability of the program;

"(I) describes a plan for evaluation of the activities carried out under the grant, including measurement of progress toward the goals and objectives of the program and the use of evaluation findings to improve program performance;

"(J) demonstrates fiscal responsibility through the use of appropriate accounting procedures and appropriate management systems;

"(K) demonstrates the consortium's commitment to serve the community without regard to the ability of an individual or family to pay by arranging for or providing free or reduced charge care for the poor; and

"(L) includes such other information as the Secretary may prescribe.

"(c) LIMITATIONS.—

"(1) NUMBER OF AWARDS.—

"(A) IN GENERAL.—For each of fiscal years 2003, 2004, 2005, and 2006, the Secretary may not make more than 35 new awards under subsection (a) (excluding renewals of such awards).

"(B) RULE OF CONSTRUCTION.—This paragraph shall not be construed to affect awards made before fiscal year 2003.

"(2) IN GENERAL.—An eligible entity may not receive a grant under this section (including with respect to any such grant made before fiscal year 2003) for more than 3 consecutive fiscal years, except that such entity may receive such a grant award for not more than 1 additional fiscal year if—

"(A) the eligible entity submits to the Secretary a request for a grant for such an additional fiscal year;

"(B) the Secretary determines that extraordinary circumstances (as defined in paragraph (3)) justify the granting of such request; and

"(C) the Secretary determines that granting such request is necessary to further the objectives described in subsection (a).

"(3) EXTRAORDINARY CIRCUMSTANCES.—

"(A) IN GENERAL.—In paragraph (2), the term 'extraordinary circumstances' means an event (or events) that is outside of the control of the eligible entity that has prevented the eligible entity from fulfilling the objectives described by such entity in the application submitted under subsection (b)(2).

"(B) EXAMPLES.—Extraordinary circumstances include—

"(i) natural disasters or other major disruptions to the security or health of the community or geographic area served by the eligible entity; or

"(ii) a significant economic deterioration in the community or geographic area served by such eligible entity, that directly and adversely affects the entity receiving an award under subsection (a).

"(d) PRIORITIES.—In awarding grants under this section, the Secretary—

"(1) shall accord priority to applicants that demonstrate the extent of unmet need in the *community involved for a more coordinated system of care; and*

"(2) may accord priority to applicants that best promote the objectives of this section, taking into consideration the extent to which the application involved—

"(A) identifies a community whose geographical area has a high or increasing percentage of individuals who are uninsured;

"(B) demonstrates that the applicant has included in its consortium providers, support systems, and programs that have a tradition of serving uninsured individuals and underinsured individuals in the community;

"(C) shows evidence that the program would expand utilization of preventive and primary care services for uninsured and underinsured individuals and families in the community, including behavioral and mental health services, oral health services, or substance abuse services;

"(D) proposes a program that would improve coordination between health care providers and appropriate social service providers;

"(E) demonstrates collaboration with State and local governments;

"(F) demonstrates that the applicant makes use of non-Federal contributions to the greatest extent possible; or

"(G) demonstrates a likelihood that the proposed program will continue after support under this section ceases.

"(e) USE OF FUNDS.—

"(1) USE BY GRANTEES.—

"(A) IN GENERAL.—Except as provided in paragraphs (2) and (3), a grantee may use amounts provided under this section only for—

"(i) direct expenses associated with achieving the greater integration of a health care delivery system so that the system either directly provides or ensures the provision of a broad range of culturally competent services, as appropriate, including primary, secondary, and tertiary services, as well as substance abuse treatment and mental health services; and

"(ii) direct patient care and service expansions to fill identified or documented gaps within an integrated delivery system.

"(B) SPECIFIC USES.—The following are examples of purposes for which a grantee may use grant funds under this section, when such use meets the conditions stated in subparagraph (A):

"(i) Increases in outreach activities and closing gaps in health care service.

"(ii) Improvements to case management.

"(iii) Improvements to coordination of transportation to health care facilities.

"(iv) Development of provider networks and other innovative models to engage physicians in voluntary efforts to serve the medically underserved within a community.

"(v) Recruitment, training, and compensation of necessary personnel.

"(vi) Acquisition of technology for the purpose of coordinating care.

"(vii) Improvements to provider communication, including implementation of shared information systems or shared clinical systems.

"(viii) Development of common processes for determining eligibility for the programs provided through the system, including creating common identification cards and single sliding scale discounts.

"(ix) Development of specific prevention and disease management tools and processes.

"(x) Translation services.

"(xi) Carrying out other activities that may be appropriate to a community and that would increase access by the uninsured to health care, such as access initiatives for which private entities provide non-Federal contributions to supplement the Federal funds provided through the grants for the initiatives.

"(2) DIRECT PATIENT CARE LIMITATION.—Not more than 15 percent of the funds provided under a grant awarded under this section may be used for providing direct patient care and services.

"(3) RESERVATION OF FUNDS FOR NATIONAL PROGRAM PURPOSES.—The Secretary may use not more than 3 percent of funds appropriated to carry out this section for providing technical assistance to grantees, obtaining assistance of experts and consultants, holding meetings, developing of tools, disseminating of information, evaluation, and carrying out activities that will extend the benefits of programs funded under this section to communities other than the community served by the program funded.

"(f) GRANTEE REQUIREMENTS.—

"(1) EVALUATION OF EFFECTIVENESS.—A grantee under this section shall—

"(A) report to the Secretary annually regarding—

"(i) progress in meeting the goals and measurable objectives set forth in the grant application submitted by the grantee under subsection (b); and

"(ii) the extent to which activities conducted by such grantee have—

"(I) improved the effectiveness, efficiency, and coordination of services for uninsured and underinsured individuals in the communities or geographic areas served by such grantee;

"(II) resulted in the provision of better quality health care for such individuals; and

"(III) resulted in the provision of health care to such individuals at lower cost than would have been possible in the absence of the activities conducted by such grantee; and

"(B) provide for an independent annual financial audit of all records that relate to the disposition of funds received through the grant.

"(2) PROGRESS.—The Secretary may not renew an annual grant under this section for an entity for a fiscal year unless the Secretary is satisfied that the consortium represented by the entity has made reasonable and demonstrable progress in meeting the goals and measurable objectives set forth in the entity's grant application for the preceding fiscal year.

"(g) MAINTENANCE OF EFFORT.—With respect to activities for which a grant under this section is authorized, the Secretary may award such a grant only if the applicant for the grant, and each of the participating providers, agree that the grantee and each such provider will maintain its expenditures of non-Federal funds for such activities at a level that is not less than the level of such expenditures during the fiscal year immediately preceding the fiscal year for which the applicant is applying to receive such grant.

"(h) TECHNICAL ASSISTANCE.—The Secretary may, either directly or by grant or contract, provide any entity that receives a grant under this section with technical and other nonfinancial assistance necessary to meet the requirements of this section.

"(i) EVALUATION OF PROGRAM.—Not later than September 30, 2005, the Secretary shall prepare and submit to the appropriate committees of Congress a report that describes the extent to which projects funded under this section have been successful in improving the effectiveness, efficiency, and coordination of services for uninsured and underinsured individuals in the communities or geographic areas served by such projects, including whether the projects resulted in the provision of better quality health care for such individuals, and whether such care was provided at lower costs, than would have been provided in the absence of such projects.

"(j) DEMONSTRATION AUTHORITY.—The Secretary may make demonstration awards under this section to historically black health professions schools for the purposes of—

"(1) developing patient-based research infrastructure at historically black health professions schools, which have an affiliation, or affiliations, with any of the providers identified in section (b)(1)(B);

"(2) establishment of joint and collaborative programs of medical research and data collection between historically black health professions schools and such providers, whose goal is to improve the health status of medically underserved populations; or

"(3) supporting the research-related costs of patient care, data collection, and academic training resulting from such affiliations.

"(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2002 through 2006.

"(l) DATE CERTAIN FOR TERMINATION OF PROGRAM.—Funds may not be appropriated to carry out this section after September 30, 2006.".

SEC. 403. EXPANDING AVAILABILITY OF DENTAL SERVICES.

Part D of title III of the Public Health Service Act (42 U.S.C. 254b et seq.) is amended by adding at the end the following:

"Subpart X—Primary Dental Programs

"SEC. 340F. DESIGNATED DENTAL HEALTH PROFESSIONAL SHORTAGE AREA.

"In this subpart, the term 'designated dental health professional shortage area' means an area, population group, or facility that is designated by the Secretary as a dental health professional shortage area under section 332 or designated by the applicable State as having a dental health professional shortage.

"SEC. 340G. GRANTS FOR INNOVATIVE PROGRAMS.

"(a) GRANT PROGRAM AUTHORIZED.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, is authorized to award grants to States for the purpose of helping States develop and implement innovative programs to address the dental workforce needs of designated dental health professional shortage areas in a manner that is appropriate to the States' individual needs.

"(b) STATE ACTIVITIES.—A State receiving a grant under subsection (a) may use funds received under the grant for—

"(1) loan forgiveness and repayment programs for dentists who—

"(A) agree to practice in designated dental health professional shortage areas;

"(B) are dental school graduates who agree to serve as public health dentists for the Federal, State, or local government; and

"(C) agree to—

"(i) provide services to patients regardless of such patients' ability to pay; and

"(ii) use a sliding payment scale for patients who are unable to pay the total cost of services;

"(2) dental recruitment and retention efforts;

"(3) grants and low-interest or no-interest loans to help dentists who participate in the medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) to establish or expand practices in designated dental health professional shortage areas by equipping dental offices or sharing in the overhead costs of such practices;

"(4) the establishment or expansion of dental residency programs in coordination with accredited dental training institutions in States without dental schools;

"(5) programs developed in consultation with State and local dental societies to expand or establish oral health services and facilities in designated dental health professional shortage areas, including services and facilities for children with special needs, such as—

"(A) the expansion or establishment of a community-based dental facility, free-standing dental clinic, consolidated health center dental facility, school-linked dental facility, or United States dental school-based facility;

"(B) the establishment of a mobile or portable dental clinic; and

"(C) the establishment or expansion of private dental services to enhance capacity through additional equipment or additional hours of operation;

"(6) placement and support of dental students, dental residents, and advanced dentistry trainees;

"(7) continuing dental education, including distance-based education;

"(8) practice support through teledentistry conducted in accordance with State laws;

"(9) community-based prevention services such as water fluoridation and dental sealant programs;

"(10) coordination with local educational agencies within the State to foster programs that promote children going into oral health or science professions;

"(11) the establishment of faculty recruitment programs at accredited dental training institutions whose mission includes community outreach and service and that have a demonstrated record of serving underserved States;

"(12) the development of a State dental officer position or the augmentation of a State dental office to coordinate oral health and access issues in the State; and

"(13) any other activities determined to be appropriate by the Secretary.

"(c) APPLICATION.—

"(1) IN GENERAL.—Each State desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

"(2) ASSURANCES.—The application shall include assurances that the State will meet the requirements of subsection (d) and that the State possesses sufficient infrastructure to manage the activities to be funded through the grant and to evaluate and report on the outcomes resulting from such activities.

"(d) MATCHING REQUIREMENT.—The Secretary may not make a grant to a State under this section unless that State agrees that, with respect to the costs to be incurred by the State in carrying out the activities for which the grant was awarded, the State will provide non-Federal contributions in an amount equal to not less than 40 percent of Federal funds provided under the grant. The State may provide the contributions in cash or in kind, fairly evaluated, including plant, equipment, and services and may provide the contributions from State, local, or private sources.

"(e) REPORT.—Not later than 5 years after the date of enactment of the Health Care Safety Net Amendments of 2002, the Secretary shall prepare and submit to the appropriate committees of Congress a report containing data relating to whether grants provided under this section have increased access to dental services in designated dental health professional shortage areas.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $50,000,000 for the 5-fiscal year period beginning with fiscal year 2002.".

SEC. 404. STUDY REGARDING BARRIERS TO PARTICIPATION OF FARMWORKERS IN HEALTH PROGRAMS.

(a) IN GENERAL.—The Secretary shall conduct a study of the problems experienced by farmworkers (including their families) under Medicaid and SCHIP. Specifically, the Secretary shall examine the following:

(1) BARRIERS TO ENROLLMENT.—Barriers to their enrollment, including a lack of outreach and outstationed eligibility workers, complicated applications and eligibility determination procedures, and linguistic and cultural barriers.

(2) LACK OF PORTABILITY.—The lack of portability of Medicaid and SCHIP coverage for farmworkers who are determined eligible in one State but who move to other States on a seasonal or other periodic basis.

(3) POSSIBLE SOLUTIONS.—The development of possible solutions to increase enrollment and access to benefits for farmworkers, because, in part, of the problems identified in paragraphs (1) and (2), and the associated costs of each of the possible solution described in subsection (b).

(b) POSSIBLE SOLUTIONS.—Possible solutions to be examined shall include each of the following:

(1) INTERSTATE COMPACTS.—The use of interstate compacts among States that establish portability and reciprocity for eligibility for farmworkers under the Medicaid and SCHIP and potential financial incentives for States to enter into such compacts.

(2) DEMONSTRATION PROJECTS.—The use of multi-state demonstration waiver projects under section 1115 of the Social Security Act (42 U.S.C. 1315) to develop comprehensive migrant coverage demonstration projects.

(3) USE OF CURRENT LAW FLEXIBILITY.—Use of current law Medicaid and SCHIP State plan provisions relating to coverage of residents and out-of-State coverage.

(4) NATIONAL MIGRANT FAMILY COVERAGE.—The development of programs of national migrant family coverage in which States could participate.

(5) PUBLIC-PRIVATE PARTNERSHIPS.—The provision of incentives for development of public-private partnerships to develop private coverage alternatives for farmworkers.

(6) OTHER POSSIBLE SOLUTIONS.—Such other solutions as the Secretary deems appropriate.

(c) CONSULTATIONS.—In conducting the study, the Secretary shall consult with the following:

(1) Farmworkers affected by the lack of portability of coverage under the Medicaid program or the State children's health insurance program (under titles XIX and XXI of the Social Security Act).

(2) Individuals with expertise in providing health care to farmworkers, including designees of national and local organizations representing migrant health centers and other providers.

(3) Resources with expertise in health care financing.

(4) Representatives of foundations and other nonprofit entities that have conducted or supported research on farmworker health care financial issues.

(5) Representatives of Federal agencies which are involved in the provision or financing of health care to farmworkers, including the Health Care Financing Administration and the Health Research and Services Administration.

(6) Representatives of State governments.

(7) Representatives from the farm and agricultural industries.

(8) Designees of labor organizations representing farmworkers.

(d) DEFINITIONS.—For purposes of this section:

(1) FARMWORKER.—The term "farmworker" means a migratory agricultural worker or seasonal agricultural worker, as such terms are defined in section 330(g)(3) of the Public Health Service Act (42 U.S.C. 254c(g)(3)), and includes a family member of such a worker.

(2) MEDICAID.—The term "Medicaid" means the program under title XIX of the Social Security Act.

(3) SCHIP.—The term "SCHIP" means the State children's health insurance program under title XXI of the Social Security Act.

(e) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall transmit a report to the President and the Congress on the study conducted under this section. The report shall contain a detailed statement of findings and conclusions of the study, together with its recommendations for such legislation and administrative actions as the Secretary considers appropriate.

TITLE V—STUDY AND MISCELLANEOUS PROVISIONS

SEC. 501. GUARANTEE STUDY.

The Secretary of Health and Human Services shall conduct a study regarding the ability of the Department of Health and Human Services to provide for solvency for managed care networks involving health centers receiving funding under section 330 of the Public Health Service Act. The Secretary shall prepare and submit a report to the appropriate Committees of Congress regarding such ability not later than 2 years after the date of enactment of the Health Care Safety Net Amendments of 2002.

SEC. 502. GRADUATE MEDICAL EDUCATION.

Section 762(k) of the Public Health Service Act (42 U.S.C. 294o(k)) is amended by striking "2002" and inserting "2003".

TITLE VI—CONFORMING AMENDMENTS

SEC. 601. CONFORMING AMENDMENTS.

(a) HOMELESS PROGRAMS.—Subsections (g)(1)(G)(ii), (k)(2), and (n)(1)(C) of section 224, and sections 317A(a)(2), 317E(c), 318A(e), 332(a)(2)(C), 340D(c)(5), 799B(6)(B), 1313, and 2652(2) of the Public Health Service Act (42 U.S.C. 233, 247b–1(a)(2), 247b–6(c), 247c–1(e), 254e(a)(2)(C), 256d(c)(5), 295p(6)(B), 300e–12, and 300ff–52(2)) are amended by striking "340" and inserting "330(h)".

(b) HOMELESS INDIVIDUAL.—Section 534(2) of the Public Health Service Act (42 U.S.C. 290cc–34(2)) is amended by striking "340(r)" and inserting "330(h)(5)".

Mr. KENNEDY. Mr. President, I am pleased to join my colleagues in support of the Senate passage of the Health Care Safety Net Amendment of 2002—a bill that could not have been realized without the strong support received from both sides of the aisle. I want to commend Senator FRIST and Senator GREGG for their unfailing dedication to the goals of this legislation. Senator REED and Senator HARKIN contributed to this bill in important ways by expanding access in underserved areas to pharmacists and chiropractic doctors. I also must express my appreciation to Congressmen BILL TAUZIN, MIKE BILIRAKIS, SHERROD BROWN, and JOHN DINGELL for all their hard work in reaching agreement. Most of all, I would like to recognize the unfaltering efforts of Senator DODD, who as always, was determined to improve the delivery and quality of health care to poor and vulnerable populations.

Thirty years ago, Congress created the health centers program in response to an urgent need. At that time, there were growing numbers of Americans who lived in medically underserved areas and lacked access to basic primary care. And for the past three decades, the health centers program fulfilled the crucial role of a safety net for our nation's most vulnerable and underserved populations.

I am proud of the hard work and dedication of our community health centers. In 2000, health centers provided more than 9.6 million people with cost-effective, high quality, preventive and primary care at more than 3,000 sites across the country. Of those served, 500,000 people were homeless, 600,000 were migrant and seasonal farm workers and 55,000 were residents of public housing. Clearly, this program has been successful in meeting the goals of its creators.

That is why I urge the Senate to approve the Safety Net Amendments of 2002—critical legislation that includes the reauthorization of the community health center program. Today, the need for a robust safety net is more pressing than ever before. The Census Bureau recently reported an increase in the numbers of uninsured to 41.2 million, an astounding 14.6% of the population.

This increase resulted from a drop in the number of people covered by employment-based health insurance. With the economy in its weakened state, the Congress cannot sit idly by as more and more Americans see their access to health care slip from their grasp. Once more, Congress must recognize a responsibility to ensure adequate health care to all Americans and strengthen the programs that have been proven effective in delivering care to the uninsured.

Passage of the Safety Net Amendments is the first step to closing the dangerous gaps in our health care system. Not only does it strengthen the community health center program, it also reauthorizes and improves the National Health Service Corps, a program that enables health care providers to serve in medically underserved areas. The bill enhances the delivery and integration of rural health care services. It encourages the development of innovative telehealth technologies that can connect remote areas with providers. It addresses the serious shortages in dental care in many communities across the country. Finally, it authorizes the Healthy Communities Access Program (HCAP), an existing initiative that has been successful in integrating and improving care to needy populations. This program brings together public and private providers and encourages them to work collectively to enhance the health care of the uninsured. HCAP has spurred the development of creative and effective solutions to health care delivery problems that are models of innovation and collaboration for us all.

In approving, the Safety Net bill, we will not only offer hope to millions of struggling families, but we will provide them with the security that even without health insurance, there is someone they can turn to for help.

Mr. GREGG. Mr. President, I am proud to support the Health Care Safety Net conference agreement passed today. This legislation re-authorizes and strengthens several programs that provide critical services to the uninsured and medically underserved. With the recent announcement by the U.S. Census Bureau that there are now 41.5 million uninsured Americans, this legislation comes at a crucial time. The safety net legislation will ensure that millions of Americans who are uninsured or who lack adequate health insurance coverage will at least have access to preventive and basic primary health care services in their communities.

The legislation reauthorizes the community health centers program, which provides needed health care services, including outpatient dental, diagnostic, treatment, preventive, and primary care—in under-served rural and inner-city areas. These services are provided through community health centers, migrants health centers, farmworkers, health centers for the homeless, health centers for residents of public housing, and healthy schools programs. It also re-authorizes the National Health Service Crops, a program that trains and places health professionals in areas where there are shortages of qualified professionals. Finally, the legislation establishes the Healthy Communities Access Program, which will help coordinate community services for the uninsured.

I believe this legislation represents what can be achieved when good policy and bipartisanship overcome politics. A priority for President Bush, this legislation is an important piece of his agenda to ensure that all Americans have access to health care services. As a next step, I look forward to working with the President, and my colleagues in the Senate and House, to ensure that all Americans have access to affordable health insurance.

Mr. REID. Mr. President, I ask unanimous consent that the Senate concur in the House amendment to the bill, and that the motion to reconsider be laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROVIDING FOR HEALTH BENEFITS COVERAGE

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of calendar No. 710, S. 2527.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2527) to provide for health benefits coverage under chapter 89, title 5, United States Code, for individuals enrolled in a plan administered by the Overseas Private Investment Corporation, and for other purposes.

There being no objection, the Senate proceeded to the consideration of the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read a third time, passed, and the motion to reconsider be laid upon the table, with no intervening action or debate; and that any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The bill (S. 2527) was read the third time and passed, as follows:

S. 2527

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONTINUATION OF HEALTH BENEFITS COVERAGE FOR INDIVIDUALS ENROLLED IN A PLAN ADMINISTERED BY THE OVERSEAS PRIVATE INVESTMENT CORPORATION.

(a) Enrollment in Chapter 89 Plan.—For purposes of the administration of chapter 89 of title 5, United States Code, any period of enrollment under a health benefits plan administered by the Overseas Private Investment Corporation before the effective date of this Act shall be deemed to be a period of enrollment in a health benefits plan under chapter 89 of such title.

(b) Continued Coverage.—

(1) In general.—Any individual who, on June 30, 2002, is covered by a health benefits plan administered by the Overseas Private Investment Corporation may enroll in an approved health benefits plan described under section 8903 or 8903a of title 5, United States Code—

(A) either as an individual or for self and family, if such individual is an employee, annuitant, or former spouse as defined under section 8901 of such title; and

(B) for coverage effective on and after June 30, 2002.

(2) Individuals currently under continued coverage.—An individual who, on June 30, 2002, is entitled to continued coverage under a health benefits plan administered by the Overseas Private Investment Corporation—

(A) shall be deemed to be entitled to continued coverage under section 8905a of title 5, United States Code, for the same period that would have been permitted under the plan administered by the Overseas Private Investment Corporation; and

(B) may enroll in an approved health benefits plan described under section 8903 or 8903a of such title in accordance with section 8905a of such title for coverage effective on and after June 30, 2002.

(3) Unmarried dependent children.—An individual who, on June 30, 2002, is covered as an unmarried dependent child under a health benefits plan administered by the Overseas Private Investment Corporation and who is not a member of family as defined under section 8901(5) of title 5, United States Code—

(A) shall be deemed to be entitled to continued coverage under section 8905a of such title as though the individual had, on June 30, 2002, ceased to meet the requirements for being considered an unmarried dependent child under chapter 89 of such title; and

(B) may enroll in an approved health benefits plan described under section 8903 or 8903a of such title in accordance with section 8905a for continued coverage effective on and after June 30, 2002.

(c) Transfers to the Employees Health Benefits Fund.—

(1) In general.—The Overseas Private Investment Corporation shall transfer to the Employees Health Benefits Fund established under section 8909 of title 5, United States Code, amounts determined by the Director of the Office of Personnel Management, after consultation with the Overseas Private Investment Corporation, to be necessary to reimburse the Fund for the cost of providing benefits under this section not otherwise paid for by the individuals covered by this section.

(2) Availability of funds.—The amounts transferred under paragraph (1) shall be held

in the Fund and used by the Office in addition to amounts available under section 8906(g)(1) of title 5, United States Code.

(d) ADMINISTRATION AND REGULATIONS.—The Office of Personnel Management—

(1) shall administer this section to provide for—

(A) a period of notice and open enrollment for individuals affected by this section; and

(B) no lapse of health coverage for individuals who enroll in a health benefits plan under chapter 89 of title 5, United States Code, in accordance with this section; and

(2) may prescribe regulations to implement this section.

LYME AND INFECTIOUS DISEASE INFORMATION AND FAIRNESS IN TREATMENT (LIFT) ACT

Mr. REID. Mr. President, I ask unanimous consent that the HELP Committee be discharged from further consideration of S. 969, and the Senate proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 969) to establish a Tick-Borne Disorders Advisory Committee, and for other purposes.

There being no objection, the Senate proceeded to the consideration of the bill.

Mr. DODD. Mr. President, it is with great pleasure that I rise today to signal the passage of important legislation designed to combat the devastating illness of Lyme disease. The objective of this bipartisan consensus legislation is simple—to put us on the path toward eradicating Lyme disease—a disease still unfamiliar to some Americans, but one that is all too familiar to those of us from Connecticut and the Northeast.

The impact that Lyme disease can have on its victims is tremendous. The disease first achieved prominence in the 1980s in the state of Connecticut and got its name from the town of Lyme, CT. Today, Connecticut residents have the dubious distinction of being 10 times more likely to contract Lyme disease than the rest of the nation. However, Mr. President, the incidence of Lyme disease nationwide is on the rise. In fact, cases of Lyme disease have been reported by 49 states and the District of Columbia. Since 1982, the number of Lyme disease cases reported to health officials numbers more than 145,000. However, reports indicate that the actual incidence of the disease may be many times greater than current figures suggest.

. Health problems experienced by those infected with Lyme disease can include facial paralysis, joint swelling, loss of coordination, irregular heartbeat, liver malfunction, depression, and memory loss. Because Lyme disease frequently mimics other conditions, patients often must visit multiple doctors before a proper diagnosis is made. This can result in prolonged pain and suffering, unnecessary tests, costly and futile treatments, and devastating emotional consequences for victims of Lyme disease and their families.

The legislation that we pass today is a continuation of earlier efforts to stem the growth of Lyme disease and other tick-borne disorders. Through an amendment that I offered to the FY 1999 Department of Defense appropriations bill, an additional $3 million was directed toward the DoD's Lyme disease research efforts. This signaled an important first step in the fight to increase our understanding of this disease, but clearly more remains to be done. The legislation we pass today further continues these efforts.

Central to this legislation, is the creation of a federal advisory committee on Lyme disease and other tick-borne disorders. This advisory committee will bring together members of the scientific community, health care providers, and, most important, those most personally touched by this devastating disease, Lyme patients and their families themselves. It is my hope that the important work of this, the first federal advisory committee on Lyme disease, will lay out a concise and workable federal blueprint for combating this debilitating illness.

Additionally, this legislation will establish clear goals for federal action designed to conquer Lyme disease and other tick-borne disorders. In laying out these goals, the legislation offers a framework for the federal government that includes research, treatment, and prevention efforts designed to stop the growth of Lyme disease and other tick-borne disorders.

The legislation passed by the United States Senate today also authorizes $10 million for federal activities related to the prevention and effective treatment of Lyme disease and other tick-borne disorders. This critically important funding will also provide needed research funding for vector-borne diseases, such as Lyme disease.

I wish to thank my colleague from Pennsylvania, Senator RICK SANTORUM, the legislation's chief Republican cosponsor, for his steadfast support of this initiative. It is due to his support, the support of my colleagues on the Senate HELP Committee, and the support of the Lyme disease community that we are here today on the verge of significantly strengthening the federal commitment to eradicating Lyme disease. I pledge to continue to work with my colleagues to ensure vigorous and effective oversight of the legislation's implementation in order to ensure that our intent is fully realized.

I think I can speak for all of my colleagues when I say that we look forward to the day when Lyme disease no longer causes so many to suffer. This legislation offers an important and critical step toward that laudable goal.

Mr. REID. Mr. President, Senator DODD has a substitute amendment at the desk, and I ask unanimous consent for its consideration; that the amendment be agreed to, and the motion to reconsider be laid upon the table; that the bill, as amended, be read three times, passed, and the motion to reconsider be laid upon the table; and that any statements relating to the matter be printed in the RECORD, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4894) was agreed to, as follows:

(Purpose: To provide for a complete substitute)

Strike all after the enacting clause and insert the following:

SECTION 1. FINDINGS.

Congress makes the following findings:

(1) Lyme disease is a common but frequently misunderstood illness that, if not caught early and treated properly, can cause serious health problems.

(2) Lyme disease is a bacterial infection that is transmitted by a tick bite. Early signs of infection may include a rash and flu-like symptoms such as fever, muscle aches, headaches, and fatigue.

(3) Although Lyme disease can be treated with antibiotics if caught early, the disease often goes undetected because it mimics other illnesses or may be misdiagnosed. Untreated, Lyme disease can lead to severe heart, neurological, eye, and joint problems because the bacteria can affect many different organs and organ systems.

(4) If an individual with Lyme disease does not receive treatment, such individual can develop severe heart, neurological, eye, and joint problems.

(5) Although Lyme disease accounts for 90 percent of all vector-borne infections in the United States, the ticks that spread Lyme disease also spread other disorders, such as ehrlichiosis, babesiosis, and other strains of Borrelia. All of these diseases in 1 patient makes diagnosis and treatment more difficult.

(6) Although tick-borne disease cases have been reported in 49 States and the District of Columbia, about 90 percent of the 15,000 cases have been reported in the following 10 States: Connecticut, Pennsylvania, New York, New Jersey, Rhode Island, Maryland, Massachusetts, Minnesota, Delaware, and Wisconsin. Studies have shown that the actual number of tick-borne disease cases are approximately 10 times the amount reported due to poor surveillance of the disease.

(7) Persistence of symptomatology in many patients without reliable testing makes treatment of patients more difficult.

SEC. 2. ESTABLISHMENT OF A TICK-BORNE DISORDERS ADVISORY COMMITTEE.

(a) ESTABLISHMENT OF COMMITTEE.—Not later than 180 days after the date of enactment of this Act, there shall be established an advisory committee to be known as the Tick-Borne Disorders Advisory Committee (referred to in this Act as the "Committee") organized in the Office of the Secretary.

(b) DUTIES.—The Committee shall advise the Secretary and Assistant Secretary of Health regarding how to—

(1) assure interagency coordination and communication and minimize overlap regarding efforts to address tick-borne disorders;

(2) identify opportunities to coordinate efforts with other Federal agencies and private

organizations addressing tick-borne disorders; and

(3) develop informed responses to constituency groups regarding the Department of Health and Human Services' efforts and progress.

(c) MEMBERSHIP.—

(1) APPOINTED MEMBERS.—

(A) IN GENERAL.—The Secretary of Health and Human Services shall appoint voting members to the Committee from among the following member groups:

(i) Scientific community members.

(ii) Representatives of tick-borne disorder voluntary organizations.

(iii) Health care providers.

(iv) Patient representatives who are individuals who have been diagnosed with tick-borne illnesses or who have had an immediate family member diagnosed with such illness.

(v) Representatives of State and local health departments and national organizations who represent State and local health professionals.

(B) REQUIREMENT.—The Secretary shall ensure that an equal number of individuals are appointed to the Committee from each of the member groups described in clauses (i) through (v) of subparagraph (A).

(2) EX OFFICIO MEMBERS.—The Committee shall have nonvoting ex officio members determined appropriate by the Secretary.

(d) CO-CHAIRPERSONS.—The Assistant Secretary of Health shall serve as the co-chairperson of the Committee with a public co-chairperson chosen by the members described under subsection (c). The public co-chairperson shall serve a 2-year term and retain all voting rights.

(e) TERM OF APPOINTMENT.—All members shall be appointed to serve on the Committee for 4 year terms.

(f) VACANCY.—If there is a vacancy on the Committee, such position shall be filled in the same manner as the original appointment. Any member appointed to fill a vacancy for an unexpired term shall be appointed for the remainder of that term. Members may serve after the expiration of their terms until their successors have taken office.

(g) MEETINGS.—The Committee shall hold public meetings, except as otherwise determined by the Secretary, giving notice to the public of such, and meet at least twice a year with additional meetings subject to the call of the co-chairpersons. Agenda items can be added at the request of the Committee members, as well as the co-chairpersons. Meetings shall be conducted, and records of the proceedings kept as required by applicable laws and Departmental regulations.

(h) REPORTS.—

(1) IN GENERAL.—Not later than 24 months after the date of enactment of this Act, and annually thereafter, the Secretary shall submit to Congress a report on the activities carried out under this Act.

(2) CONTENT.—Such reports shall describe—

(A) progress in the development of accurate diagnostic tools that are more useful in the clinical setting; and

(B) the promotion of public awareness and physician education initiatives to improve the knowledge of health care providers and the public regarding clinical and surveillance practices for Lyme disease and other tick-borne disorders.

(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this Act, $250,000 for each of fiscal years 2003 and 2004. Amounts appropriated under this subsection shall be used for the expenses and per diem costs incurred by the Committee under this section in accordance with the Federal Advisory Committee Act (5 U.S.C. App.), except that no voting member of the Committee shall be a permanent salaried employee.

SEC. 3. AUTHORIZATION FOR RESEARCH FUNDING.

There are authorized to be appropriated $10,000,000 for each of fiscal years 2003 through 2007 to provide for research and educational activities concerning Lyme disease and other tick-borne disorders, and to carry out efforts to prevent Lyme disease and other tick-borne disorders.

SEC. 4. GOALS.

It is the sense of the Senate that, in carrying out this Act, the Secretary of Health and Human Services (referred to in this section as the "Secretary"), acting as appropriate in consultation with the Director of the Centers for Disease Control and Prevention, the Director of the National Institutes of Health, the Committee, and other agencies, should consider carrying out the following:

(1) FIVE-YEAR PLAN.—It is the sense of the Senate that the Secretary should consider the establishment of a plan that, for the five fiscal years following the date of the enactment of this Act, provides for the activities to be carried out during such fiscal years toward achieving the goals under paragraphs (2) through (4). The plan should, as appropriate to such goals, provide for the coordination of programs and activities regarding Lyme disease and other tick-borne disorders that are conducted or supported by the Federal Government.

(2) FIRST GOAL: DIAGNOSTIC TEST.—The goal described in this paragraph is to develop a diagnostic test for Lyme disease and other tick-borne disorders for use in clinical testing.

(3) SECOND GOAL: SURVEILLANCE AND REPORTING OF LYME DISEASE AND OTHER TICK-BORNE DISORDERS.—The goal described in this paragraph is to accurately determine the prevalence of Lyme disease and other tick-borne disorders in the United States.

(4) THIRD GOAL: PREVENTION OF LYME DISEASE AND OTHER TICK-BORNE DISORDERS.—The goal described in this paragraph is to develop the capabilities at the Department of Health and Human Services to design and implement improved strategies for the prevention and control of Lyme disease and other tick-borne diseases. Such diseases may include Masters' disease, ehrlichiosis, babesiosis, other bacterial, viral and rickettsial diseases such as tularemia, tick-borne encephalitis, Rocky Mountain Spotted Fever, and bartonella, respectively.

The bill (S. 969), as amended, was read the third time and passed.

AMENDING THE PUBLIC HEALTH SERVICE ACT

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of H.R. 4013.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4013) to amend the Public Health Service Act to establish an Office of Rare Diseases at the National Institutes of Health, and for other purposes.

There being no objection, the Senate proceeded to the consideration of the bill.

Mr. KENNEDY. Mr. President, I commend the Senate today for its bipartisan action in approving the Rare Diseases Act of 2002 and the Rare Diseases Orphan Product Development Act of 2002. These two measures will enhance the prospects for developing effective care, treatments and cures for literally thousands of rare diseases and disorders.

Congress has a longstanding commitment to provide this support. In 1983, we passed the Orphan Drug Act to improve the development of treatments for rare diseases and disorders. These diseases affect small patient populations, typically smaller than 200,000 individuals in the United States. They include Huntington's disease, myoclonus, ALS (Lou Gehrig's disease), Tourette syndrome, and muscular dystrophy.

The Rare Diseases Act and the Rare Diseases Orphan Product Development Act build upon the enormous success of the original Orphan Drug Act, which encouraged the development of over 220 treatments for rare diseases and disorders.

The Rare Diseases Act of 2002 provides a statutory authorization for the existing Office of Rare Diseases at the National Institutes of Health and authorizes regional centers of excellence for research and training with respect to rare diseases. This proposal originated with the NIH, in recommendations of a Special Emphasis Panel convened to examine the state of rare disease research. The Panel itself was convened in response to a request of the Senate Appropriations Committee in 1996, and it is appropriate that we are today introducing legislation which represents the fruition of a long, deliberative process involving both Congress and the NIH.

The Rare Diseases Orphan Product Development Act increases funding for the Food and Drug Administration's Orphan Product Research Grant program, which provides vital support for clinical research on new treatments for rare diseases and disorders. This funding will encourage many more commercial sponsors to investigate and develop vital new medicines.

Although each rare disease may not affect many patients, 25 million Americans today suffer from the 6,000 known rare diseases and disorders, including more than 600,000 in Massachusetts. Anyone who has a family member or friend who suffers from a rare disease or disorder knows the importance of developing new treatments and helping patients to obtain these potential cures. Today's passage of these two bills will provide the resources necessary to continue to develop new treatments and even cures for millions of Americans.

I would also add that these bills are intended to build upon previous congressional efforts to expand research and development for all rare diseases and disorders. Senator HATCH and I introduced the Rare Diseases Act, upon which these bills are based, to expand and enhance existing initiatives underway at the various institutes of NIH with respect to different rare diseases, including but not limited to muscular dystrophy, Huntington's disease, and ALS (Lou Gehrig's disease). I believe the NIH will act upon these new bills in the appropriate spirit, by building upon current activities and investments on rare diseases and disorders.

I commend the National Organization for Rare Diseases for its tireless and continuing leadership on these basic issues. I also commend Senator HATCH for his leadership on this issue in the Senate, and I commend Congressmen WAXMAN, SHIMKUS, and FOLEY for their leadership in the House of Representatives. I know that all of us look forward to the implementation of these important measures we are approving today.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read three times, passed, the motion to reconsider be laid upon the table, and that any statements relating to this matter be printed in the RECORD, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The bill (H.R. 4013) was read the third time and passed.

AMENDING THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

Mr. REID. Mr. President, I ask unanimous consent the Senate now proceed to the consideration of H.R. 4014.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4014) to amend the Federal Food, Drug, and Cosmetic Act with respect to the development of products for rare diseases.

There being no objection, the Senate proceeded to the consideration of the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read three times, passed, and the motion to reconsider be laid upon the table; and that any statements thereto be printed in the RECORD, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The bill (H.R. 4014) was read the third time and passed.

TO ESTABLISH WILDERNESS AREAS, PROMOTE CONSERVATION, IMPROVE PUBLIC LAND, AND PROVIDE FOR HIGH QUALITY DEVELOPMENT IN CLARK COUNTY, NEVADA

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 5200.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 5200) to establish wilderness areas, promote conservation, improve public land, and provide for high quality development in Clark County, Nevada, and for other purposes.

There being no objection, the Senate proceeded to the consideration of the bill.

Mr. REID. Mr. President, today I rise to comment on the Clark County Conservation of Public Lands and Natural Resources Act of 2002, which is important to southern Nevada and a priority for the Nevada delegation. This broad-based compromise legislation is also important for America. The many provisions in this legislation reflect the many challenges faced by southern Nevada. I would like to highlight some of the ways in which the Clark County Conservation PLAN will enhance the quality of life and economic opportunities for Nevadans at the same time we protect southern Nevada's environment for the benefit of future generations.

When Congress passed the Southern Nevada Public Lands Management Act in 1998, we made the decision that it was in the public interest to transition away from federal-private land exchanges and competitively auction those parcels of land deemed by the BLM as suitable for disposal. This decision has proven quite effective and fair and represents the future of land privatization in Nevada and the West. However, at the time the law was enacted, Congress did contemplate that a limited number of ongoing land exchanges should be completed because of their benefit to the public. The Red Rock Canyon-Howard Hughes exchange is one such exchange. This land exchange has been contemplated for a number of years and enjoys unusually broad support ranging from the County to the environmental community. The time when this exchange should have reached completion through the administrative process has long since passed and a legislative resolution is now in order.

Nevada has nearly 100 wilderness study areas on federal land across the state, which remain de facto wilderness until Congress acts. These areas, which are primarily owned by the Bureau of Land Management, are managed to protect wilderness character of the lands under current law. Those of us who wrote this bill hold different views regarding wilderness. But in developing the wilderness component of this bill, Senator ENSIGN, Congressman GIBBONS and I made good faith compromises that protect all interested parties as we designated 18 wilderness totaling about 450,000 acres and released 220,000 acres from wilderness study area status. We believe that this solid compromise represents a critical step toward addressing the outstanding wilderness issues in the state of Nevada.

The Clark County Conservation PLAN Act modifies the Southern Nevada Public Lands Management Act and expands the so-called Las Vegas valley disposal boundary. This expansion will make an additional 23,000 acres of BLM land available for auction and development.

One of the most important infrastructure issues facing southern Nevada is siting a new international airport. The County's preferred site is in a dry lake bed between Jean and Primm, Nevada south of the Las Vegas Valley in the Interstate 15 transportation corridor near the California border. Congress made federal land at that site available for use as an airport, pending environmental reviews. The Clark County Conservation PLAN complements that law in two important ways. First, our bill conveys federal land adjacent to the proposed airport to the Clark County Airport Authority so that it can promote compatible development within the area impacted by the noise of the airport. Second, our bill directs the Bureau of Land Management to reserve a right-of-way for non-exclusive utility and transportation corridors between the Las Vegas valley and the proposed airport. However, both of these provisions are contingent upon a positive record of decision on the environmental impact statement for the planned Ivanpah Airport.

One of the most precious areas in southern Nevada is a humble canyon near Henderson. It is an area graced with hundreds of petroglyphs. This canyon is in desperate need of protection because it is within a short walk of the Las Vegas valley. Similar resources elsewhere in the desert Southwest have been destroyed by urban encroachment.

The Clark County Conservation PLAN designates the Sloan petroglyphs site and the area that comprises most of its watershed as the North McCullough Mountains Wilderness. This wilderness combined with about 32,000 acres of open space comprises the proposed Sloan Canyon National Conservation Area. The NCA and wilderness will provide critical protection for the Sloan petroglyphs, preserve open space near Henderson's rapidly growing neighborhoods and together represent a legacy of cultural and natural resource conservation our grandchildren will value dearly.

The sheer number of public lands bill requests Senator ENSIGN and I receive is daunting. If we introduced separate legislation to address each legitimate issue that constituents bring to our attention, we would create an awkward patchwork of new federal laws. The Clark County Conservation PLAN provides a comprehensive vision and framework for conservation and development in southern Nevada that balances competing interests.

The final title of our bill includes a select few of the many important public interest land conveyances. For example, we include two land grants to further the higher education mission of Nevada's university system.

Our bill conveys a small active shooting range to the Las Vegas Metropolitan Police Department for training purposes. We grant a modest parcel of land to the City of Las Vegas for the development of affordable housing. These small but important actions will help our communities, law enforcement, and educational system better serve southern Nevada.

I would like to address some concerns regarding provisions in the House version of the Clark County Conservation PLAN raised by a number of Nevadans some of which may be shared by the Chairman of the Senate Energy and Natural Resources Committee, Senator BINGAMAN. The title in question involves a Bureau of Reclamation title transfer and confusion over whether this provision would be subject to existing laws and how the final maps will be drawn. I want to emphasize to my colleagues that this legislation transferring right, title and interest in the Humboldt Project specifically contemplates in section 808 that the Secretary of the Interior will comply with the National Environmental Policy Act, the Endangered Species Act, and all other applicable laws, such as the National Historic Preservation Act, prior to any conveyance of title. In passing this legislation, Congress intends that a thorough environmental analysis of the transfer be undertaken prior to transfer so that decisionmakers are fully informed of any environmental impacts associated with the transfer. In fact, section 804(e) addresses the issue of the costs associated with complying with NEPA, again underscoring Congress's anticipation that a thorough NEPA review will be undertaken. In addition, it is our intent that an analysis of any species listed as endangered or threatened under the Endangered Species Act take place prior to the transfer. Congress recognizes that these environmental reviews are necessary prior to conveyance to ensure that any appropriate conditions to mitigate impacts of the transfer can be implemented. I think the language of the bill is straightforward but appreciate the concerns that have been raised in this regard and hope that my statement clarifies this point.

In addition, section 803(a) references a map dated July 3, 2002, which depicts the lands and features of the Humboldt project. Subsection (b) of section 803 directs the Secretary to submit a map of the Humboldt Project Conveyance as soon as practicable after the date of enactment of the legislation. In case of a conflict between the map referred to in subsection (a) and the map submitted by the Secretary under subsection (b), the map referred to in subsection (b) is to control. This provision is included to allow only for clarifying clerical and technical modifications to the map. We anticipate that any discrepancy between the maps referred to in subsections (a) and (b) will be minimal.

Senator ENSIGN and I are proud of the progress we have made and believe that this bill could serve as a model for bipartisan cooperation and constructive compromise. We are grateful for the work done in the House of Representatives by Congressman GIBBONS and Congresswoman BERKLEY to convince their colleagues of the importance of this bill which led to a unanimous favorable vote on October 16.

I also appreciate the assistance we received from Senator BINGAMAN and Senator WYDEN, as chairmen of the full and subcommittees with jurisdiction over this bill, they played critical roles in improving the bill. In addition Senate Energy and Natural Resources Committee staff worked very hard, particularly over the past month to perfect this legislation. The long hours and expertise of these professionals, including David Brooks, Kira Finkler, Patty Beneke, Bob Simon, Shelley Brown, Sam Fowler, Dick Bouts, and Jim Bierne and House staff including Robert Uithoven, Rick Healy, Jim Zoia, Tim Stewart, Rob Howarth, Lisa Pittman, Lisa Daley and Dayne Barron, made passage of this bill possible but more importantly made our bill better. Often overlooked in the development of a bill such as this one is the work done by federal employees who work for the public land management agencies. In the development of this bill, however, such oversight would be inexcusable because Bob Abbey, Mark Morse, Laurie Sedlmayr, Donn Siebert, Robert Taylor, Demetrius Purdie-Williams and Jeremy Noble, Bill Dickinson, Dick Birger, and many others provided valuable insights and assistance without which this bill would not have been possible. John Lopez of Senator ENSIGN's staff and my staff met with hundreds of Nevadans to ensure that this bill is a Nevada bill that is good for America. Among these individuals, Clint Bentley, John Wallin, Jeremy Garncarz, Blake Monk, John and Hermi Hiatt, Larry Johnson, Roger Scholl, Elise McAllister, Terry Crawforth, John Moran, Jr., Kevin Mack, Chuck Musser, Jane Feldman, Doug Hunt, Pam Wilcox, Kelly Jensen, Cal Baird, George Reyling, Toni Worley, Mike Carey, as well as representatives of the many municipalities in Clark County played particularly important roles. Countless others provided constructive suggestions and support that led to this point.

Mr. President, I ask unanimous consent that the bill be read three times, passed, and the motion to reconsider be laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The bill (H.R. 5200) was read the third time and passed.

AUTHORIZING THE NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY TO WORK WITH MAJOR MANUFACTURING INDUSTRIES

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of calendar No. 736, H.R. 2733.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2733) to authorize the National Institute of Standards and Technology to work with major manufacturing industries on an initiative of standards development and implementation for electronic enterprise integration.

There being no objection, the Senate proceeded to the consideration of the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read three times, passed, and the motion to reconsider be laid upon the table, and that any statements relating to this matter be printed in the RECORD, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The bill (H.R. 2733) was read the third time and passed.

AMENDING THE HIGHER EDUCATION ACT OF 1965

Mr. REID. Mr. President, I ask unanimous consent that the HELP Committee be discharged from further consideration of S. 1998 and the Senate proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1998) to amend the Higher Education Act of 1965 with respect to the qualification of foreign schools.

There being no objection, the Senate proceeded to the consideration of the bill.

Mr. REID. Mr. President, Senators ENSIGN, ALLARD, and ALLEN have a substitute amendment at the desk. I ask unanimous consent that the amendment be considered and agreed to and the motion to reconsider be laid upon the table; the bill, as amended, be read three times, passed, and the motion to reconsider be laid upon the table, and that any statements relating to this matter be printed in the RECORD, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment (No. 4895) was agreed to, as follows:

(Purpose: To provide a complete substitute)

Strike all after the enacting clause and insert the following:

SECTION 1. FOREIGN SCHOOL ELIGIBILITY.

(a) IN GENERAL.—Section 102(a)(2)(A) of the Higher Education Act of 1965 (20 U.S.C. 1002(a)(2)(A)) is amended to read as follows:

"(A) IN GENERAL.—For the purpose of qualifying as an institution under paragraph (1)(C), the Secretary shall establish criteria by regulation for the approval of institutions outside the United States and for the determination that such institutions are comparable to an institution of higher education as defined in section 101 (except that a graduate medical school, or a veterinary school, located outside the United States shall not be required to meet the requirements of section 101(a)(4)). Such criteria shall include a requirement that a student attending such school outside the United States is ineligible for loans made, insured, or guaranteed under part B of title IV unless—

"(i) in the case of a graduate medical school located outside the United States—

"(I)(aa) at least 60 percent of those enrolled in, and at least 60 percent of the graduates of, the graduate medical school outside the United States were not persons described in section 484(a)(5) in the year preceding the year for which a student is seeking a loan under part B of title IV; and

"(bb) at least 60 percent of the individuals who were students or graduates of the graduate medical school outside the United States or Canada (both nationals of the United States and others) taking the examinations administered by the Educational Commission for Foreign Medical Graduates received a passing score in the year preceding the year for which a student is seeking a loan under part B of title IV; or

"(II) the institution has a clinical training program that was approved by a State as of January 1, 1992; or

"(ii) in the case of a veterinary school located outside the United States that does not meet the requirements of section 101(a)(4), the institution's students complete their clinical training at an approved veterinary school located in the United States.".

(b) EFFECTIVE DATE.—This Act and the amendments made by this Act shall be effective as if enacted on October 1, 1998.

The bill (S. 1998), as amended, was read the third time and passed.

DIRECTING THE CLERK OF THE HOUSE OF REPRESENTATIVES TO CORRECT THE ENROLLMENT OF THE BILL H.R. 2215

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H. Con. Res. 503.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 503) directing the Clerk of the House of Representatives to correct the enrollment of the bill H.R. 2215.

There being no objection, the Senate proceeded to the consideration of the bill.

Mr. REID. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 503) was agreed to.

TO AMEND THE INTERNATIONAL ORGANIZATIONS IMMUNITIES ACT

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to the consideration of Calendar No. 688, H.R. 3656.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3656) to amend the International Organizations Immunities Act to provide for the applicability of that Act to the European Central Bank.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read the third time, passed, the motion to reconsider be laid on the table, with no intervening action or debate, and any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3656) was read the third time and passed.

THE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration and the Senate proceed to consideration of the following bills en bloc: S. 963, S. 1366, S. 453, S. 1950, S. 1468, S. 209, and H.R. 2245; further, I ask unanimous consent that the bills be read three times, passed en bloc, the motions to reconsider be laid on the table en bloc, and any statements relating to these matters be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

RELIEF OF ANA ESPARZA AND MARÍA MUNOZ

The bill (S. 963) for the relief of Ana Esparza and Maria Munoz was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 963

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PERMANENT RESIDENT STATUS FOR ANA ESPARZA AND MARIA MUNOZ.

(a) IN GENERAL.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act, Ana Esparza and Maria Munoz shall be eligible for issuance of immigrant visas or for adjustment of status to that of aliens lawfully admitted for permanent residence upon filing an application for issuance of immigrant visas under section 204 of that Act or for adjustment of status to lawful permanent resident.

(b) ADJUSTMENT OF STATUS.—If Ana Esparza or Maria Munoz enters the United States before the filing deadline specified in subsection (c), the alien shall be considered to have entered and remained lawfully and shall be eligible for adjustment of status under section 245 of the Immigration and Nationality Act as of the date of enactment of this Act.

(c) DEADLINE FOR APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only if the application for issuance of immigrant visas or the application for adjustment of status are filed with appropriate fees within 2 years after the date of enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBERS.—Upon the granting of immigrant visas or permanent residence to Ana Esparza and Maria Munoz, the Secretary of State shall instruct the proper officer to reduce by the appropriate number, during the current or next following fiscal year, the total number of immigrant visas that are made available to natives of the country of the aliens' birth under section 203(a) of the Immigration and Nationality Act or, if applicable, the total number of immigrant visas that are made available to natives of the country of the aliens' birth under section 202(e) of such Act.

SEC. 2. ELIGIBILITY OF ANA ESPARZA FOR PUBLIC BENEFITS.

Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1601 et seq.) shall not apply for purposes of determining the eligibility of Ana Esparza or Maria Munoz for any Federal public benefit (as defined in section 401(c) (8 U.S.C. 1611(c)), including a specified Federal program defined in section 402(a)(3) of that Act (8 U.S.C. 1612(a)(3)), a designated Federal program defined in section 402(b)(3) of that Act (8 U.S.C. 1612(a)(3)), or a State or local public benefit, as defined in section 411(c) of that Act (8 U.S.C. 1621(c)).

RELIEF OF LINDITA IDRIZI HEATH

The bill (S. 1366) for the relief of Lindita Idrizi Heath was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 1366

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PERMANENT RESIDENT STATUS FOR LINDITA IDRIZI HEATH.

(a) IN GENERAL.—Notwithstanding section 101(b)(1) and subsections (a) and (b) of section 201 of the Immigration and Nationality Act, Lindita Idrizi Heath shall be eligible for issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of that Act or for adjustment of status to lawful permanent resident.

(b) ADJUSTMENT OF STATUS.—If Lindita Idrizi Heath enters the United States before the filing deadline specified in subsection (c), Lindita Idrizi Heath shall be considered to have entered and remained lawfully and shall, if otherwise eligible, be eligible for adjustment of status under section 245 of the Immigration and Nationality Act as of the date of enactment of this Act.

(c) DEADLINE FOR APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only if the application for issuance of an immigrant visa or the application for adjustment of status is filed with appropriate fees within 2 years after the date of enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBERS.—Upon the granting of an immigrant visa or permanent residence to Lindita Idrizi Heath, the Secretary of State shall instruct the proper officer to reduce by one, during the current or next following fiscal year, the total number of immigrant visas that are made available to natives of the country of birth of Lindita Idrizi Heath under section 203(a) of the Immigration and Nationality Act or, if applicable, the total number of immigrant visas that are made available to natives of the country of birth of Lindita Idrizi Heath under section 202(e) of that Act.

SEC. 2. ELIGIBILITY FOR CITIZENSHIP.

For purposes of section 320 of the Immigration and Nationality Act (8 U.S.C. 1431; relating to the automatic acquisition of citizenship by certain children born outside the United States), Lindita Idrizi Heath shall be considered to have satisfied the requirements applicable to adopted children under section 101(b)(1) of that Act (8 U.S.C. 1101(b)(1)).

SEC. 3. LIMITATION.

No natural parent, brother, or sister, if any, of Lindita Idrizi Heath shall, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

RELIEF OF DENES AND GYORGYI FULOP

The bill (S. 453) for the relief of Denes and Gyorgyi Fulop was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 453

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PERMANENT RESIDENT STATUS FOR DENES AND GYORGYI FULOP.

(a) IN GENERAL.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act, Denes and Gyorgyi Fulop shall be eligible for issuance of immigrant visas or for adjustment of status to that of aliens lawfully admitted for permanent residence upon filing an application for issuance of immigrant visas under section 204 of such Act or for adjustment of status to lawful permanent resident.

(b) ADJUSTMENT OF STATUS.—If Denes Fulop or Gyorgyi Fulop enters the United States before the filing deadline specified in subsection (c), the alien shall be considered to have entered and remained lawfully and shall, if otherwise eligible, be eligible for adjustment of status under section 245 of the Immigration and Nationality Act as of the date of enactment of this Act.

(c) DEADLINE FOR APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only if the application for issuance of immigrant visas or the application for adjustment of status are filed with appropriate fees within 2 years after the date of enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBERS.—Upon the granting of immigrant visas or permanent residence to Denes and Gyorgyi Fulop, the Secretary of State shall instruct the proper officer to reduce by the appropriate number, during the current or next following fiscal year, the total number of immigrant visas that are made available to natives of the country of the aliens' birth under section 203(a) of the Immigration and Nationality Act or, if applicable, the total number of immigrant visas that are made available to natives of the country of the aliens' birth under section 202(e) of such Act.

RELIEF OF RICHI JAMES LESLEY

The bill (S. 1950) for the relief of Richi James Lesley was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 1950

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PERMANENT RESIDENT STATUS FOR RICHI JAMES LESLEY.

(a) IN GENERAL.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act, Richi James Lesley shall be eligible for issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of such Act or for adjustment of status to lawful permanent resident.

(b) ADJUSTMENT OF STATUS.—If Richi James Lesley enters the United States before the filing deadline specified in subsection (c), he shall be considered to have entered and remained lawfully and shall, if otherwise eligible, be eligible for adjustment of status under section 245 of the Immigration and Nationality Act as of the date of enactment of this Act.

(c) DEADLINE FOR APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only if the application for issuance of an immigrant visa or the application for adjustment of status are filed with appropriate fees within 2 years after the date of enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBER.—Upon the granting of an immigrant visa or permanent residence to Richi James Lesley, the Secretary of State shall instruct the proper officer to reduce by one, during the current or next following fiscal year, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 203(a) of the Immigration and Nationality Act or, if applicable, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 202(e) of such Act.

(e) EFFECTIVE DATE OF IMMIGRANT STATUS.—Upon the granting of the status of an alien lawfully admitted for permanent residence to Richi James Lesley under this Act, the Attorney General shall make a record of lawful admission for permanent residence in the case of Richi James Lesley as of the date of the alien's arrival in the United States.

RELIEF OF SUNG JUN OH

The bill (S. 209) for the relief of Sung Jun Oh was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 209

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PERMANENT RESIDENCE.

Notwithstanding any other provision of law, for purposes of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), Sung Jun Oh shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of any necessary visa fees.

SEC. 2. REDUCTION OF NUMBER OF AVAILABLE VISAS.

Upon the granting of permanent residence to Sung Jun Oh, as provided in this Act, the Secretary of State shall instruct the proper officer to reduce by one number during the current fiscal year the total number of immigrant visas available to natives of the country of the alien's birth under section 202(e) of the Immigration and Nationality Act (8 U.S.C. 1152(e)).

RELIEF OF ANISH GOVEAS FOTI

The bill (H.R. 2245) for the relief of Anisha Goveas Foti was considered, ordered to a third reading, read the third time, and passed.

NATIONAL CHILD PROTECTION IMPROVEMENT ACT

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 386, S. 1868.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1868) to establish a national center on volunteer and provider screening to reduce sexual and other abuse of children, the elderly, and individuals with disabilities.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

[Strike the part shown in black brackets and insert the part shown in italic.]

S. 1868

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

[SECTION 1. SHORT TITLE.

[This Act may be cited as the "National Child Protection Improvement Act".

[SEC. 2. ESTABLISHMENT OF A NATIONAL CENTER ON VOLUNTEER AND PROVIDER SCREENING.

[The Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.) is amended by adding at the end the following:

["TITLE VI—NATIONAL CENTER ON VOLUNTEER AND PROVIDER SCREENING

["SEC. 601. SHORT TITLE.

["This title may be cited as the 'National Child Protection Improvement Act'.

[“SEC. 602. FINDINGS.

[“Congress finds the following:

[“(1) More than 87,000,000 children are involved each year in activities provided by child and youth organizations which depend heavily on volunteers to deliver their services.

[“(2) Millions more adults, both the elderly and individuals with disabilities, are served by public and private voluntary organizations.

[“(3) The vast majority of activities provided to children, the elderly, and individuals with disabilities by public and private nonprofit agencies and organizations result in the delivery of much needed services in safe environments that could not be provided without the assistance of virtually millions of volunteers, but abuses do occur.

[“(4) Estimates of the incidence of child sexual abuse in child care settings, foster care homes, and schools, range from 1 to 7 percent.

[“(5) Abuse traumatizes the victims and shakes public trust in care providers and organizations serving vulnerable populations.

[“(6) Congress has acted to address concerns about this type of abuse through the National Child Protection Act of 1993 and the Violent Crime Control Act of 1994 to set forth a framework for screening through criminal record checks of care providers, including volunteers who work with children, the elderly, and individuals with disabilities. Unfortunately, problems regarding the safety of these vulnerable groups still remain.

[“(7) While State screening is sometimes adequate to conduct volunteer background checks, more extensive national criminal history checks using fingerprints or other means of positive identification are often advisable, as a prospective volunteer or nonvolunteer provider may have lived in more than one State.

[“(8) The high cost of fingerprint background checks is unaffordable for organizations that use a large number of volunteers and, if passed on to volunteers, often discourages their participation.

[“(9) The current system of retrieving national criminal background information on volunteers through an authorized agency of the State is cumbersome and often requires months before vital results are returned.

[“(10) In order to protect children, volunteer agencies must currently depend on a convoluted, disconnected, and sometimes duplicative series of checks that leave children at risk.

[“(11) A national volunteer and provider screening center is needed to protect vulnerable groups by providing effective, efficient national criminal history background checks of volunteer providers at no-cost, and at minimal-cost for employed care providers.

[“SEC. 603. DEFINITIONS.

[“In this Act—

[“(1) the term ‘qualified entity’ means a business or organization, whether public, private, for-profit, not-for-profit, or voluntary, that provides care or care placement services, including a business or organization that licenses or certifies others to provide care or care placement services designated by the National Task Force;

[“(2) the term ‘volunteer provider’ means a person who volunteers or seeks to volunteer with a qualified entity;

[“(3) the term ‘provider’ means a person who is employed by or volunteers or who seeks to be employed by or volunteer with a qualified entity, who owns or operates a qualified entity, or who has or may have unsupervised access to a child to whom the qualified entity provides care;

[“(4) the term ‘national criminal background check system’ means the criminal history record system maintained by the Federal Bureau of Investigation based on fingerprint identification or any other method of positive identification;

[“(5) the term ‘child’ means a person who is under the age of 18;

[“(6) the term ‘individuals with disabilities’ has the same meaning as that provided in section 5(7) of the National Child Protection Act of 1993;

[“(7) the term ‘State’ has the same meaning as that provided in section 5(11) of the National Child Protection Act of 1993; and

[“(8) the term ‘care’ means the provision of care, treatment, education, training, instruction, supervision, or recreation to children, the elderly, or individuals with disabilities.

[“SEC. 604. ESTABLISHMENT OF A NATIONAL CENTER FOR VOLUNTEER AND PROVIDER SCREENING.

[“(a) IN GENERAL.—The Attorney General, by agreement with a national nonprofit organization or by designating an agency within the Department of Justice, shall—

[“(1) establish a national center for volunteer and provider screening designed—

[“(A) to serve as a point of contact for qualified entities to request a nationwide background check for the purpose of determining whether a volunteer provider or provider has been arrested for or convicted of a crime that renders the provider unfit to have responsibilities for the safety and well-being of children, the elderly, or individuals with disabilities;

[“(B) to promptly access and review Federal and State criminal history records and registries through the national criminal history background check system—

[“(i) at no cost to a qualified entity for checks on volunteer providers; and

[“(ii) at minimal cost to qualified entities for checks on non-volunteer providers;

with cost for screening non-volunteer providers will be determined by the National Task Force;

[“(C) to provide the determination of the criminal background check to the qualified entity requesting a nationwide background check after not more than 15 business days after the request;

[“(D) to serve as a national resource center and clearinghouse to provide State and local governments, public and private nonprofit agencies and individuals with information regarding volunteer screening; and

[“(2) establish a National Volunteer Screening Task Force (referred to in this title as the ‘Task Force’) to be chaired by the Attorney General which shall—

[“(A) include—

[“(i) 2 members each of—

[“(I) the Federal Bureau of Investigation;

[“(II) the Department of Justice;

[“(III) the Department of Health and Human Services;

[“(IV) representatives of State Law Enforcement organizations;

[“(V) national organizations representing private nonprofit qualified entities using volunteers to serve the elderly; and

[“(VI) national organizations representing private nonprofit qualified entities using volunteers to serve individuals with disabilities; and

[“(ii) 4 members of national organizations representing private nonprofit qualified entities using volunteers to serve children;

to be appointed by the Attorney General; and

[“(B) oversee the work of the Center and report at least annually to the President and Congress with regard to the work of the Center and the progress of the States in complying with the provisions of the National Child Protection Act of 1993.

[“SEC. 605. AUTHORIZATION OF APPROPRIATIONS.

[“(a) IN GENERAL.—To carry out the provisions of this title, there are authorized to be appropriated $80,000,000 for fiscal year 2003 and $25,000,000 for each of the fiscal years 2004, 2005, 2006, and 2007, sufficient to provide no-cost background checks of volunteers working with children, the elderly, and individuals with disabilities.

[“(b) AVAILABILITY.—Sums appropriated under this section shall remain available until expended.”.

[SEC. 3. STRENGTHENING AND ENFORCING THE NATIONAL CHILD PROTECTION ACT OF 1993.

[Section 3 of the National Child Protection Act of 1993 (42 U.S.C. 5119 et seq.) is amended to read as follows:

[“SEC. 3. NATIONAL BACKGROUND CHECKS.

[“(a) IN GENERAL.—Requests for national background checks under this section shall be submitted to the National Center for Volunteer Screening which shall conduct a search using the Integrated Automated Fingerprint Identification System, or other criminal record checks using reliable means of positive identification subject to the following conditions:

[“(1) A qualified entity requesting a national criminal history background check under this section shall forward to the National Center the provider's fingerprints or other identifying information, and shall obtain a statement completed and signed by the provider that—

[“(A) sets out the provider or volunteer's name, address, date of birth appearing on a valid identification document as defined in section 1028 of title 18, United States Code, and a photocopy of the valid identifying document;

[“(B) states whether the provider or volunteer has a criminal record, and, if so, sets out the particulars of such record;

[“(C) notifies the provider or volunteer that the National Center for Volunteer Screening may perform a criminal history background check and that the provider's signature to the statement constitutes an acknowledgement that such a check may be conducted;

[“(D) notifies the provider or volunteer that prior to and after the completion of the background check, the qualified entity may choose to deny the provider access to children or elderly or persons with disabilities; and

[“(E) notifies the provider or volunteer of his right to correct an erroneous record held by the FBI or the National Center.

[“(2) Statements obtained pursuant to paragraph (1) and forwarded to the National Center shall be retained by the qualified entity or the National Center for at least 2 years.

[“(3) Each provider or volunteer who is the subject of a criminal history background check under this section is entitled to contact the National Center to initiate procedures to—

[“(A) obtain a copy of their criminal history record report; and

[“(B) challenge the accuracy and completeness of the criminal history record information in the report.

[“(4) The National Center receiving a criminal history record information that lacks disposition information shall, to the extent possible, contact State and local recordkeeping systems to obtain complete information.

["(5) The National Center shall make a determination whether the criminal history record information received in response to the national background check indicates that the provider has a criminal history record that renders the provider unfit to provide care to children, the elderly, or individuals with disabilities based upon criteria established by the National Task Force on Volunteer Screening, and will convey that determination to the qualified entity.

["(b) GUIDANCE BY THE NATIONAL TASK FORCE.—The National Task Force, chaired by the Attorney General shall—

["(1) encourage the use, to the maximum extent possible, of the best technology available in conducting criminal background checks; and

["(2) provide guidelines concerning standards to guide the National Center in making fitness determinations concerning care providers based upon criminal history record information.

["(c) LIMITATIONS OF LIABILITY.—

["(1) IN GENERAL.—A qualified entity shall not be liable in an action for damages solely for failure to request a criminal history background check on a provider, nor shall a State or political subdivision thereof nor any agency, officer or employee thereof, be liable in an action for damages for the failure of a qualified entity (other than itself) to take action adverse to a provider who was the subject of a criminal background check.

["(2) RELIANCE.—The National Center or a qualified entity that reasonably relies on criminal history record information received in response to a background check pursuant to this section shall not be liable in an action for damages based upon the inaccuracy or incompleteness of the information.

["(d) FEES.—In the case of a background check pursuant to a State requirement adopted after December 20, 1993, conducted through the National Center using the fingerprints or other identifying information of a person who volunteers with a qualified entity shall be free of charge. This subsection shall not affect the authority of the FBI, the National Center, or the States to collect reasonable fees for conducting criminal history background checks of providers who are employed as or apply for positions as paid employees.".

[SEC. 4. ESTABLISHMENT OF A MODEL PROGRAM IN EACH STATE TO STRENGTHEN CRIMINAL DATA REPOSITORIES AND FINGERPRINT TECHNOLOGY.

[(a) ESTABLISHMENT.—A model program shall be established in each State and the District of Columbia for the purpose of improving fingerprinting technology which shall grant to each State $50,000 to either—

[(1) purchase Live-Scan fingerprint technology and a State vehicle to make such technology mobile and these mobile units shall be used to travel within the State to assist in the processing of fingerprint background checks; or

[(2) purchase electric fingerprint imaging machines for use throughout the State to send fingerprint images to the National Center to conduct background checks.

[(b) ADDITIONAL FUNDS.—In addition to funds provided in subsection (a), $50,000 shall be provided to each State and the District of Columbia to hire personnel to—

[(1) provide information and training to each county law enforcement agency within the State regarding all National Child Protection Act requirements for input of criminal and disposition data into the national criminal history background check system; and

[(2) provide an annual summary to the National Task Force of the State's progress in complying with the criminal data entry provisions of the National Child Protection Act of 1993 which shall include information about the input of criminal data, child abuse crime information, domestic violence arrests and stay-away orders of protection.

[(c) AUTHORIZATION OF APPROPRIATIONS.—

[(1) IN GENERAL.—To carry out the provisions of this section, there are authorized to be appropriated a total of $5,100,000 for fiscal year 2003 and such sums as may be necessary for each of the fiscal years 2004, 2005, 2006, and 2007, sufficient to improve fingerprint technology units and hire data entry improvement personnel in each of the 50 States and the District of Columbia.

[(2) AVAILABILITY.—Sums appropriated under this section shall remain available until expended.]

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Child Protection Improvement Act".

SEC. 2. ESTABLISHMENT OF A NATIONAL CENTER ON VOLUNTEER AND PROVIDER SCREENING.

The Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.) is amended by adding at the end the following:

"TITLE VI—NATIONAL CENTER ON VOLUNTEER AND PROVIDER SCREENING

"SEC. 601. SHORT TITLE.

"This title may be cited as the 'National Child Protection Improvement Act'.

"SEC. 602. FINDINGS.

"Congress finds the following:

"(1) More than 87,000,000 children are involved each year in activities provided by child and youth organizations which depend heavily on volunteers to deliver their services.

"(2) Millions more adults, both the elderly and individuals with disabilities, are served by public and private voluntary organizations.

"(3) The vast majority of activities provided to children, the elderly, and individuals with disabilities by public and private nonprofit agencies and organizations result in the delivery of much needed services in safe environments that could not be provided without the assistance of virtually millions of volunteers, but abuses do occur.

"(4) Estimates of the incidence of child sexual abuse in child care settings, foster care homes, and schools, range from 1 to 7 percent.

"(5) Abuse traumatizes the victims and shakes public trust in care providers and organizations serving vulnerable populations.

"(6) Congress has acted to address concerns about this type of abuse through the National Child Protection Act of 1993 and the Violent Crime Control Act of 1994 to set forth a framework for screening through criminal record checks of care providers, including volunteers who work with children, the elderly, and individuals with disabilities. Unfortunately, problems regarding the safety of these vulnerable groups still remain.

"(7) While State screening is sometimes adequate to conduct volunteer background checks, more extensive national criminal history checks using fingerprints are often advisable, as a prospective volunteer or nonvolunteer provider may have lived in more than one State.

"(8) The high cost of fingerprint background checks is unaffordable for organizations that use a large number of volunteers and, if passed on to volunteers, often discourages their participation.

"(9) A national volunteer and provider screening center is needed to protect vulnerable groups by providing effective, efficient national criminal history background checks of volunteer providers at no-cost, and at minimal-cost for employed care providers.

"SEC. 603. DEFINITIONS.

"In this Act—

"(1) the term 'qualified entity' means a business or organization, whether public, private, for-profit, not-for-profit, or voluntary, that provides care or care placement services, including a business or organization that licenses or certifies others to provide care or care placement services designated by the National Task Force;

"(2) the term 'volunteer provider' means a person who volunteers or seeks to volunteer with a qualified entity;

"(3) the term 'provider' means a person who is employed by or volunteers or who seeks to be employed by or volunteer with a qualified entity, who owns or operates a qualified entity, or who has or may have unsupervised access to a child to whom the qualified entity provides care;

"(4) the term 'national criminal background check system' means the criminal history record system maintained by the States and the Federal Bureau of Investigation based on fingerprint identification or any other method of positive identification;

"(5) the term 'child' means a person who is under the age of 18;

"(6) the term 'individuals with disabilities' has the same meaning as that provided in section 5(7) of the National Child Protection Act of 1993;

"(7) the term 'State' has the same meaning as that provided in section 5(11) of the National Child Protection Act of 1993; and

"(8) the term 'care' means the provision of care, treatment, education, training, instruction, supervision, or recreation to children, the elderly, or individuals with disabilities.

"SEC. 604. ESTABLISHMENT OF A NATIONAL CENTER FOR VOLUNTEER AND PROVIDER SCREENING.

"(a) IN GENERAL.—The Attorney General shall—

"(1) establish a national center for volunteer and provider screening which shall—

"(A) serve as a point of contact for qualified entities to request a nationwide background check for the purpose of determining whether a volunteer provider or provider has been arrested for or convicted of a crime that renders the provider unfit to have responsibilities for the safety and well-being of children, the elderly, or individuals with disabilities;

"(B) promptly access and review Federal and State criminal history records and registries through the national criminal history background check system—

"(i) at no cost to a qualified entity for checks on volunteer providers; and

"(ii) at minimal cost to qualified entities for checks on nonvolunteer providers, to be determined by the National Task Force, although fees for checks on nonvolunteer providers should not be less than the actual cost, including disposition location, not to exceed $18;

"(C) provide the determination of the criminal background check to the qualified entity requesting a nationwide background check after not more than 15 business days after the request;

"(D) serve as a national resource center and clearinghouse to provide State and local governments, public and private nonprofit agencies and individuals with information regarding volunteer screening; and

"(E) establish and publicize a toll-free telephone number for qualified entities to call to determine which governmental agency processes background check requests in their jurisdiction; and

"(2) establish a National Volunteer Screening Task Force (referred to in this title as the 'Task

Force') to be a committee of the Compact Council to be chaired by a member determined by the Task Force which shall—

"(A) include—

"(i) 1 member of the Federal Bureau of Investigation;

"(ii) 1 member of the Department of Justice;

"(iii) 1 member of the Department of Health and Human Services;

"(iv) 2 representatives of State identification bureaus;

"(v) 2 members of national organizations representing private nonprofit qualified entities using volunteers to serve the elderly;

"(vi) 2 members of national organizations representing private nonprofit qualified entities using volunteers to serve individuals with disabilities;

"(vii) 4 members of national organizations representing private nonprofit qualified entities using volunteers to serve children; and

"(viii) 1 member of national organizations representing local law enforcement agencies;

to be appointed by the Attorney General; and

"(B) oversee the work of the Center and report at least annually to the President and Congress with regard to the work of the Center and the progress of the States in complying with the provisions of the National Child Protection Act of 1993.

"SEC. 605. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—To carry out the provisions of this title, there are authorized to be appropriated $80,000,000 for fiscal year 2003 and $25,000,000 for each of the fiscal years 2004, 2005, 2006, and 2007, sufficient to provide no-cost background checks of volunteers working with children, the elderly, and individuals with disabilities.

"(b) AVAILABILITY.—Sums appropriated under this section shall remain available until expended.".

SEC. 3. CERTIFICATION REVIEW BY THE NATIONAL CENTER.

The National Child Protection Act of 1993 (42 U.S.C. 5119 et seq.) is amended—

(1) by redesignating sections 3 through 5 as sections 4 through 6, respectively; and

(2) by adding after section 2 the following:

"SEC. 3. CERTIFICATION REVIEW BY THE NATIONAL CENTER.

"(a) IN GENERAL.—Six months after the date of enactment of this section, the National Center shall issue a certification review that—

"(1) measures the extent of State participation in the national background check procedures governed by the National Child Protection Act and the Volunteers for Children Act; and

"(2) designates States either as participating or not participating for certain purposes in these procedures.

"(b) QUALIFIED ENTITIES.—A qualified entity doing business in a State and for purposes designated as not participating by the National Center may request nationwide background checks directly from the National Center.

"(c) UPDATING AND REVIEW.—

"(1) UPDATING.—The certification review required by this section shall be updated and issued annually.

"(2) REVIEW.—A State that has been designated as not participating for certain purposes may apply to the National Center, for purposes of a subsequent certification review, to be designated as participating for those purposes based on new State law, practices, or procedures.

"(d) DEFINITIONS.—In this section:

"(1) NOT PARTICIPATING.—The term 'not participating' means a State where—

"(A) requests for nationwide background checks are routinely not returned to the qualified entity within 15 business days;

"(B) authorized agencies charge more than $18 for State background checks;

"(C) authorized agencies have not been designated to receive nationwide background checks from qualified entities; or

"(D) qualified entities have not been designated to submit background check requests to authorized agencies.

"(2) ROUTINELY.—The term 'routinely' means instances where 15 percent or more of nationwide background check requests are not returned within 15 business days.".

SEC. 4. STRENGTHENING AND ENFORCING THE NATIONAL CHILD PROTECTION ACT OF 1993.

Section 4 of the National Child Protection Act of 1993 (42 U.S.C. 5119a), as redesignated by section 3 of this Act, is amended to read as follows:

"SEC. 3. NATIONAL BACKGROUND CHECKS.

"(a) IN GENERAL.—Requests for national background checks under this section shall be submitted to the National Center for Volunteer Screening which shall conduct a search using the Integrated Automated Fingerprint Identification System, or other criminal record checks using reliable means of positive identification subject to the following conditions:

"(1) A qualified entity requesting a national criminal history background check under this section shall forward to the National Center the provider's fingerprints and other identifying information, and shall obtain a statement completed and signed by the provider that—

"(A) sets out the provider or volunteer's name, address, date of birth appearing on a valid identification document as defined in section 1028 of title 18, United States Code, and a photocopy of the valid identifying document;

"(B) states whether the provider or volunteer has a criminal record, and, if so, sets out the particulars of such record;

"(C) notifies the provider or volunteer that the National Center for Volunteer screening may perform a criminal history background check and that the provider's signature to the statement constitutes an acknowledgement that such a check may be conducted;

"(D) notifies the provider or volunteer that prior to and after the completion of the background check, the qualified entity may choose to deny the provider access to children or elderly or persons with disabilities; and

"(E) notifies the provider or volunteer of his right to correct an erroneous record held by the FBI or the National Center.

"(2) Statements obtained pursuant to paragraph (1) and forwarded to the National Center shall be retained by the qualified entity or the National Center for at least 2 years.

"(3) Each provider or volunteer who is the subject of a criminal history background check under this section is entitled to contact the National Center to obtain a copy of the criminal history record report for the sole purpose of challenging the accuracy and completeness of the report.

"(4) The National Center receiving a criminal history record information that lacks disposition information shall, to the extent possible, contact State and local recordkeeping systems to obtain complete information. The National Center shall forward this complete information to the FBI.

"(5) The National Center shall make a determination whether the criminal history record information received in response to the national background check indicates that the provider has a criminal history record that renders the provider unfit to provide care to children, the elderly, or individuals with disabilities based upon criteria established by the National Task Force on Volunteer Screening, and will convey that determination to the qualified entity.

"(b) GUIDANCE BY THE NATIONAL TASK FORCE.—The National Task Force, chaired by the Attorney General shall—

"(1) encourage the use, to the maximum extent possible, of the best technology available in conducting criminal background checks; and

"(2) provide guidelines concerning standards to guide the National Center in making fitness determinations concerning care providers based upon criminal history record information.

"(c) LIMITATIONS OF LIABILITY.—

"(1) IN GENERAL.—A qualified entity shall not be liable in an action for damages solely for failure to request a criminal history background check on a provider, nor shall a State or political subdivision thereof nor any agency, officer or employee thereof, be liable in an action for damages for the failure of a qualified entity (other than itself) to take action adverse or favorable to a provider who was the subject of a criminal background check.

"(2) RELIANCE.—The National Center or a qualified entity that reasonably relies on criminal history record information received in response to a background check pursuant to this section shall not be liable in an action for damages based upon the accuracy, inaccuracy, completeness, or incompleteness of the information.

"(d) FEES.—

"(1) PARTICIPATING JURISDICTION.—In a State designated as a participating jurisdiction pursuant to the certification review conducted by the National Center under section 3, the National Center shall not collect a fee for conducting nationwide criminal history background checks on—

"(A) a person who volunteers with a qualified entity; or

"(B) a person who is employed by a qualified entity that provides care, treatment, education, training, instruction, supervision, or recreation to children, the elderly, or individuals with disabilities.

"(2) VOLUNTEERS.—In the case of a background check pursuant to a State requirement adopted after December 20, 1993, conducted through the National Center using the fingerprints or other identifying information of a person who volunteers with a qualified entity shall be free of charge. This paragraph shall not affect the authority of the FBI, the National Center, or the States to collect reasonable fees for conducting criminal history background checks of providers who are employed as or apply for positions as paid employees.".

SEC. 5. ESTABLISHMENT OF A MODEL PROGRAM IN EACH STATE TO STRENGTHEN CRIMINAL DATA REPOSITORIES AND FINGERPRINT TECHNOLOGY.

(a) ESTABLISHMENT.—The Attorney General shall establish a model program in each State and the District of Columbia for the purpose of improving fingerprinting technology which shall grant to each State $50,000 to either—

(1) purchase Live-Scan fingerprint technology and a State vehicle to make such technology mobile and these mobile units shall be used to travel within the State to assist in the processing of fingerprint background checks; or

(2) purchase electric fingerprint imaging machines for use throughout the State to send fingerprint images to the National Center to conduct background checks.

(b) ADDITIONAL FUNDS.—In addition to funds provided in subsection (a), $50,000 shall be provided to each State and the District of Columbia to hire personnel to—

(1) provide information and training to each county law enforcement agency within the State regarding all National Child Protection Act requirements for input of criminal and disposition data into the national criminal history background check system; and

(2) provide an annual summary to the National Task Force of the State's progress in complying with the criminal data entry provisions of the National Child Protection Act of 1993 which shall include information about the input of criminal data, child abuse crime information, domestic violence arrests and stay-away orders of protection.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—To carry out the provisions of this section, there are authorized to be appropriated a total of $5,100,000 for fiscal year 2003 and such sums as may be necessary for each of the fiscal years 2004, 2005, 2006, and 2007, sufficient to improve fingerprint technology units and hire data entry improvement personnel in each of the 50 States and the District of Columbia.

(2) AVAILABILITY.—Sums appropriated under this section shall remain available until expended.

SEC. 6. AMENDMENT TO NATIONAL CRIMINAL HISTORY ACCESS AND CHILD PROTECTION ACT.

Section 215 of the National Criminal History Access and Child Protection Act is amended by—

(1) striking subsection (b) and inserting the following:

"(b) DIRECT ACCESS TO CERTAIN RECORDS NOT AFFECTED.—Nothing in the Compact shall affect any direct terminal access to the III System provided prior to the effective date of the Compact under the following:

"(1) Section 9101 of title 5, United States Code.

"(2) The Brady Handgun Violence Prevention Act (Public Law 103–159; 107 Stat. 1536).

"(3) The Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322; 108 Stat. 2074) or any amendments made by that Act.

"(4) The United States Housing Act of 1937 (42 U.S.C. 1437 et seq.).

"(5) The Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.).

"(6) Any direct terminal access to Federal criminal history records authorized by law."; and

(2) in subsection (c) by inserting after the period at the end thereof the following: "Criminal history records disseminated by the FBI pursuant to such Act by means of the III System shall be subject to the Compact.".

SEC. 7. FUNDING FOR COMPACT COUNCIL.

There are authorized to be appropriated to the Federal Bureau of Investigation, to support the activities of the National Crime Prevention and Privacy Compact Council—

(1) $1,000,000 for fiscal year 2003; and

(2) such sums as may be necessary for fiscal years 2004, 2005, 2006, and 2007.

Mr. THURMOND. Mr. President, I rise today to express my strong support for S. 1868, the National Child Protection and Volunteers for Children Improvement Act of 2002. This bill will help protect children, seniors, and the disabled by making criminal background checks more accessible to care-providing and mentoring organizations. I am pleased that the Senate has approved this important piece of legislation.

In May of this year, S. 1868 was favorably reported by the Judiciary Committee. Since that time, Senator BIDEN and I have worked to refine this bill. I want to thank him for his tireless efforts to improve this legislation. We have produced a bill that will greatly improve the background check process, thereby reducing the possibility that dangerous individuals will interact with children and other vulnerable people.

S. 1868 is critically necessary because of the serious problems that plague the current scheme for conducting background checks. The current system is governed primarily by the National Child Protection Act of 1993, NCPA, and the Volunteers for Children Act, VCA. These Acts were designed to encourage states to develop background check procedures for volunteers and employees who interact with children. In addition, the Violent Crime Control and Law Enforcement Act of 1994 expanded the reach of the NCPA to the elderly and those with disabilities.

While these Acts were significant milestones, we have learned that the process must be improved. First of all, many states are returning background checks after significant time has passed. In 1998, the FBI's Criminal Justice Information Services, CJIS, Division performed a study on the amount of time it took states to process fingerprint checks. The results were troublesome. On average, it took states an average of 117.6 days to perform a state check and forward the fingerprint to the FBI for a national check. This time lag is obviously a problem for organizations that rely heavily on volunteers.

Additionally, some states charge very high prices for background checks. Organizations that have a large number of volunteers are often forced to spend a lot of money on these checks. In addition to discouraging volunteerism, the high costs dissuade organizations from performing background checks on their volunteers and employees.

S. 1868 helps to solve these problems by making background checks under the NCPA more readily available. As amended, S. 1868 permits the states to retain their crucial role in performing background checks, but also provides a role for the Federal government. If a state complies with the NCPA, returns background checks in a timely fashion, and charges no more than $18, the state will remain the sole government entity that can perform a background check in that jurisdiction. However, if a state does not develop a qualifying program within a year of enactment, care-providing and mentoring organizations in that state will have the option of requesting background checks directly from the Federal government.

This bill would create an office within the Department of Justice that would receive requests for background checks. The results of background checks would then be returned to the entities, enabling them to make informed decisions. The office would also be required to develop model standards to guide entities in making fitness determinations.

I would like to point out that some states may have established qualified state programs in some areas but not in other areas. This legislation does nothing to prevent the Attorney General from designating a state as having a qualified program for some NCPA purposes, but not for others. Therefore, if background checks are performed adequately for those who work with the elderly, but not for those who work in other areas, the Attorney General would have the authority to designate a qualified state program for the particular purpose of working with the elderly.

Senator BIDEN and I have developed a good bill. We have streamlined this legislation and removed many of the provisions objected to by the Department of Justice. We have developed a background check scheme that will preserve the role of the states in the background check process. We have also provided organizations with the ability to ask the Federal government for a background check if the state fails to develop an adequate system.

This bill is important for the well-being of our children and is a proper use of Federal resources. The Congress should use all reasonable means to ensure that criminals do not have access to children, seniors, and the disabled. I am proud to support this legislation, and I am pleased that the Senate has approved these significant protections for the most vulnerable in our society.

Mr. REID. Mr. President, Senators BIDEN and THURMOND have an amendment at the desk. I ask unanimous consent that the amendment be considered and agreed to, the motion to reconsider be laid upon the table; the committee reported substitute amendment, as amended, be agreed to; the bill, as amended, be read a third time, passed, the motion to reconsider be laid on the table; and that any statements relating thereto be printed in the RECORD with no intervening action or debate, and that the title amendment be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4896) was agreed to.

(The amendment is printed in today's RECORD under "Text of Amendments.")

The committee amendment in the nature of a substitute, as amended, was agreed to.

The title amendment was agreed to.

The bill (S. 1868), as amended, was read the third time and passed.

ACCOUNTABILITY OF TAX DOLLARS ACT OF 2002

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 4685.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4685) to amend title 31, United States Code, to expand the types of Federal agencies that are required to prepare audited financial statements.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent the bill be read a third time, passed, the motion to reconsider be laid on the table, and that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4685) was read the third time and passed.

EXPRESSING SUPPORT FOR A DAY OF TRIBUTE TO ALL FIREFIGHTERS AND THE FALLEN FIREFIGHTERS FOUNDATION

Mr. REID. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration and the Senate proceed to the immediate consideration of S. Con. Res. 142.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 142) expressing support for the goals and ideas of a day of tribute to all firefighters who have died in the line of duty and recognizing the important mission of the Fallen Firefighters Foundation in assisting family members to overcome the loss of their fallen heroes.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. Mr. President, I ask unanimous consent the concurrent resolution and preamble be agreed to en bloc, the motion to reconsider be laid on the table, and that any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 142) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 142

Whereas for over 350 years the Nation's firefighters have dedicated their lives to the safety of their fellow Americans;

Whereas throughout the Nation's history many firefighters have fallen in the line of duty, leaving behind family members and friends who have grieved their untimely losses;

Whereas these individuals served with pride and honor as volunteer and career firefighters;

Whereas until 1980 there was not a tribute to honor these heroes for their acts of valor or a support system to help the families of these heroes rebuild their lives;

Whereas in 1992 Congress created the National Fallen Firefighters Foundation to lead a nationwide effort to remember the Nation's fallen firefighters through a variety of activities;

Whereas each year the National Fallen Firefighters Foundation hosts an annual memorial service to honor the memory of all firefighters who die in the line of duty and to bring support and counseling to their families;

Whereas in 2002 the memorial service will take place on October 5 and 6;

Whereas 445 fallen firefighters, including firefighters from nearly every State, will be honored in 2002; and

Whereas many of the family members of these firefighters are expected to attend the memorial service: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress supports the goals and ideas of a day of tribute to all firefighters who have died in the line of duty and recognizes the important mission of the Fallen Firefighters Foundation in assisting family members to overcome the loss of their fallen heroes.

HONORING AND COMMENDING THE LAO VETERANS OF AMERICA

Mr. REID. Mr. President, I ask unanimous consent that we now proceed to the consideration of H. Con. Res 406.

The PRESIDING OFFICER. The clerk will state the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 406) honoring and commending the Lao Veterans of America, Laotian and Hmong veterans of the Vietnam War, and their families, for their historic contributions to the United States.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements related thereto be printed in the RECORD, including the statement of Senator WELLSTONE.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 406) was agreed to.

The preamble was agreed to.

Mr. WELLSTONE. Mr. President, I want to take a moment to thank my colleagues for passing H. Con. Res. 406. This resolution commemorates the tremendous sacrifice made by so many Lao-Hmong during the Vietnam War.

As a Senator from Minnesota, I am proud to represent one of the largest Hmong populations in America. My experience as a Senator has become so much greater as a result of coming to know the noble history and rich culture of the Hmong people in Minnesota. I am in awe of their sacrifice for the American people.

Hmong soldiers died at ten times the rate of American soldiers in the Vietnam War. Yet, because America's war effort in Laos was covert, the sacrifices and service of the Hmong and Lao veterans is still largely untold. The legislation we passed today is a tribute to the Hmong people's sacrifice for our country. It is a small but meaningful step in honoring and fulfilling our debt to the Hmong and Lao veterans and their families.

This resolution also commends the leadership of the Lao Veterans of America for its work in passing several pieces of legislation I introduced with Congressman Vento that would expedite citizenship for Hmong veterans and their wives. In addition, they led the fight to erect a monument in Arlington National Cemetery in honor of the Hmong who died in the Vietnam War. The Lao Veterans of America, including Cherzong Vang, in Minnesota, and Colonel Vang Yee Vang, Executive Director of the organization, has worked tirelessly to educate Congress and the public about the history and contributions of the Hmong people in our county. This resolution is a fitting response to this important work.

Again, I thank my colleagues for passing this excellent and overdue legislation.

DESIGNATING OCTOBER 10, 2002, AS "PUT THE BRAKES ON FATALITIES DAY"

Mr. REID. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 266 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will state the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 266) designating October 10, 2002, as "Put the Brakes on Fatalities Day."

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 266) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 266

Whereas traffic fatalities needlessly claim the lives of more than 40,000 Americans each year;

Whereas traffic crashes are the leading cause of death in the United States for people ages 6 to 28 years;

Whereas 63 percent of those killed in traffic crashes are not wearing safety belts;

Whereas roadside hazards, substandard road conditions, and obsolete roadway designs contribute to more than 15,000 highway deaths annually—nearly ⅓ of all fatal crashes;

Whereas more than 3,000,000 people are injured in traffic crashes in the United States each year;

Whereas there are more than 6,000,000 nonfatal traffic crashes in the United States each year;

Whereas deaths and injuries on highways in the United States cost society more than $230,000,000,000 annually;

Whereas approximately 4,900 pedestrians and 750 bicyclists are killed annually in traffic related crashes;

Whereas safer driving behaviors through the use of seat belts, not drinking and driving, and obeying traffic laws need to be encouraged;

Whereas use of simple, cost-effective roadway safety improvements such as all weather signing and marking, traffic signals, skid resistant pavements, and removal of roadside hazards would greatly reduce crashes;

Whereas continued development of ever-safer vehicles, protective equipment, and roadways would reduce traffic-related fatalities and injuries; and

Whereas cooperation between Federal, State, and local governments, private companies, and associations is essential to increasing highway safety: Now, therefore, be it

Resolved, That the Senate—

(1) designates October 10, 2002, as "Put the Brakes on Fatalities Day"; and

(2) requests that the President issue a proclamation urging the people of the United States and interested groups to encourage safe driving and other roadway use.

DESIGNATING THE MONTH OF OCTOBER, 2002, AS "CHILDREN'S INTERNET SAFETY MONTH"

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 338 following the discharge from the Judiciary Committee.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will state the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 338) designating the month of October, 2002, as "Children's Internet Safety Month."

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and that any statements related thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 338) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 338

Whereas the Internet is one of the most effective tools available for purposes of education and research and gives children the means to make friends and freely communicate with peers and family anywhere in the world;

Whereas the new era of instant communication holds great promise for achieving better understanding of the world and providing the opportunity for creative inquiry;

Whereas it is vital to the well-being of children that the Internet offer an open and responsible environment to explore;

Whereas access to objectionable material, such as violent, obscene, or sexually explicit adult material may be received by a minor in unsolicited form;

Whereas there is a growing concern in all levels of society to protect children from objectionable material; and

Whereas the Internet is a positive educational tool and should be seen in such a manner rather than as a vehicle for entities to make objectionable materials available to children: Now, therefore, be it

Resolved, That the Senate—

(1) designates October, 2002, as "Children's Internet Safety Month" and supports its official status on the Nation's promotional calendar; and

(2) supports parents and guardians in promoting the creative development of children by encouraging the use of the Internet in a safe, positive manner.

RECOGNIZING THE ELLIS ISLAND MEDAL OF HONOR

Mr. REID. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. 334 and that the Senate now proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will state the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 334) recognizing the Ellis Island Medal of Honor.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and that any statements related thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 334) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 334

Whereas the Ellis Island Medal of Honor, established by the National Ethnic Coalition of Organizations in 1986, pays tribute to individuals of various ethnic origins who have distinguished themselves through their contributions to the United States;

Whereas the Ellis Island Medal of Honor has been awarded on a bipartisan basis to 6 Presidents and numerous Representatives and Senators;

Whereas the National Ethnic Coalition of Organizations is the largest organization of its kind in the United States, representing more than 5,000,000 family members and serving as an umbrella group for more than 250 organizations that span the spectrum of ethnic heritage, culture, and religion;

Whereas the mandate of the National Ethnic Coalition of Organizations is to preserve ethnic diversity, promote equality and tolerance, combat injustice, and bring about harmony and unity among all peoples;

Whereas the Ellis Island Medal of Honor is named for the gateway through which more than 12,000,000 immigrants passed in their quest for freedom of speech, freedom of religion, and economic opportunity;

Whereas the Ellis Island Medal of Honor celebrates the richness and diversity of American life by honoring not only individuals, but the pluralism and democracy that have enabled the Nation's ethnic groups to maintain their identities while becoming integral parts of the American way of life;

Whereas during the 15-year history of the Ellis Island Medal of Honor, more than 1,500 individuals from scores of different ethnic groups have received the Medal, and more than 5,000 individuals are nominated each year for the Medal; and

Whereas at the 2002 Ellis Island Medal of Honor ceremony in New York City, individuals from different ethnic groups will be honored for their contributions to the rescue and recovery efforts of September 11, 2001, the war against terrorism, and the enhancement of the Nation's homeland security: Now, therefore, be it

Resolved, That the Senate recognizes the Ellis Island Medal of Honor for acknowledging individuals who live exemplary lives as Americans while preserving the values of their particular ethnic heritage.

RECOGNIZING THE SIGNIFICANCE OF BREAD IN AMERICAN HISTORY

Mr. REID. Mr. President, I ask unanimous consent that the Senate immediately proceed to S. Con. Res. 148 following the discharge of the Judiciary Committee.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will state the concurrent resolution by title.

A concurrent resolution (S. Con. Res. 148) recognizing the significance of bread in American history, culture, and daily diet.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be land upon the table, and that any statements related thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Con. Res. 148) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. CON. RES. 148

Whereas bread is a gift of friendship in the United States;

Whereas bread is used as a symbol of unity for families and friends;

Whereas the expression "breaking bread together" means sharing friendship, peace, and goodwill, and the actual breaking of bread together can help restore a sense of normalcy and encourage a sense of community;

Whereas bread, the staff of life, not only nourishes the body but symbolizes nourishment for the human spirit;

Whereas bread is used in many cultures to commemorate milestones such as births, weddings, and deaths;

Whereas bread is the most consumed of grain foods, is recognized by the Department of Agriculture as part of the most important food group, and plays a vital role in American diets;

Whereas Americans consume an average of 60 pounds of bread annually;

Whereas bread has been a staple of American diets for hundreds of years;

Whereas Americans are demonstrating a new interest in artisan and home-style types of breads, increasingly found in cafes, bakeries, restaurants, and homes across the country;

Whereas bread sustained the Pilgrims during their long ocean voyage to America and was used to celebrate their first harvest in the American wilderness; and

Whereas bread remains an important part of the family meal when Americans celebrate Thanksgiving, and the designation of November 2002 as National Bread Month would recognize the significance of bread in American history, culture, and daily diet: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that the President should issue a proclamation—

(1) designating November 2002 as National Bread Month in recognition of the significance of bread in American history, culture, and daily diet; and

(2) calling on the people of the United States to observe such month with appropriate programs and activities.

CONDEMNING THE POSTING ON THE INTERNET OF VIDEO AND PICTURES OF THE MURDER OF DANIEL PEARL

Mr. REID. Mr. President, I ask unanimous consent that the Senate immediately proceed to the consideration of S. Res. 351.

The PRESIDING OFFICER. The clerk will state the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 351) condemning the posting on the Internet of video and pictures of the murder of Daniel Pearl and calling on such video and pictures to be removed immediately.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and that any statements related thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 351) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 351

Whereas Daniel Pearl, a reporter for the Wall Street Journal, was murdered by terrorists following his abduction in Pakistan on January 23, 2002;

Whereas video of Mr. Pearl's gruesome murder has been posted on web sites;

Whereas this video was made by terrorists for anti-American propaganda purposes, in an attempt to recruit new terrorists and to spread a message of hate;

Whereas posting this video on web sites undermines efforts to fight terrorism throughout the world by glorifying such heinous acts;

Whereas posting this video on web sites could invite more abductions and more murders of innocent civilians by anti-American terrorists because of the attention these heinous acts might gain from such posting; and

Whereas posting this video on the Internet shows a complete and utter disrespect for Mr. Pearl's life and legacy and a complete and utter disregard for the respect of his family: Now, therefore, be it

Resolved, That the Senate—

(1) calls on all terrorist-produced murder video and pictures to be removed from all web sites immediately; and

(2) encourages all web-site operators to refrain from placing any terrorist-produced murder videos and pictures on the Internet.

AMENDING SECTION 527 OF THE INTERNAL REVENUE CODE OF 1986

Mr. REID. Mr. President, I ask unanimous consent that the Senate immediately proceed to the consideration of H.R. 5596.

The PRESIDING OFFICER. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (H.R. 5596) to amend section 527 of the Internal Revenue Code of 1986 to eliminate notification and return requirements for State and local party committees and candidate committees and avoid duplicate reporting by certain State and local political committees of information required to be reported and made publicly available under State law, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. LIEBERMAN. Mr. President, I am very pleased that the Senate today is passing H.R. 5596, a compromise bill aimed at improving disclosure by Section 527 political organizations and relieving certain 527 organizations from arguably duplicative filing requirements. I want to thank my colleague, Senator HUTCHISON, as well as our colleagues in the House, for working steadfastly with us to draft this bill in a manner that achieves its purpose, but does not open any loopholes in the original section 527 reform law.

In June 2000, Congress passed the first significant campaign finance reform measure in a quarter of a century. The so-called Section 527 reform bill dealt with a truly troubling development, one whereby organizations that received tax-exempt status by telling the IRS that they exist to influence elections denied the very same thing to the FEC.As a result, these self-proclaimed election organizations engaged in election activity without complying with any aspect of the election laws, influencing our elections without the American public having any idea who—or what—was behind them.

The 527 reform law enacted in 200 put a stop to that, by requiring organizations claiming tax-exempt status under Section 527 of the Internal Revenue Code to do three things: (1) give notice of their intent to claim that status; (2) disclose information about their large contributors and their big expenditures; and (3) file annual informational returns along the lines of those filed by virtually all other tax-exempt organizations.

During the approximately two years that the 527 reform law has been in effect, that law has blasted sunshine onto the previously shadowy operations of a multitude of election-related organizations. Through the filings Section 527 now mandates, the American public has learned a great deal about who is financing many of these organizations and how these organizations are spending their money. As outlined in report issued earlier this year by the group Public Citizen, the 527 reform law brought us the knowledge that 25 of the largest 527s raised over $67 million between July 2000 and December 2001, and that they spent it on a plethora of campaign activities—most significantly those pre-election issue ads that we all know so well and that are often indistinguishable from candidate ads. We've also learned from these IRS filings the specifics about who was trying to influence particular elections and where their money came from. Were it not for the 527 disclosure law, we probably wouldn't have any of this information, and we probably would have had a lot more shadowy groups operating in the election system—ones that slithered away on their own because they didn't want to face the disinfectant of sunshine.

These filings will become all the more important come this November, when the Bipartisan Campaign Reform Act—the McCain-Feingold bill—goes into effect. As we all know, at least some of the soft money donors who will no longer be able to give to political parties will be looking for other ways to influence our elections. Donations to 527 groups will probably top many of their lists, because these are the only tax-exempt groups that can do as much election work as they want without jeopardizing their tax status. With the potential for all this new money coming in, it is critical that we have a healthy 527 disclosure regime in place.

Although the 2000 law has been a tremendous boon in the fight for clean and open elections, the 527 disclosure regime does have some problems. Public interest groups that use the disclosure reports tell us that those reports lack important information needed to understand 527s' activities, and, more importantly, that the reports are hard to access and analyze. A new report by the nonpartisan Campaign Finance Institute's blue ribbon Task Force on Disclosure, for example, concludes that "there is a serious lack of meaningful web disclosure" by the IRS of 527 group activities, and calls upon Congress to mandate a fully searchable database and electronic filing. Put simply, the public needs more information to be reported and it needs the IRS to provide better access to it.

Just as importantly, concerns have been raised about the law's impact on State and local political organizations that already fully disclose to the public all of the activities covered by the 527 reform law. When we first enacted the 527 reform law, we made clear that we believed that 527 organizations, as a condition of receiving the federal benefit of tax exemption, owed the public disclosure of certain information about themselves and their activities. A number of State and local political organization have now convinced us that they already disclose that information on the State level, thereby already serving the law's purpose, and that there is no reason to require them to report the same information again to the IRS.

The bill we are considering today seeks to comprehensively address all these problems. First, it makes important and necessary improvements to the reporting and disclosure requirements, to enable the public to have better access to more information. For example, organizations will have to provide more information about the contributions they receive and the expenditures they make—providing the dates of both them, as well as the purpose of their expenditures. The added requirement to state the purpose of an expenditure will be particularly helpful in allowing the public to see whose money is supporting particular candidates. I hope that in implementing this provision, the IRS makes clear that organizations should state the purposes of expenditures with specificity, including whether particular expenditures are in support of, or opposition to, particular candidates, as well as the name and office sought by any such candidates. The bill we are considering today also requires 527s to provide updated information on themselves if there is any material change in the basic identifying information they filed with the IRS. This important change will make sure that the public can at all times locate these groups and know who is running them.

At the same time, as we are improving the nature of the filings, we are also mandating better disclosure of them. From here forward, all 527 filing reports on their contributors and expenditures will have to do so electronically, and the IRS will have to make those reports searchable on, and downloadable from, the Internet. This will vastly improve the public's access to information about, and understanding of, 527 organizations and their activities.

The second major feature of this bill is its elimination of arguably duplicative reporting requirements. In particular, it grants relief from the 527 reform law to a number of organizations that focus on State and local elections and that are regulated by State disclosure laws.

First, the bill fully exempts from its mandates State and local candidate and party committees. Under the reform law, these committees must notify the IRS of their intent to claim Section 527 status, and they have to file annual information returns if they have over $25,000 in gross receipts. They do not, however, have to file contribution and expenditure reports. Since the reform law went into effect, we have become convinced that the burden imposed on these committees by the two relevant disclosure mandates outweigh the public purpose served by requiring them to comply with these mandates.

By exempting them from the contribution and expenditures reporting requirements that lie at the heart of the Section 527 law's disclosure regime, the original reform law recognized that State and local candidate and party committees do not generally pose the threats the 527 law intended to address. In contract to other political committees, there is never any doubt as to who is running these committees or whose agenda they aim to promote. Just as importantly, State laws regulate and require disclosure from all of these committees.

Different considerations apply to the case of so-called State and local PACs. The bill grants more limited relief to a carefully defined set of these groups. In granting this relief, we have walked a very fine line. On one hand, we want to recognize the fact that every State requires disclosure from political committees involved in that State's elections and that many State and local PACs covered by the 527 reform law therefore are already disclosing the information the 527 law seeks. On the other hand, we still believe that there is a strong public interest in knowing how the federal tax-exemption under Section 527 is being used by these organizations, and we most decidedly do not want to exempt from the law's disclosure requirements any State or local PAC that does not otherwise publicly disclose all of its activities.

To exempt a State or local PAC merely it claims that it is involved only in State elections and files information about some of its activities with a State agency would risk creating a massive loophole that could undermine the 527 reform law. That is because just as prior to the passage of the 527 reform law, some 527 groups were claiming that they were trying to influence elections for the purposes of the tax code, but not for the purposes of the election laws, a broad exemption for State or local PACs could lead some groups to claim that they are influencing State elections for the purposes of Section 527 but not for the purposes of the State disclosure laws.

So, we have reached the following compromise. First, we are not exempting any of these organizations from the Section 527(i) requirement to notify the IRS of the intention to claim Section 527 status. Unlike candidate and party committees, it is not always clear to the public who is behind these groups or what their purposes are, making the information filed in these notices important sources of otherwise unavailable information. Moreover, because we are not completely exempting these groups from the law's other disclosure requirements, the notice requirement will be critical in helping the IRS and outside groups monitor compliance with the law's other mandates. In light of that, we believe the minimal effort required to file the 527(i) notice is worth the tremendous value of giving the public some basic information about these groups.

Second, we are granting an exemption from the Section 527(j) contribution and expenditure reporting requirements to some of these organizations, but only if they can meet certain strict requirements. The group's so-called exempt function activity must focus exclusively on State or local elections; a group that engages in even the smallest amount of activity related to a federal election will not be entitled to this exemption. The group also must file with a State agency information on every contribution and expenditure it would otherwise be required to disclose to the IRS. This requirement ensures that Congress' conditioning of tax exemption on complete and full disclosure is not compromised.

In addition, these State filings must be pursuant to a State law that requires these groups to file the State reports; this requirement seeks to prevent organizations from hiding truly federal activity by voluntarily reporting to a State where reports may not be as readily accessible as are federal reports. Moreover, no group will be able to take advantage of this exemption if the State reports its files are not publically available both from the State agency with which the report is filed and from the group itself. Finally, this exemption also is not available to any organization in which a candidate for federal office or someone who holds elected federal office plays a role—whether through helping to run the organization, soliciting money for the organization or deciding how the organization spends its money. I should note here that the use of the word "solicit" in this case is meant broadly; if a federal candidate or office holder suggests that money be given to a committee or directs it there in anyway, then federal disclosure is mandated.

In short, this bill exempts from Section 527(j)'s contribution and expenditure reporting obligations only those groups that truly and legitimately engage in exclusively State and local activity and only when they already report to their State on all of the information the 527 law seeks. This latter condition is important not just because it precludes the hiding of federal activity, but also because we believe that even those groups involved in exclusively State and local elections should face some disclosure requirement if they are to take the federal benefit of tax exemption under Section 527.

Finally, the bill makes a small change to these State and local groups' obligation to file an annual information return when they do not have taxable income. Under the current law, they must file such returns when they have $25,000 in annual receipts; the bill increases that trigger to $100,000. Like all other 527 organizations, though, they still will have to file such returns if they have taxable income.

To help walk my colleagues through this bill, I am attaching at the end of my statement a section-by-section of the bill and ask unanimous consent that it be printed in the RECORD after my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. LIEBERMAN. Again, let me thank Senator HUTCHISON in particular for her efforts on this bill. I believe we have worked out a good compromise, one that grants relief where it is warranted, but does not in any way threaten to open up a loophole in the law. I thank her for that, and I yield the floor.

EXHIBIT 1

SECTION-BY-SECTION

Section 1 exempts State and local candidate and party committees from the requirement to notify the IRS of their Section 527 status (Form 8871) and makes that exemption retroactive to the date of the 2000 law's enactment.

Section 2 exempts qualified State or local PACs from the requirement to file reports with the IRS detailing their contributions and expenditures (Form 8872). It defines a qualified State or local political organization as one which: (a) focuses solely on State or local elections; (b) reports and discloses information about all of its sizable contributions and expenditures under State law; and (c) does not have a federal candidate or elective office holder playing any material role in the organization or raising money for it. The provision makes clear that an otherwise qualified exempt State or local PAC does not lose its exemption simply because there are certain variations between State and federal law with respect to reporting of contributor and expenditure information.

Sections 3(a)–(b) repeal certain changes the 2000 law made to the requirements governing the filing of tax returns (Form 1120) by political organizations. Although political organizations are exempt from taxation on most of their income (such as contributions), certain income may be subject to federal tax. Prior to the 2000 law, only Section 527 groups with taxable income had to file the Form 1120. The 2000 law required most 527s to file the form, whether or not they had taxable income. Section 3(a) restores the pre-2000 law and puts 527s on a similar footing to other tax-exempt organizations with respect to the 1120 Form by requiring filing of the form only if the organization has taxable income. Section 3(b) restores the pre-2000 law by making clear that the tax returns of 527s with taxable income are confidential.

Section 3(c) exempts a number of organizations from the requirement to file the Form 990 annual information return. Exempt groups will now include State or local candidate and party committees, associations of State or local officials and groups filing with the FEC. The section also provides that qualified State and local PACs must file the 990 only if they have at least $100,000 in annual gross receipts (other non-exempt groups must file the 990 if they have at least $25,000 in annual gross receipts). Finally, the section directs the Treasury Secretary to adapt the 990 form, which was not developed for political organizations, to seek information relevant to the activities of Section 527 organizations.

Section 4 directs the Treasury Department to work with the FEC to publicize the 527 law's reporting requirements.

Section 5 authorizes the Treasury Secretary to waive amounts imposed for failing to file 8871 notices or 8872 reports if he concludes that the failure to file was due to reasonable cause and not willful neglect.

Sections 6(a), (b) and (d) modify existing law regarding noncompliance. Section 6(a) provides that organizations that fail to notify the IRS of their intent to claim Section 527 status will have all of their so-called exempt-function income subject to taxation, regardless of whether that income was segregated for use for an exempt function. Section 6(b) provides that the procedures used for collecting amounts imposed for failing to comply with the 8872 contributor/expenditure reporting requirement are akin to those used to collect penalties from tax-exempt organizations that fail to file the form 990 (this section affects the process of collection, not the amount collected). Section 6(d) makes clear that the tax code's existing criminal fraud penalties for anyone who willfully furnishes information to the IRS he knows is false or fraudulent also applies to 8871 and 8872 filings.

Sections 6(c), (e), (f) and (g) make changes to certain disclosure requirements. Section 6(c) streamlines the 8871 notice requirement by eliminating the need to file the notice in writing; only electronic reporting of the notice will remain. Section 6(c)(1) adds the date and purpose of expenditures and the date of contributions as required information on the Form 8872. Section 6(e)(2) mandates electronic filing of the 8872 contributor/expenditure reports, and Section 6(e)(3) requires that the IRS make information in those reports available to and searchable by the public on the Internet and downloadable to personal computers. Section 6(f) amends the 8871 notice to require filers to note whether they intend to claim an exemption from the 8872 contribution/expenditure reporting requirement or the form 990 annual return requirement. Finally, Section 6(g) requires organizations to file amended 8871 notices within 30 days of any material change of the information on the previous 8871.

Section 7 provides that forms already filed and made public by the IRS under current law will remain public after this bill becomes law. This provision is needed because many of the bill's exemptions are retroactive, and without Section 7, the IRS could be found in violation of taxpayer confidentiality rules for posting filings that were public under the original law but will no longer be public after this bill's enactment.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements related thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 5596) was read the third time and passed.

AUTHORIZING REPRESENTATION BY SENATE LEGAL COUNSEL

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 352, submitted earlier today by Senators DASCHLE and LOTT.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 352) to authorize representation by the Senate Legal Counsel in the case of Judicial Watch, Inc., v. William J. Clinton, et al.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DASCHLE. Mr. President, this resolution concerns a civil action commenced in the U.S. District Court for the District of Columbia against several current and former Members of the Senate and House of Representatives. The plaintiff, Judicial Watch, Inc., is a legal watchdog group that has pursued numerous civil suits against the Government and its agencies and officials. In this case, Judicial Watch has sued former President Clinton and several current and former Members of the Senate and the House of Representatives, alleging that those officials conspired to pressure the Internal Revenue Service to initiate and continue an audit of Judicial Watch in retaliation for its activities.

The plaintiff in this case has named the current and former Senators as defendants in this suit based solely on the fact that these Senators sent routine transmittal letters to the IRS forwarding constituent correspondence inquiring why Judicial Watch was entitled to the benefits of tax-exempt status. Merely because of those routine buck letters, Judicial Watch alleges that those Senators entered into an unlawful conspiracy to pressure the IRS to continue to audit it in violation of its constitutional rights.

This resolution authorizes the Senate Legal Counsel to represent the Senate defendants in this action.

Mr. REID. Mr. President, I ask unanimous consent that the resolution and the preamble be agreed to; that the motion to reconsider be laid upon the table; and that any statements in relation thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 352) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 352

Whereas, in the case of Judicial Watch, Inc. v. William J. Clinton, et al, No. 1:02-cv-01633 (EGS), pending in the United States District Court for the District of Columbia, the plaintiff has named as defendants current and former Senators, along with former President William J. Clinton and several Members of the House of Representatives;

Whereas, pursuant to sections 703(a) and 794(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(1), the Senate may direct its counsel to defend Members of the Senate in civil actions relating to their official responsibilities: Now therefore, be it

Resolved, That the Senate Legal Counsel is authorized to represent Senator Graham, former Senator Bryan, former Senator Robb, and any other Senator who may be named as a defendant in the case of Judicial Watch, Inc. v. William J. Clinton, et al., and who requests representation by the Senate Legal Counsel.

AUTHORIZING TESTIMONY, DOCUMENT PRODUCTION, AND LEGAL REPRESENTATION

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 353.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 353) to authorize testimony, document production, and legal representation in United States v. John Murtari.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DASCHLE. Mr. President, a Federal information in the Northern District of New York has been filed against an individual on four counts of refusing to follow lawful orders, obstructing a corridor, and trespass inside a Federal office building in Syracuse, NY. The charges arise from the refusal of the defendant to vacate the premises outside the office of Senator CLINTON, despite being directed to do so by Federal Protective Service personnel charged with maintaining security in the Federal building.

The U.S. Attorney has requested testimony at trial by an employee on the staff of Senator CLINTON who had contact with the defendant.

This resolution would authorize the Senate employee to testify and produce documents in this case with representation by the Senate Legal Counsel.

Mr. REID. Mr. President, I ask unanimous consent that the resolution and the preamble be agreed to; that the motion to reconsider be laid upon the table; and that any statements in relation thereto, be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 353) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 353

Whereas, in the case of United States v. John Murtari, Crim. Act. No. 02–CR–369, pending in the United States District Court for the Northern District of New York, testimony has been requested from Cathy Calhoun, an employee in the office of Senator Hillary Rodham Clinton;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate; and

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such actions as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

Resolved That Cathy Calhoun, and any other employee of the Senate from whom testimony or document production is required, are authorized to testify and produce documents in the case of United States v. John Murtari, except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent employees of the Senate in connection with the testimony and document production authorized in section one of this resolution.

THANKING THE PRESIDING OFFICER AND STAFF

Mr. REID. Mr. President, we have, I am sure, a few other items to do before we close until later next month. I just want to say, first of all, the Presiding Officer is so available and I appreciate that very much. We all do. As I am sure everyone in this Chamber knows, it is difficult late at night to find people willing to preside, and the Senator from Minnesota, Mr. DAYTON, is always so courteous and willing to preside. I told him personally what an excellent job he does. Presiding is more than just being here. The Presiding Officer has to be firm and consistent, as he is.

Also, Mr. President, it took a lot to get to where we are tonight. I read through these items very quickly, but people work for days, weeks, and months on some of this legislation. As I read the titles, some may not seem too significant, but they are important, and we were able to pass them tonight.

Also, it is hard to describe to the viewing public how hard the staff works, without the attention we get, to get us to where we are. The staff certainly deserves more attention than they get. Anything that happens in the Senate, we take the credit, but we should give them some recognition. We would not be where we are without them.

To do all this takes a lot of people: the Official Reporters, those who are experts on different legislation. Senators' staff have been waiting here for days, it seems, but it has only been hours, to see what happened to legislation on this final day before a somewhat long break. In addition we have the Parliamentarians, the legislative and Journal clerks, and all the various staff. The staff who are here tonight—Senators are going to go home at 10:25 p.m.—will be here for hours working on the RECORD, and other issues. We have the pages who are juniors in high school, but they are here with us doing what we ask them to do.

This is really a team effort. To all the security people, and the others, I express my personal appreciation for everything everybody does to allow us to get our work done.

The PRESIDING OFFICER. The Chair fully concurs.

ORDERS THROUGH NOVEMBER 12, 2002

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10:30 a.m. on the following days for pro forma sessions only, unless the majority leader, or his designee, with the concurrence of the Republican leader, is seeking recognition; that upon completion of each session, the Senate adjourn until the next listed date:

October 21, October 24, October 28, October 31, November 4, November 7, and November 8. This is all in compliance with the United States Constitution. Further, that if the majority leader, or his designee, seeks recognition, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; that following the adjournment on November 8, the Senate reconvene on November 12 at 1 p.m.; that following the prayer and the pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and that there be a period for the transaction of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, again, thank you very much.

ADJOURNMENT UNTIL MONDAY, OCTOBER 21, 2002

Mr. REID. Mr. President, if the Chair has no further business, and I have nothing more, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 10:25 p.m., adjourned until Monday, October 21, 2002, at 10:30 a.m.

NOMINATIONS

Executive nominations received by the Senate October 17, 2002:

NATIONAL SCIENCE FOUNDATION

STEVEN C. BEERING, OF INDIANA, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR THE REMAINDER OF THE TERM EXPIRING MAY 10, 2004, VICE CHANG-LIN TIEN, RESIGNED.

BARRY C. BARISH, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 2008, VICE EAMON M. KELLY, TERM EXPIRED.

RAY M. BOWEN, OF TEXAS, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 2008, VICE VERA C. RUBIN, TERM EXPIRED.

DELORES M. ETTER, OF MARYLAND, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 2008, VICE JOHN A. ARMSTRONG, TERM EXPIRED.

KENNETH M. FORD, OF FLORIDA, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 2008, VICE M. R. C. GREENWOOD, TERM EXPIRED.

DANIEL E. HASTINGS, OF MASSACHUSETTS, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 2008, VICE BOB H. SUZUKI, TERM EXPIRED.

DOUGLAS D. RANDALL, OF MISSOURI, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 2008, VICE RICHARD A. TAPIA, TERM EXPIRED.

JO ANNE VASQUEZ, OF ARIZONA, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 2008, VICE MARY K. GAILLARD, TERM EXPIRED.

IN THE COAST GUARD 3

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD UNDER TITLE 14, U.S. C., SECTION 211:

To be lieutenant

DANA B. REID, 9837

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES COAST GUARD RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

DOUGLAS A ASH, 9461
SALVATORE BRILLANTE, 9714
TIMOTHY M BUTLER, 8139
JEANNE CASSIDY, 9266
DANIEL R CROCE, 1488
SIDNEY J DUCK III, 0729
WAYNE C DUMAS, 2968
KENDEL D FEILEN, 0842
DOREEN D FULLER, 8883
ROBERT W GRABB, 3388
WILLIAM C HANSEN, 6687
MAUREEN B HARKINS, 0444
STEPHEN N JACKSON, 6687
MARK A JONES, 2968
JOHN W LONG, 7333
JOHN J MADEIRA, 4504
DAVID A MAES, 2808
DAVID G O'BRIEN, 4748
DAVID W. SPRINGER, 5912
WARREN E. SOLODUK, 3725

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

DAVID G. SMITH, 4285

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR PERMANENT APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 5589:

To be lieutenant

RODNEY D ABBOTT, 8432
GLENN W ADAMS III, 2528
DARYL G ADAMSON, 8885
JEFFREY D ADKINS, 3329
STEVE R AHRENDTS, 1758
KEVIN J ALFORD, 0453
RICHARD T ALLEN, 7081
MICHAEL S ANDERSON, 0529
JOHN A APPICELLI, 2178
EMMANUEL C ARCELONA, 5594
GREGORY W ARCHULET, 7153
CHARLES E ARDINGER JR., 1232
RONNIE E ARGILLANDER, 6837
PETER AZZOPARDI, 8503
DOUGLAS E BAILLIE, 0243
DOUGLAS E BAKER, 0868
ROBERT C BAKER, 1059
TONY C BAKER, 6191
DAVID L BALDWIN, 6969
MICHAEL E BALL, 8625
JOSELITO T BALUYOT, 4615
JERRY L BARTEE, 4686
JOHN O BEACH, 9801
MICHAEL J BEAL, 8036
DOUGLAS S BEAN, 3962
MATTHEW P BEARE, 0408
KEVIN R BECK, 4822
RAFAEL BELLIARD, 7403
KENNETH T BELLOMY, 5640
RONALD M BENTON, 0499
GARRY BERNIER, 8635
RALPH E BETTS, 5251
MICHAEL W BICKFORD, 0797
KENNETH E BLAIR, 4089
CHRISTOPHER P BOBB, 2086
DAVID J BOISSELLE, 6171
GERALD BONNETTE, 8495
KEVIN BONSER, 2026
SCOTT R BONSER, 8372
MICHAEL L BORNSTEIN, 4362
MICHAEL O BOYD, 0464
SHAUN J BOYD, 5615
SHEILA R BOYDWILLIAMS, 7948
RONALD J BRABANT, 5059
JAMES S BRADY, 9560
CHARLES H BRAGG, 2368
JAIME F BRAMMER, 6731
ROBERT T BRANDT, 3862
JOHN M BRAY, 9195
JOHN H BREDENKAMP III, 9824
CHRIS A BRICE, 4575
STEPHENS BROUSSARD, 6046
HENRY R BROWN, 8858
JORDAN D BROWN, 8560
RANDY E BROWN, 8406
ROBERT L BROWN II, 6416
RUSSELL D BROWN, 2682
THOMAS J BROWN, 0661
DUSTIN M BRUMAGIN, 3892
DAVID A BRYANT, 7266
JOHN D BURGOYNE III, 5911
SHARON A CANNON, 9339
JOHN M CARMICHAEL, 0666
MARTIN CARO, 9433
DAVID E CARROLL, 0888
GEORGE F CHAMPION JR., 4764
MARK A CHANCEY, 5936
JOEY A CHESNEY, 7282
KEVIN P CHILDRE, 5558
KEVIN G CHIRAS, 1494
FRANCINI R CLEMMONS, 2120
JIMMY W CLINTON, 2298
BRADLEY E COFFMAN, 4394
BRUCE C COLKITT, 6197
GLEN S COLLINS, 9537
KENNETH C COLLINS II, 8402
MARVIN D COLLINS, 5597
JOSE A COLON, 1152
MICHAEL G CONNER, 9079
BRENDA J CONWAY, 1485
CATHERINE A COWELL, 3902
WILLIAM L CRABTREE, 1540
RANDOLPH S CREEL, 4159
PETER CRESCENTI, 3313
DONALD F CRUMPACKER, 6860
JOSE JR CRUZ 7023
TONI Y CRYTZER, 7264
MICHAEL T CURRY, 7625
GUS R CUYLER JR., 7010
KAREN R DALLAS, 8471
JAMES S DANCER, 9503
BILLY M DANIELS, 4767
DOUGLAS L DANIELS, 7572
CLINTON D DAVIS, 0449
DENNIS M DAVIS, 8652
DZUNG P DAVIS, 4364
FREDERICK V DEHNER, 3339
PAUL A DISE, 3124
JAMES E DODSON, 8277
WILLIAM R JR DONNELL, 3244
LAWRENCE D DOWLING, 6550
DAVID G DOZIER, 4523
MICHAEL D DUENSING, 8293
DUANE E DUNIVAN, 3783
JOHN J DUNNE, 1410
ARTHUR M DUVALL, 7363
JAMES C DYER, 0266
WILLIAM E EDENBECK, 8841
TOMMY L EDGEWORTH, 0401
DAVID R EGGLESTON, 6022
STEVEN D ELIAS, 2891
PAUL S ELLIS, 6698
DANIEL W ELSASS, 2067
DENISE EVANS, 8440
DENNIS EVANS, 9407
ANTHONY FACCHINELLO, 6534
CHRISTOPHER P FAKO, 5016
FERNANDO FALERI, 0831
ALAN D FEENSTRA, 5672
RANDALL I FEHER, 2656
STEVEN T FILES, 2523
JOHN E FISHER, 0157
MICHAEL J FLESHMAN, 2019
JOHN J FORD, 2559
VINCENT A FORTSON, 4711
MICHAEL E FOWLER, 8067
ARSENIO S FRANCISCO, 7232
DAVID P FREDRICKSON, 4876
FRANK P FUHRMEISTER, 6806
ARTHUR C FULLER, 8372
JOHN J GALLAGHER JR., 7950
KEVIN P GALLAGHER, 5201
GENE D GALLAHER, 4153
GREGORY G GALYO 1417
BOBBY F GASKIN, 8434
CHRISTOPHER GASKIN, 3824
FRANCIS J GAULT, 2734
JEFFREY K GHINTER, 9524
DONALD W GIBSON, 6035
KARL G GILES, 8151
JAMES A GILLEN, 1147
GERALD W GLADDERS, 7378
DAVID A GLOVER, 0184
JOSELITO O GONZALES, 3075
TRACY A GONZO, 8482
DEBORA L GOWANS, 2524
GREGORY S GRAVELLE, 5544
HUENELL GRAY III, 9560
TOD M GREVER, 7667
CANDACE L GRIFFIN, 2500
CORY M GROOM, 1834
RICHARD R GROVE JR., 9192
GARY G GUNLOCK, 0913
PHILLIP A GUTIERREZ, 9433
REBECCA L HAGEMANN, 7108
ROGER A HAHN, 9084
JAMES D HAIR, 0586
AUBREY K HAMLETT, 7422
LARRY S HAND, 3938
EDMUND J HANDLEY, 3722
RAYMOND K HANNA, 9509
WILLIAM P HARRAH, 2169
DAVID A HARRIS, 1849
DONALD W HARTSELL JR., 1786
THOMAS F HAYDEN, 2647
CHRISTOPHER K HAYNIE, 7913
JAMES J HEAVEY, 9393
CALVIN G HENDRIX, 6240
CARL E HENRY JR., 8848
OLIVER R HERION, 2413
JAMES B HICKS, 0042
MICHAEL F HILLIS, 4839
CHRISTOPHER S HILTS, 8931
JAMES E HOCH, 6088
ELIZABETH A HODIL, 9481
DAVID G HOFFMAN, 9694
KENNETH L HOLLAND, 7471
DOUGLAS E HOUSER, 5902
MARLIN O HOUSER, 0003
ROGER L HUDSON JR., 5832
PAUL G HUGHES, 4438
RODNEY E HUNT, 2766
TIMOTHY S HUNT, 4412
JEFFERY A HURLEY, 7081
RONALD E IRWIN, 4015
BOBBY C JACKSON, 9714
LINDA D JACKSON, 6121
CANDICE L JAMES, 8138
EDWARD G JASO, 0678
DEREK S JENSEN, 8560
EDWARD L JENSEN, 4261
CHARLES E JOHNSON, 7059
MICHAEL L JOHNSON, 3273
RICHARD A JOHNSON, 0540
TERENCE K JOHNSON, 0780
CHARLES O JONES, 9015
ORAL A JORDAN, 8550
MICHAEL A KACZMAREK, 2766
MARK D KAES, 1278
SANFORD L KALLAL, 2575
MARK H KAUTZMANN, 9532
WARREN A KEITH, 9709
EDDY E KELLEY 8918
RODNEY L KELLEY, 8620
ALAN D KENEIPP, 9811
MARK J KERN, 8132
CARRIE L KIMBLE, 0383
JOHN C KLACKBURN, 1134
JOSEPH KLAPISZEWSKI, 5471
LISA M KLAPROTH, 7281
TODD C KNOP, 4303
ROBERT J KRIGELMAN, 1675
PATRICK E LANCASTER, 0946
RANDY D LANGLITZ, 6996
LURA L LARSEN, 3634
DENNIS M LATOUR, 6416
WILLIAM J LAURENT, 4554
STEVEN P LEARO, 5253
CHRISTOPHER LEDLOW, 6311
EDWARD M LEE, 3938
RANDALL G LEE, 8516
RICKY W LEE JR., 2446
RICARDO L LEGASPI, 6551
ROBERT P LEOPOLD, 9365
JEFFREY LETSINGER, 7767
ONZIE L LEVEL JR., 7249
BENJAMIN N LEWIS, 6638
DAVID N LEWIS, 6031
RONALD C LEWIS, 2731
ALICE Y LIBURD, 0321
TAMI M LINDQUIST, 7931
DAVID D LITTLE, 7092
DAVID W LIVINGSTON, 3896
JEFFREY L LLOYDJONES, 9176
LARRY L LOBIS, 5545
RALPH L LOFTON, 6211
JOHN E LOHR, 8259
THOMAS J LONGINO, 1334
ROBERT J LOPEZ, 8430
RICHARD F LOVE III, 2309
DOUGLAS H LOYD, 2753
CLARENCE C LUCKA, 7920
PATRICK H LUETH, 3966
TIMOTHY S MACIOLEK, 3780
ALAN G MACNEIL, 1474
LAURA L MALLORY, 0794
ANCEL S MANALILI, 6902
DENNIS S MARION 8061
LUIS R MARROQUIN, 7264
RONALD G MARTEL, 6423
WANDA D MARTIN, 5971
DREW W MARTINEZ, 4728
ANTHONY J MATA, 8708
DON E MCCONAGHY, 9600
JAMES W MCDONNER, 8367
JOHN C MCELHANNON, 9330
GREGORY L MCGILL, 9377
PATRICK J MCGOVERN, 4767
BRADLEY H MCGUIRE, 9428
TODD A MCINTYRE, 2327
NANCY G MCKEOWN, 2786

DANIEL F MCKIM, 1411
JEFFREY T MCMILLAN, 0584
GERALD W MCNALLY, 5009
TIMOTHY J MEAD, 6055
RAFAELDIONIS MEDINA, 8178
RONALD J MEHRWERTH, 1012
LEO C MELODY, 6314
ROBERT E MERRILL, 6743
JACK D MILLER, 8295
MICHAEL S MILLS, 9284
ROCCO F MINGIONE JR., 8318
OLIVER C MINIMO, 3107
DENNIS MOJICA, 6723
MICHAEL A MORAND, 1206
KEVIN A MORGAN, 9724
DONALD K MORRIS II, 5389
ANDRE R MOSER, 0221
RODNEY H MOSS, 9819
DENIS E MURPHY, 7733
STEPHEN J NADOLNY, 0528
JOHN D NAYLOR, 6845
STELLA B NEALY, 2492
JAMES B NELSON, 0117
JOHN W NELSON, 4870
MICHAEL S NIELSEN, 0594
SCOTT A NOE, 1184
BRIAN S NORRIS, 7706
RODNEY J NORTON, 6553
BRIAN A NOVAK, 4298
MARK A NOWALK, 1948
JOSEPH N OBI, 5761
ANTONIO M OCAMPO JR., 7058
MICHAEL S OLDHAM, 0362
JOHN A OMAN, 7351
JEFFREY D ORBERSON, 9521
MICHAEL R OTTO, 2326
THEODORE G PACLEB, 1790
RAYMOND A PARHAM, 2294
RAYMOND F PARIS, 9985
GREG M PASSONS, 0471
DAVID C PAYNE, 0911
JOHN P PEARSON, 6100
DONALD E PECK II, 9592
ANTHONY M PECORARO, 7256
JEFFREY S PEHL, 2006
TIMOTHY A PELNARSCH, 8113
RICK C PEREZ, 8173
BRADLEY J PETERSEN, 8532
DAVID R PFAFF, 2875
ALFRED F PIERSON, 7768
ROBERT G PINSKI, 7885
LLOYD R PLANTY, 0155
PAUL H PLATTSMIER, 5617
ERIC S POARCH, 2263
BARRY A POLK, 8894
GEORGE A PORTER, 0591
ROBERT L PROSSER, 5244
REX N PUENTESPINA, 9932
DAVID T PURKISS, 0355
RONALD G RANCOURT, 8580
MARC W RATKUS, 5348
BILLY W RAYFORD, 9454
RORY S REAGAN, 3565
SHAWN J REAMS, 7502
LEWIS C REAVES, 2266
JAMES C REEVES, 6468
STEVEN T REITH, 3867
JOHN M REYNOLDS, 1822
TERRY L RHODES, 6660
MICHAEL P RILEY, 2932
RAYMOND R ROACH JR., 0001
DARREN V ROBERSON, 1553
DAVID P ROBERTS JR., 2826
JAMES M ROBINSON, 3306
TIMOTHY L ROCKWELL, 6443
DEAN R RODRIGUEZ, 6137
NANCY J ROHE, 2685
LAURA J ROLLINS, 6343
VICTOR H ROMANO, 5558
CHRISTOPHER G ROSS, 3900
PHILIP T ROUIN, 1112
RANDY R ROY, 9925
WILLIAM M RUSHING, 4565
JAMES A RUSHTON, 7746
STEVEN E RYAN, 1659
KENNETH A SABOL, 2023
LEANDER J SACKEY, 7547
CRAIG R SADRACK, 9096
DAVID W SALAK, 0542
BERNARD B SALAZAR, 5462
MOSE J SAM, 4992
KENNETH B SANCHEZ, 6164
DAVID T SANDERLIN, 5184
STEPHEN H SANDERS, 5362
ROBERT P SAUNDERS JR., 7886
JOHN L SCALES, 7165
MICHAEL S SCHINE, 4010
NICHOL M SCHINE, 2566
RONALD A SCHNEIDER, 7303
THOMAS R SCHROCK, 9295
JACKIE A SCHWEITZER, 7163
MATTHEW M SCOTT, 6502
MICHAEL K SEATON, 1237
LAWRENCE A SECHTMAN, 4303
ROBIN C SHAFFER, 4452
MARTIN D SHARPE, 9134
SCOTT E SHEA, 3860
STEVEN B SHERRILL, 6889
MICHAEL T SHERROD, 2299
RICKY L SHILO, 5464
JEFFREY R SHIPMAN, 3602
GARY K SMITH, 0679
JUAN A SMITH, 1368
WAYNE D SMITH, 6991
STEVEN L SOLES, 2362
JEFFREY S SOTINGCO, 7792
TIMOTHY C SPENCE, 2807
ANTHONY W STACY, 4765
VINCENT T STANLEY, 0215
RICHARD H STEFFES, 6988
JEFFREY C STELZIG, 5183
JOSEPH R STEPRO, 5569
PHILIP R STGELAIS, 8745
PAUL A STOLZMAN, 8653
MARK A STONE, 9490
FREDDIE D STRAIN, 6334
JAMES E SUCKART, 7550
TODD M SULLIVAN, 7042
ROBIN L SUNTHEIMER, 5207
PATRICK H SUTTON, 4276
JEFFREY S SWAIN, 8401
MICHAEL B TA, 7218
HORACIO G TAN, 1956
QUINTIN G TAN, 4206
REYNALDO T TANAP, 5453
GEORGE N TAYLOR III, 6035
KENNETH C TEASLEY, 4468
STEVEN C TERREAULT, 6247
KIMBALL B TERRES, 3908
ANTHONY E THARPE, 1766
JOHN W THIERS, 1011
CHARLES THOMAS JR., 9376
MICHAEL L THOMPSON, 2300
ROBERT E THOMPSON, 9480
JAMES C THORNTON, 1734
EUGENE TILLERY, 4265
MARK K TILLEY, 1611
ANTONIO C TING, 2896
JAMES M TIVNAN, 5031
STEPHEN TOBIAS, 5896
JOSE L TORRES, 2352
TIMOTHY W TOW, 5470
KEITH A TUKES, 0977
JOHNNY L TURNER, 2529
EDWARD TWIGG III, 3814
LAWRENCE W UPCHURCH, 9448
JOEL A VARGAS, 9879
JOSEPH A VARONE, 9486
GREGORY A VERLINDE, 4570
CINDY A VILLAVASO, 8789
ALEC C VILLEGAS, 7854
TIMOTHY VONDERHARR, 2859
SCOTT H WADE, 0395
WILBERT M WAFFORD, 3963
DAVID L WALKER, 4876
ERIC V WALKER, 4809
JAMES F WALSH, 6077
MATTHEW W WALSH, 2683
STEVEN T WALTNER, 2885
DAVID G WATSON, 4597
DIANA D WEAVER, 5286
JAMY L WEAVER, 7585
TODD A WEAVER, 9272
RICHARD C WEBER, 1751
PETER H WEIR, 4555
THOMAS M WEISHAR, 4019
SHALALIA I WESLEY, 1782
SELVIN A WHITE, 8414
WILLIAM H WHITE, 8608
DWAINE C WHITHAM, 8025
EDWARD E WILBUR II, 8840
WILLIAM J WILBURN, 9627
CHRISTOPHER G WILLIAMS, 3625
KEENAN L WILLIAMS, 4935
JAMES M WINFREY, 9499
FRANKLIN C WOLFF, 4082
VINCENT J WOOD, 9635
MARK H WOODS, 1675
EARL A WOOTEN, 5415
KEVIN D WRENTMORE, 2214
WILLIAM C XTAMEY, 3757
ALEJANDRO D YANZA, 6822
MICHAEL D YELANJIAN, 1940
ERNEST J YELDER JR., 0421
KEVIN A YOUNG, 2612
JOSEPH L YOUNT, 6434
RONALD W ZITZMAN, 1731
BERNERD C ZWAHLEN, 2954

CONFIRMATIONS

Executive nominations confirmed by the Senate October 17, 2002:

DEPARTMENT OF HEALTH AND HUMAN SERVICES

MARK B. MCCLELLAN, OF THE DISTRICT OF COLUMBIA, TO BE COMMISSIONER OF FOOD AND DRUGS, DEPARTMENT OF HEALTH AND HUMAN SERVICES.

CENTRAL INTELLIGENCE

SCOTT W. MULLER, OF MARYLAND, TO BE GENERAL COUNSEL OF THE CENTRAL INTELLIGENCE AGENCY.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. GLEN W. MOORHEAD III

THE FOLLOWING OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. FREDERICK F. ROGGERO

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. BURWELL B. BELL III

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. ROBERT W. WAGNER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. RICHARD A. HACK

THE FOLLOWING ARMY NATIONAL GUARD OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIGADIER GENERAL GEORGE A. BUSKIRK, JR.

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. DAVID C. HARRIS

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JAMES T. CONWAY

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. LOWELL E. JACOBY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. DAVID L. BREWER III

AIR FORCE NOMINATION OF JAMES M. KNAUF.

AIR FORCE NOMINATION OF GARY P. ENDERSBY.

AIR FORCE NOMINATION OF MARK A. JEFFRIES.

AIR FORCE NOMINATION OF JOHN P. REGAN.

AIR FORCE NOMINATION OF JOHN S. MCFADDEN.

AIR FORCE NOMINATION OF LARRY B. LARGENT.

AIR FORCE NOMINATION OF FRANK W. PALMISANO.

AIR FORCE NOMINATIONS BEGINNING DAVID S. BRENTON AND ENDING BRENDA K. ROBERTS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 1, 2002.

AIR FORCE NOMINATIONS BEGINNING CYNTHIA A. JONES AND ENDING JEFFREY F. JONES, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 1, 2002.

AIR FORCE NOMINATION OF MARIO G. CORREIA.

AIR FORCE NOMINATION OF MICHAEL L. MARTIN.

AIR FORCE NOMINATIONS BEGINNING XIAO LI REN AND ENDING JEFFREY H.* SEDGEWICK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 1, 2002.

AIR FORCE NOMINATIONS BEGINNING THOMAS A.* AUGUSTINE III AND ENDING CHARLES E.* PYKE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 1, 2002.

AIR FORCE NOMINATIONS BEGINNING ERRISH NASSER G. ABU AND ENDING ERNEST J. ZERINGUE. WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 4. 2002.

AIR FORCE NOMINATIONS BEGINNING DANA H. BORN AND ENDING JAMES L. COOK. WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 8. 2002.

ARMY NOMINATION OF SCOTT T. WILLIAMS.

ARMY NOMINATION OF ERIK A. DAHL.

ARMY NOMINATION OF JAMES R. KIMMELMAN.

ARMY NOMINATION OF JOHN E. JOHNSTON.

ARMY NOMINATIONS BEGINNING JANET L. BARGEWELL AND ENDING MITCHELL E. TOLMAN. WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 8. 2002.

ARMY NOMINATIONS BEGINNING LELAND W. DOCHTERMAN AND ENDING DOUGLAS R. WINTERS. WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 8. 2002.

ARMY NOMINATIONS BEGINNING GLENN E. BALLARD AND ENDING MARION J. YESTER. WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 8. 2002.

ARMY NOMINATION OF ROBERT D. BOIDOCK.

ARMY NOMINATION OF DERMOT M. COTTER.

ARMY NOMINATION OF CONNIE R. KALK.

ARMY NOMINATION OF MICHAEL J. HOILIEN.

ARMY NOMINATION OF ROMEO NG.

ARMY NOMINATIONS BEGINNING JUDY A ABBOTT AND ENDING DENNIS C ZACHARY. WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 10. 2002.

ARMY NOMINATIONS BEGINNING JOSE ALAMOCARRASQUILLO AND ENDING MATTHEW L ZIZMOR. WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 10. 2002.

ARMY NOMINATIONS BEGINNING ARTHUR L ARNOLD. JR. AND ENDING MARK S VAJCOVEC. WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 10. 2002.

ARMY NOMINATIONS BEGINNING ADRINE S ADAMS AND ENDING MARYELLEN YACKA. WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 10. 2002.

FOREIGN SERVICE NOMINATIONS BEGINNING DEBORAH C. RHEA AND ENDING ASHLEY J. TELLIS. WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 21. 2002.

FOREIGN SERVICE NOMINATIONS BEGINNING DEAN B. WOODEN AND ENDING CLAUDIA L. YELLIN. WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 21. 2002.

NAVY NOMINATION OF RALPH M. GAMBONE.

NAVY NOMINATION OF THOMAS E. PARSHA.

WITHDRAWAL

Executive message transmitted by the President to the Senate on October 17, 2002, withdrawing from further Senate consideration the following nomination:

PETER MARZIO. OF TEXAS. TO BE A MEMBER OF THE NATIONAL MUSEUM SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6. 2006. VICE RUTH Y. TAMURA. TERM EXPIRED. WHICH WAS SENT TO THE SENATE ON SEPTEMBER 4. 2002.

EXTENSIONS OF REMARKS

A PROCLAMATION RECOGNIZING JAMES MACDONALD

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 2002

Mr. NEY. Mr. Speaker, Whereas, James MacDonald has served our community as a police officer with the Coshocton County Sheriff's Office since 1995; and

Whereas, Deputy James MacDonald has been awarded a 2002 Distinguished Valor Award at Ohio's Law-Enforcement Conference; and

Whereas, James MacDonald is a hero who acted quickly and efficiently in July 2001, serving our community in the face of grave danger without hesitation or thought of himself; and

Whereas, James MacDonald is an asset to the Coshocton community in his preparedness, devotion to duty, and willingness to serve;

Therefore, I join with the residents of the entire 18th Congressional District of Ohio in honoring and congratulating Deputy James MacDonald for his selflessness and heroism.

COLUMBIA MONTOUR HOME HEALTH SERVICES CELEBRATING 35TH ANNIVERSARY

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 2002

Mr. KANJORSKI. Mr. Speaker, I rise today to call the attention of the House of Representatives to the service to the community provided by Columbia Montour Home Health Services, which is celebrating 35 years of serving residents of Northeastern Pennsylvania.

During the autumn and early winter of 1966, groups of interested citizens in Danville and Bloomsburg identified a need in the community for requests which could be met through the services of a public health nurse. Some of the groups involved included the Danville Council of Churches, the Bloomsburg Business Professional Women's Club and the Red Cross.

In January 1967, representatives of Lutheran Social Services and the Pennsylvania Department of Health met with the local people and shortly thereafter a public meeting was held at the Court House in Danville to discuss a cooperative effort between Columbia and Montour Counties for the development of a Visiting Nurses Association.

The name chosen for the new organization was Columbia Montour County Visiting Nurse Association. By April 1967, a Board of Directors had been named and immediately began raising funds. Funds were secured from the local United Way Funds, the County Commissioners, other agencies and private individuals.

Nursing, physical and occupational therapy and social work counseling were the first services offered. In 1970, speech therapy was added. In 1971, the Homemaking Home Health Aide program was added. The Hospice program was developed in 1981 to care for the terminally ill and their families.

During the 1980s, the agency established health maintenance clinics in the housing complexes for older persons in Berwick, Bloomsburg, Danville, Millville and Catawissa.

A comprehensive rehabilitation team was established to provide the most up-to-date therapy in the home. The staff is continually educated to care for patients' problems involving simple to complex needs.

To meet the continued challenges of growth, the agency moved to new offices in Bloomsburg in December of 1996. It achieved accreditation from the Community Health Accreditation Program (CHAP) in 1993 and is licensed as a home health agency and as a hospice by the Commonwealth of Pennsylvania. The agency is led by Chief Executive Officer Jane Gittler, R.N., M.S.N.

Mr. Speaker, I am pleased to call to the attention of the House of Representatives the service to the community of Columbia Montour Home Health Services, and I wish its employees and patients all the best.

MAIL CENSORSHIP IN INDIA BELIES ITS DEMOCRATIC CLAIMS

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 2002

Mr. BURTON of Indiana. Mr. Speaker, I was disturbed to find out that mail sent by the Council of Khalistan has not been reaching India for the past two months. The "world's largest democracy" is once again violating democratic principles by practicing mail censorship. It is violating the fundamental freedom of the people within its borders by prohibiting them from receiving information relating to the violations of the human rights of Sikhs and the peaceful, democratic, nonviolent effort to liberate Khalistan from Indian control.

This is in clear contravention of democratic principles, but that is not surprising from India. It has never been a democracy for the minorities within its borders, but only for the Brahmin fanatics. General Narinder Singh, a respected Sikh leader in Punjab, has said that "Punjab is a police state."

A few years ago, the late journalist Sukhbir Singh Osan was subjected to censorship of his mail and harassment, including telephone calls from unidentified persons saying things like "It is dangerous to write against the government." All this happened because Mr. Osan ran the outstanding news website Burning Punjab, which featured news about government corruption, until he died earlier this year.

These actions prove that India is not a democracy. It is a theocratic Hindu fundamentalist tyranny, and a supporter of terrorism in Sindh and elsewhere, as well as internal terrorism. Accordingly, it should not be a country that receives U.S. aid, yet it is one of the largest recipients despite its anti-Americanism.

We should stop our aid to India until it allows basic human rights such as receiving mail without content control and we should support basic human rights like self-determination. Self-determination is the very foundation of democracy. We should put this Congress on record in support of self-determination for the people of Khalistan, Kashmir, Nagalim, and the other states seeking their freedom. This is the way to real freedom, peace, stability, and prosperity in South Asia.

Mr. Speaker, the Council of Khalistan has issued an excellent press release on this issue, which I would like to place in the RECORD at this time.

MAIL CENSORSHIP IN "WORLD'S LARGEST DEMOCRACY"

MAIL FROM COUNCIL OF KHALISTAN IS NOT BEING ALLOWED TO GET TO ADDRESSEES IN INDIA

WASHINGTON, D.C., October 8, 2002—Mail censorship is again being practiced in India, which bills itself as "the world's largest democracy." Mail from the Council of Khalistan to addresses in India has not been received in India for the last two months. The Council of Khalistan is the government pro tempore of Khalistan, the Sikh homeland that declared its independence on October 7, 1987. It has worked for 15 years to liberate Khalistan by peaceful, democratic, nonviolent means and has specifically rejected militancy. Dr. Gurmit Singh Aulakh, President of the Council of Khalistan, has talked to many people in Punjab who have not received any mail from the Council of Khalistan during the last two months. The Council has mailed two mailings to India in that time.

"This undemocratic action shows the true nature of India," said Dr. Aulakh. "Although it claims to be democratic, India has engaged in this kind of censorship before. It controls information and uses its control to whip up hatred and violence against Sikhs and other minorities," he said. "Is this what a democracy does, or is it what a tyranny does?," he said. "Why is a 'democracy' threatened by facts? Is this freedom of speech? These mailings included statements from the Congressional Record, press releases from the Council of Khalistan, and clippings from U.S. and international newspapers," he said.

A few years ago, similar mail censorship was imposed on the late Sukhbir Singh Osan, the journalist who founded the website Burning Punjab, which reported on Indian government corruption, tyranny, and human-rights

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

violations against the Sikh Nation. Osan, who died of a heart attack early this year, also received a telephone call telling him that "it is dangerous to write against the government."

The Indian government controls both major Indian news services, Press Trust of India (PTI) and United News of India (UNI). India has used its control of media to generate violence against minorities. During the 1984 Delhi massacres of Sikhs, Indian media called for the shedding of more Sikh blood.

In February 42 Members of Congress wrote to President Bush to get 52,268 political prisoners released from Indian prisons. The Indian government has murdered over 250,000 Sikhs since 1984. Over 80,000 Kashmiri Muslims have been killed since 1988. More than 200,000 Christians have been killed since 1947, along with tens of thousands of Dalits, Tamils, Assamese, Bodos, Manipuris, and other minorities.

Since Christmas 1998, Christians have been subjected to a wave of oppression. According to the Indian Express of October 7, Hindu militants have forcibly reconverted Christians in Ajmer. Priests have been murdered, nuns have been raped, churches have been burned, Christian schools and prayer halls have been destroyed, and no one has been punished for these acts. Militant Hindu fundamentalists allied with the RSS, the pro-Fascist parent organization of the ruling BJP, burned missionary Graham Staines and his two young sons to death.

"Sikhs are a separate nation. We ruled Punjab until 1849. No Sikh representative has ever signed the Indian constitution," Dr. Aulakh said. "Nations that do not have political power perish," he said. "Remember the words of former Jathedar of the Akal Takht Professor Darshan Singh: 'If a Sikh is not a Khalistani, he is not a Sikh.' Support for Khalistan is picking up internationally. Last month, members of the British Parliament from both political parties supported the Sikh demand for an independent Khalistan. Many U.S. Congressmen are on record in support of an independent Khalistan."

"The censorship of the Council of Khalistan's mail shows that India is a fundamentalist majority Hindu theocracy and is a tyranny, not a democracy. It does not respect human rights for Sikhs, Christians, Muslims, or anyone but Brahmin extremists," Said Dr. Aulakh. "For the well being of the Sikh Nation, to prevent abuses like this from occurring in the future, we must free Khalistan," he said. "I call on the Sikh leadership in Punjab to launch a Shantmai Morcha to liberate Khalistan from Indian occupation," said Dr. Aulakh. "I call on the Sikh leadership in Punjab to begin a Shantmai Morcha immediately. The people of South Asia must have self-determination now."

OCTOBER IS BREAST CANCER AWARENESS MONTH

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 2002

Mrs. MALONEY of New York. Mr. Speaker, October marks the 17th annual Breast Cancer Awareness Month. This is a time to remember and to reflect upon the strength and courage of the family and friends we have lost to this awful disease and to rejuvenate our hope through those who have survived. This October we also celebrate the advances that have been made and steel ourselves for the battle still before us.

Breast cancer ranks second among cancer deaths in women. Mortality rates have decreased over the last several years, but, according to the American Cancer Society, an estimated 40,000 deaths from breast cancer are still anticipated in 2002. In the state of New York, nearly 3,000 women will die from breast cancer this year. The fight is still very real.

More women are beating cancer through early detection and improved treatments. Experts also urge everyone to include regular physical activity, maintain a healthy weight, and limit alcohol intake to reduce your risk of cancer.

I would like to raise an issue that has been in the press many times this past year. There has been an ongoing debate regarding the effectiveness of mammography. The government's health experts have reaffirmed the value of mammography. In February, Health and Human Services Secretary Tommy Thompson announced an updated recommendation from the U.S. Preventive Services Task Force (USPSTF) that calls for screening mammography, with or without clinical breast examination, every one to two years for women age 40 and over. The National Cancer Institute (NCI) also reaffirmed its support for mammography. Secretary Thompson said, "While developing technology certainly holds the promise for new detection and treatment methods, mammography remains a strong and important tool in the early detection of breast cancer. The early detection of breast cancer can save lives." This debate underscores for me the great importance of health self-awareness, early detection and education.

October also marks the 10th anniversary of the pink ribbon, won by millions to support the fight against breast cancer. The pink ribbon was created by SELF Magazine, exemplifying the great activism and support of so many. We have seen successes in the fight for a cure because of the cooperation and involvement of many communities and organizations, including the strong public-private partnerships, corporate America, charitable and advocacy organizations, and health, research and government institutions.

For the past four years, there has been a bipartisan commitment to doubling the National Institutes of Health (NIH) budget, with the doubling to be completed this year. Our collective hope is that these strong investments in biomedical research, including the National Cancer Institute, will spur scientific advances that will ultimately translate into better health care for all, including better treatments and a cure for cancer.

I have been a strong proponent of prevention. One of my first initiatives in Congress was a bill to provide annual mammograms for women on Medicare. It was included as a part of the Balanced Budget Agreement in 1997. This Congress, I introduced with Congresswoman SUE KELLY, the Cancer Screening Coverage Act, H.R. 1809, to give everyone a fighting chance in detecting cancer at its earliest stages. This legislation applies to private health insurance plans and to the Federal Employees Health Benefits plan, requiring these plans to cover cancer screening.

Working with Congressman GILMAN, I was able to secure $500,000 for a New York University Medical Center study on the potential causes of high breast cancer rates on Manhattan's East Side, neighborhoods along the East River, and in Rockland County. Specifically, the study will investigate environmental factors that may be related to increased rates of breast cancer.

I am also a cosponsor of H.R. 4596, The National Cancer Act. Introduced in the House by Congresswomen CAPPS and ROUKEMA and in the Senate by Senator DIANNE FEINSTEIN, this bill consists of thirteen major provisions that address the cancer continuum: research, translation, access to care, quality of care, and cancer prevention. Additionally, I am a cosponsor of H.R. 1624, the Access to Cancer Therapies Act, and H.R. 1354, the Assure Access to Mammography Act, which seeks to raise the Medicare payment rates for routine mammography screening.

Working together, we will achieve prevention and a cure for breast cancer.

A PROCLAMATION RECOGNIZING JOHN HITE

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 2002

Mr. NEY. Mr. Speaker, Whereas, John Hite is a professional teacher of science at Tuscarawas Valley High School; and

Whereas, John Hite has been selected to receive a Governor's Award for Excellence in Youth Science Opportunities by the Ohio Academy of Science in cooperation with the Office of the Governor and the Ohio Department of Education; and

Whereas, John Hite should be commended for reaching this milestone, for his devotion to his students, and for his ongoing efforts to extend science education opportunities beyond the classroom;

Therefore, I join with the residents of the entire 18th Congressional District of Ohio in honoring and congratulating John Hite for his outstanding accomplishment.

HONORING CONGREGATION B'NAI JACOB AS THEY CELEBRATE THEIR 120TH ANNIVERSARY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 2002

Ms. DELAURO. Mr. Speaker, it gives me great pleasure to rise today to join the many who have gathered to celebrate the 120th Anniversary of Congregation B'nai Jacob of Woodbridge, Connecticut. Throughout its history, B'nai Jacob has been an invaluable institution in the Greater New Haven Jewish community.

The oldest conservative synagogue in the area as well as the second largest in the State of Connecticut, Congregation B'nai Jacob has a long and proud history as an American synagogue. Today, more than seven hundred families make up its membership. Led by Rabbi Richard Eisenberg and Cantor Joshua Konigsberg, both well-respected throughout the national Jewish community, Congregation B'nai Jacob continues to play a prominent role in our community and across the globe.

Originally founded by Jewish immigrants from Russia seeking refuge in America, Congregation B'nal Jacob has become one of Greater New Haven's leading advocates for social justice. Actively participating in the interests of the community as a whole, members are both leaders in the Jewish community and general society. Annual events are sponsored to benefit many local service organizations and its membership can also be found on a variety of boards and committees throughout Greater New Haven. The largest state contributor to the State of Israel Bonds and the Israel Emergency Fund, Congregation B'nai Jacob has and continues to be a vocal and tireless advocate for the State of Israel and the restoration of peace for the Israeli people. Seeking the preservation of their culture and the enrichment of their community, the membership of Congregation B'nal Jacob is proud of its commitment to tradition and their devotion to their American home.

Congregation B'nai Jacob has flourished and become an important fixture in the community. It is the dedication and commitment of their members that has made it such a great success. Our houses of worship play a vital role in our communities—providing people with a place to turn to for comfort when they are most in need. In over a century, there have been many who have worshiped within their halls and many who have found peace and strength in the outstretched arms of B'nai Jacob.

It is with honor and the deepest thanks and appreciation for all of their good work that I stand today to pay tribute to Congregation B'nal Jacob as they celebrate their 120th Anniversary. Their contributions have left an indelible mark on our community and a legacy that will live on for generations to come.

MARKING THE RETIREMENT OF HAKEEM OLAJUWON FROM THE NATIONAL BASKETBALL ASSOCIATION

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 2002

Mr. GREEN of Texas. Mr. Speaker, I rise to pay tribute to the long career of one of the greatest basketball players in the history of the game, Hakeem Olajuwon. After 18 years in the National Basketball Association, he is scheduled to retire on November 2, 2002, before the game between the Toronto Raptors and the Houston Rockets.

Though Olajuwon, known as "The Dream," did not take up the sport until he was in his teens, he became an All-Star center and was recognized as one of the NBA's 50 Greatest Players. With his athleticism, best displayed by his signature "Dream Shake" move near the basket, he helped redefine how big men played the game.

In 1984, the Houston Rockets won a coin toss that gave them the right to the first pick in that draft. The year before, Houston had drafted the All-American center from Virginia, Ralph Sampson, and it was rumored that they might look for a guard, perhaps the young talent from North Carolina, an exciting player named Michael Jordan.

The Rockets, though, went with the "hometown" talent, another 7-footer, a charter member of the Phi Slamma Jamma fraternity at the University of Houston, a player then known as Akeem Olajuwon.

Olajuwon had an immediate impact on the Houston franchise, teaming with Sampson to form the "Twin Towers," a lineup that terrorized the NBA and created mismatches due to the height and agility of both big men. Runner-up in the Rookie of the Year voting that season, Olajuwon helped lead Houston to their second NBA Finals in 1986, after upsetting the defending NBA champion Los Angeles Lakers in the Western Conference Finals. There, as in their first trip in 1981, they lost to the Boston Celtics.

The road back to the NBA Finals was a long one for the Dream and the Rockets, but they returned in the 1993–94 season. That year, Olajuwon had perhaps his greatest season, and was named League MVP and NBA Defensive Player of the Year.

Houston and Olajuwon showed their true mettle in that year's playoffs, as the Dream carried the Rockets to the NBA Finals, where they defeated the New York Knicks in seven games for the NBA Title. This victory had special meaning for Olajuwon—first, for being named Finals MVP, and second, for finally beating Patrick Ewing, whose Georgetown team had denied the University of Houston a chance at the NCAA title back in the early '80s.

The next year, with a target on their backs as the defending NBA champs, the Rockets faltered. In an attempt to shake up the team, Houston traded for Olajuwon's old college teammate, Clyde "the Glide" Drexler.

While the team struggled to a sixth-place finish in the Western Conference, Olajuwon led Houston on a playoff run like none ever before in the NBA.

In the second round, Houston became the first team ever to rally from a three to one deficit, and advanced to the Western Conference Finals. There, in what was known as the "Battle of Interstate 10," the Rockets eliminated NBA MVP David Robinson and the San Antonio Spurs. Olajuwon dominated the series, scoring at will against the Spurs, and led Houston to the NBA Finals for the second consecutive year.

There, he faced the future of the league, in a 7'3", 320-lb. terror known as Shaquille O'Neal. The Rockets, though, dispatched O'Neal and the Orlando Magic in four games, becoming only the fourth team in NBA history to win back-to-back NBA titles.

During this playoff run, Houston set new standards for excellence in the NBA. They won nine straight road playoff games and defeated four 50-win teams, both first ever achievements. Further, Houston became the lowest seeded team ever to win the NBA title. As for Olajuwon, he received his second consecutive NBA Playoff MVP, and averaged 33.0 points, 10.3 rebounds, and 2.85 blocks in the playoffs.

For his career, Hakeem Olajuwon averaged 21.8 points, 11.1 rebounds, and 3.09 blocked shots per game. He also has a career free throw percentage of .712, field goal percentage of .512, and averaged 1.75 steals and 2.5 assists per game.

He is one of eight players to reach the 25,000 point plateau, and is the only player to have both 2,000 steals and 2,000 blocked shots in a career. He is the NBA's all time leader in blocked shots, and was named to the First, Second, or Third All-NBA team 11 times. Hakeem Olajuwon was named Defensive Player of the Year twice, was on 11 First or Second All-Defensive teams, was a 12-time All-Star, and recorded just the third quadruple-double in NBA history in 1990.

The Dream is a shoo-in for the NBA Hall of Fame, and I am glad that I had the opportunity to watch him play, first for my university, and later, for my hometown. Welcome home, Hakeem.

JOSEPH GORHAM HONORED

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 2002

Mr. KANJORSKI. Mr. Speaker, I rise today to call the attention of the House of Representatives to the honoring of Joseph L. Gorham at the Organized Labor 2002 Dinner to be held on October 24 by the Greater Wilkes-Barre Labor Council and the Northeast Alliance Pennsylvania Retirees District 3. Joe will be honored for his many years of dedicated and outstanding service to the local labor movement and the community.

Joe was born July 11, 1943, in Wilkes-Barre Township to Robert John Gorham, a member of the United Mine Workers, and Genevieve Lombardelli Gorham, a member of the International Ladies Garment Workers Union. Tragically, he lost his father during a mine cave-in on August 17,1956.

Joe graduated from Ashley High School in 1961 and was a member of the International Ladies Garment Workers Union from the late 1950s through the early 1960s. He also worked for United Parcel Service, became a member of the International Brotherhood of Teamsters in November 1965 and was elected shop steward at UPS in 1969. In 1970, he was appointed to the executive board of Teamsters Local 401 and has served on the board both as trustee and recording secretary. In January 1991, he was elected to serve as principal officer of Local 401 and continues to serve in that capacity.

Joe was a participant in the first class of Leadership Wilkes-Barre and has attended classes at the International Brotherhood of Teamsters Leadership Academy as well as the International Brotherhood of Teamsters Organizing School and labor management classes. He has served on the boards of the American Heart Association, United Way and the Labor-Management Committee.

Joe currently serves as treasurer of the Wilkes-Barre Labor Council, chief executive officer of the Teamsters Local 401 board, advisory board member of the Central Pennsylvania Teamsters Pension and Health and Welfare Fund, board member of Teamsters Joint Council 53 Health/Welfare and Pension Fund and chairman of the Local 401 Health and Welfare Fund.

He and his wife of 39 years, the former Mary Ann Polny, have four children: Jeannie Marie, Maria Josepha, Pamela Ann and Joseph Matthew Gorham. He is the proud grandfather of 10: Amy and Abby Keller; Duane, Maria, Nicholas and Regina Deno; Todd and Kyle Oravic; and Jacob and Genevieve Antonia Gorham.

Mr. Speaker, I am pleased to call to the attention of the House of Representatives the achievements and service to the community of Joseph L. Gorham, and I wish him all the best.

A PROCLAMATION RECOGNIZING RON DEREWECKI

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 2002

Mr. NEY. Mr. Speaker, Whereas, Ron Derewecki is a professional teacher of science at Coshocton High School; and

Whereas, Ron Derewecki has been selected to receive a Governor's Award for Excellence in Youth Science Opportunities by the Ohio Academy of Science in cooperation with the Office of the Governor and the Ohio Department of Education; and

Whereas, Ron Derewecki should be commended for reaching this milestone, for his devotion to his students, and for his ongoing efforts to extend science education opportunities beyond the classroom;

Therefore, I join with the residents of the entire 18th Congressional District of Ohio in honoring and congratulating Ron Derewecki for his outstanding accomplishment.

HONORING THE MID-SOUTH SAFE KIDS COALITION

HON. HAROLD E. FORD, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 2002

Mr. FORD. Mr. Speaker, I rise today to recognize the outstanding achievements of the Mid-South SAFE KIDS Coalition and to pay tribute to this organization for its tireless dedication to preventing childhood injuries.

Each year 6,700 children in this country die from preventable injuries while another 120,000 suffer permanent disabilities. In the Mid-South region alone, 20 children die each month due to injury, while at the Le Bonheur Children's Medical Center in Memphis, TN there are more than 12,000 children admitted to the hospital due to preventable injuries every year.

The Mid-South SAFE KIDS Coalition, housed at the Le Bonheur Children's Medical Center, has for the past ten years sought to reduce these unnecessary tragedies by sponsoring a variety of outreach programs designed to educate parents and caregivers about safety and injury prevention.

Established in 1992 as part of the National SAFE KIDS Campaign, the Mid-South Coalition is part of the first and only nationwide childhood injury prevention effort. The Coalition has combined community action, public awareness, and public policy initiatives to bring about a systematic, ongoing response to child injury in Mid-South Communities.

Recently, the National SAFE KIDS Campaign signed a formal agreement with the Mid-South Coalition and the Le Bonheur Children's Medical Center to help build and sustain a broad-based children's injury prevention effort designed to reduce the number of preventable injuries affecting children in the Mid-South.

Through this agreement, the Le Bonheur Children's Medical Center has become one of the nation's leading childhood injury treatment centers, providing services from pre-hospital care, to in-hospital treatment, to outpatient follow-up care.

In addition to treatment services, the Mid-South Coalition provides equally valuable prevention services including initiatives like the Buckle Up program, Cycle Smart, Project Get Alarmed, and Safety in the Home.

The service the Mid-South SAFE KIDS Coalition provides to local children's safety is immeasurable, although a recent study of childhood injuries published in the August 2002 issue of Injury Prevention Journal noted that the implementation of the Mid-South SAFE KIDS Coalition was associated with a 30 percent decrease in the rate of severe motor vehicle occupant injuries treated at Le Bonheur.

Before the establishment of the Coalition, severe unintentional injury rates in Shelby County mirrored national rates, yet, the decrease in Shelby County injury rates after the establishment of the Coalition was markedly greater than national averages.

The results of this study were so significant that the researchers, including Susan Helms, the coordinator of the Mid-South Coalition have been invited to present their findings before the National SAFE KIDS Leadership Conference this week here in Washington.

The Mid-South SAFE KIDS Coalition has proved to be an invaluable asset to my district and the Mid-South region. Its efforts to prevent childhood injury have directly led to a substantial increase in safety education and a vast reduction in preventable injuries to area children. They have truly provided a model for other children's protection agencies to emulate.

Mr. Speaker, it is my privilege to honor the Mid-South SAFE KIDS Coalition today for its unbounded dedication to the prevention of childhood injury and its innumerable services to area children.

WE MUST ACTIVELY AND CONTINUOUSLY ENGAGE CENTRAL ASIA

HON. JOSEPH R. PITTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 2002

Mr. PITTS. Mr. Speaker, I rise today to introduce two bills that will provide increased aid to an important region of the world.

Central Asia, specifically Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan, is a beautiful region with a rich cultural heritage and an immense potential for stability and prosperity.

In the years following the breakup of the Soviet Union in 1991, there was hope and optimism about the future of Central Asia. Unfortunately, the United States stood back and watched without any consistent or substantive policy for the region.

One by one, Central Asia States, most notably Tajikistan and Turkmenistan, have taken multiple and swift steps backwards toward oppressive police regimes that strangle freedom and democracy.

But we must not lose sight of the progress that many of these countries have made over the past decade.

The people of Central Asia are hungry for democracy, thirsty for economic prosperity, and strongly desire close relations with the U.S. If we do not comprehensively engage this region, the U.S. will have no standing to effect positive change and the downward trend will continue.

We must build relationships with these countries—both economically and politically, and show them that freedom and democracy leads to prosperity. In doing this, we need to be an honest partner with them. We need to highlight when positive steps toward change are taken and send a clear message when respect for human rights is violated.

With this said, I am introducing two bills that will promote engagement in the region. The first will authorize a pilot exchange program of academic internships in public policy for future leaders of the republics of Central Asia.

This needed program will provide young people from this critical region with experience to better understand our form of democracy and public service, and practice their skills at working within associations, NGOS, and government.

This initiative is intended to complement our existing exchange programs with Central Asia by targeting undergraduate and graduate students for six-month internships in public positions and utilizing a proven model that combines a four-day-a-week, on-the-job practicum with a day of class work.

Today, demand for scholarships, exchanges, and fellowships for students from Central Asia far outstrips supply. Thousands of students—high school through graduate—have applied for limited slots.

My bill will take the next step in expanding these opportunities.

Central Asia has a high population of young people and the future of the region rests in their hands. If democracy is to succeed, if economic prosperity is to be realized, if human rights are to be protected, then we must patiently engage this region and provide its young people with greater opportunities.

My second bill, entitled the "Central Asia Child Health Improvement Act," will provide assistance for the prevention, treatment, and control of HIV/AIDs, tuberculosis, malaria, polio and other infectious diseases affecting children in Central Asia.

Specifically, this bill will establish a series of partnerships between U.S. medical institutions and health service providers and such institutions and providers in the countries of Central Asia to carry out various child health programs.

These partnerships will provide a telehealth network of medical information, services, and support to ensure health service providers in Central Asia can adequately respond to health concerns in the region.

Like my previous bill establishing internship exchanges, this bill utilizes a proven model that is implemented elsewhere in the world.

Mr. Speaker, we must actively and continuously engage Central Asia. The legislation I am introducing today takes an important step in this direction.

Child health and education are two pillars to a prosperous, free, and democratic society. Let's begin to build these pillars in Central Asia.

I urge my colleagues to support and cosponsor these bills.

WALTER GLOGOWSKI HONORED

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 2002

Mr. KANJORSKI. Mr. Speaker, I rise today to call the attention of the House of Representatives to the honoring of Walter Glogowski at the Organized Labor 2002 Dinner to be held on October 24 by the Greater Wilkes-Barre Labor Council and the Northeast Alliance Pennsylvania Retirees District 3. He will be honored for his many years of dedicated and outstanding service to the local labor movement and the community.

He was born September 16, 1936, and is a 1955 graduate of Plymouth High School. He earned a bachelor of science in education from Wilkes College in 1959 and earned his master's equivalency in 1974. He graduated from Leadership Wilkes-Barre in 1983.

He taught at Plymouth Junior High School from 1959 to 1964 and at Dallas Junior High School from 1964 to 1974, when he became the Pennsylvania State Education Association/National Education Association Uniserv representative, a post he held for 25 years. He was named PSEA Regional Field Director in 2000 and continues to serve in that position.

He is a past board member of the United Way of the Wyoming Valley, Leadership Wilkes-Barre, Junior Leadership Wilkes-Barre and the Back Mountain Communications Center. He has also served as a member and chairman of the Jackson Township Board of Supervisors, president of the Leadership Wilkes-Barre Alumni Association and a member of the Greater Wilkes-Barre Advisory Committee on Economic Growth and the Economic Development Council of Northeastern Pennsylvania. His other numerous community activities include serving on the Advisory Board for Blue Cross/Blue Shield of Northeastern Pennsylvania, the Jackson Township Recreation Park Board, the Citizens' Advisory Committee of the State Correctional Institution at Dallas and the Partners in Education Committee of the Greater Wilkes-Barre Chamber of Commerce.

Not surprisingly, Mr. Speaker, he has been recognized with numerous awards, including the Distinguished Service Award from United Rehabilitation Services, the Distinguished Leadership Award from Leadership Wilkes-Barre, the Labor Award from the United Way of the Wyoming Valley and the Greater Wilkes-Barre Area Labor Management CAP Award.

He is a member of the Wilkes University Chapter of Phi Delta Kappa and numerous other organizations and became a life member of the National Registry of Who's Who in 2001.

Mr. Speaker, I am pleased to call to the attention of the House of Representatives the achievements and service to the community of Walter Glogowski, and I wish him all the best.

A PROCLAMATION RECOGNIZING LUCINDA MARTIN

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 2002

Mr. NEY. Mr. Speaker, whereas, Lucinda Martin is a professional teacher of science at Tuscarawas Valley High School; and

Whereas, Lucinda Martin has been selected to receive a Governor's Award for Excellence in Youth Science Opportunities by the Ohio Academy of Science in cooperation with the Office of the Governor and the Ohio Department of Education; and

Whereas, Lucinda Martin should be commended for reaching this milestone, for her devotion to her students, and for her ongoing efforts to extend science education opportunities beyond the classroom;

Therefore, I join with the residents of the entire 18th Congressional District of Ohio in honoring and congratulating Lucinda Martin for her outstanding accomplishment.

CHILD ABDUCTION PREVENTION ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 2002

Mr. PAUL. Mr. Speaker, an OB–GYN who has had the privilege of bringing over 3,000 children into the world, I share the desire to punish severely those who sexually abuse children. In fact, it is hard to imagine someone more deserving of life in prison than one who preys on children. Therefore, I certainly support those parts of H.R. 5422 which enhance the punishment for those convicted of federal crimes involving sexual assaults on children.

I also support the provisions increasing the post-incarceration supervision of sex offenders. However, given the likelihood that a sex offender will attempt to commit another sex crime, it is reasonable to ask why rapists and child molesters are not simply imprisoned for life?

However, Mr. Speaker, I am concerned that making the AMBER alert system a federal program is neither constitutionality sound nor effective law enforcement. All Americans should be impressed at the demonstrated effectiveness of the AMBER system in locating missing and kidnaped children. However, I would ask my colleagues to consider that one of the factors that makes the current AMBER system so effective is that the AMBER Alert system is not a federal program. Instead, states and local governments developed AMBER Alerts on their own, thus ensuring that each AMBER system meet the unique needs of individual jurisdictions. Once the AMBER Alert system becomes a one-size-fits all federal program (with standards determined by D.C.-based bureaucrats instead of community-based law enforcement officials) local officials will not be able to tailor the AMBER alert to fit their unique circumstances. Thus, nationalizing the AMBER system will cause this important program to lose some of its effectiveness.

Mr. Speaker, H.R. 5422 also exceeds Congress' constitutional authority by criminalizing travel with the intent of committing a crime. As appalling as it is that some would travel abroad to engage in activities that are rightly illegal in the United States, legislation of this sort poses many problems and offers few solutions. First among these problems is the matter of national sovereignty. Those who travel abroad and break the law in their host country should be subject to prosecution in that country: it is the responsibility of the host country—not the U.S. Congress—to uphold its own laws. It is a highly unique proposal to suggest that committing a crime in a foreign country against a non-U.S. citizen is within the jurisdiction of the United States Government.

Mr. Speaker, this legislation makes it a federal crime to "travel with intent to engage in illicit sexual conduct." I do not think this is a practical approach to the problem. It seems that this bill actually seeks to probe the conscience of anyone who seeks to travel abroad to make sure they do not have illegal or immoral intentions. Is it possible or even advisable to make thoughts and intentions illegal? And how is this to be carried out? Should federal agents be assigned to each travel agency to probe potential travelers as to the intent of their travel?

At a time when federal resources are stretched to the limit, and when we are not even able to keep known terrorists out of our own country, this bill would require federal agents to not only track Americans as they vacation abroad, but would also require that they be able to divine the intentions of these individuals who seek to travel abroad. Talk about a tall order! As well-intentioned as I am sure this legislation is, I do not believe that it is a practical or well-thought-out approach to what I agree is a serious and disturbing problem. Perhaps a better approach would be to share with those interested countries our own laws and approaches to prosecuting those who commit these kinds of crimes, so as to see more effective capture and punishment of these criminals in the countries where the crime is committed.

In conclusion, Mr. Speaker, while H.R. 5422 has some good provisions aimed at enhancing the penalties of those who commit the most heinous of crimes, it also weakens the effective AMBER Alert program by nationalizing it. H.R. 5422 also raises serious civil liberties and national sovereignty concerns by criminalizing intent and treating violations of criminal law occurring in other countries' jurisdictions as violations of American criminal law.

SOBER BORDERS ACT

SPEECH OF

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 15, 2002

Mr. STUPAK. Mr. Speaker, I co-sponsored H.R. 2155, the Sober Borders Act, because as a former law enforcement official and founder of the Congressional Law Enforcement Caucus, I understand firsthand the challenges Michigan and other border states face with drunk drivers crossing border checkpoints. I take seriously Congress's responsibility to help enforce state and local laws to prevent drunk driving and to ensure the safety of our district's residents.

However, despite my co-sponsorship, I will vote against H.R. 2155, on the grounds that Mr. CONYERS was not allowed to offer an amendment under the rule for its consideration. I support his amendment which would have recommended a GAO study to help prevent racial profiling by Immigration and Naturalization Service (INS) officials who will now be permitted to stop, breathalize, and arrest suspected drunk drivers at the Canadian and Mexican borders.

It is a very simple amendment, but his concerns will not be addressed because of the way this bill was brought up on the floor. I urge my colleagues to vote against this measure.

HONORING THE MEMORY OF REPRESENTATIVE L.H. FOUNTAIN

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 2002

Mr. ETHERIDGE. Mr. Speaker, North Carolina has lost a fine statesman and a great American whose shadow stretched far beyond Tarboro, Representative L.H. Fountain. His death at the age of 89 has saddened all of us in the North Carolina delegation and our state has lost one of its greatest sons. I wish that I could be with you all today as you gather to honor the life and work of this great North Carolinian, but I know that Ted Daniel, Representative Fountain's chief of staff and good friend will deliver well my words and condolences.

I first met L.H. Fountain when I was a young Harnett County Commissioner. But before ever setting eyes on him I knew well his reputation as a dedicated advocate of North Carolina's citizens and a leader in Congress. Up in Washington there was an ongoing debate about how federal funds would be sent to counties, leaving us in Harnett County grappling with our budget. L.H.'s subcommittee in Government Operations was handling that issue, and I quickly became one of the many North Carolinians who sought his counsel and assistance. As he did for his other constituents, he gave me sound advice and guided Harnett County toward a path for the future. We, and all of North Carolina's citizens, were blessed to have such a representative even though we were not in his Congressional District.

Hard work and dedication brought L.H. Fountain from the small town of Leggett to the United States House of Representatives. A graduate of Edgecombe county schools and the University of North Carolina at Chapel Hill, he was truly a product of North Carolina.

He was part of the greatest generation, who bravely went to war to defend the cause of freedom and protect the world from tyranny during World War II. In the darkest nights the world has ever seen, American soldiers like L.H. were a beacon of light and hope, restoring justice and establishing our nation as a world leader.

L.H. rose through the military ranks quickly, entering the U.S. Army as a private and completing his service in 1946 as a major. After the war, he returned to North Carolina and dedicated his life to public service. He served two terms in the State Senate and the people of the Second Congressional District rewarded him with a seat in the U.S. House of Representatives.

For 30 years, he held that seat and represented the people of North Carolina in Washington. Those 15 consecutive terms are a testament to his character, his reputation and his commitment. I can tell you, as can my good friend Tim Valentine, that it is no easy feat to hold a seat for so many years. The people of his District knew well that day in and day out he was in their corner, advancing the issues that touched them and their families. Throughout his years in Congress, he fought for the causes of eastern North Carolina's farmers and especially for tobacco farmers. We could use him in Congress today as we work to make sure farmers have an opportunity to make a living in the land.

L.H. was an undying advocate for consumers, and he was most proud of his efforts to establish watchdogs within federal agencies to keep the bureaucrats focused on their ultimate bosses, the citizens of this country. His lasting legacy in the federal government is this system of inspectors general, who ferret out waste and corruption. Together they have saved the taxpayers billions of dollars and will unquestionably save hundreds of billions of dollars in the years ahead.

Throughout his years in Congress, L.H. never forgot his roots nor his commitment to God and family. He was a true Southern gentleman in the grandest tradition. His colleagues and all who met him knew him as mild-mannered and polite, smiling at those who opposed him. L.H. Fountain was a complete person. Not only was he a model public servant, but he was a father who lived out the ideals of family values. He and his wife Christine raised a beautiful daughter in Nancy and were blessed with two fine grandchildren. On top of that, he was an elder in the Presbyterian Church and a past trustee of the National Presbyterian Church in Washington.

One story in particular highlights the very essence of L.H. Fountain. From the time he was three years old, L.H. had a perfect record of Sunday School attendance. Although as a congressman he was saddled with responsibilities and engagements, he was determined not to break that record. One Sunday he found himself aboard an Air Force plane as part of a congressional delegation headed for a meeting in Europe, unable to make it to any Sunday School. Undeterred, he quickly organized his colleagues into his very own class. He recruited Sen. STROM THURMOND to give the opening prayer, he taught the lesson, and Sen. Barry Goldwater gave the closing prayer.

Although his career in Congress ended in 1983, L.H.'s work on behalf of the people of North Carolina did not. When I first ran for Congress, I again sought his counsel and guidance. And once again, he sent me along the right path. After the election, he was gracious and generous enough to show me the ropes in Washington and to school me in the lessons of the Second Congressional District. Although we did not necessarily agree on each and every issue, he reached out his hand in friendship.

L.H. Fountain is one of the greatest public servants my state has ever produced. But, he was great not because he had the benefits of political connections, and wealth, or because he served for over 30 years in this body. He was a remarkable human being because he made the most of his God given gifts, and he desired to make a difference in the lives of every North Carolinian.

A PROCLAMATION RECOGNIZING ROBERT LAGHETTO

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 2002

Mr. NEY. Mr. Speaker, whereas, Robert Laghetto is a professional teacher of science at Tuscarawas Valley High School; and

Whereas, Robert Laghetto has been selected to receive a Governor's Award for Excellence in Youth Science Opportunities by the Ohio Academy of Science in cooperation with the Office of the Governor and the Ohio Department of Education; and

Whereas, Robert Laghetto should be commended for reaching this milestone, for his devotion to his students, and for his ongoing efforts to extend science education opportunities beyond the classroom;

Therefore, I join with the residents of the entire 18th Congressional District of Ohio in honoring and congratulating Robert Laghetto for his outstanding accomplishment.

DR. MARY E. HINES HONORED

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 2002

Mr. KANJORSKI. Mr. Speaker, I rise today to call the attention of the House of Representatives to the selection of Dr. Mary E. Hines as 2002 Community Leader of the Year by the Northeast Branch of the Arthritis Foundation. Dr. Hines will be honored with a dinner on October 17.

Dr. Hines has served as the campus executive officer for Penn State's Wilkes-Barre campus since July, 1997. During her time in Wilkes-Barre, she has been very involved in the community, serving as a member of numerous organizations, including the Children's Services Center Blue Ribbon Task Force, the Pocono Region Advisory Board for Ben Franklin Technology Partners of Northeastern Pennsylvania and on the boards of the Ethics Institute of Northeast Pennsylvania, the YMCA, the Kirby Center, Family Services of the Wyoming Valley, the Family Care Consortium, and the Greater Wilkes-Barre Chamber of Commerce and the Chamber of Business and Industry. While serving on the Chamber board, she chaired its Ethics Committee, which conducted several programs on business ethics.

Dr. Hines currently serves on the board of Leadership Wilkes-Barre, where she chaired the Executive Leadership Committee for two years and continues to serve on the Executive Leadership Series Committee, the Nominating Committee and the Mentor Committee. She has also recently joined the Professional Women's Advisory Council.

In addition, Mr. Speaker, Dr. Hines chairs the 15-member group known as the Northeast Pennsylvania Association of Colleges and Universities, co-chairs the Education Task Force of NE PA Alliance, and is the past chair of the Luzerne County Council of Presidents, on which she continues to serve. She is a member of the Regional Steering Committee of the state "Stay, Invent the Future" initiative and the Executive Committee for the regional collaborative grant to attract and retain young people in Northeastern Pennsylvania.

At the national level, Dr. Hines has served on the American Council of Education Fellows' Executive Board and participated at the Kellogg Foundation Roundtable for Higher Education Leaders and Chairs of Education Committees of the U.S. Congress. She is regularly called upon to speak about educational, ethical and economic development issues to business and community organizations.

Dr. Hines' academic degrees are in philosophy. She graduated first in her class and summa cum laude with a bachelor of arts from St. Francis College in New York, where she also received the College's Ethics Award, and she received a National Fellowship to pursue her master of arts and doctorate, which were both awarded by the Catholic University of America in Washington.

Before coming to Penn State, Dr. Hines held faculty and administrative positions at Dundalk Community College and Catonsville Community College in Maryland and was the recipient of multiple awards and honors. She has also served as an adjunct faculty member in philosophy at several private colleges in Maryland.

Dr. Hines and her husband, Kenneth, live in Dallas, Pennsylvania. They have four children: Sean, Kevin, Kathleen and Brendan.

Mr. Speaker, I am pleased to call to the attention of the House of Representatives the achievements and service to the community of Dr. Mary E. Hines, and I wish her all the best.

IN REMEMBRANCE OF VERNON "FAT CAT" TAYLOR

HON. MARK GREEN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 2002

Mr. GREEN of Wisconsin. Mr. Speaker, today before this house I'd like to honor and remember a true leader and friend to the citizens of Green Bay: Vernon Taylor. On Monday, October 7, 2002, Vern passed away, leaving behind a legacy of tireless community activism and service.

As a devoted teacher, youth mentor, and even a Santa Claus, Vern dedicated his life to children. The proclaimed "Mayor of Imperial Lane," Vern helped bring a city park to his neighborhood, giving children a safe place to play and instilling a sense of pride and camaraderie in his neighbors.

Vern was also a welcoming face for diversity in Northeast Wisconsin, helping found the Ebony Family, and working heavily with multiethnic support groups throughout my district.

Vern was never interested in party politics or professional advancement, but rather in getting things done and enhancing the quality of life of everyone around him. His commitment to community service was an example and inspiration to us all.

Mr. Speaker, Vern Taylor was an extraordinary individual whose energy and enthusiasm touched the lives of everyone he met. We will all miss him.

TRIBUTE TO CAPTAIN KATHY MAZZA OF PORT AUTHORITY POLICE DEPARTMENT

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 2002

Mr. KING. Mr. Speaker, I am proud to rise today to pay tribute to Captain Kathy Mazza of the Port Authority Police Department who died heroically at the World Trade Center on September 11, 2001.

This past Monday, October 14, 2002, I was privileged to take part in a very moving ceremony which designated North Suffolk Avenue in North Massapequa as Captain Kathy Mazza Way. The ceremony, which was held directly across from the home where Captain Mazza grew up, was attended by her husband, Chris Delosh, who is a member of the New York City Police Department; her parents, Rose and John Mazza; her three brothers; and many of her countless friends. The ceremony was conducted by Hon. John Venditto, the Supervisor of the Town of Oyster Bay.

There were many heroes on September 11th but no one was more heroic than Kathy Mazza. On the morning of September 11th, Captain Mazza was in New Jersey, serving as the Commanding Officer of the Port Authority Police Academy. Immediately upon learning of the attack on the Twin Towers, however, Captain Mazza raced to the World Trade Center in lower Manhattan and entered the North Tower where she proceeded to take a leadership role in the rescue effort—at one point reaching the 22nd floor.

What set Captain Mazza apart from all others is that she was personally responsible for evacuating hundreds of people. She did this by having the presence of mind to use her service revolver to shoot out floor-to-ceiling glass walls on the mezzanine level of Tower 1 enabling so many trapped people to escape. Shortly after, at 10:29 a.m. Captain Mazza was killed when Tower 1 collapsed.

This extraordinary heroism and dedication to duty characterized Kathy Mazza's entire life. Prior to becoming a police officer she had been a cardiothoracic operating nurse at St. Francis Hospital in Roslyn, New York. As a police officer she was instrumental in launching the Port Authority's portable heart defibiilator program at the metropolitan airports. And as Commanding Officer of the Police Academy she achieved a record of unsurpassed excellence and achievement.

September 11, 2001 was a day of brutality, horror and terror. But it was also a day when brave Americans such as Captain Kathy Mazza demonstrated a bravery and courage which will be remembered throughout the history of our nation. For that and for so much more, we will always be in her debt.

May she rest in peace.

INTRODUCTION OF THE GLOBAL CHANGE RESEARCH AND DATA MANAGEMENT ACT OF 2002

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 2002

Mr. UDALL of Colorado. Mr. Speaker, today I am pleased to introduce the Global Change Research and Data Management Act of 2002. This bill would replace the current law that formally established the U.S. Global Change Research Program (USGCRP) in 1990.

The USGCRP has significantly advanced our scientific knowledge of Earth's atmosphere and climate and has provided us with a wealth of new data and information about the functioning of our planet. After a decade of research, we have a far better understanding of the Earth's natural cycles and how human activities can influence them.

However, while the USGCRP has produced excellent scientific results, it has not produced sufficient information, in terms of both content and format, for local, state, regional, and national policymakers responsible for managing resources, making residential and economic development decisions, and responding to natural disasters. The program has focused nearly all of its resources and efforts on scientific inquiry. Only one broad assessment of the impact of global change on society has ever been attempted by the program, and that assessment was completed nearly seven years after its Congressionally mandated deadline. In my view, it is critical that Congress re-orient the USGCRP toward a user-driven research endeavor.

The current Administration has reached a conclusion similar to mine with respect to climate research. However, their efforts to produce more policy-relevant information on climate change have become bogged down in reorganization of the federal bureaucracy instead of focusing on reaching out to users.

The Global Change Research and Data Management Act would require the Administration to identify and consult with members of the user community in developing the USGCRP research plan. The bill would also mandate the involvement of the National Governors Association in evaluating the program plan from the perspective of the user community. These steps would help to ensure that the information needs of the policy community will be met as generously as the funding needs of the academic community.

The 1990 law outlined a highly specific organizational structure for the USGCRP. My bill would eliminate this detailed organizational structure and provide the president with the flexibility to assemble an Interagency Committee and organizational structure that will best deliver the products Congress is requesting. My bill would, however, retain many of the key features of current law—the requirements for a ten-year strategic plan, for periodic assessments of the effects of global change on the natural, social, and economic systems upon which we depend, and for increased international cooperation in global change science.

My bill would establish a new interagency working group to coordinate federal policies on data management and archiving. Advances in computer, monitoring, and satellite technologies have vastly expanded our ability to collect and analyze data. We must do a much better job of managing and archiving these important data resources to support the work of current and future scientists and policymakers.

As is clear from the impasse on the climate provisions of the energy bill (H.R. 4), the Congress has yet to agree on how much more information, if any, is needed before we take actions to slow the effects of human activities on global change. These are tough policy questions that we will continue to wrestle with in the years to come. This bill does not offer specific policy direction, but it does affirm the need for the continued strong federal support for global change research, and it does map out a new emphasis on production of information needed to inform these important policy debates. As the world leader in science and technology, it is incumbent on us to develop solutions that will protect our planet's resources and permit continued economic and social progress for our nation and for the world.

A PROCLAMATION RECOGNIZING JANE LARKE

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 2002

Mr. NEY. Mr. Speaker, whereas, Jane Larke is a professional teacher of science at Tuscarawas Valley High School; and

Whereas, Jane Larke has been selected to receive a Governor's Award for Excellence in Youth Science Opportunities by the Ohio Academy of Science in cooperation with the Office of the Governor and the Ohio Department of Education; and

Whereas, Jane Larke should be commended for reaching this milestone, for her devotion to her students, and for her ongoing efforts to extend science education opportunities beyond the classroom;

Therefore, I join with the residents of the entire 18th Congressional District of Ohio in honoring and congratulating Jane Larke for her outstanding accomplishment.

ED HARRY HONORED

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 2002

Mr. KANJORSKI. Mr. Speaker, I rise today to call the attention of the House of Representatives to the honoring of Ed Harry at the Organized Labor 2002 Dinner to be held on October 24 by the Greater Wilkes-Barre Labor Council and the Northeast Alliance Pennsylvania Retirees District 3. Ed will be honored for his many years of dedicated and outstanding service to the local labor movement and the community.

Ed is the son of a United Mine Workers member and a member of the International Ladies Garment Workers Union. He is a veteran of the Vietnam War, where he worked in Air Force intelligence and spent 1968 and 1969 in Vietnam and Thailand. He began working for the Commonwealth of Pennsylvania in 1971 at Retreat State Hospital. Working as a custodian, he became a shop steward in his department in 1972, and in 1974, he became the chief steward for Local 537 of the American Federation of State County and Municipal Employees. In that capacity, he represented most of the employees at the hospital.

In February 1977, Ed spent 22 months organizing public employees in Florida for AFSCME, traveling throughout the state. In September 1978, he returned to Pennsylvania and began working as a staff representative for District Council 88, based in the Reading office. Following the general election in 1980, Ed was able to come home, where he began working for District Council 87.

He has been a member of the Wilkes-Barre Area Labor Council since 1972 and has served as a trustee for approximately the past 12 years. He has been active in politics, including most statewide and federal campaigns in Pennsylvania, since the 1970s. Ed is an avid sports fan and during his well-deserved retirement, his friends and colleagues know they will be seeing him at many local and college games.

Mr. Speaker, I am pleased to call to the attention of the House of Representatives the achievements and service to the community of Ed Harry, and I wish him all the best.

REMEMBERING SEPTEMBER 11TH

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 2002

Mr. MENENDEZ. Mr. Speaker, September 11th, 2001, hit our New Jersey community hard. We lost neighbors and friends, mothers and fathers and children, sisters and brothers—people who left their homes that fateful day, and crossed the Hudson River, never to return.

The twin towers that were once visible from our waterfront stand no more. The skyline has forever changed.

But the people who were lost that day, while leaving an unspeakable void in our lives, still live on in our hearts and our minds. They are our Heroes: Everyday Heroes who were providing for their families, contributing to their communities; Everyday Heroes who lost their lives in their dedication to protect others. Everyday Heroes. The most incredible kind of heroes. American Heroes. They may not be here, but they do live on, and they will never be forgotten.

We honor them by showing our patriotism; by flying our flag; by fighting terrorism wherever we find its scourge growing; by coming together as One Great People and One Great Nation; and even by finding the faith and the strength to carry on with our lives, raising our children, building our communities, and moving forward with this wonderful creation of democracy and freedom called America.

Yes, September 11th hit our New Jersey community and indeed our Nation hard. But we remember. We persevere. We move forward. And we are stronger and more united than ever before. God Bless America.

AUTHORIZING THE USE OF UNITED STATES ARMED FORCES AGAINST IRAQ

HON. TIM ROEMER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 2002

Mr. ROEMER. Mr. Speaker, I rise as a cosponsor of H.J. Res. 114, authorizing the potential use of United States Armed Forces against Iraq. This will be one of my final votes in Congress, and it is the most solemn duty since I cast one of my first votes in the House on the Gulf War Resolution nearly twelve years ago.

Last month, President Bush described the Iraqi regime as "a grave and gathering danger" in his speech before the United Nations General Assembly. I generally agree with this characterization, and therefore support this resolution's objective to provide the President with the authority he needs as Commander-in-Chief to curb the threat of terrorism and defend the United States. However, much more time and emphasis should be centered on multilateral efforts to exhaust our diplomatic means to resolve the situation and build a coalition.

The situation in Iraq reflects our most dire and serious concerns about the proliferation of weapons of mass destruction and their potential use against the United States, neighboring countries, our allies, and U.S. troops in the region. There is no question that Saddam Hussein possesses and has used chemical and biological weapons of mass destruction. We know that he has tortured and gassed his own people. His continuing defiance of United Nations disarmament demands including weapons inspections has frustrated the international community for more than a decade.

Whether Saddam Hussein represents an imminent threat to the United States is the most important question we have answered. After examining the evidence and meeting with key members of the Pentagon and the intelligence community, I have concluded that there is ample evidence indicating that Saddam Hussein represents a clear, grave, and growing threat to the United States. While I do not agree with Administration statements about Iraqi connections, at this point, on the September 11 terrorist attacks or the accusations of firm and provable al Qaeda links, the lynch pin for me is weapons of mass destruction. He is seeking to build a nuclear device launched by ballistic missiles with a likely range of hundreds of miles, far enough to strike Saudi Arabia, Israel, Turkey, and other nations in a region where more than 135,000 American civilians and service members live and work.

Earlier this week, the American public learned from the President that Iraq has a growing number of aircraft that could deliver weapons of mass destruction, including a fleet of unmanned aerial vehicles potentially seeking to deliver biological and chemical weapons to target cities in the United States. While it is nearly impossible to determine the status of Iraq's nuclear weapons development, it is clear that Saddam Hussein is reconstituting his nuclear weapons program and will not allow weapons inspectors in to monitor this situation. In fact, recent satellite photographs unclassified by the Administration indicate how extensively a crucial Iraqi nuclear facility had been rebuilt since the United States bombed it in 1998.

Again, notwithstanding this evidence, the United States must thoroughly exhaust every diplomatic and non-military option before resorting to war. That means working with the United Nations to ensure that we build a strong coalition of international support and pressure on Iraq to adhere to a new UN resolution. Should these efforts fail, however, we must be assured the option to use force. This leverage might indeed be the only tool to force Iraq to open up unconditional inspection. We must insist that Saddam Hussein provide unconditional access to his weapons of mass destruction. But facing clear evidence or peril, the United States cannot wait for the final proof that Saddam Hussein can unleash terror and destruction. We have a duty now to prevent this from being accomplished.

Importantly, this resolution contains a preamble setting out important milestones in the recent Iraqi defiance of international law and other matters relating to the United States response to it and to the realities of our global war on terrorism. The resolution also affirms the importance of working in concert with other nations, gives preference to diplomacy over a military solution, and focuses attention where it should be on disarming Saddam Hussein. It also signals our Nation's seriousness of purpose and its willingness to use force, which may yet persuade Iraq to meet its international obligations. I firmly believe that this is the best way to persuade members of the UN Security Council and others in the international community to join us in bringing pressure on Iraq or, if required, in using armed force against it to eliminate these biological and chemical weapons.

Moreover, this resolution seeks to assure we will not be diverted from the war on terrorism and provides for the ongoing and constitutional role of Congress to declare war. I agree with the President that confronting the threat posed by Iraq is crucial to winning the war on terror. However, we must not lose sight that there are many other urgent threats that already represent a "clear and present danger," such as the growing number of al Qaeda terrorist cells in Yemen, the Philippines and Indonesia.

I am pleased that the congressional leadership and the executive branch have been able to work together to negotiate a joint resolution that appears to have strong bipartisan and bicameral support. I would have preferred that the resolution include the Biden-Lugar language that I believe would have further limited the scope to removing weapons of mass destruction and possibly ensuring greater international support for our objectives. That is why I supported an amendment offered by Representatives Jim Davis, Bob Menendez and Ben Cardin to require the President to report back to Congress on the "grave" danger posed by Iraq before triggering military force. Unfortunately, however, this amendment was rejected by the Committee on Rules and will not be considered by the full House.

Still, Mr. Speaker, this resolution is a product of good-faith efforts on the part of Congress and the Administration to unite the Nation in response to the Iraqi threat, and I will vote for it. This sends an important signal to the American public and the international community that we support this mission and that our troops will have every resource they require to defend our freedom, diminish the threat of terrorism, and achieve broad worldwide support. I urge my colleagues to support this resolution and pray for the rapid return of our brave men and women in uniform, should they be deployed, to their homes and families.

A PROCLAMATION RECOGNIZING DR. KARL SCHWENK

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 2002

Mr. NEY. Mr. Speaker, whereas, Dr. Karl Schwenk is a professional teacher of science at Tuscarawas Valley High School; and

Whereas, Dr. Schwenk has been selected to receive a Governor's Award for Excellence in Youth Science Opportunities by the Ohio Academy of Science in cooperation with the Office of the Governor and the Ohio Department of Education; and

Whereas, Dr. Schwenk should be commended for reaching this milestone, for his devotion to his students, and for his ongoing efforts to extend science education opportunities beyond the classroom;

Therefore, I join with the residents of the entire 18th Congressional District of Ohio in honoring and congratulating Dr. Karl Schwenk for his outstanding accomplishment.

STS–112 ORBITER ATLANTIS SHUTTLE LAUNCH

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 2002

Mr. COSTELLO. Mr. Speaker, I rise today to recognize the men and women currently in space aboard the STS–112 Orbiter Atlantis, especially, my constituent Dr. Sandra Magnus. Sandy was born and raised in Belleville, Illinois where she attended Central Junior High School and Belleville West High School. She developed an interest in the space program and in becoming an astronaut while attending Central Junior High School. At the urging of one of her teachers, Mr. Corky Helms, Sandy was encouraged to study the space program—and her dream became a reality.

Dr. Magnus was selected by NASA for the astronaut program in April 1996 and reported to the Johnson Space Center in August 1996. After intensive training and evaluation, she is qualified for flight assignment as a mission specialist.

I had the distinct privilege of accompanying the Administrator of NASA, Mr. Sean O'Keefe, to the Kennedy Space Center for Sandy's first launch on October 7, 2002. While at the Kennedy Space Center, I had the pleasure of visiting with Sandy's parents, Dick and Rose Hall, Corky and Vicki Helms, Bob and Joyce Dintelman, and many of Sandy's friends and family, to watch this memorable day.

Sandy and five fellow shuttle crew members are currently at the International Space Station (ISS). She serves as the flight engineer and has the challenging Job of operating the robotic arm that is employed for the installation of a 15-ton truss that is part of the payload and the transportation of the spacewalkers as they conduct their connections of power, data cables and other external hardware to the truss itself. This truss is the second of 11 such truss structures that will ultimately expand the ISS to the length of a football field and increase the power through the addition of new photovoltaic modules and solar arrays. This mission is extremely important to further our understanding of space and brings us closer to achieving our goal of completing the ISS.

Mr. Speaker, we are fortunate to have qualified people, like Sandy, in the space program. The crew's impressive level of achievement and accomplishment is a milestone for the space program and serves as proof to young people that dreams really do come true. I ask my colleagues to join me in recognition of all the men and women involved in the success of the mission of STS-112, especially Dr. Sandra Magnus and the crew.

ON PURSUING DEMOCRATIC PRINCIPLES IN U.S.-KAZAKHSTAN RELATIONS

HON. MARTIN T. MEEHAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 2002

Mr. MEEHAN. Mr. Speaker, as our nation continues to build international partnerships in the war against terrorism, it is important to remind ourselves and the world of the values of democracy and free expression represented by the United States of America.

In the war against terrorism, we have significantly increased levels of communication and cooperation with nations across the globe. No truer is this the case than in the newly independent states of Central Asia. These oil rich nations can be vital allies in eliminating the international terrorist threat. Nevertheless, we must not sacrifice our values in their courtship.

One example clarifies my point. Kazakhstan's President Nursultan Nazarbayev rules with increasing dictatorial force on his populace. His family owns the only legally authorized media outlet in the country. The underground press are sought out and, in noted instances, brutalized. Opposition leaders such as Akezhan Kazhegeldin and others are banned from the country thereby preventing any true opposition party. President Nazarbayev has not honored his commitment to the Organization for Security and Cooperation in Europe to allow constitutional rights of assembly, speech and representation for the people of Kazakhstan. A federal grand jury in New York is investigating serious allegations of bribery by oil interests resulting in the Swiss government freezing President Nazarbayev's and his family's secret Swiss bank accounts at the request of the U.S. Department of Justice. These are but a few examples.

Mr. Speaker, the United States continues to put millions of dollars into our ally, Kazakhstan. However, one must ask what the average Kazakh citizen thinks of U.S. support during this time of tyranny. A recent editorial in The Economist suggested a frightening answer: "Where people conclude—as some already have—that America and its allies care about nothing except oil revenues and military bases, the West can come to seem the source of their travails, and they become easy converts to extremism." (I ask unanimous consent that the complete editorial be placed in the RECORD at the end of my remarks.)

I am concerned for our long term relationship with the people of Kazakhstan and ask the Administration to pressure the Nazarbayev regime towards a return to democracy. Our global war against terrorism demands that we work with many governments willing to help. In building these partnerships, it is our moral duty and in our national interest to advance democratic principles.

[From the Economist, May 4, 2002]

STOPPING THE ROT—USING WESTERN INFLUENCE IN CENTRAL ASIA

CENTRAL ASIA: DEMOCRACY AND THE SPORT OF GEOPOLITICS

On HIS tour this week of Central Asia, Donald Rumsfeld, America's defense secretary, thanked the region's leaders warmly for their contribution to the war in Afghanistan, They had opened up their roads, railways, air corridors and military bases. And they had been only too happy to help. The Taliban and the armed Islamists they spawned had menaced each one of these fragile new states. Yet fostering new military relationships, important as these are, should not be the only aim of western policy. Development and better government are needed too.

Kazakhstan, for example, looks set to become one of the world's top oil producers. Yet evidence from other places suggests that oil money can badly distort an economy as it travels the short distance between western buyers and the offshore bank accounts of cynical rulers. Outsiders can help guard against that danger by keeping up pressure in these former outposts of Soviet rule for more open societies, where the strains of wrenching change can be absorbed by a healthy degree of press freedom and political debate.

Instead, in Kazakhstan and in Kirgizstan, the two most committed until recently to market economics and multi-party democracy, there have been arbitrary arrests and a crackdown on the independent media. Meanwhile Uzbekistan, which aspires to be the regional cop, has always had an authoritarian tinge. No bad thing, some outsiders would say, when there are unruly borders to guard and a real threat from Islamist extremists. But leaders in all three places have clearly taken their new-found strategic importance as an opportunity to turn the screws on dissenters.

Meanwhile Tajikistan and Turkmenistan offer cautionary tales of the trouble that could infect the whole area if the outside world turns a blind eye. For most of its first decade of independence, Tajikistan was mired in a drug-fueled civil war that still has disastrous effects: Tajiks play a key role in transporting Afghan heroin to Europe. In Turkmenistan, a sterile personality cult has fostered poverty and human-rights abuses; the country at one point flirted with the Taliban, and has failed to exploit or market its huge gas reserves effectively.

Tempting as it might sometimes seem for western governments to shrug off Central Asia's creeping, authoritarianism as a price worth paying in the bigger geopolitical and financial game, that would be short-sighted—for pragmatic reasons as well as for moral ones. Tyrannies with unhappy subjects are unlikely to be reliable economic or strategic partners, Where people conclude—as some already have—that America and its allies care about nothing except oil revenues and military bases, the West can come to seem the source of their travails, and they become easy converts to extremism. Once anti-western sentiment has taken hold, it can then be cynically exploited by local despots (even those with cosy relationships with the West) to distract attention from their own misdeeds.

What can western governments do? They cannot turn the Region's leaders into paragons of democracy. Heavy-handed pressure, applied to tough rulers still jealous of their newly-won independence, can be counter-productive.

Western governments would do better to give a helping hand to those courageous individuals who are working to keep the flame of independent thought flickering. Often the best deliverers of such help are not embassies or visiting politicians, but non-governmental agencies. Tiny amounts of money—a printing press here, an internet-linked computer there—can make the difference between survival or extinction for a local party or lobby group.

ENCOURAGEMENT WHERE IT COUNTS

To advocates of cold realism in foreign policy, such concerns may smack of sentimentalism. As long as Central Asia's rulers open their airfields to western military planes and their oilfields to western corporations, does it matter very much if they lock up their rivals or use electrodes on their dissidents?

Such arguments were once used to justify America's unconditional support for the monarchy in Iran. When opposition there finally burst into the open, it was not inspired by western models but was driven by anti-western rage. These days technology makes it even harder to maintain repressive regimes and stamp down dissent. Ideas cross frontiers more easily, no matter how hard tyrants try to prevent this. Another good reason for western governments not to collude with creeping authoritarianism in Central Asia, but to use their influence to stop the rot.

TRIBUTE TO MAX AND OLGA VENZOR ON THEIR 50TH WEDDING ANNIVERSARY

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 2002

Mr. REYES. Mr. Speaker, I rise today to honor the sacrament of marriage by paying tribute to two of my constituents who will be celebrating their 50th Wedding Anniversary over the upcoming Thanksgiving weekend. Margarito and Olga Venzor have been dedicated to each other for fifty years and we should all be inspired to know that marriage, in this day and age, is very much alive and well. They were married in 1952 and never looked back.

Max and Olga have been examples to their community, church, and family, They have been examples of love, dedication, and sacrifice. They are the parents to eight wonderful and beautiful children: Danny, David, Lionel, Lilly, Rose, Chris, Becky and Bertie. They also have and cherish 17 grandchildren. I won't even attempt to name them. I also hear that they will be adding another grandchild to their *familia* in the Spring. Max and Olga are also blessed to have two great grandchildren. As a new grandfather myself, and also coming from a large family, I know what a blessing it is and a true gift from God to be surrounded by loved ones.

One of the things that has remained constant over the past 50 years, has been the love and dedication that has been felt and shown between Max and Olga. Even when times got tough, as they often did, they were able to keep their marriage strong and their commitment to each other and their children solid. They sacrificed of themselves for each other and truly lived up to their marriage vows. They sacrificed to make sure that their kids and each other were educated, and clothed, and fed, and happy, and nourished, and safe, and loved. These things, in the grand scheme of things, are the most important successes in life. They have shared life's joys and tragedies together and have been with each other through each other's accomplishments, trials and tribulations. They have shared each others aspirations, disappointments, fears, and challenges. They have literally grown up together and have beautifully grown old with one another. What a wonderful, spiritual blessing.

I think the place where Max and Olga find themselves as they approach their 50th Wedding Anniversary, is the place and the situation where we all want to be and what so many married couples aspire to achieve. Fifty years of marriage! One of the keys to their success has been keeping God at the center of their marriage, relationship, and family. God is truly the glue that holds the sacred institution of marriage together and Max and Olga are witness to this fact. I know that the Catholic Church continues to be a central and important part of their lives. In fact, for many years, they have served as Eucharistic lay ministers to the family of Saint Joseph's Catholic Church, in El Paso, Texas.

When it really comes down to it, there is no greater accomplishment in life than to have loved fully, your spouse, your children, your God, and your country. Max and Olga have certainly done just that and I applaud them on their 50th Wedding Anniversary. I wish them great happiness, peace, and joy in the upcoming years.

A PROCLAMATION IN MEMORY OF JOHN E. PLATT

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 2002

Mr. NEY. Mr. Speaker, I hereby offer my heartfelt condolences to the family and friends of John E. Platt, who passed away September 24, 2002. John Platt was born on July 11, 1920, in Eastern Ohio. Mr. Platt was a devoted family man. He and his wife, Margeret Esther Morse, raised 5 children and were the proud grandparents of 19 grandchildren and 17 great-grandchildren.

Mr. Platt served our country as a member of both the Navy and the Air Force. For his service as a World War II and Korean War veteran, we owe him a debt of gratitude that can never be repaid. Following retirement from the armed forces, Mr. Platt generously gave of his time teaching high school history and serving as Principal in the Carrollton Exempted School District. His devotion to the community was impeccable, being a dedicated patriot through his 25 year membership in the VFW and Voice of Democracy Program, as well as his work for the Lions International, POW–MIA's, and the American Legion. He was also involved throughout his life with the Chestnut Ridge United Methodist Church.

Mr. Platt will certainly be remembered by all those who knew him for his personal sacrifices of time and energy to family, friends, and community. His understanding and caring shown to others will stand as a monument to a truly fine person. His life and love gave joy to all who knew him.

While I understand that words cannot express our grief at this most trying of times, I offer this token of profound sympathy to the family and friends of John E. Platt.

VERIZON LITERACY CHAMPION

HON. JOHN A. BOEHNER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 2002

Mr. BOEHNER. Mr. Speaker, I rise to recognize the efforts of Verizon, its employees and its spokespeople who are working to tackle the problem of illiteracy. Last week, the House Education and the Workforce Subcommittee on Education Reform held a hearing on "Literacy Partnerships that Work." The hearing featured actor James Earl Jones and Verizon President and Chief Executive Officer Ivan Seidenberg, testifying on Verizon's efforts to improve literacy in America.

Describing his lifelong love of reading, Verizon spokesman and actor James Earl Jones remarked on how, "All of us—lawmakers, reading teachers and tutors, corporate philanthropists, educators, and literacy volunteers—all of us have an important and necessary role addressing this issue."

Testifying about his company's involvement in literacy efforts, Ivan Seidenberg, the President and CEO of Verizon, described how his company's mission is "highly focused." "We work to raise public awareness, create partnerships, and generate financial support for local and national literacy organizations so they can do their jobs more effectively. To use a communications metaphor, we believe that—through our scale, scope, and technology—we can increase the 'bandwidth' of the system and enable more learning to be delivered to more people, more effectively."

For Verizon there is a strategic link between literacy and the future business success of the Nation's largest communications company with upwards of 240,000 employees in technically demanding jobs.

However, it's more than just for their future employees. "Verizon's communications networks comprise a unique platform for sharing resources and forming partnerships," Seidenberg said. "Verizon's enormously committed employees and retirees have a long heritage of volunteerism and community involvement. And more than a decade's worth of commitment to the issue of literacy has given the company both the knowledge and the relationships with the literacy community to be effective."

Also attending the Hearing as Verizon Literacy Champions were CBS Sportscaster Dick Enberg, Mike Kohn, 2002 Olympic Bronze Medal Bobsled Athlete, Chris Thorpe 2002 Olympic Bronze Medal Luge Athlete and Lee Ann Parsley, a resident from the great State of Ohio, the 2002 Olympic Silver Medal winner in the Women's Skeleton competition. All of these distinguished celebrities attended to demonstrate their great commitment, as well as Verizon's commitment, to providing positive role models in the fight for literacy.

Mr. Jones, in his compelling personal testimony, said that: "In my family, we say the love of reading and book learning is in our bone memory." Jones' great-great grandparents Brice and Parthenia Connolly, "passed on their love of reading to my great-grandfather, Wyatt, who owned a modest library, and encouraged his family to read his books and to revere them."

Mr. Speaker, this is one of the legacies we hope to leave with H.R. 1, "The No Child Left Behind Act," to build reading and book learning into the "bone memory" of all Americans. In these days when there is so much talk about Corporate Accountability, it is a pleasure to recognize Verizon for the positive work they are doing to help the citizens of our Country.

SANDY MINTZ' TESTIMONY ON AUTISM AND CHILD VACCINATIONS

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 2002

Mr. LANTOS. Mr. Speaker, I call the attention of my colleagues to an excellent statement recently made before a hearing of the Committee on Government Reform dealing with the issue of child vaccinations. The statement was made by Ms. Sandy Mintz of Anchorage, Alaska. For over a decade, Ms. Mintz has been a prominent and forceful advocate for an informed vaccination process and for permitting parents everywhere to have the right, as they do in my home state of California, to decide whether or not vaccination is the best option for their child.

Although Ms. Mintz' statement will be published in the hearing record, it will be some time before it is available to my colleagues, and her testimony is of such interest that I ask that it be put in the RECORD so that it will be more broadly and more quickly available for those who have an interest in the health and well-being of our children.

Mr. Speaker, in her testimony, Ms. Mintz posed a vital, if uncomfortable, question: in some cases, could vaccinating our children actually be doing them more harm than good? Specifically, she was asking whether the National Institutes of Health had investigated the link between child vaccinations and autism. She has found evidence that there may, in fact, be a causal link between childhood vaccinations and autism. The witness from the NIH was not aware of any study exploring any link between those two phenomena. Given the vital relevance of this matter to the health of our nation's children, it would be prudent for the NIH to conduct such a study.

At the crux of this debate lie two competing values, which must always be kept in balance: on the one hand, the right of parents to determine what is best for their children, and on the other the need of society at large to protect itself from a common threat, in this instance the threat of deadly communicable diseases. But it is more than an example of the classic tension between the rights of the individual and those of society, because the issue at hand is one we all care so deeply about—the issue of our children's safety. We would all like to inoculate our children against every disease possible, and mandatory childhood inoculations may indeed be the soundest policy choice for our state governments.

Mr. Speaker, I believe the question raised in Ms. Mintz' testimony needs to be dealt with, because our government should not administer a cure that is worse than the disease. We must first investigate whether vaccinations cause autism in children before we can continue to require them of our children. In the meantime, I believe it would be prudent to allow parents to choose not to vaccinate their children, as is permitted in my home state of California. Again, I thank Ms. Mintz for her bold and illuminating testimony before the Committee on Government Reform.

THE AUTISM EPIDEMIC—IS THE NIH AND CDC RESPONSE ADEQUATE?

Mr. SHAYS. Dr. Foote and Dr. Boyle, let me just say it is our intention to let you get out pretty soon. You haven't had a break or anything. Do you have 20 more minutes in you? Are you OK?

I am going to do something that may seem a little unusual, and I may have to just cut it off if it is not a good idea. But, Dr. Foote and Dr. Boyle, if you can trust me in terms of my ability to control a meeting, it is not lost on me that we have a lot of people in the audience who have a keen direct interest. There my be a question or two that none of us on the panel here have asked that we should have. I am going to ask if there is someone in the audience who may have a question that says we should have addressed this. I will allow you to stand up and tell the committee, and then we may choose, our committee may choose to ask that question.

My motivation is that it would be a shame to have people leave without you having the opportunity to respond and maybe clear something up. Both of you have such a nice, friendly smile. I figured I could get away with it. So we are going to try it out, but I have the counsel—excuse me, the minority counsel would like to ask you a few questions, the majority professional staff would just like to ask a few more, and then I am going to just throw it out to the audience, pick two or three of you and ask you to stand and tell me if there is a question you think we should have asked, loud enough so I can repeat it to our witnesses. . . .

Mr. SHAYS. Now let me state what I would like to do. I would like let our witnesses leave soon. I would like to just say that this is a hearing of the House of Representatives, of Congress, so the decorum needs to be done well.

I am going to first ask how many people would like to ask the question. I am going to invite five people to take each of those five seats. I am going to invite you, Ma'am, in the front row to come up to that seat up there, yes. I am going to invite you in the very back to come up, the very back there. I am going to invite you, sir, to come up. I am going to invite you, Ma'am, in the middle, and I am going to invite you in the very back there.

I am going to have you each take a seat. What I am going to invite each of you to do, the committee is going to invite each of you, you are just going to go down and you are going to identify your name, as you ask the question, where you live. If you have a loved one who is impacted, we are happy to have you share the name of your child, but this is primarily for an opportunity to ask a question. We will just see how it goes.

OK?

You all are nice—thank you—to let us do this.

Just turn the mic on, start at the very end, and ask your question.

Ms. MINTZ. Hi. My name is Sandy Mintz. I am from Anchorage, AK. I am lucky enough not to have a child who has been injured by a vaccine.

My question is, is NIH ever planning on doing a study using the only proper control group, that is, never vaccinated children?

Dr. FOOTE. I am not aware of—but note carefully what I said, that I am not aware of—proposed study to use a suitably constructed group of never vaccinated children. Now CDC would be more likely perhaps to be aware of such an opportunity.

Dr. BOYLE. The study that I mentioned earlier that we are doing in collaboration with Denmark compares children who received the MMR vaccine versus children who did not receive MMR.

Ms. MINTZ. But I am saying never vaccinated with any vaccine. That assumes that vaccines don't cause autism, which is what needs to be studied, not assumed.

Mr. SHAYS. Let me just say that if you would turn off your mic, I am happy to have you do the followup, if you would respond to it.

Ms. MINTZ. I'm sorry.

Mr. SHAYS. No, you don't need to apologize. And we will go to the next. Do you have any other comment based on that? The point that is being made, any vaccination. Could we just suggest that you take this under advisement?

Ms. WHARTON. The difficulty with doing such a study in the United States, of course, is that a very small portion of children have never received any vaccines, and these children probably differ in other ways from vaccinated children. So performing such a study would, in fact, be quite difficult.

The Denmark study was a study that, in fact, could not have been done in the United States, although, of course, these children did potentially receive some other vaccines, but simply hadn't received MMR.

Mr. SHAYS. I will invite anyone who is here to speak to staff or me afterwards if they want to augment a comment.

HONORING DAWN SHANNON

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 2002

Mr. McGOVERN. Mr. Speaker, I rise today to honor Dawn Shannon, who has been selected by FOR Special Friends, Inc. as the recipient of the 13th Annual Sheriff's Community Service Award.

From 1972 to 2002, Mrs. Shannon was a vital part of the Shrewsbury Parks and Recreation Department in Shrewsbury, Massachusetts. During her 30-year career, she helped to make the Department one of the best in the State, providing recreational activities for students, adults, and those with special needs.

Through her dedication, and the devotion of the late Paula Rourke, many residents with special needs joined basketball teams, learned to throw a softball, and were able to learn the joy of being a member of a team—many for the first time. She organized Christmas parties, dances, sleepovers, and Valentine socials. Busloads would leave the Shrewsbury Town Hall for Boston's duck tours in the summer and skiing at Ward Hill in the winter.

The program also supported Special Olympics and helped provide uniforms and celebration banquets. An advocate for "Stepping Stones Community Theatre" and a member of the Board of FOR Special Friends, Inc., Dawn's energy never seems to fade when working for the special needs community.

Mr. Speaker, I am certain that the entire U.S. House of Representatives joins me in congratulating Dawn Shannon for her stellar work for the residents of the Town of Shrewsbury and wishes her the best of luck and happiness in all her future endeavors.

WORLD HUNGER

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 2002

Mr. GILMAN. Mr. Speaker, today is World Food Day. As Americans, we all enjoy one of the highest living standards in the world, and we derive much of our strength as a Nation based upon this fact. Yet in many areas of the world, poverty, and the resultant hunger, remains a serious problem that deserves our attention.

According to the Food and Agriculture Organization of the United Nations, "the Progress in reducing world hunger has virtually come to a halt . . . and unless trends are sharply reversed, the world will be very far from reaching the World Food Summit 1996 goal, to reduce the number of hungry by half by 2015."

It is imperative that we act to counter this trend. It is wrong for a child anywhere in the world to suffer the crippling effects of, or, as happens to close to 6 million children each year, who die from hunger. It is appalling that close to 800 million people are malnourished, and indeed many are on the verge of starvation. It is wrong for us to sit idly by and accept this as fact.

We must also recognize that it is in our self interest to fight hunger. The plague of AIDS and other threats to health is not confined to international borders; it would be foolish and naive of us to think that we are immune to the effects of hunger. Furthermore, much of the political instability is rooted in poverty and hunger is rarely confined to any single nation.

Every year national, regional and international World Food Day events are organized around the world. These activities, including those of the World Hunger Year, brings long overdue attention to the problems surrounding the international fight against hunger, and the practical solutions available to our winning the fight against hunger. This is a fight that can be won if we all work together.

MEDICARE COVERAGE OF DIABETES SCREENING

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 2002

Mr. GREEN of Texas. Mr. Speaker, diabetes is a serious, debilitating, chronic illness that afflicts more than 17 million Americans, including seven million Medicare beneficiaries. This sometimes silent disease causes many serious complications, including heart disease, stroke, blindness, kidney failure and lower limb amputation. Unfortunately, more than one-third of people with diabetes won't realize they have it until they develop one of these deadly complications.

Diabetes imposes an enormous financial burden on our health care system. More than 25 percent of the Medicare budget is currently devoted to providing medical care to seniors living with diabetes. Congress recognized the need to address this problem when it required Medicare coverage of blood-glucose monitors and diabetes education services in the Balanced Budget Act. While this was a positive development in our fight against diabetes, it has done little to help us diagnose and treat the 2.3 million seniors who do not know they have the disease.

While diabetes is sometimes a silent disease, the risk factors are often obvious. Diabetes is prevalent among individuals who are overweight, aging, and lead a sedentary lifestyle. Other health conditions, such as gestational diabetes, high cholesterol, and hypertension often lead to diabetes. It is also more common in certain racial and ethnic groups, including Hispanics, African Americans, and certain Native Americans. Additionally, 20 percent of Medicare beneficiaries have pre-diabetes, which if left untreated, will develop into diabetes.

Currently, Medicare does not cover diabetes screening, even if a patient has some of these risk factors. We must amend the Medicare program to ensure that individuals get treatment before it's too late. By testing high-risk individuals, we will be able to diagnose and treat individuals earlier on, and subsequently prevent many complications. Studies have shown that people with pre-diabetes can prevent or delay the onset of type 2 diabetes by up to 58% through lifestyle interventions, including modest weight loss and increased physical activity.

That is why I am introducing this legislation, which would require Medicare to cover diabetes screening under Part B. Diagnosing diabetes and pre-diabetes through testing, would improve the lives of our nation's seniors and prevent an increase over the already huge amount of the Medicare budget devoted to seniors with diabetes. In addition to improving the health and quality of life for millions of Americans, extending coverage to cover simple testing would save Medicare money in the long run by lowering the incidence of complications.

I urge my colleagues to join me in support of this legislation.

HONORING THE HEROISM OF MIKE McGEHEE OF RED BUD, ILLINOIS

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 2002

Mr. COSTELLO. Mr. Speaker, I rise today to ask my colleagues to join me in recognizing the heroism of Southern Illinois University at Edwardsville Freshman Mike McGehee of Red Bud, Illinois for saving the lives of his fellow students during a tragic fire in their Cougar Village apartment on the campus of Southern Illinois University at Edwardsville.

Early Saturday morning, October 12, 2002, Campus police received a call that a fire was underway at the Cougar Village Student apartment complex. The fire started at about 4:40 a.m. in the kitchen of Apartment 1B on the lower floor in the complex. Mike McGehee and his roommates were upstairs in Apartment 2C. Mike, normally a sound sleeper according to his parents Len and Ruth McGehee, woke up about 4:30 a.m. and smelled smoke. He woke up five other people in the apartment and guided them towards the front door. When they discovered that the front door was hot, Mike's roommates went to the balcony to jump. Upon reaching the ground, Mike didn't follow. Campus Police Officer, Tony Santiago who was on the scene helped some students who were trying to jump off balconies to escape from the second story apartments.

With the fire fully engaged and Edwardsville Fire units arriving on scene, Mike became disoriented with the smoke and broke out a window, he fell to the floor and called out for help. By then Edwardsville Firefighters were evacuating other apartment units. Mike's friends alerted firefighters that Mike was still inside. Firefighters, moving through the building, felt Mike's grasp on his leg. According to Mike's parents, Mike had already mentally said his goodbyes, as he thought he was going to die.

Mike was taken from the building to a local hospital and then transferred to the burn unit at St. John's Mercy Medical hospital in St. Louis where he is currently being treated for burns and smoke inhalation. Mike is expected to be released from the hospital in the coming days.

Mr. Speaker, I ask my colleagues to join me in honoring the heroism of Mike McGehee and his efforts to help save the lives of his fellow students. It was through his efforts that so many lives were saved that day.

CELEBRATING THE 20TH ANNIVERSARY OF WHITTIER HEALTH NETWORK

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 2002

Mr. McGOVERN. Mr. Speaker, I rise today to pay tribute to the Whittier Health Network. Whittier was founded 20 years ago by Dr. Alfred. L. Arcidi and his sons. Since 1982, Whittier has provided high quality acute rehabilitative care along Route 495. Whittier has stuck close to Dr. Arcidi's guiding principle: healthcare that incorporates traditional family values with everyday practices.

Throughout New England, Whittier is known as the premier rehabilitation hospital center. At Whittier, every patient is treated with equal dignity, reverence, and devotion. It is without a doubt that Whittier's reputation for quality care has contributed to its unparalleled prosperity. Indeed, Whittier's reputation and comprehensive care has led to its service to thousands of patients on a daily basis.

Twenty years after its founding, Whittier has branched out beyond its founding as a rehabilitation hospital. The Whittier Pharmacist was established in 1995, and it has grown to serve over 1500 patients. The corporation also has the Whittier Home Health Care Agency. The Home Health Care Agency follows the Whittier tradition by serving individuals in a friendly home environment. A special part of Whittier is that it has a Social Work Service that provides adjustment planning and guidance to both patients and families.

Mr. Speaker, it is with great pride that I honor Whittier Health Network. I am sure that the entire U.S. House of Representatives joins me in thanking Whittier for its contribution to New England's health during the past 20 years.

TRIBUTE TO REPRESENTATIVE BILL GREEN

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 2002

Mr. GILMAN. Mr. Speaker, I deeply regret informing our colleagues of the passing of our close friend and a former representative of the State of New York, Congressman Bill Green with whom I had the honor of serving in the House of Representatives for eight terms from February 14, 1978, until January 3, 1993 in Congress. After leaving Congress, Bill remained active in government and in the private sector.

Bill Green, a Rockefeller Republican who represented Manhattan's Silk Stocking district from 1978 to 1993, was a leader of the progressive wing of the Republican Party. His wisdom and judgement was highly regarded during his tenure in Congress. Bill's guidance will be greatly missed by all those whom he touched over the years.

Bill Green served on the House Appropriations Committee and was the ranking Republican on the Subcommittee on Veterans Affairs, Housing and Urban Development and

Independent Agencies. Bill supported abortion rights and was known throughout Washington as a pro-environmental lawmaker. Following his congressional service, Bill was very active in housing, science policy, and political reform.

Congressman Green was chosen to fill the congressional seat formerly held by Ed Koch, when Koch became mayor of the city of New York. Bill began his Federal Government career, service as the regional administrator for HUD from 1970 to 1977 and prior to his Federal post he was elected as a member of the N.Y. state assembly from 1965 to 1968.

Mr. Speaker, I invite my colleagues to join with me in extending our condolences to Bill Green's wife, Patricia, his daughter Catherine, his son Louis, his sister Cynthia Green Colin and his many friends and supporters throughout the State of New York and our nation. Bill will surely be missed by this body of Congress.

It is hoped that our thoughts and prayers for Bill will be of some solace to Bill's family and friends.

TRIBUTE TO REVEREND DR. WILLIAM P. DIGGS

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 2002

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to Reverend Dr. William P. Diggs on the occasion of his 40th Anniversary as Pastor of Trinity Baptist Church in Florence, South Carolina. The celebrations will take place on October 26 and 27, 2002.

Rev. Diggs was born in Columbia, SC and raised in Rock Hill, SC. He earned a B.A. degree from Morehouse College, a M.A. in Sociology from Atlanta University, a Master of Divinity from Colgate-Rochester Divinity School, and a Doctor of Ministry from McCormick Theological Seminary. He is married to the former Clotilda Daniels, and they are the parents of two adult children, Mary Lynne and William, Jr. They have one grandson, William, III.

Rev. Diggs has accomplished much as a leader in the Florence community. He is a Life Member of the NAACP and was the first organizer of and solicitor for the Pee Dee Area United Negro College Fund. He organized a federally operated credit union, which continues to operate today with assets of over one million dollars.

As pastor of Trinity Baptist Church, Rev. Diggs led the development of a preschool institution that is licensed by the state of South Carolina, administers a church sponsored after school tutoring program which could accommodate up to forty-five students, and led Trinity from an annual budget of twenty thousand dollars in 1962 to its current over-all annual budget of one-half million dollars. Over thirty thousand dollars of Trinity's annual budget is designated for education.

Mr. Speaker, it is rare to find people who so unselfishly dedicate their time and energy to improving their community, as does Reverend William P. Diggs, and I ask you and my colleagues to join me in paying tribute to this outstanding leader, role model, and devoted Christian.

HONORING JACK DEMPSEY

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 2002

Mr. BORSKI. Mr. Speaker, I rise today to honor Jack Dempsey, a good friend and the anchor of my Congressional operations. Jack Dempsey is a "neighborhood guy" who never forgot his roots, and like no other I know, lives and breathes Philadelphia politics. Since my first campaign in 1976 for the Pennsylvania State House, Jack has been a dear friend and advisor. He has served as a key strategist, not only for my campaigns, but also for many others in the Philadelphia region.

In Washington, pundits read the Cooke Report for the political scoop, I pick up the phone and call upon the ironclad Jack Dempsey for the word on the street. For nearly two decades, Jack Dempsey has used his lifelong friendships and connections in the Philadelphia area to enhance his uncanny ability to sort out the winners and losers of local, state, and federal elections before the votes have been cast. He has an uncanny ability to read and interpret polls and bring people together. Jack knows the neighborhoods and the District like the back of his hands. His political acumen is unsurpassable and many have called upon his advice for the breakdown of their upcoming elections. Jack, without hesitation, can tell you what the issues are, who your opponents will be, and what you need to do to get the vote out to ultimately win. Luckily, for me, I have had him on my team for all these years.

More important for me, Jack has served with distinction as my District Director for 20 years. As Director, Jack assembled an outstanding and dedicated staff in the Third Congressional District that has worked tirelessly on issues from constituent casework to the revitalization and redevelopment of the District. Jack's stewardship of the District Office over the past two decades has been invaluable to me, and has served the 3rd Congressional District well.

Mr. Speaker, countless times when I was in my district, a constituent would approach me and tell me how my office helped him or her with a problem they were having, anything from problems sorting out social security benefits to getting a military medal they had been awarded. Thanks to Jack's leadership and counsel, and along with my dedicated staff and caseworkers, we helped thousands of constituents during my tenure in Congress. Constituents never forget the help and support of my District Office, as I will never forget their help, support, and friendship.

THE 3RD CONGRESSIONAL DISTRICT STAFF, 1983–2002

Kay Arndorfer, Maureen Canty, Ethan Chamow, Michele Daly, Patrick Daly, Pete DeCoursey, Jack Dempsey, Mariann Porter Dempsey, Adam Dickstein, Sis Dolan, Christopher Drumm, Ginny Duffy, Anna Marie Feeney, Rosemary Farnon, Jack Fesi, Ann Fleming, Keven Gallagher, Joe Grace, Bill Haas, Tom Jablonowski, Brian Jeter, Judith Kohn, Elsie Lydon, John Macoretta, Francis McCloskey, Mark Menkevich, Joe Michalski, Carletta Murray, Mercedes Ott, Karen Peck, Manor Prewitt, Jerrildine Reed, Peg Rzepski, Joe Schorr, Donna Storino, Donna Szuszczewicz, Ed Turzanski, Nicole Usle.

HONORING CHARLOTTE KLEIN

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 2002

Mr. McGOVERN. Mr. Speaker, I rise today to honor a Worcester treasure, Charlotte Klein, as she celebrates 50 years as a dance educator. Charlotte's students and friends will honor her November 9, 2002 to commemorate a career that has touched the lives of thousands and helped launch many professional careers.

Charlotte began studying dance at age four, and she began her career as a dance educator as an assistant teacher with a preschool class at age 12. During the 50 years since she opened her first dance studio in the basement of her parents' home, following high school graduation, she has provided professional training in the art of dance to thousands of students in Central Massachusetts. Countless students have gone on to college as dance majors, and dozens of Charlotte's students have achieved national recognition for their stage, film, and television performances.

As important as her career has been in her life, her family always came first. In 1955 she married her high school sweetheart, Ben Klein, son of a prominent Worcester Rabbi. They built a dance studio in their home and started to raise a family. Tragedy came with cystic fibrosis, a disease that claimed two of their three daughters. One lived for only a few weeks, while Elisa lived more than 15 years. Elisa was a wonderful dancer, and took classes in Charlotte's school before she passed away. Elisa's sister Laura carried on the family legacy as a dancer, choreographer and teacher. Charlotte moved forward, establishing the Elisa Ruth Klein Fund. The Fund supports activities of the Cystic Fibrosis Center at UMass Memorial Children's Medical Center.

Mr. Speaker, I am confident that the entire U.S. House of Representatives joins me in congratulating Charlotte Klein and her family for their contribution to dance education in Central Massachusetts.

ELIMINATING THE 24 MONTH WAITING PERIOD FOR MEDICARE

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 2002

Mr. GREEN of Texas. Mr. Speaker, more than 56 million Americans currently live with some kind of disability. These disabilities include blindness, paralysis, mental illness, hearing loss, physical ailments, and a host of other conditions.

The federal government has recognized the unique challenges faced by these Americans by allowing qualified disabled individuals to receive health insurance under the Medicare program. Unfortunately, the law includes a 24 month waiting period before disabled individuals can qualify for coverage.

This waiting period poses a serious problem for many newly disabled Americans. Faced with the loss of their employment due to their disability, their situation is only made worse because they cannot access the health care services they need. The Medicare program was designed to help people in need—not make their situations worse by denying them necessary health care.

That is why I am introducing legislation to eliminate the 24 month waiting period under the Medicare program. This legislation would allow individuals to enroll in Medicare immediately upon their disability determination. This is a necessary change in the law which will help countless Americans access the health care they need upon becoming disabled.

TRIBUTE TO ALICE SANTANA

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 2002

Mr. FARR of California. Mr. Speaker, I rise to honor the life of Alice Santana, a woman of many roles—a wife, a mother, a friend, a business woman, a community activist, a rising star in the ranks of the Office of Economic Opportunity, a political advisor, a supporter and kingmaker—just to name a few. Alice was tough, exuberant, and smart in every one of her roles. She brought her awesome zest for life to others, and enjoyed the pleasure of working and playing, while wholeheartedly advocating the causes in which she believed.

Alice came to Santa Cruz with her family in 1962 when the circle of those committed to action for social change and support for the arts was small indeed in Santa Cruz County. This was an emerging time of change—Cabrillo Community College had just been established, UCSC was on the verge of opening its doors, and Alice was a forceful and driving member within that small circle for reform. Alice's commitment continued with resiliency. There is hardly an arts organization or initiative for social change in this county that did not benefit from Alice's truly generous support.

It is no secret that Alice Santana has always been an ardent Democrat. Her willingness to generously support endeavors that didn't always look shiny and bright, in a community dominated by the other party, was a critical force for change. She was an early and crucial supporter for Leon Panetta, our first Democratic Congressman. Alice supported and worked hard for Henry Mello, Supervisor, State Assemblyman and the State Senator. She worked vigorously for my races as well as for Fred Keeley, our current State Assemblyman. And at the local level, she was an important and initial supporter for a line of Democratic Second District Supervisors, Ralph Sanson, Dale Dawson, Robley Levy, and Ellen Pirie. We all owe much to Alice.

Alice not only supported politicians, she played the game too, and she played it well—from the early 60's as an activist at Community Action Board hearings, to the days when she was an energetic delegate at both state and national conventions. She delighted in these opportunities. Alice had an unremitting passion for making a difference. When she saw the opportunity to act, she did not let it pass, and her mark on our community has been profound.

In addition to all of Alice's accomplishments, it is just as important to remember her enthusiasm for life, her enjoyment in the great pleasures of our world—good food, good drink, good conversation, and the company of good friends. Alice loved elegant and vivid clothes, jewelry, silver, ivory and gold, and a good martini. I have always enjoyed her hospitality, and was often transported by vibrant tales of her travels—to New York and Guam, Cairo and Portugal. With Manuel, Leonard, Patricia, and Angelina, I am proud to honor the warmth, love, and courage personified in Alice.

COMMEMORATING THE 90TH BIRTHDAY OF LADY BIRD JOHNSON

HON. LAMAR S. SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 2002

Mr. SMITH of Texas. Mr. Speaker, today I introduced a resolution to recognize the 90th birthday of former First Lady, Lady Bird Johnson. Lady Bird Johnson has made many contributions to this country.

One of the most visible is her dedication to the preservation of the environment, especially her efforts to beautify our Nation's highways with a legacy of wildflowers.

In 1982, Mrs. Johnson founded the National Wildflower Research Center, which later was renamed the Lady Bird Johnson Wildflower Center, in Austin, Texas. The center is dedicated to the conservation and restoration of native plants in natural and planned landscapes.

My congressional district includes the Hill Country of Texas, which encompasses Stonewall, Texas, the home of Mrs. Johnson. Each year with spring's arrival, the Hill Country's fields, hillsides and riverbanks shed their drab winter austerity for the vibrant hues of wildflowers.

Lady Bird Johnson was the recipient of the nation's highest civilian award, the Medal of Freedom and, in 1988, President Ronald Reagan awarded her the Congressional Gold Medal.

I commend Lady Bird Johnson's efforts to preserve the landscape of this country and we send her best wishes on her 90th birthday.

A WARM CONGRATULATIONS TO MATTIEBELLE WOODS ON HER HUNDREDTH BIRTHDAY

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 2002

Mr. KLECZKA. Mr. Speaker, on Saturday, October 26, 2002 the Milwaukee Community will join together to celebrate Ms. Mattibelle Woods' 100th birthday and honor her for over 50 years of journalistic excellence serving the Milwaukee community.

Mattiebelle Woods was born and raised in Milwaukee and has spent more than 50 years as a newspaper columnist and community activist. Ms. Woods has served as an icon for an array of people across socioeconomic lines and professions with a lifetime commitment and dedication to improving the quality of life for citizens in the Milwaukee community. Her distinguished professional career has taken her to the top of her craft with assignments to the Milwaukee Globe, The Chicago Defender, The Milwaukee Star, Jet Magazine and currently the Milwaukee Courier. She still remains active in the community and has been gainfully employed for almost a century. Currently Mattiebelle has a weekly column in the Milwaukee Courier newspaper, 'Mattibelle's Party Line.'

Legendary is her community involvement where she has played an active role in the March of Dimes, The United Way, The NAACP, the United Negro College Fund, the Urban League, and numerous other endeavors including the political arena. Ms. Woods was the Founder and Director of Miss Black Teen-Wisconsin, Miss Bronze Milwaukee and Ten Best Dressed Black Women in Wisconsin.

Numerous awards and recognitions she has received which include: Black Female Pioneer Award, Quality of Life Award, Status of Women Service Award, African-American Ancestry Award, Outstanding Woman in Wisconsin Journalism, and NAACP Presidential Award.

So it is with great pride that I congratulate Mattiebelle Woods, not only for her 50 years of community public relations and social affairs, but also for a lifetime of service to the Milwaukee community, and on her 100th birthday celebration. Happy Birthday!

PERSONAL EXPLANATION

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 2002

Mr. ORTIZ. Mr. Speaker, because of health reasons I was absent for rollcall votes 453–463. If I had been present for these votes, I would have voted as indicated below.

Rollcall No. 453—"Yes"; Rollcall No. 454—"No"; Rollcall No. 455—"Yes"; Rollcall No. 456—"Yes"; Rollcall No. 457—"Yes"; Rollcall No. 458—"Yes"; Rollcall No. 459—"No"; Rollcall No. 460—"Yes"; Rollcall No. 461—"Yes"; Rollcall No. 462—"Yes"; and Rollcall No. 463—Yes.

OUR LADY OF PEACE ACT

SPEECH OF

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 15, 2002

Ms. SCHAKOWSKY. Mr. Speaker, I rise today in support of H.R. 4757, the "Our Lady of Peace Act"—sensible and much-needed gun safety legislation. I thank my colleague, Representative CAROLYN McCARTHY, for bringing this bill to our attention. In facilitating a more accurate and complete database of people who are ineligible to purchase firearms, the Our Lady of Peace Act would bring greater safety and security to our streets and into our homes.

This bill would require that a greater number of federal and state records that are pertinent to determining firearms transfer and possession eligibility be made accessible through the National Criminal Instant Background Check System (NICS). It is incumbent that we do all we can to ensure that such a database is as thorough as possible in order to prevent criminals from buying guns.

We seem to be increasingly reminded of the fear and tragedy that guns can help cause in our society. As lawmakers, we must do all we can to ensure that assault weapons and handguns are kept off the street and that only law-abiding citizens have access to firearms for hunting and sport. This bill is a step in that direction, and I urge my colleagues to vote for it.

KEEPING CHILDREN AND FAMILIES SAFE ACT OF 2002

SPEECH OF

HON. PETER HOEKSTRA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 2002

Mr. HOEKSTRA. Mr. Speaker, I am pleased that we are here today to consider H.R. 5601, the "Keeping Children and Families Safe Act of 2002" which reauthorizes and improves the Child Abuse Prevention and Treatment Act (CAPTA), the Adoption Opportunities program, and the Abandoned Infants Act.

While I recognize and am disappointed that we were not able to come to agreement on all issues of the original bill, H.R. 3839, the bill before us shows our effort and commitment to ensure that programs aimed at the prevention of child abuse and neglect continue. I would like to thank my colleagues on both sides for their hard work and efforts in developing this mutual compromise in the bill before us for consideration today.

I especially want to thank the full committee chairman, Mr. BOEHNER, for his support of this bill, and Mr. GREENWOOD for his diligence in ensuring that infants born addicted to alcohol or drugs receive necessary services.

I want to also thank the ranking member of the subcommittee, Mr. ROEMER, and the ranking member of the full committee, Mr. MILLER, for their cooperation in working towards this alternative bill before us today.

This bill provides for the continued provision of important federal resources for identifying and addressing the issues of child abuse and neglect, and for supporting effective methods of prevention and treatment.

It also continues local projects with demonstrated value in eliminating barriers to permanent adoption and addressing the circumstances that often lead to child abandonment.

Mr. Speaker, this bill emphasizes the prevention of child abuse and neglect before it occurs. It promotes partnerships between child protective services and private and community-based organizations, including education, and health systems to ensure that services and linkages are more effectively provided.

The bill retains language that appropriately addresses a growing concern over parents being falsely accused of child abuse and neglect and the aggressiveness of social workers in their child abuse investigations. It retains language to increase public education opportunities to strengthen the public's understanding of the child protection system and appropriate reporting of suspected incidents of child maltreatment.

The agreement continues to foster cooperation between parents and child protective service workers by requiring caseworkers to inform parents of the allegations made against them, and improves the training opportunities and requirements for child protective services personnel regarding the extent and limits of their legal authority and the legal rights of parents and legal guardians.

It also ensures the safety of foster and adoptive children by requiring states to conduct criminal background checks for prospective foster and adoptive parents and other adult relatives and non-relatives residing in the household.

Lastly, this bill expands adoption opportunities to provide for services for infants and young children who are disabled or born with life-threatening conditions, and requires the Secretary of Health and Human Services to conduct a study on the annual number of infants and young children abandoned each year.

I again want to thank my colleagues for their work on this bill and urge them to join me in support of this effort to improve the prevention and treatment of child abuse by supporting H.R. 5601, the Keeping Children and Families Safe Act of 2002.

TRIBUTE TO ISRAEL BROOKS, JR.

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 2002

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to an outstanding public servant and extraordinary law enforcement official, Israel Brooks, Jr., as he retires as the United States Marshal for the District of South Carolina.

This Newberry County native started out his career serving his country in the United States Marine Corps. In this capacity he served a tour at the National Security Agency in the greater Washington area, and obtained a top-secret crypto clearance from the Federal Bureau of Investigation. This fueled his interest in pursuing a professional law enforcement career.

After leaving the Corps, Israel joined the South Carolina Highway Patrol as a Patrolman in Beaufort County. This was particularly significant because he broke the color barrier in that organization. His enthusiasm and leadership led to a steady succession of promotions, ultimately culminating in his attaining the rank of Major, a position in which he assumed the administrative duties for the entire agency.

Because of his exemplary service during his 27 years with the South Carolina Highway Patrol, my friend and colleague, Senator FRITZ HOLLINGS, nominated Israel as President Clinton's United States Marshal in South Carolina. He has served in this capacity with distinction since March 1994, even earning his agency the 1995 "District of the Year" award from the United States Marshals Service.

Israel Brooks' career has been as distinguished as historic. He has received numerous awards for his achievements, and shares his message of success with young people of all ages. As he retires as United States Marshal for the District of South Carolina, I commend him for his dedicated service and the example he has set for future generations.

Mr. Speaker, Israel Brooks Jr.'s contributions to South Carolina and the Nation are significant and deserving of high praise and I ask you and my colleagues to join me today in honoring him for the example he sets for all of us. I wish him continued success and Godspeed!

EDUCATION SCIENCES REFORM ACT OF 2002

SPEECH OF

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 2002

Mr. GEORGE MILLER of California. Mr. Speaker, I rise in support of H.R. 5598, The Education Sciences Reform Act of 2002.

Let me first thank Chairman CASTLE and Congressman KILDEE for their outstanding work on this bill. Both members have championed the need for quality education research and this legislation is a reflection of their leadership on this issue.

H.R. 5598 complements the bipartisan effort started with the No Child Left Behind Act. In that landmark reform measure enacted this year, states and schools districts will now be held accountable for providing a quality education to all children. The availability of scientifically based research that demonstrates what works and what doesn't work will be critical in this effort and H.R. 5598 establishes the framework to make this happen.

H.R. 5598 brings research directly into the classroom where it is needed the most. Through a system of regional technical assistance, school districts will be able to receive support tailored to their needs.

The bill also establishes 8 research centers to focus on long term research in such critical issues as teacher quality, early childhood education, and assessments and standards. The research conducted by these centers will help to inform the efforts of educators all over the country.

I am proud that this bill will continue to support the efforts in my State of: West Ed in San Francisco, CRESST at UCLA, and CREDE at UC Santa Cruz. All of these programs offer top-notch work that is of direct benefit to our entire educational system.

Perhaps most important this legislation authorizes a new level of investment in education research to match the demand for quality science on what works to improve education.

Again, I commend the work of my colleagues Congressman CASTLE and KILDEE and urge support of this bill.

RECOGNIZING NATIONAL DOMESTIC VIOLENCE AWARENESS MONTH

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 2002

Mr. CAPUANO. Mr. Speaker, I rise today to recognize the 15th Anniversary of National Domestic Violence Awareness Month. This month of reflection evolved from the Day of Unity, which was created in 1981 to connect battered women's advocates from across the nation who shared the common goal of ending violence and abuse. The Day of Unity developed into a week of local, state and national advocacy and in October 1987, the first Domestic Violence Awareness Month was observed.

Domestic violence is a serious problem in communities throughout the United States. While physical abuse is the most recognized form of domestic violence, in many cases the abuse is often emotional, verbal, mental, sexual or economic. Domestic violence affects families in every community, crossing all races, social and economic backgrounds, cultures, religions, and relationships.

According to the 2000 National Crime Victimization Survey, approximately 700,000 incidents of violence between partners were reported that year with thousands more cases going unreported. Every person deserves the right to live without fear. Children who witness family violence may be its most helpless victims, even if they are not attacked themselves.

It is crucial to raise awareness among teachers, police officers, clergy, and others in the community who can recognize the warning signs of domestic abuse. Historically, domestic violence has been considered a private issue, allowing thousands of abusers to carry out their crimes unnoticed. No one in an abusive situation should feel isolated or judged. With awareness and education, we can learn how to help our friends or loved ones in need and ensure they have the support they need to end the violent behavior in their homes.

Many Federal, State, and local programs addressing the domestic violence problem have achieved great success, bringing greater safety to families. Community leaders, police, judges, advocates, healthcare workers, and concerned citizens are joining together to develop innovative solutions to this serious problem. Community-based organizations in my district, such as the Asian Task Force Against Domestic Violence, Boston Area Rape Crisis Center, Casa Myrna Vasquez, The Elizabeth Stone House, Finex House, Harbor Me, Jane Doe Inc., Renewal House, Respond, Inc., and the Transition House have been helping individuals win the battle against domestic violence for many years, and their dedication should be applauded.

During Domestic Violence Awareness Month, I urge all Americans to commit themselves to eliminating domestic violence and reaching out to its victims, letting them know that help is available. With dedication and vigilance, we can help keep thousands of American families safe.

HONORING CARL RIGGS

HON. JIM DAVIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 2002

Mr. DAVIS of Florida. Mr. Speaker, I rise in honor of the late Carl Riggs, a former provost and acting president at the University of South Florida who dedicated 25 years to turning the University into the first-class, nationally renowned institution that it is today.

Carl began his academic career at the University of Michigan, where he earned three zoology degrees before serving in the United States Air Force as an aviation cadet. He went on to work for 23 years at the University of Oklahoma, where he published several books and articles on zoology and served as acting provost.

In 1971, Carl was asked to join USF as a biology professor and a vice-president of academic affairs, and in the next 25 years, he held a host of leadership positions at the University, including acting president from 1977 to 1978. During his time at the University, Carl set clear standards for faculty tenure, salary and promotions, and at a time when USF was primarily considered a teaching college, Carl was instrumental in developing USF's graduate and research program, which he oversaw until the mid 1980s. Carl's accomplishments helped make USF a successful university that competes with the best.

Carl's colleagues remember him with admiration and respect. He had a vision for USF, and made it come to life. But most importantly, he never stopped caring for the students. In 1990, Carl was awarded USF's Distinguished Citizen's award, and the mayor of Tampa named June 28 of that year to be Dr. Carl Riggs Day.

Carl's contributions to the Tampa Bay community extend far beyond the USF campus. He served as a member on the board of directors of the Boy Scouts of America, and on the Florida Foundation for Future Scientists. Although Carl retired from USF in 1996, he still represented the school, and remained an integral part of it.

On behalf of our community, I would like to extend my deepest sympathies to Carl's wife and children, who have been blessed to have a wonderful, selfless role-model in their family. We will always remember Carl for his dedication and service to our city and the USF community.

TRIBUTE TO CHICK HEARN

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 2002

Mr. SHERMAN. Mr. Speaker, I rise today to pay tribute to the late Chick Hearn, a man who served as the voice of the Los Angeles Lakers during the 42 years of his professional career as a sports broadcaster. His vibrant descriptions and ingenious perspective of the game transcended the sport as well as the art of broadcasting. Chick was not just the man behind the voice of the Lakers franchise but his career and accomplishments have also been devoted to his friends, family, and, more than anything else, his wife Marge.

Chick Hearn, a resident of Encino, recently passed away at the age of 85. However, his legacy will never be forgotten. During his career he set forth an astounding record that is unlikely to ever be touched. He established an amazing streak, from November 21, 1965, through December 16, 2001, by completing 3,338 consecutive Laker broadcasts. Although he underwent heart surgery and suffered from a broken hip shortly following the streak, he bounced back and returned to the court with full spirits and energy in order to see his Laker team attain a third consecutive world championship. Hearn's longevity surpassed that of any other sports broadcaster. He managed to only miss two games throughout his career and never called in sick due to his overwhelming love for the game.

Francis Dayle Hearn, a native of Aurora, Illinois born November 27, 1916, attended Bradley University. It was there where he first earned the nickname "Chick" when, as a young basketball player, he opened up a box of sneakers and instead a chicken came out. Shortly thereafter, he married his high school sweetheart Marge. He once said, "I don't know what I would have done without her." It was her overwhelming support and unconditional love for her husband of 57 years that contributed to his so many achievements.

Chick Hearn received numerous awards during his tenure as the Lakers play by play man. He was a member of the American Sportscaster's Hall of Fame and a recipient of the Naismith Memorial Basketball Fame's Curt Gowdy Media award. In 1965, he was presented an Emmy Award for Excellence in Basketball Coverage. Chick, a two time National Sportscaster of the Year, was not just notorious for his basketball insight but also for his work with the NCAA, NFL, UNLV basketball, PGA golf tournaments, and the first Ali-Frazier fight. Throughout his career he made several television appearances, and in 1986 he was commemorated with a star on Hollywood Boulevard's Walk of Fame.

Mr. Speaker, please join me in recognizing the legendary Chick Hearn, the man who set the standard for NBA announcers. A true icon who will be missed dearly by his family, friends, colleagues, fans and the City of Los Angeles.

HONORING MARIANN PORTER DEMPSEY

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 2002

Mr. BORSKI. Mr. Speaker, I rise today to honor my longest-serving staffer, Mariann Porter Dempsey, a loyal footsoldier from Harrisburg and Washington to Philadelphia.

Twenty-six years ago, Mariann left a good job with the City of Philadelphia to work as my assistant in the Pennsylvania legislature for $3,600 a year. Since then, Mariann has served as my Executive Assistant during my 10 terms in the House of Representatives.

Mare has worked diligently to help me represent and serve the interests of the people of the 3d Congressional District. She sought no praise and gratitude for her work, and fought tirelessly for our constituents. She is truly a genuine model for the call to public service.

One of the most important honors in this job is to nominate students to our Nation's service academies. Mariann has helped me in this challenge, by representing me on my Congressional Academy Selection Board for nearly 20 years.

Since 1983, Mare has helped me to nominate well over 100 candidates to the various service Academies: the United States Air Force Academy, the United States Merchant Marine Academy, the United States Military Academy at West Point, and the United States Naval Academy. The candidates include:

From the Class of 1987—John McGowan, Naval Academy.

From the Class of 1988—Mary Ann Dolan, Air Force Academy; Walter Gagajewski, Air Force Academy; Mark McLaughlin, Military Academy; Michael Carsley, Naval Academy; William Hoban, Naval Academy; and Richard Montgomery, Naval Academy.

From the Class of 1989—John Ainsley, Military Academy; Christopher Scuron, Military Academy; Jamie Catalano, Air Force Academy; Kenneth Southard, Merchant Marine Academy; Paul Gallagher, Naval Academy; Jay Roth, Naval Academy; Sally Chamberlain, Naval Academy; and Thomas Bruno, Naval Academy.

From the Class of 1990—Robert Cameron, Naval Academy; Michael Peterson, Naval Academy; James Tannahill, Naval Academy; and John Ioia, Military Academy; Keith Melinson, Military Academy; Matthew Lowry, Merchant Marine Academy; and David Rich, Merchant Marine Academy.

From the Class of 1991—Robert Boyle, Military Academy; Lawrence Lowry, Military Academy; Patrick Zaleski, Naval Academy; and Peter Hagis, Air Force Academy.

From the Class of 1992—Joseph Berger, Military Academy; Victor Vidal, Air Force Academy; Kevin Plescha, Air Force Academy; and Maximilian Clark, Naval Academy.

From the Class of 1993—Joseph Crozier, Air Force Academy; Walter Molishus, Merchant Marine Academy; Darryl Rupp, Military Academy; James Crawford Durant II, Military Academy; Erin McAvoy, Naval Academy; and Gregory Cameron, Naval Academy.

From the Class of 1994—William Rapone, Merchant Marine Academy; John McGovern, Merchant Marine Academy; Justin Hoffman, Air Force Academy; Christopher Harris, Air Force Academy; Leonardo Day, Naval Academy; and Patrick Turner, Naval Academy.

From the Class of 1995—Ronald Novotny, Military Academy.

From the Class of 1996—John Coleman, Military Academy; Timothy Smith, Naval Academy; and John Van Jaarsveld, Naval Academy.

From the Class of 1997—Nathaniel Newlin, Naval Academy; Irvin Gray, Naval Academy; Janel Timoney, Naval Academy; John O'Connor, Military Academy; Rebecca Trojecki, Military Academy; and Marcus Jackson, Military Academy.

From the Class of 1998—Jon Leisner, Naval Academy; Aaron Bell, Air Force Academy; and David Bonk, Military Academy.

From the Class of 1999—Travene Scott, Military Academy; James Kane, Naval Academy; Eileen Kane, Naval Academy; and Jared Goodwin, Naval Academy.

From the Class of 2000—Gerald Gallagher, Naval Academy; Michael Monaghan, Naval Academy; Thomas McAvoy, Naval Academy; Brandon Woll, Military Academy; and William Kilrain, Military Academy.

From the Class of 2001—Christopher Brautigam, Military Academy; Vincent Noble, Naval Academy; David Campbell, Naval Academy; John Tarczewski, Air Force Academy; and Audra Luyet, Air Force Academy.

From the Class of 2002—Jonathan Magill, Air Force Academy; Michael Gerasimas, Military Academy; John Donovan, Naval Academy; Thomas Delaney, Naval Academy; and Patrick McGinley, Naval Academy.

From the Class of 2003—Christopher Napierkowski, Naval Academy; Stephanie Juda, Naval Academy; Eric Cahill, Naval Academy; Kevin Emore, Military Academy; Michael Bailey, Military Academy; Michael Blair, Military Academy; and Timothy Hogan, Military Academy.

From the Class of 2004—Christopher Sherlock, Naval Academy; Louis Sigmund, Naval Academy; Terrence Fenningham, Naval Academy; Matt Campbell, Naval Academy; Michael Grab, Air Force Academy; and Todd Jacobs, Military Academy.

From the Class of 2005—Thomas Aitken, Military Academy; Leni Thomson, Naval Academy; and Peter Shayhorn, Air Force Academy.

From the Class of 2006—Patrick O'Connor, Military Academy; Michael Williams, Military Academy; and Mark Theurer, Naval Academy.

Mr. Speaker, one cannot read these names without recognizing the dedication that each of these students to our Nation's armed services. Mariann Dempsey, along with the members of the Board, which include Mr. Tony Szuszczewicz the Chairman, Common Pleas Court Judge Jerry Zaleski, Air Force Colonel Thomas Durkin, Federal Magistrate Judge James Melinson, Army Colonel Julian Toneatto, Naval Commander James Burd, Dr. Joanne Wells, Ed.D., and John O'Connor, Esq. worked together to select the best and brightest candidates, from our community, for nomination to our Nation's service academies. Their recommendations have served both our country and my office well.

I am honored to know and work with an individual of such character, determination and dedication. Today, I salute Mariann Porter Dempsey for a job well done and thank her for her friendship.

BALI TERRORISM

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 2002

Mr. FARR of California. Mr. Speaker, I rise today to express my deep sadness for the immense loss being felt around the world as a result of the horrific acts in Bali over the past weekend.

I especially want to send out my heartfelt sympathy to the Australian people. We remain hopeful that those presently listed as missing are alive and safe.

However, if the death toll reaches the number expected, Australia will sadly experience a loss of their people proportionate to that suffered here in the United States on September 11. Again, innocent people have been used as pawns in a despicable act of terrorism. We will never forget how Australia has continued to support the United States during our time of need, and I want to tell the Australian people that the United States is here to support you.

Perhaps one of the most ironic parts of this senseless killing is that it targeted young people who had chosen to venture from their home country to travel abroad and experience one-on-one the lives of people different from them. It also targeted the Indonesians who chose to work in the tourism industry and to welcome foreigners to their country. Bali was a place where people from all over the world came together peacefully to enjoy themselves and learn about each other's unique culture and ways of life.

These young people were open to exploring and celebrating the differences between cultures, rather than trying to further separate this divided world. We can not let these despicable acts continue to tear our world to pieces.

Again, to the families in the U.S., Australia, and the 20-plus other countries who suffered in this blast, I extend my deepest sympathies and promise to commit myself ever stronger to the goal of peace.

RECOGNIZING THE CONTRIBUTIONS OF S. ROBERT COHEN ON HIS 75TH BIRTHDAY

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 2002

Mrs. MORELLA. Mr. Speaker, I rise to recognize the vast contributions of S. Robert Cohen, on the occasion of his 75th birthday which is October 20, 2002. For over 20 years, Bob Cohen has given his heart and soul, time and effort to ensuring individuals with disabilities always have a home. He spearheaded the creation of The Jewish Foundation for Group Homes (JFGH), a non-sectarian, nonprofit organization that provides residential services to adults with developmental disabilities and chronic mental illness. Since its establishment in 1982, The Jewish Foundation for Group Homes has enabled its residents to be vibrant and integrated members of the community. Residents are selected and served without regard to race, religion or national origin. JFGH serves more than 140 adults with developmental disabilities and chronic mental illness in group homes and provides assistance to individuals who could not otherwise participate in the program.

I join the community in applauding Bob Cohen for his dedication to improving the lives of others and envisioning an establishment that now serves as a model worldwide for quality residential services. Since the creation of JFGH in 1982, their mission has been clear: To enable adults with disabilities to be valued, independent members of the community through the support of a home environment; reach out to all our community members in need; educate and sensitize the public regarding integration of adults with disabilities into the community; and encourage communities outside the Greater Washington, D.C. Metropolitan Area to implement a similar mission.

Bob Cohen has been active and integral for every JFGH success and has been tireless in securing funding. Today, the JFGH boasts an impressive 19 group homes, five alternative living units, and 44 apartments which serve 154 individuals throughout Maryland, Virginia and the District of Columbia.

Bob Cohen has seen many awards and praise for his leadership and dedication to the community: Governor of Maryland Award in 1984, the Jewish Federation of Greater Washington in 1994, Washingtonian of the year Award in 1986, Co-Honoree for the Housing Opportunities Commission of Montgomery County in 1986, the B'Nai Brith Award in 1989, Who's Who in the East 1989–1990, Community Service Award from Channel 9 in 1991, and he sits on the Advisory Board for Friends of Allison.

In a time when outstanding humanitarians, activists and leaders seem scarce, it is an honor to recognize those who illustrate these qualities and learn from their accomplishments. S. Robert Cohen is one of these special individuals. May we spread the kindness that he has shown to so many.

TRIBUTE TO H. CLAY SWANZY UPON HIS RETIREMENT AFTER 31 YEARS SERVICE IN THE U.S. HOUSE

HON. TERRY EVERETT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 2002

Mr. EVERETT. Mr. Speaker, I rise today to give tribute to a dear friend and exemplary congressional staffer who served well the people of South Alabama for over three decades. It is with some sadness that I announce that Clay Swanzy, my long time chief of staff, will retire in November from the House of Representatives.

When you think of the success and contributions of Alabama's Congressional Delegation over the years, you would be remiss not to recognize the strong support role of many of its knowledgeable staff. We have a lot of talented people working for us here on the Hill, but perhaps none is more fondly thought of, or more noted for his abilities, than Clay Swanzy.

A native of Chickasaw and graduate of the University of Southern Mississippi, Clay joined the staff of Congressman Jack Edwards of Mobile in 1971. Fresh from the newsroom of the Mobile Register, Clay found it easy to trade his reporter's notebook for the desk of a congressional press secretary.

In ten short years, he climbed the ladder of seniority to become chief of staff for Congressman Bill Dickinson. Upon Dickinson's retirement in 1992, I was pleased that Clay chose to stay on and head my office for these last ten years.

Members of Congress frequently get the lion's share of attention for much of what is accomplished in these Halls. However, if it were not for the tireless and devoted efforts of staffers like Clay, Congress would be less efficient and certainly less productive.

Clay never liked to take the spotlight and has been happiest laboring behind the scenes to ensure that the people of Alabama's Second Congressional District have been well served. Ironically, most back home have never heard of Clay, but they have certainly benefited from his work.

I would like to personally thank Clay for his devotion to me and the people of Southeast Alabama as well as his friendship. He will be sorely missed. I also wish he and his wife, Dianne, a happy retirement in their new home of Fairhope, Alabama.

RURAL DEVELOPMENT ACT OF 2002

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 2002

Mr. SHUSTER. Mr. Speaker, our rural communities are at the very heart of our Nation and are an essential aspect of our economy. It is our small towns that define the values and identity of America. We, however, are at risk of losing our small towns. A struggling economy has caused many of our youth to flee from our rural communities. After all, one must go where the jobs are. We must reach out to rural communities to help once again stimulate the economy and ensure that our rural towns have first class schools and access to quality medical care. It is in this spirit that I have introduced the Rural Development Act of 2002. This legislation offers help to rural America and ensures that our Nation's heartland continues to experience vitality and growth.

The Rural Development Act has three key components. First, this legislation offers tax incentives to businesses who move into rural areas in an effort to stimulate the economy and provide much needed jobs. Second, the bill focuses on improving the education of students in rural America by directing funds to schools to upgrade technology and provide students with the tools they need to succeed in the 21st century. Finally, we work to improve rural healthcare by offering education incentives to doctors and nurses who agree to serve in those areas.

Our businesses and industries carry huge tax burdens and are bogged down by endless bureaucratic red tape, all of which stifles job growth. This bill works to offer some relief to companies by offering a tax credit of 50 percent, over a ten year period, to companies who move into rural areas and either occupy an existing facility or construct a new facility. This incentive will again draw businesses into rural America and bring much needed-jobs along with them. This not only benefits business by giving them a tax break, but also will provide them with a more cost efficient area in which to expand and grow.

My legislation also recognizes the need for a well-trained and well-educated workforce. To this end the bill authorizes funds to provide rural schools with the tools necessary to ensure that all of our students receive a high quality education. My legislation calls on the Department of Education to offer grants to rural schools to enhance technology and teacher preparation programs as well as creating innovative enrichment programs for children at risk of failure with a particular emphasis on math, science, history and English. Rural schools face many unique challenges and often are forced to forgo federal funds because they do not have the financial resources or poverty data needed to qualify. This legislation recognizes those challenges and sets funds aside specifically for rural areas and help them continue to offer quality education to our Nation's youth.

Finally, my bill focuses on enhancing rural healthcare. Rural residents have been especially hard hit by the nursing shortage that is plaguing America. Nearly one quarter of our Nation's population lives in rural areas, yet almost all of the hospitals and healthcare facilities located in these communities are, to no fault of their own, chronically understaffed. To help combat this problem my bill offers education incentives to nurses and doctors to serve in rural areas. The legislation directs the Secretary of Education to create a scholarship program to pay 50 percent of the tuition of students who agree to serve in rural areas for a period of no less than four years. This is a win-win initiative for both students interested in the medical field and rural communities. It allows students who could not otherwise afford the tuition to attend nursing or medical schools and provides much needed doctors and nurses to rural America! Since these students will not be burdened with huge student loans at graduation they will not be forced to leave for better paying urban hospitals.

Mr. Speaker, our rural communities define who we are. They are our Nation's heartland and throughout most of history these communities have been blessed with vitality and growth. In recent years, however, these communities have seen the flight of many of their youth due to a lack of jobs. If this flight continues, Mr. Speaker, we run the risk of finding our small towns vacant. My legislation works to change this trend.

Good paying jobs are the cornerstone of any economy and by providing rural America with these jobs we will help ensure that our rural economies continue to thrive. With jobs, however, comes the need for a well-trained and well-educated workforce. My legislation answers this challenge by giving rural schools the funds they need to provide all of our students with the tools needed to succeed. Completing the circle, this legislation ensures that citizens of rural communities have access to first rate medical care they deserve as they move into their golden years. With good jobs, an education system that is second to none and access to high quality health care we can ensure our rural communities continue to flourish for years to come.

AVIATION FUEL TAX RELIEF ACT

HON. MAC COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 2002

Mr. COLLINS. Mr. Speaker, today I rise to introduce the Aviation Fuel Tax Relief Act.

As we know, the airline industry is struggling to make ends meet. As industry representatives have indicated in recent testimony before Congress, the challenges of the current economy in addition to significant increases in security-related expenditures are having a tremendous impact on the viability of the airline industry.

The dramatic increases in security requirements have been implemented to provide a necessary level of security for the flying public. However, the precarious state of the airline industry has required them to absorb many of the new security-based costs, rather than pass them on through ticket sales. The true scope of those additional costs were not anticipated by Congress nor the airline industry and they are now having a tremendous economic impact. While Congress has previously taken action to provide assistance to the airlines, layoffs and reductions in service within the industry continue.

The bill I introduce today is one step that Congress can take to reduce the government-imposed costs on an industry that is facing serious challenges. Currently airlines pay 4.3 cents on every gallon of jet fuel purchased. The Aviation Fuel Tax Relief Act will repeal that tax and provide needed relief for an industry that is vital to our national economy.

TRIBUTE TO JOSEPH BRACEY

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 2002

Mrs. MYRICK. Mr. Speaker, Joseph Bracey will retire from the United States Probation System in November after 25 years of distinguished service. The ideals and values his role model father, a North Carolina State Trooper, instilled, led Joe to choose a career in law enforcement.

After graduating from UNCC in Charlotte, Joe began his career as a North Carolina Probation/Parole Officer and then became a Special Agent for the North Carolina State Bureau of Investigation.

In 1977, Joe was appointed as a United States Probation Officer in the Western District of North Carolina. Joe has held positions of Drug Specialist, Supervising United States Probation and Deputy Chief United States Probation Officer.

As one of the first Firearms Instructors in the Federal Probation System, Joe has dedicated his career to officer safety programs and is widely known for his expertise in this area.

Joe's career has been highlighted by his genuine love of his country and his profession. He has served both exceptionally and is to be commended for his dedicated service. I wish him well in his retirement.

INTRODUCTION OF THE INFORMATION SECURITY ACT

HON. CHRISTOPHER JOHN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 2002

Mr. JOHN. Mr. Speaker, I am pleased to introduce today a bill that will promote the secure sharing of information and communications within the proposed Department of Homeland Security—the Information Security Act. This Act authorizes funding to implement and maintain the enhanced security infrastructure necessary for sensitive information to be securely stored, transmitted, and disseminated within a new Department of Homeland Security.

Although we have had a lot of debate about policies, procedures and the organization of a Department of Homeland Security, I believe we have not given enough attention to the need to put into place information technology systems that will allow different parts of the U.S. government to communicate and collaborate securely with each other. We will not win the war on terror if we simply put various federal agencies under the umbrella of a Department of Homeland Security without the secure infrastructure to make it into a cohesive organization.

Mr. Speaker, we cannot afford to ignore the threats posed by cyber attacks and the urgent need to invest in secure information systems. The Information Security Act is a small, but important step toward meeting our security needs and I urge my colleagues to support this very important bill.

TRIBUTE TO HAL BERNSON

HON. BRAD SHERMAN

OF CALIFORNIA

HON. HOWARD L. BERMAN

OF CALIFORNIA

HON. HOWARD P. "BUCK" McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 2002

Mr. SHERMAN. Mr. Speaker, We rise today to pay tribute to Hal Bernson, for his leadership and efforts to improve the quality of life in our community. Hal is a determined hard working individual who has dedicated 25 years of invaluable service to our city as a Los Angeles City Councilman and as an Honorary Chairman of the Annual North Valley Family YMCA Booster Club Dinner.

Hal Bernson, a native of the San Fernando Valley since 1957, has devoted much time and energy to improving his community. He has been a driving force in cultivating relations between the private businesses in Los Angeles and the public sector. Throughout his public career, beginning in 1979 as a newly elected official, he has focused on improving the quality of life in Southern California by spearheading ordinances to preserve Southland parks and residential areas.

Beginning in 1990 Hal formed the 12th Council District TMA, the first city-side Transportation Management Association. He has served as the City of Los Angeles Earthquake Preparedness Coordinator, and as a member of the State of California Seismic Commission. Along with overseeing such committees, he has also worked to improve the state's earthquake preparedness, funding to retrofit substandard buildings as well as the implementations of state and local educational programs. His efforts have been instrumental in establishing a policy that considers jobs, housing and transportation, to create an environment which has strengthened the local economy.

Under the direction of Hal, the Annual YMCA Booster Club Dinner has managed to raise the highest amount in its history. His commitment to the YMCA was tremendous, and as a result, the YMCA contributed $1 million in essential funds for the local chapter to meet the health and social service needs of the community.

City Councilman Hal Bernson has received a number of awards recognizing his efforts as an outstanding community leader, including the Governor's award for Earthquake Preparedness; the News maker of the Year Valley Press Club Award; the North Valley YMCA Benefactor of Youth "Golden Helmet" Award; the Founders Awards from the 12th Council District Transportation Management Association; the Alfred E. Alquist Award for achievement in Earthquake Safety. Lastly, he was named Man of the Year in 1995 by the Association for Commuter Transit.

Mr. Speaker, please join me in recognizing City Councilman Hal Bernson. A man of strong integrity. A leader with vision willing to cross partisan lines to work with all people and all constituents for the betterment and common good of our great state of California.

INTRODUCING A RESOLUTION TO CONDEMN THE RECENT VIOLENT BOMBINGS IN INDONESIA AND URGING RENEWED EFFORT FOR THE INTERNATIONAL WAR ON TERRORISM

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 2002

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to introduce a resolution condemning the recent terrorist bombing in Bali, Indonesia. Further, I wish to express my strong and utter disgust with the actions of those who bombed the nightclub in Bali, last weekend.

This resolution is offered to condemn the violent bombing of last weekend and urged that we continue our efforts in the war against terrorism that we began a year ago.

This resolution offers support to the government of Indonesia in its efforts to find and bring to justice those the perpetrators, organizers, and sponsors of the attack.

I rise to pay tribute to the many lives lost in the recent incident of October 12, 2002 in Bali. The unspeakable level of terror heaped upon the Americans and vacationers of other countries, some of whom are among our closest allies, must be dealt with.

For the last year, the United States has been engaged in an International War on Terrorism, and we have received broad support from countries across the globe. This act reminds us that we must keep our eye on the ball and continue to engage those who would deliver terror upon our cities and citizens.

Mr. Speaker, the Resolution I am introducing today expresses the condolences of this body to all those who lost loved ones and family members in the heinous act and we should not ever forget them.

Saturday's bombing is a reminder that the war on terrorism truly is a global war. It reminds us that terror has no face, nor no borders.

The House of Representatives must stand behind the people of Indonesia during this trying time as they fight their own war on terrorism.

I urge my colleagues to support my resolution and call on the leadership to act swiftly in bringing this to the floor for consideration.

TRIBUTE TO DR. ALBERT C. YATES

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 2002

Mr. SCHAFFER. Mr. Speaker, it is an honor to rise today to express gratitude and congratulations to one of Colorado's most outstanding citizens, Dr. Albert C. Yates of Fort Collins, Colorado. Dr. Yates is retiring after 12 years as President of Colorado State University.

One of seven children, Dr. Yates rose from a Memphis, Tennessee, ghetto to make a name for himself. He attributes his success to a mother whose sole purpose was giving her children a better life than she had. The young Albert Yates never realized he was poor as a child, but knew there were people who cared for him deeply. Dr. Yates now proclaims that his mother and others instituted a sense of what's important in this world, and that's what has helped him achieve his current status.

Dr. Yates began his college career at Memphis State University, graduating magna cum laude in chemistry and mathematics in 1965. After earning a doctorate in theoretical chemical physics from Indiana University at Bloomington in 1968, he served as a postdoctoral research fellow at the University of Southern California before returning to join the faculty at Indiana. He achieved the rank of associate professor before departing Indiana in 1974 to become associate dean for graduate education and research at the University of Cincinnati. In 1976, Dr. Yates completed the Institute for Educational Management at the Harvard School of Business, and the following year was named vice president and university dean for graduate studies and research at the University of Cincinnati. Prior to his Colorado State appointment, Dr. Yates served for nine years as executive vice president and provost at Washington State University in Pullman.

Under Dr. Yates' tenure, Colorado State University has become one of the nation's most influential research universities. Among Colorado State's documented achievements are breakthroughs in hurricane forecasting, a new tuberculosis vaccine, developing canola engine oil and improved laser technology. The university's veterinary medicine and atmospheric sciences programs are without question world-renowned. Under Dr. Yates' leadership, Colorado State University has attracted the state's fastest-growing resident enrollment. Private funding has quadrupled. External research funding has increased over 80 percent, and the endowment has gone from $42 million to $126.8 million, a 300 percent increase. Furthermore, it is not just Coloradans who recognize his accomplishments. U.S. News and World Report recently ranked Colorado State University among the top 100 universities in the nation and Kiplinger's Personal Finance Magazine named it among the top 50 for value in higher education.

Dr. Yates is clearly the most accomplished of Colorado State University presidents. Many in Colorado have likened him to Charles A. Lory and William B. Morgan, the two most highly respected presidents of this fine institution.

Dr. Yates' philosophy has been simple yet profound. In a letter to those interested in the university, the lessons learned from his early childhood were clearly still intact. Dr. Yates stated, "Our goal is not simply to teach students how to make a living—but to live a life." Always striving for perfection and overcoming challenges, Dr. Yates consistently took responsibility for all aspects of the university, no matter how big or small.

As Americans, we admire those individuals who are extremely accomplished in their field. Albert Yates went well beyond this standard. In addition to the 39 honors and awards he has received over the years and 23 community service committees he has served on, Dr. Yates has been a leader in business and the community at large. A member of numerous Boards of Trustees including the Boy Scouts of America Longs Peak Council and the Denver Zoological Society, Dr. Yates has also served on the Board of Directors of First Interstate Bank of Denver, the Mountain West Conference, Colorado Institute of Technology, and the Denver Branch of the Federal Reserve.

Dr. Yates' immediate plans are to continue to serve as chancellor of the Colorado State University System, following through on his promise to transition the University of Southern Colorado to Colorado State University at Pueblo. He is looking forward to spending more time with his wife Ann and their two school-aged daughters, Aerin and Sadie.

On behalf of the citizens of Colorado, I ask the House to join me in extending congratulations and a sincere thanks to Dr. Albert C. Yates. It is an honor to know such an extraordinary citizen and we owe him a debt of gratitude for his service and dedication to Colorado State University, the State of Colorado and America.

A SCANDINAVIAN PERSPECTIVE ON CONSTITUTIONAL AND INTERNATIONAL HUMAN RIGHTS

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 2002

Mr. LANTOS. Mr. Speaker, I rise today to share with our colleagues in the US House of Representatives a speech given by the former Norwegian Supreme Court Chief Justice; the Honorable Carsten Smith to the Congressional Friends of Norway Caucus on Thursday, September 26. In his speech Chief Justice Smith outlined a Scandinavian perspective on Constitutional and International Human Rights—a highly relevant topic in light of the post-September 11 era. While the legal development in our country and Europe have not been completely congruent, Chief Justice Smith's thoughtful comments deserve bear examination.

Chief Justice Smith, who has served on the Norwegian Supreme Court from 1987 until his retirement in 2001 and served as the Courts Chief Justice since 1991, has had a distinguished and impressive legal career for close to half a decade, and is considered a legend in the Norwegian legal community.

Carsten Smith, who was born in Oslo in 1932, received his law degree from the University of Oslo in 1956 and earned his doctorate in law shortly thereafter. He is married to Mrs. Lucy Smith, also a distinguished professor of law at the University of Oslo, and they have three children.

Carsten Smith was appointed Professor of Law at the University of Oslo in 1964. During his life-long career at the University, Chief Justice Smith has served in a number of positions. He served as the Dean of the Faculty of Law, and the President of the University of Oslo. Chief Justice Smith has also published a large number of articles and books in the field of international law, constitutional law, administrative and private law. Chief Justice Smith is also the recipient of numerous academic memberships and honors as well as the Commander and Knight of several Orders.

Throughout his career Chief Justice Smith worked tirelessly on advancing the rights of minorities and human rights, and chaired both the Saami Rights Commission and the Commission on Human Rights in Norwegian legislation.

Mr. Speaker, I commend Chief Justice Carsten Smith for his outstanding career in the legal field, and ask that Chief Justice Smith's speech be placed in the RECORD.

SCANDINAVIAN PERSPECTIVE ON CONSTITUTIONAL AND INTERNATIONAL HUMAN RIGHTS

(By Norwegian Chief Justice Carsten Smith)

The United States Supreme Court has for a long period been a source of inspiration for European legal thinking, including my own work, even though one may disagree with specific decisions. During my time both as a law professor and as a judge I have eagerly studied literature on this Court, and referred to it so often, that this fact was even commented on by the Attorney General in a public speech on my retirement from the Bench.

The theme today will in the first place be how judicial review of the constitutionality of legislation—a principle created by the US Supreme Court—has taken roots across the Atlantic. Moreover, I shall show how this review in the last decades—and especially the most recent years—has been enlarged to also embrace the conformity of legislation with treaty-based human rights. In the title of the speech the concept of human rights is used to cover constitutional civil rights and liberties as well as international rights and freedoms.

While speaking about judicial constitutional review here in the United States might have the character of preaching to the Pope, the extension of the review of legislation, requiring its compliance with human rights conventions, might be regarded as a further development spearheaded by Europe. One may consider this either as an extension of the original United States constitutional law concept, or as a European development in contrast to American constitutionalism. It concerns the responsibility for implementation of treaty-based human rights on the national arena. The constitutional civil rights and liberties have been supplemented with international human rights and freedoms, and the power to give binding interpretation of the main convention—the European Convention on Human Rights—has been transferred to the European Court of Human Rights in Strasbourg.

Norway's Constitution of 1814 is the oldest written constitution in Europe still in effect today, probably the second oldest worldwide next to the United States Constitution. The Norwegian practice of judicial review is also the oldest in Europe, perhaps the second oldest worldwide next to the United States practice. The Constitution makes no explicit mention of judicial review, quite in conformity with European constitutional thinking of that period. This review arose—as in the United States—from the practice of the Supreme Court itself.

The United States Supreme Court's decision in Marbury versus Madison represents one of the landmark cases in Western legal thinking. The closest comparable Norwegian decision was a case between a naval officer and the naval authorities of 1866. It was the Chief Justice who raised the issue of judicial review and gave the answer in the most unambiguous way, namely—and you can almost hear the voice of John Marshall—"that inasmuch as the courts of law cannot be required to judge according to both laws simultaneously, they must necessarily give priority to the Constitution".

This Norwegian constitutional adjudication remained a relatively well-kept secret in an international perspective, effectively protected by linguistic barriers. For more than fifty years the Norwegian court practice formed a single and secret bridgehead in Europe of the US legal model. The further international development was of limited significance until after World War II, but when it came, it came hard and fast. After 1945 Germany and Italy set up constitutional courts, followed by a widespread blossoming of successive similar courts throughout Europe—particularly after the fall of the communist regimes.

The pendulum has been swinging in Norwegian practice through the generations—as in the United States—between judicial activism and restraint. This might be a theme in itself. But let me mention how these judicial review powers became a spiritual weapon used by the Supreme Court in wartime.

After two months of fighting in 1940, the King with the government withdrew to London and continued their war effort from there. The Supreme Court remained in Norway, but came soon into conflict with the German leader of the occupying forces, who declared in a threatening way that it was outside the jurisdiction of the Court to review the decisions of the occupying authorities. The Court answered that under constitutional law the Norwegian courts had a legal duty to review the validity of all laws and administrative orders, and in the same way they were entitled to review the validity under international law of orders issued by the organs of the occupying forces.

As a protest against this interference all the members of the Supreme Court resigned their offices, an action that fueled the people's sentiment for resistance, and the Chief Justice subsequently became leader of both the civilian and military resistance movement.

In the decades after the war the Court has on a number of occasions made use of its powers, and legal theory has used the term renaissance in conjunction with judicial review.

But now also a supplementing of this review can be achieved by applying the European Convention on Human Rights from 1950 and the two United Nations Covenants from 1966. In 1999 the Norwegian Parliament passed an Act—called the Human Rights Act—that incorporated these three most basic conventions on human rights into Norwegian law. At the same time, the Act reinforced these rights through a priority clause whereby, in the event of conflict with other legislation, the provisions of these three conventions are to take priority over the legislation. By this enlargement of the judicial review there has been a certain transfer of power—some would say considerable—from the executive to the judiciary; and at the same time from the national to the European judiciary.

All the members of the Council of Europe, more than forty, have now incorporated the European Convention on Human Rights. Even in England that has no written constitution and where the constitutional structure is based on the sovereignty of Parliament, their Human Rights Act of 1998 empowers the courts to determine whether a provision of legislation is compatible with a Convention right. After Russia also joined the Council, the European Court of Human Rights in Strasbourg has now an area of jurisdiction spanning from the Atlantic to the Pacific. I emphasize that this is not the Court of the European Union in Luxembourg, as Norway has twice doggedly refused to become a member of that union.

A leading Norwegian decision of June 2000 laid down unanimously that the national courts must apply the result of an interpretation of the Convention even if established national legislation or practice will be set aside. Some further decisions in May this year have even emphasized the trend of moving the judicial power more towards Strasbourg.

The cases concerned—what some may find surprising in this field of law—certain taxation matters. It has been a long-term administrative practice, built on statutory law, that the tax authorities may, in case of fraudulent information from the taxpayer, impose an additional tax of thirty to sixty percent. At the same time the courts may, by way of ordinary criminal trial, pronounce a sentence either before or after the administrative decision. This has gone on through the years without any objection from the legal milieu, as the tax reaction was regarded to be a civil, non-criminal, sanction. However, on the basis of very recent Strasbourg decisions the Supreme Court now found this to be a double criminal liability for the same actions and in breach of the convention rules on the right not to be tried or punished twice for the same offence.

These decisions will probably have a wide range effect as a step in the march towards Strasbourg. The Supreme Court decisions interfered rather profoundly in a lawful established national administration, and moreover, the decisions were not based on a clear precedent from the European Court, but merely on the reasoning of cases not quite parallel.

It is also of importance in this respect that a human rights text should be construed as such. This means that it shall not be interpreted as an ordinary treaty rule, where the principle of state sovereignty may have some impact, but shall be effectively regarded as a defence of the individual against the state.

Where is then the borderline for the Strasbourg impact?

The Court of Norway has drawn the guideline that in cases of legal doubt the values and traditions of our own society should be maintained in the decisions, thereby furthering a dialogue between the national courts and the European one. The Strasbourg Court has also developed a principle of the national courts' "margin of appreciation". But there seems to be a tendency of narrowing the area of this dialogue and this margin.

From a national standpoint one has thus to pay a certain price for a judicial review based on an international court's interpretation. The various national cultures represented on the bench in Strasbourg may tend to place different views on the reading of the convention. In some cases the national legal circles may find themselves astonished—even somewhat angry—when they experience that established national practice suddenly is considered to be in breach of human rights. However, in my view this is a price one has to pay as contribution to a system that implies building of guarantees for individuals all over Europe. There is the risk that one will have to import certain legal elements that are foreign to national legal thinking. But the gain is great for the people in Europe as a whole—not the least in east Europe—seen in relation to the core elements of the rights, such as fair trial and freedom of the press.

A legal thriller in the years to come will be the Supreme Court's use of the two United Nations Covenants that is incorporated in addition to the European Convention, also with priority over ordinary legislation. When incorporating also the Covenants—with such priority—Norway has taken a step further than most European states. The Covenant on Civil and Political Rights is much of the same composition as the European Convention, whereas the one on Economic, Social and Cultural Rights contains provisions dealing in general terms with many areas of society, including workplace, health and social services, as well as education. Before the Act was passed, some critics complained that incorporation of this convention into national law would mean that the courts were responsible for the use of resources in these areas, particularly since the rights are formulated in such vague terms.

Take for instance Article 9 that recognizes the right of everyone to social security, including social insurance, or Article 13, which stipulates that higher education, shall be made equally accessible to all, on the basis of capacity, by every appropriate means. There are likewise other rules, which formulate what the covenant itself terms as "rights."

The national courts have certainly been given considerable responsibility in this connection. The court interpretation will decide whether the rather broad formulas are to be read primarily as political guidelines—as political aims—or as legal means constituting individual rights.

The civil rights in the Constitution have usually been named "citizens' rights", but can also be invoked by non-citizens in our courts. After World War II it became a question to what extent German war criminals were protected by the constitutional guarantees. In a famous case the Supreme Court found that the constitutional guarantees should not be interpreted in the normal strict sense when applied to enemies who broke into the country and committed crimes in breach of international law. One of the dissenting justices warned strongly against this reasoning and looked back to the beginning of the nineteenth century when the Constitution was drafted. "The Constitution", he said, "was created in a period of war and revolution—nor was terrorism unknown." In his opinion, which later on is considered as a proud expression of Norwegian rule of law, he underlined that the individual rights—the civil rights—have their primary importance particularly in difficult and extraordinary situations.

Today the general opinion in Norwegian legal circles would be in conformity with this minority opinion fifty years ago. One would say that human rights are—according to European thinking—the travelling companions that support every human being, from the first cry to the last sigh. In my official farewell speech in the Court earlier this year I said that human rights protect not only ordinary citizens, but also fraudulent taxpayers, even terrorists.

The decision related to war criminals concerned the use of death penalty, which we later eliminated. One of the additional protocols to the European Convention declares that this penalty shall be abolished. As a representative of the Supreme Court in meetings in China with Chinese colleagues I have on several occasions emphasized this principle. I have then used the wording—when explaining our position—that we consider the death penalty to belong to a stage in development of society that one nowadays should have passed.

This protocol—which is now law of the land—will probably prohibit the executive from extraditing a foreign criminal, even a terrorist, if he or she will be under a threat of death penalty in the foreign court.

Now a concluding observation drawn on around a hundred and fifty years of constitutional review and a few years of convention based review.

Even though the review principle has encountered resistance at times, both in Parliament and in public debate, it has slowly taken root over the generations as an important element in the three branches of government. Today we are witnessing a new leap forward for international human rights. We may all take part in that process. This is a field of law where all citizens have an important function: to advance profound analyses, constructive debates and fair solutions.

CONGRATULATING UPS ON ITS 95TH ANNIVERSARY

HON. ANNE M. NORTHUP

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 2002

Mrs. NORTHUP. Mr. Speaker, today I rise to congratulate UPS on its 95th anniversary. UPS is an example of what a good corporate citizen should be, a model other businesses in this country should follow. UPS is the largest employer in the state of Kentucky, and with over 23,000 employees in Louisville, UPS has created thousands of jobs in my district.

UPS's investment in the economy of Louisville is shown through the recent completion of UPS Worldport, a $1.1 billion expansion project to the company's package-sorting hub. The project was the largest capital project in the UPS's history. The expansion alone created jobs for over 8,000 of my constituents. UPS Worldport contains conveyors and package-sorting mechanisms that stretch 102 miles in length. With over 4 million square feet under one roof—the facility is the size of more than 80 football fields, even larger than the Pentagon. Sorting 304,000 packages per hour, it is no wonder the UPS Worldport has been dubbed the "Hub of the Future."

In addition to UPS's economic impact on my district, UPS has made significant contributions to the Louisville community. UPS has set up its Metro College program in which the company pays for tuition and textbooks for students at area universities who are part-time employees with UPS.

UPS has done so much to help my district that I am excited to honor the 95th anniversary of this remarkable company. Please rise with me and congratulate UPS on 95 years of service.

TREATMENT OF MR. MARTIN MAWYER BY U.N. OFFICERS MUST BE INVESTIGATED

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 2002

Mr. PAUL. Mr. Speaker, I rise to place into the record a copy of the Washington Observer newsletter demonstrating the treatment a citizen of the United States received at the hands of agents of the United Nations in New York City. As you can see the attached newsletter demonstrates, Mr. Martin Mawyer, President of the Christian Action Network was forcibly removed from the U.N. grounds by three or four uniformed U.N. officers.

Mr. Speaker, as you are aware, Section 7, subsection (b) of the U.N. host country agreement (Establishment of Permanent Headquarters in New York; Agreement Between United Nations and United States; Joint Res. Aug. 4, 1947, ch. 482, 61 Stat. 756) states, in part "the federal, state and local law of the United States shall apply within the headquarters district." Moreover, as Mawyer states in item #6 on his signed affidavit regarding this incident: "Without asking me to leave, he ordered his security officers, 'Throw him out of the gates.' "

Clearly the photographs included in the attached story evidences the fact that an excessive use of force is apparent. I also understand that a video tape of the entire event is in Mr. Mawyer's possession.

Mr. Speaker, while I am not charging that the U.N. agents involved have in fact violated U.S. laws, I do believe the attached items demonstrate that sufficient evidence exists for an investigation to be undertaken and I have asked that the International Relations Committee or the appropriate subcommittee to undertake said investigation.

[From the Washington Observer, Sept. 2002]

U.N. ASSAULTS MARTIN MAWYER

Martin Mawyer, President and Founder of THIS NATION, a Project of Christian Action Network, was violently tossed down the steps of U.N. Headquarters in New York City on Wednesday, Sept. 4, by U.N. Security officers. He was then placed under arrest after he attempted to deliver petitions to the United Nations from thousands of THIS NATION supporters. Christian Action Network is a national grassroots pro-family organization with a membership of 250,000.

Badly bruised and cut, with his clothes torn and dirtied by the violent treatment, Mawyer was stunned and outraged at the behavior of the U.N. Security officers.

"I can't even express how horrifying, humiliating and painful it was to be treated that way with my staff and my wife and son looking on in shock," said Mawyer.

Mawyer added that the rough treatment was even more shocking since the U.N. had already agreed to accept the petitions when contacted by THIS NATION the previous week.

"Not only did they agree to accept the petitions of our supporters," said Mawyer, "but they assured us that we would be met on the steps of the U.N. and may possibly be able to meet personally with a U.N. official who would listen to some of our concerns.

"Instead," he continued, "they were waiting for me on the U.N. steps when I arrived, fully intent on shattering my dignity and resolve to deliver the petitions.

"Well, the U.N. stopped me from delivering the petitions," he went on, "but they have only deepened my resolve to confront them on issues of grave concern to citizens across America."

Mawyer had intended to deliver 30 bags filled with more than 60,000 petitions to the U.N. from American citizens. The petitions addressed a variety of issues of concern to citizens, including the U.N.'s newly ratified International Criminal Court, a plan to implement a U.N. standing army, the Kyoto global warming treaty, protection of U.S. military personnel serving in U.N. missions abroad, and a host of other issues relating to national sovereignty.

After the U.N. Security officers refused to accept the petitions and tossed him roughly onto the sidewalk, Mawyer attempted to deliver the bags of petitions over the U.N. gate. But U.N. Security officers threw the bags back over the gate onto the sidewalk, scattering petitions into the street.

As soon as Mawyer arrived, U.N. Security called the NYPD. When the police arrived, Mawyer was handcuffed, arrested and taken to jail.

"I sat in jail for several hours not even knowing what I was there for," he said.

After he was released from jail, Mawyer was issued a summons for disorderly conduct.

"It's clear that there was no reason whatsoever to assault me, arrest me, or charge me," said Mawyer of the incident. "In fact, they never even asked me to leave the United Nations property. They just ordered the officers to throw me out."

Mawyer added that the summons doesn't even contain the name or badge number of the arresting NYPD officer.

Mawyer's attorney, David Carroll, was present during the incident. He said Mawyer clearly did not violate any laws, and was victimized when the U.N. refused to allow him to exercise his First Amendment right to petition the government, and to exercise his free speech. Carroll added that Mawyer may have grounds to file assault charges against the U.N. Security officers.

"What is most outrageous about this incident is that the U.N. has consistently criticized the United States, our law enforcement and criminal justice systems, and has even asked to inspect our prisons and jails to make sure we are treating prisoners fairly," said Mawyer. "Yet they brutally assaulted me on the steps of their headquarters, then I was tossed in jail, my First Amendment rights were violated—all the while they sit on U.S. soil, enjoying the blessings of our nation and the fruits of our industry. They won't even accept the valid petitions from the very citizens whose own tax dollars support them."

He added, "It's outrageous, and I intend to expose the arrogance of the U.N. for the entire world to see."

THE WORDS "UNDER GOD" IN THE PLEDGE OF ALLEGIANCE TO THE FLAG

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 2002

Mr. ISRAEL. Mr. Speaker, I rise to note a strong statement in support of the words "Under God" in the Pledge of Allegiance to the Flag, that was given to me by one of my constituents who is a member of the Knights of Columbus. I ask that this statement from the Knights of Columbus be included in the RECORD.

I pledge allegiance to the flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

HOW THE WORDS "UNDER GOD" CAME TO BE ADDED TO THE PLEDGE OF ALLEGIANCE TO THE FLAG

The Pledge of Allegiance to the Flag of the United States originated on Columbus Day, 1893. It contained no reference to Almighty God, until in New York City on April 22, 1951, the Board of Directors of the Knights of Columbus adopted a resolution to amend the Pledge of Allegiance as recited at the opening of each of the meetings of the 800 Fourth Degree Assemblies of the Knights of Columbus by the addition of the words "under God" after the words "one nation". The adoption of this resolve by the Supreme Board of Directors had the effect of an immediate initiation of this practice throughout the aforesaid Fourth Degree Assembly meetings.

At their annual State Meetings, held in April and May of 1952, the State Councils of Florida, South Dakota, New York and Michigan adopted resolutions recommending that the Pledge of Allegiance be so amended and that Congress be petitioned to have such amendment made effective.

On August 21, 1952, the Supreme Council of the Knights of Columbus, at its annual meeting, adopted a resolution urging that the change be made general and copies of this resolution were sent to the President, the Vice President (as Presiding Officer of the Senate) and the Speaker of the House of Representatives. The National Fraternal Congress meeting in Boston on September 24, 1952, adopted a similar resolution upon the recommendation of its President, Supreme Knight Luke E. Hart. Several State Fraternal Congresses acted likewise almost immediately thereafter.

At its annual meeting the following year, on August 20, 1953, the Supreme Council of the Knights of Columbus repeated its resolution to make this amendment to the Pledge of Allegiance to the Flag general and to send copies of this resolve to the President, Vice President, Speaker of the House, and to each member of both Houses of Congress. From this latter action, many favorable replies were received, and a total of seventeen resolutions were introduced in the House of Representatives to so amend the Pledge of Allegiance as set forth in the Public Law relating to the use of the flag. The resolution introduced by Congressman Louis C. Rabaut of Michigan was adopted by both Houses of Congress, and it was signed by President Eisenhower on Flag Day, June 14, 1954, thereby making official the amendment conceived, sponsored, and put into practice by the Knights of Columbus more than three years before.

In a message to Supreme Knight Luke E. Hart at the meeting of the Supreme Council in Louisville, August 17, 1954, President Eisenhower, in recognition of the initiative of the Knights of Columbus in originating and sponsoring the amendment to the Pledge of Allegiance, said:

"We are particularly thankful to you for your part in the movement to have the words 'under God' added to our Pledge of Allegiance. These words will remind Americans that despite our great physical strength we must remain humble. They will help us to keep constantly in our minds and hearts the spiritual and moral principles which alone give dignity to man, and upon which our way of life is founded. For the contribution which your organization has made to this cause, we must be genuinely grateful."

In August, 1954, the Illinois American Legion Convention adopted a resolution whereby recognition was given to the Knights of Columbus as haven initiated, sponsored and brought about the amendment to the Pledge of Allegiance; and on October 6, 1954, the National Executive Committee of the American Legion gave its approval to that resolution.

PAYING TRIBUTE TO JUANITA NYE

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 2002

Mr. MCINNIS. Mr. Speaker, it is with great admiration that I recognize a true horsewoman and westerner from Montrose, Colorado, Juanita Nye. Juanita has always had a distinct love for horses throughout her entire life and that passion has now been passed on through several generations of her family. After achieving a lifetime of success in barrel racing on the competitive rodeo circuits, Juanita now has the pleasure of watching her great-granddaughter carry on the proud family legacy.

Although Juanita always showed a great passion for horses, she never had the opportunity to own one until her husband, John Nye, bought her a horse named Silver as a gift in 1933. After that, Juanita's love for horses only grew stronger as she began to display an incredible talent for riding and training the animals. With her horse named Doo-Dash, Juanita won two saddles in 1968 and 1969, both when she was over 50 years old. As a couple, John and Juanita won over 75 buckles and trophies during their rodeo careers.

The Nye's raised two children, Ron and Della, who have proven their talent for riding and carried on the family legacy. Following in her mother's footsteps, Della also began running barrels competitively and won numerous buckles and trophies for her efforts. Della's children, Gary, JD, and Penny, have also proven themselves to be very successful riders and have together received significant recognition from their sport.

Penny married Kevin Wieberg in 1981 and they had two children, Jessica and Danny, who have both carried on the family tradition. Just recently, Juanita had the pleasure of watching Jessica, her great-granddaughter, barrel race at the Hotchkiss Junior Rodeo. In the event, Jessica placed in her age group and went on to win a Symkanna at Cedaredge a week later.

Mr. Speaker, it is my distinct privilege to recognize Juanita Nye before this body of Congress and this nation for her equestrian accomplishments in the State of Colorado. Juanita should be very proud of all her children, grandchildren and great-grandchildren; they are the heirs to a proud legacy that began with her and her husband, John, almost 70 years ago. I wish her and her family the best of luck in future competitions.

HONORING OF WHITNEY YOUNG MIDDLE SCHOOL

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 2002

Mrs. JONES of Ohio. Mr. Speaker, today, I rise to honor the Whitney Young Middle School in Cleveland, Ohio for affording me the opportunity to visit with young students during my Third Annual Back-to-School Tour on Monday, September 23rd and Monday, September 30th of 2002. I would like to offer special thanks to Cleveland School Municipal District CEO Barbara Byrd-Bennett, Superintendent Edward Dietsche and Principal Beth Haines-Hager for their leadership and kind hospitality. The tour was an educational experience for all who were in attendance.

Whitney Young Middle School has set forth major academic goals for the year, which includes maintaining average attendance rates of 95 percent improving social responsibility awareness; and improving parent communications. Recent accomplishments from last year include student attendance rates over 95 percent and an award for the most parent and community response at authors and artists night among all Cleveland middle schools.

I commend the Whitney Young Middle School for its commitment to education and will continue to fight for increased funding to improve the quality of public education for all students.

A TRIBUTE TO MR. LOUIS GOUVEIA

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 2002

Mr. TOWNS. Mr. Speaker, I rise to honor Mr. Louis Gouveia, a native of Pomeroon, British Guyana who was born on December 23, 1899 in recognition of his 102nd birthday celebration.

Mr. Louis Gouveia is the last of ten siblings. Mr. Gouveia completed high school and worked with his father for several years prior to coming to the United States in 1921. He did various odd jobs before obtaining his license as a taxi driver.

Mr. Gouveia married Doris Jardine from Grenada on February 10, 1924. They were blessed with four children, three boys, and one girl. His loved ones adore him dearly.

Mr. Gouveia enjoys reading the newspaper daily and keeping abreast of current events. Throughout his life, he has traveled to various countries like Haiti and England as well as the African continent.

Mr. Speaker, Mr. Gouveia, who now resides at the Marcus Garvey Nursing Home, is a pleasant person who participates to his fullest capacity in everyday life activities, and as such, he is more than worthy of receiving recognition today.

RECOGNIZING SHERIFF JIM PICCININI FOR HIS OUTSTANDING SERVICE TO THE PEOPLE OF SONOMA COUNTY

HON. MIKE THOMPSON

OF CALIFORNIA

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 2002

Mr. THOMPSON of California. Mr. Speaker, we rise today to recognize Jim Piccinini, who is retiring as Sheriff-Coroner of Sonoma County, California after thirty-four years of service to his community.

Sheriff Piccinini began his career in public safety with the Roseland Fire Protection District in 1968. He progressed through the ranks until he attained the position of Battalion Chief in 1976. While working for the Roseland Fire Department, he joined the reserve ranks of the Sonoma County Sheriff's Department. He resigned from the Fire Department in 1976 when he joined the active ranks of the Sheriff's Department.

Sheriff Piccinini again advanced through the ranks, holding every position in the Department, and was appointed Assistant Sheriff and Acting Sheriff in 1997. Sheriff Piccinini stood for election in 1998 and took office as Sheriff in 1998.

During his tenure, Sheriff Piccinini was responsible for creating the Administrative Fiscal Unit, the Volunteers in Policing Program, and the Peer Support Program. He was also instrumental in developing and implementing the Mentally Ill Offender Program, the countywide Narcotics Task Force, and the Sonoma County Law Enforcement Chaplaincy Program.

He implemented the highly successful Citizen's Academy and oversaw all twelve classes, negotiated the purchase of property for the Sonoma Valley Substation and established the Department's firing range.

Because of his outstanding career in law enforcement and his unparalleled level of leadership and achievement, he was awarded the Sonoma County Sheriffs Department Distinguished Service Award in 2002.

Mr. Speaker, Sheriff Piccinini is a public servant of remarkable talent and commitment and it is therefore appropriate for us to honor him today and to wish him well in his retirement.

PAYING TRIBUTE TO CAPTAIN JUAN "SHANE" SANCHEZ

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 2002

Mr. MCINNIS. Mr. Speaker, it is with great pride that I recognize Captain Juan "Shane" Sanchez of Cortez, Colorado for the outstanding service he has given to the United States Air Force and to our nation. Captain Sanchez is a Fuels Officer for the 49th Supply Squadron and has recently been selected as the 2001 Fuels Officer of the Year. As he receives this recognition, I would like to pay tribute to the tremendous service and leadership he has given to our nation's military.

The award and recognition that Captain Sanchez received for his service is quite an accomplishment. Captain Sanchez leads a 90 member flight squad that receives, stores, and issues fuel while ensuring the quality meets certain standards. Plane refueling is an instrumental part of any operation without which no mission could be completed.

Captain Sanchez has recently overseen over 20 fuel system upgrades that have modernized fuel systems from the 1940s and 1950s to support the new demands of the 21st century. It is widely known throughout the Air Combat Command that it was Captain Sanchez's leadership that made the Command's third largest fuels account so efficient. Today, Captain Sanchez is on a temporary duty assignment in the Middle East as a Fuel Officer and a Supply Squadron Commander.

Mr. Speaker, it is with great admiration that I recognize Captain Juan "Shane" Sanchez before this body of Congress and this nation for his outstanding service and leadership in the United States Air Force. Without the knowledge, skill and expertise of men and women like Captain Sanchez fulfilling their obligations each and every day, our nation's military could not be the world class fighting force that it is. Thanks for all your efforts, Captain Sánchez, and keep up the hard work.

IN HONOR OF COLLINWOOD HIGH AND COMPUTECH MIDDLE SCHOOLS

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 2002

Mrs. JONES of Ohio. Mr. Speaker, today, I rise to honor the Collinwood High and CompuTech Middle Schools in Cleveland, Ohio for affording me the opportunity to visit with young students during my Third Annual Back-to-School Tour on Monday September 23rd and Monday, September 30th of 2002. I would like to offer special thanks to Cleveland Schools Municipal District CEO Barbara Byrd-Bennett, Superintendent Kathy Freilino and Principal Charita Crockrom for their leadership and kind hospitality. The tour was an educational experience for all who were in attendance.

Collinwood High and CompuTech Middle Schools have set forth major academic goals for the year, which includes improving the passage rate of the Ohio 9th Grade Proficiency Test by 5 percent; improving literacy skills performance across all grade levels and increasing computer technology; increasing the number of students graduating and successfully moving into higher education, apprenticeships, technical training and employment; and promoting music technology in middle school classes. Recent accomplishments from last year include major construction of roof and building renovation; building new parking lot; Saturday tutoring program for all students who needed to pass the Ohio Proficiency Test; and a staff/faculty retreat.

I commend the Collinwood High and CompuTech Middle Schools for their commitment to education and will continue to fight for increased funding to improve the quality of public education for all students.

A TRIBUTE TO MS. DORIS ROBINSON

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 2002

Mr. TOWNS. Mr. Speaker, I rise to honor Ms. Doris Robinson, who was born on October 29, 1901, in recognition of her 101st birthday celebration.

Doris Robinson migrated to New York in the 1920's. In 1925, she earned a bachelor's degree in Social Work from Howard University in Washington, DC. Mrs. Robinson was a teacher in the New York City public school system for several years. She also earned a Master's in Social Work from Fordham University.

Doris Robinson has traveled extensively to China and Uganda, as well as the Caribbean islands. Through her travels she has been able to share her experiences with her family and community. She is very devoted to her family and has been an inspiration to all those around her.

Mr. Speaker, Ms. Doris Robinson, who now resides at the Marcus Garvey Nursing Home, has devoted her life to serving her family and community. As such, she is more than worthy of receiving recognition today.

TRIBUTE TO THE CAMELLIA SYMPHONY ORCHESTRA

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 2002

Mr. MATSUI. Mr. Speaker, I rise today to recognize and honor the award-winning Camellia Symphony Orchestra as it begins its 40th season in Sacramento, California. For four decades, this organization has been a crucial part of cultural life in California's capital city.

One of the nation's outstanding community orchestras, the Camellia Symphony Orchestra is comprised of a wealth of dedicated musicians from the greater Sacramento area. The Orchestra was established to provide an opportunity for Sacramento area musicians to express their many talents and musical interests. The musicians all share a common commitment to the mission of the Orchestra—to present concerts and programs of high artistic merit, and to foster community involvement through education and outreach activities.

The Orchestra provides opportunities for people of all ages to learn about, participate in, and attend events that enrich the quality of life. Their creative programs expose children to new forms of music in a joyful manner that encourages the learning process.

Under the leadership of Conductor Eugene F. Castillo, the Orchestra has challenged audiences to explore the connections between music and society, as well as art and everyday life. The Orchestra often premieres new compositions, or presents traditional pieces in a different way, symbolizing the diversity of the community.

This past summer, the Kennedy Center for Performing Arts here in Washington recognized Maestro Castillo as one of the most promising young conductors in America when he was selected for the highly competitive National Conducting Institute. The Washington Post described his Kennedy Center performance as having "a beautifully gauged climactic build . . . [which Castillo] drove to the finale in an ecstatic white heat."

The citizens of Washington last summer caught a glimpse of what we in Sacramento have come to value for both his leadership and creative talent. Maestro Castillo is the first Filipino-American to be appointed music director in a major American metropolitan city. Castillo is—in his own words—"a servant to music and a servant to the community." He has been a tireless advocate for youth music education and a staunch promoter of the orchestra's role in public life.

Mr. Speaker, I ask that my colleagues join me in saluting Maestro Castillo and the Camellia Symphony Orchestra for outstanding contributions to the Sacramento community and extend congratulations upon its 40th anniversary.

COMMEMORATING DR. SHELDON HARRIS

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 2002

Mr. HONDA. Mr. Speaker, I rise today to commemorate the life of Dr. Sheldon Harris. Dr. Harris' most notable achievement was the exhaustive research and publication of his landmark study, "Factories of Death: Japanese Secret Biological Warfare, 1932–45, and the American Cover-Up," a timely and important historical document exposing human rights abuses and chemical weapons development. Dr. Harris passed away on August 31, 2002, leaving behind a wealth of knowledge and inspiration for countless students, researchers, and people interested in historical justice.

Dr. Harris was born in Brooklyn, New York, and educated at Brooklyn College, Harvard, and Columbia University. He went on to teach history at the University of Massachusetts, Cal State-Northridge, and the University of California at Los Angeles. As part of an academic exchange program in China in the mid-1980s, Dr. Harris became aware of large-scale biological warfare experiments conducted in China during World War II. After some preliminary research and informal interviews with colleagues, it became apparent to Dr. Sheldon that a special Japanese army unit had carried out biological warfare experiments that cost the lives of not only thousands of military prisoners, but also Chinese civilians. He then began studying recently declassified U.S. military records addressing the experiments and their results, as well as other written resources in various Asian languages. Certain interests in the U.S. military diligently guarded the records Dr. Sheldon requested, while the Japanese government simply denied any knowledge or involvement pertaining to the issue. In spite of these roadblocks, Dr. Harris continued his research and his pursuit of the truth.

By 1994, Dr. Harris was ready to share his research with the world. He published "Factories of Death" based on years of study, travel, and interviews. The book is as influential as it is unsettling. Dr. Harris established as fact that Unit 731 of the Japanese Army tested live human beings, both military and civilians, with agents such as anthrax, dysentery, cholera, and typhoid. Throughout the Japanese occupied region of Manchuria, guarded buildings were erected to host the experiments, as well as the incarceration and eventual execution of the prisoners held there. Sometimes, neighboring villages would be infected outright with various germs, then burned to the ground once the inhabitants were overcome with the symptoms.

According to Dr. Harris' research, the men in charge of these experiments and mass exterminations escaped prosecution as part of a deal made with certain U.S. intelligence agencies. In exchange for the data from the experiments, the leaders of the biological weapons programs received complete immunity—an exchange that was kept secret within the highest levels of the international intelligence community. During the decades that followed, the Japanese government denied any involvement with the experiments carried out in China; U.S. intelligence kept the data secret and stonewalled outsiders pursuing it. These policies have been largely maintained to this day, but in a remarkable turn of events, a Japanese court finally proclaimed that Japan's government had been involved in developing biological weapons in China from 1932-45. The court's decision, based in part on Dr. Harris' work, was delivered four days before Dr. Harris' death.

Mr. Speaker, I ask my colleagues in the House to join me in honoring Dr. Sheldon Harris and the important work he has done for the international community. He was never vindictive in his efforts to bring closure to those hurt by this horrible chapter of human history. His harsh indictment against chemical weapons is relevant to all peoples and governments, as it extracts a meaningful lesson from so much senseless violence and cruelty. The importance of Dr. Harris' work may be demonstrated again and again as the issue of biological weapons is addressed today and in the future.

PAYING TRIBUTE TO DOUG AND TYLER MELZER

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 2002

Mr. McINNIS. Mr. Speaker, it is with great enthusiasm that I recognize the alpine accomplishments of Doug and Tyler Melzer of Lakewood, Colorado. Doug and Tyler have recently joined other family members as part of an elite group of individuals who have hiked the entire Colorado Continental Divide. As they celebrate their journey's completion, I would like to pay tribute to their family legacy and their extraordinary accomplishment.

The Melzer family tradition began in the summer of 1936 when Doug and Tyler's great-grandfather and grandfather, Carl and Bob Melzer, first hiked the 800-mile journey along the Continental Divide. They embarked on this journey solely in the pursuit of adventure. They wanted to experience the outdoors, breathe the fresh air and experience the mountains in a way few ever have. Bob was only 8 years old when he completed the trip with his father, and together they became the first people to complete the hike in its entirety. In the summer of 1976, Doug and Tyler's parents, Tom and Judy Melzer, accomplished the same feat, and Judy Melzer became the first women to ever complete the hike.

Last summer, Doug and Tyler joined their family, becoming the fourth generation of Melzer's to make the journey. Tyler was able to hike over 800 miles from New Mexico to Wyoming, while his brother had to suspend part of the trip to recover from a leg injury. After Doug recovered from his injury, he rejoined his brother just outside of Rocky Mountain National Park to complete the journey.

After making it into Wyoming, the two brothers then drove back to the San Juan Mountain range to complete the 70-mile portion they missed due to the injury.

Although Doug and Tyler represent a proud legacy of Melzers who have hiked the Continental Divide, they also represent something much more profound and significant: an entire population of proud Coloradoans who love their state and its incredible natural beauty. It is of profound significance that four generations of the Melzer family have been able to make such an incredible journey through such a rugged terrain.

Mr. Speaker, it is with great respect that I recognize Doug and Tyler Melzer before this body of Congress and this nation for their outstanding accomplishment in hiking the Colorado Continental Divide last summer. After hearing the many stories told by their parents and grandparents of experiences on the Divide, Doug and Tyler can finally add to that legacy with some unique stories of their own. I wish them the best of luck in all of their future endeavors.

IN HONOR OF MILES PARK ELEMENTARY SCHOOL

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 2002

Mrs. JONES of Ohio. Mr. Speaker, today, I rise to honor the Miles Park Elementary School in Cleveland, Ohio for affording me the opportunity to visit with young students during my Third Annual Back-to-School Tour on Monday, September 23rd and Monday, September 30th of 2002. I would like to offer special thanks to Cleveland School Municipal District CEO Barbara Byrd-Bennett, Superintendent Debra Brathwaite and Principal William Bauer for their leadership and kind hospitality. The tour was an educational experience for all who were in attendance.

Miles Park Elementary School has set forth major academic goals for the year, which include increasing the percentage of students passing all five parts of the Ohio Proficiency and off-grade tests to meet targets at each grade level; creating a safe, nurturing environment; and improving the academic and social performance of all special needs students. Recent accomplishments from last year include above average on proficiency tests, and receipt of the Ohio Reads Literacy Grant.

I commend the Miles Park Elementary School for its commitment to education and will continue to fight for increased funding to improve the quality of public education for all students.

A TRIBUTE TO MRS. MARY SULIMAN

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 2002

Mr. TOWNS. Mr. Speaker, I rise to honor Mrs. Mary Suliman, born September 2, 1898, in recognition of her 104th birthday celebration.

Mary Suliman migrated from Newbern, North Carolina to New York over sixty-two years ago. She married Mr. Samona Suliman from New Jersey and had two beautiful children, two grandchildren and three great grandchildren. All of Mary's loved ones call her "Nana."

She worked as a hairdresser in her Brooklyn community for several years. As a retired person her hobbies have included dancing, reading, watching television and singing. Mrs. Suliman's favorite songs are "Down by the Cross" and "Bye—Bye Black Bird." She continues to be loved by her family unconditionally and admired by others in the community.

Mr. Speaker, Mrs. Mary, Suliman, who now resides at the Marcus Garvey Nursing Home, has devoted her life to serving her family and community. As such, she is more than worthy of receiving recognition today.

HONORING THE DEDICATED PUBLIC SERVICE OF ALFRED S. PATE

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 2002

Mr. KIRK. Mr. Speaker, I rise to commemorate the retirement of a dedicated public servant and good friend, Mr. Al Pate, Director of the North Chicago Veterans Affairs Medical Center (NCVAMC). Mr. Pate will be retiring on November 2, ending 30 years of service to our nation's veterans.

For the last 12 years, Al Pate has served as director of NCVAMC, a facility serving the veterans of northern Illinois with 150 operating hospital care beds, 204 nursing home care beds, a 60-bed domiciliary for homeless veterans, and 89 drug and alcohol treatment beds. With an annual budget of $100 million, Al oversaw a staff of 1,130 and 700 volunteers who handle in excess of 180,000 outpatient visits a year.

Al has been recognized as a national leader in developing resource sharing agreements between the VA and the Department of Defense. Working with Captain John Fahey, Al led the initiative to jointly offer common services with Naval Hospital Great Lakes, located less than a mile away. Acting with little or no support from his immediate supervisor, Al has successfully laid the foundation for the establishment of a jointly operated, federal hospital in North Chicago serving both active duty military and veterans. This will result not only in better service for beneficiaries, but better value for the American taxpayer.

Prior to coming to North Chicago, Al Pate served as the Associate Medical Center Director at the Hines VA Hospital in Chicago. In his six years at Hines, Al coordinated several administrative services and chaired a number of hospital committees. He also served as Special Assistant to the Director at Lakeside VAMC, Administrative Resident at VAMC Cincinnati, Ohio, and as an adjudicator at the VA Regional Office in Indianapolis, Indiana.

Al received a Bachelors of Science degree in Secondary Education from Ball State University in 1971. He received a Master of Science degree in Public Administration from Ball State the following year. He also received a Master of Science degree in Hospital Administration as part of the VA Graduate Education Program.

Al Pate served in Vietnam with the United States Marine Corps as part of the all volunteer Combined Action Program. Wounded in combat, he received the Purple Heart, and was honorably discharged in 1969.

It is Al's dedication to veterans that distinguishes his career. This dedication earned him the respect of his colleagues, veterans advocates and, most of all, of the veterans he serves. I admire Al for the work he does, for his service to our country, and for his friendship. He will be sorely missed in North Chicago and I will pledge to work to see that his vision of a joint federal hospital in North Chicago is realized. I wish Al and his wife Patricia a happy retirement and thank them for their service.

TRIBUTE TO LOUISE BEAUDOIN IN CELEBRATION OF HER FIFTY YEARS OF SERVICE IN THE UNITED STATES POSTAL SERVICE

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 2002

Mr. STUPAK. Mr. Speaker, I rise today to pay tribute to a constituent of mine, a true "yooper" in the Upper Peninsula of Michigan who has served in the United States Postal Service for more than a half century. Mr. Speaker, I rise to honor Louise Beaudoin in recognition of her fifty years of working at the post office in Trout Lake, Michigan.

Born in 1927, in Moran, Michigan, Louise married Neil Beaudoin 58 years ago and has lived in Trout Lake ever since.

Louise Beaudoin began her career in the United States Post Office in Trout Lake on February 22, 1952. Trout Lake, a small resort town in the Eastern Upper Peninsula, is located approximately 30 miles northwest of the Mackinac Bridge, in the heart of the Eastern U.P. snowmobile country. This resort town consists of three lakes—perfect for fishing, boating, and swimming, a number of small resorts and restaurants, as well as a campground and park. Truly a vacationer's delight.

While Trout Lake is too small to support a school, it does rely heavily on its local post office as a means of contact with the outside world. Louise Beaudoin, the current Postmaster, has overseen operations at Trout Lake postal center for 19 years. This post office, which has no computers, manually processes all mail sent to and received by the town of approximately 600.

Louise began her career in Trout Lake as a part time flex employee. She was converted to a career appointment in November of 1971, and has served as Postmaster since 1983. Affectionately referred to as "Aunt Louise," "Weezie" or "Weezer" by townspeople and friends, Louise Beaudoin has served under seven Postmasters. Throughout her tenure in the post office, Louise has received numerous awards including: "Beyond the Call of Duty" lapel pin, the Superior Achievement Award; a 30 year service pin, a 45 year ruby service pin; and in June of this year, the 50 year diamond lapel pin as well as a resolution from the Michigan Legislature.

Louise has two sons Richard and Mark Beaudoin. Richard has followed in his mother's footsteps, working for the USPS in West Palm Beach, Florida, while Mark owns Beaudoin Sanitation in Trout Lake. She has two granddaughters in Trout Lake, Amy and Erin, who actively help Louise by washing windows, sweeping sidewalks and shoveling snow. Outside of her work in the post office, Louise is actively involved in St. Mary's Catholic Church, and the Trout Lake Women's Club.

Mr. Speaker, on June 21, 2002, Louise Beaudoin officially celebrated her fifty years of service to the United States Postal Service in Trout Lake. She was joined by her friends and family as well as several other postmasters in the Eastern Upper Peninsula recognizing her tireless dedication to the community of Trout Lake and the United States Postal Service. Mr. Speaker, I ask you and my House colleagues to join me in saluting, Louise Beaudoin, a woman who exemplifies the very best qualities of the good people residing in the First Congressional District of Michigan.

PAYING TRIBUTE TO DOROTHY PACHECO

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 2002

Mr. McINNIS. Mr. Speaker, it is with great admiration that I recognize Dorothy Pacheco of Pueblo, Colorado for the outstanding contributions she has made in caring for the elderly. Mrs. Pacheco has recently been named the Colorado Health Care Association's 2002 Nurse of the Year and, as she receives this distinguished honor, I would like to pay tribute to her outstanding career before this body of Congress.

The way Dorothy Pacheco began her nursing career was anything but conventional. After she married, Dorothy and her husband soon started a family and her hectic schedule as a full time mother made finding the time to attend nursing school extremely difficult. However, by the time her youngest daughter was one year old, with the support of her husband, children, and friends she was able to meet the challenge and go back to school.

While still fulfilling her responsibilities as a full time mother, Mrs. Pacheco simultaneously invested long hours toward nursing school and holding down a part time nursing job. In 1982, all of Dorothy's hard work paid off when she received her degree to become a registered nurse. Although Dorothy believed her true passion was in hospital care, she soon found that caring for elderly patients was a most satisfying responsibility. After only a year of working as a hospital nurse, Dorothy returned to caring for the elderly and that is where she remained for the duration of her career.

Mr. Speaker, it is with genuine appreciation that I recognize Mrs. Dorothy Pacheco before this body of Congress and this nation for the selfless contributions she has made toward the welfare of Colorado's elderly. Her great works are an inspiration to us all and her optimism, good will and compassion have touched the lives of thousands of senior citizens throughout my state.

IN HONOR OF BUCKEYE-WOODLAND ELEMENTARY SCHOOL

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 2002

Mrs. JONES of Ohio. Mr. Speaker, I rise to honor the Buckeye-Woodland Elementary School in Cleveland, Ohio for affording me the opportunity to visit with young students during my Third Annual Back-to-School Tour on Monday, September 23rd and Monday, September 30th of 2002. I would like to offer special thanks to Cleveland Schools Municipal District CEO Barbara Byrd-Bennett, Superintendent Debra Brathwaite and Principal Barbara A. Kozak for their leadership and kind hospitality. The tour was an educational experience for all who were in attendance.

Buckeye-Woodland Elementary School has set forth major academic goals for the year, which include establishing a focus on literary implementation of a comprehensive reading program; developing high standards for mathematics and science skills concepts; assessing student progress on an ongoing basis; and providing focused, organized opportunities for professional development. Recent accomplishments from last year include measuring student progress on an ongoing basis using the information to help students learn; providing individual student support; and providing teachers with organized and focused opportunities for professional development.

I commend the Buckeye-Woodland Elementary School for its commitment to education and will continue to fight for increased funding to improve the quality of public education for all students.

A TRIBUTE TO MRS. GRACE WEST-PAYNE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 2002

Mr. TOWNS. Mr. Speaker, I rise to honor Mrs. Grace West-Payne, who was born in Portsmouth, Virginia, on September 4, 1902 in recognition of her 100th birthday celebration.

Once Mrs. West-Payne completed her elementary education, she worked as a domestic helper and married Mr. Thomas Payne. They moved to Brooklyn, New York over sixty years ago, where she continued her trade as a domestic worker.

Mrs. Grace West-Payne is an active member of Bethel Baptist Church. Her hobbies include singing and reading. Her favorite song is: "If it wasn't for him (God) I'd be nothing." Mrs. Grace West-Payne also has a favorite saying: "Let Good Girls Be Good and Boys Be Good".

Mr. Speaker, Mrs. West-Payne, who now resides at the Marcus Garvey Nursing Home, has devoted her life to serving her family and being a community leader, and as such, she is more than worthy of receiving recognition today.

IN RECOGNITION OF THE NAPA COUNTY BOARD OF EDUCATION'S "OPERATION RECOGNITION"

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 2002

Mr. THOMPSON of California. Mr. Speaker, I rise today to recognize a new program being implemented in California's Napa Valley. Operation Recognition grants high school diplomas to persons who were unable to complete high school due to World War II, the Korean War or Japanese American internment. Diplomas will be presented November 9, 2002 at the California Veteran's home in Yountville.

From September 16, 1940 to December 31, 1946 and from June 25, 1950 to January 31, 1955 millions of high schoolers were not thinking about the prom or their upcoming graduations. Instead these high school students were sleeping in fox holes, being shot at on foreign battle fields and fighting to defend the freedoms of the United States of America.

Mr. Speaker there is no doubt that our veterans are heroes. When our country called on them for protection and dedication during war they answered the call and gave us all they had. Too often this included sacrificing their lives. For most of the veterans who did return home reenrolling in high school was not a plausible option, rather they entered the job force and were forced to accept that their educational pursuits had come to a screeching halt.

Mr. Speaker, Operation Recognition gives back to our veterans what they rightfully deserve—but never had the opportunity to attain—their high school diplomas. A diploma is more than a piece of paper it is a treasure, one no nation, military or individual can take away. More than anything, Mr. Speaker, Operation Recognition seeks to give back to our veterans a piece of their lives that was taken from them for a time. Thanks to this program, that time is over.

Mr. Speaker, it is appropriate at a time when we are increasingly calling on our service men and women to protect America that we acknowledge Operation Recognition for the outstanding hope, joy and educational satisfaction it is bringing to our nation's beloved heroes by presenting them with the high school diplomas they so richly deserve.

SUPPORT FOR NATO EXPANSION

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 2002

Mr. MATSUI. Mr. Speaker, I rise to express my support for House Resolution 468, which this body overwhelmingly passed on October 7, 2002. This resolution expresses the support of the House for enlargement of NATO that will take place at the Prague Summit next month. The resolution endorses the candidacy of countries that satisfy the membership criteria of the alliance and are willing and able to contribute to the security of the North Atlantic community and the war against terrorism. An enlarged NATO that is prepared to grapple with the challenges presented by conventional and unconventional threats is in America's vital interest.

Only a vibrant and strong NATO will be able to meet these formidable challenges. And this requires the candidate countries to remain committed to the shared democratic values of respect for the rule of law and minority rights. The full protection of minority rights of the ethnic communities of Central and Eastern Europe will extend the zone of democracy and ensure the security that is a direct consequence of genuine stability.

An important but not exclusive element of the respect for civil and minority rights is the restoration of religious and educational properties to those ethnic communities, such as the Hungarian minorities in Romania and Slovakia, where they had been confiscated by earlier totalitarian regimes. Restitution of these communal properties has been too slow.

I urge these new democracies to immediately and vigorously pursue the process of restitution until satisfactorily and fully completed. Resolution of this important question will constitute the kind of demonstrable commitment to democracy and shared Western values that will serve these countries well both before and after Prague. It will also be favorably received by the United States that deems fair treatment of religious and national minorities to be indispensable for a democracy.

TRIBUTE TO THE MONTROSE COLORADO STAKE RELIEF SOCIETY

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 2002

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to honor an organization of women that works to strengthen its members and their communities through compassionate and kind service. The women of the Relief Society in the Montrose Colorado Stake of The Church of Jesus Christ of Latter-day Saints recently gathered together to complete humanitarian projects in conjunction with their annual worldwide women's conference. It is my privilege today to highlight the service efforts of these local women before this body of Congress and this nation.

Originally founded in Nauvoo, Illinois in 1842 as the women's organization within the Church of Jesus Christ of Latter-day Saints, the Relief Society today boasts a membership of over 4 million women worldwide. Recently, some 150 LDS women from Montrose, Colorado and its surrounding communities gathered together to put into action the principles of charity and service that their organization seeks to embody. Seeking a way to contribute to society, the women made hand activity books to give Alzheimer's patients in nearby nursing homes—something to help keep their minds active in the face of a debilitating disease. They also made dolls, stitching some parts by hand and others by machine, for the Church's Humanitarian Services to distribute to children affected by disasters throughout the world.

Mr. Speaker, I rise today to pay tribute to the women of the Montrose Colorado Stake of the Church of Jesus Christ of Latter-day Saints and to their work in the Relief Society organization. The efforts of these women have brightened lives throughout their communities, across our country, and around the world. Such organizations are the backbone of our society and deserve our praise and admiration. Thank you for your kind service. The communities around Montrose, and those living there, are better because of the efforts of their women, and they deserve our thanks.

IN HONOR OF CHARLES ORR MIDDLE SCHOOL

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 2002

Mrs. JONES of Ohio. Mr. Speaker, today, I rise to honor the Charles Orr Middle School in Cleveland, Ohio for affording me the opportunity to visit with young students during my Third Annual Back-to-School Tour on Monday, September 23rd and Monday, September 30th of 2002. I would like to offer special thanks to Cleveland Schools Municipal District CEO Barbara Byrd-Bennett, Superintendent Kathy Wayne Carter and Principal Greg Henderson for their leadership and kind hospitality. The tour was an educational experience for all who were in attendance.

Charles Orr Middle School has set forth major academic goals for the year, which include offering outstanding opportunities for field testing and innovative learning strategies to turn students into life-long learners; becoming more apt at meeting the educational needs of a diverse student population through comprehensive, long-range data-based planning; and seeking to recruit and train a special team of educators to learn how to reach and teach students regardless of where they are academically. Recent accomplishments from last year include significant improvement in students passing one or more portions of the state proficiency test, and more than 60 percent of students being eligible for promotion by the end of the first semester.

I commend the Charles Orr Middle School for its commitment to education and will continue to fight for increased funding to improve the quality of public education for all students.

A TRIBUTE TO PASTOR JACOB N. UNDERWOOD

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 2002

Mr. TOWNS. Mr. Speaker, I rise today to honor Pastor Jacob N. Underwood, Sr. for instigating many innovative programs to help the ones in need within his community.

Pastor Underwood answered the call to the Christian ministry in 1960. In 1962, he was ordained a Baptist minister at the Holy Sacred Baptist Church in Brooklyn, New York. He began to evangelize in the community doing outreach and persistently seeking unity of his community. He had a vision of a church in the community that would teach "God's Plan of Salvation" and relating this plan to the needs of the total person.

Encouraged by his church and family's support, he organized what is currently Grace Baptist Church of Christ, located in the East New York section of Brooklyn. He also organized the Grace Housing Development Fund Inc., from which the church sponsored community housing which was built in 1972 to accommodate 168 families.

He has contributed to his community in several aspects by serving on local, state, and national committees. He has served on the local school board, and on the East New York Civil Rights Committee. Pastor Underwood was also the first elected Chairman of East New York Community Cooperation, and President of the New York Progressive State Congress.

He also twice served as Moderator of the N.Y.M.B.A.; as Chairman of the Brownsville/East New York Clergy Association, as President of the New York Progressive State Convention from 1992–1995, as Corresponding Secretary of the Presidents' Department of the Progressive National Baptist Convention and he served as the President of the African American Clergy and Elected officials of Brooklyn from 1998 to 2000.

Pastor Underwood has also contributed by sponsoring housing and food programs in East New York. He was able to feed and provide clothing to 125 people in need by establishing a soup kitchen. In 1973, he instituted one of the first day care centers in East New York. Today, his vision has been expanded to an elementary and junior high school that currently serves approximately 300 students.

In 1995, Pastor Underwood led the church in a $1.5 million bond drive to enlarge the Grace Baptist Church of Christ with 12 multipurpose rooms for the benefit of the school and church. In order to increase the educational facilities to accommodate at least an additional 100 students, Pastor Underwood is presently leading the way for a $2.5 million drive.

Mr. Speaker, I ask my colleagues to join me in honoring Pastor Jacob N. Underwood, Sr. for his leadership and contribution to his community. Pastor Underwood is a Doer of the Word. For over four decades, he has served as a preacher, teacher, leader, brother, mentor, friend, comforter, advocate, counselor, and innovator. His endeavors and accomplishments deserve our praise and appreciation.

TRIBUTE TO RICHARD TUISKU ON THE OCCASION OF HIS INDUCTION INTO THE MICHIGAN ASSOCIATION OF BROADCASTERS HALL OF FAME

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 2002

Mr. STUPAK. Mr. Speaker, I rise today to pay special tribute to a person whose voice is the sound of news for generations of radio listeners in Michigan's Upper Peninsula Copper Country. Mr. Speaker, I rise to honor Richard Tuisku, known to his listeners as Dick Storm, on the occasion of his recent induction into the Michigan Association of Broadcasters Hall of Fame.

Richard Tuisku was born 59 years ago in a small town called Toivola in Houghton County Michigan. He graduated from Michigan Technological University in Houghton and also went to broadcasting school in Minneapolis, Minnesota. In 1962 he began his broadcasting career at WSWW in Platteville, Wisconsin, using the name Dick Storm because he thought his Finnish last name, Tuisku, would be too difficult for his co-workers and listeners to pronounce correctly.

He chose the radio name "Storm" because it is a reasonably close English word for his given last name, Tuisku, which roughly translates to blizzard in Finnish. Two years later Dick Storm moved back to the Upper Peninsula and began working at a radio station in Hancock. He changed jobs but still did news at WCCY an AM/FM combo station in Houghton. Copper Country radio audiences have been getting their news from Dick for almost forty years.

In 1994 he and a partner purchased the Houghton AM/FM stations he worked at and they are now WCCY AM and WOLV FM. Despite being an owner of the stations, Dick continues to work six days a week doing the news and hosting a weekly public affairs program.

Dick is not the only public spirited member of the household. Mary Tuisku, his wife, served as mayor of Hancock from 1990 until 1995.

In recognition of his many years of radio news and public affairs broadcasting, Dick was inducted into the Michigan Association of Broadcasters Hall of Fame in the summer of 2002.

Mr. Speaker, many people complain when they have to get up early to go to work, Dick Storm has been getting up before dawn for forty years to do radio news. I ask you and my House colleagues to join me in saluting a legendary broadcaster and a long time friend of mine, Richard Tuisku (a/k/a Dick Storm) on the occasion of his induction into the Michigan Association of Broadcasters Hall of Fame.

TRIBUTE TO JAMES LEONARD MILLER

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 2002

Mr. McINNIS. Mr. Speaker, it is with deep respect that I recognize the life and passing of James Leonard Miller, who lived nearly his whole life in Center, Colorado for the many contributions he has made to his community and to his country. Mr. Miller recently passed away in September and, as his family mourns their loss, I would like to pay tribute to his life and memory.

Mr. Miller was born in 1943 in Monte Vista, Colorado where he grew up on his family's dairy farm. James attended Center High School and then received his Bachelor's degree from Colorado State University. He enlisted as a soldier in the U.S. Army during the Vietnam War. After his service in our nation's military, James returned to the family business of farming. In 1985 while running his own farming business, James also worked as a sales agent for Lawson Products, Inc. His friendly demeanor and reputation for fair dealing won him the respect of his customers throughout the San Luis Valley.

Despite the constraints of a busy career, Mr. Miller also found the time to be active in his community. James was a member of Kiwanis International, a volunteer organization dedicated to enhancing the quality of life of children throughout the world, for over thirty years. In fact, Mr. Miller's contributions to the organization and the greater community were so significant that the Kiwanis Club of Center honored his efforts with a lifetime membership in 1993. He served in the group's Rampart Range sector as its president and club secretary for many years, and was known as "Mr. Kiwanis" at his town's community center.

Mr. Speaker, it is with great admiration that I recognize the life and passing of James Leonard Miller before this body of Congress and this nation for his service to his community and country. I extend my sincere condolences to his wife, children, and grandchildren. James Miller's life and memory will live on among the many people he inspired.

BORDER COMMUTER STUDENT ACT OF 2002

SPEECH OF

HON. CIRO D. RODRIGUEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 15, 2002

Mr. RODRIGUEZ. Mr. Speaker, I rise in support of H.R. 4967, the "Border Commuter Student Act of 2002." I am a proud co-sponsor of this bill which amends the Immigration and Nationality Act to establish a new category of non-immigrant students from Mexico and Canada who commute for study at a school or college in the United States.

Current law prohibits border residents of Mexico and Canada from coming into the U.S. to study on a part-time basis. Students are required to have an FI student visa and be enrolled for full time study. This act makes their admission for part-time study permanent and creates a new F3 category designed to meet the needs of border commuter students seeking academic training. Further, H.R. 4967 would create an M3 visa classification for border students seeking vocational training.

Institutions of higher education and vocational training along the border have provided invaluable educational opportunities for Mexican citizens for many years. This has served the political and economic interests of both countries. However, many citizens of Mexico and Canada who commute along the border are unable to take the time from work and family to attend as a full-time student. Rather, they attend on a part-time basis during the day or at night when the opportunity presents itself. This measure allows these students to continue commuting and improving the quality of their lives.

Enhancing the educational level of Mexican citizens along the U.S./Mexico border provides these students with the tools necessary to create and take advantage of expanding economic opportunities in Mexico. This advances their contributions to the Mexican economy and serves the strategic interests of both countries.

I represent the 28th Congressional District of Texas, from San Antonio south to the border communities of Starr County, and I have heard directly from my constituents and elected officials of the many benefits of enactment of the Border Commuter Act will bring to this region. The border economies of both Texas and Mexico gain from the improvement of skills and education among border residents. The enhancement of partnerships among these two communities will enrich the quality of lives for all of the residents in South Texas and our entire country.

COMMENDING FRANCISCO JIMENEZ

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 2002

Mr. HONDA. Mr. Speaker, I rise today to honor the achievements of a remarkable man, Francisco Jimenez. Born to Mexican migrant farm workers, he has become a professor of Modern Languages at Santa Clara University, an acclaimed author, and the winner of numerous awards including this year's National Professor of the Year Award. He is a credit to Silicon Valley, to California, and to our nation.

At the age of 4, Professor Jimenez crawled under a fence crossing the border between Mexico and America with his family. They made their way to the San Joaquin Valley where they picked strawberries in Santa Maria during the summer, grapes in Fresno during September, and cotton in Corcoran and Bakersfield during the winter. Working from sunrise to sunset, the entire family made only $15 a day by following the harvest throughout the year. The family, which eventually grew to nine children, lived in one room shacks and tents without electricity or running water.

When they visited the local dump, they collected discarded clothes, wood for floors, and Francisco Jimenez would pick up books.

As a result of his family's illiteracy, persistent poverty, and transient lifestyle, Professor Jimenez' education was sporadic at best. He struggled to keep up with his classmates, was labeled "mentally retarded" by one of his teachers, and flunked first grade. His classmates were unforgiving and often cruel. Nevertheless, he loved school. His alternatives were spending the day in his family's shack or working in the fields, an experience his brother, Roberto, lived every day.

Mr. Jimenez's sixth-grade teacher, Mr. Lema recognized Francisco's desire to learn and helped him with his English during lunch. Unfortunately, not long after connecting with Mr. Lema, Francisco's family needed to move again to follow the harvest. Mr. Jimenez continued his education by teaching himself using as a guide the discarded books he found at the dump.

Eventually, he and his brother were able to get jobs working for a janitorial company. The stable job allowed him to stay in school. His junior year in high school, an INS agent entered his classroom and arrested him as an undocumented immigrant. He and his family were deported to Mexico, but returned only weeks later with visas. After his return, Francisco went on to become the student body president of his high school and graduated with a 3.7 GPA. A guidance counselor recognized his talent and helped him obtain the scholarships and student loans he would need to attend Santa Clara University. He became a U.S. citizen during his junior year in college.

Francisco Jimenez went on to receive his Masters from Santa Clara University and his Ph.D. from Columbia University. He is the author of the award winning book, "The Circuit: Stories from the Life of a Migrant Child," which tells the story of his childhood experiences. Before accepting a professorship at Santa Clara University, he taught at Columbia University and the University of Cincinnati. While his dedication to teaching is worthy of praise in and of itself, he has been recognized locally and nationally for his skills. Santa Clara County gave him the Dia del Maestro Teacher of the Year Award and Santa Clara University awarded him the Dave Logathetti Award for Excellence in Teaching among others. I am privileged to represent a man who can now add to this exceptional list of honors, the National Professor of the Year Award.

Professor Jimenez was given the award because of his outstanding teaching. He tailors his lessons to his students' backgrounds and works with them one on one. He tries to instill in each of them a global consciousness and an understanding of the human condition. Moreover, he believes it is important to bridge the gap between the university and society. To achieve this, he visits communities of migrant farm workers to talk to them about education. As a leader of the Hispanic community and an advocate of human rights, he is concerned with the current anti-immigration backlash, particularly efforts to deny education to the children of undocumented immigrants.

Mr. Speaker and my colleagues, please join me in honoring Professor Francisco Jimenez for being awarded the National Professor of the Year Award. He has dedicated his life to others and his achievements reflect his dedication. He is a citizen of the world who I am humbled to call a constituent.

COMMEMORATING THE 150TH ANNIVERSARY OF THE BAHÁ'Í FAITH

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 2002

Mr. KIRK. Mr. Speaker, this month the American Bahá'í community, which has its national headquarters in Illinois, will be commemorating the 150th Anniversary of the beginnings of the Bahá'í Faith in Iran. The Bahá'í Faith is a world religion with more than 5 million adherents in some 230 countries and territories including more than 140,000 members here in the United States. The Bahá'í House of Worship in my district of Illinois is registered as a national historic site that has drawn more than five million visitors to enjoy its unique architecture and serene gardens since its completion in 1953.

This October is a special time for the American Bahá'í community because it was during this month that the founder of the Bahá'í Faith, Baháu'lláh, was first overwhelmed with the Bahá'í message of love and unity while unjustly imprisoned in one of Persia's (now Iran) worst dungeons, the Síyáh Chál. After his release from this dungeon, Bahád'u'lláh promoted this message despite being banished from Baghdad to Istanbul, from Istanbul to Edirne, and eventually from Edirne to the prison city of Acre where he died in 1892 after having lived in exile for forty years for his belief in the oneness of humanity.

The Bahá'í Faith is based on the principles of cooperation and peace outlined by Bahád'u'lláh. He taught that there is only one God, that the conscience of man is sacred and to be respected, that racial diversity contributes to the overall beauty of mankind, and that women and men are equals in God's sight. He taught that a spiritual solution is required to address the disparities of wealth distribution and that religion and science must agree. He was among the first to express the need for an international auxiliary language, emphasize the importance of universal education, and advise that a commonwealth of nations was needed for establishing global peace and security. The significance of these principles could not be overemphasized in today's volatile world.

It is astounding to think how advanced these concepts were 150 years ago not only in an ancient Persian culture, but also in the United States. Slavery and persecution based on race were widely accepted facts of life at that time. Women in the United States were still 70 years away from getting the vote. Global literacy was low and universal education was unheard of in most places. Colonial exploitation was on the rise and workers enjoyed few protections.

Unfortunately, just as the Bahá'í message was met with hostility in Persia in 1852, it still faces persecution in that region today. The Islamic Republic of Iran regards Bahá'ís as heretics who, according to Islamic law, should be executed. Bahá'ís, along with Iran's other religious minorities, are prevented from exercising their right to religious freedom. They are excluded from institutions of higher education, denied jobs, and have had many of their holy places, cemeteries and properties seized or destroyed. They are denied their most basic human rights.

Since 1982, Congress has adopted eight resolutions condemning Iran's treatment of the Bahá'ís, its largest religious minority. With the support of the U.S. government, the UN General Assembly has adopted annual resolutions condemning these human rights abuses. Yet, Bahá'ís still await the religious freedom called for in those UN resolutions and promised in Iran's constitution. The Bahá'í community remains an oppressed religious minority and is denied rights to organize, elect leaders, and to conduct freely its religious activities.

On the 150th anniversary of Bahá'u'lláh's imprisonment and the founding of the Bahá'í faith, we salute along with the American Bahá'í community the ideals of universal brotherhood, peace, cooperation, and understanding espoused by Bahá'u'lláh. These are Bahá'í values, they are American values, and they are universal values. I also would like to recognize the immense sacrifices that many around the world have made striving to ensure that true liberty and justice for all becomes not just an American dream, but also a global reality.

TRIBUTE TO JO-ANNE LEE COE

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 2002

Mr. McINNIS. Mr. Speaker, I rise today to honor the memory of a great American who dedicated her life to supporting this country's democratic process. Jo-Anne Lee Coe recently passed away, but she has left behind a legacy of service and loyalty. It is an honor for me to stand and pay my respects to her and her family before this body of Congress and this nation.

Jo-Anne was born in 1933 to a Navy family dedicated to serving their nation. Her father, Admiral Roy Lee Johnson, commanded the U.S.S Forrestal and served as the Commander in Chief of the U.S. Pacific Fleet during Vietnam. Her mother, Margaret Louise Gross, was a sixth generation Washingtonian and installed in Jo-Anne deep patriotic roots. Jo-Anne built on the heritage of her family as she served in an assortment of federal capacities. Turning down a career as a stockbroker, Jo-Anne worked first for Congressman Harold D. Cooley, then as a secretary in the Navy and Air Force, and finally teamed up with Congressman Bob Dole as he ran for the United States Senate. She worked diligently through the ranks, moving quickly from office caseworker to office manager.

After serving briefly in the Ford Administration, Jo-Anne returned to the Dole team as Office Manager for his Vice Presidential Campaign, and continued on as the Senator's office manager and political liaison. Then, in

1985, Senator Dole nominated Jo-Anne to become the first woman ever to serve as Secretary of the Senate. For two years, Ms. Coe made history as she was responsible for supervising the Senate's interparlimentary relations, archives, and administration, as well as presiding over the body during a President Pro Tempore election.

She continued to work with Senator Dole after her time as the Secretary of the Senate and eventually was tapped to lead the leadership PAC, Campaign America, which she helped found. Jo-Anne led Campaign America as it became a top independent PAC contributor to congressional and gubernatorial candidates. Jo-Anne also served as the Finance Director for Senator Dole's 1995 Presidential Exploratory Committee, and then as the Deputy Finance Chairman of the Republican National Committee, two positions in which her skills and commitment were clearly evident.

Mr. Speaker, I stand today to pay tribute to the memory of this outstanding woman. Jo-Anne Lee Coe spent her life supporting, serving, and participating in the democratic process. Her efforts and loyalty over these many years made American history and Jo-Anne's life illustrates the positive impact a dedicated citizen can have on the destiny of her country. My sincere condolences go out to her daughter, Kathryn Lee Coe Combs. Jo-Anne Lee Coe has given much to this country and she will be sorely missed.

IN HONOR OF JAMES ADDAMS HIGH SCHOOL

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 2002

Mrs. JONES of Ohio. Mr. Speaker, today, I rise to honor the James Addams High School in Cleveland, Ohio for affording me the opportunity to visit with young students during my Third Annual Back-to-School Tour on Monday, September 23rd and Monday, September 30th of 2002. I would like to offer special thanks to Cleveland School Municipal District CEO Barbara Byrd-Bennett, Superintendent Kathy Freilino and Principal Judith Leveckis for their leadership and kind hospitality. The tour was an educational experience for all who were in attendance.

James Addams High School has set forth major academic goals for the year, which include increasing the percentage of students passing all five parts of the proficiency test to meet targets; creating a safe environment as indicated by significant increase in rates of attendance and parent involvement; and increasing the number of students graduating and successfully transitioning into post-secondary education and/or employment. Recent accomplishments from last year include a grant providing the school with long-distance learning; Read 180, which was established to build reading skills; grants awarded to fund the Accelerated Math program; and the addition of chemistry to the science offerings.

I commend the James Addams High School for its commitment to education and will continue to fight for increased funding to improve the quality of public education for all students.

A TRIBUTE TO MS. TESSIE REED

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 2002

Mr. TOWNS. Mr. Speaker, I rise today to honor Ms. Tessie Reed who was born on September 5, 1897 in New York City.

Her parents, William and Mary Reed, were originally from the Commonwealth of Virginia. She attended school in New York City until the age of 9. After the death of her mother, she moved to Virginia to live with her maternal grandmother. Ms. Reed worked as a Nurse's Aide at the Brooklyn Jewish Hospital fourteen years, as well as at the movie theatres for some years.

Her hobbies include poetry, church activities and gospel music. Ms. Reed's favorite poem is "REST AT THE END OF MY JOURNEY" by Sally Martin. Her loved ones reside in New York, New Jersey, and Virginia. Ms. Reed has been a member of Cornerstone Baptist Church in Brooklyn since 1932. She is known, for her gospel songwriting and her musicals, which are prized by Cornerstone's members. One of her dearest songs is "Something Changed Me." Ms. Reed was a member of the Metropolis Gospel Union Choir and its President for three years. It was one of the first gospel choirs in Brooklyn. Ms. Reed is still a member of Cornerstone's Gospel Choir and she served on the Board of the Atlantic Terminal Senior Citizens Center. She was also a member of Queen Esther Chapter # 21 Eastern Stars.

Mr. Speaker, Ms. Tessie Reed, who now resides at the Marcus Garvey Nursing Home, at the young age of 105, is more than worthy of our recognition today.

TRIBUTE TO ED MARSTON, PUBLISHER OF THE HIGH COUNTRY NEWS

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 2002

Mr. UDALL of Colorado. Mr. Speaker, I rise today to acknowledge Ed Marston, who recently stepped down from the post of publisher of the High Country News, after serving in this role for nearly 20 years.

I understand that Ed is staying on with the paper for a little longer as a senior journalist, and that his wife, Betsy Marston also is staying on as editor of the Writers on the Range, a syndicated column service created by High Country News.

The High Country News has focused on the balance between the resource bounty that the west provides, all the people who have a stake in those resources, or realize that bounty, and the importance of proper management of those resources. Over the years, the paper has become a notable part of the journalism of Colorado and other western States—and Ed and Betsy Marston have become synonymous with its probing coverage and analysis of environmental and natural resource issues. Under their leadership, the paper has become essential reading for everyone—policy makers, business people, government agencies, and students of the west—seeking to understand what is involved in these issues and why they so often prompt passionate views.

As publisher, Ed Marston has worked hard to provide space for diverse voices and diverse views of people who share a love for the west even though that love takes different forms. The High Country News does not just examine issues and controversies from a purely theoretical or rhetorical perspective. Instead, it tries to obtain and report the perspectives of people who are directly affected, whether they raise cattle in New Mexico, live in timber-mill communities, or keep stores in small western towns. At the same time, the paper never lets its readers forget that these perspectives are part of a larger context of issues related to proper management of our public lands and the need to protect them while preserving the opportunity for people to make a livelihood from them.

The paper was founded by Wyoming rancher Tom Bell. Ed and Betsy were involved in its relocation to Paonia, a small town in scenic Delta County, on Colorado's Western Slope. From there they have maintained a west-wide focus—covering issues related to pacific northwest salmon, farming in southern California, timber policies in Idaho and Montana, and such Colorado staples as water projects and wildlife management. I know many other Coloradans share my pride that a paper of such renown is based in our state. I know that the staff and journalists at the High Country News will continue the legacy of Ed Marston and will continue to be a part of the ongoing debates and challenges we face in the west. I wish Ed all the best and hope he and Betsy remain engaged in public policy debates and will continue to work to protect and enhance the western landscapes that we all cherish.

A column written by Paul Larmer, interim publisher of the High Country News, about Ed's tenure as publisher of the paper follows.

HE SEES THE SOCIETY BEHIND THE SCENERY

I first met Ed Marston when I was a wet-behind-the-ears, wannabe journalist starting an internship at the funky little newspaper called High Country News. It was January 1984, less than a year after the paper had moved to Paonia, Colo., from its birthplace in Lander, Wyo. I arrived fresh from the nation's capital, where I had quickly learned that, despite my college ambitions, I was not cut out for the grinding life of an environmental lobbyist on Capitol Hill.

Paonia, with its orchards and mountains and partially boarded-up two-block downtown, seemed the perfect antidote to Washington, D.C. So did a job working on an environmental newspaper that covered the most blood-stirring wildlands left in the country.

My first impression of Ed Marston was this: How can this man be the publisher of a Western environmental rag? Ed was quiet-spoken, bookish and clearly from the East Coast, despite the sideburns and unruly hair. But after a few days working in the dingy, creaky-floored rooms of HCN's downtown office, my perception began to change. The man possessed a quiet intelligence and a razor-sharp editing pen. He also seemed to know how to operate the paper's only computer. Editor Betsy Marston (Ed's wife) and I pounded out copy on typewriters.

Ed worked that Radio Shack computer hard. Issue after issue, he wrote long articles and essays, tackling everything from wilderness and water to mining and logging. He admitted that he was plunging in where he ought to fear to tread; he lacked the background of HCN's earlier generation of environmentalist editors. Yet the growing power of his words showed he was a very quick study.

It also became apparent that Ed's interests were far broader than the public-lands issues that had long been the paper's meat and potatoes. One of my first assignments was to find out how rural hospitals were faring in the grim energy bust that had settled on the region's rural communities. I thought it was an odd story for HCN. I had come to write about the environment, not health care. Yet the story was interesting, and it opened my eyes to the people and communities that live next door to the public lands. The land has a human context that cannot be ignored even if you care more about the wild than about humanity. That lesson stuck with me long after I left Paonia in late May. I carried it, and the memory of mountain air thickened with the smell of blossoming cherry trees, through graduate school and even through a stint at the Sierra Club in San Francisco.

And I still had it when I returned to Paonia in 1992, this time as a husband, father and assistant editor, with a desk in HCN's new office, across the street from the old one.

The paper's circulation had grown—from a hard-core 3,000 subscribers to nearly 10,000—and it was more sophisticated. Ed no longer wrote every other cover story; he had help from an extensive network of freelance writers and photographers.

Yet Ed's ever-expanding vision of the region remained central to the operation. Environmental issues remained at the core of HCNs coverage—stories about lawsuit-wielding activists and right-wing, anti-government conservatives continued. But a more diverse menagerie of Westerners started appearing in these pages: green-hearted ranchers and blue-collar environmentalists, hotel workers, economists, historians, and scientists of all stripes.

Since then, Ed's expanded vision of environmentalism in the West has become embedded in this place. High Country News' editors and writers now look for the story beyond the story, for the strings that bind the West to itself and to the world, as a matter of course. I can hardly talk about any event without asking: "So what does this mean for the West?"

That may make for dull conversation around the family dinner table, but it nurtures an important dialogue for those of us who live in this unique and rapidly changing part of the country. For this, and many other fine things not mentioned here, I thank Ed Marston.

HONORING RON JAMES, MARINE VETERAN AND OUR INTREPID DEFENDER OF THE AMERICAN FLAG

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 2002

Mr. GILMAN. Mr. Speaker, as the 107th Congress draws to a close, I would like to take this opportunity to recognize a great friend of the American people, a Marine Veteran, and our nation's intrepid defender of the American Flag, Mr. Ron James.

Mr. James, who we also know as Mr. Ronald M. Sorenson, a Marine veteran of the Korean War era, and a great friend is a true American Patriot. Ron has dedicated his life to preserving, the core values of what our great nation stands for and for more than two-decades has educated our nation on flag etiquette, while paving the way and leading our nation in seeking a constitutional amendment prohibiting the desecration of our flag, the symbol of our great nation.

Ron is a familiar face in the halls of Congress where he regularly visits our offices to seek our support for his noble endeavors. In addition to fighting for our flag, Ron also fights for the rights of our veterans and is active in numerous veterans organization and assists patients in our VA hospitals. Over the past twenty years Ron has walked thousands and thousands of miles carrying our flag, to garner support for not only a constitutional amendment protecting it from desecration, but also to raise awareness of its importance to our nation's youth.

Following the horrific events of barbarity perpetrated against our nation by forces of true evil on September 11, 2001, Ron met with me to discuss legislation that would benefit the families of our everyday American heroes. On March 14, 2002, I sponsored H.R. 3968, the Fallen Heroes Flag Act of 2002, which provides a flag flown over the U.S. Capitol to the immediate family of our nation's brave firefighters, law enforcement officers, emergency medical technicians (EMT) and to other relief and rescue workers whose lives are lost in the line of duty. This important legislation ensures that our future generations of public servants who may pay the ultimate price for their service to our nation and to our communities are accorded the respect and honor that they deserve.

Mr. Speaker, I ask my colleagues to join me in recognizing Ron's hard work and dedication that enabled us to turn an idea into a reality with our "Fallen Heroes Flag Act of 2002." This is yet another selfless act of patriotism by Ron James, a true friend and a great American who lives his life to serve our nation, our veterans, and our flag.

TRIBUTE TO MICHAEL O'HANLON

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 2002

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to honor the memory and life of an avid outdoorsman and preservationist. Michael O'Hanlon, of Rosita, Colorado, recently lost his life in a climbing accident while exploring Mt. Adams, Colorado's highest peak under fourteen thousand feet in the Sangre de Cristo mountains. As his family mourns their loss, I would like to take this moment to pay tribute to Michael's life before this body of Congress and this nation.

Mike has given a lot to his community, his state, and his nation through his preservation efforts. As an experienced climber, Mike explored all of Colorado's fourteen-thousand-footers, climbing 70 peaks in the Sangre de Cristo mountain range alone. He shared his knowledge and his experience with visitors to his Westcliffe bookstore, Hungry Gulch Books and Trails, as well as through his own trail guidebook dedicated to the Sangre de Cristo mountains.

Mike and his wife Susan Tichy were active in preservation efforts of Colorado's vast land and water resources. They were both board members of the San Isabel Foundation and Mike served on the board for the Sangre de Cristo Mountain Council, as well as spending ten years on the Custer County Search and Rescue's first-response team.

Mr. Speaker, I stand today to honor the memory of Michael O'Hanlon and his efforts toward preserving Colorado's remarkable natural resources in a responsible manner. My sincere condolences go out to his family and friends. Mike has done a lot for Southern Colorado and will be sorely missed.

TRIBUTE TO A GREAT AMERICAN—DON F. ANDREW

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 2002

Mr. ETHERIDGE. Mr. Speaker, I rise today to pay tribute to a great American, my good friend Don F. Andrews, who passed away last week at the young age of fifty-six.

Don Andrews was born in Goldsboro, North Carolina on December 20, 1945 and grew up in Faison. He was drafted into the Army during the Vietnam War. He was a highly decorated Green Beret in the U.S. Army Special Forces and served ten years in uniform. He completed a remarkable four campaigns in Vietnam where he earned two Silver Stars, four Bronze Stars with valor, three Purple Hearts, two Air Medals with valor and was recommended for the Distinguished Service Cross.

He met and married Frances Kennedy from Lee County while he was running the Special Forces School at Fort Bragg. During a tour in Bangkok, Thailand, Frances' father, Haskell Kennedy, passed away, and Don changed his plans to make a career of the military to return home to be near his wife's mother, Evelyn Wade Kennedy.

After leaving the Army, armed with the discipline and the drive the military had taught him, he started a grocery business, for which his father had taught him. Don grew the business to 32 stores in two states and employed approximately 1800 people. He later sold his chain to a Fortune 500 company.

Don's life was filled with many accomplishments. He volunteered for the Faison Volunteer Fire Department. He had been a member of the Faison Jaycees. He was named Lee County Small Business Person of the Year in 1988. He was a former member of the NC State University Agricultural Advisory Board. He had testified before the United States Congress on small business affairs. He was past president of the N.C. Food Dealers Association. He was named Grocer of the Year in

1990. He was a former director of the Whiteville Chamber of Commerce. He was a director of the Broadway Lions Club. He was commander of the Broadway American Legion. He was a lifetime member of the Veterans of Foreign Wars. He served on the board of directors for RBC Centura. He was a member of the N.C. Veterans Memorial Pavilion. And he was a member of Broadway Presbyterian Church. He was a savvy businessman. His latest endeavors included several developments in the Broadway area and a vigorously run campaign for Lee County Commissioner.

Among his greatest accomplishments was his family. He leaves behind his wife, Dr. Frances K. Andrews and mother-in-law, Evelyn W. "Grandma" Kennedy. He had two grown children. One son, Donald F. Andrews, Jr and wife Lori of Broadway, NC; one daughter, Lisa A. Radford and husband Brian of Faison, NC. And he was a doting grandfather of three: Cherish, Christopher and Dylan. He also leaves behind one brother, James E. Andrews and wife Joyce of Faison, NC and one sister, Mary R. Garafola of Hammonds, LA.

Mr. Speaker, The Second Congressional District of North Carolina, which I have the honor of serving in this House, has lost one of its leading citizens. And I have lost a dear friend.

A SPECIAL TRIBUTE TO THE CITY OF FOSTORIA, OHIO AND THEIR HONORABLE DESIGNATION AS TRAIN CITY, USA

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 2002

Mr. GILLMOR. Mr. Speaker, it is my distinct privilege to stand before my colleagues in the House to pay special tribute to a special community in Ohio's Fifth Congressional District. On November 2, 2002, the community of Fostoria, Ohio will be designated as "Train City, USA."

Mr. Speaker, the City of Fostoria has been blessed with a rich train heritage, dating back to the 1800's. In the beginning, five great railroads radiated like the spokes of a wheel, with Fostoria as the hub. The freight, mail, and passenger trains that passed through Fostoria on their way to Indiana and Illinois helped play a major role in the early development of Fostoria. In fact, the history of Fostoria is essentially the history of the development of transportation and its associated industry, and the chapters in history will reveal Fostoria's thrilling history as a railroad thoroughfare.

The first railroad through Fostoria, originally named the Fremont and Indiana Rail Road Co., was planned to extend from Fremont through Fostoria, by way of Findlay, to the Indiana state line. Construction began in 1854, but did not reach its destination until 1859.

Today, trains are still an indelible part of the Fostoria landscape. The community experiences an average of 160 trains each day-making it one of the busiest rail intersections in the United States. Affectionately known as the "iron triangle," trains are dispersed on three separate rail lines that converge in the center of the city.

This built-in hub of train activity, which makes for ideal viewing and photography by rail enthusiasts of all ages. The Fostoria Area Visitors Bureau along with the City of Fostoria, have formed a Train Tourism Committee. Plans are also underway for rail-based murals on all overpasses, celebrating the historical significance of the train to Fostoria.

Fostoria embraces their significant rail heritage and will continue to share this with visitors and members of their community. It is a labor of love, pride, and dedication.

Mr. Speaker, I ask my colleagues to join me in paying special tribute to the diligent effort and unwavering spirit of those individuals determined to see this project through to completion. Our communities are served well by having such honorable and giving citizens who care about the education that future generations receive so that our historical heritages are preserved well into the future. I am confident that this designation of "Train City, USA" will serve as an essential link to a piece of American, and Ohio, history.

IN HONOR OF LUIS MUNOS MARIN MIDDLE SCHOOL

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 2002

Mrs. JONES of Ohio. Mr. Speaker, today, I rise to honor the Luis Munos Marin Middle School in Cleveland, Ohio for affording me the opportunity to visit with young students during my Third Annual Back-to-School Tour on Monday, September 23rd and Monday, September 30th of 2002. I would like to offer, special thanks to Cleveland School Municipal District CEO Barbara Byrd Bennett, Superintendent Esther Johnson and Principal Eva Valez-Torres for their leadership and kind hospitality. The tour was an educational experience for all who were in attendance.

Luis Munos Marin Middle School has set forth major academic goals for the year, which include targets to exceed standards by 5 percent in all parts of the proficiency test; improve attendance rate to 95 percent; and continue to increase parent involvement by 10 percent. Recent accomplishments from last year include being a Corridors of Excellence School; an across the board increase in test scores by seventh grade students; an increase in attendance by 7 percent; and an increase in parent involvement by 10 percent.

I commend the Luis Munos Marin Middle School for its commitment to education and will continue to fight for increased funding to improve the quality of public education for all students.

RECOGNIZING THE WORK AND CAREER OF DR. TADEO AOKI, MD

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 2002

Ms. LEE. Mr. Speaker, I rise today to note the significant achievements of Dr. Tadeo Aoki, MD and Doctor of Medical Science. Dr. Aoki has made important medical and scientific research contributions to Japan, the United States and the world.

Dr. Aoki was born in Higashibori-Dori, Niigata Japan. He graduated from Niigata University, School of Medicine in 1955. He completed his internship at the Hospital of Niigata School of Medicine in 1956. He graduated from the Post-Graduate course of the 2nd Department of Internal Medicine at the Niigata University, School of Medicine in 1961, and he was awarded a Doctor of Medical Science degree.

In 1962, Dr. Aoki was sent by the Japanese Government, as a visiting fellow in cancer research, to Sloane-Kettering in New York. He worked at the Sloane-Kettering Institute as a Scientist and then as Section Head of Immunology.

In 1971, Dr. Aoki was appointed as the Head of the Immunology section of the National Cancer Institute, NIH. At NIH, he also served as the Associate Editor of the Journal of the National Cancer Institute and as a Scientific Consultant to the "Chiba Cancer Center".

In 1977, Dr Aoki left NIH to return to Japan. There, he was named Chief, Department of Research and Internal Medicine, Shinrkuen Hospital, Niigata City, Japan.

In 1988, Dr. Aoki came back to the United States, and established the Laboratory of Medical Science in Rockville, Maryland.

Dr. Aoki has been a consultant to the Argentina Medical Association, as a Visiting Scholar, Department of Pathology, University of Pittsburgh, School of Medicine, and as an Additional Member of the "Niigata Association of Labor Health", in Japan. Dr. Aoki presently resides in Niigata, Japan.

During his long and very distinguished carrier, Dr. Aoki has made significant contributions to science and medicine. Before the development of molecular biology, he discovered the genetical control of host resistance and sensitivity to murine Gross leukemia virus transmission in mouse systems, using very complicated immunofluorecent microscopy by absorption of soluble antigen in plasma. He discovered the Ly-1, 2 isologous antigen system, which has been used for organ transplantation matching testing. He was the innovator of a new immuno-electronmicroscopy using hybrid antibody with anti-various markers to analyze the relation of location between different cell surface antigens. He was centrally involved in the discovery of a new illness "Low NK Syndrome" (LNKS). Many across the world have sought his advice on LN-KS and Chronic Fatigue Syndrome (CFS). His consultation was requested regarding diagnosis and treatment for LNKS from the U.S., France, Argentina and Croatia. His published medical papers include more than 200 books and articles.

I now ask that you join me in recognizing and honoring Dr. Tadeo Aoki.

TRIBUTE TO FRANCIE SMILES

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 2002

Mr. McINNIS. Mr. Speaker, it is with great respect that I recognize Francie Smiles of Montrose, Colorado for the selfless contributions she has made for breast cancer awareness. Francie, a breast cancer survivor, has tirelessly dedicated her time and energy toward helping others in her community inflicted with the illness. Today, I would like to pay tribute to Francie for the commitment and compassion she has given to such a worthwhile endeavor.

Francie has been a member of the Bosom Buddies Breast Cancer Support group since her diagnosis in 1997. The group was formed ten years ago to provide a support network for women in Southwestern Colorado who are living with the disease. Now that Francie's cancer has gone into remission, she has continued to remain active within the group, helping to raise money and provide emotional support for other breast cancer patients.

Every year, the Bosom Buddies Support Group holds their annual walk/run fundraiser and Francie is one of the events' chief promoters. In 2001, 341 people attended the fundraiser, helping to raise over 11,000 dollars for 68 women in need of medical and financial assistance. Hoping to build on last year's success, Francie expects to register 375 people this year.

Mr. Speaker, it is with great admiration that I recognize Francie Smiles before this body of Congress and this nation for all of her efforts in the fight against breast cancer. Francie has redirected the misfortune of her own diagnosis of breast cancer in a positive direction and used it to raise money and awareness to help others to overcome the disease. I commend Francie on her efforts and wish her the best in all of her future endeavors.

MOTION TO INSTRUCT CONFEREES ON H.R. 4546, BOB STUMP NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2003

SPEECH OF

HON. CIRO D. RODRIGUEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 2002

Mr. RODRIGUEZ. Mr. Speaker, I would like to thank my friend, Congressman GENE TAYLOR from Mississippi, for introducing this important motion to instruct conferees on the issue of concurrent receipt.

As I meet with constituents throughout my district—from San Antonio to the border cities of Starr County—the number one issue consistently raised is concurrent receipt.

Whether at town hall meetings, school visits, church lectures, or in one on one meetings, military retirees and their families remind me about this injustice.

Concurrent receipt is a century old law which forces military retirees to forfeit one dollar of retired pay for each dollar of disability compensation received from the Department of Veterans Affairs.

That's retired pay they earned by years of service, and that's disability compensation they receive for injuries sustained in the service of our Nation.

This system forces our sailors, soldiers, marines and airmen to subsidize their own disability. This is an outrage.

I urge my colleagues to eliminate this disgraceful system completely, once and for all.

Time is really of the essence. It is wrong of us to wait one more year.

It is appalling to know that disabled veterans, who have sacrificed so much for this country, are not receiving the benefits and support they are entitled to upon retirement.

I, like more than 400 members of this House, have added my support as a co-sponsor of legislation which would end this unfair practice.

The time for lip service has ended. Now we must act.

In recent months this country has called upon our military personal to serve our country. and they have responded quickly, forcefully and without hesitation.

Just earlier today this House voted to authorize a full-scale war against Iraq. Many more of our brave sons and daughters will return with disabilities.

I urge the defense authorization conferees to end this shameful practice now and provide for the total elimination of concurrent receipt restrictions.

I urge the White House to stop threatening to veto the defense bill.

We should not balance our defense budget on the backs of disabled retirees.

Let's stand up to veto threats.

Let's stand up for our heroes.

Let's stand up for what we know is right.

IN HONOR OF JACK LICK

HON. COLLIN C. PETERSON

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 2002

Mr. PETERSON of Minnesota. Mr. Speaker, Jack Lick retired one year ago as vice president of the Bakery, Confectionery, Tobacco Workers and Grain Millers International Union of Minnesota and North Dakota. Jack was dedicated to the union that he served for many years and he made the needs of working people a top priority.

Jack took the time to administer to the needs of his members by helping them through difficult professional and personal times. He enabled new members to develop their leadership skills to better ensure the future success of all members. You could see Jack swell with well-deserved pride as those he mentored excelled and led with both passion and authority.

Over the past many years, I worked closely with BCTWGM on several important issues, including fair trade and agricultural policy. Jack was always by my side as we sought to improve conditions for workers. We fought against NAFTA, the WTO, and other policies that protected corporations and governments at the expense of workers and farmers. We forged new partnerships between labor and farmers to enhance the future for everyone in rural America.

Our work is not done but I know that, although Jack has retired, he will always remain an active and important voice for labor.

I thank Jack Lick for his years of hard work and dedication. I extend my appreciation to his wife, Mary Lou, and their children, Carolyn, Jennifer, and Jeff. We will not forget your kindness and love for your fellow union workers.

CONGRATULATIONS TO CALVIN COLLEGE ON THE DEDICATION OF THE PRINCE CONFERENCE CENTER AND THE DeVOS COMMUNICATIONS CENTER

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 2002

Mr. EHLERS. Mr. Speaker, I would like to take this opportunity to congratulate Calvin College on the dedication of its two newest facilities, the Prince Conference Center and the DeVos Communications Center, the new home for the college's Communications Arts and Sciences and Political Science departments. These facilities will be formally dedicated in ceremonies to be held on Calvin's campus October 25 and 26.

I am thrilled to see the college's new growth and the new opportunities these facilities will afford Calvin's students, faculty, alumni and visitors. I especially want to thank Ren and Elsa Broekhuizen and the entire Prince family as well as Richard and Helen DeVos for their incredible gifts that made these facilities a reality.

The services rendered through these facilities will serve not only those associated with Calvin, but the rest of the Grand Rapids and West Michigan community, which will be able to participate in public events staged in these facilities. Furthermore, the students who are taught in these facilities will disperse throughout the world with the knowledge and skills gained here. These facilities are truly gifts to the entire world.

As a former student and faculty member, a past recipient of Calvin's Distinguished Alumni Award. and a neighbor of this campus, I am proud my congressional colleagues and I played a part in this expansion, as we provided some of the funding for the 380-foot pedestrian overpass known as Calvin's Crossing. This overpass of the East Beltilne provides a safe crossing for people traveling from Calvin's main Knollcrest campus to the new East Campus. In that vein, I would like to offer words of remembrance and condolence to the family of Kevin DeRose, a Calvin student who was killed in 1989 while attempting to cross the East Beltline. Part of these ceremonies involves the planting of a tree near Calvin's Crossing in Kevin's memory. My prayerful hope is that never again will we have to plant another tree on this campus for a similar reason.

Calvin College has come a long way since my days as a student in the 1950s and my years as a professor in the 1960s and 1970s. My student time was spent on the "old" Franklin Street campus. As a member of the faculty and as a neighbor, I have watched the college grow on the "new" Knollcrest campus. And now, with the opening of the DeVos Communications Center and the Prince Conference Center, we are witnessing the beginning of a new chapter in the life of Calvin College.

My congratulations to Calvin College President Gaylen Byker who helped make these facilities a reality. Congratulations to former president William Spoelhof, whose vision brought Calvin College to the Knollcrest campus and to former president Anthony Diekema, who ably guided the campus through twenty years of expansion. Finally, best wishes to the faculty and students who will be able to enjoy the fruits of these generous gifts.

THE STATE CHILDREN'S HEALTH INSURANCE PROGRAM (SCHIP) ALLOTMENT EXTENSION AVAILABILITY ACT

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 2002

Mr. BENTSEN. Mr. Speaker, I rise today to introduce legislation, the State Children's Health Insurance Program (SCHIP) Allotment Extension Availability Act of 2002, that would preserve funding for this critically important health insurance program. On October 1, 2002, 25 states nationwide forfeited $1.2 billion in SCHIP funds because the Balanced Budget Act of 1997 included a provision that recaptured funds from those states which do not fully spend their SCHIP allotment in a timely manner. In addition, if we do not act to correct this inequity, states will lose an additional $1.6 billion next year.

We simply cannot afford to reduce funding for SCHIP at a time when so many children remain uninsured. In essence, we will be hurting those programs which have helped so many children to get the health care services they need. A recent Census Bureau report found that the number of uninsured children is 8.5 million, a level equal to the previous year survey. In Texas, it is estimated that 11.7 percent of children or approximately 600,000 children lack health insurance.

I believe that the SCHIP program has proven to be a valuable program for our nation's children. It was designed to cover those children whose family income is too high for Medicaid but not sufficient to pay for health insurance. As of 2000, an estimated 3.3 million children have been enrolled in SCHIP which is more than the 25 percent we estimated would benefit from this program when it was created. In Texas, it is estimated that at least 508,000 children are enrolled in the SCHIP program with more than 90,000 children enrolled in SCHIP in Harris County in my local area. If we penalize states for not moving fast enough to cover children, it is very likely that they will make changes to reduce the scope of coverage and discourage families from enrolling their children in this program.

In the past, I and others have spearheaded efforts to expand and improve the SCHIP program and ensure that Texas was not shortchanged in the distribution of SCHIP funding because of the late start in establishing the program. In 2000, Congress, with my support, approved the Benefits Improvement and Protection Act (BIPA) of 2002 which included a provision to guarantee Texas extra funds for SCHIP. This law provided Texas an additional two years to spend $267 million of their 1998 and 1999 allotments. Without this change, Texas would have lost $446 million in federal funds.

I am now offering this legislation to correct the inequity that my state and others face for their Fiscal Year 2000 SCHIP allotment. According to Jason Cooke, Director of the Children's Health Insurance Program in Texas, as of October 1, 2002, Texas will lose $285 million due to this provision included in the Balanced Budget Act of 1997. Under my bill, the allotments for FY 1998 and 1998 would continue to be split between those states who have used their allotments and those who have not. The current ratio is 60 percent of unspent funds is returned to those states which have not used their allotments while 40 percent of unspent funds are forwarded to those states who have fully spent their allotments. However, my legislation would guarantee that states could keep all of their SCHIP allotments for FY 2000, 2001, and 2002.

Some will argue that the states should have spent their SCHIP allotment within the three year time period provided for in the Balanced Budget Act of 1997. In fact, Texas and several other States did take longer to establish their program. At the time, I along with many of my colleagues urged the Texas Legislature and Governor to act quickly to help uninsured children and penalizing the states will have the unintended consequences of penalizing the children. However, I believe that we should remember the underlying goal of the SCHIP program is to expand coverage for uninsured children. In Texas, where many of these uninsured children live, this penalty will be harshly felt by these working families who simply cannot provide health insurance for their children. In my judgment, the goal of the expanding coverage outweighs the need to encourage quick development of such programs.

I would also argue that we cannot afford to lose these funds in a time of shrinking state budgets. I am very concerned that the result of this reallocation will be to reduce health care services for children. With fewer dollars to spend on the SCHIP program, I believe states will makes changes to their programs which will reduce the number of SCHIP enrollees and discourage working families from joining this important program. For instance, states may decide to make enrollment more difficult for working families or states may act to restrict enrollment to lower income families. In Texas, where 11.7 percent of the children lack insurance, I believe we cannot afford to put up barriers to coverage.

I also want to highlight that this legislation is similar to legislation included in President Bush's Fiscal Year 2003 budget that would ensure that states can keep their SCHIP allotments. The President's proposal would provide up to three additional years for states to spend their SCHIP funds through Fiscal Year 2006. The Office of Management and Budget has estimated that up to 900,000 children may lose their coverage due to this funding shortfall and would deprive states of $3 billion over two years.

I urge my colleagues to support this effort to preserve and strengthen the SCHIP program.

HONORING NEIL REDUZZI

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 2002

Mrs. MORELLA. Mr. Speaker, I rise today to recognize and to honor a constituent of mine, Mr. Neil Reduzzi upon his retirement. For twenty-six years Mr. Reduzzi has been a devoted employee of United Parcel Service in Maryland and the District of Columbia. For the last twenty-three of these years, Neil has dutifully provided pick-up and delivery service to the United States House of Representatives.

Mr. Reduzzi was recently inducted into the prestigious UPS Circle of Honor. The Circle of Honor recognizes UPS drivers who have completed a minimum of twenty-five years of active service without an avoidable traffic accident.

During his many years with UPS, Mr. Reduzzi has come to be respected and well liked by his customers and co-workers. Neil's warm disposition, diligence and dedication have been recognized and appreciated by numerous Members of Congress and Congressional staffers alike. He is looking forward to his retirement in Clearwater, Florida and to spending more time with his wife Lynn, and his family.

It is an honor to commend Neil Reduzzi on his remarkable record of service to United Parcel Service, his customers, and to the United States House of Representatives.

FIXATION ON IRAQ DOES NOT MAKE US SAFER

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 2002

Mr. McDERMOTT. Mr. Speaker, I submit the following article.

(By Stimson Bullitt)

How best can we defend our territory, our government and our lives from present threats?

The big threat comes from the author of the most serious attack on us, al-Qaida, the network of cells scattered across much of the world.

Rather than a conventional war against another nation, to defeat this enemy calls for police action against a criminal gang, and its members through an integrated program: Intelligence to track and discover, and action to prosecute, those who undertake and plan attacks on us.

Second, restrict the most dreadful weapons. For this, we must cease our Lone Ranger approach, refusing to cooperate to limit creation and spread of nuclear, chemical and biological weapons. As a step toward observance of a rule of law between nations, we should cease to refuse to join the International Criminal Court. Our expressed fear of being prosecuted recalls the Old Testament verse: "The guilty flee when no man pursueth."

It has been proposed that we shift our concentration to Iraq because its brutal and ruthless leadership is hostile to us and has a record of seeking to develop deadly weapons. The proposal is to remove both the leadership and the weapons and to do so by making war against that country. How does Iraq threaten us, and what price may we pay to remove the threat?

Far off, and with no navy, Iraq cannot invade us. Nor does it have the only other means by which it directly could attack us: long-range planes or missiles. An ICBM silo can't be trundled around between hiding places and is easy to spot and to destroy. If Iraq were to undertake some, as soon as they were observed under construction, our forces should and would dispatch them like the proverbial ducks in a barrel. That's the place for preemptive strikes.

Iraq could seek to attack us indirectly by assisting al-Qaida to smuggle weapons across our border. The most destructive means would be an atom bomb in a ship's hold, incinerating one of our port cities.

However, like Egypt, Syria, Jordan and Algeria, Iraq has a Muslim population but a secular government, not a theocracy. By contrast, al-Qaida is composed of impassioned Islamist fanatics. Iraq's government may hesitate to entrust weapons to those whose dislike and distrust may turn them back against it.

Rather than seeking such a weapon from Iraq's government, disinclined to furnish one even if it had one, al-Qaida agents may be more likely to seek one from territory of the former Soviet Union, where countless and uncounted nukes are under the charge of lowpaid bureaucrats, many of whom are incompetent or criminal.

Would our prospective gain from reducing or avoiding the foregoing modest risk exceed the price that a solo invasion would impose on us?

Quantities of American soldiers' lives and taxpayers' dollars would depend on war's uncertainties, among which would be the weapons Iraq may have available to use against our invading troops. If its armed force is as strong as we are told it is, to overcome it will impose a heavy cost.

Going alone would demonstrate such disagreement that would lead to refusals of the needed cooperative action for the long, long war on international terrorism. When we act without allies, where international law calls for some degree of consent among the leading nations, our disregard of such law impairs our influence, reduces our power. If we think we can protect ourselves from cells of zealots without the willing cooperation of governments where they are located, we are nuts.

Prospective allies' unwillingness to commit combat troops to the endeavor would give us pause, raising doubt in reasonable minds. Are we really the only one right, and all others wrong?

Left with the job of rebuilding a nation unfamiliar with democratic processes or government under law, we would risk the chaos that would set Iraq's neighbors at war.

It would not stop al-Qaida's war on us but would intensify its energies. Terrorists are widespread. Iraq did not send Mohammed Atta or Timothy McVeigh, nor did it organize al-Qaida or the Aryan Nations. After Oklahoma City, we convicted two men. We did not attack Aryan Nations communities in northern Idaho or in Michigan. If England struck Boston, from which some of the IRA bombings in England have been financed, we would not approve.

To assault a nation, whether Afghanistan, Iraq or another, fails to protect our country from terrorist attacks. And it kills an unnecessary number of people. Violating human morality reduces our claim to stand for civilized decency as a nation. Others should be killed only when necessary to defend our liberty or lives.

By violating our duty of "a decent respect to the opinions of mankind," in Jefferson's phrase, we terrify and offend other nations and thereby increase the numbers and passions of those who will aim terrorist attacks against us.

Stimson Bullitt is a lawyer, developer of Harbor Steps in downtown Seattle, and former president of KING Broadcasting. He has written several books, including "To Be A Politician."

TRIBUTE TO PETER BARTON

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 2002

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to the memory of an accomplished broadcaster, great musician, and loving father. Peter Barton recently passed away after a long fight with cancer, leaving behind a legacy of proven leadership and innovation. As his family mourns his loss, I would like to take this time to highlight his life before this body of Congress and this nation.

Peter Barton rose to prominence through his business savvy and media industry innovations. Peter stood out because of his resourcefulness whether he was holding meetings while skiing down a mountain or making calls at 3 a.m. to discuss with a night shift manager how a show's host was behaving. His talent and inventiveness led him to the top of an array of companies, including Liberty Media Corporation, Telecommunications Concepts, Inc., as well as founding what later developed into the home shopping channel, QVC. For these impressive accomplishments, it is no wonder he will be inducted into the Broadcasting and Cable Hall of Fame in New York City.

But Peter's ability in business did not outshine his other natural gifts. After learning to play the boogie-woogie on the piano, Peter went on to learn both the electric guitar and keyboard. Throughout his life, he crossed paths with prominent musicians, playing with the E Street Band's guitarist in a middle school rock band, opening for Sha Na Na in college, and filling in for a pianist at the Brown Palace. His artistic side showed up again in his paintings and sculptures he created and used to decorate his Colorado home.

But the position Peter treasured most was his role as a husband and father. Peter's close relationship with his wife, Laura, and their three children, Kate, Jeffrey, and Christopher, influenced every aspect of his life and he often liked to credit his family as his greatest joy.

Mr. Speaker, I stand today to honor Peter Barton's memory before this body of Congress and this nation. Peter stood out as a business and community leader, he took his own path to the top and did it in a unique way. Although Peter Barton has left us after a long battle with cancer, the many ways in which he changed the lives of family and friends and the larger community will endure.

ACCESS TO CARE PROBLEMS IN THE MEDICARE PROGRAM

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 2002

Mr. BEREUTER. Mr. Speaker, this year, physicians and other skilled health care professionals absorbed a 5.4 percent cut in Medicare reimbursements. The cut went into effect in January, and the signs of access problems are already showing.

Since rural physicians already receive less reimbursement for services provided to Medicare patients than urban physicians, this is a critical issue.

Medicare patients in this Member's Congressional District are finding it increasingly difficult to find a physician. Some physicians will not accept patients who are 60 years old, because they are nearing Medicare-eligibility age.

Lincoln, the second largest city in Nebraska, has a population of 225,581. We have 27 internists. According to estimates, only five to seven of these internists are accepting new Medicare patients. Where are new Medicare patients supposed to go to obtain the health care services they need when these internists cannot accept any more Medicare patients? Will these Medicare patients end up in hospital emergency rooms to obtain necessary health care services? Will they go untreated?

The House passed corrective legislation already on June 28, 2002. The Senate has not acted. We cannot throw our hands up in the air, and give up. We cannot leave our senior citizens behind. We must protect our senior citizens and preserve access to physician services.

CELEBRATING THE 50TH ANNIVERSARY OF THE GERMAN-AMERICAN FULBRIGHT EDUCATIONAL EXCHANGE PROGRAM

HON. JOHN BOOZMAN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 2002

Mr. BOOZMAN. Mr. Speaker, I rise today to make note of the 50th Anniversary of the German-American Fulbright Educational Exchange Program.

Our former colleague, Senator J. William Fulbright, was a champion of education and cultural exchange. In 1946, Senator Fulbright passed legislation creating the Fulbright Program, an international educational exchange program.

Prior to that, the German-American Fulbright Program was created based on an agreement signed in 1952 by the US High Commissioner, John J. McCloy, and the German Chancellor, Konrad Adenauer. The German-American Fulbright Program is an educational exchange organization funded by both the German and American governments that seeks to promote academic excellence and cultural understanding between the United States and Germany through scholarly exchanges.

Since its inception, the German-American Fulbright Program has played a leading role being both the largest and most varied Fulbright program in the world. The year 2002 marks the 50th Anniversary of the creation of the bilateral German-American program.

I am proud that this program of peace and education stemmed from the work of Senator Fulbright, a fellow Arkansan. It has fostered not only educational exchange but symbolizes the strength of the alliance between our nations.

Mr. Speaker, Senator Fulbright best described this excellent program when he said, "The Fulbright Program aims to bring a little more knowledge, a little more reason, and a little more compassion into world affairs and thereby to increase the chance that nations will learn at last to live in peace and friendship."

I yield back the balance of my time.

IN HONOR OF ORCHARD SCHOOL OF SCIENCE ELEMENTARY SCHOOL

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 2002

Mrs. JONES of Ohio. Mr. Speaker, Today, I rise to honor the Orchard School of Science Elementary School in Cleveland, Ohio for affording me the opportunity to visit with young students during my Third Annual Back-to-School Tour on Monday, September 23rd and Monday, September 30th of 2002. I would like to offer special thanks to Cleveland School Municipal District CEO Barbara Byrd-Bennett, Superintendent Debra Brathwaite and Principal Mary Ann Knapp for their leadership and kind hospitality. The tour was an educational experience for all who were in attendance.

Orchard School of Science Elementary School has set forth major academic goals for the year, which include fostering improvement of the safe school environment; improving the passage rate on the reading/writing, science, mathematics and citizenship portions of the Fourth Grade Proficiency Test and/or the Off-Grade Proficiency Test by 6.5 percent. Recent accomplishments from last year include all grades making improvement gains on the reading portion of the Proficiency Test and the Off-Grade Proficiency Tests; a $12,000 teaching grant to take fifth grade students camping; and students being able to attend the Space Camp in Orlando, Florida.

I commend the Orchard School of Science Elementary School for its commitment to education and will continue to fight for increased funding to improve the quality of public education for all students.

HONORING MARY CIANCIO AND THE ADAMS COMMUNITY MENTAL HEALTH CENTER

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 2002

Mr. UDALL of Colorado. Mr. Speaker, I rise today to commend the Adams Community Mental Health Center for their outstanding service and to honor one of their earliest and staunchest supporters, Mary Ciancio.

Adams Community Mental Health Center is one of the most respected mental health service providers in the Denver-metro area. ACMHC has been providing high quality care to low income families and individuals in Adams County since 1957. They have given the gift of hope to over 115,000 members of the community. ACMHC provides counseling to people who are having a difficult time dealing with life stress. They give people the tools they need to stop hurting themselves, their families and their communities. Countless people in the community owe a huge debt of thanks to ACMHC for helping loved ones and healing families. They provide an invaluable service to the community because helping people to lead mentally healthy lives uplifts the entire community.

One person who believed this implicitly was Mary Ciancio. Mary Ciancio is one of the most respected citizens in Adams County history. Growing up, Mrs. Ciancio had to overcome many trials and tribulations. She overcame painful family tragedies. With dignity, she fought racism as she worked tirelessly and in her always-gentle way, to overcome prejudice against Catholics, against Italian-Americans, against people with disabilities and on behalf of community service. There is little doubt that these experiences helped shape her into the strong, compassionate altruist that she became. She helped the March of Dimes, the American Cancer Society and the Colorado Easter Seals, in addition to many other organizations.

She had a special interest in helping people with mental illness. One of her top priorities was the Adams Community Mental Health Center. She was one of the Center's earliest supporters and sat on the Board of Directors for a number of years. The largest annual fund-raiser for the Center is the Mary Ciancio Memorial Golf & Tennis Tournament, the Tournament raises over $100,000 annually and was organized by her son, Don Ciancio, in 1981. ACMHC has honored her importance to the Center by naming its administrative building the Mary Ciancio Memorial Building.

The support of Mary Ciancio was instrumental in helping to establish the Adams Community Mental Health Center. The Center has been of paramount importance to its community. The care that they have provided has given individuals hope and uplifted the community in the process. I ask my colleagues to join me today in thanking ACMHC for their good work and honoring the life of Mary Ciancio. Our community is better because of them.

RECOGNIZING SENATOR FRANK MADLA'S 30 YEARS OF SERVICE

HON. CIRO D. RODRIGUEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 2002

Mr. RODRIGUEZ. Mr. Speaker, I rise with great humility to honor a friend and colleague, Texas Senator Frank Madla, as he marks 30 years of dedicated service to our community as a state legislator, I had the privilege to serve with him in the Texas House of Representatives and then work with him when he moved on to the Texas Senate. Even today, Senator Madla and I continue to work together to improve the lives of our mutual constituents.

I remember when Frank Madla first won his seat in the Texas House. I had only recently graduated from his alma mater, St. Mary's University in San Antonio, and was at the beginning of my own career. His was in full swing, a career that includes not only politics, but also teaching and providing home health services. We are fortunate that Frank Madla has dedicated so much of his life and heart to us.

Frank Madla has distinguished himself greatly these past 30 years as a leader in many areas. He has served on numerous committees, been honored by scores of organizations as "legislator of the year," and has distinguished himself as a dedicated servant of his constituents. Senator Madla has been an outspoken advocate of improving access to quality health care services, working especially hard to make sure that children have access to the care they need. He is proud of his efforts to simplify Medicaid so that more people can enroll, create incentives to encourage more health care providers to move into underserved areas, and improve the care provided in Texas' nursing homes.

Along with health care, Senator Madla has made improving education for Texas' children a top priority. With the determination for which he is known, Senator Madla successfully led the charge to bring a four-year university to the Southside of San Antonio. In the next few years, I look forward to the grand opening of the Texas A&M campus in San Antonio, making the dream of higher education available to his neighbors and constituents. Whether helping at-risk students stay in school or improving the incentives for retaining high quality teachers, Senator Madla has been there for us.

Greatness can be measured in many ways. Frank Madla has demonstrated greatness in his steadfast dedication to the people he represents, placing the future of our children at the forefront of his agenda. I look forward to many more years of working together with Senator Madla as he tackles the challenges that confront our state.

MISS AMERICA 2003 ERICKA HAROLD

HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 2002

Mr. JOHNSON of Illinois. Mr. Speaker, I rise today to introduce and congratulate Miss America 2003, Erika Harold. Raised in Urbana, Illinois, Erika has succeeded in every stage of her life and as a personal friend of her family, I know she has the support and determination to succeed in everything she puts her mind to. As the National Spokesperson for the Teen Victims Project of the National Center for Victims of Crime, the National Spokesperson for Fight Crime: Invest in Kids, a member of the National Board of Directors for the Center of Youth as Resources, and a member of the Advisory Board for Peace Games, Erika's leadership and determination have proven invaluable in her ambition to end crime and violence against children. The amount of pride our community and I feel right now is immense in knowing that Erika has been crowned Miss America 2003 and I cannot think of a more deserving person to carry this honor and be a role model for every citizen; female and male, young and old. Erika has most recently attended the University of Illinois where she was named Phi Beta Kappa and a Truman Scholarship finalist. Her ambition of pursuing a career in the fields of Public Interest Law and Public Policy was given a huge boost when she was recently accepted into the Harvard School of Law. However, as a result of her new endeavor as Miss America, Erika will place her education on hold for a year and pursue her duties as Miss America and her goal to "Empower Youth Against Violence". Erika recently wrote in a letter to USA Today, "As Miss America 2003, I am issuing a national call to action, challenging every segment of American society to take a proactive, comprehensive approach to eradicating this culture of degradation and indifference". I not only ask for you, my colleagues, to take this time to congratulate Erika, but I call you to stand hand in hand with her, supporting her, working with her, and finding inspiration in her, as we continue to move this country forward until our nation is truly and completely one of hope, peace, and unity. Let us take heed in the lessons we can learn from her and so many other of our citizens; that we should live our daily lives with a strong will, a loving heart, and a fearlessness to change that which we know is wrong.

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INTRODUCING AIRLINE WORKER RELIEF ACT

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 2002

Mr. OBERSTAR. Mr. Speaker, today I and 28 of my colleagues from the Transportation and Infrastructure Committee have introduced the "Airline Worker Relief Act," legislation to deal with inequities in our treatment of companies in the aviation industry, on the one hand, and their employees on the other. While we have given $15 billion of financial assistance to the aviation industry to help them recover from the impact of September 11, we have not give any relief to industry workers who lost their jobs as a result of September 11. Now legislation is being developed to help the aviation industry to weather the difficulties it will face if there is a war with Iraq. Regrettably, the bills which have been developed do not include relief for displaced aviation industry workers. My bill will establish a framework for providing this relief.

Although the events of September 11 had effects throughout our economy, the effects on the aviation industry were direct and far-reaching. The airlines were totally grounded for several days and realized no revenues while incurring hundreds of millions of dollars in expenses. Even after the industry resumed flying, passenger traffic was slow to recover because of public anxiety over security. The events of 9/11 have also added to the industry's expenses, including a billion dollars a year in increased insurance costs, and loss of substantial revenues because of security limitations on the carriage of freight and mail. A coming war with Iraq is also likely to have a significant impact on the industry, including increased fuel costs, loss of revenue from the reluctance of passengers to fly, and from need of our military to use the airlines' aircraft to carry troops and equipment to the war zone.

Shortly after September 11, Congress responded to the aviation industry's financial problems by passing a $15 billion package of direct assistance and loans. More recently, legislation has been reported by the Aviation Subcommittee of the House Committee on Transportation and Infrastructure to provide airlines with low cost war risk insurance from the federal government, enhanced opportunities to carry freight and mail, and loan guarantees to assist the carriers in coping with any major increases in fuel costs resulting from a war with Iraq.

While I have supported these efforts to aid the industry for the problems created by terrorism and war, I and many of my colleagues are deeply disappointed that there has not been the same fair treatment of aviation industry employees who have also suffered from terrorism and war.

Aviation industry workers, including employees of airlines, aircraft manufacturers and suppliers, and airports, have suffered unprecedented job loss and economic uncertainty. Some 100,000 airline employees are out of work or facing imminent lay-off. Another 30,000 Boeing workers have been laid-off, along with 51,000 additional aerospace employees. And with bankruptcies looming large, the staggering job losses may grow.

The issue of aiding aviation employees is not new. When we passed the $15 billion assistance bill soon after September 11, I, and many of my colleagues, insisted that if the airline companies were to be afforded relief, so should employees who had lost their jobs. The Republican leadership told us that there was no time to develop a consensus proposal on employee relief, but on the House floor, Speaker HASTERT promised prompt consideration of employee relief, including financial assistance, ability to retain health insurance, and training for new careers. Regrettably, the leadership has not followed through, and the House has never considered assistance for displaced airline employees.

Mr. Speaker, if the airline industry is entitled to special relief because it has suffered disproportionately from terrorism and war, its displaced workers are equally deserving of relief. My bill will help to redress the imbalance, and help the industry's employees cope with difficulties arising from events outside their control.

My bill provides unemployment benefits, training, job search assistance, and healthcare assistance for airline workers displaced from their jobs as a result of reductions service by air carriers and closures of airports caused by the terrorist attack on September 11, 2001, security measures taken in response to the attacks, or a military conflict with Iraq authorized by the Congress. Benefits would be extended to employees of airlines, airports, commercial aircraft manufacturers and airline suppliers.

To summarize the benefits in greater detail: *Unemployment Benefits:* This bill would extend the Temporary Extended Unemployment Compensation Act of March 2002 and provide an additional 13 weeks of benefits for eligible aviation workers who have already exhausted their initial 13 weeks of benefits.

Training: In the present economy, many laid off aviation workers will be unable to return to the industry in which they are employed. Under my bill, individuals who would not be expected to return to their jobs within the aviation industry would be eligible for retraining benefits and adjustment allowances. Individuals who would not be expected to return to their jobs, but who may find some alternative job within the various sectors of the aviation industry, would also be eligible for training.

Health Care: COBRA coverage, which continues health insurance for displaced workers, is prohibitively expensive and beyond the ability of many workers to pay. My bill requires the Secretary of Treasury, in consultation with the Secretary of Labor, to establish a program under which 75% of the premium for COBRA continuation coverage shall be provided for a displaced aviation employee. Payment of such premium assistance may be made through appropriate direct payment arrangements with a group health plan or health insurance issuer. Individuals who do not qualify for COBRA and are otherwise uninsured might be able to benefit from a state option to provide temporary Medicaid coverage. Furthermore, a state could provide temporary coverage under Medicaid for the unsubsidized portion of COBRA continuation premiums.

Hiring Preferences for Laid Off Workers: Thousands of federal security screener jobs remain unfilled at the Transportation Security Administration. Title III of my bill establishes a preference for displaced airline workers for TSA airport security screening jobs. Additionally, the Under Secretary of Transportation Security is directed to develop a program of performance incentive awards to Federal Security Managers, to encourage the hiring of eligible airline employees for TSA positions.

Mr. Speaker, my bill is designed to furnish assistance to aviation industry workers who have suffered severe economic damage from the terrorist attacks of September 11, and those who may suffer as a result of a war with Iraq. This assistance can tide them over the initial period of economic distress, and help them find new jobs. Just as we found it appropriate to recognize the plight of our airlines as economic victims of a terrorist attack on our entire nation, we should also recognize the plight of that industry's employees.

I urge my colleagues to join me in working to pass this important and equitable legislation.

IN RECOGNITION OF THE LONG ISLAND CITY YMCA

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 2002

Mrs. MALONEY of New York. Mr. Speaker, I would like to pay tribute to the The Long Island City YMCA on the occasion of their Third Annual Frank J. Tempone Service to Youth Dinner Dance. For their unwavering commitment and many charitable endeavors, Assemblyman Brian McLaughlin, Al Samilenko, and Joseph Previte will be honored this evening.

The LIC YMCA opened its first full-service facility on March 1, 1999. This multi-service family center, the first in the area, represents a major commitment to the families, residents, businesses, and employees of Western Queens.

Since his election to the Legislature in 1992, Assemblyman McLaughlin has been an outstanding representative for Queens, focusing on criminal justice reform, renovating aging infrastructure to promote economic development and job growth, consumer protection, housing, and programs and services for older adults. An effective legislator, Assemblyman McLaughlin has authored more than a dozen state laws, including measures toughening crime laws and improving health care in the community. For his unyielding commitment to community service, numerous organizations have honored Assemblyman McLaughlin, including the East Flushing Civic Association, the Flushing Council on Culture and the Arts, and the Flushing Hospital Medical Center. Assemblyman McLaughlin has also been a community activist in Queens and a leading figure in New York City's labor movement for more than two decades. He currently serves as the President of the New York City Central Labor Council, which represents more than 1.5 million working men and women.

In 1958, while attending Rutgers University, Albert J. Samilenko started his own company, Garden State Electric. He subsequently was employed in managerial positions in prominent electrical construction firms, where he honed his project management skills and engineering abilities. In 1993, Mr. Samilenko purchased Fred Geller Electrical, expanding the firm so that it is engaged in all aspects of electrical construction and engineering. In addition, Mr. Samilenko currently serves as President of the Association of Electrical Contractors of New York City, an organization that represents 140 companies in the New York Metropolitan Area. Always committed to the advancement of youth, Mr. Samilenko has been actively involved in a wide range of organizations, including Friends of Saint Dominic's, The Boy Scouts of America, and Covenant House.

Joseph Previte has been a member of the Queens County Bar Association for 30 years, a member of the Columbian Lawyers Association for 12 years, and a past Vice Chairman and member of the Long Island City YMCA for 22 years. Mr. Previte has devoted his free time to public service, working as the Director of the Queens Library Foundation, participating in the Queens District Attorney's Business Advisory Council, and serving on the Judiciary Advisory Council Unified Court System of New York State. In addition, he was Commissioner and President of the New York City Board of Elections for 11 years, a past member of the Board of Directors of the Queens Botanical Gardens, and a past Vice President of the Queens Museum of Art. Mr. Previte is presently counsel to the law firm of Pennisi, Daniels and Norelli, LLC, and Former Senior Partner of the law firm of Previte, Farber, and Rosen, P.C.

I ask my colleagues to join me in recognizing the selfless efforts of Assemblyman McLaughlin, Al Samilenko, and Joseph Previte, and Long Island City YMCA's outstanding contributions to the community, and wishing them a wonderful evening at this Third Annual Frank J. Tempone Service to Youth Dinner Dance.

SUNBEAM ELEMENTARY SCHOOL

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 2002

Mrs. JONES of Ohio. Mr. Speaker, today, I rise to honor the Sunbeam Elementary School in Cleveland, Ohio for affording me the opportunity to visit with young students during my Third Annual Back-to-School Tour on Monday, September 23rd and Monday, September 30th of 2002. I would like to offer special thanks to Cleveland School Municipal District CEO Barbara Byrd-Bennett, Superintendent Deborah Ward and Principal Hollis Munoz for their leadership and kind hospitality. The tour was an educational experience for all who were in attendance.

Sunbeam Elementary School has set forth major academic goals for the year, which include creating a safe, nurturing environment for students; improving academic and/or functional living skills of all students; and implementing a middle school program within a K–8 structure. Recent accomplishments from last year include relocating the media center to a larger space; offering onsite social services; and 60 percent of sixth graders passing the reading portion of the Ohio Proficiency exam.

I commend the Sunbeam Elementary School for its commitment to education and will continue to fight for increased funding to improve the quality of public education for all students.

THE INCLUSIVE HOME DESIGN ACT

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 2002

Ms. SCHAKOWSKY. Mr. Speaker, I am pleased to announce that today I introduced the Inclusive Home Design Act. This legislation will greatly increase the number of homes that are accessible to people with disabilities. The legislation requires all newly-built single family homes receiving federal funds to meet three specific accessibility standards: an accessible route, or "zero step," into the home, 32″ clearance doorways on the main level, and one wheel chair accessible bathroom.

It defies logic to build new homes that block people out when it's so easy and cheap to build new homes that let people in. Many states and localities have already incorporated visitability standards. This list includes Naperville, Bollingbrook, and Champagne, Illinois, Atlanta, Vermont, Texas, Kansas, Arizona and others. Also the United Kingdom passed a law in March 1998 mandating that every new home become accessible. A federal law will build on the momentum that has already been created.

The proposed legislation is based on the concept of Visitability, an affordable, sustainable and inclusive design approach for integrating basic accessibility features into all newly built homes and housing. While serving as a member of the Illinois State House I introduced similar legislation.

When homes are accessible, it benefits not only today's disability community, but also all of us who are friends and family members of people with disabilities. Often, the prohibitive cost of making an existing home accessible deprives seniors of their independence and pushes them into nursing homes. It can cost several thousand dollars for someone to retrofit their home. However, on average it only costs $300 to add visitability features into a new home.

By making new homes accessible, we guarantee that many seniors can age at home. As the population becomes older this will become more important. Fifty-eight percent of people over eighty-years-old suffer from physical impairments. This legislation will allow people to age in place. In 2000 there were 30.5 million people between 65–84 years old. This number will grow to 47 million by 2020. Today over 4.3 million are over 85 by 2020 this number is projected to grow to 6.8 million. Fifty eight percent of people over eighty years old are physically impaired.

Homes that meet visitability standards are essential for people with disabilities, and sensible because 3 out of 10 people will face a disability before they are 67, and practical if you want to invite a friend or a family member over for dinner who is disabled. I am looking forward to working with my colleagues to pass this legislation, the Inclusive Home Design Act into law.

TRIBUTE TO JAMES Z. HERNANDEZ

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 2002

Mr. BACA. Mr. Speaker, I would like to commend the accomplishments, devout commitment, and exceptional service of James Z. Hernandez.

James is a remarkable individual who has devoted his life to helping people throughout his community. His proactive approach and passionate spirit render him a vital resource and beloved community member. His innovative drug and alcohol prevention programs have triggered a domino effect of initiatives that can only be described as pure genius rooted in deep concern for others.

James witnessed the devastating effects of drug and alcohol abuse that had been plaguing families and communities and understood the magnitude of the problem. Being the passionate spirit that he is, it comes to no surprise that he was a pivotal force in bringing access to culture-specific substance abuse prevention and treatment services to America's Spanish-speaking population. On a crusade to further his cause, James took the issue to the political arena and became involved with legislation affecting Latino youth and adults. He collaborated with government agencies and elected officials to bring much needed attention to drug and alcohol abuse within his Latino community. I had the pleasure of working with James, on groundbreaking legislation while I served in the California State Assembly. AB 1784, The Alcohol and Drug Treatment For Adolescents Act, was the first legislation of its kind to provide assistance to youth with drug problems. The legislation became law and set precedent for other youth rehabilitation programs. James has consistently focused on finding ways to help curb the rapidly growing rate of drug dependent Latinos. His work in this field has been tremendous in paving the way for a drug-free tomorrow.

In 2001, his credentials and expertise led him to become an appointed member of the Los Angeles County Narcotics and Dangerous Drugs Commission. Throughout his career, James has demonstrated his effectiveness in addressing the problem and finding a solution.

James is now the Executive Director of the California Hispanic Commission on Alcohol and Drug Abuse, Inc. (CHCADA), which maintains over 20 substance abuse prevention and treatment contracts throughout Los Angeles, Orange, Sacramento, and Solano counties.

It is only appropriate that James receive praise from so many as he approaches 30 years of devoting his life to serving others. His ardent work in the field of drug and substance abuse deserves to be commended. It is because of his relentless persistence and astounding vision that a multitude of preventative services exists. Throughout counties in California, individuals with addiction problems can receive professional assistance in fighting a crippling disease. His life's work means so much to so many people. And, in the words of Jackie Robinson, "A life is not important except in the impact it has on other lives."

And so Mr. Speaker, I submit this commendation of James Z. Hernandez to be included in the archives of the history of this great nation, for individuals like James are what make this nation great. His life represents hope for countless people across California who have confronted the perils of drug and alcohol abuse and can now be comforted with hope.

HONORING SHERIFF CHARLES C. PLUMMER

HON. FORTNEY PETE STARK

OF CALIFORNIA

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 2002

Mr. STARK. Mr. Speaker, we rise today to honor Alameda County Sheriff, Charles Plummer for 50 years of exemplary law enforcement service.

Sheriff Plummer's law enforcement career began in 1952 as a patrolman for the Berkeley Police Department. He was appointed to Operations Commander during the "People's Park" uprising in 1969 and coordinated the activities of 2,500 National Guardsmen and 750 mutual aid officers. Charles eventually rose through the ranks to become Acting Chief in 1974.

In 1976, Charles Plummer was appointed Chief of Police for the Hayward Police Department. He obtained accreditation for the Hayward Police Department for excellence in police standards and procedures, the first police agency west of the Mississippi to do so and ninth in the nation. As Chief of Police, Charles' dedicated hard work and commitment led to the institution of many successful and worthwhile programs such as the Youth and Family Service Bureau; ComputerAided Dispatch System; Traffic Bureau; Crime Analysis Bureau; Stay-In-School Program; Traffic School; Crime Prevention Program and the Community Access Team.

Charles Plummer was elected and sworn in as Alameda County Sheriff in 1987. Since then, he has run unopposed and has been reelected four times. Sheriff Plummer's most recent accomplishments include establishing contracting for medical services, the most cost-effective method of delivering first-rate medical care to inmates; developing three year contracts for security services with AC Transit District, Peralta College District and Oakland Airport; researching, developing, and implementing the Electronic Monitoring Program for minimum security inmates; and opening a state-of-the-art Office of Emergency Services building.

Sheriff Plummer is a graduate of the FBI Academy, the National Executive Institute and the University of San Francisco where he earned his Bachelors Degree in public service.

Sheriff Plummer's leadership and commitment to public service are inspiring to all of us. We ask Congress to join us and the constituents of the Ninth and Thirteenth Congressional Districts as we congratulate Sheriff Plummer on a tremendous 50 year career and wish him another 50 years to come.

HONORING MORRIS COTTINGHAM

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 2002

Mr. UDALL of Colorado. Mr. Speaker, I rise today to honor Mr. Morris W. Cottingham for his decades-long commitment to democracy and good citizenship. I want to thank Mr. Cottingham, known affectionately to his many friends as "Morrie", for his many years of service to the Democratic Party and the contributions he has made to so many Coloradans. He reminds us of the importance of citizen participation in the democratic process and of how one person can make a big difference in their local community, their state, and their nation.

Morrie's 70-some years have been involved in politics from the beginning. Although raised in a Republican household, he realized early on that his politics were quite different than those of his parents. In the 1930's. when Franklin Roosevelt rode a train through his parent's farm, Morrie remembers being impressed and inspired by Roosevelt's Democratic message. He will be the first to tell you that one of his most significant and motivating pieces of memorabilia is a Chicago Tribune with a headline that reads, "Dewey defeats Truman." In every election since then, Morrie has poured blood, sweat, and tears into helping Democratic candidates win office.

He is a veritable institution in Boulder County politics, having served in nearly every position from Precinct Committee Person to the Second Congressional District Presidential Elector in 1996 and 2000. For the Party, Morrie has done everything from fundraising at bingo games to playing for the Mighty Dems softball team. He has often said of himself that one would be hard-pressed to find someone to the left of him on political issues. Those who know Boulder County, know that that is quite a statement.

Morrie's presence as a volunteer during campaigns could turn potentially stressful and chaotic events into smoothly functioning and enjoyable experiences. During a 1996 campaign, when over a hundred people needed supplies of yard signs for distribution, Morrie personally delivered thousands of signs to them within two days. He helped set the standard of excellence and volunteerism in the Boulder County Democratic Party, and his dedication is unequaled.

Many elected officials in my district owe a huge debt to Morrie for his hard work in helping them get into office. No one is more grateful than myself, and I ask my colleagues to join me today in honoring someone who has truly participated in the democratic process. Thank you, Mr. Cottingham. I wish you continued health and happiness.

IN TRIBUTE TO MOOSE LODGE NO. 169, BAY CITY, MICHIGAN

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 2002

Mr. BARCIA. Mr. Speaker, I rise today to pay tribute to Moose Lodge No. 169 of Bay City, Michigan, as its members prepare to celebrate another successful year of service since the founding of the international organization in the early 20th Century. In Bay City, Lodge No. 169 has been providing outstanding community service, particularly in its mission to serve the needs of children and families, since 1945.

The Loyal Order of the Moose was founded by Dr. John Henry Wilson as a fraternal organization and social club, but it wasn't until James J. Davis, a young government clerk from Elwood, Indiana, became a member that the group took root as a force to look after the interests of working families. Davis initiated a program to pay benefits to members too ill to work and made plans for an institute to provide a home, schooling and vocational training to the children of deceased members.

Since 1913, one of the primary missions of Moose members has been to fund and operate Mooseheart, a 1,200-acre Illinois home and school for children in need. In addition, they run Moosehaven, a 65-acre Florida retirement community for senior members in need. These residents, entrusted to the care and support provided by Lodge members, are living reminders of the humanitarian efforts put forth by Moose members worldwide.

In Bay City, Moose members have been instrumental in providing assistance to young boys and girls in our community for many years with programs to donate toys to disadvantaged children and in many other ways. Under the leadership of Governor Tom Centala, Bill Schram and other leaders past and present, the Lodge has dedicated itself to responding to the needs of children in Bay County and beyond. We owe them a debt of gratitude for the work. The organization stands as a shining example of how a group of individuals can join together for the greater good and smooth the paths of those who follow in their footsteps. They have not only served their membership well, but they also set a high standard of excellence for the entire community.

Finally, Mr. Speaker, I ask my colleagues to join me in congratulating Moose Lodge No. 169 for their significant contributions and in congratulating them for many years of success. I am confident they will continue to make Bay City proud by nurturing and caring for disadvantaged children for many years to come.

HEALTH INSURANCE FAIRNESS ACT OF 2002

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 2002

Mr. POMEROY. Mr. Speaker, I am pleased to introduce the "Health Insurance Fairness Act of 2002." Today, Senator BOB GRAHAM and I are introducing this legislation to prohibit the practice of reunderwriting health insurance at renewal, to protect some 16 million Americans who rely on individual health insurance policies.

You can easily understand what reunderwriting is by thinking about your car insurance. If you have a couple of accidents, or get a couple of tickets, your rates go up. Similarly, reunderwriting at renewal of health insurance forces people who become ill to accept substantial premium increases or face losing their coverage. The difference is, people have virtually no control over whether they get cancer, or develop asthma, or if their child is diagnosed with diabetes.

Most insurers evaluate an individual's medical history only when he or she applies for coverage. Recently, however, some insurers have adopted the practice of reviewing customers' health status annually and adjusting premiums according to what kind of year the individual had. If a person has developed a costly medical condition or has filed a large number of claims, the insurer raises the individual's premium.

As a former state insurance commissioner, I believe that this practice, left unchecked, will make it more difficult, if not impossible, for people who have paid insurance premiums for years to maintain coverage when they need it the most. In my view, reunderwriting undermines the risk pools that are necessary to make health insurance possible. Balanced risk pools are essential to affordable, accessible coverage for the greatest number of Americans because they balance the risks of the healthy with the less healthy. Diverse risk pools also provide stability to the insurance industry by spreading liability. If we allow a system that creates incentives for "cherry picking" the healthy, who will insure the unhealthy when they can no longer afford coverage?

Reunderwriting at renewal also violates the spirit of health insurance guaranteed renewability requirements under state and federal law. In the 1990's, the National Association of Insurance Commissioners (NAIC) developed model laws to prohibit insurance companies from canceling policies once an individual became sick. In 1997, the Health Insurance Portability and Accountability Act (HIPAA) applied this requirement to all health insurance policies subject to HIPAA. Reunderwriting at renewal attempts to circumvent these important consumer protections.

Mr. Speaker, the Health Insurance Fairness Act I am introducing today would make health insurance more secure. The bill clarifies that guaranteed renewal of health insurance in current law means that insurers are prohibited from targeting individuals for premium increases based on their health in the preceding year.

I realize the late hour of this session of Congress, but I think it is important to introduce this bill now to send a message to those who are monitoring this process with an interest in developing this type of business line. Reunderwriting at renewal violates the spirit of consumer protections for health insurance and Congress should act to protect consumers from this type of business practice.

THE GRAPES OF WRATH

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 2002

Ms. SOLIS. Mr. Speaker, I rise today to join my colleague Congressma SAM FARR and voice my support for the California Stories Project, The Grapes of Wrath.

The project is encouraging Californians to read The Grapes of Wrath and celebrate the 100th anniversary of John Steinbeck's birth.

I share the goal of the California Stories project having Californians read this book will help to cultivate discussion and enable Californians of diverging backgrounds to connect with each other.

I believe that The Grapes of Wrath illustrates how times of hardship and struggle can bring people together and forge a common bond.

It is my hope that Californians will realize although they may be of different ethnicities, many share similar pasts and have more in common than at first glance.

In being able to relate to each other's stories, a connection may be made, and they will be able to bond as neighbors and as Californians.

In one of my favorite passages, we can see that despite the trials and tribulations the migrant workers in this story experienced during the day, there was a closeness formed during the night hours.

The many families shared more than their material goods, they shared their joys and their heartaches.

They became a true community, a perfect example of living for each other, instead of for one's self.

Here is a quote from that passage.

> In the evening a strange thing happened: the twenty families became one family, the children were the children of all. The loss of home became one loss, and the golden time in the West was one dream. And it might be that a sick child threw despair into the hearts of twenty families, of a hundred people; that a birth there in a tent kept a hundred people quiet and awestruck through the night and filled a hundred people with the birth-joy in the morning. A family which the night before had been lost and fearful might search its goods to find a present for a new baby. In the evening, sitting about the fires, the twenty were one. They grew to be units of the camps, units of the evenings and the nights.

I think this illustrates the camaraderie and good will of the migrant community, something all Californian's can be proud of.

HONORING JOHN STEINBECK AND CALIFORNIANS' COMMITMENT TO DISCUSSION, DIVERSITY AND COMMUNITY THROUGH "THE GRAPES OF WRATH"

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 2002

Mr. FARR of California. Mr. Speaker, during this centennial anniversary of John

Steinbeck's birth, I would like to honor the efforts of the Californians participating in the statewide reading and discussion of "The Grapes of Wrath." Steinbeck's powerful novel details the difficulties and blessings involved in diversity, migration, and the pursuit of the American Dream. By reading "The Grapes of Wrath," we are all able to see the continuing relevance of these issues and the necessity of encouraging dialog within our communities. One of my favorite passages, in Chapter 25, addresses the richness of the land and the bountiful produce that can be grown through the effort and determination of hard-working people. Here is a quote from that passage:

> The spring is beautiful in California. Valleys in which the fruit blossoms are fragrant pink and white waters in a shallow sea. Then the first tendrils of the grapes, swelling from the old gnarled vines, cascade down to cover the trunks. The full green hills are round and soft as breasts. And on the level vegetable lands are the mile-long rows of pale green lettuce and the spindly little cauliflowers, the gray-green unearthly artichoke plants.
>
> And then the leaves break out on the trees, and the petals drop from the trees and carpet the earth with pink and white. The centers of the blossoms swell and grow in color: cherries and apples, peaches and pears, figs which close the flower in the fruit. All California quickens with produce, and the fruit grows heavy, and the limbs bend gradually under the fruit so that little crutches must be placed under them to support the weight. . . .
>
> . . . And all the time the fruit swells and the flowers break out in long clusters on the vines. And in the growing year the warmth grows and the leaves turn dark green. The prunes lengthen like little green bird's eggs, and the limbs sag down against the crutches under the weight. And the hard little pears take shape, and the beginning of the fuzz comes out on the peaches. Grape blossoms shed their tiny petals and the hard little beads become green buttons, and the buttons grow heavy. The men who work in the fields, the owners of the little orchards, watch and calculate. The year is heavy with produce. And men are proud, for of their knowledge they can make the year heavy. They have transformed the world with their knowledge. The short, lean wheat has been made big and productive. Little sour apples have grown large and sweet, and that old grape that grew among, the trees and fed the birds its tiny fruit has mothered a thousand varieties, red and black, green and pale pink, purple and yellow; and each variety with its own flavor. The men who work in the experimental farms have made new fruits: nectarines, and forty kinds of plums, walnuts, with paper shells. And always they work, selecting, grafting, changing, driving themselves, driving the earth to produce.

I thank my California colleagues for rising with me in honor of this classic novel and the enduring spirit of Californians.

THE GRAPES OF WRATH

HON. SUSAN DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 2002

Mrs. DAVIS of California. Mr. Speaker, I rise to celebrate the settling of California as part of the California Council for the Humanities literature project. It is a pleasure to join fellow Californians in reading a common work, John Steinbeck's "The Grapes of Wrath." It is a project rich not only as a piece of literature that explores the history of a specific group of immigrants to California but also the common immigrant experience.

So many of us are only a generation or two away from that immigrant experience. My grandparents came to this country from Lithuania—also migrating to a land of hoped-for prosperity.

I have selected some passages from Chapter 17 detailing that heart-breaking period of traveling to the unknown new land and also the wonderful experience of developing community that came from sharing that challenge.

> The cars of the migrant people crawled out of the side roads onto the great cross-country highway, and they took the migrant way to the West. In the daylight they scuttled like bugs to the westward; and as the dark caught them, they clustered like bugs near to shelter and to water. And because they were lonely and perplexed, because they had all come from a place of sadness and worry and defeat, and because they were all going to a new mysterious place, they huddled together; they talked together; they shared their lives, their food, and the things they hoped for in the new country. Thus it might be that one family camped near a spring, and another camped for the spring and for company, and a third because two families had pioneered the place and found it good. And when the sun went down, perhaps twenty families and twenty cars were there.
>
> In the evening a strange thing happened: the twenty families became one family, the children were the children of all. The loss of home became one loss, and the golden time in the West was one dream And it might be that a sick child threw despair into the hearts of twenty families, of a hundred people; that a birth there in a tent kept a hundred people quiet and awe-struck through the night and filled a hundred people with the birth-joy in the morning. A family which the night before had been lost and fearful might search its goods to find a present for a new baby. In the evening, sitting about the fires, the twenty were one. They grew to be units of the camps, units of the evenings and the nights. A guitar unwrapped from a blanket and tuned-and the songs, which were all of the people, were sung in the nights. Men sang the words, and women hummed the tunes.
>
> Every night a world created, complete with furniture—friends made and enemies established; a world complete with braggarts and with cowards, with quiet men, with humble men, with kindly men. Every night relationships that make a world, established; and every morning the world torn down like a circus.
>
> At first the families were timid in the building and tumbling worlds, but gradually the technique of building worlds became their technique. Then leaders emerged, then laws were made, then codes came into being. And as the worlds moved westward they were more complete and better furnished, for their builders were more experienced in building them.
>
> The families learned what rights must be observed—the right of privacy in the tent; . . . the right to talk and to listen; the right to refuse help or to accept, to offer help or to decline it; the right of son to court and daughter to be courted; the right of the hungry to be fed; the rights of the pregnant and the sick to transcend all other rights.
>
> And the families learned, although no one told them, what rights are monstrous and must be destroyed. . . .
>
> And as the worlds moved westward, rules became laws, although no one told the families. It is unlawful to foul near the camp; it is unlawful to eat good rich food near one who is hungry, unless he is asked to share.
>
> And with the laws, the punishments. . .
>
> The families moved westward, and the technique of building the worlds improved so that the people could be safe in their worlds; and the form was so fixed that a family acting in the rules knew it was safe in the rules.
>
> There grew up government in the worlds, with leaders, with elders. A man who was wise found that his wisdom was needed in every camp; a man who was a fool could not change his folly with his world. And a kind of insurance developed in these nights. A man with food fed a hungry man, and thus insured himself against hunger. And when a baby died a pile of silver coins grew at the door flap, for a baby must be well buried, since it has had nothing, else of life. An old man may be left in a potter's field, but not a baby.

HONORING JOHN STEINBECK ON THE CENTENNIAL ANNIVERSARY OF HIS BIRTHDAY

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 2002

Mrs. CAPPS. Mr. Speaker, I rise today with my California colleagues to recognize the remarkable contributions that John Steinbeck made to literature on the occasion of the Centennial Anniversary of his birthday. Below is one of my favorite passages from "The Grapes of Wrath," which commemorates the beauty of California.

> They drove through Tehachapi in the morning glow, and the sun came up behind them, and then—suddenly they saw the great valley below them. Al jammed on the brake and stopped in the middle of the road, and, "Jesus Christ! Look!" he said. The vineyards, the orchards, the great flat valley, green and beautiful, the trees set in rows, and the farm houses.
>
> And Pa said, "God Almighty!" The distant cities, the little towns in the orchard land, and the morning sun, golden on the valley, A car honked behind them. Al pulled to the side of the road and parked.
>
> "I want ta look at her." The grain fields golden in the morning, and the willow lines, the eucalyptus trees in rows.
>
> Pa sighed, "I never knowed they was anything like her." The peach trees and the walnut groves, and the dark green patches of oranges. And red roofs among the trees, and barns—rich barns. Al got out and stretched his legs.
>
> He called, "Ma—come look. We're there!"
>
> Ruthie and Winfield scrambled down from the car, and then they stood, silent and awestruck, embarrassed before the great valley. The distance was thinned with haze, and the land grew softer and softer in the distance. A windmill flashed in the sun, and its turning blades were like a little heliograph, far away. Ruthie and Winfield looked at it, and Ruthie whispered, "It's California."

PROTECT OUR YOUTH FROM MEDICALLY INACCURATE AND MISLEADING SEX EDUCATION IN CLASSROOMS ACROSS THE NATION

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 2002

Mr. GUTIERREZ. Mr. Speaker, today, I am introducing the "Medically Accurate and Objective Sex Education Act," a bill that would require our schools to teach medically accurate and objective factual information as part of any sex education course.

There has been an increase in the number of schools using curricula that provide medically inaccurate and misleading information. Some of these medical inaccuracies include calling condoms "antiquated" or citing failure rates as high as 70 percent, as well as giving, erroneous symptoms and outcomes of sexually transmitted diseases. Other specific examples of medically inaccurate information in current sex education courses include:

A program indicating that the "published condom failure rates for pregnancy prevention are between 10 and 30 percent."

It has been documented that if used consistently and correctly, condoms are 98 percent effective in preventing pregnancies.

A program incorrectly stating that Human Papilloma Virus (HPV) can only be passed through sexual intercourse.

It has been documented that HPV can be passed through female-to-female genital sex.

Without using statistics, one program concluded that "infectious syphilis rates have more than doubled among teens since the mid-1980s."

However, the Centers for Disease Control and Prevention and the U.S. Department of Health and Human Services announced that "the U.S. has a unique but narrow window of opportunity to eliminate syphilis while cases are still declining."

Inaccurate information regarding contraception and STD/HIV prevention can make sex education both dangerous and counterproductive. Responsible sex education, by contrast, is an important component of a strategy to reduce unintended pregnancies, reduce the number of abortions and reduce STD incidence. The American Medical Association, the Institute of Medicine and the National Institutes of Health support the use of sex education that is medically accurate.

Mr. Speaker, I urge my colleagues to join me in ensuring that sex education curricula contain accurate medical information that can help young people develop a healthy understanding of their sexuality, so they can make responsible and educated decisions throughout their lives.

TRIBUTE TO MARY ANN TYNAN

HON. STEPHEN F. LYNCH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 2002

Mr. LYNCH. Mr. Speaker, I rise today to honor Mary Ann Tynan upon the occasion of her retirement as Senior Vice President and Partner at Wellington Management Company. Over the course of her long career, Mrs. Tynan has been a driving force in the financial services industry for the establishment and maintenance of ethical standards. Quietly and persistently, she has helped shape a culture of commitment to investors, commitment to community, and commitment to excellence at Wellington Management Company and also in the mutual fund industry.

Mrs. Tynan graduated cum laude from Smith College and entered the financial services industry in the late 1960's. She was one of the first women to hold a high-ranking position in this industry and has been a role model and mentor for many other women. Mrs. Tynan has been instrumental in opening up the traditionally male leadership of the financial services industry for women and in promoting diversity. Mrs. Tynan began her work in the mutual fund industry early in her career and it is partly through her efforts that this segment of the financial services industry has grown from a small, obscure niche of the economy to a major economic force and the key way many citizens plan for their retirement and financial security. Mrs. Tynan's leadership roles in the Investment Company Institute and in representing the investment advisor industry with the Securities and Exchange Commission helped build the foundation for and a culture of informed regulation, strict compliance, and high ethical standards that define the mutual fund industry today.

Mrs. Tynan's enormous impact in shaping the growth and standards of Wellington Management has helped make Wellington a beacon of integrity and durability. In addition to her commitments to Wellington Management and the mutual fund industry, Mrs. Tynan has helped create a deep connection to community at Wellington, and had led by her own example of community involvement through her work with important greater Boston non-profit institutions including Brigham & Women's and Faulkner Hospitals, and the Middlesex School. In addition to her many contributions to these institutions, she's been particularly instrumental in ensuring that their resources are managed in a manner that will guarantee the existence and financial stability of the institutions for many generations. The fruits of her distinguished professional life and many philanthropic commitments will continue to benefit the financial services industry, Wellington Management, and the greater Boston area for many years to come.

Mr. Speaker, I am certain that the entire House of Representatives joins me in honoring Mrs. Tynan for her many accomplishments and wishes her the best of luck in her future endeavors.

INTRODUCTION OF THE HAITIAN ECONOMIC RECOVERY OPPORTUNITY ACT

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 2002

Mr. GILMAN. Mr. Speaker, I am pleased to introduce the Haitian Economic Recovery Opportunity (HERO) Act H.R. 5650. This bill is intended to provide tangible economic benefits to Haiti, the Western Hemisphere's poorest nation. If the people of Haiti are to be able to earn a living wage, provide for their children's welfare, and have hope for the future, then there needs to be real jobs in Haiti.

In my congressional district, there are many hundreds of Haitian-American families. They are hardworking citizens who have done well for themselves and added substantially to our local communities. These good Haitian-American citizens prove that what Haitians need most is opportunities. That is what this HERO Act does.

This bill would provide that apparel articles imported directly into the United States from Haiti would be free of duty. To be eligible, the apparel article must be assembled in Haiti from any combination of fabrics and yarns manufactured in the United States, members of Free Trade Agreements with the United States, future members of Free Trade Agreements with the United States, as well from eligible countries under the Africa Growth & Opportunity Act, the Andean Trade Preferences Act and the Caribbean Basin Initiative.

In past years, the apparel industry employed tens of thousands of people in Haiti. The earnings from these jobs supported many more tens of thousands of Haitians. This legislation will help bring that economic activity back to Haiti. It will also send a unequivocal message of support to those in Haiti's private sector who have joined in the long struggle for democracy in that island nation.

As is the case under the Africa Growth & Opportunity Act, in order for Haiti to be eligible for benefits, the President must first certify that Haiti has established, or is making continual progress to satisfy, a number of important conditions. The economic conditions spelled out in the HERO Act include establishing a market-based economy, eliminating barriers to United States trade and investment (including creation of an environment conducive to domestic and foreign investment), the protection of intellectual property, and the resolution of bilateral trade and investment disputes.

Furthermore, the government of Haiti must meet important political conditions including establishing democracy as evidenced by free and fair elections, the rule of law, political pluralism, freedom of the press, the right to due process, a fair trial, and equal protection under the law, economic policies to reduce poverty, a system that combats corruption and bribery and protections for internationally recognized worker and human rights. In addition, the President would have to certify that Haiti does not provide support for acts of international terrorism and cooperates in efforts to eliminate human rights violations and terrorist activities.

We must not forget Haiti. This bill sends a clear message to Haitians of good will that America cares what happens in Haiti. With this legislation, we can join together as Republicans and Democrats to do the right thing for Haiti by tangibly promoting prosperity and democracy in that nation.

Mr. Speaker, I request that a copy of the full text of H.R. 5650 be inserted at this point in the RECORD:

H.R. 5650

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Haiti Economic Recovery, Opportunity Act of 2002".

SEC. 2. TRADE BENEFITS TO HAITI.

(a) In General—The Caribbean Basin Economic Recovery Act (19 U.S.C. 2701 et seq.) is amended by inserting after section 213 the following new section:

"SEC. 213A. SPECIAL RULE FOR HAITI.

"(a) In General—In addition to any other preferential treatment under this Act, in each 12-month period beginning on October 1, 2002, apparel articles described in subsections (b) that are imported directly into the customs territory of the United States from Haiti shall enter the United States free of duty, subject to the limitations described in subsections (b) and (c), if Haiti has satisfied the requirements set forth in subsection (d).

"(b) Apparel Articles Described.—Apparel articles described in this subsection are apparel articles that are wholly assembled or knit-to-shape in Haiti exclusively from any combination of fabrics, fabric components, components knit-to-shape, and yarns formed in one or more of the following countries:

"(1) The United States.

"(2) Any country that is party to a free trade agreement with the United States, on January 1, 2002.

"(3) Any country that enters into a free trade agreement with the United States subject to the provisions of title XXI of the Trade Act of 2002 (Public Law 107–210).

"(4) Any country designated as a beneficiary country under—

"(A) section 213(b)(5)(B) of this Act;

"(B) section 506A(a)(1) of the Trade Act of 1974 (19 U.S.C. 2466a(a)(1)); or

"(C) section 204(b)(6)(B) of the Andean Trade Preference Act (19 U.S.C. 3203(b)(6)(B)).

"(5) Any country, if the fabrics or yarns are designated as not being commercially available in the United States for the purposes of NAFTA (Annex 401), the Caribbean Basin Trade Partnership Act, the African Opportunity and Growth Act, or the Andean Trade Promotion and Drug Eradication Act.

"(c) Preferential Treatment.—The preferential treatment described in subsection (a), shall be extended

"(1) during the 12-month period beginning on October 1, 2002, to a quantity of apparel articles that is equal to 1.5 percent of the aggregate square meter equivalents of all apparel articles imported into the United States during the 12-month period beginning October 1, 2001; and

"(2) during the 12-month period beginning on October 1 of each succeeding year, to a quantity of apparel articles that is equal to the product of—

"(A) the percentage applicable during the previous 12-month period plus 0.5 percent (but not over 3.5 percent); and

"(B) the aggregate square meter equivalents of all apparel articles imported into the United States during the 12-month period that ends on September 30 of that year.

"(d) Eligibility Requirements.—Haiti shall be eligible for preferential treatment under this section if the President determines and certifies to Congress that Haiti—

"(1) has established, or is making continual progress toward establishing—

"(A) a market-based economy, that protects private property rights, incorporates an open rules-based trading system, and minimizes government interference in the economy through measures such as price controls, subsidies, and government ownership of economic assets;

"(B) the rule of law, political pluralism, and the right to due process, a fair trial, and equal protection under the law;

"(C) the elimination of barriers to United States trade and investment, including by—

"(i) the provision of national treatment and measures to create an environment conducive to domestic and foreign investment;

"(ii) the protection of intellectual property; and

"(iii) the resolution of bilateral trade and investment disputes;

"(D) economic policies to reduce poverty, increase the availability of health care and educational opportunities, expand physical infrastructure, promote the development of private enterprise, and encourage the formation of capital markets through microcredit or other programs,

"(E) a system to combat corruption and bribery, such as signing and implementing the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions; and

"(F) protection of internationally recognized worker rights, including the right of association, the right to organize and bargain collectively, a prohibition on the use of any form of forced or compulsory labor, a minimum age for the employment of children, and acceptable conditions of work with respect to minimum wages, hours of work, and occupational safety and health;

"(2) does not engage in activities that undermine United States national security or foreign policy interests; and

"(3) does not engage in gross violations of internationally recognized human rights or provide support for acts of international terrorism and cooperates in international efforts to eliminate human rights violations and terrorist activities.".

(b) Effective Date.—

(1) In general.—The amendment made by subsection (a) applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after October 1, 2002.

(2) Retroactive application to certain entries.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, upon proper request filed with the Customs Service before the 90th day after the date of the enactment of this Act, any entry or withdrawal from warehouse for consumption, of any goods described in the amendment made by subsection (a)—

(A) that was made on or after October 1, 2002, and before the date of the enactment of this Act, and

(B) with respect to which there would have been no duty if the amendment made by subsection (a) applied to such entry or withdrawal, shall be liquidated or reliquidated as though such amendment applied to such entry or withdrawal.

RECOGNIZING THE WORK OF THE STUDENTS AT VETERANS MEMORIAL ELEMENTARY SCHOOL IN BRICK TOWNSHIP, NJ

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 2002

Mr. SMITH of New Jersey. Mr. Speaker, I rise today to honor the hard work and community service exhibited during the past school year by the students of Veterans Memorial Elementary School in Brick Township, New Jersey. It is my honor and privilege of representing these students, and their parents and teachers in Congress.

During this past year, the students invested many hours of service in projects to help make life better for their school and greater community. For example, in the aftermath of the September 11th terrorist attacks, the students honored local fire fighters who participated in rescue and recovery operations at Ground Zero. They also sent thank you notes to New York City police and fire fighters, and wrote letters to a local serviceman stationed overseas.

It is important to note, Mr. Speaker, that the students' community service did not just begin, nor will it end, with their outstanding efforts related to September 11th.

To highlight the importance of a clean and safe environment, the students commemorated Earth Day by decorating grocery bags with environment-friendly messages. These bags were then used by patrons of a local supermarket so they could take home the students' messages about how we must protect our environment.

They also implemented a school-wide paper recycling program, and worked to beautify the school's grounds.

To enhance their own understanding of the challenges that older Americans face, the students visit with senior citizens in their community, exchanging ideas, and striking up new friendships. They make special holiday gifts for the seniors and also put on concerts, including one full of patriotic songs. It's the students' way of thanking America's "greatest generation"; a generation that risked all to secure freedom at home and abroad. As chairman of the House Committee on Veterans Affairs, I am especially grateful for the outreach our students have initiated with seniors and veterans—the namesakes of their school.

When a peer's house tragically burned to the ground, the students of Veterans Memorial Elementary School responded by holding an emergency fund-raiser. They also collected warm winter coats for students in need and helped their school buy new books and playground equipment.

While this is only a small sampling of community service activities performed by the students of Veterans Elementary, it is clear that these children, while learning the subjects and skills they need to succeed in academia, are also learning the generosity, compassion, and service needed to be outstanding members of their community.

I am proud to congratulate the students of Veterans Elementary School. Their leader and my friend, Principal Joe Vicari also deserves our thanks for his many years of hard work and generosity and the dedicated teachers and support staff at Veterans Elementary School also deserve high praise and recognition. I wish them all the very best of success for another year of outstanding community service, and I look forward to working with them in their endeavors in the years to come.

AUTHORIZATION FOR USE OF MILITARY FORCE AGAINST IRAQ RESOLUTION OF 2002

SPEECH OF

HON. VITO FOSSELLA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 2002

Mr. FOSSELLA. Mr. Speaker, every so often, a people is forced to choose between fighting oppression and hoping to survive at the whim of evil.

Against all odds, facing down the world's only superpower, our forefathers fought and died to establish a nation conceived in liberty and freedom. Some years later, our nation turned upon itself so that all could bask in the glow of those freedoms. The "greatest" generation chose to go to war, and their sons and daughters endured a frosty confrontation so that people around the world would have the same opportunity to enjoy those freedoms.

Today, we are asked that very same question.

Do we have the same commitment, as did our ancestors, to beat down the forces of evil and give future generations the opportunity to live in freedom?

Over the years, Saddam Hussein has ruled Iraq as an absolute dictator. He has shackled the Iraqi people to an existence of oppression and poverty. Free speech has been banished, elections held as a sham, opposition terrorized and ethnic and religious minorities brutally and mercilessly oppressed. Hussein's tools of governance include torture, murder, rape, and poison gas.

Saddam Hussein has acted as a destabilizing force in the Middle East, often with violent and tragic results. He has used violence to repress the Kurdish minority, invaded Iran and Kuwait, and attacked Saudi Arabia and Israel. He has even attempted to assassinate current and former Heads of State including former President George Bush. In his mad blood lust, Hussein has used chemical weapons, biological weapons and ballistic missiles. By his own admission, Hussein has funded weapons programs to develop chemical, biological and nuclear weapons.

Over the years, in violation of numerous United Nations Security Council Resolutions it had agreed to abide by, Saddam Hussein has continued to develop weapons of mass destruction, refused to account for and return prisoners captured during the Persian Gulf war, refused to return property stolen during the Persian Gulf war and continued to repress its people and harbor terrorists.

Unfortunately, Saddam Hussein has intensified his efforts to develop nuclear weapons. Iraq has also sought to build and enhance delivery systems that can be used to deliver chemical, biological or nuclear weapons. The development of these weapons and systems will not only affect the Middle East, but it will give Saddam Hussein the ability to extend his influence around the world. Because the United Nations abdicated its role to enforce the various Security Council resolutions, we do not know the status of these weapons programs or how close they may be to completion and no one has been able to act as a restraint against the wishes of this dictator.

Over the past century, only two world leaders have used poison gas against their own people and launched ballistic missiles to attack other nations. When confronted with the choice of stopping Adolf Hitler or appeasing him, the civilized world chose appeasement. Tens of millions of people paid a terrible price for that inaction.

We face a similar choice today. If we choose not to stop Saddam Hussein, history will consign on us a price for our appeasement, the cost of which will only be known with the passage of time. That price will not only be borne by us, but others as well, and we have no idea when that bill will become due. If nothing else, the tragic events of September 11, 2001, reinforced the lessons so painfully learned years ago.

If we can topple this madman through peaceful means, we shall. However, if military means are necessary, so be it. We must be open to all options to provide for the common defense of our nation and to ensure that future generations, here and abroad, have the same opportunities to live in freedom without the looming specter of fear and tyranny.

This resolution must be passed so that future generations can state—yes they were challenged, and they met the challenge—for the betterment of mankind.

Thank you Mr. Speaker and I yield the balance of my time.

H.R. 5400

SPEECH OF

HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 2002

Mr. GONZALEZ. Mr. Speaker, I am glad that this important legislation was promptly brought to the floor and passed by unanimous consent. The North American Development Bank, NADBank, is the only development bank specifically dedicated to the infrastructure challenges of the U.S./Mexico border. This bill provides the Department of Treasury requested authorization to complete negotiations with the Mexican government by providing authorization for a new low interest loan facility and expanding the grant-making capacity of the bank. In addition it requires the Department of Treasury to annually report to the House Committee on Financial Services on efforts to improve the effectiveness of this important institution.

Mr. Speaker, I was disappointed in Treasury's initial lack of willingness to fully discuss with Congress on how best to improve NADBank. The public finance needs of the U.S./Mexico border are complex and are growing at an exponential rate. Treasury and Congress must communicate in a regular and frank basis on how best to improve this institution. I view this legislation as offering a tremendous opportunity for Treasury to work in concert with Congress on addressing the public finance challenges of the U.S./Mexico border. This is the intent of the annual reporting provisions of this bill and I thank Congressman DOUG BEREUTER for his assistance in inserting this provision.

Mr. Speaker, H.R. 5400 is one step out of many that will have to be taken to ensure that NADBank achieves its intended goal of providing a flexible, competitive option for infrastructure financing for struggling U.S./Mexico border communities. I look forward to working with my fellow Members on the Financial Services Committee on ensuring that NADBank lives up to its full potential and encourage the Senate to quickly consider this important legislation.

H.R. 5400

SPEECH OF

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 2002

Mr. BEREUTER. Mr. Speaker, this Member rises today to express his support for H.R. 5400, legislation which makes necessary changes to the charter agreement of the North American Development Bank (NADBank). The bill, which this Member introduced on September 18, 2002, is being considered under unanimous consent. This important legislation contains the legislative changes requested by the Administration.

First, this Member would like to thank both the distinguished gentleman from Texas (Mr. ARMEY), the Majority Leader of the House, for initiating this unanimous consent request for H.R. 5400, and to the distinguished gentleman from Missouri (Mr. GEPHARDT) for supporting this request. Furthermore, this Member would also like to thank both the distinguished gentleman from Ohio (Mr. OXLEY), the Chairman of the House Financial Services Committee, and the distinguished gentleman from New York (Mr. LAFALCE), the Ranking Member of this Committee, for their support to this Member in my effort to bring this measure to the House Floor.

As the Chairman of the House Financial Services Subcommittee on International Monetary Policy and Trade, this Member would also like to thank the distinguished gentleman from Vermont (Mr. SANDERS), the Ranking Member of this Subcommittee, for his support of H.R. 5400. This Member especially would also like to thank the following three original cosponsors of this legislation, who are all Members of the Financial Services Committee: Mr. OSE (R–CA), Mr. GONZALEZ (D–TX), and Mr. HINOJOSA (D–TX). All three of these Members provided valuable input into the initial drafting of H.R. 5400. Subsequently, the House Financial Services Committee passed H.R. 5400 by voice vote.

With regard to H.R. 5400, this Member would like to discuss the following three items: Background on the NADBank; administration's request on the NADBank; and contents of H.R. 5400.

BACKGROUND ON THE NADBANK

During the 1993 debate of the North American Free Trade Agreement (NAFTA), environmental issues emerged. A particular concern was that NAFTA could result in the industrialization and population growth in the U.S.-Mexico border region, which could further exacerbate pollution problems in this area. In addition, during the NAFTA debate, some Members of Congress were concerned that the perceived lax enforcement of environmental laws by Mexico could create a competitive advantage and give U.S. businesses incentives to relocate to Mexico. In fact, for some Members of Congress support for NAFTA was partially contingent on the identification of a structure to finance border environmental projects.

As a result of these factors, which were raised in the NAFTA debate, the United States and Mexico agreed to the creation of a new institutional structure to promote the environmental health of the border region. As such, the Border Environment Cooperation Agreement established the NADBank and the Border Environment Cooperation Commission (BECC). These institutions currently work together to assist communities within 100 kilometers (km) on either side of the U.S.-Mexico border by financing environmental infrastructure projects that address the need for wastewater treatment, drinking water, and disposal of municipal solid waste. Spanning 2100 miles from the Gulf of Mexico to the Pacific Ocean, the NADBank border region includes territory in the four U.S. states of Texas, New Mexico, Arizona, and California.

Under the Border Environment Cooperation Agreement, the BECC is to certify the validity of environmental infrastructure projects. Alternatively, the NADBank determines the feasibility of BECC certified projects, and subsequently provides the appropriate financing. Since its inception, the BECC has certified 57 projects with a total construction cost of $1.2 billion. The NADBank has committed Environmental Protection Agency grant funds to 37 of these projects.

However, as the Administration has testified, NADBank's overall performance has been inadequate and unsatisfactory. NADBank has approved only $23.5 million and disbursed only $11 million in loans to projects, despite having $450 million in authorized paid-in capital and a total lending capacity of $2.7 billion.

ADMINISTRATION'S REQUEST ON THE NADBANK

Second, with regard to the Administration's request, in order to address the inadequacies of the NADBank, U.S. President George Bush and Mexican President Vicente Fox formed a bi-national working group that held a series of discussions with states, communities, and other stakeholders in the border region with the purpose of generating plans for reform to strengthen the performance of the NADBank and the BECC. As a result of this working group, President Bush and President Fox came forth with a joint agreement, which was announced in Monterrey, Mexico, in March 2002. Two of the provisions in this joint agreement require U.S. congressional approval as they are amendments to the Border Environment Cooperation Agreement which established the NADBank.

As a result, on July 19, 2002, the Administration made an official request for congressional action to make the following two changes:

1. The NADBank would be able to make grants and non-market rate loans out of its paid-in capital resources with the approval of its Board of Directors. (Currently, NADBank can only finance market rate loans.)

2. The region that the NADBank serves would be expanded on only the Mexican side from 100 km of the international boundary line to within 300 km of the international boundary line.

With respect to the first requested legislative change, the Administration's rationale is that NADBank's current financial framework is having a limited impact in regions with high poverty rates. Communities in the border regions in many instances have been unable to afford market-rate financing for environmental infrastructure projects. The NADBank will have greater flexibility to address the environmental needs of the border region if they are also able to use non-market rate loans and grants.

With regard to the second requested legislative change, the Administration's rationale is that the geographic expansion on the Mexican side of the international boundary will give the NADBank more opportunities to address a greater scope of environmental issues that affect communities along the United States and Mexican border. For example, with this change, the NADBank will be better able to undertake projects that improve water use over a broader geographic area, which would increase water supply in its shared rivers. It is important to note that, according to the Administration, this reform will be linked with a system that concentrates grants and low interest loans in the poorest communities within 100 km of the border.

CONTENTS OF H.R. 5400

Third, as this Member mentioned earlier, on September 18, 2002, this Member introduced H.R. 5400 which makes necessary changes to the charter agreement of the NADBank. Before introducing H.R. 5400, this Member's Subcommittee conducted two hearings which, in part, addressed the subject of the NADBank.

On May 2, 2002, the Subcommittee on International Monetary Policy and Trade conducted a hearing that included testimony from private sector panelists on the subject of the NADBank. At this hearing, the Subcommittee heard testimony from the Mayor of Eagle Pass, Texas, and the City Manager of Mercedes, Texas—communities along the U.S./Mexico international boundary. Testimony was also given by the former Chief Executive Officer of the NADBank and an investment banker who has worked with the NADBank.

Furthermore, on July 25, 2002, the Subcommittee on International Monetary Policy and Trade conducted a hearing where Undersecretary of the Department of Treasury for International Affairs, Dr. John Taylor, provided testimony, which included his opinion as to the importance of the Administration's request on the NADBank.

This legislation being considered under unanimous consent, includes the two previously discussed changes which the Administration requested. As such, H.R. 5400 would allow the NADBank to offer grant and non-market-rate financing and would expand the service area of the NADBank on the Mexican side to within 300 km of the U.S./Mexican international boundary line.

Furthermore, H.R. 5400 would enhance congressional oversight through an annual reporting requirement on the subject of the NADBank by the Secretary of the Treasury to both the House Committee on Financial Services and the Senate Committee on Foreign Relations. Currently, there is no such reporting requirement.

This bill also includes different sense of the Congress resolutions. There is a sense of Congress, which was in the bill as introduced, that water conservation projects are eligible for funding from the NADBank and that the Board of the NADBank should support such qualified water conservation projects which assist Texas irrigators and agricultural producers in the lower Rio Grande River Valley.

Furthermore, a sense of Congress was successfully offered by the distinguished gentleman from Arizona (Mr. SHADEGG) during the full Committee markup. The provision expresses the sense of Congress that the Board of the NADBank should take into consideration the needs of all the border states before approving funding for water conservation projects, and strive to fund water conservation projects in each of the border states.

A different sense of Congress was successfully offered by the distinguished gentleman from California (Mr. ROYCE) during the full Committee markup. This provision states the sense of Congress that the Board of the NADBank should support the development of qualified water conservation projects in southern California and the other eligible areas in the four U.S. border states for the desalination of ocean saltwater and other enumerated uses listed in the bill.

Lastly, a sense of Congress amendment was successfully offered by the distinguished gentleman from California (Mr. OSE) during the full Committee markup. As such, the resolution would express the sense of Congress that the Board of the NADBank should support the financing of projects which address coastal issues and the problem of pollution in both the U.S. and Mexico having an environmental impact along the shores of the Pacific Ocean and the Gulf of Mexico. In addition, the resolution states that it is a sense of Congress that the NADBank should support the financing of projects which address air pollution.

Mr. Speaker, in conclusion, for the reasons stated and many others, it is very important that the House pass H.R. 5400 by unanimous consent. Furthermore, this Member is hopeful that the President can sign this legislation into law this year. Thank you.

EDUCATION SCIENCES REFORM ACT OF 2002

SPEECH OF

HON. HOWARD P. "BUCK" McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 2002

Mr. MCKEON. Mr. Speaker, I rise in support of H.R. 5598, the Education Sciences Reform Act of 2002, which will provide for the improvement of Federal education research.

We all know that educational research in all disciplines is critical to the education of America's youth. By requiring that research be based on valid scientific findings, H.R. 5598 will greatly improve the quality of federal scientific research in education.

As has been talked about today, the Education Sciences Reform Act will streamline and strengthen education research by replacing the current Office of Educational Research and Improvement with a new, more independent Institute of Education Science. The institute will provide the infrastructure necessary to undertake coordinated, high quality education research and statistical and program evaluation activities within the Department of Education.

Furthermore, H.R. 5598 establishes quality standards that will put an end to trends in education that masquerade as sensible science, requiring all federally funded activities to meet these new standards of quality, including scientifically based research. H.R. 5598 also makes certain that research priorities focus on solving key problems and are informed by the needs of teachers, parents and school administrators, rather than political pressure.

Finally, this bill makes technical assistance, including support in carrying out the conditions of No Child Left Behind, "customer-driven" and accountable to school districts, states and regions.

With that in mind, I would like to thank the Chairman of the Education Reform Subcommittee, the gentleman from Delaware, Mr. CASTLE, for his assistance and support of the Southern California Comprehensive Assistance Center (SCCAC). Because of the language included in the bill, regional education agencies like the Los Angeles County Office of Education (LACOE), California's largest regional educational agency, which have been critical in providing hands on technical assistance to low-performing schools and districts, will be competitive for grant funding under the technical assistance title.

Under the leadership of the Los Angeles County Office of Education, the SCCAC provides support, training and assistance to local schools and communities in an effort to improve teaching and learning for all children, including those who live in poverty, have limited-English proficiency, are neglected, delinquent, or have disabilities.

As the gentleman is aware, section 203 of the bill ensures that local entities or consortia eligible to receive grants includes regional educational agencies as well. I want to, once again, thank the Chairman for his assistance in ensuring that our local regional entities are eligible. We are very proud of the work done by our eight county comprehensive assistance center and the value it can bring to this new system.

In closing, I urge the House to vote yes on H.R. 5598, a bill that builds on the Administration's plans to reform America's education system—through accountability, flexibility and local control, research-based reform and expanded parental options. I believe that the passage of this bill will significantly ensure that our children have access to the most advanced educational opportunities possible.

KEEPING CHILDREN AND FAMILIES SAFE ACT OF 2002

SPEECH OF

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 2002

Mr. GEORGE MILLER of California. Mr. Speaker, the Child Abuse Protection and Treatment Act (CAPTA) is the only federal law that focuses on the prevention of child abuse and neglect and the improvement of child protective services to better address the critical needs of children who have been reported as abused and neglected. I am pleased that we have been able to reauthorize this vital program with several key new features that will help facilitate better prevention and treatment efforts.

There are approximately 3 million reports of child abuse every year. Of these 3 million, nearly 1 million are substantiated. In 1999, an estimated 1,137 children died as a result of abuse and neglect. Children who are abused and neglected are more likely to suffer mental health problems, such as depression, delinquency, and suicide. Child abuse is also likely to lead to school failure in adolescence and economic instability as adults. With such serious and life-long consequences from child abuse and neglect, clearly greater attention must be given to effective prevention and intervention services.

Our nation's current system of protecting children is heavily weighted toward protecting children who have been so seriously maltreated they are no longer safe at home and must be placed in foster care or adoptive homes. These are children whose safety is in danger; they demand our immediate attention. Unfortunately, far less attention is directed at preventing harm to these children from happening in the first place, or providing the appropriate services and treatment needed by families and children victimized by abuse or neglect.

CAPTA plays an important role in the federal response to protecting children and preventing child maltreatment. CAPTA provides resources for strengthening child protective services systems, so that children and families can be better protected and served. It provides resources for state grants that provide for prevention and treatment services for abused children and children at risk of abuse.

I strongly support Congress' on-going efforts to reauthorize this important legislation to better meet the needs of children, families and communities.

I am especially pleased that in this reauthorization significant improvements have been made to CAPTA overall and that important provisions have been added to Title 1 that that encourage and support new linkages between child protective services, and health, mental health and developmental services. These linkages will prove critical to ensuring that the youngest, most vulnerable children receive the help they need before problems escalate to tragedy. I would urge grantees in implementing these critical linkages to look to the Early and Periodic Screening, Diagnosis and Treatment (EPSDT) protocol in the Medicaid Program to help ensure that comprehensive services are being delivered.

I also support modifications to Title II of the Act to strengthen state support for community-based child abuse and neglect prevention activities. I am disappointed, however, that while the H.R. 5601 includes respite and home visiting in its definition of community-based child abuse and neglect programs and activities, the modifications do eliminate some of the references to respite care and home visiting. Children with disabilities, whose families rely on respite for support, are nearly four times more likely than children without disabilities to be abused or neglected.

I would also like to register my disagreement with language in the Senate report accompanying the CAPTA bill approved by the Senate HELP committee that singled out respite care by saying that it is too expensive and that states should rely on other funding sources to support it. The Senate report cited no data or information to support this misconception.

In fact, there is ample evidence to suggest that respite is a proven, cost-effective approach to child abuse and neglect prevention. Research overwhelmingly demonstrates that respite and crisis nurseries are directly linked to reductions in abuse and neglect and in avoiding much more costly out-of-home institutional or foster care placements.

One Iowa crisis program found a 13% decrease in the reported incidence of child abuse and neglect in the initial four pilot counties after the program's implementation (Cowen, Perle Slavik, 1992).

In a recent evaluation study of families of children at risk of abuse or neglect who utilized Family Support Services of the Bay Area's Respite Care Program in northern California, over 90% of the families using the service reported reduced stress (93%), improved family relationships (90%), improved positive attitudes toward child (93%), and other significant benefits that can help reduce the risk of abuse (Owens, Sandra, et al, School of Social Welfare, Berkeley, California, 1999).

In April, 1999, the Minnesota Dept. of Human Services, Family and Children's Services Division, reported that crisis nursery clients in 15 crisis nursery programs serving 18 counties showed a 67% reduction in child protection involvement after using nursery services. The Hennepin County Children and Family Services Department's evaluation of the Greater Minneapolis Crisis Nursery found that families with no prior child protection involvement had a 0% risk of subsequent child protection involvement six months after using the Nursery's services. Families with prior child protection involvement who used the Nursery had only an 8% risk compared with an 84% risk for families who did not use the Nursery.

The Relief Nursery in Eugene, Oregon, reports that in 1997–98, 91.3% of children attending the Nursery were free of any reports of abuse, and 89% had no involvement with foster care. This is remarkable, because two-thirds of the families had more than ten risk factors, and 95% had five or more. A family with five risk factors is deemed to be at extremely high risk for abuse and neglect.

An evaluation of the Iowa Respite Child Care Project for families parenting a child with developmental disabilities found that respite care results in a statistically significant decrease in foster care placement (Cowen, Perle Slavik, 1996).

. A study of Vermont's respite care program for families of children or adolescents with serious emotional disturbance found that participating families experience fewer out-of-home placements than nonusers and were more optimistic about their future ability to care for their children (Bruns, Eric, November, 15, 1999).

Preliminary data from the ARCH National Resource Center Outcome Evaluation project in which seventeen respite and crisis care programs nationwide participated, show that over 80% of caregivers using crisis respite services for their children reported that the crisis care they received helped protect their child from danger. Nearly half of those caring for children said without respite they would have had to leave their child in unsafe or inappropriate care or requested foster care.

Contrary to the Senate report, respite care can be very cost effective. According to the ARCH National Resource Center on Respite and Crisis Care, an average monthly cost of planned respite care can be estimated by multiplying the average number of hours a family receives respite per month (12), by the average cost of respite per hour ($10.02). This model suggests an average cost of $120.24 to provide respite to one individual per month or $1,442.88 per year. The Child Welfare League of America reports that the average monthly cost of foster care for children up to age 16 with special needs is $971.00 per month or $11,651 per year.

The average cost of crisis respite for families at risk of abuse or neglect is $8.71 per hour. While the average number of hours a family receives crisis nursery or crisis respite services per month is not available, it can be assumed that it is significantly less than the average number of hours a family might receive planned respite, since crisis respite is used only in extreme emergencies when the family is at imminent risk of abuse or neglect. As a result, it can be estimated that the annual cost per family using crisis nursery or crisis respite services would be significantly lower than $1,400.

The Senate Committee Report also suggests CAPTA Title II resources are better spent on services other than crisis respite, but like all important prevention and treatment services for at-risk families, crisis respite lacks sufficient resources to meet community need. ARCH reports that 63% of surveyed crisis respite programs and 48% of surveyed planned respite programs had to turn families away in a given year. Nationally, this represents a conservative estimate of 258,000 families who were on waiting lists for planned respite care last year alone, and 840,000 families who were turned away.

I would urge the Department of Health and Human Services to consider this evidence when it writes the program instructions for Title II of CAPTA and urge State and local community-based programs to consider it as well in implementing these services.

With this reauthorization we have made some important changes to these laws that should lead to better prevention and treatment services for children and families who need our help. We must do a better job preventing child abuse and neglect and providing services to children and families in need. Failure to help these children and families cannot be tolerated.

THE GRAPES OF WRATH

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 2002

Ms. LEE. Mr. Speaker, I want to thank Congressman Farr for organizing this tribute to John Steinbeck and this celebration of The Grapes of Wrath. When Steinbeck created the Joads, he created a portrait of the American family at a moment of crisis but also a moment of great strength. His words still resonate, and we still face many of the same challenges: America still has its Hoovervilles. But California is still a land of dreams and promises. I have chosen for my selection, a portion of chapter nineteen, describing the arrival of generations of migrants into California, their hoped for promised land. I am happy to join my colleague in celebrating reading and celebrating this classic novel.

CHAPTER NINETEEN

Once California belonged to Mexico and its land to Mexicans; and a horde of tattered feverish Americans poured in. And such was their hunger for land that they took the land—stole Sutter's land, Guerrero's land, took the grants and broke them up and growled and quarreled over them, those frantic hungry men; and they guarded with guns the land they had stolen. They put up houses and barns, they turned the earth and planted crops. And these things were possession, and possession was ownership.

The Mexicans were weak and fed. They could not resist, because they wanted nothing in the world as frantically as the Americans wanted land.

Then, with time, the squatters were no longer squatters, but owners; and their children grew up and had children on the land. And the hunger was gone from them, the feral hunger, the gnawing, tearing hunger for land, for water and earth and the good sky over it, for the green thrusting grass, for the swelling roots. They had these things so completely that they did not know about them any more. They had no more the stomach-tearing lust for a rich acre and a shining blade to plow it, for seed and a windmill beating its wings in the air. They arose in the dark no more to hear the sleepy birds' first chittering, and the morning wind around the house while they waited for the first light to go out to the dear acres. These things were lost, and crops were reckoned in dollars, and land was valued by principal plus interest, and crops were bought and sold before they were planted. Then crop failure, drought, and flood were no longer little deaths within life, but simple losses of money. And all their love was thinned with money, and all their fierceness dribbled away in interest until they were no longer farmers at all, but little shopkeepers of crops, little manufacturers who must sell before they can make. Then those farmers who were not good shopkeepers lost their land to good shopkeepers. No matter how clever, how loving a man might be with earth and growing things, he could not survive if he were not also a good shopkeeper. And as time went on, the business men had the farms, and the farms grew larger, but there were fewer of them.

Now farming became industry, and the owners followed Rome, although they did not know it. They imported slaves, although they did not call them slaves: Chinese, Japanese, Mexicans, Filipinos. They live on rice and beans, the business men said. They don't need much. They wouldn't know what to do with good wages. Why, look how they live. Why, look what they eat. And if they get funny—deport them.

And all the time the farms grew larger and the owners fewer. And there were pitifully few farmers on the land any more. And the imported serfs were beaten and frightened and starved until some went home again, and some grew fierce and were killed or driven from the country. And the farms grew larger and the owners fewer.

And the crops changed. Fruit trees took the place of grain fields, and vegetables to feed the world spread out on the bottoms: lettuce, cauliflower, artichokes, potatoes—stoop crops. A man may stand to use a scythe, a plow, a pitchfork; but he must crawl like a bug between the rows of lettuce, he must bend his back and pull his long bag between the cotton rows, he must go on his knees like a penitent across a cauliflower patch.

And it came about that owners no longer worked on their farms. They farmed on paper; and they forgot the land, the smell, the feel of it, and remembered only that they owned it, remembered only what they gained and lost by it. And some of the farms grew so large that one man could not even conceive of them any more, so large that it took batteries of bookkeepers to keep track of interest and gain and loss; chemists to test the soil, to replenish; straw bosses to see that the stooping men were moving along the rows as swiftly as the material of their bodies could stand. Then such a farmer really became a storekeeper, and kept a store. He paid the men, and sold them food, and took the money back. And after a while he did not pay the men at all, and saved bookkeeping. These farms gave food on credit. A man might work and feed himself; and when the work was done, he might find that he owned money to the company. And the owners not only did not work the farms any more, many of them had never seen the farms they owned.

And then the dispossessed were drawn west—from Kansas, Oklahoma, Texas, New Mexico; from Nevada and Arkansas families, tribes, dusted out, tractored out. Carloads, caravans, homeless and hungry; twenty thousand and fifty thousand and a hundred thousand and two hundred thousand. They streamed over the mountains, hungry and restless—restless as ants, scurrying to find work to do—to lift, to push, to pull, to pick, to cut—anything, any burden to bear, for food. The kids are hungry. We got no place to live. Like ants scurrying for work, for food, and most of all for land.

We ain't foreign. Seven generations back Americans, and

We ain't foreign. Seven generations back Americans, and beyond that Irish, Scotch, English, German. One of our folks in the Revolution, an' they was lots of our folks in the Civil War—both sides. Americans.

They were hungry, and they were fierce. And they had hoped to find a home, and they found only hatred. Okies—the owners hated them because the owners knew they were soft and the Okies strong, that they were fed and the Okies hungry; and perhaps the owners had heard from their grandfathers how easy it is to steal land from a soft man if you are fierce and hungry and armed. The owners hated them. And in the towns, the storekeepers hated them because they had no money to spend. There is no shorter path to a storekeeper's contempt, and all his admiration are exactly opposite. The town men, little bankers, hated Okies because there was nothing to gain from them. They had nothing. And the laboring people hated Okies because a hungry man must work, and if he must work, if he has to work, the wage payer automatically gives him less for his work; and then no one can get more.

And the dispossessed, the migrants, flowed into California, two hundred and fifty thousand, and three hundred thousand. Behind them new tractors were going on the land and the tenants were being forced off. And new waves were on the way, new waves of the dispossessed and the homeless, hardened, intent, and dangerous.

And while the Californians wanted many things, accumulation, social success, amusement, luxury, and a curious banking security, the new barbarians wanted only two things—land and food; and to them the two were one. And whereas the wants of the Californians were nebulous and undefined, the wants of the Okies were beside the roads, lying there to be seen and coveted: the good fields with water to be dug for, the good green fields, earth to crumble experimentally in the hand, grass to smell, oaten stalks to chew until the sharp sweetness was in the throat. A man might look at a fallow field and know, and see in his mind that his own bending back and his own straining arms would bring the cabbages into the light, and the golden eating corn, the turnips and carrots.

And a homeless hungry man, driving the roads with his wife beside him and his then children in the back seat, could look at the fallow fields which might produce food but not profit, and that man could know how a fallow field is a sin and the unused land a crime against the thin children. And such a man drove along the roads and knew temptation at every field, and knew the lust to take these fields and make them grow strength for his children and a little comfort for his wife. The temptation was before him always. The fields goaded him, and the company ditches with good water flowing were a goad to him.

And in the south he saw the golden oranges hanging on the trees, the little golden oranges on the dark green trees; and guards with shotguns patrolling the lines so a man might not pick an orange for a thin child, oranges to be dumped if the price was low.

He drove his old car into a town. He scoured the farms for work. Where can we sleep the night?

Well, there's Hooverville on the edge of the river. There's a whole raft of Okies there.

He drove his old car to Hooverville. He never asked again, for there was a Hooverville on the edge of every town.

THE PASSING OF THE HONORABLE L.H. FOUNTAIN

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 2002

Mr. COBLE. Mr. Speaker, as the dean of the North Carolina House delegation, it is my sad duty to inform my colleagues about the death of a previous dean of our congressional delegation, the Honorable L.H. Fountain of Tarboro, North Carolina. L.H.—as he was known by one and all—died on October 10, 2002, after a lengthy illness. Congressman Fountain served the Second District and all of North Carolina with distinction for three decades. He was a member of this body from 1953–1983.

On behalf of the citizens of the Sixth District of North Carolina, I extend our condolences to the entire Fountain family. To my colleagues, I commend to you an excellent article and obituary, both of which appeared in Edgecombe County's The Daily Southerner.

[From the Daily Southerner, Oct. 11, 2002]

EDGECOMBE DIPLOMAT DIES AT 89

(By Calvin Adkins)

TARBORO.—A stretch of highway on US 64-Bypass between Tarboro and Rocky Mount bears the name of one of Edgecombe County's most decorated political leaders—Congressman L.H. Fountain.

Perhaps every yard of road on Fountain's highway could stand for a political contribution that the retired congressman made over three decades.

Fountain, 89, died Thursday after suffering from a lingering illness.

"It is very unfortunate that we have lost Mr. Fountain," Donald Morris, Tarboro mayor, said. "He was excellent in responding to the needs of the people from his district. He will surely be missed."

During Fountain's tenure as congressman, he served on domestic and foreign committees. Some of them included Advisory Commission on Intergovernmental Relations, Presidential Advisory Committee on Federalism, International Security and Scientific Affairs and senior member of the U.S. House Foreign Affairs Committee. Locally, he was a member of the Kiwanis Club, Jaycees, and the Elks Club.

Because of his outstanding leadership, a portion of US 64-Bypass was named in his honor by the state in 2000.

"That was the last time I remember seeing him," said Jenny Taylor, a Tarboro native. "As a congressman, he was always trying to look out for people. He was very helpful to the people in this area when he was the congressman. We appreciated him. I wish that we can get more people like him in office."

Fountain was born April 23, 1913, in Leggett. After attending UNC-Chapel Hill, he began his working career practicing law in Tarboro. That stint was shortlived after he entered the U.S. Army in 1942 as a private. He served four years and ended his term in service as a major. Fountain later joined the Army Reserve and retired as a Lt. Colonel.

Fountain's political career dates back prior to World War II when he served as eastern organizer of the Young Democratic Clubs of North Carolina and reading clerk for the North Carolina Senate.

In the early 1940s, the veteran's political popularity began to grow in the state. He ran for and won a North Carolina Senate seat in 1947. Fountain's political career continued to move upward. Five years later, he was elected to the 83rd Congress for North Carolina's Second Congressional District.

After becoming congressman, he was appointed to serve on several committees. One of the most notable occurred in 1967 when he was appointed by Pres. Lyndon B. Johnson as a United States delegate to the 22nd session of the United Nations General Assembly. Fountain served as assistant to U.S. Ambassador Arthur J. Goldberg during the Security Council debate following the Arab-Israeli Six Day War.

Fountain's duties and commitments carried on until he retired in 1982 after serving 30 years in Congress. For his constituents, his legacy will live on.

"What I remember most about Congressman Fountain was he always wore a white suit," said Congresswomen Eva Clayton. "He always dressed nice. He was respectfully quite and a great person. My regret goes out to the family."

The family will receive friends Saturday at Carlisle Funeral Home in Tarboro. A graveside service for the family will be held on Sunday. A memorial service will also be held 3 p.m. Sunday at Howard Memorial Presbyterian Church in Tarboro following the graveside service.

Memorials in memory of Fountain may be made to Howard Memorial Presbyterian Church in Tarboro or the Institute of Government Foundation, Inc., at UNC.

TARBORO.—The family of Congressman L.H. Fountain celebrates his 89 years of life, April 23, 1913–Oct. 10, 2002. His family is most proud that his life and career were always guided by a strong and practiced faith in God, and the goodness and value of every human being. He expected only the best of himself and others, while selflessly seeking the best for those he represented. He believed that "government is and always should be the servant, not the master of the people." His love of people guided his strong desire to help those he served. We are grateful to the people of the Second District who allowed him to represent them for 30 years in the U.S. House of Representatives. It was his great joy to serve as your Congressman.

L.H. Fountain was born April 23, 1913, in the village of Leggett, Edgecombe County, N.C. He was the son of the late Lawrence H. and Sallie (Barnes) Fountain. Preceded in death in October of 2001, by his wife of 59 years, the former Christine Dail of Mount Olive, he is survived by one daughter, Nancy Dail Fountain Black of Raleigh.

Congressman Fountain is also survived by his son-in-law, William M. Black Jr.; grandchildren, Christine Chandler Black and William M. Black III, also of Raleigh; sister-in-law, Lucille T. Fountain of Tarboro; a niece, Vernon Fountain Smith of Raleigh; nephews, R.M. "Reggie" Fountain of Washington, N.C.; T.T. "Bubba" Fountain of Vero Beach, Fla.; Vinton E. Fountain and L. MacDougal Fountain of Raleigh, and George Adrian Dail of Calypso.

Congressman Fountain was elected to the State Senate in 1947, where he served until 1952 when he was elected to the 83rd Congress as Representative from the Second Congressional District of North Carolina. He was reelected to each Congress through the 97th, at which time he did not seek reelection.

During his 30-year tenure in Congress, L.H. Fountain proved to be a strong advocate and creative resource, contributing to important commissions and committees.

Congressman Fountain was a pioneer in the field of federal-state-local relations. The Second District Congressman was a member of the Advisory Commission on Intergovernmental Relations (ACIR) for more than 22 years, serving from the time of its establishment under legislation he introduced in the Congress.

The ACIR was a 26-member local-state-federal organization, composed of the President's Cabinet, members of Congress, governors, state legislators, county commissioners, mayors and private citizens. Congressman Fountain was called the "father" of this commission, which had a major impact on improving dealings between our nation's levels of government.

In 1981–82, Congressman Fountain was a member of the Presidential Advisory Committee on Federalism. The committee advised the President on ways to restore proper relationships between federal, state and local governments.

In 1967, Congressman Fountain was appointed by President Lyndon B. Johnson as a United States Delegate to the 22nd Session of the United Nations General Assembly. As a delegate, he served as assistant to U.S. Ambassador Arthur J. Goldberg during the Security Council debate following the June 6 Arab-Israeli Six Day War. Mr. Fountain gained an international reputation for his role in formulating our nation's foreign policy during service as a senior member of the House Foreign Affairs Committee.

As Chairman of the Subcommittee on Intergovernmental Relations and Human Resources, he championed consumer-oriented issues, conducting congressional investigations of the Food and Drug Administration through the 1960s and 1970s, forcing policy changes on birth control pills, recalls of hazardous pesticides, removal of cyclamates from the food supply and a ban on the use of the cancer-causing hormone, diethylstilbestrol (DES).

Congressman Fountain also led the fight in 1977 for the creation of the first independent, Presidentially-appointed Inspector General ("Watchdog") of the former Department of Health, Education and Welfare. He advocated and secured the establishment of Inspector Generals in key Federal departments and agencies. As of 2000, the total number of Inspectors General in the federal government stood at more than 60. Because of Congresan Fountain's efforts, Inspectors General have played and will continue to play a vital role in saving taxpayers billions of dollars as they uncover waste, fraud, abuse and misconduct in the federal government.

In the 97th Congress, Congressman Fountain served on two Committees of the United States House of Representatives: the Committee on Government Operations and the Committee of Foreign Affairs.

On government operations, he chaired the Intergovernmental Relations and Human Resources Subcommittee. On Foreign Affairs, he was a member of the subcommittees on International Security and Scientific Affairs, and on Europe and the Middle East. For 14 years, Congressman Fountain was Chairman of the Subcommittee on Near Eastern Affairs.

Educated in the public schools of Edgecombe County, Congressman Fountain devoted his life to public service. He attended the University of North Carolina at Chapel Hill where he received his A.B. degree in 1934 followed by his J.D. in 1936. In 1981, the honorary degree of Doctor of Laws (LL.D.) was conferred upon him by UNC.

He practiced law in Tarboro until March 1942, when he entered the U.S. Army as a private in the infantry. He quickly rose through the ranks and was released from service as a major in the Judge Advocate General's Office on March 4, 1946. He ended his military service with the rank of Lt. Colonel (Ret.) in the Army Reserve.

At the end of World War II, Congressman Fountain returned to his law practice in Tarboro. Prior to the war, he had been eastern organizer of the Young Democratic Clubs of North Carolina, Chairman of the Second Congressional District Executive Committee and Reading Clerk of the North Carolina Senate from 1936–1941.

A lifelong advocate of education, Congressman Fountain was a Charter Member of the Board of Trustees, St. Andrews Presbyterian College, Laurinburg, N.C. and served for more than 17 years.

Congressman Fountain received numerous awards for his commitment to higher learning including the North Carolina Citizens Association Distinguished Public Service award, the UNC School of Medicine Distinguished Service Award, and the Distinguished Service to Higher Education and Scholarly Community Award from the Association of American University Presses.

Mr. Fountain was committed to building a strong community. He had recently celebrated 55 years of service as an Elder in the Presbyterian Church, and, beginning in April 1916, he held a perfect Sunday school attendance record for more than 80 years. From 1961–1964 and again from 1977–1980, he served as a Trustee for the National Presbyterian Church, Washington, D.C.

He was a member of the Executive Committee of the East Carolina Council of the Boy Scouts of America, and a member of the local and other Bar Associations, the Elks and Kiwanis Club. He served as Lt. Governor of the Sixth Division of the Carolinas District of Kiwanis International. He was also a former Jaycee and received the Distinguished Service award (Man of the Year) of the Tarboro Jaycees in 1948.

In 1982, the North Carolina League of Municipalities passed a resolution of deep appreciation and commendation to Mr. Fountain for "continued efforts to assist local governments . . . throughout the nation." Shortly thereafter, the Association of Federal Investigators honored Congressman Fountain with an award for "unstinting support for law enforcement and investigation, and for his outstanding career in public service to the American People." He also received a special citation for Distinguished Congressional Service from the National League of Cities and the Leadership and Distinguished Service award from the Association of Federal Investigators.

Upon his retirement in a tribute on the House floor, his colleagues in the Congress described him as "a steady, thoughtful, dedicated and thorough legislator who earned and won the respect of all who came to know him," "an easy man to be with, who was blessed with a special dose of kindness, a courtly gentleman and a scholar, who never lost the common touch", "tirelessly dedicated, refreshingly honest and always a gentleman, known for his loyalty to principle and his dedication to the interests of his constituents", "who faithfully represented the people of North Carolina with great effectiveness," "who cared for the farmers" not forgetting "our country's roots or his own."

As he was in public, so he was at home. After his retirement in 1982, Congressman Fountain dedicated his time to his family. Despite declining health, he was an attentive and loving husband, father and grandfather. He was honest, a strong and loving leader and friend, interesting and interested, tender and forgiving, quick to smile, full of fun and energy, and always able to laugh at himself. An avid sports enthusiast, he rarely missed a UNC football or basketball game.

In 2000, the State of North Carolina honored him by naming a portion of Highway 64 in Edgecombe County the "Congressman L. H. Fountain Highway". Congressman Fountain and his family appreciate his being remembered in such a lasting and meaningful way.

The family will receive at Carlisle Funeral Home in Tarboro on Oct. 12, 2002, 7–9 p.m. A graveside service for the family will be followed by a memorial service celebrating his life for all who would like to attend at Howard Memorial Presbyterian Church in Tarboro at 3 p.m. Sunday, Oct. 13, 2002.

The family is deeply grateful to the staff of Mayview Convalescent Center in Raleigh for the gift of nine quality months, the many good and gracious caregivers in Raleigh and Tarboro, the staff at The Albermarle in Tarboro and Hospice of Wake County. Memorials in memory of Congressman L. H. Fountain may be made to Howard Memorial Presbyterian Church (303 E. St. James St., Tarboro, NC 27886) or to the Institute of Government Foundation, Inc., at the University of North Carolina at Chapel Hill to honor his lifelong commitment to public service, (c/o Ann Simpson, Campus Box 3330, Knapp Building, Chapel Hill, NC 27599–3330).

HONORING CONGRESSWOMAN CARRIE MEEK

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 2002

Mr. OWENS. Mr. Speaker, we respectfully regret the decision of our colleague from Florida, CARRIE MEEK, to bid us all farewell at the end of this 107th Congress. CARRIE MEEK is a unique and tantalizing politician and public servant who came to this body with a wealth of experience and a reservoir of intense dedication. There will be numerous serious tributes paid to this departing member whose spirit will linger long after she returns home. In a serious but lighthearted RAP poem below, I offer my fond sketch of "Hurricane Carrie":

MIAMI HURRICANE WONDER

Miami Carrie
Is a hurricane wonder—
Thunder and lightning
On an electric chain,
Admirers line up
For one sip of her magic rain;
She can flood you with sweetness
Or drown you in pain.
In precious flesh tightly wrapped
Hot spices and pepper together trapped.
She initiates no seductive action
But is still a startling attraction;
In politics or life
Will nurse you through strife;
Do your duty
And she'll permit you to stay,
Try a cheap trick
And she'll blow you away,
Renege on a deal
She'll refuse any appeal.
Miami Carrie
Is a hurricane wonder
Before her lightning strikes
She will warn you with thunder.

INTRODUCTION OF THE STOP TAKING OUR HEALTH PRIVACY (STOHP) ACT

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 2002

Mr. MARKEY. Mr. Speaker, when you visit your physician, do you know where your medical records are kept? Do you know how your private health information is being used? Do you know who is disclosing your sensitive medical files, to whom, and for what purposes?

These questions have become increasingly urgent for the majority of Americans. According to a recent Gallup Survey, 78 percent of people in the United States believe it is very important that their medical records be kept confidential. But the time has long passed when patients could feel confident that their medical files were locked safely in the office of the family doctor, protected from prying eyes and unauthorized access. Today, interconnected computer networks link your health provider, health plan and various corporate intermediaries such as "health care clearinghouses," that methodically translate your personal health information into digital bits and bytes to track and store your records in databases over which you have little control.

Consumers are particularly concerned about the unauthorized use of their private health information for marketing purposes. That's because companies have exploited patients' sensitive medical records in pursuit of profits. For example:

The chain drug store Eckard's used the signatures obtained by customers when they picked up their prescriptions as authorization to release their information for marketing purposes. Eckard's eventually settled with the Florida Attorney General's office and agreed to require patients to opt-in before their information can be used for marketing.

Several Florida residents received unsolicited samples of Prozac in the mail from a drugstore. A recipient of the Prozac mailing sued her doctor, pharmacy and the drug company for violating her privacy. Fear of private health information falling into the wrong hands has replaced faith in the confidentiality of personal medical records.

A report by Princeton Survey Research Associates indicates that 1 in 6 people in the United States has done something out of the ordinary to keep personal health information confidential, including withholding information from their doctor, providing inaccurate information, or, in some cases, avoiding care entirely.

A "stress test" should not refer to your ability to withstand anxiety over the vulnerability of your medical records.

This summer, the Department of Health and Human Services confirmed consumers' worst fears about threats to the confidentiality of their health information when it stripped away key privacy protections established during the Clinton Administration. By modifying the Privacy Rule finalized in December 2000, HHS eliminated your right to decide whether your medical information can be shared for the purpose of health care treatment, payment, and so-called "health care operations." These modifications took effect on October 15th.

In the case of treatment, payment and health care operations, the Bush Administration's modifications permit your medical secrets to be used and disclosed to doctors, pharmacists, health insurers, and others without your prior consent.

While treatment and payment are terms that consumers understand and associate with health care, "health care operations" is a category tied closely to commerce, not patient care. In fact, the Bush Administration modifications make clear that health care operations is a vast category that has more to do with business mergers than better medicines:

According to Section 164.501 of the Bush modifications, health care operations means: "The sale, transfer, merger, or consolidation of all or part of the covered entity with another covered entity, or an entity that following such activity will become a covered entity and due diligence related to such activity."

It is understood that this category includes business planning, underwriting, fundraising, and other activities. This means that your private health information can be used without your permission to serve the commercial interests of health care companies, including during transactions such as the sale of an HMO. The Clinton Administration's definition of health care operations not only was narrower, but it also required patient consent before personal health information could be used and disclosed for this purpose.

The Stop Taking Our Health Privacy, or "STOHP", Act puts patients' privacy first by closing massive "privacy peepholes" that HHS opened in these three key areas:

1. Consent: The STOHP Act restores the right of patients to decide whether or not to permit the use and disclosure of their personal health information for purposes of health care treatment, payment and "health care operations." The STOHP Act includes commonsense exceptions to the consent requirement for such purposes as filling a prescription and making referrals. In August, HHS eliminated patient consent in these three important cases, denying patients the fundamental right to decide for themselves whether to share their private health information.

2. Marketing: The STOHP Act ensures that pharmacists do not become secret agents for drug companies. When you receive treatment recommendations from your pharmacist, you should not have to wonder who stands to benefit more: you or the pharmacist or drug company. Our bill would reverse the change that HHS made to the marketing definition, which allows health providers to send unsolicited health recommendations to patients that are paid for by drug companies but do not inform patients of the pharmacist's financial incentives or provide patients the opportunity to opt-out of receiving such communications in the future.

3. Disclosures to FDA-regulated entities like drug companies: The STOHP Act narrows the purposes for which personal medical information can be used or disclosed to these entities without patient consent. Our bill limits nonconsensual disclosure to these entities for the purpose of strict public health priorities such as drug recalls. The August modifications created a broader exemption that allows nonconsensual disclosure of patient information to drug companies for a wide range of activities, which may include marketing campaigns.

I am pleased to be joined by my colleagues Representatives DINGELL, WAXMAN, BERMAN and CAPUANO as we introduce the Stop Taking Our Health Privacy Act of 2002.

Today we take steps to apply age-old principles of medical privacy to the realities of the information age. Today we seek to restore longstanding patient protections, ensure the confidentiality of the physician-patient relationship, and rebuild patient trust in the health care system, all of which are essential for the delivery of quality, thorough health care.

REGARDING H.R. 5646, THE STOP TAKING OUR HEALTH PRIVACY ACT OF 2002

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 2002

Mr. WAXMAN. Mr. Speaker, Americans are deeply concerned with ensuring the privacy of their health information. Every day, in fact, the need for medical privacy protections grows more urgent. Advances in information systems are increasing the possibilities for accessing health information, and genetic developments are increasing capabilities to screen for sensitive information regarding an individual's susceptibility to certain conditions or diseases.

Unfortunately, the Bush Administration recently took a major step backward in providing medical privacy protections to American consumers. In August 2002, the Administration opened up large loopholes in medical privacy protection with changes to the Federal medical privacy rule that had been finalized in December 2000 by the Clinton Administration.

The medical privacy rule was the culmination of many years of hearings, study, and analysis in which the Administration, members of Congress, and a multitude of interested parties participated. The rule established a sound foundation for addressing the complex issues relating to medical records privacy.

But the Bush Administration's August 2002 changes undermined the privacy protection provided by the rule. The changes eliminated the rule's requirement that individuals must give consent before their personal health information can be used for treatment, payment, and a broad category of activities called "health care operations."

The Bush Administration also decreased privacy protections relating to marketing activities by removing privacy protections for activities that most consumers consider to be marketing.

Further, in a so-called "public health" provision, the Bush Administration created a broad exemption that allows disclosures of health information without patient consent to drug companies and other entities regulated by the FDA for a wide range of purposes. The December 2000 rule, in contrast, allowed such disclosures only for a narrowly defined list of health-related activities such as reporting adverse events associated with drugs.

Because of the damage the Bush Administration did to medical privacy in August 2002, I am joining Representative ED MARKEY, Representative JOHN DINGELL, and others in introducing H.R. 5646, the Stop Taking Our Health Privacy Act of 2002. This bill would: (1) reinstate the December 2000 rule's patient consent requirement for treatment, payment, and health care operations while ensuring that this requirement does not undermine essential health care activities such as filling prescriptions and making referrals; (2) strike the Bush Administration's definition of "marketing," thereby ensuring that the rule's privacy protections apply to activities consumers consider marketing; and (3) eliminate the broad exemption the Bush Administration created that would have allowed disclosure without consent to drug companies, while ensuring that disclosures essential for public health purposes are allowed.

This bill is necessary to restore Federal medical privacy protections that were taken away by the Bush Administration. At the least, Congress should ensure that Americans have at least the same medical privacy protections that were established in the December 2000 rule.

Congress of course must go beyond remedying the damage done by the Bush Administration. In large part due to statutory restrictions on the authority of the Secretary of Health and Human Services, gaps in medical privacy protection remained after the December 2000 rule. We need to ensure that all entities that maintain an individual's health records take appropriate steps to protect the privacy of that information. We also need to provide protections against discrimination by employers and health insurers based on an individual's genetic information—protections that are increasingly important as we continue to gain understanding of the human genome.

I will continue to work to enact comprehensive protections regarding the disclosure and use of individuals' personal health information.

AUTHORIZATION FOR USE OF MILITARY FORCE AGAINST IRAQ RESOLUTION OF 2002

SPEECH OF

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 2002

Mr. BECERRA. Mr. Speaker, any nation engaged in a program of building weapons of mass destruction presents a danger to international peace and stability. Any leader who flouts the rule of law is a menace to liberty and democracy.

Over the past couple of months the President has attempted to lay out the case for aggression against Iraq. I agree with the President that the actions of Saddam Hussein in his defiance and deception of the international community reveal a "history of aggression."

In my mind, the President has made a strong case that Iraq must disarm, pursuant to the United Nations resolutions enacted following the close of the Persian Gulf War. But the President did not convince me that we should go to war and go it alone. Nor has he made the case that we should change our longstanding policy and defy international law and commit to a first strike.

The threat posed by Iraq is a threat which confronts the entire world, not just America. The voice of the community of civilized nations and the legitimacy to act on their collective word reside in the United Nations. It is through U.N. resolutions, crafted in substantial measure by the U.S., that we have the license to compel Iraq's compliance. And it should be through the U.N. that we should seek to enforce such compliance.

This resolution before us gives the President authorization to send American troops into Iraq to strike unilaterally and, indeed, to strike first when he deems it appropriate. Congress has never before granted this extraordinary power to any previous President. We can address the threat posed by Saddam Hussein without expanding Presidential authority beyond constitutional standards.

The Framers of our Constitution wisely assigned the power to commit America to war not to the President but to the people's democratic representatives in Congress. Our Founding Fathers knew from experience and we should remember today that a declaration of war is the ultimate act of humankind. It presumes to endow the declarant with the right to kill. In many instances, it amounts to a sentence of death, not just for the guilty but for the innocent as well, whether civilian or soldier.

The President should approach Congress and ask for a declaration of war when and only when he determines that war is unavoidable. The resolution before us leaves the question of war open-ended by both expressing support for diplomacy and authorizing the President to use force when he feels it is the correct course of action. Yet, in his own words, President Bush indicated that war is not unavoidable. So why, then, is he insisting on being given now, today, the power to go to war?

We are the lone superpower economically and militarily in the world. Our words have meaning, our actions have consequences beyond what we can see.

The implications of a unilateral first strike authorization for war are chilling. A unilateral attack could lead the world into another dangerous era of polarization and create worldwide instability. It would also set a dangerous precedent that could have a devastating impact on international norms.

Consider India and Pakistan, Armenia and Azerbaijan, Russia and Chechnya, Cyprus, Taiwan, Colombia, Northern Ireland, Central Africa. How might the people or the government in any of these countries which are engaged in or at the brink of hostilities interpret this resolution today? Why should not other countries adopt the President's unilateral and first strike policy to address conflicts or threats?

Would not a unilateral attack galvanize other potential enemies around the globe to strike at the United States and our interests? In our efforts to focus on what the President described as a "grave and gathering danger" ten thousand miles away in Iraq, let us not lose sight of the dangers which are grave and present, not gathering but present, here at home: the al Qaeda plots targeting our airports, our water treatment facilities, our nuclear power plants, our agricultural crops.

Just this Tuesday, CIA Director George Tenet told Congress that Saddam Hussein, if provoked by fears that an attack by the United States was imminent, might help Islamic extremists launch an attack on the United States with weapons of mass destruction. We must consider how our actions may impact on the safety of the American people. The answer may not always be what we expect.

We must also ask: will the death and destruction it takes to eliminate a sovereign, albeit rogue, government (what the President has labeled "regime change") lead to goodwill by the Iraqi people toward America and Americans?

Well, let us look at the record. During the Persian Gulf War of 1991, we dropped some 250,000 bombs, many of them "smart" bombs, over a 6-week period on Iraqi forces. That is close to 6,000 bombs per day. We deployed over 500,000 troops. The war cost over $80 billion. None of that money was spent on reconstruction in Kuwait, and certainly not in Iraq. And all of this is what it took simply to expel Saddam Hussein from tiny Kuwait, which has one-tenth the population and one twenty-fourth the landmass of Iraq.

Today we are told that it would cost the U.S. $200 billion or more if we were to go to war with Iraq. That does not include any costs for reconstruction of post-war Iraq. No matter how "smart" or "surgical," bombs will kill civilian non-combatants—children, mothers, the elderly. Two billion dollars in bombs, death and destruction does not sound like the wisest prescription for engendering Iraqi goodwill.

I am eerily reminded of the infamous quote by an American military officer in the Vietnam War that "we had to destroy the village to save it." Are we contending today that we need to destroy Iraq to save it?

And what is our, and for that matter the world's, recent record on supporting postwar reconstruction? Ask the people of Bosnia and of Kosovo, and now ask the Afghanis.

Certainly there are situations where the United States must prepare or be prepared to act alone. I voted in September 2001 to give the President that power to punish those who attacked this nation on 9/11. But the question is, are we at the point on the question of Iraq to go to war without international support? Because that is precisely what the resolution before Congress would authorize the President to do.

Mr. Speaker, the President was clear in his speech to the nation on October 7. There is no doubt that Saddam Hussein is leading Iraq down a dangerous course. That is why the world should come together to confront this destabilizing situation and the United States should do all it can to encourage that effort. It is time for us to recognize that if we do this, we do it together.

The President raised an additional point in his remarks of October 7, and that is that confronting the threat of Iraq is crucial to winning the war on terror. Indeed disarming Iraq and neutralizing Saddam Hussein's ability to share weapons of mass destruction with those who would do us harm is critical. However, should the President take us to war against Iraq, we will find ourselves fighting battles on three fronts: in Iraq, in Afghanistan and other terrorist "hot spots" where elements of al Qaeda and evidence related to 9/11 leads us, and finally, here at home. Do we have the resources to carry such a heavy commitment? Does Iraq divert us from winning the fight against terrorism and securing for the American people the safety they seek at home?

Today, as we speak, in the neighborhoods immediately surrounding our nation's Capitol, parents are deciding whether to send their children to school. A calculating, cold-blooded murderer who has already killed 9 people and wounded 2 others in 2 weeks is roaming the streets. One of his victims, a 13-year-old boy, lies in critical condition from a bullet which savaged his abdomen. We must be equally committed to act to safeguard Americans from threats within our borders as we are from threats beyond our borders.

Mr. Speaker, there are few votes as solemn and challenging to each of us and our democracy as a vote to declare war against another people. Can I look at my Maker, my family and the good people who elected me to speak for them and say: this is the cause for which I will cast my vote to sacrifice American lives? . . . the lives of innocent non-combatants? Is this truly the time to ask for the ultimate sacrifice from our men and women in uniform? In Bosnia and Kosovo, I could answer yes. Genocide was being committed as we breathed. On September 11, 2001, and indeed on December 7, 1941, America suffered premeditated, cold-blooded attacks which took thousands of mothers, sons, brothers and sisters from us. We needed to search for justice. But Mr. Speaker, I cannot with clear conscience answer the same way in regards to this resolution. That is why I cast a "no" vote. I urge my President and my country to move deliberatively and in concert with our partners in the community of nations as we address the threat that is Iraq.

ACCESS TO QUALITY HOSPITAL CARE

HON. TED STRICKLAND

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 2002

Mr. STRICKLAND. Mr. Speaker, I come to the floor today to call for action on legislation to ensure that my constituents will continue to have access to quality hospital care. Unfortunately, hospital reimbursements and payments under Medicare and Medicaid are at risk because, despite strong bipartisan support on these specific issues, Congress has failed to complete work on legislation that will provide the necessary relief and avoid rising costs. Therefore, I call on my colleagues in the leadership of the House to pass H.R. 854 or other provider reimbursement legislation now in order to ensure my constituents continue to have access to quality health care.

The Disproportionate Share Hospital (DSH) program is an essential piece of our country's health care safety net, protecting children's, public, and other safety net hospitals that care for a much larger volume of Medicaid patients than typical hospitals. The DSH cuts were first enacted by the Balanced Budget Act of 1997 but were postponed by the Benefits Improvement and Protection Act (BIPA) in 2000. Despite 190 bipartisan cosponsors on H.R. 854, which would reverse these cuts, they are now scheduled to take full effect, creating financial ruin for public hospitals across the country that provide uncompensated care to those in need.

The scheduled cuts in Medicaid DSH is expected to amount to about $53.2 million for Ohio hospitals in fiscal year 2003 alone. This cut skyrockets to $108 million through fiscal year 2004 and $279 million over the next five years. As a result, hospitals will lose an average of 15.7% in payments from Ohio's Hospital Care Assurance Program (HCAP).

Hospitals in my district cannot afford these cuts. Already, the program reimburses hospitals for less than half of the uncompensated care they provide. Reductions in DSH will hurt my constituents, who will be forced to pay for overall higher health care costs.

I also call on my colleagues to complete our work on relief for hospitals in rural and other small communities. These hospitals face unique challenges compared to those in larger urban areas. Specifically, we should standardize the rural/urban disparity in the Medicare Inpatient Prospective Payment System (PPS) so that all hospitals receive the same payment levels as those in large urban areas. We should also expand Medicare's Critical Access Hospital (CAH) program to allow more hospitals to qualify for CAH status, enabling them to provide care to communities, such as those in rural parts of Ohio, where these health care services are desperately needed. In addition, I support a full inflationary update for Medicare PPS payments to sole-community hospitals. I am glad the Medicare legislation that passed the House included several important provisions that are a good first step to the funding problems of rural health care. I hope my colleagues will do all they can to ensure these provisions are enacted before the end of this session.

And finally, I conclude with a legislative success story. This year, Congress passed and the President signed into law the Nurse Reinvestment Act, which has the potential to address the current nursing workforce shortage by establishing grants and initiatives to encourage students to enter nursing school, increase the number of nursing school faculty and mentors, create scholarships for nursing students who agree to serve in underserved areas, and provide career ladder opportunities for current nurses. Although the nursing workforce shortage is just one part of the health care workforce shortage, passage of this bill is a huge success for both nurses and hospitals who are struggling to meet our health care demands.

However, Congress must fully fund this new law through appropriations if its passage will have any positive effect on the nursing workforce shortage. I strongly support full funding and hope these appropriations are committed soon. Ohio hospitals and the patients they serve are depending on it.

RECOGNITION OF NATIONAL DISABILITY EMPLOYMENT AWARENESS MONTH

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 2002

Mr. DAVIS of Illinois. Mr. Speaker, each October we observe National Disability Employment Awareness Month, and I rise to ask that all Americans consider what they can do to reduce the unacceptably high level of unemployment that exists among people with disabilities. No other minority group in this nation faces the level of joblessness experienced by such individuals.

Much of the problem is based on outdated myths and stereotypes, and each of us must consider what he or she can do to learn more about people with disabilities and how we can more fully integrate such individuals into the American work force.

As part of this year's observance of National Disability Employment Awareness Month, October 16th has been designated as National Disability Mentoring Day. This day is being coordinated by the American Association of People with Disabilities with the support of the U.S. Department of Labor and several corporate sponsors throughout the country. It is designed to bring students and job seekers with disabilities into the workplace where they can learn firsthand about employment opportunities, This is an activity that should be ongoing throughout the year, and I urge my colleagues, all employers and employees who wish to volunteer as mentors to learn more about this initiative by contacting the American Association of People with Disabilities at 800–840–8844, or view the National Disability Mentoring Day link on its web site at www.aapd-dc.org.

As we observe National Disability Employment Awareness month, I also want to recognize three initiatives in my district that are making unique contributions to both local and national efforts promoting, greater independence and economic opportunity for people with disabilities. As the sponsor of H.R. 3612, the Medicaid Community-Based Attendant Services and Supports Act, a bill that will enable people with disabilities to participate more fully in the workplace and community life by eliminating the institutional bias in our long term care system, I have learned much and benefited greatly from the support of Chicago ADAPT and its national affiliate, Americans Disabled for Attendant Programs Today. Their efforts to reform our long term support system and change our concept of disability from one of tragedy and dependence to one that recognizes disability as a natural part of the continuum of a life that can be fully enjoyed, is deeply appreciated.

I also wish to acknowledge the Access Center for Independent Living in Chicago. The Access Center, along with the National Council on Independent Living is also leading the way in the effort to break down the barriers people with disabilities face in obtaining equal access to housing, transportation and employment opportunities. The CEO of the Access Living Center, Marca Bristow, was appointed by

President Clinton to serve as Chairwoman of the National Council on Disability, and her term has just expired. Her leadership in Chicago and on the National Council is deeply appreciated. The residents of Illinois and our entire nation owe much to this outstanding leader.

Another initiative I wish to mention is one that focuses solely on creating employment opportunities for people with severe disabilities. There are several nonprofit organizations in the Chicago area that participate in the Javits-Wagner-O'Day Program, a federal procurement initiative that uses the purchasing power of the Government to generate employment opportunities for people who are blind or have other severe disabilities. These organizations include the Ada McKinley Community Services Center, the Chicago Lighthouse for the Blind, the Lester and Rosalie Anixter Center, the Jewish Vocational Services and Employment Center, the Chicago Association for Retarded Citizens and the Community Counseling Centers of Chicago.

These organizations, along with over 600 other community nonprofits across the nation work with National Industries for the Blind and NISH, a national nonprofit serving people with a range of severe disabilities. These groups train and employ over 37,000 people with disabilities to furnish office supplies, mail room and janitorial services, grounds maintenance, switchboard operations and a host of other administrative support services to both military and civilian agencies. By simply purchasing office supplies and support services from nonprofits such as these, federal workers can help reduce the high level of unemployment among people with disabilities and push the doors of opportunity open a little wider. More information about the Javits-Wagner-O'Day Program can be found at www.jwod.gov.

Whether a child is born with a disability, an adult has a traumatic injury or a person becomes disabled through the aging process, the need to participate actively in community life and earn your own way in the world is universal. I urge all Americans to consult the National Disability Employment Awareness Month resources I have mentioned and to determine how you can contribute to lowering the unemployment rate among people with disabilities throughout the year.

AUTHORIZATION FOR USE OF MILITARY FORCE AGAINST IRAQ RESOLUTION OF 2002

SPEECH OF

HON. GEORGE R. NETHERCUTT, JR.

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 2002

Mr. NETHERCUTT. Mr. Speaker, it is appropriate that we discuss fully here the most serious responsibility entrusted to Congress, authorizing the President to use force in defense of our nation. The decision by Congress to authorize the deployment of the U.S. military requires somber analysis, and sober consideration, but this is not a discussion we should delay. The President has presented to the American people a compelling case for intervening in Iraq, and this body has acted deliberately in bringing to the House floor a resolution that unequivocally expresses our support for the Commander in Chief.

The threat to our national security from Iraq could not be more apparent. It is perhaps best illustrated by the size and scope of Iraqi efforts to develop and deploy weapons of mass destruction, a horrifying capability only recognized after the 1991 Persian Gulf War. The United Nations Special Commission on Iraq succeeded in destroying 38,500 chemical munitions, 480,000 liters of chemical agents, and 1.8 million liters of precursor chemicals. Iraq admitted to developing offensive biological weapons, including 19,000 liters of botulinum, 8,400 liters of anthrax, and 2,000 liters of aflatoxin, clostridium, and ricin. Inspectors accounted for over 800 Soviet-supplied Scud missiles and 43 of 45 chemical and biological warheads that Iraq admitted to. About 40 clandestine nuclear weapons facilities were discovered and destroyed, and the International Atomic Energy Agency revealed that at the time of the Persian Gulf War, Iraq was less than two years away from producing a nuclear weapon.

Yet, this list of poisons describes only what UN Inspectors were able to detect in the face of official Iraqi resistance, deception and denial. For example, UNSCOM could not account for 31,600 chemical munitions, 500 mustard gas bombs, and 4,000 tons of chemical weapon precursors. The Inspectors were unable to account for any of Iraq's biological agents, or the delivery systems needed to weaponize these agents. Such was the status of the Iraqi weapons program a decade ago. In the intervening period, development efforts have continued unabated, and indeed have accelerated following the withdrawal of UN inspectors.

Iraq has repeatedly demonstrated a resolve to develop deadly weapons of mass destruction, and, more horrifyingly, to use them. Saddam Hussein murdered 5,000 of his own citizens in Halabja, and injured 10,000 more, in a gas attack. 20,000 Iranians died terrible deaths in clouds of mustard gas and nerve agents. In breach of U.N. imposed sanctions, Iraq has continued to develop long-range missiles that expand the threat that these toxins pose to the world community. The British Government has estimated that Iraq could possess missiles capable of reaching the Bosphorous Straits within five years. Current Iraqi military planning envisions the use of these weapons in a conflict, and as the world waits for compliance with any of the 16 Security Council Resolutions that are presently in abeyance, this capability grows.

Perhaps in different hands the deadly arsenal possessed by Saddam Hussein's Iraq would be less of an imminent threat. To be sure, the doctrine of mutually assured destruction deterred the United States and the Soviet Union from direct conflict for more than forty years. But such a doctrine is dependent upon rational actors and an expectation that civilized nation-states seek the preservation of their citizenry. Such assumptions fail in Iraq, a country that under Saddam Hussein has demonstrated an unabated hatred of the United States and a willingness to sacrifice and murder its citizens in the interests of the ruling clique. Ongoing hostilities in the Northern and Southern no-flight zones make it increasingly likely that an unexpected event could lead to the use of these mass casualty weapons against our citizens. To wait for an Iraqi epiphany is to invite disaster. Inaction is immoral—the United States has a responsibility to the community of nations to eliminate this threat before it grows ever greater. To concur that Saddam Hussein is a threat is to agree upon the need for action, for can one reasonably argue that intervention is easier in a nuclear-weapon capable Mesopotamia?

This authorization of force is at some level, a recognition of the ongoing state of war with Iraq. Conflict with Iraq has never truly ceased since the conclusion of the Gulf War, and coalition aircraft supporting Operation Northern and Southern Watch have been fired upon thousands of times. It is revealing to examine the record of only the last three weeks, since Iraq sent a letter to the United Nations expressing a willingness to resume weapons inspections. Sixty-seven attempts have been made to down coalition aircraft in this period; 406 attempts have been made this year. It is beyond comprehension to believe that this body would argue for further deliberation, further study, further diplomacy, were our pilots to be attacked so in any other place on the globe. Yet, we have tolerated this low-level conflict for nearly a decade.

Opponents of this resolution have responded by asking, "Why now?" What compelling reason could there be for acting today, that was not before us a year ago?

Three years ago this body declared Iraq to be unacceptably in breach of its international obligations and urged the President "to take appropriate action, in accordance with the Constitution and relevant laws of the United States, to bring Iraq into compliance with its international obligations." Three years ago, we also declared it to be the policy of the United States to change the regime in Baghdad and promote a democratic state.—Three Years Ago!—The credibility of this body is even called into question, for us now to insist on further deliberation, further consultation, further delay. These issues aren't new, my colleagues, they have been before us for years. It is only the leadership of this President that has allowed us to do our duty and seriously consider the implications of the threat that has been before us for so many years.

The U.S. has struggled against the tepid resolutions and the general inactivity of the international community for a decade. To what avail, but a rearmed, emboldened dictator, confident in his ability to flaunt international law, willing to flex his might against lesser states in the region, and capable of intimidating all others. This is not hasty, precipitous action on our part, but something closer to negligence for having waited so long to confront the danger to our citizenry.

Critics of this resolution are notably short of alternatives or specifics. Regime change cannot happen through domestic posturing. Disarmament requires more than hopes and good wishes.

It has been suggested that multilateral diplomacy is preferable to unilateral action. As a permanent member of the Security Council, it is appropriate for the United States to work with the United Nations to seek common ground and broad international support for U.S. actions. Where agreement with the United Nations may fail, we should look to our other regional alliances, seeking common ground and unity of purpose. Our success in 1991, was attributable, in part, to the collective outrage of the world community with Iraq's unabashed violation of Kuwait's territorial integrity. Acting in concert with our allies is inarguably the first and best choice, but we must remember that the President has sworn to "preserve, protect, and defend the Constitution of the United States."

Ultimately, the President's actions must be guided by America's national security interests. Where broader regional interests intersect with our security concerns, we should welcome assistance and combine efforts in the pursuit of liberty and freedom. But we must not predicate our actions on global opinion. When necessary, the United States must be prepared to act alone. Our success in 1991 was attributable also to American might and resolve—while our cause was strengthened by the support of the United Nations, our Armed Forces were trained and equipped to act alone if necessary. It was knowledge of American resolve, and first-hand experience with the unrelenting application of our combined arms, not Security Council resolutions, which led Iraqi forces to surrender in droves.

Our allies abroad should take note of this resolution. While we are encouraging the President to continue his efforts to build international support, and to exhaust diplomatic alternatives to armed conflict, our friends and foes alike must know that diplomacy can indeed be exhausted. It is appropriate for Congress to acknowledge the prospect of unilateral military action, and such action only serves to add credibility and urgency to ongoing negotiations. I do not share the deep, unyielding belief in the power of international law and global institutions that some here have expressed. It is not irresponsible to act alone when all others have failed to act.

On Tuesday, December 9, 1941, two days after the attacks on Pearl Harbor, President Roosevelt addressed the nation and reflected upon the coming challenges facing the country. He noted:

> It is our obligation to our dead it is our sacred obligation—to their children and our children—that we must never forget what we have learned.
>
> And what we all have learned is this.
>
> There is no such thing as security for any nation or any individual in a world ruled by the principles of gangsterism.
>
> There is no such thing as impregnable defense against powerful aggressors who sneak up in the dark and strike without warning.
>
> We have learned that our ocean-girt hemisphere is not immune from severe attack that we cannot measure our safety in terms of miles on any map.

Sixty years later, in New York, and Washington, DC, and Pennsylvania, we learned that the lessons that President Roosevelt implored us to remember had not changed so much. Gangsterism, unbridled aggression and acute vulnerability are the very same dangers we face today. In 1941, Congress stood with the President and promised full support to protect and defend our nation. Today we must do no less.

HONORING CONGRESSWOMAN EVA CLAYTON

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 2002

Mr. OWENS. Mr. Speaker, if we had the opportunity to vote on the decision, our colleague from North Carolina, EVA CLAYTON, would be denied the right to retire at this time. In the coming Democratically controlled House of Representatives, her leadership abilities will be missed more than ever. EVA CLAYTON is the model of the quiet but effective power broker. In the very beginning she was elected president of her Freshman class; at the conclusion of her career in Washington, she served as the Chair of the Board of the Congressional Black Caucus Foundation. Before the more serious retirement tributes begin, I would like to offer this serious but lighthearted sketch of EVA CLAYTON through the RAP poem below:

CITY GIRL CLAYTON

City girl
With a kind country soul,
Chameleon Lady Eva
For any royal role.
Lips leak logic always cool
Anger at injustice
From a deep volcanic pool;
North Carolina Style
Magnetism reaching a mile
Kidnaps with a Southern smile;
Lady spider for ambitious flies
She can paralyze just with her eyes.
City Girl dresses
Always in sophisticated fashion
Practices methods
To check eager passion;
Stingy with her caresses
Continuously she assesses
Steps over any messes;
She can strut through a downpour
And never get wet,
Top prizes race into her net—
Power is her pet.
City Girl
With a kind country soul
Chameleon Lady Eva
For any royal role.

* * *

TRIBUTE TO GEORGE ROGERS CLARK

HON. JOHN N. HOSTETTLER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 2002

Mr. HOSTETTLER. Mr. Speaker, the history of our great nation is built upon the shoulders of strong and passionate individuals whose lives teach us about the spirit of America.

George Rogers Clark was such a man—his brave leadership during the Revolutionary War was crucial to the American colonies' success against the British, especially in the battle for America's western frontier.

George Rogers Clark was born 250 years ago on November 19, near Charlottesville, Virginia and was an industrious young man who embraced the frontier lifestyle of Virginia and Pennsylvania.

Clark worked on his father's farm until he studied to become a surveyor at the age of 19. He was on the road to success as a surveyor until his work was interrupted by Lord Dunmore's War, a dispute between several Indian warriors and settlers along the frontier.

Clark joined an expedition to apprehend the warriors who started the attack, and he proved to be an effective leader as the troops traveled across the countryside.

During this skirmish, he became familiar with the different Indian tribes and learned their customs, and displayed his ability to think strategically.

After Lord Dunmore's War, George Rogers Clark also made significant gains for America by increasing the territory of the colonies through western exploration and founding towns in the frontier region of Kentucky.

Through diplomatic efforts and advocacy with the colonial government of Virginia, Clark helped to protect the colonists who moved to the frontier. He utilized his knowledge of Indian customs to negotiate trade with Indian tribes.

George Rogers Clark's excellent leadership skills also helped to ensure America's victory against the British during the Revolutionary War.

Clark led a small band of soldiers along the Mississippi and Wabash rivers, capturing British outposts along the way.

And during the harsh winter of 1778–1779, George Rogers Clark led a daring attack in order to recapture the British Fort Sackville in Vincennes, Indiana.

Clark only had 200 men with which to accomplish this seemingly impossible task.

The British were well-armed and fortified with many troops, but Clark tricked the British into thinking that the colonial militia was large and formidable.

On February 25, 1779, the British surrendered Fort Sackville to George Rogers Clark and his soldiers. Afterwards, the British were forced to pull vital resources from their war in the eastern colonies, and the Americans were able to gain a foothold against the British in the western frontier.

But Clark's leadership did not stop with the recapture of the fort at Vincennes—he continued to ensure America's victory by helping to control unrest in the western regions of the colonies.

Even after the Revolutionary War, this patriot continued to serve his country by offering leadership to his community.

George Rogers Clark was one of the unique individuals who helped shape our nation and give America its spirit.

I offer H. Con. Res. 499 not only to honor George Rogers Clark, but also to honor the Hoosier community who has not forgotten Clark's heroism and has kept his courageous spirit alive in Vincennes.

As Clark said of the Revolutionary War, "Our cause is just . . . our country will be grateful." And we in Indiana are truly grateful for what George Rogers Clark and other patriots did for our state and for our country.

LABOR SECRETARY ELAINE L. CHAO REMARKS TO ANCOR CONFERENCE

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 2002

Mr. SESSIONS. Mr. Speaker, I submit this statement for the RECORD.

SECRETARY OF LABOR ELAINE L. CHAO REMARKS TO ANCOR CONFERENCE

Thank you for that kind introduction.

I want to thank President Than Johnson, President-elect Fred Romkema, and CEO Renee Pietrangelo for their service.

I also want you to know that you have a great advocate in Haley Barbour.

Later today, you'll be presenting ANCOR congressional awards to Senator Bunning and Congressman Lewis. They are both great Americans.

I am also glad to see Ron Geary and Kelley Abell here. Ron is CEO of ResCare in Louisville, Kentucky, the largest service provider in the country. They're tremendously dedicated to this community.

I want to begin by saying ANCOR members are providing wonderful community living and employment support and services to Americans with mental retardation and other disabilities. This association of organizations and companies represent the heart of the American spirit—a spirit that believes every human has worth and value and dignity.

The supports and services you provide touch the lives of over 260,000 Americans with mental retardation and other disabilities, as well as their families. Because of the work you do, people with disabilities are living more self-directed, independent lives in their communities.

On behalf of President George W. Bush and his entire Administration, I want to say "thank you."

ANCOR representatives have met with Department of Labor more times than I can count. We may just have to give you a permanent DOL badge!

Your meetings with the Assistant Secretary of Policy, ODEP, ETA, and Wage and Hour, have been so important in helping the government understand your concerns. You are educating us about the growing crisis in recruiting, training, and retraining direct support professionals.

Again, we are listening and we are responding.

For example, the Department of Labor has terminated the companionship rulemaking that was slipped in at the last minute by the previous Administration.

We believe that companions provide essential support to those men and women and children who remain at home.

Raising costs and reducing access, restricting working hours and increasing paperwork is not the answer. With your help, the Department terminated the rule and restored more flexibility for individuals with mental retardation and other disabilities and their families!

The Department has also listed Direct Support Specialist in the Directory of Occupational Titles. Now, some outside of this audience might not understand its significance, but we know that this small change allows for big openings in training and recognition.

ANCOR has also worked with the Department on shaping the policies for the President's New Freedom Initiative.

This initiative, and the President's Executive Order to bring swift and full implementation of the Olmstead Decision, are key priorities at the Department of Labor.

ANCOR members and the direct support workers you represent are critical to the success of the New Freedom Initiative and the Executive Order.

I want to thank you for submitting extensive recommendations last August as part of the President's Executive Order, especially your recommendations to the Department of Labor.

I also appreciate your testimony on WIA reauthorization in the inter-agency forum this summer. We need your input on how the Department can better utilize the Workforce Investment Boards and One-Stops to make sure we meet the needs of both public and private providers, as well as job seekers.

The paraprofessional long-term care workforce—from nursing assistants to home health and home care aides to personal care workers and attendants—is the cornerstone of America's long-term care system. They provide hands-on care, supervision, and emotional support to millions of Americans with chronic illnesses and disabilities.

According to the U.S. Bureau of Labor Statistics, or BLS, the number of home health and personal care aides is nearly equal to the number of nursing assistants, roughly 750,000.

As you know, with an aging population and other industry challenges, the future availability of frontline direct care workers does not look promising. In fact, BLS estimates that by 2006, personal and home care assistance will be the fourth-fastest growing occupation with a growth rate of 84.7%.

Between 1998 and 2008, America needs around 750,000 more personal care and home health care workers. Unfortunately, many of these positions will go unfilled, unless we take action.

The solution is not simply one of supply. The more fundamental, long-term challenge is how to develop a committed, stable pool of workers who are willing, able, and skilled to provide quality care. I am committed to addressing both the short and the long-term challenges, so we can design quality systems of care for people with disabilities.

The Department is making significant progress, but we still need your input on issues concerning earnings opportunities, employment status, and labor supply of personal assistants and other community workers.

Here are some actions that are either planned or are currently underway at the Department:

The Office of Disability Employment Policy, or ODEP, led by Dr. Roy Grizzard, is working to identify options and to develop an inter-agency/inter-department plan that will increase the availability and quality of personal assistants and identify other options for education, training, and career advancement for these workers and other direct care staff.

More specifically, the Department of Labor and HHS are taking a detailed look at the challenges to the industry, as well as providing recommendations on how to address the worker and skill shortage.

ODEP and its partners will convene a listening session for people with disabilities. A similar listening session will be held for service providers and other direct care staff and community service workers. Your organization, ANCOR, certainly will be a part of these sessions.

ODEP and ETA are working to increase access to personal assistance supports through the One-Stop Centers.

And ODEP is expected to establish an online registry, similar to America's Job Bank, where local or community-based organizations, like yours, can help locate more workers.

The Administration is listening to ANCOR, and we still have a lot left to do. I know we will continue to work together to provide stable community infrastructure for the future of individuals with mental retardation and other developmental disabilities. Much of that relies on a quality, highly-trained direct support workforce, and we are committed to making it happen.

Thanks again for inviting me to be here today. I look forward to working with ANCOR and its members to expand your supports and services in the years to come. When government, associations, business, and individuals work together, we can build a more welcoming and promising future for all Americans.

THE TV CONSUMER CHOICE ACT OF 2002

HON. F. JAMES SENSENBRENNER, JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 2002

Mr. SENSENBRENNER. Mr. Speaker, today I am introducing legislation that will nullify the Federal Communication Commission's mandate that will force all televisions to have a digital TV receiver by 2007. The TV Consumer Choice Act of 2002 will give consumers the ability to choose whether or not they want a TV that includes an expensive—and often unnecessary—digital TV tuner.

While digital TV may present new and exciting options to viewers, these tuners should not be forced upon hundreds of millions of Americans, many of whom do not want or need this expensive device. Digital TV tuners are only used to receive over-the-air signals. For those households who choose alternate services, such as cable or satellite, the device is completely worthless. According to the Consumer Electronics Association, the tuner mandate will increase the cost of the average TV by $250 for a device that less than 13% of consumers will use. This is unacceptable.

My legislation will ensure that individual consumers—not the federal government—decide which TV options are best for them. I am hopeful my colleagues will support this legislation and the House will act on this proposal expeditiously.

OFFICERS OF THE ANCIENT ORDER OF HIBERNIANS

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 2002

Mr. KING. Mr. Speaker, today to request that the following speeches given by Officers of the Ancient Order of Hibernians (AOH) be inserted into the CONGRESSIONAL RECORD. The first speech is the welcoming remarks by John E. McInerney, the President of the District of Columbia State Board of the AOH. The second is a tribute to the work of the Congressional Ad Hoc Committee for Irish Affairs by

Ned McGinley, the new National President of the AOH.

A TRIBUTE TO THE PEACEMAKERS

(By John Edward McInerney)

Ladies and gentlemen of the Congress, Mr. Ambassador, fellow Hibernians, and honored guests. Welcome.

The Ancient Order of Hibernians is gathered here this evening to pay tribute and to thank a very special group of legislators. We Hibernians are here to thank the 89 women and men of the United States House of Representatives who are serving as members on the bipartisan Ad Hoc Committee for Irish Affairs. After twenty-five years of service, the members of the committee have done so much to bring peace with justice to Ireland.

For centuries before the United States was formed as a nation, Ireland struggled and fought for her freedom. Since 1921, Ireland has strived to be one nation united taking its rightful place among the family of nations. In that long struggle for the cause of an united Ireland, the Irish American community never received support by a large organized group of members of the American Congress.

However, twenty-five years ago that situation changed, thanks in large part to so many people, especially Congressman Mario Biaggi. It was during this very month on September 27, 1977 that the Ad Hoc Committee for Irish Affairs was born. Initially, it did not meet with universal acclamation on both sides of the Atlantic. But in time it became a valuable resource to all parties on both sides of the Ocean as it focused on the important issue of peace with justice in all of Ireland. From the onset, it focused on encouraging the United States to help broker peace initiatives. The progress that has been achieved so far is due in part to the tireless efforts of this bipartisan Ad Hoc Committee for Irish Affairs.

In time, this committee became the preeminent Congressional Caucus dedicated to fostering a closer relationship between the people of Ireland and the United States Congress. It was organized with the help of the national board of the Ancient Order of Hibernians and other groups. It has been an unfailing proponent of the Peace Process in the north of Ireland by hosting members from both sides of the government of the North as well as the Republic of Ireland. In doing this it has served as a valuable source of education for all the members of the United States Congress on Ireland.

This ad hoc committee was there for Ireland and the Irish American community at critical moments during the past quarter century—such as persuading President Clinton to grant Gerry Adams a visa. That bold move alone set off the current peace process in the north of Ireland—a process that is still developing and unfolding today. It was a member of this ad hoc committee namely Peter King of New York—who was a liaison between President Clinton and some of the parties in helping shape the Good Friday Agreement—even to the point of waking the President of the United States up in the middle of the night to intervene at critical moments.

Each member of the Ad Hoc Committee has made valuable—or should I say significant—contributions. In decades to come when the history of these uncertain times—the history of the "troubles" and the history of the current struggles over the Good Friday Agreement—will be written, historians will record that the Ad Hoc Committee for Irish Affairs played a critical role in achieving peace with justice in Ireland. Not only the role of Mario Biaggi will stand out, but the names of the current Co-Chairs of this bipartisan committee—Benjamin Gilman, Peter King, Richard Neal, and Joseph Crowley—will be not be lost in the annuals of history, especially the history of Ireland.

But, for each of you individually, you will know in time as you look back upon your years of service in the Congress, that your interventions and efforts—both personally and collectively—played an important role at critical times in Ireland's history today. You will have achieved the personal satisfaction of having played the role of peacemaker. And to each of you, may the promise of Scripture come true in your own lives and in exercising your responsibilities as lawmakers—"Blessed are the peacemakers for they shall inherit the earth."

This evening, the Hibernians—the oldest Irish American fraternal organization in the United States—welcome each of you here this evening as we pay tribute and to thank the peacemakers.

TRIBUTE TO THE AD HOC COMMITTEE FOR IRISH AFFAIRS

(By Ned McGinley)

Reverend clergy, Members of Congress, AOH and LAOH national officers, AOH District of Columbia state board officers, and members of the AOH and LAOH. Welcome to our congressional reception.

The Ancient Order of Hibernians in America, along with our Ladies Ancient Order of Hibernians, is proud to host this reception for the 25 years of work that the Ad Hoc Committee for Irish Affairs has accomplished.

We know that Ad Hoc refers to a "temporary committee." When our efforts in the next few years are successful and bring about a United Ireland with Peace and Justice for all of it's citizens, we will all come down here for a really big, party when we finally dissolve this Committee.

The following is a quote for the—Irish Echo of May 2, 1981 right after Bobby Sands had won a by-election to become a legally elected member of the London Parliament and put and end to the lie to the propaganda that Irish-Republicans had NO political support in the six counties in the north of Ireland. In a letter to President Reagan, the Committee wrote:

"As members of the Ad Hoc Congressional Committee for Irish Affairs, we are making an urgent appeal on behalf of the Ancient Order of Hibernians and the Irish National Caucus, that you immediately communicate with Prime Minister Margaret Thatcher to urge a humanitarian resolution in the matter of Mr. Robert Sands. Mr. Sands, a legally elected member of the British Parliament, and a prisoner in the Long Kesh prison facility, is in the 54th day of a hunger strike.

"As his condition deteriorates, violence in the North has escalated. His death very well may trigger more severe violence. It is our hope that you can convey your concern personally and immediately to Mrs. Thatcher. Clearly, time is of the essence as officials have indicated that his death may be imminent if quick action is not taken.

"As you stated in your St. Patrick's Day message, 'I add my personal prayers and the good offices of the United States to those who wish fervently for peace.' We make our appeal to you in the spirit of peace and humanity."

That telegram sent to President Reagan was signed by many members of Congress, namely Senator Alfonse D'Amato (R–NY), and Representatives Mario Biaggi (D–NY), Benjamin Rosenthal (D–NY), William Cotter (D–CT), Leo C. Zeferetti (D–NY), Norman Lent (R–NY), Harold C. Hollenbeck (R–NJ), John Conyers (D–MI), Richard Ottinger (D–NY), Nicholas Mavroules (D–Mass), William Carney (R–NY), Frank Annuzio (D–Ill), Eugene Atkinson (D–Pa), Charles Schumer (D–NY), John LeBoutillier (R–NY), Benjamin Gilman (R–NY), Gregory Carman (R–NY), Hamilton Fish (R–NY), Cardiss Collins (D–Ill), Samuel S. Stratton (D–NY), and James Nelligan (R–Pa).

Obviously the Ad Hoc Committee made a statement on the Hunger Strike in May of 1981 that the election of Bobby Sands may be the seminal moment in the Peace Process today. That was when Sinn Fein, the Irish-Republican political party, discovered their electoral mandate and platform. That was the beginning when they formed the strategy of today. That strategy essentially states that they are willing to beat you at "the ballot box."

It would take fifteen more years and 3,000 deaths in a population of 1.5 million, but that strategy would evolve into the electoral successes of the day for Sinn Fein and the other Nationalist Party, the SDLP.

It built a confidence in the Irish Republicans that they were not alone and that people in the United States knew of their plight, due in no small part because of this Ad Hoc Committee.

It would bring in 1996 Gerry Adams to New York City—in no small part because of the efforts of this Ad Hoc Committee.

It would mean a ceasefire for the IRA and the decommissioning of weapons during the past two years.

It would bring about the Good Friday Agreement in 1998 that would tie everyone in the North of Ireland to the ballot box.

It would build a consensus for a political solution to what was once known as one of the world's interminable conflicts.

In all of this I do not wish to get too optimistic. The latest threat to the peace process came only last weekend because the level of tension loyalist paramilitary UDA and LVF have had during a summer of violence unparalleled in a land used to summers of violence. Their one and only aim in all of this is to draw the Irish Republican Army back into the violence, knowing that any violence by the Republicans will cause headlines while their violence will be against little girls walking to Holy Cross School to not even draw a camera.

The Royal Ulster Constabulary, about which the U.S. Congress held hearings in many instances chaired by Ben Gilman and Christopher Smith, exposed this lethal paramilitary arm of Unionism for the collusion and murders in which they had aided the Unionists.

There have been changes, but not yet enough. Those who helped murder Nationalists must be vetted from the Police Service and brought to trial. Rosemary Nelson testified at a U.S. congressional hearing, chaired by Chris Smith, in which she said that she had been threatened. Within months after she returned to the north of Ireland, she was assassinated with a bomb in her car.

The Patton Proposals must be instituted in full, not partially. The Special Branch of the RUC, which may have failed to prevent the Omagh Bombing when it protected an informant, needs to disappear.

With my own eyes I saw this past August that the RUC is still a sectarian police force in the Belfast neighborhoods of the Short

Strand and Ardoyne, where Protestant gangs roam unchecked firing shots and attacking any Catholic in the area.

We need to answer the Unionists who say this process isn't working with the list of concessions made by the Republicans both in arms control and in politics. Remember that Sinn Fein gave up their long-time armed struggle to accept the ballot box as a means to bring about a United Ireland. I submit that the Ulster Unionist Party is more afraid of Sinn Fein at the ballot box than they are anywhere else, and that they are also deathly afraid of the Sinn Fein mandate with their rightful place in the government.

Please don't stop now! We together—the Ad Hoc Committee for Irish Affairs and Irish organizations like the AOH—

We have made the difference in converting the armed struggle into the political struggle.

We have made the difference between war and peace.

We have saved hundreds of lives in a country of 1.5 million.

We have brought the confidence to the Nationalist/Catholic people of the north that someone knows their plight and will give them a fair shake.

We have proved to them that they can win freedom through politics.

We have proven that they can have a United Ireland by all peaceful means.

Thank you ladies and gentlemen of the Congress for having the courage to do the right thing though it may not be the popular thing during the past quarter century.

REMEMBERING MICHELE MILLS AS A GREAT POINT-OF-LIGHT

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 2002

Mr. OWENS. Mr. Speaker, I rise to pay a special tribute to Michele Mills, a Flight Attendant who was also a distinguished community leader and friend who's life was cut short by the American Airlines crash in Rockaway, New York which occurred only a few weeks after the September 11th tragedy. As we approach the one-year anniversary of her passing, I would like to pause for a moment to remember her and salute her as a Great Point-of-Light for All Americans.

The bird is one of God's creatures. When it is ill or near death, the bird does not fly. She prepares for death on the ground. The airplane is one of man's creations; sometimes we know when there is illness or decay and many times we do not. We say that flying is safer than driving a car, and, in our arrogant confidence, we fly our airplanes as long as we possibly can. After all, imitating God is expensive and we want to get every dollar's worth of flying time from our creations. Thus, tragedies such as the end of American Airlines Flight 587 herald the immediate need for inspections, new regulations and equipment modifications. It is the human way, not God's way.

Our Lord is always with us. But who, besides our Lord, is on every flight worldwide to guide the plane, to make the passengers comfortable or to rescue them if the need arises? The valiant crews who love their jobs and do them well. And particularly now, in the aftermath of terrorist attacks where planes and innocent lives were used as weapons of destruction, these flight attendants and pilots have a greater burden thrust upon them as a jittery nation struggles to come to terms with flying again. And, for the most part, they have been wonderful healers for our nation. Day in and day out, these unsung heroes face the same risks as their charges and they serve us all very well.

One of these unsung heroes is our friend, sister, daughter, and constituent Michele Mills. Michele Mills was born to Priscilla and Eugene Mills on June 4, 1955 in St. Mary's Hospital of Brooklyn, New York. Michele remained a proud resident of the Brooklyn communities for many years—from both Red Hook and Crown Heights. Michele graduated Franklin D. Roosevelt High School in 1973. She furthered her education at Fashion Institute of Technology and majored in merchandising/buying. She was encouraged to pursue a career in the airline industry by her sister, Tricia. She began this career with Overseas National Airlines.

Michele joined American Airlines in May, 1978, and completed 23 years of service. She always kept her priorities in order: God, Family, Work and Hobbies. She realized God's presence in her life at a very early age and joined Brownsville Community Baptist Church, where she served as a faithful member. She was a very spiritual person who routinely began her day with meditation and spiritual readings. Michele's family and friends were an extremely important element in her life. Her home was a gathering place for festive family occasions. She took great pleasure in preparing gourmet meals and sharing the serenity and peaceful comforts of her home. Her jovial, playful, and light-hearted nature readily endeared most any "strangers" to her. She was a "communicator" in the truest sense.

Michele was an avid reader, a gourmet cook, an interior decorator and a thrifty shopper. She was rarely seen at work or around the house without her "book of the week," nearby. She became well-known by her JFK co-workers, family and friends for her famous, "Michele's Fried Chicken." Every aspect of her life was orderly; and her attire was always impeccable. She took little to nothing for granted.

Michele was called home while in the line of duty on Monday, November 12, 2001. Her memories will be cherished by her parents, Priscilla and Eugene Mills; her siblings, Tricia and Kenneth Mills; her fiancee, Henry Ray; two uncles: Bob Mills of Edison, New Jersey and Freddie Holmes of Columbia, South Carolina; five aunts, Albertha Bell of Brooklyn, New York, Dezel Mallory of North Carolina, Doris Mills of Edison, New Jersey, Lysine Holmes of South Carolina, Irene Holmes of Brooklyn, New York, a great aunt, Lucille Wilkins of Brooklyn, New York, one god-daughter, Stephanie Holmes of Brooklyn, and a host of cousins and friends throughout the United States.

Thousands of passengers and friends who knew Michele Mills will never forget her. In her special way, she was a Great American Point-of-Light.

TRIBUTE TO FRED M. SAIGH IN RECOGNITION OF HIS MANY YEARS OF PUBLIC SERVICE

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 17, 2002

Mr. STUPAK. Mr. Speaker, I rise today to pay special tribute to an institution in Iron County Michigan politics. I rise to honor Fred M. Saigh for his many years of public service to the people of Iron County.

Born on August 21, 1920, Fred M. Saigh graduated from Iron River High School in 1938 before earning degrees at the University of Michigan and Michigan State University. Following his service in the United States Navy during World War II, Fred entered into his family's restaurant business in 1946. In 1954 he entered the insurance business as an agent for the New York Life Insurance Company.

In 1957 he began a lengthy business relationship with First National Underwriters, first as an agent, then vice-president in 1964, and later chairman of the board of directors and chief executive officer. He has also served as a director of the Iron River National Bank and the Michigan Financial Corporation.

Fred M. Saigh began his political career in 1957 with his election as an Iron River City Commissioner. He served on the Iron River City Commission until 1968, including four terms as the mayor of Iron River.

During Fred's years of service on the Iron River City Commission the board reorganized the city's financial structure and developed an industrial park.

In 1965 Fred began a thirty-five year involvement with the Iron County Board of Commissioners, including nineteen years as chairman. Currently the vice chairman, he has been a member of the Iron County Board of Commissioners almost continuously except for a two year absence in the early 1980's.

While on the Iron County Board of Commissioners the county developed: a tax equalization office, the Iron County Ambulance Service, the Iron County Economic Development Corporation, the Iron County General Hospital, the Iron County Medical Care Facility, and constructed a new grandstand at the Iron County Fairgrounds, among many other projects to better the lives of Iron County residents.

Fred has served as a member of many public boards and commissions including but not limited to: the Western Upper Peninsula Manpower Consortium, the Dickinson-Iron Mental Health Board, the Dickinson-Iron Community Services Agency, the Iron County Economic Development Corporation.

In addition to his political activities Fred has found time for membership in the Iron County Kiwanis Club, the Iron River Country Club, the Elks Lodge, the American Legion, the Fraternal Order of Eagles, and many other organizations.

Fred and his wife, Lorraine, have raised six children: Terry, Barbara, F. Michael, Frederick III, Peter, and Mark. Lorraine has also dedicated her life to public service as an educator and school administrator in the West Iron County School District in Iron County.

Mr. Speaker, Fred has gone above and beyond the call of duty as a public servant and his public spiritedness is an inspiration to citizens and elected officials alike. I ask you and my House colleagues to join me in saluting a personal friend of mine and a true friend of the people of Iron County, Fred M. Saigh, in recognition of his thirty five years as a member of the Iron County Michigan Board of Commissioners and his eleven years on the Iron River City Commission.

TRIBUTE TO PATROL OFFICER KEVIN DELANEY

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 17, 2002

Mr. WELLER. Mr. Speaker, I rise today to honor Patrol Officer Kevin Delaney of the Wilmington City Police Department for his deserving efforts in retaining a canine unit for the community.

Since March 3rd, 1990, Officer Kevin Delaney has served his community over and beyond the call of duty. Officer Delaney has received the Distinguished Service Award, an Alliance Against Intoxicated Motorists Award, and a Felony Arrest Award. Officer Delaney continues to keep our district safe through his many live safe efforts, and specializations as an evidence technician and truck enforcement officer.

Officer Kevin Delaney shows his concern throughout the community as he speaks to local schools about the dangers of gangs, drugs, drinking and driving, and speeding. His involvement in the Will County Gang Suppression Unit has initialized the drug enforcement issue in Wilmington, resulting in his determination to acquire a canine unit.

Officer Kevin Delaney will be the officer in charge of the canine unit and take full responsibility in carrying out the duties expected of him. Officer Delaney represents one of the finest in the Wilmington City Police Department and will use his full potential to preserve the safety of the community.

Mr. Speaker, I urge this body to identify and recognize others in their own districts whose actions have so greatly benefitted and strengthened America's communities.

NATIVE AMERICAN HOUSING ASSISTANCE AND SELF-DETERMINATION ACT REAUTHORIZATION BILL

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 17, 2002

Mr. KILDEE. Mr. Speaker, I stand today in strong support of S. 1210, a bill to reauthorize the Native American Housing Assistance and Self-Determination Act (NAHASDA) of 1996 that also includes various amendments to the Act. The NAHASDA, enacted in 1996, was the first piece of comprehensive housing legislation directed solely to Native American and Alaska Native people. It has become the basic program aiding Native Americans in tribal areas with affordable housing development including homeownership, rehabilitation, infrastructure development and other affordable housing assistance. As an original cosponsor of H.R. 1873, the companion bill to S. 1210, I urge my colleagues to join me in support of the passage of S. 1210 today.

There are many reasons that I support the reauthorization of NAHASDA, an Act that has created incredible opportunities for tribes to meet the housing needs of their members.

The success of NAHASDA is clear. In the five years since NAHASDA's enactment, over twenty-five thousand housing units have been constructed or are in development. This is nearly three times the rate of production before NAHASDA. With severely overcrowded conditions in more than thirty percent of homes in tribal areas, and more than forty percent of homes with serious physical deficiencies, the need has been demonstrated and is now slowly being met.

While development under NAHASDA is encouraging, it is estimated that there is still an immediate need for 200,000 housing units, a need that continues to grow for one of the fastest-growing population groups in the country. The poverty rate for rural Native Americans remains at nearly forty percent, a rate that is higher than other racial and ethnic groups of the United States, so the need for programs such as NAHASDA continues to be strong.

For all its attributes, one of the most important benefits of NAHASDA is that it promotes tribal self-determination. Under the Act, the focus is on the tribal government rather than a separate housing entity. Tribes are given more autonomy in administering their funds and can tailor their plan to their specific needs. The Act also encourages the involvement of private sector entities and promotes innovative financing.

Mr. Speaker, the NAHASDA reauthorization bill will build upon the success of the past five years by providing more housing development on our nation's Indian reservations. The amendments included in the bill help to streamline the Act to make it more user-friendly and also further emphasize the self-determination aspect of the Act. Housing is the backbone of economic and community development. It creates jobs and drives tribal economies. It is a basic need that can strengthen progress in other areas like education and health care, too.

I would like to thank my colleague, Congressman J. D. HAYWORTH for his dedication to Native American issues, and for working so diligently toward the passage of this bill. It is my hope that my colleagues on both sides of the aisle will support this bill for what it is—a renewed commitment to the well-being of the Native American people of this nation. Thank you.

CALLING FOR AN END TO THE SEXUAL EXPLOITATION OF REFUGEES

SPEECH OF

HON. JUANITA MILLENDER-McDONALD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 16, 2002

Ms. MILLENDER-McDONALD. Mr. Speaker, I rise in support of H. Con. Res. 349 that I introduced earlier this year to call attention to the terrible exploitation that has occurred within the refugee camps in West Africa and elsewhere in the world.

Since this legislation was introduced, some progress has been made in resolving the matter of sexual abuse of refugee women and girls living in UNHCR camps.

According to a recent letter I received from the Washington Office of the United Nations High Commissioner for Refugees, a number of new procedures have been introduced by that organization to take preventive action. New guidelines have been set for field staff in Africa and in other regions of the world. UNHCR has stated "there is absolutely no place in the humanitarian community for those who exploit others," and emphasizes the need for strict adherence to a 'zero-tolerance' policy.

It also is important to note that the U.N. Office of Internal Oversight Services has carried out more than 250 interviews in the field on this matter and will issue its report to the U.N. General Assembly during this year's session.

However, Mr. Speaker, despite these efforts, much more work is needed to resolve the existing problem. The matter of sexual abuse of women and children remains a real threat, especially for those who have already been dispossessed from their homelands and who face uncertain futures as refugees.

On this issue, we now know that the lives of refugee women and their children are at stake. The poor quality of life in many refugee settings can lead to sexual violence, abuse and harassment of children.

This is what appears to have occurred in the refugee camps located in Sierra Leone, Guinea and Liberia and now Zimbabwe and possibly elsewhere. Young girls are defenseless in the face of such exploitation and therefore we must be their champions wherever such evil is found in the world.

It is appalling that local aid workers of international and local humanitarian agencies and NGOs, and even perhaps some members of peacekeeping forces, have been accused of carrying out this sexual exploitation.

Mr. Speaker, my Resolution commends the Secretary General of the United Nations for his forthright stand on this matter and expresses support for the comprehensive investigation that he launched to look into this scandalous situation. When I and several other Members of the Women's Caucus met with Mr. Annan in New York in April, he expressed his deep appreciation for our concern and indicated that, along with the global U.N. investigation underway, he believed that more women should help manage these camps to avoid future exploitation.

Part of the lack of protection of refugee children's rights comes from too little money. Although the United States contributes about 22 per cent of the budget of UNHCR, the funding from all donors is inadequate. Increased resources are a must if better physical protection is to be made available for women and their children. These refugee settlements are often large operations and are quite complex to run.

Due to decreased funding, UNHCR and its NGO partners have had to cut staff and drop supervision of many services. This has led to the U.N.'s guidelines on protecting refugee women and child rights not being fully implemented. Obviously, we must strive to commit more funding to U.N. agencies dealing with refugees, so that the camps become a less dangerous environment for women and children.

My measure also calls on the President to reaffirm the commitment of the United States to protect the well-being and human rights of women and girls as well as to review under USAID and the Department of Agriculture, the distribution of U.S. food assistance to refugee communities around the world.

We cannot allow girl children to become sexual pawns because they do not have enough food to eat. This situation really should not be tolerated. It is distressing that many girls feel compelled to exchange sexual favors for food because their food rations cannot last a month and their families go hungry. This lack of sufficient food is something that the American people would want to do something about.

Mr. Speaker, I thought that it was important to highlight this issue and to show that our Government takes the matter of abuse of human rights seriously wherever it is found. The President must affirm this principle on the part of the American people. Hopefully, the final report of the U.N. investigation will make recommendations about the disciplining of those who sexually exploit children. I firmly believe that prompt action must be taken to bring those who have brought shame upon the honorable profession of giving service to refugees—the dispossessed of the earth—to full account.

Mr. Speaker, we are now facing a serious food crisis in southern and eastern Africa. Famine is ravishing these countries along with the AIDS pandemic. A large proportion of refugee women and children are suffering as a result. We must do all that we can to help protect them from any form of exploitation—sexual or otherwise that can arise from their vulnerable situation. I urge passage of this legislation.

TRIBUTE TO KEWEENAW NATIONAL HISTORIC PARK ON ITS TENTH ANNIVERSARY

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 17, 2002

Mr. STUPAK. Mr. Speaker, I rise today to pay special tribute to an important part of the economy, culture and education of the Copper Country of Michigan's Upper Peninsula. Mr. Speaker, I rise to honor the Keweenaw National Historic Park on its tenth anniversary.

Keweenaw National Historic Park became a reality on October 27, 1992 when Public Law 102–543 was signed into law by President George Herbert Walker Bush. The park's creation was first mentioned in 1971. The effort began in earnest in 1982 and culminated with the establishment of America's three hundred sixty sixth national park ten years ago.

The twin purposes in establishing the park were preserving the nationally significant historical cultural sites and structures on Michigan's Keweenaw Peninsula for the education, benefit, and inspiration of present and future generations; and to interpret the historical synergism between the geological, aboriginal, sociological, cultural, technological, and corporate forces that relate the story of copper on the Keweenaw Peninsula and the entire nation.

Seventeen cooperating sites comprise the Keweenaw National Historic Park. Each separate site tells a different part of the story of the Copper Country's significant role in the American Industrial Revolution. Coupled with the area's natural beauty, the park draws more and more visitors each year.

The park has been growing in assets and visitors year by year and during the tenth anniversary celebration the Keweenaw National Historic Park Headquarters will be dedicated. The park headquarters will be located in a one hundred five year old office building, that formerly served as the Calumet & Hecla (C&H) Company's general office building. Refurbishing efforts are currently underway at two former mining related sites, the C&H library, that will serve as the Keweenaw History Center and at an old union hall. These sites and the fourteen other cooperating park sites tell the unique story of the copper miners' (many from foreign countries) migration to Michigan's Upper Peninsula in a sociological and historical context.

The idea of bringing curious historical visitors to the area has been accepted by the public and private sectors of the Keweenaw Peninsula. The coalition of area residents and businesses foresaw the educational benefits that accurate historic preservation would provide to residents and visitors alike. Commemorating and interpreting the history of hard rock mining in the Keweenaw has provided an economic boom to the area not seen since the boom days of the Calumet & Hecla and Quincy Mining Companies.

Public and private cooperation is also critical to funding the park. The bill authorizing the creation of the park relied on private partnership funding with federal matching funds. This shared funding fosters the development of the park's cooperating sites.

Mr. Speaker, preserving the past for the education of future generations benefits the area both economically and educationally. America's 102nd Congress recognized the benefits of establishing the Keweenaw National Historic Park. The area residents and businesses have and will continue to benefit economically, culturally, and educationally from the park for years to come.

Mr. Speaker, on October 27, 2002 the Keweenaw National Historic Park will celebrate its tenth anniversary. I ask you and my House colleagues to join me in saluting, a great historical and economic asset to Michigan's Keweenaw Peninsula as the Keweenaw National Historic Park celebrates the community's past while providing for the community's economic and historical future.

A TRIBUTE TO REV. JERRYE GRAY CHAMPION

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 17, 2002

Mr. TOWNS. Mr. Speaker, I rise today to give honor and praise to the National President of Church Women United, USA, the Reverend Jerrye Gray Champion.

Rev. Champion is one of the most learned and accomplished women to ever hold this position within the Church Women United organization. An Associate Pastor with Tanner African Methodist Episcopal Church in Phoenix, Arizona, she holds not only a Masters in Theology from Fuller Theological Seminary but also masters degrees in library science and public administration as well as a B.A. in English and Speech and a doctoral certification in Clinical Pastoral Education. As a certified clinical chaplain, Rev. Champion holds specialties in numerous trauma and intensive care areas. She is also credentialed in pastoral, spiritual, and bereavement counseling; spirituality and healing; and biomedical ethics. Before entering the ordained ministry, the Reverend had careers in education, public policy and corporate administration. In the 1970's and the 1980's, she directed the Scottsdale Public Library and also served for six years in the cabinet of former Arizona Governor Bruce Babbitt.

Rev. Champion has served at the local, state, area, conference branch, district, national and connectional levels in Church Women United and the Women's Missionary Society of the African Methodist Episcopal Church. She has been continuously active in these organizations throughout her entire adult life. As the eldest of five children born to The Rev. Dr. Alfred David Gray and Valerie Geeston Gray, and a third generation minister, her church activism should come as no surprise. As Rev. Champion has said in describing her own ministry, "my love of God and ability to love God's people just as they are wherever they are in the experience of life is my strongest gift for ministry and leadership".

As a wife, mother and grandmother, Rev. Champion's ability to balance a busy career with her pastoral duties, organizational responsibilities and her family life make her a truly remarkable person. And she readily admits that her success is due to the genuine love and support that she has received from her family.

Mr. Speaker, I hope you will join me in recognizing one of America's most gifted theologians and church leaders, the Reverend Jerrye Gray Champion.

CELEBRATING SUMMERBRIDGE CINCINNATI INC.'S TENTH ANNIVERSARY

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 17, 2002

Mr. PORTMAN. Mr. Speaker, I rise today to honor the Summerbridge Cincinnati, Inc., a non-profit innovative teaching and mentoring program in Greater Cincinnati that recently celebrated ten years of success.

Summerbridge began nationally in 1978, and now encompasses 26 programs on 31 campuses throughout the United States and Hong Kong. The results are impressive: 90 percent of Summerbridge students have gone on to strong academic high school and college programs, and 64 percent of the teaching staff have pursued teaching careers.

In 1992, Odessa Hooker and Bill Hopple recognized a need in Cincinnati for providing academic guidance outside the traditional classroom environment for middle school students. Ms. Hooker and Mr. Hopple began Summerbridge Cincinnati, a summer program at Cincinnati Country Day School, with fifty sixth and seventh graders. That initial summer program has grown to a year round one for sixth, seventh and eighth grade students. The programs and staff are now located on the campuses of the Cincinnati Country Day School and The Seven Hills School.

Summerbridge brings together talented high school and college students who are interested in teaching with promising but underserved younger students. The mentor students instruct small, diverse classes in writing, literature, math, science, arts, music and theater, and also plan field trips. Each host school provides a director who is part of the school faculty.

The focus is on developing leadership skills and self-esteem in a dynamic and academic environment. The program's success has been truly inspiring; both student and teacher participants have said the program was a breakthrough experience for them. All of us in Cincinnati are grateful to Summerbridge's teachers, students, and staff for ten years of making a positive difference in our community. We wish Summerbridge Cincinnati many more years of success.

TRIBUTE TO RUSSELL, LINDA, AND MICHAEL BUSBY

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 17, 2002

Mr. WELLER. Mr. Speaker, I rise today to honor Russell, Linda, and Michael Busby for their outstanding citizenship in the City of Wilmington.

The City of Wilmington has been overshadowed by drugs. The drug community has risen throughout neighborhoods, local parks, and even in the privacy of some homes. One of these homes belonged to Russell, Linda, and Michael Busby. A drug induced neighbor forced his way into their home threatening their privacy and safety.

The Busby family not only convinced local groups, the police department, and the city council the importance of a canine unit, they contributed their own time and money in the process. The Busby family set up contests and car washes to raise money. They encouraged donations from individuals and organizations. The Busby family also attended all city council meetings to ensure their concerns were being heard and progression was being made.

Russell, Linda, and Michael rose to national recognition through their timeless efforts in reducing drug activity in their community. Their devotion and perseverance will be remembered by everyone.

Mr. Speaker, I urge this body to identify and recognize others in their own districts whose actions have so greatly benefitted and strengthened America's communities.

PERSONAL EXPLANATION

HON. JAMES H. MALONEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 17, 2002

Mr. MALONEY of Connecticut. Mr. Speaker, I was absent on Wednesday, October 16, 2002, and missed rollcall votes Nos. 464, 465, 466, 467, 468, 469, and 470. Had I been present, I would have voted "aye" on rollcall No. 464, "aye" on rollcall vote No. 465, "aye" on rollcall vote No. 466, "no" on rollcall No. 467, "no" on rollcall No. 468, "yes" on rollcall No. 469, and "yes" on rollcall 470.

A TRIBUTE TO MR. IAN GRAY

HON. ROBERT L. EHRLICH, JR.

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 17, 2002

Mr. EHRLICH. Mr. Speaker, I would like to take this opportunity to pay tribute to a humanitarian, Mr. Ian Gray, who tragically passed away on September 11th, 2001.

Ian Gray worked for Baltimore Medical System (BMS) as part of his personal mission to ensure quality health care access for the underserved in the Baltimore area. He helped to build a health care system which serves over 30,000 patients throughout Maryland. He touched many lives in unseen ways through his commitment to BMS.

Mr. Gray died during the tragic events of September 11th, 2001, as he was a passenger on Flight 77, which crashed into the Pentagon. His death serves as a reminder to all of us to continue the work he began. While his life was cut short, I know that his many coworkers, friends, and family members continue the noble mission of helping those in need by providing high quality health care.

In recognition of the one year anniversary of the attacks on our nation last month, BMS launched a capital fund drive, named for Ian Gray, to raise money for the health care needs of Baltimore's residents.

Ian Gray's dream of improving health care is something we all share. His work was noble and improved the lives of countless Marylanders. I would like to take this opportunity to extend my best wishes to Ian's wife, Ana, and their children and family members. Ian's commitment to the health care of Marylanders lives on through the dedication of a fund to assist Baltimore Medical System to help those in need.

Over one year after the tragic attacks on our nation, we remember and celebrate the life of Ian Gray and continue his important work.

TRIBUTE TO MR. RICHARD CLARK

HON. JOHN E. SWEENEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 17, 2002

Mr. SWEENEY. Mr. Speaker, I would like to take this opportunity to honor a constituent of the 22nd District of New York—a man who epitomizes the spirit of this great Nation, Mr. Richard Clark of Ticonderoga, New York. In March of 1952, Mr. Clark joined the Ticonderoga Fire Department by enrolling in the Defiance Hook and Ladder Co. #1. He has served his community continually since then, and throughout his half century of service, Mr. Clark has served the Fire Department as a Trustee, Caretaker, Warden, Assistant Foreman, Vice-President and Assistant Chief.

Mr. Speaker, Mr. Clark's selfless dedication to Ticonderoga and neighboring communities embodies the true spirit of an American hero. As the result of the September 11th attacks, firefighters have finally received the attention and admiration they have so long deserved. Firefighters put their lives in harm's way with every call, everyday. Some do this because it is their chosen profession as a paid firefighter, others do it as volunteers to assist those in their communities. Risking one's life for the sake of helping others is extremely admirable—to do so without compensation or reward for over 50 years is truly amazing.

Mr. Clark is a true volunteer. He is always willing to assist in training new members, conduct the Fire Company Fund Raisers and assist in the day-to-day operations of the Fire Company. His ability to safely operate the fire apparatus is unparalleled and he is often called on to assist the new driver trainees.

Mr. Speaker, the actions of Firefighter Richard Clark deserve to be recognized. I truly believe that the amount of service one dedicates to his community is a true measurement of one's character. Fifty years of continuous service to the community of Ticonderoga surely speaks volumes about the character of Mr. Richard Clark. I ask my colleagues, along with the 22nd District of New York, to join me as I thank Mr. Clark and for his continued service and contribution to the community.

BEN McKIBBENS

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 17, 2002

Mr. ORTIZ. Mr. Speaker, I rise to pay tribute to an old friend and a pillar in the South Texas community, Ben McKibbens, the President and CEO of Valley Baptist Health System in Harlingen. Ben is a unique patriot and a consummate businessman, and the hospital system in our community will honor him upon his retirement on November 16, 2002.

The health care system in our nation has faced—and continues to face—enormous and mounting problems in the administration of medical services and health care in our communities.

It is people like Ben McKibbens who work hard to make hospitals function in an atmosphere of cost cutting. He is true leader both in our community and in the national healthcare network.

Born in Kentucky and raised in Mississippi, this son of the South won honors as an alumni from Mississippi State College. He completed his Masters program at the University of Alabama in Birmingham. After residency in Hospital Administration at Mobile Infirmary Medical Center in Mobile, Alabama, he moved up the ladder of administration.

An exemplary citizen with a caring heart, Ben has been the President and CEO of Valley Baptist Medical Center and Valley Baptist Medical Development Corporation since early 1977. In 1999, he became President and CEO of Valley Baptist Health system and affiliated corporations, which employs about 2,300 people.

He has a large breadth of experience. He is a fellow in the American College of Healthcare Executives and is a Preceptor to graduate programs in Hospital Administration at the University of Alabama, and Trinity University in San Antonio.

He is widely recognized for his efforts to improve regional health care needs for the South Texas/U.S. Mexico border region, a difficult geographical place to manage health care. In 2002 alone, he was honored with an award from the pharmacists of Texas, the Harlingen Hispanic Chamber of Commerce, and the American Heart Association.

He has always been enormously helpful when my office has asked for wisdom on issues related to healthcare. He has worked well together with the South Texas and state entities.

This true Southern gentleman is now Chairman of the Texas Hospital Association (2001-2002) and serves on the Voluntary Hospitals of America Board. He is also past Chairman of the Baptist Hospital Association and Past President of the Texas Baptist Hospital Association.

Ben has been supported throughout his career by his lovely wife Loren, and their children: Ben Jr., Mitchell, Merridy, and Woods. I ask my colleagues to join me today in wishing Ben the best in his retirement.

CHILDREN IN PERIL

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 17, 2002

Mr. GEORGE MILLER of California. Mr. Speaker, the story below, from Sunday's Pittsburgh Post Gazette, offers yet another example of a child welfare system's failure to provide children and their families with necessary services and safeguards—even in one of the nation's best child welfare systems.

The story below discusses several examples of bad casework that are frightening, and some examples of good casework that are inspiring. But most frightening is the fact that these stories come from one of the best child welfare systems in the country. In most other jurisdictions, the child welfare system is worse.

While this story describes caseworkers that failed to use resources available to them, in most communities, resources and supportive services are not available at all. In other jurisdictions, not only have child welfare workers been found derelict in their duties, but children have died under agency supervision. We cannot continue to spend billions of federal dollars on a system that does not provide what children need to thrive, or in some cases, even to survive. The government must require greater accountability to ensure the health and safety of every child in its custody.

The article follows:

[From the Pittsburgh Post Gazette, Oct. 13, 2002]

Dana Perkins wasn't looking for any help, though she'd admit getting by as a single mother of three was a relentless struggle. Sometimes, too tired to argue, she let her children skip school. Sometimes, too tired to face reality, she numbed herself with cocaine. Then, about 18 months ago, a judge informed her that she'd accept help whether she wanted it or not.

Common Pleas Judge Cheryl Allen decided the combination of truancy and drug abuse endangered the Perkins children. That meant the judge could place them in foster care. But she didn't.

She said Perkins could keep her children as long as she cooperated with Allegheny County's Office of Children, Youth and Families. Allen directed CYF to help Perkins get off drugs and get her kids to school.

Perkins' first caseworker reached into the treasure chest of tools and services available to Allegheny County caseworkers with one hand and grasped Perkins with the other, in a focused attempt to pull her and her family up to the solid ground of sobriety and school success. Perkins' second caseworker, however, seemed to have no reach at all.

The quality of a caseworker can make or break a family. It can be the difference between reunification and termination of parents and children. Some caseworkers are renowned in juvenile court for their ability to solve problems and bring together strengthened families. Others are notorious for the opposite.

Frustrated juvenile court judges have tried to crack down on such workers. Last month, Common Pleas Judge Kathleen R. Mulligan directed CYF to pay a $150 penalty because a caseworker had failed for 30 days to formally explain why she'd placed children in foster care and neglected to call witnesses for a hearing to determine whether the removal was justified.

Lawyers who practice in juvenile court say casework has improved over the past five years as workers' salaries have risen and a promotional ladder was constructed within CYF to retain the best ones. Still, they say, bad casework happens all too often.

Allen, who has the longest tenure on the juvenile bench at nearly 11 years, and who worked as a lawyer for CYF for more than a dozen years before that, recognizes the stress under which caseworkers labor, with high caseloads and constant fear that a child will be hurt.

"Most caseworkers try to do the best they can under horrible circumstances," she said. But, she added, "You just never know how far away from a disaster you are."

FAULT ON BOTH SIDES

The Perkins case was relatively simple for CYF. The children weren't in foster care and hadn't missed so much school that they were failing. The mother used drugs but wasn't so addicted that she sold the children's toys to pay for them. And the family had a home, even if it was in a Garfield public housing project liberally splattered with the brown of boarded windows.

Perkins' first caseworker, Juanita Bryant, signed her up for a drug treatment program and set her up with a recovery sister—a former drug addict who acts as a mentor. Bryant also got the family an in-home service worker to visit several days a week and help with budgeting and getting the kids to school.

At that point, however, Perkins' cooperation was not as good as Bryant's casework. She started one treatment program, then left. She attended another, but quit it too. Good caseworkers, like Bryant, know such behavior is typical of addicts. But Bryant would remain on the case only a few months because she is an intake worker. She investigates allegations against parents, then begins help. In August 2001, Perkins' case was moved to Bill Besterman, a family service worker, the kind who assist families through recovery.

Soon after Besterman was assigned to her case, Perkins decided she wanted to go into a 28-day in-patient drug treatment program. She says Besterman frustrated her efforts by losing papers, failing to sign forms and missing appointments.

Besterman is prohibited by CYF policy from speaking about the Perkins family, but CYF is sanctioning him for his handling of this case.

In a review hearing last May, Allen again ordered Besterman to help Perkins get in treatment, to enroll the two younger children, Brandon, 12, and Brittany, 13, in summer camps and help the oldest, Bryan, 15, get a summer job. Juvenile court routinely orders CYF to send teens to camp or summer school to keep them busy and out of trouble. Allen also repeated an order that was by then more than a year old. She wanted CYF to arrange for psychological evaluations of the children.

By July, Besterman hadn't enrolled the children in camp or Perkins in treatment. So Perkins signed up for Zoar New Day program herself. She told Besterman it would require her to be gone for several hours a day, and he told her not to leave the children home alone.

Perkins did it anyway, reasoning that they were old enough, especially since her brother and sister lived in the same housing complex. On Perkins' second day of treatment, Besterman showed up on her doorstep to take the children.

Only the intervention of Perkins' brother and sister, who said they would watch over the youngsters, kept them out of foster care.

Perkins stopped going to treatment while she pleaded with Besterman for a letter permitting her to leave the teens alone. He finally wrote it, she says, but by then the treatment program had discharged her.

When the case returned to court for review on Sept. 4, Besterman told Allen that Perkins had dropped out of another drug treatment program, but he never mentioned that it was because he'd threatened to take her kids away while she was there.

INFORMATION, DISINFORMATION

The kind of information—or dis[chyph]in[chyph]for[chyph]ma[chyph]tion—case[chyph]work[chyph]ers give judges can be crucial in deciding a case. "If you do not trust the case work done by CYF, and you are not sure of the information presented in court, then you are in a quandary," Mulligan said, "You could get involved in a case with no basis, and that is not fair to the parents. Or you could end up dismissing a case that does have a basis, and that is not fair to the child."

"In a civil case," she said, "if the plaintiff attorney does not present enough evidence, I dismiss, and the plaintiff can go after the attorney for malpractice. But in these cases, the consequences are so scary. You have children's lives at stake. You cannot say, 'I will just dismiss it.'"

One caseworker who simply didn't have the information a judge needed arrived in Allen's courtroom Aug. 21. In March, the caseworker had placed a teenage girl, a runaway who was working as a prostitute, in what was supposed to be a temporary shelter until the teen could be moved to a therapeutic group home. Five months later, the girl remained in the shelter, not placed where she could get help, and the worker couldn't tell the court whether she was receiving any therapy.

The child's lawyer asked, "is she getting therapy."

The caseworker replied, "I know she is in a shelter."

Allen pressed, "You are not sure if she is getting mental health services?"

"I am not sure. She should be getting it," the worker said. She told the judge she did know the child was taking medication. "For what," Allen asked. "I am not sure," the worker said.

FRUSTRATIONS ON THE BENCH

As Besterman testified at the Perkins review hearing in September, Allen grew increasingly red in the face. It wasn't so much what he didn't know as what he hadn't done.

Allen asked Besterman if he'd set up drug screens for Perkins at the Allegheny County Health Department, as the judge had ordered repeatedly for a year. "It was never done, I don't think," Besterman said.

Had Besterman arranged psychological evaluations of the Perkins children? Allen asked. That was never done either, Besterman said. How about helping the older Perkins boy get a job? Besterman had done nothing more than get a copy of his birth certificate.

Besterman also admitted he never enrolled the two younger children in camp.

Finally, Allen told him, "Mr. Besterman, it just seems as though nothing happens in this case. We drag these people in here every three months and nothing has happened."

That frustration is a common one for judges and families alike: The work just doesn't get done. Caseworkers don't return phone calls, don't process payments, don't follow court orders.

The claims of ignored phone calls are so commonplace that judges don't doubt them. In one case, CYF wanted Common Pleas Judge Robert Colville to relieve the agency of its duty to work toward reunification for a father who hadn't visited his baby. Colville refused after the father testified he'd repeatedly called his caseworker, left message after message and none was returned.

"It is a plausible, credible scenario that he called through December and no one answered his phone calls," Colville said. The failure of the agency to make various types of payments is just as problematic.

In one case, a judge ordered CYF in June to cover the rent of a 17-year-old girl for three months until she turned 18. CYF was responsible for her until then, and the program that was supposed to teach her independent living skills while she lived in an apartment had closed down. CYF did not pay the rent, however, and the landlord threatened to evict the girl and her 10-month-old baby. Though ordered again in September to pay, CYF still hasn't done it.

In another instance, a caseworker refused to provide bus passes for a low-income mother who needed to take two buses to get to her court-mandated drug screens. Though the agency routinely provides such passes, this caseworker refused. The mother pleaded for Allen to order it. She did.

In a more egregious case, CYF failed to provide payments to a woman who was caring for her three nephews, even though they received Social Security, which was forwarded to CYF when the boys were removed from their mother. For months, the aunt cared for the boys without getting either foster care payments or the Social Security money.

Finally, the financial stress in the household prompted the aunt to ask the caseworker to move the boys. A month later, CYF paid the $4,392 it owed her.

Marc Cherna, Allegheny County's director of Human Services, conceded casework could be better. "Not every case is handled as well as it should be," he said. "I am very realistic about this stuff. I get the stack of complaints from the Director's Action Line."

Still, he noted, the agency is always trying to improve the quality of casework, and the good work of the agency should not be forgotten.

"We do things that other places do not do," he pointed out. And if the agency is a little slow in providing these services—such as bus passes—it should still be commended for doing it at all.

He stressed that he believes most caseworkers handle the job with empathy and professionalism.

Perkins' new caseworker, Nadiyah McLendon, is among those. She took over the case after Besterman was removed in September.

She helped get Perkins re-enrolled at Zoar, which will also do the drug screens, saving Perkins extra trips to get them. And she got the psychological evaluations of the three children done.

She did everything she was supposed to do, fulfilling the duties of CYF. Allen reminded the agency at Perkins' September hearing that it must be accountable: "Once kids are brought to court, CYF has some responsibility."

HONORING THE AMERICAN-ARAB HERITAGE COUNCIL

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 17, 2002

Mr. KILDEE. Mr. Speaker, I rise today to pay homage to the 2002 honorees of the American-Arab Heritage Council in my hometown of Flint, Michigan. The Council is an organization committed to promoting the American-Arab community. They also seek to preserve their culture for future generations. On October 18th the Council will be hosting the 6th annual Ensure the Legacy Banquet to pay tribute to the following men and women of the Arabic community that have significantly contributed to Genesee County.

The Council has chosen John Henry as "Community Leader of the Year." Mr. Henry is the Executive Director of the Flint Institute of Arts and was the driving force behind "The Arab Influence" project. He has worked for the last two years on the exhibit that involved fifteen institutions and was designed to safeguard Arabic history and promote understanding. This exhibit has educated thousands about the contributions of the Arab world to art, science, literature, and religion. Through exhibitions like the "Khalil Gibran: Images of a Poet" and "The Arts of Islam: The Word of God, The Works of Man" many Americans have been exposed to the interweaving of art into the everyday life of the Arabic world.

Fay Joseph was chosen as the "Community Volunteer of the Year." Fay has donated her time, energy, and money to the causes she believes in. The list of organizations benefiting from her largesse is extensive. Honored by many groups for her work, Fay exemplifies the commitment that pervades the Arab community in Genesee County. Never content to accept the status quo, Fay is always looking for ways to make her hometown a better place. Going quietly about her work, Fay portrays the positive image of Arab-Americans.

Dr. Farouk Obeid is being honored as the "Physician of the Year." He is the Director of Trauma, and Surgical Care at Hurley Medical Center in Flint in addition to being Head of Trauma and Critical Care at Henry Ford Hospital. Originally from Syria, Dr. Obeid came to this country to complete a residency in General Surgery and a fellowship in Vasculary Surgery. He is the president of the American Arab Syrian Culture Society of Greater Detroit and has devoted countless hours to numerous nonprofit groups. He has contributed to several surgical textbooks and works as a professor of Surgery at Michigan State University, associate professor of Surgery at Case Western Reserve University and clinical professor of Surgery at Michigan State University.

In their promotion of education, the American Arab Heritage Council offers an annual scholarship to a student achieving high academic standards. This year's recipient is Candi Rishmawi a student of medical technology at the University of Michigan-Flint.

Mr. Speaker, I ask the House of Representatives to join me in congratulating these four individuals. I would like to commend them and the American Arab Heritage Council for their hard work this past year. Through their efforts Americans can come together in peace and understanding and our society is enhanced.

TRIBUTE TO BRAD ANDERSON

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 17, 2002

Mr. OBERSTAR. Mr. Speaker, I rise today to pay tribute to an American hero. Deputy Brad Anderson, a member of the St. Louis County Sheriff's Department, died on Labor Day, September 2, 2002, while answering a call in rural northeastern Minnesota. Deputy Anderson, of Aurora, Minnesota, was tragically killed in the line of duty when his squad car collided with another vehicle. He leaves behind his wife Gale and two sons, Kyle and Conrad.

Deputy Anderson's co-workers described their fallen colleague as "tenacious" and "extremely dedicated." If you were the victim of a crime, Deputy Anderson was the type of law enforcement professional that you wanted to have working on your case. He was thorough and never quit on any of his investigations, and he came to work every day with the belief that he was protecting and serving the public.

Deputy Anderson shared a deep concern for the children of the community, and he dedicated himself to keeping them safe. Many a young person is alive today because Deputy Anderson took the time and made the effort to take action when he saw that they were in trouble and needed guidance. I know that there are many parents who are grateful for his dedicated and timely actions.

In addition to his duties as a deputy sheriff, Brad Anderson taught firearms safety courses to students of all ages. He was also a member of the Iron Range Disaster Committee and spent many dedicated hours working with fire departments, ambulance services and public safety organizations. Those whom he worked with always appreciated his experience and skills. His knowledge in handling large-scale emergency situations will be greatly missed.

Deputy Anderson was dedicated to his country and its armed services. He was extremely proud of his service in the U.S. Air Force and later the U.S. Air Force Reserve. He was honored to be an American and an American Veteran.

Northeastern Minnesota has indeed lost a true professional with the death of Deputy Sheriff Brad Anderson. Our region will profoundly miss this dedicated hero.

SUPPORTING UKRAINIAN JOURNALISTS AGAINST OPPRESSION OF FREE SPEECH

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 17, 2002

Mr. SCHAFFER. Mr. Speaker, I rise today in support of restoring free speech in Ukraine. Democratic societies should cherish freedom of speech, not fear it. Current efforts in Ukraine to suppress this fundamental human right undermine every other human liberty for the Ukrainian people, and thus, must not continue. I call upon our friends in the Ukrainian Verkhovna Rada, and Ukraine's government leaders to defend the human rights of Ukrainian citizens, and to ensure Ukrainian journalists are permitted to report news truthfully and accurately, free from fear of harassment, molestation, imprisonment and physical harm.

The chairman of the Rada's Committee on Freedom of Speech and Information, Mykola Tomenko, last month, said guidelines on covering politics were routinely being sent to media chiefs. He told a press conference he had received such a document from a TV channel head who indicated he receives such a document every week from the president's administration.

Blatant incidents of media censorship in Ukraine are increasingly indicating an orchestrated campaign to control information and news of public interest. These events cast grave doubts upon the sustainability of Ukraine's development as a democratic society, and upon the government's commitment to the constitutional rights of its citizens. This increased oppression on Ukrainian media has precipitated the formation of a journalist's union, organized to fight political censorship. I commend these journalists for their courageous defense of democracy and human freedom.

On September 24, 2002, the Organization for Security and Cooperation in Europe (OSCE) and the Council of Europe held a roundtable discussion focusing on Ukraine's current media regulations and whether they adhere to Western standards. Ukrainian parliamentarians, government officials, media professionals, international experts and diplomats took part in discussions. The OSCE representative on freedom of the media pointed out that Ukraine's law on the procedure of coverage by mass media on state authorities and local self-government "raises very serious doubts about [Ukraine's] compliance with international human rights standards on freedom of expression."

On October 3rd, 2002, journalists participating in the roundtable signed the "Manifesto of Ukraine Journalists on Political Censorship." The proclamation reads as follows:

MANIFESTO OF UKRAINE JOURNALISTS ON POLITICAL CENSORSHIP

We, the journalists of Ukraine, fully realizing the unique role of a truthful word for development and consolidation of our Motherland, realizing our personal responsibility as journalists for giving unbiased information, understanding that fear will impede some of our colleagues to sign the Manifesto, proclaim:

(1) Political censorship does exist in Ukraine and it is realized through orders or upon consent of the Power in regard to television and radio programs, articles in newspapers through illegal pressure of all kind on journalists and individual mass media that try to highlight social and political life in the country.

(2) Political censorship humiliates journalists and people of Ukraine.

(3) Political censorship is illegal: while exerting political censorship the Power attempts to restrict constitutional right of citizens for freedom of speech, which is stipulated in the Constitution of Ukraine, laws of Ukraine, international legal documents ratified by Ukraine and hence binding on its territory. It is worth stressing that the right for freedom of speech is an integral right of Ukraine citizens. Thus, it is a harsh violation of one of the most important fundamental principles of the Constitution of Ukraine. The fact that with the flagrant examples of political censorship in Ukraine no one has been brought to trial we retain as scoffing the Law and the rights of Ukraine citizens.

(4) We, the journalists of Ukraine, identify ourselves with resistance of our colleagues and greet the tendency when along with intensification of political censorship in Ukraine journalists shift from protests of individuals to mass joint actions.

(5) We, the journalists of Ukraine, proclaim our readiness to an all-Ukraine strike for whose preparation and for preparation of other joint actions of journalists in support of their colleagues the initiative group is being established.

(6) We, the journalists of Ukraine, will look for every means to support our colleagues dismissed from their jobs or persecuted because of their adherence to objective journalism.

October 3, 2002.

Mr. Speaker, on February 22, 2001 I participated, as part of a Congressional Delegation, in a roundtable discussion in Kyiv, Ukraine with several Ukrainian journalists. The consensus was a sad commentary on the state of censorship in Ukraine even then. The reporters were in agreement: There is no free press in Ukraine. I have since had the chance to meet with several more Ukrainian journalists throughout Ukraine and can tell the House that each report I received described differing levels of intimidation, censorship, and control by Ukraine's central authorities. I have documented some of these interviews on my official web site: www.house.gov/schaffer.

Mr. Speaker, I urge our colleagues in the House of Representatives to support foreign assistance programs and non-government organizations that promote independent mass media in developing countries such as Ukraine. Additionally, I urge the administration of Ukraine to complete investigation of the murders of Heorhiy Gongadze and other journalists, and to offer protection from physical violence and legislative mechanisms to defend them. I furthermore urge Ukrainian investigators to fully utilize the expertise of our Federal Bureau of Investigation as promised by President Leonid Kuchma during a meeting with the Congressional Delegation on February 22, 2001.

Finally, I encourage Ukrainian journalists to persist in their relentless pursuit of the truth. Their professionalism, courage, and if necessary, their personal sacrifice, are the essential elements in securing authentic liberty for their countrymen and delivering Ukraine to a righteous state of serene democracy.

ON THE RETIREMENT OF COL. ROBERT G. HICKS, USA, AFTER 30 YEARS OF DISTINGUISHED SERVICE TO THE UNITED STATES OF AMERICA

HON. J. RANDY FORBES

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 17, 2002

Mr. FORBES. Mr. Speaker, I would like to take this opportunity to recognize the outstanding career of Col. Robert G. Hicks who is currently the Executive Director for Public Health, Safety, and Security for the Defense Commissary Agency at Fort Lee, Virginia.

Colonel Hicks will retire after 30 years of distinguished service in the U.S. Army and I would like to take this opportunity to thank him for his selfless service to the Army and to the United States of America.

Colonel Hicks was born in Beverly, Massachusetts on May 18, 1949, and earned a Bachelors of Science Degree from Presbyterian College in Clinton, South Carolina. He received a four-year Army ROTC scholarship and later received his commission as a Second Lieutenant in June 1971 as a Distinguished Military Graduate. In 1975, he received his Doctorate of Veterinary Medicine from the University of Georgia, and a Masters in Food Technology from Texas A&M University in June 1989.

During his long and distinguished career Colonel Hicks has enjoyed assignments in Omaha, Nebraska, Fort Jackson, South Carolina, Defense Supply Center Philadelphia, Pennsylvania, The Hague, The Netherlands, The AMEDD Academy of Health Sciences in San Antonio, Texas, and as Commander of the 64th Medical Detachment in Landstuhl, Germany.

Colonel Hicks' military education includes the AMEDD Officer Advance Course and the Command and General Staff College. Additionally, Colonel Hicks is Board Certified in Veterinary Preventive Medicine, and a recipient of The Army Surgeon General's "A" Proficiency Designator and the AMEDD Order of Military Medical Merit.

Colonel Hicks' other military awards include the Defense Meritorious Service Medal with one oak leaf cluster, the Meritorious Service Medal with three oak leaf clusters, Army Commendation Medal, and the Humanitarian Medal.

Mr. Speaker, I ask that you join me, our colleagues, and Colonel Hicks' many friends and family in saluting this distinguished officer's lifetime of service. Colonel Hicks is the very embodiment of patriotism and it is fitting that the House of Representatives honors him on this day.

OUR LADY OF PEACE ACT

SPEECH OF

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 15, 2002

Mr. GREEN of Texas. Mr. Speaker, I rise in support of H.R. 4757, the Our Lady of Peace Act. I'd like to thank my colleagues for their hard work on this legislation.

This legislation will be a huge step forward for the National Instant Criminal Background Check System (NICS). It will provide grants to states for building databases related to NICS, enhancing state capabilities to utilize the system, improving final disposition of criminal records, and supplying mental health records, court-ordered domestic restraining orders and records of domestic violence misdemeanors.

This information will then be able to be transmitted by the states to NICS, ensuring that criminals and others who should not have access to weapons will not be able to purchase them. This strengthening of the background check system will save lives, and protect the ability of law-abiding citizens to purchase firearms.

H.R. 4757 would also require federal agencies to annually provide the FBI with information on regarding individuals who are not permitted to purchase firearms, increasing the accuracy of these background checks and further protecting our communities.

The bill addresses legitimate concerns about the privacy of mental health records transmitted to NICS. It instructs the Department of Justice to work with states and local law enforcement on regulations for the protection of any mental health information sent to the system. I urge the department to implement the strongest possible privacy protection, so as to prevent the accidental release of this information.

Finally, the most important provision of this bill is the prohibition of the imposition of a "gun tax" by charging fees for gun purchases through NICS. The Second Amendment provides us with the right to keep and bear arms, so the burden is on us to protect that right—without taxes, delays, or waiting periods for gun purchases by law-abiding buyers.

Again, I support this legislation, and urge our colleagues in the Senate to act quickly on this bill.

TAIWANESE CELEBRATION OF ITS 91ST NATIONAL DAY

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 17, 2002

Ms. ROS-LEHTINEN. Mr. Speaker, on October 10, 2002, the people of Taiwan celebrated their 91st National Day. I would like to take this opportunity to extend to them my best wishes on this joyous occasion.

The people of Taiwan should be very proud of their achievements as their nation celebrates its rich history dating back to Dr. Sun Yat-sen and his launch against the Ching Dynasty in 1911.

As the 7th largest market for U.S. exports with total trade at $51.5 billion in 2001, Taiwan is a significant trading partner and of great importance to our nation. After joining the world stage as an observer-nation of the World Trade Organization this past January, the Taiwanese and U.S. governments may now trade more equitably and form new alliances as the 21st Century evolves.

Taiwan distinguishes itself not only in the practice of international trade with other nations but also in its assistance in fighting terrorism. Taiwanese airports and seaports have tightened their security measures to protect citizens of all nations in its efforts in combating terrorism. The country also stands with the United States on safeguarding human rights and international cooperation.

Mr. Speaker, it is my hope that this great day be one of many for the Taiwanese people. As Taiwan celebrates its national day, I look forward to a further strengthening of the bonds that unite our two nations—a relationship built on our love of and commitment to freedom.

SUPPORT FOR VALUE OF HUMAN LIFE AMENDMENT, KUCINICH AMENDMENT TO H.R. 5120

HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 17, 2002

Mr. HINCHEY. Mr. Speaker, the Office of Management and Budget has been choosing ideology over economics when making decisions about environmental, health and safety regulations.

An ideology that devalues future generations and the environment.

An ideology that seriously distorts the benefits of public protection.

An ideology that says a 15-year-old who dies from a car crash is worth protecting more than a 15-year-old who dies from cancer following exposure at birth to a carcinogen.

OMB is forcing EPA, FDA, DOT and all other federal agencies to underestimate the benefits of life-saving regulations and skew regulatory decision-making against protective safeguards. Mr. KUCINICH's amendment corrects a serious problem with OMB's way of calculating the benefits of environmental, health and safety regulations. This amendment addresses a fundamental, ethical question that underlies the practice of discounting the value of future reductions in fatal risk (also known as the value of a statistical life). This is a complicated issue, but I think I have a few questions to illustrate the point:

How much is it worth to you to never hear that your daughter, or grandson, or niece, or neighbor has Leukemia?

How much would you pay to reduce your spouse's risk of getting Multiple Sclerosis in 10 years?

What do you think a pregnant woman would pay to reduce the risk of her unborn baby developing asthma when he enters first grade?

For most of us, reducing the risk of danger is valuable—even if the risk is in the future. The fear, pain and dread of avoiding risk and protecting health are worth a lot now. OMB serves as the gatekeeper for regulatory reviews in the White House through its Office of Information and Regulatory Affairs. Recently the head of this office, Administrator John Graham, issued a directive to federal agencies concerning the implementation of cost-benefit analysis and is in the process of developing guidance on the discounting of life. Unfortunately, these requirements and other actions being taken by OMB will worsen the tendency of these cost-benefit tests to overstate costs and undervalue benefits.

One of the main ways in which cost-benefit tests can be biased is by placing a value on human life that is too low. One technique with this kind of bias is called discounting, which lowers the importance of someone's death if they die from a hazard that has a delayed effect, such as toxic chemicals, hazardous wastes, and cancer causing agents. OMB discounts the value of future risks at a 7 percent discount rate. This is significantly higher than those of many other federal agencies and many economists. The Kucinich amendment recognizes that the value of future risks in valuing a statistical life should not be discounted at all.

It is not true that non-monetary benefits, such as health, safety, and environmental benefits, are worth less tomorrow than if they were immediate. Discounting the value of future health, safety, and environmental benefits—which cannot be invested—at the same rate used to discount money is illogical because such benefits do not become less valuable over time, the way that money does. In some cases, particularly with respect to environmental regulations, benefits actually become more valuable. For instance, it would certainly be less costly to implement programs to reduce global warming in the present than to pay for its very costly consequences decades from now.

The shenanigans that surrounded EPA's arsenic rule highlight the importance of the Kucinich amendment. Don't tell me that a rule that reduces a child's risk of cancer by lowering arsenic exposure should be driven by controversial—and in my opinion venal—cost/benefit assumptions. By its very nature, discounting pushes regulatory decision-making in an anti-environmental direction by ignoring some of the most serious environmental threats to human health. This tilted playing field becomes the most exaggerated when the issues necessarily have a long time-horizon, such as nuclear wastes and climate change.

The Kucinich amendment helps to correct one of the most serious biases of cost-benefit analyses. The proper treatment of the value of life is one of the most important features we should expect from regulations designed to protect all of us. As a result, I fully support Mr. KUCINICH's "Value of Human Life Amendment."

SENATE—*Monday, October 21, 2002*

The Senate met at 10:30 a.m., and was called to order by the Honorable BYRON L. DORGAN, a Senator from the State of North Dakota.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, October 21, 2002.

To the Senate:

Under the provisions of Rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BYRON L. DORGAN, a Senator from the State of North Dakota, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. DORGAN thereupon assumed the Chair as Acting President pro tempore.

OMITTED FROM THE RECORD PROCEEDINGS OF THURSDAY, OCTOBER 17, 2002

'S. 2239

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "FHA Downpayment Simplification Act of 2002".

SEC. 2. DOWNPAYMENT SIMPLIFICATION.

Section 203 of the National Housing Act (12 U.S.C. 1709) is amended—

(1) in subsection (b)—

(A) by striking "shall—" and inserting "shall comply with the following:";

(B) in paragraph (2)—

(i) in subparagraph (A), in the matter that precedes clause (ii), by moving the margin 2 ems to the right;

(ii) in the undesignated matter immediately following subparagraph (B)(iii)—

(I) by striking the second and third sentences of such matter;

(II) by striking the seventh sentence (relating to principal obligation) and all that follows through the end of the ninth sentence (relating to charges and fees); and

(III) by striking the eleventh sentence (relating to disclosure notice) and all that follows through the end of the last undesignated paragraph (relating to disclosure notice requirements); and

(iii) by striking subparagraph (B) and inserting the following:

"(B) not to exceed an amount equal to the sum of—

"(i) the amount of the mortgage insurance premium paid at the time the mortgage is insured; and

"(ii) in the case of—

"(I) a mortgage for a property with an appraised value equal to or less than $50,000, 98.75 percent of the appraised value of the property;

"(II) a mortgage for a property with an appraised value in excess of $50,000 but not in excess of $125,000, 97.65 percent of the appraised value of the property;

"(III) a mortgage for a property with an appraised value in excess of $125,000, 97.15 percent of the appraised value of the property; or

"(IV) notwithstanding subclauses (II) and (III), a mortgage for a property with an appraised value in excess of $50,000 that is located in an area of the State for which the average closing cost exceeds 2.10 percent of the average, for the State, of the sale price of properties located in the State for which mortgages have been executed, 97.75 percent of the appraised value of the property.";

(C) by transferring and inserting the text of paragraph (10)(B) after the period at the end of the first sentence of the undesignated paragraph that immediately follows paragraph (2)(B) (relating to the definition of "area"); and

(D) by striking paragraph (10); and

(2) by inserting after subsection (e), the following:

"(f) DISCLOSURE OF OTHER MORTGAGE PRODUCTS.—

"(1) IN GENERAL.—In conjunction with any loan insured under this section, an original lender shall provide to each prospective borrower a disclosure notice that provides a 1-page analysis of mortgage products offered by that lender and for which the borrower would qualify.

"(2) NOTICE.—The notice required under paragraph (1) shall include—

"(A) a generic analysis comparing the note rate (and associated interest payments), insurance premiums, and other costs and fees that would be due over the life of the loan for a loan insured by the Secretary under subsection (b) with the note rates, insurance premiums (if applicable), and other costs and fees that would be expected to be due if the mortgagor obtained instead other mortgage products offered by the lender and for which the borrower would qualify with a similar loan-to-value ratio in connection with a conventional mortgage (as that term is used in section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2)) or section 302(b)(2) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1717(b)(2)), as applicable), assuming prevailing interest rates; and

"(B) a statement regarding when the requirement of the mortgagor to pay the mortgage insurance premiums for a mortgage insured under this section would terminate, or a statement that the requirement shall terminate only if the mortgage is refinanced, paid off, or otherwise terminated.".

SEC. 3. CONFORMING AMENDMENTS.

Section 245 of the National Housing Act (12 U.S.C: 1715z–10) is amended—

(1) in subsection (a), by striking ", or if the mortgagor" and all that follows through "case of veterans"; and

(2) in subsection (b)(3), by striking ", or, if the" and all that follows through "for veterans,".

SEC. 4. REPEAL OF GNMA GUARANTEE FEE INCREASE.

Section 972 of the Higher Education Amendments of 1998 (Public Law 105–244; 112 Stat. 1837) is hereby repealed.

SEC. 5. INDEXING OF FHA MULTIFAMILY HOUSING LOAN LIMITS.

(a) The National Housing Act (12 U.S.C. 1701 et seq.) is amended by inserting after section 206 the following new section 206A (12 U.S.C. 1712A):

"SEC. 206A. INDEXING OF FHA MULTIFAMILY HOUSING LOAN LIMITS.

"(a) METHOD OF INDEXING.—The dollar amounts set forth in—

"(1) section 207(c)(3)(A) (12 U.S.C. 1713(c)(3)(A));

"(2) section 213(b)(2)(A) (12 U.S.C. 1715e(b)(2)(A));

"(3) section 220(d)(3)(B)(iii)(I) (12 U.S.C. 1715k(d)(3)(B)(iii)(I));

"(4) section 221(d)(3)(ii)(I) (12 U.S.C. 1715l(d)(3)(ii)(I));

"(5) section 221(d)(4)(ii)(I) (12 U.S.C. 1715l(d)(4)(ii)(I));

"(6) section 231(c)(2)(A) (12 U.S.C. 1715v(c)(2)(A)); and

"(7) section 234(e)(3)(A) (12 U.S.C. 1715y(e)(3)(A));

(collectively hereinafter referred to as the "Dollar Amounts") shall be adjusted annually (commencing in 2004) on the effective date of the Federal Reserve Board's adjustment of the $400 figure in the Home Ownership and Equity Protection Act of 1994 (HOEPA). The adjustment of the Dollar Amounts shall be calculated using the percentage change in the Consumer Price Index for All Urban Consumers (CPI–U) as applied by the Federal Reserve Board for purposes of the above-described HOEPA adjustment.

"(b) NOTIFICATION.—The Federal Reserve Board on a timely basis shall notify the Secretary, or his designee, in writing of the adjustment described in subsection (a) and of the effective date of such adjustment in order to permit the Secretary to undertake publication in the Federal Register of corresponding adjustments to the Dollar Amounts. The dollar amount of any adjustment shall be rounded to the next lower dollar.".

(b) TECHNICAL AND CONFORMING CHANGES.—(1) Section 207(c)(3) of the National Housing Act (12 U.S.C. 1713(c)(3)) is amended—

(A) by inserting "(A)" after "(3)";

(B) by striking "and accept that the Secretary" through and including "in this paragraph" and inserting in lieu thereof:

"(B) the Secretary may, by regulation, increase any of the dollar amount limitations in subparagraph (A) (as such limitations may have been adjusted in accordance with section 206A of this Act)".

(2) Section 213(b)(2) of the National Housing Act (12 U.S.C. 1715e(b)(2)) is amended—

(A) by inserting "(A)" following "(2)";

(B) by striking ": *Provided further*, That" the first time that it occurs, through and including "contained in this paragraph" and inserting in lieu thereof: "; (B)(i) the Secretary may, by regulation, increase any of the dollar amount limitations in subparagraph (A) (as such limitations may have been adjusted in accordance with section 206A of this Act)";

(C) by striking ": *Provided further*, That" the second time it occurs and inserting in lieu thereof: "; and (ii)";

(D) by striking ": *And provided further*, That" and inserting in lieu thereof" "; and (iii)";

(E) by striking "with this subsection without regard to the preceding proviso" at the end of that subsection and inserting in lieu thereof: "with this subparagraph (B)(i).".

(3) Section 220(d)(3)(B)(iii) of the National Housing Act (12 U.S.C. 1715k(d)(3)(B)(iii)) is amended—

(A) by inserting "(I)" following "(iii)";

(B) by striking "design; and except that" and inserting in lieu thereof: "design; and (II)";

(C) by striking "any of the foregoing dollar amount limitations contained in this clause" and inserting in lieu thereof: "any of the dollar amount limitations in subparagraph (B)(iii)(I) (as such limitations may have been adjusted in accordance with section 206A of this Act)";

(D) by striking ": *Provided*, That" through and including "proviso" and inserting in lieu thereof: "with respect to dollar amount limitations applicable to rehabilitation projects described in subclause (II), the Secretary may, by regulation, increase the dollar amount limitations contained in subparagraph (B)(iii)(I) (as such limitations may have been adjusted in accordance with section 206A of this Act)";

(E) by striking ": *Provided further*," and inserting in lieu thereof: "; (III)";

(F) by striking "subparagraph" in the second proviso and inserting in lieu thereof "subparagraph (B)(iii)(I)";

(G) in the last proviso, by striking ": *And provided further*, That" and all that follows through and including "this clause" and inserting in lieu thereof: "; (IV) with respect to rehabilitation projects involving not more than five family units, the Secretary may further increase any of the dollar limitations which would otherwise apply to such projects".

(4) Section 221(d)(3)(ii) of the National Housing Act (12 U.S.C. 1715l(d)(3)(ii)) is amended—

(A) by inserting "(I)" following "(ii)";

(B) by striking "; and except that" and all that follows through and including "in this clause" and inserting in lieu thereof: "; (II) the Secretary may, by regulation, increase any of the dollar amount limitations in subclause (I) (as such limitations may have been adjusted in accordance with section 206A of this Act)".

(5) Section 221(d)(4)(ii) of the National Housing Act (12 U.S.C. 1715l(d)(4)(ii)) is amended—

(A) by inserting "(I)" following "(ii)";

(B) by striking "; and except that" and all that follows through and including "in this clause" and inserting in lieu thereof: "; (II) the Secretary may, by regulation, increase any of the dollar limitations in subclause (I) (as such limitations may have been adjusted in accordance with section 206A of this Act)".

(6) Section 231(c)(2) of the National Housing Act (12 U.S.C. 1715v(c)(2)) is amended—

(A) by inserting "(A)" following "(2)";

(B) by striking "; and except that" and all that follows through and including "in this paragraph" and inserting in lieu thereof: "; (B) the Secretary may, by regulation, increase any of the dollar limitations in subparagraph (A) (as such limitations may have been adjusted in accordance with section 206A of this Act)";

(C) by striking ": *Provided*, That" and all that follows through and including "of this section" and inserting in lieu thereof: "; (C) the Secretary may, by regulation, increase any of the dollar limitations in subparagraph (A) (as such limitations may have been adjusted in accordance with section 206A of this Act)".

(7) Section 234(e)(3) of the National Housing Act (12 U.S.C. 1715y(e)(3)) is amended—

(A) by inserting "(A)" following "(3)";

(B) by replacing "$38,025" with "$42,048"; "$42,120" with "$48,481"; "$50,310" with "$58,469"; "$62,010" with "$74,840"; "$70,200" with "$83,375"; "$43,875" with "$44,250"; "$49,140" with "$50,724"; "$60.255" with "$61,680"; "$75,465" with "$79,793"; and "$85,328" with "$87,588";

(C) by striking "; except that each" and all that follows through and including "contained in this paragraph" and inserting in lieu thereof: "; (B) the Secretary may, by regulation, increase any of the dollar limitations in subparagraph (A) (as such limitations may have been adjusted in accordance with section 206A of this Act)".

ADJOURNMENT UNTIL 10:30 A.M., THURSDAY, OCTOBER 24, 2002

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate stands adjourned until the hour of 10:30 a.m. on Thursday, October 24, 2002.

Thereupon, the Senate, at 10:30 and 25 seconds a.m., adjourned until Thursday, October 24, 2002, at 10:30 a.m.

HOUSE OF REPRESENTATIVES—*Monday, October 21, 2002*

The House met at 11 a.m. and was called to order by the Speaker pro tempore (Mr. YOUNG of Florida).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
October 21, 2002.

I hereby appoint the Honorable C. W. BILL YOUNG to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Eternal God, throughout the ages, You have revealed Yourself to Your people and sought to deepen living faith.

Again today we pray for peace. At the heart of a wounded world people and nations pray for peace in the Middle East.

May Members of Congress do all they can to end the violence and negotiate a just peace so that both Israeli and Palestinian children may have hope, reconciliation, and a future.

Under the cover of the media and amidst the din of religious misunderstanding, may America hear the cry of Palestinian Christians, the earliest Christian community which is often overlooked and not heard in today's conflict. To these "the forgotten faithful" show Yourself as Saviour and the Source of human life and freedom.

With them we call upon Your Holy Name now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Texas (Mr. BENTSEN) come forward and lead the House in the Pledge of Allegiance.

Mr. BENTSEN led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 1070. An act to amend the Federal Water Pollution Control Act to authorize the Administrator of the Environmental Protection Agency to carry out projects and conduct research for remediation of sediment contamination in areas of concern in the Great Lakes, and for other purposes.

H.R. 2546. An act to amend title 49, United States Code, to prohibit States from requiring a license or fee on account of the fact that a motor vehicle is providing interstate pre-arranged ground transportation service, and for other purposes.

H.R. 4878. An act to provide for estimates and reports of improper payments by Federal agencies.

The message also announced that the Senate has passed bills and concurrent resolutions of the following titles in which the concurrence of the House is requested:

S. 209. An act for the relief of Sung Jun Oh.

S. 453. An act for the relief of Denes and Gyorgyi Fulop.

S. 963. An act for the relief of Ana Esparza and Maria Munoz.

S. 969. An act to establish a Tick-Borne Disorders Advisory Committee, and for other purposes.

S. 1366. An act for the relief of Lindita Idrizi Heath.

S. 1468. An act for the relief of Ilko Vasilev Ivanov, Anelia Marinova Peneva, Marina Ilkova Ivanova, and Julia Ilkova Ivanova.

S. 1868. An act to amend the National Child Protection Act of 1993, and for other purposes.

S. 1950. An act for the relief of Richi James Lesley.

S. 1998. An act to amend the Higher Education Act of 1995 with respect to the qualifications of foreign schools.

S. 2239. An act to amend the National Housing Act to simplify the downpayment requirements for FHA mortgage insurance for single family homebuyers.

S. 2527. An act to provide for health benefits coverage under chapter 89 of title 5, United States Code, for individuals enrolled in a plan administered by the Overseas Private Investment Corporation, and for other purposes.

S. 2530. An act to amend the Inspector General Act of 1978 (5 U.S.C. App.) to establish police powers for certain Inspector General agents engaged in official duties and provide an oversight mechanism for the exercise of those powers.

S. 2936. An act to amend chapter 84 of title 5, United States Code, to provide that certain Federal annuity computations are adjusted by 1 percentage point relating to periods of receiving disability payments, and for other purposes.

S. 3149. An act to provide authority for the Smithsonian Institution to use voluntary separation incentives for personnel flexibility, and for other purposes.

S. Con. Res. 142. Concurrent resolution expressing support for the goals and ideas of a day of tribute to all firefighters who have died in the line of duty and recognizing the important mission of the Fallen Firefighters Foundation in assisting family members to overcome the loss of their fallen heroes.

S. Con. Res. 148. Concurrent resolution recognizing the significance of bread in American history, culture, and daily diet.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 18, 2002.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on October 18, 2002 at 12:01 p.m.

That the Senate passed without amendment H.R. 669;

That the Senate passed without amendment H.R. 670;

That the Senate passed without amendment H.R. 2245;

That the Senate passed without amendment H.R. 2733;

That the Senate passed without amendment H.R. 3034;

That the Senate passed without amendment H.R. 3656;

That the Senate passed without amendment H.R. 3738;

That the Senate passed without amendment H.R. 3739;

That the Senate passed without amendment H.R. 3740;

That the Senate passed without amendment H.R. 4013;

That the Senate passed without amendment H.R. 4014;

That the Senate passed without amendment H.R. 4102;

That the Senate passed without amendment H.R. 4685;

That the Senate passed without amendment H.R. 4717;

That the Senate passed without amendment H.R. 4755;

That the Senate passed without amendment H.R. 4794;

That the Senate passed without amendment H.R. 4797;

That the Senate passed without amendment H.R. 4851;

That the Senate passed without amendment H.R. 5200;

That the Senate passed without amendment H.R. 5205;

That the Senate passed without amendment H.R. 5308;

That the Senate passed without amendment H.R. 5333;

That the Senate passed without amendment H.R. 5336;

That the Senate passed without amendment H.R. 5340;

That the Senate passed without amendment H.R. 5574;

That the Senate passed without amendment H.R. 5596;

That the Senate passed without amendment H.R. 5647;

That the Senate passed without amendment H.R. 5651;

That the Senate passed without amendment H. Con. Res. 406;

That the Senate passed without amendment H. Con. Res. 503;

That the Senate agreed to House amendment to S. 1533;

That the Senate agreed to House amendment to S. 2690.

With best wishes, I am

Sincerely,

GERASIMOS C. VANS,
Assistant to the Clerk of the House.

DIRECTING THE CLERK TO MAKE TECHNICAL CORRECTIONS IN ENGROSSMENT OF H.R. 5603, SUSPENDING TAX-EXEMPT STATUS OF DESIGNATED TERRORIST ORGANIZATIONS

Mr. WOLF. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 5603, the Clerk be directed to make the technical and substantive modifications that I have placed at the desk.

The SPEAKER pro tempore. The Clerk will report the technical corrections.

The Clerk read as follows:

H.R. 5603

Strike all after the enacting clause and insert the following:

SECTION 1. SUSPENSION OF TAX-EXEMPT STATUS OF DESIGNATED TERRORIST ORGANIZATIONS.

(a) IN GENERAL.—Section 501 of the Internal Revenue Code of 1986 (relating to exemption from tax on corporations, certain trusts, etc.) is amended by redesignating subsection (p) as subsection (q) and by inserting after subsection (o) the following new subsection:

"(p) SUSPENSION OF TAX-EXEMPT STATUS OF DESIGNATED TERRORIST ORGANIZATIONS.—

"(1) IN GENERAL.—The exemption from tax under subsection (a) with respect to any organization shall be suspended during any period in which the organization is a designated terrorist organization.

"(2) DESIGNATED TERRORIST ORGANIZATION.—For purposes of this subsection, the term 'designated terrorist organization' means an organization which—

"(A) is designated as a terrorist organization in or pursuant to an Executive order or otherwise under the authority of—

"(i) section 212(a)(3) or 219 of the Immigration and Nationality Act,

"(ii) the International Emergency Economic Powers Act, or

"(iii) section 5 of the United Nations Participation Act, or

"(B) is designated in or pursuant to an Executive order or otherwise as supporting terrorist activity (as defined in section 212(a)(3)(B) of the Immigration and Nationality Act) or terrorism (as defined in section 140(d)(2) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989).

"(3) DENIAL OF DEDUCTION.—No deduction shall be allowed under section 170, 545(b)(2), 556(b)(2), 642(c), 2055, 2106(a)(2), or 2522 for any contribution to an organization during the period such organization is a designated terrorist organization.

"(4) DENIAL OF ADMINISTRATIVE OR JUDICIAL CHALLENGE OF SUSPENSION OR DENIAL OF DEDUCTION.—Notwithstanding section 7428 or any other provision of law, no organization or other person may challenge a suspension under paragraph (1), a designation described in paragraph (2), or a denial of a deduction under paragraph (3) in any administrative or judicial proceeding relating to the Federal tax liability of such organization or other person.

"(5) ERRONEOUS DESIGNATION.—

"(A) IN GENERAL.—If a designation of an organization pursuant to 1 or more of the provisions of law described in paragraph (2) is determined to be erroneous pursuant to such law and the erroneous designation results in an overpayment of income tax for any taxable year with respect to such organization, credit or refund (with interest) with respect to such overpayment shall be made.

"(B) WAIVER OF LIMITATIONS.—If credit or refund of any overpayment of tax described in subparagraph (A) is prevented at any time before the close of the 1-year period beginning on the date of the determination of such credit or refund by the operation of any law or rule of law (including res judicata), such refund or credit may nevertheless be made or allowed if claim therefor is filed before the close of such period.".

(b) NOTICE OF SUSPENSIONS.—If the tax exemption of any organization is suspended under section 501(p) of the Internal Revenue Code of 1986 (as added by subsection (a)), the Internal Revenue Service shall update the listings of tax-exempt organizations and shall publish appropriate notice to taxpayers of such suspension and of the fact that contributions to such organization are not deductible during the period of such suspension.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

Mr. WOLF (during the reading). Mr. Speaker, I ask unanimous consent that the technical corrections be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The SPEAKER pro tempore. Is there objection to the original request of the gentleman from Virginia?

There was no objection.

ADJOURNMENT TO THURSDAY, OCTOBER 24, 2002

Mr. WOLF. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 11 a.m. on Thursday, October 24, 2002; and further, that when the House adjourns on October 24, 2002, it adjourn to meet at 11 a.m. on Monday, October 28, 2002.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

FEDERAL HOUSING ENTERPRISE OVERSIGHT FUNDING REFORM ACT OF 2002

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. BENTSEN) is recognized for 5 minutes.

Mr. BENTSEN. Mr. Speaker, I rise today, along with the gentleman from Louisiana (Mr. BAKER), the gentleman from Pennsylvania (Mr. KANJORSKI), and the gentlewoman from New York (Mrs. MALONEY), to introduce legislation that will provide a mandatory funding stream for the Office of Federal Housing Enterprise Oversight, the Federal safety and soundness regulator for the housing government-sponsored enterprises. Like that of other financial market regulators, I believe that there is a real need for this reform legislation because under current law, OFHEO's budget is subject to the annual appropriations process.

OFHEO is the financial safety and soundness regulator for the two housing government-sponsored enterprises, Fannie Mae and Freddie Mac. These enterprises are two of the largest nonbank financial companies in the world. At the end of 1992, the GSEs' portfolio held 19 percent of loans on their books and 81 percent in the form of mortgage-backed securities.

By March 2002, the housing GSEs held 43 percent of their assets on their books. As the Nation's mortgage markets have expanded, so too have the positions held directly by the GSEs, thus increasing the need to manage risk.

Under current law, each year, Congress approves the overall amount of the OFHEO's budget as part of the Department of Veterans Affairs and Housing and Urban Development appropriations bill, and OFHEO's budget is paid for by semiannual assessments on the GSEs. As a result, taxpayers do not contribute toward the cost of regulating these enterprises. The current budget for OFHEO is $27 million. President Bush's fiscal year 2003 budget request is $30 million.

The President's fiscal year 2003 budget also included the recommendation that OFHEO's budget be removed from the appropriations process. By taking it off-budget, this will put OFHEO on the same level as other financial safety and soundness regulators such as the Office of the Comptroller of the Currency, the Office of Thrift Supervision, the Federal Housing Finance Board, the Federal Reserve Board, the Federal Deposit Insurance Corporation, and the National Credit Union Administration.

By removing OFHEO's budget from the appropriations process, my legislation would ensure that OFHEO has the flexibility to set its resources in response to a rapidly changing marketplace. Since the creation of OFHEO in 1993, the GSEs have more than doubled in size and have developed innovative mortgage, debt, and derivative products which require effective oversight by OFHEO. While subject to congressional oversight and authorization, annual review of the OFHEO budget is cumbersome and prevents long-term planning by OFHEO. For example, under the current continuing resolution process, OFHEO must curtail its operations until their final, full appropriation is enacted.

This year, OFHEO is operating with a $27 million budget and does not yet know if their higher budget will be approved by Congress and as requested by the President. As a result, personnel and planning must wait until Congress approves a final bill.

Congress has long recognized that the safety and soundness regulators should have flexibility to respond to changes in the marketplace without restrictions of the annual appropriations process. This has proven quite successful in previous banking and thrift crises. The two housing GSEs of Fannie Mae and Freddie Mac remain financially sound. And recent voluntary changes by those institutions in disclosure and reporting practices, along with the implementation of OFHEO's risk-based capital standards, have enhanced their safety and soundness. Yet concern has been raised about the duration of gaps between the companies' assets and liabilities due to the recent decline in interest and mortgage rates.

While I believe both institutions are sufficiently capitalized and liquid to withstand the current market volatility, I also believe their regulator must be sufficiently empowered to protect the public's interest.

This legislation will not add cost to the budget or to the taxpayers since OFHEO's funds are raised through assessments on the GSE.

I also believe that congressional oversight of OFHEO will continue to be vigilant. This bill in no way lessens the existing oversight by the authorizing committees. Under the bill, OFHEO would be required to submit copies of its financial plans, forecasts, and reports to the Secretary of Housing and Urban Development and the Office of Management and Budget. In addition, OFHEO would be required to submit the results and conclusions of its examinations to Congress to ensure that Congress has the information it needs to review OFHEO's actions. All enforcement actions by OFHEO would also be reported to Congress.

Mr. Speaker, I am filing this legislation today in hopes that it can be adopted either by itself or as part of an omnibus appropriations bill when Congress returns for legislative activities after the November elections. There is much consensus between the Bush administration and many in Congress, including members of OFHEO's authorizing committee, who join me in sponsoring this bill. By enacting this otherwise minor budgetary change, Congress would be ensuring continued stability in the financial markets with respect to the GSEs.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at the request of Mr. BENTSEN) to revise and extend their remarks and include extraneous material:)

Mr. BENTSEN, for 5 minutes, today.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 209. An act for the relief of Sung Jun Oh; to the Committee on the Judiciary.

S. 453. An act for the relief of Denes and Gyorgyi Fulop; to the Committee on the Judiciary.

S. 963. An act for the relief of Ana Esparza and Maria Munoz; to the Committee on the Judiciary.

S. 969. An act to establish a Tick-Borne Disorders Advisory Committee, and for other purposes; to the Committee on Energy and Commerce.

S. 1366. An act for the relief of Lindita Idrizi Heath; to the Committee on the Judiciary.

S. 1468. An act for the relief of Ilko Vasilev Ivanov, Anelia Marinova Peneva, Marina Ilkova Ivanova, and Julia Ilkova Ivanova; to the Committee on the Judiciary.

S. 1868. An act to amend the National Child Protection Act of 1993, and for other purposes; to the Committee on the Judiciary.

S. 1950. An act for the relief of Richi James Lesley, to the Committee on the Judiciary.

S. 1998. An act to amend the Higher Education Act of 1965 with respect to the qualifications of foreign schools; to the Committee on Education and the Work Force.

S. 2239. An act to amend the National Housing Act to simplify the downpayment requirements for FHA mortgage insurance for single family homebuyers; to the committee on Financial Services.

S. 2527. An act to provide for health benefits coverage under chapter 89 of title 5, United States Code, for individuals enrolled in a plan administered by the Overseas Private Investment Corporation, and for other purposes; to the Committee on Government Reform.

S. 2530. An act to amend the Inspector General Act of 1978 (5 U.S.C. App.) to establish police powers for certain Inspector General agents engaged in official duties and provide an oversight mechanism for the exercise of those powers; to the Committee on Government Reform and the Committee on the Judiciary.

S. 2936. An act to amend chapter 84 of title 5, United Stats Code, to provide that certain Federal annuity computations are adjusted by 1 percentage point relating to periods of receiving disability payments, and for other purposes; to the Committee on Government Reform.

S. 3149. An act to provide authority for the Smithsonian Institution to use voluntary separation incentives for personnel flexibility, and for other purposes, to the Committee on House Administration, the Committee on Government Reform, and the Committee on Transportation and Infrastructure.

ENROLLED BILLS SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 2215. An act to authorize appropriations for the Department of Justice for fiscal year 2002, and for other purposes.

H.R. 2486. An act to authorize the National Oceanic and Atmospheric Administration, through the United States Weather Research Program, to conduct research and development, training, and outreach activities relating to inland flood forecasting improvement, and for other purposes.

H.R. 3253. An act to amend title 38, United States Code, to enhance emergency preparedness of the Department of Veterans Affairs, and for other purposes.

H.R. 4015. An act to amend title 38, United States Code, to revise and improve employment, training, and placement services furnished to veterans, and for other purposes.

H.R. 4967. An act to establish new nonimmigrant classes for border commuter students.

H.R. 5542. An act to consolidate all black lung benefit responsibility under a single official, and for other purposes.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 1210. An act to reauthorize the Native American Housing Assistance and Self-Determination Act of 1996.

S. 1227. An act to authorize the Secretary of the Interior to conduct a study of the suitability and feasibility of establishing the Niagara Falls National Heritage Area in the State of New York, and for other purposes.

S. 1270. An act to designate the United States courthouse to be constructed at 8th Avenue and Mil Street in Eugene, Oregon, as the "Wayne Lyman Morse United States Courthouse."

S. 1533. An act to amend the Public Health Service Act to reauthorize and strengthen the health centers program and the National Health Service Corps, and to establish the Healthy Communities Access Program, which will help coordinate services for the uninsured and underinsured, and for other purposes.

S. 1646. An act to identify certain routes in the States of Texas, Oklahoma, Colorado, and New Mexico as part of the Ports-to-

Plains Corridor, a high priority corridor on the National Highway System.

S. 2690. An act to reaffirm the references to one Nation under God in the Pledge of Allegiance.

BILLS PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House, reports that on October 17, 2002 he presented to the President of the United States, for his approval, the following bills.

H.J. Res. 113. Recognizing the contributions of Patsy Mink.

H.J. Res. 123. Making further continuing appropriations for the fiscal year 2003, and for other purposes.

ADJOURNMENT

Mr. BENTSEN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 13 minutes a.m.), under its previous order, the House adjourned until Thursday, October 24, 2002, at 11 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

9693. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed transfer of major defense equipment pursuant to Section 3 (d) of the Arms Export Control Act (AECA) from the Government of Switzerland [Transmittal No. RSAT-4-02]; to the Committee on International Relations.

9694. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to South Korea [Transmittal No. DTC 209-02], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

9695. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing License Agreement with the United Kingdom [Transmittal No. DTC 280-02], pursuant to 22 U.S.C. 2776(c) and 22 U.S.C. 2776(d); to the Committee on International Relations.

9696. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing License Agreement with the Republic of Korea [Transmittal No. DTC 245-02], pursuant to 22 U.S.C. 2776(c) and 22 U.S.C. 2776(d); to the Committee on International Relations.

9697. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

9698. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the fourth of six annual reports on enforcement and monitoring of the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions of the Organization for Economic Cooperation and Development; to the Committee on International Relations.

9699. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Catching Pacific Cod for Processing by the Offshore Component in the Western Regulatory Area of the Gulf of Alaska [Docket No. 011218304-1304-01; I.D. 100302A] received October 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9700. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 of the Gulf of Alaska [Docket No. 011218304-1304-01; I.D. 092602F] received October 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9701. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pacific Cod in the Bering Sea and Aleutian Islands Management Area (BSAI) [Docket No. 011218304-1304-01; I.D. 092602C] received October 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9702. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Central Aleutian District [Docket No. 011218304-1304-01; I.D. 092702A] received October 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HANSEN: Committee on Resources. H.R. 4912. A bill to increase the penalties to be imposed for a violation of fire regulations applicable to the public lands, National Park System lands, or National Forest System lands when the violation results in damage to public or private property, to specify the purpose for which collected fines may be used, and for other purposes; with an amendment (Rept. 107-763 Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII the Committee on Agriculture discharged from further consideration. H.R. 4912 referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

[The following action occurred on October 18, 2002]

H.R. 701. Referral to the Committees on Agriculture and the Budget extended for a period ending not later than November 22, 2002.

H.R. 3929. Referral to the Committee on Energy and Commerce extended for a period ending not later than November 22, 2002.

H.R. 4966. Referral to the Committee on Science extended for a period ending not later than November 22, 2002.

[Submitted October 21, 2002]

H.R. 4912. Referral to the Committee on Agriculture extended for a period ending not later than October 21, 2002.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. BENTSEN (for himself, Mr. BAKER, Mr. KANJORSKI, and Mrs. MALONEY of New York):

H.R. 5696. A bill to amend the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 to provide that funding for the Office of Federal Housing Enterprise Oversight is made available in the same manner as other financial institutions regulatory agencies; to the Committee on Financial Services.

By Mr. LARSEN of Washington:

H.R. 5697. A bill to authorize the Attorney General to carry out a program, known as the Northern Border Prosecution Initiative, to provide funds to northern border States to reimburse county and municipal governments for costs associated with certain criminal activities, and for other purposes; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 408: Mr. CLAY, Ms. SCHAKOWSKY, Mr. FRANK, and Mr. ISRAEL.

H.R. 770: Mr. HILL.

H.R. 792: Mr. HOEFFEL.

H.R. 2035: Mr. STUPAK.

H.R. 2220: Mr. ALLEN.

H.R. 3337: Mrs. CAPPS and Mr. JEFFERSON.

H.R. 3632: Mr. SCHAFFER.

H.R. 4582: Mr. HASTINGS of Florida, Ms. NORTON, and Mr. ISRAEL.

H.R. 4606: Mr. WOLF and Mr. EVANS.

H.R. 4636: Mr. KELLER, Mrs. MYRICK, Mr. MCINNIS, Mr. ARMEY, Mr. WILSON of South Carolina, Mr. JEFF MILLER of Florida, and Mr. BARTON of Texas.

H.R. 4720: Mr. PLATTS.

H.R. 4728: Mr. WEXLER and Mr. SOUDER.

H.R. 4748: Mr. WAXMAN.

H.R. 4814: Ms. LOFGREN.

H.R. 4963: Mr. GOODLATTE.

H.R. 5031: Mr. CRAMER, Mr. KING, Ms. HOOLEY of Oregon, Mr. NEAL of Massachusetts, Ms. KAPTUR, and Mr. MCNULTY.

H.R. 5226: Mr. GALLEGLY.

H.R. 5250: Mr. WEXLER, Mr. FERGUSON, Mrs. ROUKEMA, Mr. BOSWELL, and Mrs. CAPITO.

H.R. 5383: Mr. GRAHAM.

H.R. 5396: Mr. WALSH, Mr. WYNN, and Mr. MARKEY.

H.R. 5433: Mr. CAMP and Mr. PAUL.

H.R. 5491: Ms. KILPATRICK and Mr. LARSEN of Washington.

H.R. 5492: Mr. HASTINGS of Florida and Mr. PAYNE.

H.R. 5508: Mr. WHITFIELD.

H.R. 5529: Mr. LIPINSKI, Ms. ROYBAL-ALLARD, and Ms. KILPATRICK.

H.R. 5562: Mr. SOUDER and Mr. DINGELL.

H.R. 5636: Mr. SULLIVAN, Mr. TIBERI, and Mr. SOUDER.

H.R. 5644: Mr. BONIOR.

H. Con. Res. 459: Mr. SCHAFFER.

H. Res. 581: Ms. WATERS, Mr. BROWN of Ohio, and Mr. WEXLER.

EXTENSIONS OF REMARKS

RECOGNITION TO MAYOR AND MRS. FRANK E. ADAMS

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, October 21, 2002

Mr. PALLONE. Mr. Speaker, I would like to call the attention of my colleagues to two friends and constituents of the Sixth District of New Jersey: Mayor and Mrs. Frank E. Adams celebrating their 50th Wedding Anniversary.

Reverend Joseph A. Manning, OP, married Mrs. Ellen and Mr. Frank Adams on September 20, 1952 in St. Peter's Chapel in Newark, New Jersey. Having met on the Beach of Belmar, New Jersey, the couple became engaged and is happily married.

Mr. Frank Adams, like most elected officials in the City of Spring Lake, New Jersey, balanced his time between working to support his family and administering an elected position. Retiring after thirty-eight years as Claims Manager at New Jersey's Bell Telephone Company Legal Department. Mr. Adams continued to hold his respective office as Mayor of Spring Lake Heights, signifying him as Mayor for nineteen years. Mayor Adams previously served as a member of the Borough Council for ten years and is a charter member of Elks Lodge 2534 in Manasquan, American Legion Chapter 432 Spring Lake, and the New Jersey Conference of Mayors.

Mrs. Ellen Adams, the former Ellen Jayne Carlin of Newark, New Jersey was employed by the Prudential Insurance Company of Newark, and was the Secretary of the Patrician Guild. Mrs. Adams is a past Grand Regent of the Court of Saint Margaret #1146 and Catholic Daughters of the Americas, Spring Lake.

We celebrate today the life and journey of these two talented and dedicated individuals whose sole purpose remains to their community's enrichment. It is with great pleasure and esteem that I recognize the contributions of Mr. and Mrs. Frank Adams.

TRIBUTE TO ARCHBISHOP MOELLER HIGH SCHOOL STUDENT GOVERNMENT

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 21, 2002

Mr. SCHAFFER. Mr. Speaker, I rise today to pay tribute to the Archbishop Moeller High School Student Government and its moderator Brother Robert Flaherty, S.M. The Moeller Student Government is an outstanding organization of student leaders at the forefront of youth statesmanship.

Archbishop Moeller High School is a Cincinnati-based all-male Catholic high school. It is among America's finest secondary academic institutions. Operated by the Catholic Archdiocese of Cincinnati, the school is staffed and assisted by the Society of Mary—the Marianists. The school's philosophy is based on the ideas of Father William Chaminade, the founder of the Marianist order.

Moeller has achieved national success in academics and athletics; and, in developing the spiritual character of its students. Christian values, moral integrity, and a properly trained conscience, combined with physical health, intellectual strength, and social responsibility define the men of Moeller. The Moeller Student Government is one place these characteristics come together and are perfected through authentic, meaningful exercises in practical leadership.

Brother Robert Flaherty has moderated the Moeller Student Government for decades. He has shepherded young leaders through character-building trials and errors and developed a program that serves more than the entire school, but the entire community. Under his tutelage, boys are taught the principles necessary in becoming accomplished leaders of men. The program raises, budgets, and appropriates considerable funds needed to support events and activities designed to develop important life skills for the whole school.

Flaherty is a devoted Marianist brother, a dedicated Christian and a great American. He is a compassionate counselor, a professional teacher and a trusted, reliable friend to thousands. He has been the constant guide in the formation of leadership qualities among Moeller's students.

According to its Constitution, the Moeller Student Government was founded in covenant with the school's administration. The student-led organization exists to inform the administration of the needs of the student body, to provide for the student participation in school government, to foster school spirit, to promote the general welfare of the students, and, "in general to further Christianity."

Mr. Speaker, as the 1979–80 student-body president of the Moeller Student Government, I am proud to recognize this outstanding organization for its excellence in leadership and maintenance of various traditions that make Moeller High School a first-class institution. I am personally grateful for the lessons imparted to me by the school's administration and faculty, by my peers, but most of all, by Bro. Flaherty. These instructions and accompanying skills clearly formed the foundation of my own experiences and prepared me to serve in the United States Congress representing the people of the great state of Colorado.

Mr. Speaker, the current leadership of the Moeller Student Government consists of the following students: President Tony Magner '03, Vice President Eric Shatzle '03, Treasurer Matt Takanen '03, Recording Secretary Collin Taylor '03, Corresponding Secretary Andy Weisbrod '03, and Parliamentarian Jason Rahe '03.

The Senior Class officers ('03) are President Paul Gruber, Vice President Jason Bowman, and Vice President Joe Kimener.

Junior Class officers ('04) include President Paul Antenucci, Vice President Jack Novak, and Vice President Ben Schonhoft.

Sophomore Class officer ('05) include President Mike Carter, Vice President Brian Bailey, and Vice President Matt Tennant.

Together with an outstanding team of Freshman Class officers, these men comprise the top leadership of the Moeller Student Government. They are reinforced by other student leaders who represent the homerooms of the entire student body constituting the General Assembly, and appointed chairmen of various student committees.

Mr. Speaker, the House has every right to be proud of the Moeller High School Student Government, Brother Robert Flaherty and the Marianist Community. A splendid example of student leadership and Christian statesmanship, the Moeller Student Government is making a positive difference in the preparation of the nation's future community leaders.

It is upon the basis of these observations and truths that I hereby ask the House to join me in extending warmest congratulations and heartiest commendations to Brother Robert Flaherty, the student-leaders of the Moeller High School Student Government and the entire Moeller family. May they continue to thrive and serve by the blessings of the Almighty God of our country.

ON THE 75TH ANNIVERSARY OF JEFFERSON DAVIS HIGH SCHOOL

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 21, 2002

Mr. GREEN of Texas. Mr. Speaker, I rise to commemorate the 75th anniversary of Jefferson Davis High School, located in Houston, Texas. As a teenager, growing up in Houston's North Side neighborhood, I had the pleasure of attending this fine school.

Opened on November 2, 1926, the first senior class of 38 students graduated on May 30, 1927. Over the decades, this school has excelled in educating our youth, giving them the skills they need to become leaders in the community, city, state, and nation.

The alumni of Jeff Davis are known for a variety of achievements and accomplishments. Many have served with distinction on our local school board, City Council, state legislature, state Supreme Court, and in the U.S. Congress, as well as professionals in all fields—doctors, lawyers, architects, and engineers. It has also produced nationally known entertainers, such as country and western star Kenny Rogers.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

In athletics, the fighting Panthers have excelled at every level. Slater Martin led the school to two state basketball championships in 1942 and 1943. He went on to become an All-American at the University of Texas, a key contributor on several championship Minneapolis (later Los Angeles) Laker teams, and is enshrined in the NBA Hall of Fame. In the international sports arena, several boxers from Davis have excelled, including Jesse Valdez, an Olympic bronze medalist in 1960, and Ricardo "Rocky" Juarez, who won the World Championships in 1999 and a silver medal at the 2000 Olympics.

Although our school receives recognition for our famous graduates, the most important accomplishment over the past 75 years is its continued ability to produce educated citizens who are a credit to the community they live in. Jefferson Davis is more than a school. It is a living community of goals, dreams and accomplishments where students are pushed to excel.

In this community, we like to say, "Once a Jeff Davis Panther, always a Jeff Davis Panther." Our alumni are key to our school, and provide critical support to our mission. You can see our graduates in the community, and they are always willing to help, regardless of the task. They serve as examples of what students can do, of what they can become, if they work hard and believe in themselves. In this spirit of giving, and sacrifice, I would note that more than 80 Jeff Davis students have given their lives to protect our freedom in the wars and conflicts of our country.

The demographics of the community have changed over the years, but the commitment to excellence has never faltered. This school community sees a high school diploma not as an end product, but as a stepping stone for higher education. The focus of its program is to prepare students for post-high school education. Recently, 724 students took the PSAT exam in preparation for the SAT that is required for college admission. In partnership with Tenneco, El Paso Energy, and Project: GRAD, graduates can receive a $4,000 scholarship to pursue higher education.

According to the U.S. 2000 census data, only 26 percent of Hispanics who enter college graduate, and the national Hispanic dropout rate is 34 percent. At Jeff Davis, however, a school that is more than 80 percent Hispanic, the dropout rate is less than I percent, over half of the students go to college, and 42 percent of those who go to college graduate. Some choose community or local junior colleges, but the list of universities with Jeff Davis alumni includes top-flight schools like the University of Houston, the University of Texas, Texas A&M, Princeton, Duke, Rice, Cornell, and the University of Virginia.

Our school is truly a community of learners. Parents, students, educators, and businesses come together to provide support so that students can succeed. The power of this learning community to realize its potential has remained constant throughout its 75 years. Jefferson Davis High School is successful because it is a vibrant, caring, community that encourages students to not only dream big, but to follow those dreams.

In that way, the first students who walked through these doors in 1926 are not that different from those here in the year 2002. Success is expected, and with support from our community, it is achieved—38 students graduated in 1927, and more than 300 will graduate in 2003. The goals, desires, and dreams of the students are the one constant over that time. I am proud of the progress this school is making, and proud to be a graduate of Jefferson Davis High School.

TRIBUTE TO MR. GILBERTO MELENDEZ, IN MEMORIAM

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, October 21, 2002

Mr. PALLONE. Mr. Speaker, I would like to call the attention of my colleagues to a distinguished gentleman who resided in the 6th District of New Jersey. It is with great respect that I pay tribute to Mr. Gilberto Melendez, who is being honored, In Memoriam, by the Latino American Committee of Monmouth County.

Mr. Gilberto Melendez was born in Fajardo, Puerto Rico on November 1, 1943. He and his family moved to the United States in 1944. His mother, Benardina R. Melendez, worked as a bookkeeper for the newly founded ASPIRA in New York. He lived in New York until he moved to Neptune in 1968.

In 1973, Mr. Melendez was elected to the Neptune Township Committee and served two, three-year terms. In 1977, he was hired by Monmouth County as Secretary to the County Tax Board, a position that was later changed to County Tax Administrator. In 1979, he served as mayor of Neptune and served on the Planning Board. In March 1991, he was reappointed to the Planning Board of Neptune to serve a two-year term.

Additionally, Mr. Melendez was a member of the Kiwanis Club and the Liberty Fire Department in Neptune as well as the Puerto Rican Civic Association. Gilberto Melendez was a pioneer in the field of politics. He was recognized by County leaders and served as Mayor of Neptune at a time when very few Latinos were active in politics. He is remembered as a tax expert and a fair man who often spoke up on behalf of the average taxpayer.

Gil, as his sister, Elba Figueroa, called him describes him as, "A wonderful brother, always there when he was needed and just as caring as an older brother could possibly be. His sense of humor is what we most remember about him. Our parents brought us up with much love for each other and to love God because without Him we were nothing."

Stories of Mr. Melendez's popularity and compassion were legendary in the county. Friends would say that everywhere he went he knew somebody and everyone loved him.

Mr. Speaker, it is my sincere hope that my colleagues will join me in paying tribute to Mr. Melendez, as the Latino American Committee of Monmouth County honors him, In Memoriam, for his unwavering dedication and commitment to the advancement of Latinos.

TRIBUTE TO AMY BLACK

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 21, 2002

Mr. SCHAFFER. Mr. Speaker, I rise today to recognize Ms. Amy Black, a media specialist at Dunn Elementary School in Ft. Collins, Colorado. Recently, USA Today named Ms. Black as one of its 60 All-USA Teacher Team members. I congratulate Amy for this honor and thank her for 22 years of dedicated service to the children of Ft. Collins.

Exceptional teachers like Amy Black provide a strong educational foundation for the children and young adults of this nation. Ms. Black must be commended for her commitment to excellence and her desire to help students succeed.

A citizen of Colorado's Fourth Congressional District, Amy Black is truly a great American. I ask the House to join me in extending our sincere thanks and warmest congratulations to Ms. Amy Black.

OUTSTANDING TEACHERS WITHIN MINNESOTA'S SIXTH CONGRESSIONAL DISTRICT

HON. BILL LUTHER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 21, 2002

Mr. LUTHER. Mr. Speaker, I would like to take this opportunity to recognize a number of outstanding teachers within Minnesota's Sixth Congressional District. Their dedication to America's youth is indeed commendable.

Everyday, these teachers enter the classroom prepared to provide students with the best education possible. They succeed in instilling children with the belief that they can achieve their goals. Their leadership provides students with the guidance to become successful. Their ability to shape our children's futures reflects their unceasing commitment to education.

I would like to thank these teachers for their enthusiastic efforts in preparing our children for the future.

Margaret Bruce, Hoover Elementary in Coon Rapids, Minnesota. Recently, Wal-Mart has recognized Margaret for her work with special needs students. Margaret makes each of her students feel special everyday.

Karen J. Carlson, McAulliffe Elementary in Hastings, Minnesota. As District Coordinator, Karen has improved the Hastings' schools reading and language arts program. She has also implemented a class for sixth graders that has successfully improved students' reading ability.

Kathy Dolinar, Rice Lake Elementary in Lino Lakes, Minnesota. Kathy has created a morning support program that brings parenting opportunities into Lexington. She has also opened a new drop-in center for students to interact with one another and familiarize themselves with technology.

Jim Glazer, Grey Cloud Elementary in Cottage Grove, Minnesota. As a media and technology teacher, Jim has developed an extra-curricula computer club and developed Grey Cloud Elementary's student-produced daily news program. He guides students and staff with successful media and technology instruction.

Alice Gracek, Glacier Hills Elementary. Alice opened Glacier Hills Elementary in 1993 and has proven to be a strong and influential teacher and leader. She guides the curriculum for the school district, specifically using her talents and knowledge to write science curriculum.

Jean Heisterkamp, Highland Elementary in Columbia Heights, Minnesota. As a speech and language teacher, Jean shows constant dedication to her students. Jean makes each student feel special by recognizing his or her special characteristics. Her leadership is apparent by her willingness to assist and mentor other teachers and their students.

James Hoey, Farmington Middle School in Farmington, Minnesota. James provides a unique classroom experience for each student that enters his classroom through lively discussions. He eases students' fears about the first day of school by making a telephone call to each individual beforehand.

Karen Holland, Valley View Elementary in Columbia Heights, Minnesota. Karen captures her students' interests by engaging their imagination in reading. She listens to students and encourages them to be open to others' perspectives in the classroom.

Maria Kaiser, Forest Lake High School in Forest Lake, Minnesota. Maria has created a computer graphic design program that enables students to produce advertisements for local businesses. As the Forest Lake High School yearbook advisor, Maria has won numerous awards for her work with the school's yearbook.

Karen Lips, Roosevelt Middle School in Blaine, Minnesota. Karen has developed and maintained numerous math competitions, including MATHCOUNTS. Karen also creates intriguing lessons for her students, while engaging them in teamwork. She continually provides guidance for the district during curriculum changes as well.

Jane Matheson, Sandburg Middle School in Anoka, Minnesota. Jane recently received the Anoka-Hennepin Teacher Outstanding Performance award. Her teaching techniques give every student the fundamentals to learn.

Susan Olson, Valley View Elementary in Columbia Heights, Minnesota. Everyday Susan challenges her students to use problem solving techniques and higher-level thinking. She teaches her fourth-grade class with an inventive curriculum, including French language and culture, pre-algebra, and public speaking.

Diane Oslund, Jefferson Elementary in Blaine, Minnesota. In Diane's classroom, there is a very diverse student body, including a large number of students with special needs. Diane has gone to great strides to provide all students with the skills necessary to achieve their goals and has allowed every student to exceed their expectations.

Kristin Ruetten, Valley View Elementary in Columbia Heights, Minnesota. For the past two years at Valley View Elementary, Kristin has created ways to relate to her students and make every lesson captivating. She has worked to strengthen her student's self-confidence and academic abilities.

Glen Semanko, Sandburg Middle School in Anoka, Minnesota. At Sandburg Middle School, Glen provides students the opportunity to grow socially and academically. He directs the Student Builder's Club, a community service organization that builds student's self-confidence through volunteerism.

Lisa Silmser, Sandburg Middle School in Anoka, Minnesota. Recently, Lisa received the Teacher Outstanding Performance award in Anoka-Hennepin Schools and also received an additional scholarship for special projects. Receiving this award demonstrates her commitment to achievement and to creating learning opportunities for her students.

Bonnie Stassen, Newport Elementary in Newport, Minnesota. Bonnie has shown remarkable leadership skills in the Newport Elementary special needs department. She continually acts as an advocate for students and tries to instill her knowledge in her students.

Maribeth Swalve, Royal Oaks Elementary in Woodbury, Minnesota. Maribeth's dedication to student learning is apparent by her expertise and performance as an educator for Royal Oaks Elementary School. She sets high expectations while being a patient and positive influence for students.

Nadine Thurow, Bailey Elementary in Woodbury, Minnesota. Over the past year, Nadine has been an active member of Bailey Elementary School's Character Education Team. She provides leadership and creativity in implementing a successful character-building program to help students realize the value of positive relationship among students, parents, and staff.

Nancy Wadie, Royal Oaks Elementary in Woodbury, Minnesota. Nancy has been a dedicated member of Royal Oaks Elementary. She is actively involved in the school's site council, staff development committees, and numerous curriculum activities. She spends much of her personal time ensuring that students have positive learning experiences.

Jen Wayke, PACT Charter School in Anoka, Minnesota. At the PACT Charter School in Anoka, Jen has initiated various programs to assist her students in achieving excellence, which include the Honor's Program, the Advisory Program and Curriculum, and various Symposiums. Her commitment to innovative education has instilled in her students the desire to excel.

TRIBUTE TO MR. WALLACE MORALES

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, October 21, 2002

Mr. PALLONE. Mr. Speaker, I would like to call the attention of my colleagues to a constituent in the 6th District of New Jersey. It is with great pleasure that I introduce Mr. Wallace Morales, who is being honored by the Latino American Committee of Monmouth County.

Mr. Morales was born in Ponce, Puerto Rico in 1955. His father was a career Serviceman and his family lived in various parts of the United States and Europe before settling in Long Branch, New Jersey in 1966. Mr. Morales attended Long Branch High School where he was a member of the school's undefeated wrestling team in 1973. He holds a Bachelor's degree from Monmouth University and a Master's degree from Kean University. For the last 24 years he has taught Bilingual Education and/or English as a Second Language in the Long Branch School System, most recently at the Audrey W. Clark School. He is married with two children and is a parishioner of St. Michael's Roman Catholic Church in Long Branch.

Mr. Morales is a member of the Kappa Delta Pi Honor Society, TESOL, and the Latino American Committee of Monmouth County. Throughout the years, Mr. Morales has been an active member of the community. He has worked as a Camp Counselor and volunteered as an Assistant Baseball Coach for the Long Branch Department of Parks and Recreation. He has served as a math tutor at the High School and as a district tutor for Pupil Personnel Services for the Long Branch School District. He served as a Wrestling Coach at the Long Branch Junior School and the Long Branch High School, and a Coach at the Seashore Day Camp in Long Branch. He has entertained children and adults with his singing and playing the guitar at the Long Branch Public Library, the Elberon Public Library, the Ronald McDonald House, the Spanish Fraternity, the Brookdale Learning Center and the Long Branch Public Schools.

Mr. Morales has also participated in many activities of interest to the Latino American Community, such as the Columbus Day parade, the United Nations/Hispanic Heritage Month Celebration, Puerto Rican Discovery Day, the Spanish Fraternity Tutorial Program, the Three Kings Day Program, the Cinco de Mayo Celebration and Luzo-Brazilian Heritage Month Celebration.

Mr. Speaker, it is my sincere hope that my colleagues will join me in honoring and recognizing Mr. Wallace Morales as the Latino American Committee of Monmouth County honors him for his dedication to the educational advancement of Latinos.

TRIBUTE TO UNIVERSITY OF DAYTON COLLEGE REPUBLICANS

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 21, 2002

Mr. SCHAFFER. Mr. Speaker, I rise today to commend and congratulate the University of Dayton College Republicans. The student-led organization is comprised of the university's best and brightest students. Furthermore, the club played an important role in leading the Great State of Ohio in establishing the current Administration of President George W. Bush.

According to the group's mission statement, the purpose of the University of Dayton College Republicans is to promote and foster the ideals of the Republican Party, aide in the election of local, state and national Republican candidates and involve as many students as possible in the pursuit of life, liberty and happiness.

Mr. Speaker, the UD College Republicans have clearly distinguished themselves among other political organizations on campus. Their outstanding web site (www.udayton.edu/-colrepub/) details the superior attitudes, opinions and beliefs that set the organization apart and attract the loyalty of their wisest peers. The group's creed reads as follow:

> I BELIEVE the strength of our nation lies with the individual and that each person's dignity, freedom, ability and responsibility must be honored.
>
> I BELIEVE in equal rights, equal justice and equal opportunity for all, regardless of race, creed, sex, age or disability.
>
> I BELIEVE that free enterprise and encouragement of individual initiative have brought forth this nation opportunity, economic growth and prosperity.
>
> I BELIEVE the government must practice fiscal responsibility and allow individuals to keep more of the money they earn.
>
> I BELIEVE the proper role of government is to provide for the people only those critical functions that cannot be performed by individuals or private organizations and that the best government is that which governs least.
>
> I BELIEVE the most effective, responsible and responsive government is government closest to the people.
>
> I BELIEVE Americans must retain the principles that have made us strong while developing new and innovative ideas to meet the challenges of changing times.
>
> I BELIEVE Americans value and should preserve our national strength and pride while working to extend peace, freedom, and human rights throughout the world.
>
> FINALLY, I believe the Republican Party is the best vehicle for translating these ideas into positive and successful principles of government.

Mr. Speaker, the UD College Republican organization is the bedrock of virtue, morality, the paragon of freedom on the UD campus. As a UD graduate of 1984, and a former officer of the UD College Republicans, I hereby call upon our colleagues in the U.S. House to recognize the illustrious organization as one of America's finest and most worthy student-leadership institutions.

I further commend the University of Dayton for hosting the UD–CR organization. The existence of this powerful and mighty group provides an opportunity for the university's most promising intellectuals and venerable scholars to bask in an oasis of truth, justice and honesty, replete with piety and reality, and bereft of the political liberalism that has infected academia generally. They are the candle flame elevated upon the bushel—the light by which all others navigate.

Congratulations to the University of Dayton College Republicans for setting the lofty standard for American patriotism and for its embodiment of righteousness. Indeed, it is written in Ecclesiastes 10:2, "The heart of the wise inclines to the right, but the heart of the fool inclines to the left." God is on their side!

May the wise hearts of the UD College Republicans remain in the right and perpetually triumph over the foolish hearts of that other party that lurks on the left; and may they enjoy eternal recognition by all at the University of Dayton and throughout the land as "The Best Party on Campus!"

THE CONTINUING INABILITY OF CONGRESS TO CONDUCT ITS REGULAR BUSINESS AND SOLVE AMERICA'S PROBLEMS

HON. MAX SANDLIN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 21, 2002

Mr. SANDLIN. Mr. Speaker, once again, this body is abdicated its responsibilities by passing a 6-week continuing resolution to keep the Federal Government running through November 22, 2002. The Republican leadership has failed the American people by determining Members of Congress do not need to pass the remaining 11 Fiscal Year 2003 appropriations bills, the Fiscal Year 2003 National Department of Defense Authorization Conference report, and a meaningful prescription drug benefit for seniors. This is only a small fraction of the work that this body still needs to complete before we adjourn.

Instead of addressing pressing needs, the majority party has decided to disregard our constitutional responsibilities and go home and leave the people's business unfinished. I voted against this resolution, as I did the last, because we need to be here working and solving the vast economic problems facing this country. Again, I supported a continuing resolution that would have funded the Federal Government for one additional day. This would have forced us to remain here and address the critical issues facing our nation. Our domestic problems are not insurmountable. I will not accept the fact that this Republican-controlled Congress cannot simultaneously address national security needs while also addressing pressing domestic problems. When united in action, we can solve the problems facing everyday citizens.

America remains mired in economic doldrums. The stock market continues its decline. I read that mutual fund analysts joke that people should not open their 401(k) statements because of devastating declines in values. Hundreds of thousands filed for unemployment claims at the end of last month, and consumer confidence fell to a 9 year low. In addition to the hundreds of thousands of new unemployment claims, hundreds of thousands of out-of-work Americans have or will soon exhaust their unemployment compensation. The Republican majority has not brought any legislation to the floor to extend unemployment insurance for those who desperately need these benefits.

We will get paid for the next 6 weeks but millions of our constituents will no longer have any safety net. Because the majority has failed to do its job, countless individuals will not be able to feed their families, seek new employment, or pay their upcoming winter heating bills. The Republican majority has told working Americans that their problems do not matter.

In addition to not addressing legislation to assist unemployed workers, the House has again failed to fund important initiatives in education, healthcare, and veterans programs—leaving society's most vulnerable members at risk. This continued lack of action means schools cannot plan for next year, health care providers wonder if they will have funds to remain open, seniors will go without a comprehensive prescription drug plan, and veterans will continue to see unacceptably long waits for access to care.

By ignoring the situation, the majority acts as if this administration's failed economic policies have not had devastating consequences for average Americans. This Congress just has addressed the most compelling national security issue facing the Nation. It is time that we face the economic crisis facing America—rising unemployment, increasing job insecurity, growing budget deficits, and the lack of affordable health care.

By postponing action on passing the remaining 11 appropriations bills, the majority undermines the ability of the government to carry out its basic missions. By adopting continuing resolution after continuing resolution, we are completely ignoring our responsibility to the Nation and its citizens.

Issues such as the fight against terrorism, protecting basic services for our veterans, increasing enforcement of our security laws and making funding available to local and State governments for infrastructure investment cannot be addressed without proper appropriations.

Because the majority has failed to do its job, the people of East Texas and the country will pay the price. Republican economic policies have been devastating for this country—ignoring those polices will not make them better. Congress's inaction touches every part of our daily lives. In a stunning act of indifference, Congress will take 6 weeks off leaving millions of Americans without hope that we will address the problems they face every day. It is for this reason that I, in good conscience, could not support another weeklong continuing resolution.

RECOGNITION TO VICTOR J. FERLISE

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, October 21, 2002

Mr. PALLONE. Mr. Speaker, I come to the House floor today to honor a longtime friend and supporter of the people of the Sixth District of New Jersey, Mr. Victor J. Ferlise, Deputy to the Commanding General of the Communications-Electronics Command (CECOM) at Fort Monmouth, New Jersey. Vic Ferlise has been awarded the Roger W. Jones Award for Executive Leadership.

The American University presents this award each year to two career executives of the federal government who have demonstrated superior leadership that resulted in outstanding organizational achievements and strong commitment to the effective continuity of government by successfully bringing about the development of managers and executives. The award is named for a former professor and public servant committed to the education and training of managers and executives.

Since 1992, Mr. Ferlise has direct responsibility for the five major business units of CECOM: the Research, Development and Engineering Center, the Logistics and Readiness

Center, the Acquisition Center, the Software Engineering Center, and the Information Systems Engineering Command. As the largest employer in Monmouth County, New Jersey, CECOM is a key component of the economy of central New Jersey, and Mr. Ferlise has direct oversight of more than 10,000 employees.

Before being appointed as the Deputy of the Commanding General, Mr. Ferlise served as the Chief Counsel of the Legal Office at Fort Monmouth. He has received numerous civilian awards and decorations, most notably the Distinguished and Meritorious Presidential Rank Awards and the Army Exceptional Civilian Service Award. President George Bush personally presented the Distinguished Presidential Rank Award to Mr. Ferlise during a ceremony in Washington, DC in October 2001.

Mr. Ferlise has been an instructor in the Graduate Acquisition Program at Monmouth University, a member of the Executive Advisory Council for its School of Science, Technology and Engineering and a member of the Governor's Council on Armed Forces and Veterans' Affairs. He is the author of "Innovations in Logistics Modernization," an article published in the May–June 2000 issue of Program Manger Magazine.

I ask my colleagues to join with me in commending and honoring the distinguished gentleman, Mr. Victor J. Ferlise, for his superior leadership and strong commitment to the effective continuity of this Government.

SUPPORTING TAIWAN'S INDEPENDENCE IN THE FACE OF INCREASED CHINESE THREAT

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 21, 2002

Mr. SCHAFFER. Mr. Speaker, I rise today in strong support of Taiwan, and to call upon the leaders of the United States Government to defend this democratic nation against any Chinese aggression in this time of global crisis. The war on terrorism is, in fact, a war for the preservation of democracy, human rights, and freedom—the fundamental principles upon which America was built. While terrorism has occupied the country's immediate consideration of global security, prudent Americans must remember that the clear intention of a totalitarian country to conquer a democratic nation is a greater threat with greater repercussions.

China's aggressive posture and clear intention to occupy Taiwan, coupled with its recent shift in budgetary priorities toward military buildup, is cause for great concern. It threatens the stability of the entire region. The additional funding is expected to bolster China's missile program and revamp its military into a more offensive force. China already has 400 ballistic missiles aimed at Taiwan, and since it has threatened the use of force, it is reasonable to assume some of the military build up will be used to achieve China's publicly stated intentions. This type of foreseeable belligerence cannot be tolerated. I am comforted and heartened that U.S. official policy on this question clearly obligates our country to responding to such eventual belligerence.

Taiwan continues to be a beacon of democracy in an unstable region. Its democratic progress culminated in achieving a peaceful transfer of power from a Nationalist government to the freely elected Democratic Progressive Party in 2000. Since September 11th, Taiwan has been a resolute ally in the War on Terrorism. Moreover, Taiwan has maintained its desire for self-determination and international recognition as a free nation, despite unyielding pressure from China. The courage of the Taiwanese people, and their commitment to democratic principles should be recognized and rewarded.

Mr. Speaker, I call upon the United States Government to maintain its long-standing commitment to Taiwan. Additionally, I urge President Bush to seek from China, a renunciation of the use of any force, and the threat of force, against Taiwan's self-determination.

TRIBUTE TO BRIGADIER GENERAL JAMES E. BICKFORD, U.S. ARMY (RETIRED)

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, October 21, 2002

Mr. ROGERS of Kentucky. Mr. Speaker, I rise today to pay tribute to a military veteran, dedicated public servant, and all around great Kentuckian, Brigadier General James E. Bickford, U.S. Army (Retired). I want to express my deepest gratitude for his many contributions to the people of our state and this great nation.

General Bickford is a highly decorated military veteran who has spent most of his life serving our country. Commissioned as a second lieutenant in the U.S. Army as a young man, his duties took him all over the world, including Europe, Asia, the Middle East and Africa. Throughout his military career, General Bickford received a host of service awards and decorations, including the Defense Distinguished Service Medal, the Legion of Merit, and the Bronze Star with Oak Leaf Cluster. He was the man in charge of logistics for the Persian Gulf War and I had the pleasure of attending the ceremony in Washington, DC this spring as he was inducted into the Defense Logistics Agency Hall of Fame.

In addition to his reputation as a strong and effective military leader, General Bickford is widely known for his compassion and commitment to helping others. Born in West Virginia and raised in the hills of Harlan County, Kentucky, he is especially interested in the well being and prosperity of Appalachia. Upon completion of his military service, he found his heart calling him back to Kentucky. He was appointed Secretary of the Kentucky Natural Resources and Environmental Protection Cabinet in December of 1995, and has worked tirelessly ever since to protect and enhance the natural resources of the Bluegrass State. Let me publicly state for the Record that we are absolutely delighted that General Bickford and his lovely wife, Shirley, decided to come back home.

It is through his service to Kentucky that I have had the great fortune of getting to know General Bickford. Our paths first crossed in 1997, when we were both invited to speak to a group in Louisville, Kentucky. Although we had never met, our speeches were stunningly similar and our goal was the same—to tackle the daunting task of cleaning up Southern and Eastern Kentucky.

As natives of the 5th Congressional District, we both knew that the environmental problems in our region were extensive and could only, if at all, be remedied through a coordinated federal, state and local effort. After our first meeting, we pulled our resources together—those of the Kentucky State Government and the United States Government—and got to work. Right away we began asking local mayors, judges and area development districts to join forces in our effort to clean up the region. Then we asked the public to help. Thus was formed the PRIDE program, which stands for Personal Responsibility in a Desirable Environment. The response has been overwhelming. Thousands are involved in improving their home region, thanks to General Bickford's dedication and leadership.

Through our federal, state, and local partnership, we have made significant strides in cleaning up our rivers and streams, helping our counties address sewage and trash problems, and educating our children about the importance of a clean environment. As a lifelong resident of Southern and Eastern Kentucky, words cannot describe how wonderful it is to see our region being reborn. Because of the success of the PRIDE program, and modeled after it, we are now implementing initiatives to enhance tourism, improve our economy and bring new jobs to the 5th Congressional District. These initiatives would not be possible without the efforts of General Bickford.

Mr. Speaker, I want to thank my friend General Bickford for the time, energy, and devotion he has invested in making our world a better place. I am especially grateful for his unwavering commitment to the PRIDE program and the people of the 5th District of Kentucky. There is no doubt in my mind that we will continue to benefit from his profound contributions for many years to come.

TRIBUTE TO DR. KENNETH GEIGEL

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, October 21, 2002

Mr. PALLONE. Mr. Speaker, I would like to call the attention of my colleagues to Dr. Kenneth Geigel from New Jersey, who is being honored by the Latino American Committee of Monmouth County.

Born in 1938, in the South Bronx, Dr. Geigel attended St. John Chrysotom's Elementary School. He had a short-lived career as a TV repairman before going to work at the Bank of America on Wall Street. Upon graduation, he returned to the Bronx and started to work for Casita Maria, a settlement house in the Hunts Point section of the Bronx. It was at Casita Maria that he met his wife Carmen. Eager to continue his education, Dr. Geigel, enrolled at New York University and received a Master of Arts in Human Relations. It was during the same time that he became involved with a small group of Hispanic Leaders in Manhattan and was instrumental in the founding of ASPIRA. Dr. Antonio Pantoja, the first Director of ASPIRA, hired him as the fund-raiser for the newly formed organization. Dr. Geigel left in 1967 and went to work for the New York City Board of Education as a Field Project Administrator. In 1968, he became a Special Administrative Assistant to the Board Members working on decentralization. After decentralization was passed in 1969, he was appointed by Mayor Lindsey to the Commission of Human Rights, the Hispanic Affairs Division. He resigned after one year and took another challenging opportunity as the Associate Director of the Higher Education Program at NYU.

Dr. Geigel and his family moved to Freehold, New Jersey. The commute into the city became hectic for him as well as unbearable for his wife who was still working at Casita Maria. He was offered the position of Registrar at Livingston College, a newly formed College of Rutgers, The State University of New Jersey. He was the first Hispanic to hold such a position at a major University within the State of New Jersey.

While working at Rutgers, he earned his Doctorate Degree in Education and became a founding father of the Hispanic Association of Higher Education of New Jersey. As a resident of Freehold Township, he became involved with the large Hispanic population in the borough. Working with the Catholic Church of St. Rose of Lima and the Bishop, they were able to locate a vacant building and transform it into what is now the St. Rose of Lima Hispanic Parish Center, a multi-service center for the community. Presently, Dr. Geigel serves as a council member of the Freehold Township Human Rights in the consulting firm of Johnson, Geigel and Yucht Associates, specializing in teaching and mentoring life skills to low-income groups.

Mr. Speaker, it is my sincere hope that my colleagues will join me in honoring and recognizing Dr. Kenneth F. Geigel as the Latino American Committee of Monmouth County honors him for his unfaltering dedication to the Latino community.

TRIBUTE TO MOELLER HIGH SCHOOL

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 21, 2002

Mr. SCHAFFER. Mr. Speaker, Cincinnati Archbishop Moeller High School is one of America's best High Schools. As a 1980 graduate of the institution, I rise today to commend Moeller for its years of excellence in education and for advancing the Marianist philosophy in a Christian academic setting.

Father William Chaminade, the founder of the Marianist order, inspires Moeller's philosophy. He intended all Marianist schools to be places where Christian Faith would grow and prosper. Moeller continues to meet Father Chaminade's challenge by making the religious faith of its students the center of their lives.

According to the school's mission statement, Moeller achieves these goals by teaching students about our responsibilities to God, family, neighbors and self; by engendering a willingness to serve the human community; learning how to interact faith with culture, changing the culture towards Christian values; assisting all to "develop" the "Marianist Family Spirit," and, to value the qualities of Mary the Mother of God, such as compassion, tolerance, patience and willingness to assist the poor in working for a just society.

The faculty at Moeller strives to pursue excellence in all academic disciplines. Students are encouraged to use their God-given talents to the fullest. Intellectual curiosity is stressed. Critical thinking and the development of skills for life-long learning are promoted.

The school is named after the Most Reverend Henry Moeller, the fourth Archbishop of the Cincinnati Catholic Archdiocese. Conceived in 1958, the idea for the boy's Catholic school became a reality in September 1960 when the doors opened for the first time. Moeller High School has since graduated over 6,000 graduates including our colleague Mr. Boehner of Ohio.

Moeller is well known throughout the country. The school has set hundreds of records on a local, state and national basis in academics and athletics achieving numerous championship titles at all levels.

Most of all, Mr. Speaker, the students and graduates of Moeller High School are the kind of men for whom Father Chaminade prayed. His vision of a family of well-rounded Christian academic settings has produced some of America's best citizens and disciples of Jesus Christ. Moeller has succeeded in developing students into productive, successful and mature adults with the ability to share and work with all people.

Mr. Speaker, I'm proud to be a graduate of Moeller High School and part of the Moeller family. I'm exceedingly proud to represent it today as a Member of the United States Congress here on the floor of the House of Representatives and to speak on behalf of what is clearly an uncommon school of remarkable accomplishment.

Finally, Mr. Speaker, I ask the House to join me in commending Moeller High School for its leadership in American education, citizenship, and piety. May Moeller continue to prosper in its noble goals and may everyone associated with the school's mission continue to enjoy God's greatest blessings.

RECOGNIZING THE GOLDBERG B'NAI B'RITH TOWERS

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 21, 2002

Mr. BENTSEN. Mr. Speaker, I rise today in recognition of the Goldberg B'nai B'rith Towers, which will be celebrating its 25th Anniversary on October 20, 2002. The Goldberg B'nai B'rith Towers has demonstrated an immense commitment to the elderly community in Houston, and their hard work is to be commended.

In addition to hosting an event celebrating their anniversary, Goldberg B'nai B'rith Towers will honor several individuals who have demonstrated tremendous dedication to the success of this residential community. In addition to Helen Mintz, who has volunteered her time as a painting instructor for the past 25 years, the Towers will also commend the generosity of Robert and Edith Zinn, who provide funding for the medical transportation program, and the Paulene Sterne Wolff Foundation for its support of the meal and housekeeping services. These people definitely deserve recognition for their tireless efforts to improve the lives of others.

The Goldberg B'nai B'rith Towers began in 1971 as a vision of the late J.B. Goldberg. Goldberg, along with a dedicated group of men, sought to transform that vision into a reality by establishing an apartment complex for the elderly. Following the model set forth by B'nai B'rith International, ground was broken for the first building of the complex in 1976. It opened in 1978 and included 150 units. In 1982, the second building was opened, bringing the total capacity to 380 residents. Over the past 25 years, the Goldberg B'nai B'rith Towers, which are owned and managed by the B'nai B'rith Senior Citizens Housing Committee of Houston, have provided a home for over 850 individuals.

The invigorating atmosphere this facility creates continues to have a positive impact on the lives of its residents through its many programs and support services. With meal preparation, housekeeping, geriatric nursing, and transportation services to medical appointments, the Goldberg B'nai B'rith Towers enables its residents to maintain an active lifestyle. Additionally, the myriad of activities offered at the Towers include classes in computer training, painting, ceramics, and citizenship, as well as an open game room and exercise facility.

Goldberg B'nai B'rith Towers has also been a strong proponent of multi-culturism and diversity in Houston. The wide variety of religious resources available in the Towers undoubtedly serve the spiritual needs of its residents. Nondenominational Bible study, Torah study, Shabbat services, Catholic mass, and a Chinese fellowship organization, that minister to a variety of groups, facilitating an environment for spiritual and cultural expression.

Mr. Speaker, I congratulate the Goldberg B'nai B'rith Towers on its 25th anniversary and commend its staff and volunteers for their devotion to the residents of this facility. I wish the Towers continued success in the future, as its presence in the Houston community has been invaluable.

TRIBUTE TO MR. GYLMAR (GIO) ROBERTO SIMOES

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, October 21, 2002

Mr. PALLONE. Mr. Speaker, I would like to call the attention of my colleagues to a constituent in the 6th District of New Jersey. It is with great pleasure that I introduce Mr. Gylmar (Gio) Roberto Simoes, who is being honored by the Latino American Committee of Monmouth County.

Gylmar Simoes was born in Brazil and moved to the United States in 1979. He and his wife Linda as well as their three children, Jonathan, Samantha and Emerson live in Long Branch. Gio, as he is best known around town, is not only very active in the community, he is also the owner and editor of the Latino USA Newspaper which is published in both Spanish and Portuguese.

In 1996, Gio founded and directed the "Annual Brazilian Day in Long Branch Festival" which is celebrated every Labor Day weekend and draws over 7,000 Latinos every year. In 1997, he founded and directed the "Annual City of Long Branch Soccer Cup" which became the largest adult soccer tournament in the State of New Jersey, with participation of over 35 soccer teams from five states including New Jersey, New York, Connecticut, Pennsylvania and Georgia. Gio was one of the Principals in the creation of the Latino Chamber of Commerce of Monmouth County and was the founder of the PEB (Pais de estudantes Brasileiros) Parents of Brazilian Students of Long Branch. Gio has also worked as a Spanish and Portuguese translator for the Assembly of God Church, the prisons and drug rehabilitation centers in New Jersey and New York.

Gio founded the Latino USA Newspaper 2 years ago to serve the Latino Communities throughout Monmouth County. The newspaper can now be found in 21 cities throughout New Jersey. It is in full color and reaches over 60,000 Latino readers per edition. The newspaper was awarded "La Pluma de Oro" in January 2002 by the APH (Associacion de Periodistas Hispanos) as the fastest growing Latino newspaper in the tri-state area.

In 2001, Gio received the Brazilian Man of the Year award given by the Brazilian Association of Monmouth County and in 2002 received the Long Branch Mary Cox "Man of the Year" award.

Mr. Speaker, it is my sincere hope that my colleagues will join me in honoring and recognizing, Mr. Gylmar Simoes, as the Latino American Committee of Monmouth County honors him for his unwavering commitment to the Latino community.

TRIBUTE TO FR. JOSEPH P. TEDESCO

HON. BOB SCHAFFER

OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Monday, October 21, 2002

Mr. SCHAFFER. Mr. Speaker, one of our Lord's most faithful servants is Fr. Joseph P. Tedesco, S.M. M.Div., M.A., PCC. I rise today to commend Fr. Tedesco for his many years of service as a teacher, scholar, priest and community leader.

Born in Connellsville, Pennsylvania in 1952, Joseph P. Tedesco professed first vows as a Marianist in 1971 and was later ordained a Catholic priest in 1983. He was a teacher and guidance counselor at Moeller High School in Cincinnati, Ohio as well as moderator of the very successful Lacrosse team. He was also a teacher and counselor at St. Joseph High School in Cleveland, Ohio and Chaminade-Julienne High School in Dayton. Tedesco received a Masters in Community and Agency Counseling from John Carroll University in University Heights, Ohio. Joseph Tedesco has also completed a post Masters certificate in Clinical Counseling, also from John Carroll. He joined the University of Dayton faculty in 1996 teaching courses in Theories of Personality, Tests and Measurements, Adult Development and Aging, and Child Psychology.

Professor Tedesco is an ordained member of the Society of Mary and he serves as the Novice Master of the Marianist Province of the U.S. He holds Masters degrees in Divinity from Toronto School of Theology and Applied Spirituality from the University of San Francisco. Professor Tedesco is a member of the Board of Directors of Catholic Social Services of Miami Valley serving as co-director of programs and community services.

He is a Licensed Professional Clinical Counselor in the State of Ohio. He has served as a child and adolescent therapist since 1983 and presently is in private practice. His special areas of study include addictions, sexual identity, adult development and aging, psychology of religion and adolescent psychopathology.

Mr. Speaker, Fr. Tedesco was one of my high school teachers and I owe him much for his instruction, guidance, and direction. Tedesco loves his students and he thrives on the chance to appear before classrooms to develop his pupils and help them succeed.

Fr. Tedesco also married my wife and me. Through the marriage preparation process, I came to fully appreciate Fr. Tedesco's passion for his ministry and his role in the Church. He is a truly holy man—one who lives his faith and inspires others to know Jesus Christ.

Among his students, friends and colleagues, Joseph Tedesco is loved and admired. He has a warm countenance and an engaging delivery. He has strengthened the minds and grown the hearts of all those who have received his lectures, homilies, and advice. He is a great American.

Mr. Speaker, I am proud to have been a student of Fr. Tedesco, and honored by his blessing upon my family. I am grateful for the opportunity, as a member of the United States Congress, to tell our colleagues in the House about the many achievements and contributions of this remarkable man.

I ask the House to join me in extending its heartiest congratulations and commendation to Fr. Joseph Tedesco for his many years of academic excellence and Christian charity. May God continue to bless him, his ministry, and all that he loves.

HONORING JOYCE PROLER SCHECHTER AND THE SEVEN ACRES JEWISH GERIATRIC CENTER

HON. KEN BENTSEN

OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Monday, October 21, 2002

Mr. BENTSEN. Mr. Speaker, I rise to recognize Joyce Proler Schechter who will be honored by the Seven Acres Jewish Geriatric Center with its 2002 Spirit of Life Award on October 22, 2002.

Joyce Schechter has spent a lifetime supporting and working for charitable causes and is described by Cyvia Wolff, chair of the Seven Acres award luncheon, as a "person who has given tirelessly of her time and energy to make the world a better place to live."

A native Houstonian, Joyce married Arthur Schechter in 1965, and they have two children, Leslie and Jennifer, and five grandchildren. Prior to Arthur's appointment to serve as the United States Ambassador to the Bahamas in 1998, Joyce was a successful businesswoman, and was listed among "Who's Who in Texas."

A member of Seven Acres' Board of Directors since 1993, Joyce Schechter continues to contribute her time and talents, serving as Vice-President of Resident Services, Administrative Services, and Financial Services. In addition, she has served as co-chair of the Development Committee and has been involved in every fundraising event, including serving as chairman of the 2002 Annual Spring Gala.

Through her good work, Joyce has touched the lives of Houstonians in countless ways. But most of all, she has helped ensure a high quality of life for the residents of Seven Acres. In recognition of her extraordinary service to Seven Acres, in 1999, Joyce received the prestigious Mitzvah Award.

Seven Acres began in 1943, when a small, determined group of men and women of the Jewish faith purchased a frame house on Branard Street in Houston. Their vision was to create a warm, friendly environment for elderly citizens. Originally Seven Acres provided a caring environment for just 14 seniors. As the concept and the need grew, there were milestone expansions. Today, Seven Acres provides the highest standards in adult day health care through the Wolfe Center and specialized geriatric care and services through its 290-bed residential facility. Funds raised by the awards luncheon will help provide financial aid and other benefits for the residents.

The annual Spirit of Life Award "celebrates and recognizes long-term community service performed with the highest standards of integrity. The exemplary individuals so honored have demonstrated extraordinary commitment and serve as role models of dedicated service on behalf of others. The award recipients are persons whose energy and community spirit have earned them the respect and admiration of all those touched by their accomplishments."

In addition to Joyce's work with Seven Acres, she has also tirelessly contributed her time and resources to Congregation Beth Israel, serving on the endowment and art committees. Other organizations that have benefited from her involvement are the American Jewish Committee and the Holocaust Museum of Houston.

Mr. Speaker, I would like to commend Joyce Proler Schechter for her unyielding commitment to the people of Houston and the residents of Seven Acres. Her passionate work on behalf of the Jewish community has set an example for generations. I applaud her leadership and service, and wish her continued success in the years to come.

RAMAPO COLLEGE INAUGURAL ADDRESS

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, October 21, 2002

Mr. PALLONE. Mr. Speaker, the following is the Inaugural Address of Dr. Rodney D. Smith, President of Ramapo College in New Jersey. I want to wish him and the entire community at Ramapo College a successful academic year.

INAUGURAL ADDRESS, MAY 2, 2002, OF RODNEY D. SMITH

"*Whatever you vividly imagine, ardently desire, sincerely believe, and enthusiastically act upon . . . must inevitably come to pass!*"—Paul J. Meyer.

Chairman Ramirez, Trustees, Ambassadors, Honorable Congresswoman Roukema, Honorable Governor McGreevey, other distinguished platform guests, Distinguished guests in the audience, Ramapo College colleagues, students, fellow college/University Presidents, delegates, family members, dear friends, ladies and gentlemen:

Today, standing on this beautiful campus of rolling hills . . . with stately evergreens surrounding a mixture of architectural centuries old beauty and 21st century ingenuity—I am exhilarated by the convergence of Ramapo's potential and its rich history.

Indeed, I am inspired by the challenges and magnitude of the charge of leading this most innovative of institutions into the future.

Often in life we find ourselves taking on challenges that both weigh heavily and strengthen us at the same time.

While they empower us, these challenges also require all the strength, creativity, skill, patience and sensitivities that make us who we are.

Today, I remember growing up on a small island, away from the U.S. mainland, in the Atlantic Ocean—where we took it for granted that we could fish whenever we wanted, swim where we wanted, and live wherever we wanted.

I remember the cool tropical breeze sweeping over the sea . . . as I looked out at the vast ocean where the sky met the sea—watching the sun sink deep into the water.

I remember wondering what was beyond those deep waters—I wondered about what future awaited beyond the horizon.

As we forge ahead in this new partnership, this strengthened relationship, we must look to the future as we reflect on where the College has been, the courses that were chosen, the choices made, and then move to establish a clear vision beyond the vast unknown oceans that lie ahead.

We must seek to understand the tides, the many currents, the uncharted seas.

We must appreciate the richness of the ocean and respect the unknowns . . . that await within its depths.

John Dewey, in Democracy and Education, wrote: 'To Learn from Experience is to make a backward and forward connection between what we do to things and what we enjoy or suffer from things in consequence."

Today, I add my humble experiences as a new factor in the Ramapo College Equation. I bring lessons taught at the Harvard Graduate School of Education—"To always seek what is truth—even in our acceptance that some questions have no answers."

I bring almost ten years of experiences from one of the most premier institutions in the country, Hampton University, led by one of America's most successful and innovative leaders within the higher education enterprise, Dr. William R. Harvey. William Harvey has taught me many lessons over the years but one that stands out, that I now bring to Ramapo College, is the importance for leaders to listen to advice, pay heed to guidance, consult, go away and cogitate, if you have to, but at the end of the day always stand up for what you believe is the right thing to do, do it . . . and let the chips fall where they may.

Our Founding President, George Potter, visualized an innovative college offering traditional academic values . . . in a non-traditional setting, a college that would be devoted to the development of the individual student's talents . . . through a dynamic, interdisciplinary curriculum . . . based in the liberal arts and sciences. As Ramapo celebrated its 15th year, Dr. Robert A. Scott continued the dynamic leadership in June 1985. Under President Scott's leadership Ramapo's niche became redefined and was focused in International and Multicultural Education. Scott noted that more than one half of Ramapo's faculty had substantial experience in other nations and cultures; and some were nationally known for their leadership in International Education.

He noted that Ramapo College's Model UN program consecutively took best delegation honors in competitions against Harvard, Army, Georgetown, Pittsburgh and other prominent institutions.

He noted that northern New Jersey continued its expansion as home for the headquarters of many multinational and international firms.

Ramapo's neighbors came to include such firms as: Sharp, Minolta, Sony, Simac, Seiko, Samsung, Konica, Laura Ashley, Jaguar, UPS, KPMG, and many, many others.

In addition to the large populations of ethnic groups already settled here, large numbers from Spanish-speaking, Asian and Caribbean countries also came to the area.

Eventually, the combination of these market forces resulted in Ramapo's mission being more clearly defined with four distinct pillars:

Interdisciplinary Teaching,
Experiential Learning,
International Education, and
Intercultural Understanding.

INTERNATIONAL EDUCATION

Today, Ramapo continues to expand study abroad and exchange opportunities. It is the home for the Governor's School for International Studies. Today, Ramapo continues to expand mutually beneficial partnerships with its corporate neighbors.

We will expand corporate partnerships to offer newly designed post-9/11 Executive Development Seminars for renewed understanding and appreciation for world events and meanings.

Ramapo College will maintain its position as a pace-setter in the corporate higher education arena. And, In the very near future, we will bring all these resources and partnerships together in the creation of even more innovative opportunities under the Marge Roukema Center for International Education and Entrepreneurship.

Our students must have a solid understanding and concern for the fundamental issues of world peace, poverty, commerce, and politics . . . . including: war, terrorism, racism, global warming, pollution, and the depletion of our forests and fisheries.

In that respect, part of our Mission is to develop Ramapo's relationship with the United Nations and other global players.

This will be a powerful new strategy that fully exploits the fact that the United Nations is in our backyard.

Look, for example, at the plight of women and children around the globe:

Women and children make up 70 percent of the world's poor.

Women comprise over ⅔ of the world's illiterate population.

Women and children account for 80 percent of the world's refugees.

Women produce, process and market ⅗ of all the world's food.

Women may perform as much as ⅔ of the world's work.

And yet-women receive only 1/10th of the world's income.

And women own less than 1/100th of the world's property.

These are the kinds of fundamental issues that our students—our world citizen—must be prepared to challenge.

There are more than six billion people living on the Earth today. But if we imagine that the Earth's population, as a village of just 100—people maintaining the existing ratios—what would our global village look like? Dr. Phillip Harter of the Stanford University School of Medicine calculated the following:

57 would be Asian
21 would be European
14 would be from the Western Hemisphere
8 would be African
52 would be female
48 would be male
70 would be nonwhite
30 would be white
70 would be non-Christian
30 would be Christian
89 would be heterosexual
11 would be homosexual

6 people would possess 59 percent of the entire world's wealth, and all 6 would be from the United States.

80 would live in substandard housing
70 would be unable to read
50 would suffer from malnutrition
1 would be near death
1 would be pregnant
1 would own a computer

And only one would have a college education. That college education is both . . . an opportunity and an obligation.

INTERCULTURAL UNDERSTANDING

Therefore, in fulfillment of our mission of Intercultural Understanding. We will not confuse America's richness in multi[chyph]culturalism with inter-cultural and intra-cultural understanding.

Despite America's diversity, we have remained shut-off, segregated in our knowledge and understanding of our fellow Americans . . . and thus the world-at-large.

At Ramapo College we will create forward and backward linkages to the past and the future.

Ramapo College believes that the key to international understanding and world peace begins at home. In expanding our mission to seek opportunities to make education accessible to underserved populations. We will seek to expand services to the community by providing continuing education opportunities; we will ask the faculty to explore a means of keeping a promise made to our founding Trustee, Mrs. Thomases back in 1969.

We will seek to establish the Ramapo College Hackensack Center as a direct means to provide educational and training opportunities. In the words of Langston Hughes: "The dream belongs not just to the dreamer, but to all the hands that help to build."

INTERDISCIPLINARY TEACHING

Towards our mission of Interdisciplinary Teaching. The faculty will collaborate and continue exploring future changes in subject and area majors.

We will seek ways to expand summer programs, thus giving students the opportunity to complete undergraduate degrees in three years.

Our Interdisciplinary approach will be expanded, allowing faculty to explore the implementation of five-year masters degree programs that allow undergraduates to work toward advanced degrees.

LIBERAL EDUCATION

Our students will be world leaders who have passion and compassion. Their liberal education will equip them to deal effectively in a rapidly changing world. Through our emphasis on the liberal arts, our students will learn not only skills of math, sciences and technology, but also gain knowledge of cultures, languages, history, literature, art, geography, all with a global perspective on the world's issues.

We will not seek University status.

We will seek even greater recognition as a liberal arts college of distinction, focusing on a rigorous undergraduate academic program . . . while offering graduate and professional opportunities.

We have engaged the entire Ramapo community, with a mandate from the Board of Trustees, toward successful strategic planning. . . . The Ramapo College Ten Year Strategic Plan will be released this summer.

In order to accommodate the mind-boggling demand for quality higher education in our state, a demand that will increase at a rate faster than any other period in the history of American higher education, we have moved forward on: the construction of a $34 million, 528-bed, townhouse complex; finalized plans and begun a capital campaign for an expanded $24.3 million Sports and Recreation Center; completed plans for a nine-story, state-of-the-art, environmentally-compatible, residential center; completed plans for a state-of-the-art Sustainability Center, that enhances our reputation as the first college along the east Coast to conserve energy with Fuel Cells.

And, with assistance from our corporate partners, the great state of New Jersey, our many friends in Congress, especially congresswoman Roukema, we will in short order begin a world of opportunities through the Marge Roukema Center for International Education and Entrepreneurship.

Our students will be able to work effectively across America and across different cultures.

The future belongs to them. And they shall be prepared for it!

Our goals have been set.

The future of Ramapo College continues to beckon as a beacon for this 1969 innovation that became a 1986 tradition and now, in 2002, a 21st century pacesetter leading international understanding and 21st century partnerships!

I am honored to be the new president of Ramapo College of New Jersey.

RECOGNIZING THE ACCOMPLISHMENTS OF DR. DIANE STANITSKI-MARTIN

HON. TODD RUSSELL PLATTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 21, 2002

Mr. PLATTS. Mr. Speaker, I rise today to honor an outstanding constituent and educator in my 19th Congressional District of Pennsylvania, Dr. Diane Stanitski-Martin, for her extraordinary effort to bring real scientific research to the classroom. Dr. Stanitski-Martin, a professor at Shippensburg University, was chosen by the National Oceanic and Atmospheric Administration's (NOAA) Office of Global Programs to participate in a 3-week long research cruise in the Pacific Ocean. She participated in the retrieval and deployment of moored buoys that span the tropical Pacific Ocean as part of the TAO/TRITON array, a complex climate observation system central to describing, understanding and predicting the phenomenon known as El Nino.

Diane Stanitski-Martin embarked on the NOAA Ship Ka'imimoana August 16, 2002 in Honolulu and arrived on September 1, 2002 in Nuku Hiva, Marquesas Islands. While onboard, Diane hosted several live Web broadcasts, taught her undergraduate and graduate classes, wrote lesson plans, maintained a daily log, took photographs, interviewed scientists, and engaged in dialogue with other teachers and students, as well as the general public. She described her experience to be "a perfect chance for my students to learn more about current research which would help inspire them to pursue careers in the atmospheric and physical sciences." At a time when we are discovering how immense an influence the oceans play in the world's climate system, Dr. Stanitski-Martin's adventurous research effort will hopefully inspire younger generations to have an interest in climate science as well as the social dimensions of climate change.

I am very pleased to thank NOAA for its sponsorship of Dr. Stanitski-Martin's participation in the Teacher-At-Sea Program. I am also pleased to commend Dr. Stanitski-Martin for her devoted efforts to educate and inspire her students. Dr. Stanitski-Martin has certainly set a wonderful example for her fellow educators to follow.

REGARDING FIRE ISLAND AND THE WATER RESOURCES DEVELOPMENT ACT

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 21, 2002

Mr. ISRAEL. Mr. Speaker, on September 17, I shared with the House correspondence between myself, the gentleman from New York (Mr. GRUCCI) and the Acting Assistant Secretary of the Army for Civil Works, Les Brownlee, regarding Fire Island, New York.

On September 27, Congressman GRUCCI and I responded to Acting Assistant Secretary Brownlee's letter. As the House considers reauthorizing the Water Resources Development Act of 1999, I wanted to take this opportunity to update Members on this situation. Therefore, I ask that our response letter be printed in the RECORD at this point.

CONGRESS OF THE UNITED STATES,
Washington, DC, September 27, 2002.

The Hon. LES BROWNLEE,
Under Secretary of the Army, U.S. Department of the Army, The Pentagon, Washington, DC.

DEAR UNDER SECRETARY BROWNLEE: We are writing to respond to your letter of September 3rd. We appreciate your reply, but unfortunately it did not provide an explanation of why the Departments of the Army and Interior have failed to comply with Section 342 of the Water Resources Development Act of 1999. As you may recall, this is the provision that directed the Secretary of the Army to provide Congress with a "mutually acceptable shore erosion plan for Fire Island to Moriches Inlet Reach of the Project."

The December 17, 1999 letter to which you referred did not transmit a plan as required by the law. Your letter suggested that the Corps decided not to proceed with the interim project as mandated because of a New York State decision to withdraw as the nonfederal sponsor. We have never seen any official position from the State informing the Corps of that decision. In fact, in a November 30, 1999 letter to the Corps, the State indicated that it would issue the necessary State approvals "if no new issues came up during the public comment process" and if the issues raised by the State are "satisfactorily resolved."

We understand that no new issues came up at the January 12, 2000 public hearing. Indeed, we understand that the State never even submitted written comments on the Draft Environmental Impact Statement. If you have such comments or any official state position, please provide it to us as soon as possible.

Your statement that "the time had passed to reach agreement on the interim project" is disturbing. Congress' directive under § 342 was unequivocal. Almost three years have passed since the law's deadline, and the risk to Fire Island and the mainland from storm damage continues unabated. Waiting until 2005 to reach a decision on renourishment when the law required a decision in 1999 is unacceptable.

Sincerely,
STEVE ISRAEL.
FELIX J. GRUCCI, JR.

PERSONAL EXPLANATION

HON. EVA M. CLAYTON

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 21, 2002

Mrs. CLAYTON. Mr. Speaker, on Wednesday afternoon October 16, 2002, I regret that I was away on a scheduled event and also had a medical schedule back in my district. As a result, I missed 7 rollcall votes.

Had I been present, the following is how I would have voted:

Rollcall No. 470 (On Passage) to H.J. Res. 123—"Making further continuing appropriations for the fiscal year 2003"—"nay."

Rollcall No. 469 (On Motion to Recommit with Instructions)—H.J. Res. 123—"Making further continuing appropriations for the fiscal year 2003"—"yea."

Rollcall No. 468 (On Agreeing to the Resolution)—"nay"—H. Res. 585—Providing for consideration of H.J. Res. 123; Making further continuing appropriations for fiscal year 2003.

Rollcall No. 467 (On Ordering the Previous Question)—"nay"—Providing for consideration of H.J. Res. 123; Making further continuing appropriations for fiscal year 2003.

Rollcall No. 466 (On Motion to Suspend the Rules and Pass, as Amended)—"yea"—Health Care Safety Net Amendments.

Rollcall No. 465 (On Motion to Suspend the Rules and Pass, as Amended)—"nay"—To amend title 18, United States Code, to make it illegal to operate a motor vehicle with a drug or alcohol in the body of the driver at a land border port of entry.

Rollcall No. 464 (On Approving the Journal)—"yea".

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, October 22, 2002 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

OCTOBER 24

10 a.m.

Health, Education, Labor, and Pensions

To hold hearings to examine uninsured pregnant women, focusing on the impact on infant and maternal mortality.

SD–430

SENATE—*Thursday, October 24, 2002*

The Senate met at 10:30 a.m. and was called to order by the Honorable JON S. CORZINE, a Senator from the State of New Jersey.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., October 24, 2002.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JON S. CORZINE, a Senator from the State of New Jersey, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. CORZINE thereupon assumed the Chair as Acting President pro tempore.

ADJOURNMENT UNTIL 10:30 A.M. MONDAY, OCTOBER 28, 2002

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate stands adjourned until 10:30 a.m. on Monday, October 28, 2002.

Thereupon, the Senate, at 10:31 a.m., adjourned until Monday, October 28, 2002, at 10:30 a.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

HOUSE OF REPRESENTATIVES—*Thursday, October 24, 2002*

The House met at 11 a.m. and was called to order by the Speaker pro tempore (Mr. THORNBERRY).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
October 24, 2002.

I hereby appoint the Honorable MAC THORNBERRY to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Reverend Dr. Ronald F. Christian, Pastor, Evangelical Lutheran Church in America, Fairfax, Virginia, offered the following prayer:

The psalmist would remind us this day, bless the Lord, oh my soul and all that is within me, bless His holy Name. Bless the Lord, oh my soul, and forget not all His benefits.

Oh God, for whom the incessant sweep of the hands of our clocks is irrelevant and before whom all peoples will one day find themselves standing alone, we pause at this moment to pray and give thanks.

We pray that the least among us will not ever be abandoned.

We pray that the great among us will always lead with humility.

We pray that all may share in the resources of this land.

We pray for the children and for the defenseless of our communities that our individual efforts will be focused as much on the needs of others as they are on ourselves.

And we pray for new mothers and fathers that the privilege of parental guidance will be honored and accepted. But also, we give thanks!

We give thanks for the farmers who even on this day gather in the grain that we find nourishment from in the days ahead. We give thanks for protectors of society, the police, the fireman, and those guarding the land.

And we give thanks for hope that even in the darkened times, we can "forget not all Your benefits."

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER pro tempore led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 4 of rule I, Speaker pro tempore WOLF signed the following enrolled bills on Monday, October 21, 2002:

H.R. 669, to designate the facility of the United States Postal Service located at 127 Social Street in Woonsocket, Rhode Island, as the "Alphonse F. Auclair Post Office Building";

H.R. 670, to designate the facility of the United States Postal Service located at 7 Commercial Street in Newport, Rhode Island, as the "Bruce F. Cotta Post Office Building";

H.R. 2245, for the relief of Anisha Goveas Foti;

H.R. 2733, to authorize the National Institute of Standards and Technology to work with major manufacturing industries on an initiative of standards development and implementation for electronic enterprise integration;

H.R. 3034, to designate the facility of the United States Postal Service located at 89 River Street in Hoboken, New Jersey, as the "Frank Sinatra Post Office Building";

H.R. 3656, to amend the International Organizations Immunities Act to provide for the applicability of that Act to the European Central Bank;

H.R. 3738, to designate the facility of the United States Postal Service located at 1299 North 7th Street in Philadelphia, Pennsylvania, as the "Herbert Arlene Post Office Building";

H.R. 3739, to designate the facility of the United States Postal Service located at 6150 North Broad Street in Philadelphia, Pennsylvania, as the "Rev. Leon Sullivan Post Office Building";

H.R. 3740, to designate the facility of the United States Postal Service located at 925 Dickinson Street in Philadelphia, Pennsylvania, as the "William A. Cibotti Post Office Building";

H.R. 4013, to amend the Public Health Service Act to establish an Office of Rare Diseases at the National Institutes of Health, and for other purposes;

H.R. 4014, to amend the Federal Food, Drug, and Cosmetic Act with respect to the development of products for rare diseases;

H.R. 4102, to designate the facility of the United States Postal Service located at 120 North Maine Street in Fallon, Nevada, as the "Rollan D. Melton Post Office Building";

H.R. 4685, to amend title 31, United States Code, to expand the types of Federal agencies that are required to prepare audited financial statements;

H.R. 4717, to designate the facility of the United States Postal Service located at 1199 Pasadena Boulevard in Pasadena, Texas, as the "Jim Fonteno Post Office Building";

H.R. 4755, to designate the facility of the United States Postal Service located at 204 South Broad Street in Lancaster, Ohio, as the "Clarence Miller Post Office Building";

H.R. 4794, to designate the facility of the United States Postal Service located at 1895 Avenida Del Oro in Oceanside, California, as the "Ronald C. Packard Post Office Building";

H.R. 4797, to designate the facility of the United States Postal Service located at 265 South Western Avenue, Los Angeles, California, as the "Nat King Cole Post Office";

H.R. 4851, to redesignate the facility of the United States Postal Service located at 6910 South Yorktown Avenue in Tulsa, Oklahoma, as the "Robert Wayne Jenkins Station";

H.R. 5205, to amend the District of Columbia Retirement Protection Act of 1997 to permit the Secretary of the Treasury to use estimated amounts in determining the service longevity component of the Federal benefit payment required to be paid under such Act to certain retirees of the Metropolitan Police Department of the District of Columbia;

H.R. 5308, to designate the facility of the United States Postal Service located at 301 South Howes Street in Fort Collins, Colorado, as the "Barney Apodaca Post Office";

H.R. 5333, to designate the facility of the United States Postal Service located at 4 East Central Street in Worcester, Massachusetts, as the "Joseph D. Early Post Office Building";

H.R. 5336, to designate the facility of the United States Postal Service located at 380 Main Street in Farmingdale, New York, as the "Peter J. Ganci, Jr. Post Office Building";

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

H.R. 5340, to designate the facility of the United States Postal Service located at 5805 White Oak Avenue in Encino, California, as the "Francis Dayle 'Chick' Hearn Post Office";

H.R. 5574, to designate the facility of the United States Postal Service located at 206 South Main Street in Glennville, Georgia, as the "Michael Lee Woodcock Post Office";

H.R. 5596, to amend section 527 of the Internal Revenue Code of 1986 to eliminate notification and return requirements for State and local party committees and candidate committees and avoid duplicate reporting by certain State and local political committees of information required to be reported and made publicly available under State law, and for other purposes;

H.R. 5647, to authorize the duration of the base contract of the Navy-Marine Corps Intranet contract to be more than five years but not more than seven years.

CORRECTION TO THE CONGRESSIONAL RECORD OF THURSDAY OCTOBER 10, 2002 AT PAGE 7885

The incorrect versions of the following resolution were inadvertently printed. The correct engrossed versions are as follows:

H. CON. RES. 486

Whereas over 30,300 people will be diagnosed with pancreatic cancer this year in the United States;

Whereas the mortality rate for pancreatic cancer is 99 percent, the highest of any cancer;

Whereas pancreatic cancer is the 4th most common cause of cancer death for men and women in the United States;

Whereas there are no early detection methods and minimal treatment options for pancreatic cancer;

Whereas when symptoms of pancreatic cancer generally present themselves, it is too late for an optimistic prognosis, and the average survival rate of those diagnosed with metastasis disease is only 3 to 6 months;

Whereas pancreatic cancer does not discriminate by age, gender, or race, and only 4 percent of patients survive beyond 5 years;

Whereas the Pancreatic Cancer Action Network (PanCAN), the only national advocacy organization for pancreatic cancer patients, facilitates awareness, patient support, professional education, and advocacy for pancreatic cancer research funding, with a view to ultimately developing a cure for pancreatic cancer; and

Whereas the Pancreatic Cancer Action Network has requested that the Congress designate November as Pancreatic Cancer Awareness Month in order to educate communities across the Nation about pancreatic cancer and the need for research funding, early detection methods, effective treatments, and prevention programs: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress supports the goals and ideals of Pancreatic Cancer Awareness Month.

H. RES. 410

Whereas Jiang Zemin, President of the People's Republic of China, is scheduled to visit the United States in October of 2002;

Whereas Gedhun Choekyi Nyima was taken from his home by Chinese authorities on May 17, 1995, at the age of 6, shortly after being recognized as the 11th incarnation of the Panchen Lama by the Dalai Lama;

Whereas the forced disappearance of the Panchen Lama violates fundamental freedoms enshrined in international human rights covenants to which the People's Republic of China is a party, including the Convention on the Rights of the Child;

Whereas the use of religious belief as the primary criteria for repression against Tibetans reflects a continuing pattern of grave human rights violations that have occurred since the invasion of Tibet in 1949–50;

Whereas the State Department Country Reports on Human Rights Practices for 2001 states that repressive social and political controls continue to limit the fundamental freedoms of Tibetans and risk undermining Tibet's unique cultural, religious, and linguistic heritage, and that repeated requests for access to the Panchen Lama to confirm his well-being and whereabouts have been denied;

Whereas the appointment of the Under Secretary of State for Global Affairs, Paula J. Dobrianksy, as the Special Coordinator for Tibetan Issues is a positive sign that the United States Government places a priority on the political and religious liberties of the people of Tibet; and

Whereas the direct contact reestablished in September 2002 between the Government of the People's Republic of China and the representatives of the Dalai Lama is a welcome gesture and should provide a basis for regular dialogue leading to a mutually acceptable solution for Tibet: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that—

(1) President Jiang Zemin should be made aware of congressional concern for the Panchen Lama and the need to resolve the situation in Tibet through dialogue with the Dalai Lama or his representatives; and

(2) the Government of the People's Republic of China should—

(A) release the Panchen Lama and allow him to pursue his traditional role at Tashi Lhunpo monastery in Tibet; and

(B) enter into dialogue with the Dalai Lama or his representatives in order to find a negotiated solution for genuine autonomy that respects the rights of all Tibetans.

ENROLLED BILLS SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled bills of the House of the Following titles, which were thereupon signed by the Speaker pro tempore Mr. WOLF:

H.R. 3801. An Act to provide for improvement of Federal education research, statistics, evaluation, information, and dissemination, and for other purposes.

H.R. 5200. An Act to establish wilderness areas, promote conservation, improve public land, and provide for high quality development in Clark County, Nevada, and for other purposes.

H.R. 5651. An act to amend the Federal Food, Drug, and Cosmetic Act to make improvements in the regulation of medical devices, and for other purposes.

Mr. Trandahl, Clerk of the House, reported and found truly enrolled bills of the House of the Following titles, which were thereupon signed by the Speaker pro tempore Mr. WOLF: on Monday, October 21, 2002:

H.R. 669. An act to designate the facility of the United States Postal Service located at 127 Social Street in Woonsocket, Rhode Island, as the "Alphonse F. Auclair Post Office Building".

H.R. 670. An act to designate the facility of the United States Postal Service located at 7 Commercial Street in Newport, Rhode Island, as the "Bruce F. Cotta Post Office Building".

H.R. 2245. An act for the relief of Anisha Goveas Foti.

H.R. 2733. An act to authorize the National Institute of Standards and Technology to work with major manufacturing industries on an initiative of standards development and implementation for electronic enterprise integration.

H.R. 3034. An act to redesignate the facility of the United States Postal Service located at 89 River Street in Hoboken, New Jersey, as the "Frank Sinatra Post Office Building".

H.R. 3656. An act to amend the International Organizations Immunities Act to provide for the applicability of that Act to the European Central Bank.

H.R. 3738. An act to designate the facility of the United States Postal Service located at 1299 North 7th Street in Philadelphia, Pennsylvania, as the "Herbert Arlene Post Office Building".

H.R. 3739. An act to designate the facility of the United States Postal Service located at 6150 North Broad Street in Philadelphia, Pennsylvania, as the "Rev. Leon Sullivan Post Office Building".

H.R. 3740. An act to designate the facility of the United States Postal Service located at 925 Dickinson Street in Philadelphia, Pennsylvania, as the "William A. Cibotti Post Office Building".

H.R. 4013. An act to amend the Public Health service Act to establish an Office of Rare Diseases at the National Institutes of Health, and for other purposes.

H.R. 4014. An act to amend the Federal Food, Drug, and Cosmetic Act with respect to the development of products for rare diseases.

H.R. 4102. An act to designate the facility of the United States Postal Service located at 120 North Maine Street in Fallon, Nevada, as the "Rollan D. Melton Post Office Building".

H.R. 4685. An act to amend title 31, United States code, to expand the types of Federal agencies that are required to prepare audited financial statements.

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H.R. 4797. An act to redesignate the facility of the United States Postal Service located at 265 South Western Avenue, Los Angeles, California, as the "Nat King Cole Post Office".

H.R. 4851. An act to redesignate the facility of the United States Postal Service located at 6910 South Yorktown Avenue in Tulsa, Oklahoma, as the "Robert Wayne Jenkins Station".

H.R. 5205. An act to amend the District of Columbia Retirement Protection Act of 1997 to permit the Secretary of the Treasury to use estimated amounts in determining the service longevity component of the Federal benefit payment required to be paid under such Act to certain retirees of the Metropolitan Police Department of the District of Columbia.

H.R. 5308. An act to designate the facility of the United States Postal Service located at 301 South Howes Street in Fort Collins, Colorado, as the "Barney Apodaca Post Office".

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H.R. 5574. An act to designate the facility of the United States Postal Service located at 206 South Main Street in Glenville, Georgia, as the "Michael Lee Woodcock Post Office".

H.R. 5596. An act to amend section 527 of the Internal Revenue Code of 1986 to eliminate notification and return requirements for State and local party committees and candidate committees and avoid duplicate reporting by certain State and local political committees of information required to be reported and made publicly available under State law, and for other purposes.

H.R. 5647. An act to authorize the duration of the base contract of the Navy-Marine Corps Intranet contract to be more than five years but not more than seven years.

BILLS PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on October 18, 2002 he presented to the President of the United States, for his approval, the following bills.

H.R. 5010. Making appropriations for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes.

H.R. 5011. Making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes.

Jeff Trandahl, Clerk of the House reports that on October 23, 2002 he presented to the President of the United States, for his approval, the following bills.

H.R. 2215. To authorize appropriations for the Department of Justice for fiscal year 2002, and for other purposes.

H.R. 2486. "Inland Flood Forecasting and Warning System Act of 2002."

H.R. 3295. "Help America Vote Act of 2002."

H.R. 4967. To establish new nonimmigrant classes for border commuter students.

H.R. 5542. To consolidate all black lung benefit responsibility under a single official, and for other purposes.

H.R. 5596. To amend section 527 of the Internal Revenue Code of 1986 to eliminate notification and return requirements for State and local party committees and candidate committees and avoid duplicate reporting by certain State and local political committees, etc.

H.R. 5647. To authorize the duration of the base contract of the Navy-Marine Corps Intranet contract to be more than five years but not more than seven years.

ADJOURNMENT

The SPEAKER pro tempore. Without objection, the House stands adjourned until 11 a.m. Monday, October 28, 2002.

There was no objection.

Accordingly (at 11 o'clock and 5 minutes a.m.), under its previous order, the House adjourned until Monday, October 28, 2002, at 11 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

9703. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Opioid Drugs in Maintenance and Detoxification Treatment of Opiate Addiction [Docket No. 98N-0617] (RIN: 0910-AA52) received October 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9704. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Israel [Transmittal No. DTC 281-02], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

9705. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Taiwan [Transmittal No. DTC 274-02], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

9706. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Japan [Transmittal No. DTC 269-02], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

9707. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to South Korea [Transmittal No. DTC 248-02], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

9708. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to United Kingdom [Transmittal No. DTC 268-02], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

9709. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Japan [Transmittal No. DTC 251-02], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

9710. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing License Agreement with Canada [Transmittal No. DTC 270-02], pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

9711. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing License Agreement with Japan [Transmittal No. DTC 279-02], pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

9712. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing License Agreement with Chile, Germany, United Kingdom [Transmittal No. DTC 276-02], pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

9713. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing License Agreement with Spain [Transmittal No. DTC 222-02], pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

9714. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing License Agreement with United Kingdom [Transmittal No. DTC 275-02], pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

9715. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing License Agreement with Italy [Transmittal No. DTC 250-02], pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

9716. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing License Agreement with Canada, Australia, and Kuwait [Transmittal No. DTC 278-02], pursuant to 22 U.S.C. 2776(c) and 22 U.S.C. 2776(d); to the Committee on International Relations.

9717. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to South Korea [Transmittal No. DTC 247-02], pursuant to 22 U.S.C. 2776(c) and 22 U.S.C. 2776(d); to the Committee on International Relations.

9718. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Israel [Transmittal No. DTC 252-02], pursuant to 22 U.S.C. 2776(c) and 22 U.S.C. 2776(d); to the Committee on International Relations.

9719. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Japan [Transmittal No. DTC 249-02], pursuant to 22 U.S.C. 2776(c) and 22 U.S.C. 2776(d); to the Committee on International Relations.

9720. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-462, "General Obligations Bonds and Bond Anticipation Notes for Fiscal Years 2002-2007 Authorization Act of 2002" received October 24, 2002, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

9721. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-463, "Mobile Telecommunications Sourcing Conformity Act of 2002" received October 24, 2002, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

9722. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-464, "Religious Organization Exemption Amendment Temporary Act of 2002" received October 24, 2002, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

9723. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-465, "Department of Insurance and Securities Regulations Merger Review Temporary Amendment Act of 2002" received October 24, 2002, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

9724. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-466, "Ward Redistricting Residential Permit Parking Extension Temporary Amendment Act of 2002" received October 24, 2002, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

9725. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-467, "Other-Type Funds Temporary Act of 2002" received October 24, 2002, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

9726. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-468, "Washington Metropolitan Area Transit Authority Property Dedication Transfer Tax Exemption Temporary Act of 2002" received October 24, 2002, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

9727. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-469, "Motor Vehicle Registration and Operator's Permit Issuance Enhancement Temporary Amendment Act of 2002" received October 24, 2002, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

9728. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-470, "Freedom Forum Real Property Tax Exemption and Equitable Real Property Tax Relief Temporary Act of 2002" received October 24, 2002, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

9729. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-471, "Transfer of Jurisdiction of Reservation 19 and 124 Temporary Act of 2002" received October 24, 2002, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

9730. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-472, "Council Review of Existing Convention Center Site Redevelopment Temporary Amendment Act of 2002" received October 24, 2002, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

9731. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-473, "Capitol Hill Business Improvement District Temporary Amendment Act of 2002" received October 24, 2002, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

9732. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-474, "Automated Traffic Enforcement Fund Temporary Amendment Act of 2002" received October 24, 2002, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

9733. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-482, "Inheritance and Estate Tax Temporary Act of 2002" received October 24, 2002, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

9734. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-483, "Tax Clarity and Related Amendments Temporary Act of 2002" received October 24, 2002, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

9735. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-486, "Solid Waste Transfer Station Service and Settlement Agreements Temporary Amendment Act of 2002" received October 24, 2002, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

9736. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-487, "Solid Waste Facility Permit Phase-Out Extension Temporary Amendment Act of 2002" received October 24, 2002, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

9737. A letter from the Chief Administrative Officer, transmitting the quarterly report of receipts and expenditures of appropriations and other funds for the period July 1, 2002 through September 30, 2002 as compiled by the Chief Administrative Officer, pursuant to 2 U.S.C. 104a; (H. Doc. No. 107—275); to the Committee on House Administration and ordered to be printed.

9738. A letter from the Acting Assistant Secretary, Fish and Wildlife and Parks, Department of Transportation, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Final Designation of Critical Habitat for Chlorogalum purpureum, a Plant From the South Coast Ranges of California (RIN: 1018-AG75) received October 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9739. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Catching Pacific Cod for Processing by the Offshore Component in the Central Regulatory Area of the Gulf of Alaska [Docket No. 011218304-1304-01; I.D. 100802B] received October 18, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9740. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; M/V ROY A. JODREY Shipwreck, Wellesley Island, New York [CGD09-02-522] (RIN: 2115-AA97) received October 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9741. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Security Zones; Captain of the Port Chicago Zone, Lake Michigan [CGD09-02-001] (RIN: 2115-AA97) received October 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9742. A letter from the Chief, Regulations and Administrative Law, Department of Transportation, transmitting the Department's final rule — Anchorage Grounds and Safety Zone; Delaware Bay and River [CGD05-02-087] (RIN: 2115-AA97 and 2115-AA98) received October 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9743. A letter from the Chief, Regulations and Administrative Law, Department of Transportation, transmitting the Department's final rule — Security Zone; Seabrook Nuclear Power Plant, Seabrook, New Hampshire [CGD01-02-092] (RIN: 2115-AA97) received October 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9744. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-600, -700, -700C, -800, and -900 Series Airplanes; Model 747 Series Airplanes; and Model 757 Series Airplanes [Docket No. 2002-NM-249-AD; Amendment 39-12900; AD 2002-19-52] (RIN: 2120-AA64) received October 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9745. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Raytheon Aircraft Company Model 390 Airplanes [Docket No. 2002-CE-37-AD; Amendment 39-12884; AD 2002-19-04] (RIN: 2120-AA64) received October 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9746. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pratt & Whitney Models JT8D-209, -217, -217A, -217C and -219 Turbofan Engines [Docket No. 99-NE-32-AD; Amendment 39-12847; AD 2002-16-08] (RIN: 2120-AA64) received October 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9747. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Air Tractor, Inc. Models AT-802 and AT-802A Airplanes [Docket No. 2000-CE-76-AD; Amendment 39-12834; AD 2002-15-06] (RIN: 2120-AA64) received October 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9748. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Aircraft Ground Deicing and Anti-Icing Program & Training and Checking in Ground Icing Conditions [Docket Nos. 26930 & 27459] (RIN: 2120-AE70 & 2120-AF09) received October 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9749. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Revisions to Digital Flight Data Recorder Requirements [Docket No. FAA-2002-11705; Amendment No. 121-292, 125-39 and 135-85]

(RIN: 2120-AH81) received October 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9750. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class D Airspace; Bloomington, IN; Modification of Class E Airspace; Bloomington, IN; Correction [Airspace Docket No. 01-AGL-06] received October 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9751. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30333; Amdt. No. 3026] received October 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9752. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; Fee Schedule for Payment of Ambulance Services and Revisions to the Physician Certification Requirements for Coverage of Nonemergency Ambulance Services [HCFA-1002-FC] (RIN: 0938-AK30) received October 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BURTON: Committee on Government Reform. Making Federal Computers Secure: Overseeing Effective Information Security Management (Rept. 107–764). Referred to the Committee of the Whole House on the State of the Union.

Mr. BURTON: Committee on Government Reform. The Federal Government's Continuing Efforts to Improve Financial Management (Rept. 107–765). Referred to the Committee of the Whole House on the State of the Union.

Mr. BURTON: Committee on Government Reform. How Can the Federal Government Better Assist State and Local Governments in Preparing for a Biological, Chemical or Nuclear Attack? (Rept. 107–766). Referred to the Committee of the Whole House on the State of the Union.

Mr. BURTON: Committee on Government Reform. Defense Security Service: The Personnel Security Investigations [PSI] Backlog Poses a Threat to National Security (Rept. 107–767). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. THOMPSON of California (for himself and Mr. Blumenauer):

H.R. 5698. A bill to establish water conservation and habitat restoration programs in the Klamath River basin and to provide emergency disaster assistance to fishermen, Indian tribes, small businesses, and others that suffer economic harm from the devastating effects of the Klamath River basin fish kill of 2002; to the Committee on Resources.

By Mr. FARR of California (for himself, Mr. Baca, Mr. Becerra, Mr. Berman, Mrs. Capps, Mr. Condit, Mrs. Davis of California, Mr. Dooley of California, Ms. Eshoo, Mr. Filner, Ms. Harman, Mr. Honda, Mr. Lantos, Ms. Lee, Ms. Lofgren, Mr. Matsui, Ms. Millender-McDonald, Mr. George Miller of California, Mrs. Napolitano, Ms. Roybal-Allard, Ms. Pelosi, Ms. Sánchez, Mr. Schiff, Mr. Sherman, Ms. Solis, Mr. Stark, Mrs. Tauscher, Mr. Thompson of California, Ms. Waters, Ms. Watson, Mr. Waxman, Ms. Woolsey, Mrs. Bono, Mr. Issa, Mr. Dreier, Mr. Calvert, Mr. Horn, Mr. Thomas, Mr. Hunter, Mr. Doolittle, Mr. McKeon, Mr. Radanovich, Mr. Cunningham, Mr. Lewis of Georgia, Mr. Gallegly, and Mr. Pombo):

H.R. 5699. A bill to support the efforts of the California Missions Foundation to restore and repair the Spanish colonial and mission-era missions in the State of California and to preserve the artworks and artifacts of these missions, and for other purposes; to the Committee on Resources.

By Mrs. MORELLA:

H.R. 5700. A bill to amend titles 5 and 37, United States Code, and the Foreign Service Act of 1980 to authorize the payment of certain travel expenses for Federal employees, members of the uniformed services, and members of the Foreign Service involved in disasters or other catastrophic events, as well as the travel of their family representatives and agency representatives; to the Committee on Government Reform, and in addition to the Committees on Armed Services, and International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STRICKLAND:

H.R. 5701. A bill to foster local collaborations which will ensure that resources are effectively and efficiently used within the criminal and juvenile justice systems; to the Committee on the Judiciary.

By Ms. McCARTHY of Missouri (for herself and Mr. Conyers):

H. Con. Res. 514. Concurrent resolution concerning expedited security determinations relating to nonimmigrant visa requests for certain artists and entertainers from countries that are state sponsors of international terrorism; to the Committee on the Judiciary.

By Mr. VITTER:

H. Res. 595. A resolution mourning the death of Dr. Stephen E. Ambrose; to the Committee on Government Reform.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 13: Mr. Hoyer.

H.R. 408: Mr. Wexler, Mr. Schiff, and Mr. Meehan.

H.R. 952: Mr. LaTourette.

H.R. 1051: Ms. Lofgren and Mr. Holt.

H.R. 1598: Mr. Schiff.

H.R. 1786: Mr. McNulty.

H.R. 1918: Ms. DeGette, Mr. Ackerman, and Ms. Baldwin.

H.R. 3109: Mr. Lucas of Kentucky.

H.R. 4582: Mr. Baca.

H.R. 4586: Mr. Bonior.

H.R. 4696: Mr. McCrery.

H.R. 4799: Ms. Lee, Mr. Sabo, Mr. Rodriguez, Mr. Stark, Mr. Wynn, and Mr. Maloney of Connecticut.

H.R. 4943: Mr. Moran of Virginia.

H.R. 5174: Mr. Larsen of Washington.

H.R. 5192: Mr. Norwood.

H.R. 5194: Ms. Schakowsky, Mr. Markey, and Mr. Blumenauer.

H.R. 5226: Mr. Kucinich.

H.R. 5250: Ms. DeLauro.

H.R. 5252: Mr. Hoeffel.

H.R. 5270: Mr. Ose, Mr. Olver, Mr. Sabo, Mr. Sweeney, Mr. Jefferson, Mr. Peterson of Minnesota, and Mr. Delahunt.

H.R. 5383: Mr. Sandlin, Mr. Jefferson, and Mr. Baker.

H.R. 5411: Mr. Hinchey, Mr. Filner, Mr. McHugh, Ms. Berkley, Mr. Abercrombie, and Ms. Eshoo.

H.R. 5414: Mr. Royce.

H.R. 5445: Mr. Petri, Mr. Larsen of Washington, and Ms. Harman.

H.R. 5485: Mr. Boswell.

H.R. 5493: Mr. Brown of Ohio.

H.R. 5512: Mr. Baird and Mr. Inslee.

H.R. 5518: Mr. Isakson, Mrs. Jo Ann Davis of Virginia, Mr. Souder, and Mr. Thompson of Mississippi.

H.R. 5529: Mr. Kucinich.

H.R. 5608: Mr. Stupak and Mr. Sensenbrenner.

H.R. 5635: Ms. Carson of Indiana and Mr. Filner.

H.R. 5650: Mr. Conyers, Mr. Crane, Mrs. Meek of Florida, Mr. Goss, Ms. Eddie Bernice Johnson of Texas, and Mr. Shaw.

H. Con. Res. 351: Mr. LaFalce, Mr. Pastor, Mr. Jefferson, and Mr. Andrews.

H. Con. Res. 466: Mr. Thune and Mr. Udall of Colorado.

H. Con. Res. 474: Mr. Payne, Mr. Johnson of Illinois, Mrs. Christensen, and Mr. Wamp.

H. Con. Res. 507: Mr. Ehlers, Mr. Gillmor, Mr. Isakson, Mrs. Johnson of Connecticut, Mr. Platts, Mr. Smith of Michigan, and Mr. Wicker.

H. Res. 588: Mr. Filner, Ms. Brown of Florida, Mr. Price of North Carolina, Ms. Eshoo, Ms. Norton, and Ms. Solis.

EXTENSIONS OF REMARKS

TRIBUTE TO LAWRENCE J. WILLIAMSON

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 24, 2002

Mr. SCHAFFER. Mr. Speaker, I rise today to express gratitude to Lawrence J. Williamson of Sterling, Colorado, who is proudly serving his country as a member of the Navy's "silent service," the submarine force, aboard the USS *Honolulu* (SSN 718). Lawrence and 129 other members of the elite force, were deployed in July to the western Pacific Ocean to conduct missions in support of Operation Enduring Freedom.

Navy Petty Officer 1st Class Williamson, is the son of James and Jean Williamson and son-in-law of William and Jan Wilson, all of Sterling. He is the electronic technician aboard the *Honolulu,* a Los Angeles-class attack submarine homeported in Pearl Harbor. Lawrence establishes and maintains communications with the rest of the Navy.

Lawrence and his crewmates aboard the submarine provide a constant, yet covert, presence throughout the world with the capability of projecting force from their weapons delivery systems.

Lawrence attributes his farming and oil field background to providing him the foundations that allow him to meet the stringent qualifications of a submarine crewmember. The 45-year old Williamson faces many challenges and dangers as a member of the silent service, but through it all, he always stands to protect his family and loved ones.

Mr. Speaker, I ask the House to express its gratitude and pay tribute to Lawrence J. Williamson for the service he is proudly providing his country.

RECOGNITION FROM THE UNITED STATES CONGRESS TO REVEREND WILLIE F. WILSON, PASTOR, UNION TEMPLE BAPTIST CHURCH

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 24, 2002

Ms. NORTON. Mr. Speaker, I rise to ask the House to join me in recognizing the 30th anniversary of Rev. Willie F. Wilson, Pastor of Union Temple Baptist Church, a leading minister of an eminent church he has built in the Nation's capital through deep and dedicated service. Under the leadership of Reverend Wilson, Union Temple Baptist Church has become not only a spiritual leader in our city, but also a unique force for services to the Anacostia community.

Rev. Wilson and his wife, the Rev. Mary L. Wilson, Assistant Pastor of Union Temple, have interpreted their religious calling to bring hope and pride to the people and the neighborhoods of Anacostia and especially to African Americans in the city and the Nation. Rev. Wilson has led where other ministers have not dared, including his prison ministry and his work to care for and conquer discrimination against people with AIDS. Rev. Wilson has built Union Temple in the tradition of the disciples of Jesus Christ who carried his ministry where it was most needed.

For a life of special service to his church, his community and his city, I ask the House to join me in recognizing the commemoration of the 30th anniversary of Rev. Willie F. Wilson.

IN HONOR OF PETER SLUYS

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 24, 2002

Mr. GILMAN. Mr. Speaker, Peter Sluys was a fine journalist and long-time friend and interned in my Washington, DC office in 1974, while a student at Hamilton College. He went on to earn his degree from Pace Law School and an LLM Degree from NYU. I was impressed by Peter's grasp of important issues, as well as his diligence and willingness to take on tough tasks.

As a youngster, Peter attained the prestigious rank of Eagle Scout. He was also listed in the first edition of Who's Who in American Journalism in 1998 and earned the Meritorious Service Award from the Town of Orangetown. Peter further demonstrated his commitment to community service by becoming an active volunteer firefighter with the Pearl River Fire Department. He was also a member of the Ancient Order of Hibernians and the Knights of Columbus.

During his tenure as Editor-in-Chief of Community Media Newspapers, publisher of "Our Town" and most recently as Editor of the "Rockland County Times" and the "Rockland County Courier," I always found Peter to be a fair, if sometimes a hard hitting journalist, who always did his best to inform the public of the important issues that affected their lives.

Georgia and I extend our condolences to his family. Peter Sluys will be sorely missed by everyone who respected his devotion to journalism and his dedication to community.

TRIBUTE TO BILL ERICKSON

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 24, 2002

Mr. SCHAFFER. Mr. Speaker, I rise today to pay tribute to Bill Erickson of Galeton, Colorado. The 4–H program is celebrating its 100th anniversary this year, and Mr. Erickson has been a leader in 4–H for more than 50 years.

A dairy farmer and native of Weld County, Mr. Erickson has been involved in the Galeton 4–H Club for 10 years as a child and then as an assistant leader. Recently, he was honored as a 50-year leader during the Weld County 4–H Recognition Night.

After attending Colorado A&M—now Colorado State University, Mr. Erickson married his wife Clara and went on to serve our country in the United States Air Force. After being discharged in 1952, he returned home and continued to serve the Galeton 4–H Club. Throughout the years, Mr. Erickson has continually sought to develop young leaders, invest in the students of Weld County, and help generations of 4–H participants succeed.

A citizen of Colorado, Bill Erickson is truly a great American. I ask the House of Representatives to join me in thanking Mr. Erickson for his commitment to the Weld County 4–H program.

PROFESSOR SMOOT RECEIVES ENERGY AWARD

HON. CHRIS CANNON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 24, 2002

Mr. CANNON. Mr. Speaker, as the nation struggles with the need for energy and a desire to preserve the environment, we should take special notice of those who make these competing desires easier to harmonize. One such is Leon Smoot, professor of engineering at Brigham Young University.

Dr. Smoot has just been recognized by the United States Department of Energy for a lifetime of research into fuel combustion, and ways to make that combustion more efficient. As my colleagues know, cleaner combustion means more energy per unit of fuel, and cleaner air for us all to breathe.

Dr. Smoot is more than a talented researcher. He is a devoted father, a wildly popular and effective teacher, a civic activist, a religious leader, and an author. Those of us who are younger can only stand in awe of his stamina and his accomplishments, but we can also be grateful for his contributions to the betterment of the lives of all Americans

Mr. Speaker, I ask unanimous consent that the Daily Herald newspaper article about Dr. Smoot and his recognition by the Department of Energy be printed at this point in the CONGRESSIONAL RECORD.

[From the Daily Herald (Provo, UT), Oct. 9, 2002]

PROFESSOR HEADS TO D.C. TO RECEIVE $25,000 AWARD

A thin white-haired man with bright blue eyes peering through large, thick lenses,

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● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Leon Douglas Smoot strides down the hallway and dashes to the elevator in the BYU engineering building.

Smoot chats with students as they ride the elevator, asking them which floor they want. Most of them simply know him as a chemical engineering professor, but his recognition and talents run the gamut. He's helped save the Brigham Young Academy building, served as an expert witness for cases involving fires and explosions all over the United States and has even taught chemical engineering in China.

Tonight, he will add to his long list of awards and recognitions when he accepts an award from the Department of Energy for three decades of research into computer modeling of fuel combustion. His research has led to groundbreaking insights into the formation and prevention of air pollutants, which means cleaner air for Americans to breathe.

Smoot doesn't take full credit for the accomplishment, referring to the many colleagues and students who have helped him with his research.

"I have often said, 'I can't remember doing anything all by myself,' " he said modestly.

The award being presented to Smoot tonight in Washington, D.C., is the highest honor given by the Energy Department for outstanding contributions to fossil energy science and technology.

"He won't flaunt this award at all. He doesn't make you feel like you're beneath him," said Craig Eatough, senior manager of Provo engineering company Combustion Resources, for which Smoot is a senior consultant.

And that may be why Smoot is so well-liked and respected in this community—a community where he grew up and then lived continuously since 1967.

As a young boy in Springville, he loved playing with fireworks and explosives, foreshadowing his later career in researching fossil energy—coal in particular—and the environmental problems that come with it.

As Smoot began teaching at BYU, he was the director of the Advanced Combustion Engineering Research Center at the university, set up by the National Science Foundation to better use low-grade fossil fuels.

In 1985, the center applied for a grant from the foundation, which brought BYU about $20 million over a 12-year period. The subsequent research has led to a better understanding of pollutants and created computer programs that have helped industrial and academic institutions reduce or prevent the formation of nitrogen oxides, the air pollutants created when coal and other fuels burn.

While even his family sometimes doesn't understand his research, basically, Smoot's discoveries have resulted in Americans breathing cleaner air because officials are better able to predict, understand and control pollution.

Smoot said he isn't sure what he is going to do with the $25,000 that accompany the award, but joked that by the time his wife, Marian, and his four daughters finish with it, there may be just a few pennies left. His four children are all married BYU graduates and between them have "eight college degrees and 15 children," Smoot proudly declares.

The feelings of pride go both ways, as his daughters tout their father's accomplishments.

"Besides being a great community leader and example, he's also a family man and father who puts great emphasis on being a faithful member of the (LDS) church," said daughter Analee Foster of Mapleton, as she traveled with Smoot on Tuesday to the nation's capital for the awards ceremony.

Perhaps some of the award could be set aside for later this year, when Smoot begins retirement.

His students and co-workers say they will surely miss his infectious enthusiasm.

"He's definitely a role model. And his class is fun," said Brad Damstedt, 22, a senior from Smithfield majoring in mechanical engineering.

However, retirement may be impossible for a man who loves to stay busy: He says he will likely teach part-time, write and perhaps spend more time with his family and his four Arabian horses—Natasha, Suntan, Bosco and Dotty.

Despite the fact he is well into his 60s, Smoot still exudes the energy of youth. He plans to keep up with his daily trips to the gym and will continue to challenge opponents with his mean backhand on the tennis court.

"He has a unique combination of brains, personality, civic mindedness and athleticism," said one of Smoot's tennis buddies, Utah County Commissioner Gary Herbert. "He has a rare combination of being great in many different areas—a well-rounded, uniquely talented individual."

Faithful to his religion, Smoot will continue with his church service. He has been an LDS bishop, area authority, stake president and spent five years in the Fifth Quorum of the Seventy of The Church of Jesus Christ of Latter-day Saints. He also volunteers to teach Book of Mormon classes at BYU.

Most recently, one of Smoot's largest community projects came to fruition: helping preserve the Brigham Young Academy which is now the Provo City Library at Academy Square.

Smoot was the preservation project leader of the Brigham Young Academy Foundation (BYAF) and spent seven years and about 8,000 hours of volunteer work during which he led seven consecutive committees.

"Doug was driven. He has more energy than anyone I know and more passion for this Academy building," said library executive assistant Terry Ann Harward who led the "Get Out and Vote" committee for the bond election.

Provo voters approved a $16.8 million bond in February 1997 to help fund a new library for the city. But BYAF needed to raise the remaining $5.4 million in a matter of months, or the preservation project would be killed and the historical building would be torn down.

"Doug was able to pull everyone together and get the momentum going. He let them see his vision of working this marriage of a library and Academy building," Harward said. "He was a mediator who was able to carry this project into a reality."

Smoot's history is deep into the area: His great-grandfather Abraham Owen Smoot served as president of the Brigham Young Academy board of trustees from 1875 until he died in 1895. The university's administration building bears his name.

In 1994, Smoot co-authored a book titled "Abraham Owen Smoot: A Testament of His Life" with his cousin Loretta D. Nixon of Mapleton. He's just finishing another book called "The Miracle of Academy Square," which will detail the history of the preservation of the building.

Tonight, surrounded by colleagues, family and government officials, Smoot will proudly accept yet another award.

"This honor and experience will be a treasured memory," Smoot said.

CALIFORNIA DELEGATION INTRODUCES LANDMARK MISSIONS BILL

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 24, 2002

Mr. FARR of California. Mr. Speaker, I rise today to introduce a bill with a majority of the California Congressional Delegation to preserve the 21 historic California missions.

This is the first time such a comprehensive effort has been undertaken at the Federal level. It is time we participated in the effort to protect these national treasures, the oldest of which dates to 1769.

Until recent efforts by the California Missions Foundation, little had been done to preserve the mission's structures and art. Because of this long-term neglect, many of the missions are now in dire need of structural attention and major rehabilitation.

The legislation would provide $10 million for the restoration effort in a Department of the Interior grants program to be administered over five years. This funding would supplement a statewide private campaign, as well as State funding, to ensure the future of the missions.

The California missions are the most visited historic attractions in the State, drawing over 5.5 million tourists a year. They account for a sizable contribution to the State economy from millions of tourists, including a large number of international visitors.

The missions also play an integral role in educating fourth grade school children under the State's history curricula which includes the missions in the study of western history. This serves an important education function in teaching young students about the role of the missions in the history of our Nation.

TRIBUTE TO THE LAMAR HIGH SCHOOL LADY SAVAGE SOFTBALL TEAM

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 24, 2002

Mr. SCHAFFER. Mr. Speaker, I rise today to recognize the Lamar High School Lady Savage Softball Team from Lamar, Colorado. These young women, under the direction of Head Coach Fermin Ruiz and Assistant Coaches Alan Crouse and Kristi Gallegos, went undefeated for 24 games and advanced to the State championship where they demonstrated strong teamwork and exceptional skill, nearly defeating Erie High School.

The Lamar Lady Savage's record demonstrates what individuals can achieve if they remain diligent and work together. I am proud of these young women because they each contributed unique gifts and abilities to their team and brought out the best in one another.

The Lamar High School Lady Savage 2002–2003 Softball team includes seniors Mindy Medina, Sheena Wollert, Dawne Baca, Velvet Lucero, Karli Pelley, Ashley Dieterle, Kara Downing, Jane Peacock, Buffy Marquez, and

Megan Grasmick. Junior players include Katrina Lundy and Paige Ruiz. The two sophomores, Robyn Marquez and Michelle Madsen were joined by freshman Veronica Carillo. Together, all players contributed to a phenomenal season and a great team. I am very proud of them all.

POPULATION AWARENESS WEEK

HON. THOMAS H. ALLEN

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 24, 2002

Mr. ALLEN. Mr. Speaker, by the year 2030, the number of young people between 15 and 24 is projected to reach 1.2 billion, signifying a 17 percent increase in population worldwide. In many parts of the developing world, almost half of all girls under 18 are married and childbearing, despite the fact that children born to women younger than age 20 are one and half times more likely to die before their first birthday than those born to mothers between ages 20 and 29.

We must, therefore, recognize the problems associated with rapid population growth among young people. Governor Angus King of Maine has proclaimed the week of October 20–26th of this year as World Population Awareness Week, and I would like to support Governor King in this effort by entering his proclamation into the CONGRESSIONAL RECORD.

> Whereas, more than one billion people—one sixth of the world's population—are between the ages of 15 and 24, the largest generation ever in this age bracket; and
>
> Whereas, nearly half of the world's population, and 63% in the least developed countries, is under the age 25; and
>
> Whereas, 17 million young women between the ages of 15-19 give birth every year, including some 13 million who live in less developed countries; and
>
> Whereas, early pregnancy and childbearing is associated with serious health risks; and
>
> Whereas, the choices young people make today regarding their reproductive lives will determine whether the world population stabilizes or continues to grow,
>
> Now, Therefore, I, Angus S. King, Jr., Governor of the State of Maine, do hereby proclaim October 20th-26th, 2002 as Population Awareness Week throughout the State of Maine.

THE MENTALLY ILL OFFENDER TREATMENT AND CRIME REDUCTION ACT OF 2002

HON. TED STRICKLAND

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 24, 2002

Mr. STRICKLAND. Mr. Speaker, today I am introducing The Mentally Ill Offender Treatment and Crime Reduction Act, the companion to a bill introduced in the Senate last week by Senators DEWINE, LEAHY, GRASSLEY, CANTWELL, BROWNBACK, and DOMENICI.

According to the Bureau of Justice Statistics, over 16 percent of adults incarcerated in U.S. jails and prisons have a mental illness. In addition, the Office of Juvenile Justice and Delinquency Prevention reports that over 20 percent of youth in the juvenile justice system have serious mental health problems, and many more have co-occurring mental health and substance abuse disorders. The majority of these individuals have illnesses or disorders that are responsive to treatment. With access to this care there is great potential to reduce the number of mentally ill individuals in adult and juvenile corrections facilities and improve public safety.

In the 106th Congress, Senator DEWINE and I successfully passed America's Law Enforcement and Mental Health Project (P.L. 106–515), which created a Department of Justice grant program assisting State and local governments with the establishment of mental health courts. Mental health courts provide specialized dockets in non-adversarial settings to bring mental health professionals, social workers, public defenders and prosecutors together to divert mentally ill offenders into a treatment plan. The goal of a mental health court is to expand access to mental health treatment, improve the community's response to mentally ill offenders, and reduce recidivisim among the mentally ill population.

The Mentally Ill Offender Treatment and Crime Reduction Act of 2002 is phase two of the mental health courts demonstration program and represents a significant commitment to solving the problems caused by the significant proportion of individuals in our criminal justice system who are struggling with mental illness. A main goal of this legislation is to facilitate the necessary collaboration across all levels of government and among all relevant agencies so that the mentally ill receive proper treatment. The bill will create a new competitive grants program in the Department of Justice. Criminal justice and mental health treatment agencies will be required to apply together, compelling the collaboration that is needed to get those who are mentally ill and coming in contact with the criminal justice system, the mental health and substance abuse treatment, education, job training and placement, and housing they need. Grant funds could be used for a variety of types of programs, including pre-booking diversion, jail treatment/diversion, mental health courts and other courts, and transition back into the community.

The bill also calls for an Interagency Task Force to be established at the Federal level. Task Force members will include: the Attorney General, the Secretaries of Health and Human Services, Labor, Education, Veterans Affairs, and Housing and Urban Development; and the Commissioner of Social Security. The Task Force will be charged with identifying ways that Federal departments can respond in a coordinated way to the needs of mentally ill adults and juveniles.

In addition, the bill directs the Attorney General and the Secretary of Health and Human Services to develop a list of "best practices" for criminal justice personnel to use when diverting mentally ill offenders from incarceration into treatment.

Finally, the bill strives to comprehensively address these issues by providing grant funds for pre-booking diversion, re-entry programs, and community supports such as housing and job-related services. This kind of comprehensive approach is the key to ensuring mentally ill individuals have the support they need to live healthy lives: public safety improves; and our criminal justice system no longer struggles to treat an increasingly mentally ill population.

I look forward to working with my colleagues to pass this bill and make our communities safer for all.

HONORING SANDRA BRIGHT

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 24, 2002

Mr. SCHAFFER. Mr. Speaker, I rise today to honor the hard work and tireless dedication in the field of education on the part of Sandra Bright of Platteville, Colorado.

Mrs. Bright is a Colorado native and a graduate of the University of Northern Colorado with a B.A. degree in Psychology and Education with a secondary teaching certification. In 1973 Mrs. Bright began to develop what would become the ABC Child Development Centers with one preschool of 35 children. Today, she owns operates 11 licensed child care centers with approximately 1000 children and 140 employees providing child care, educational enrichment programs, school programs and summer camps, all with a non-denominational Christian values curriculum.

Mrs. Bright is also a continual advocate for early childhood education not only in her community, but also at the Colorado State Capitol and in Washington D.C. She has served as a committee member on three Weld County District 6 committees, served as chairman for the Weld County Child Care Center Director's Association, sat on the board of First Impressions in the Governor's office of Early Childhood Education Initiatives, served as chairman of the Colorado Child Care Licensing Advisory Committee, and served as President and Vice-President of the Colorado Child Care Association. In addition to this, Mrs. Bright has also stayed on top of current legislation as the chairman of the Greeley/Weld Government Affairs Committee and the Northern Colorado Legislative Alliance.

When she is not busy with community activities or her business, Sandra and her family enjoy many of the outdoor activities that Colorado has to offer, including sailing, snowmobiling, skiing, rafting, and mountain biking. With her husband, Randy, the Brights have raised three grown sons and now have two 3-year-old grandchildren.

Please join me in honoring this remarkable resident of Colorado's Fourth Congressional District, Mrs. Sandra Bright of Platteville.

ECONOMIC STEWARDSHIP? ARE YOU BETTER OFF?

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 24, 2002

Mr. OBERSTAR. Mr. Speaker, as we return home to our Congressional Districts, I believe that each of us should ask our constituents a slightly modified version of the question made famous by former President Ronald Reagan: "Are you better off than you were two years ago?" Clearly, we are not. The economy, under the stewardship of the House Republican Leadership and the Bush Administration, is faltering. In just two short years, we've gone from creating millions of new jobs to losing our many gains; from enjoying a budget surplus to projecting mounting deficits; from addressing the backlog of infrastructure needs to losing more ground.

And we should expect our constituents to ask us: What are your plans to revitalize our economy and solve the most pressing domestic problems facing our Nation? The response of the House Republican Leadership and the Bush Administration can be summed up simply: tax breaks for the rich. And when that doesn't work, more tax breaks for the rich.

House Democrats have a different economic plan, one that takes proactive measures to protect existing jobs and create new family-wage jobs. Today, I would like to talk about the state of the economy and a Democratic economic renewal plan. In particular, how one element of the Democratic plan, infrastructure investment, could undo much of the damage that the House Republicans and the Bush Administration have done to the economy and how the House Republican Leadership has prevented action on legislation to make new investments in our Nation's infrastructure and create family-wage, construction jobs.

CURRENT STATE OF THE ECONOMY

Increasing Unemployment

While most of today's headlines focus on the stock market collapse, the market's performance is only symptomatic of the more fundamental decline in our Nation's economic well being during the past two years. For many Americans the macroeconomic problems of stock markets, budget deficits, and Social Security funding issues can be beyond comprehension because the numbers are simply too big to seem real. Also, the consequences, while scary, are uncertain and perhaps not immediate. But one measure of economic performance that virtually all Americans can relate to, arguably the most important measure, is the loss of a job.

In January 2001, when President Bush took office, there were fewer than 5.7 million Americans unemployed. Less than two years later in the summer of 2002, after adjusting for seasonal variations, roughly 7 million Americans were looking for jobs—a 23-percent increase in the number of Americans unemployed. During the eight years of the Clinton Administration, our economy created more than 22 million new jobs. During just one year of the Bush Administration, our economy lost 2.4 million jobs. And as new jobs become more difficult to find, the periods of unemployment are getting longer, resulting in dire consequences for many American families. Roughly 1.5 million Americans have exhausted their state unemployment compensation benefits. Mortgage foreclosures are at an all-time high, as both middle class and working class Americans watch the dream of home ownership slip away.

Economic dislocations are never evenly distributed around the Nation. Some regions and some groups are always more severely affected than others, and it is usually the working class that suffers most. The current situation is no exception. I want to focus on one area of economic activity where many Americans have been particularly hard hit—nonresidential construction. The Commerce Department recently reported that spending for new construction fell 0.4 percent in August as nonresidential construction activity hit a six-year low. Unemployment in this construction sector has swollen by more than 50 percent from roughly 540,000 unemployed construction workers in January 2001, to 824,000 in July 2002.

Stock Market Collapse

The most widely reported element of the current economic malady is, of course, the collapse of the stock market. The loss in value is unprecedented—40 percent of the market's value, $4.5 trillion, has been wiped out. Many people who were planning to retire based on savings in their 401(k) accounts and other investments made in the eight years of prosperity under the Clinton Administration have now had to abandon those plans.

Perhaps most disturbingly, despite the stock market collapse, the House Republican Leadership and the Bush Administration continue to tout privatization of Social Security and a greater reliance on individual investments in the stock market as the key to reforming the Social Security System. The folly of placing the social safety net that millions of older Americans rely on in the stock market should now be evident even to the most ardent supporter of privatization. Yet the Republicans persist.

The Republicans have several plans for privatizing Social Security. However, to make their plans work they must either cut benefits or divert trillions of dollars from other programs—other programs that, in all likelihood, are targeted to benefit poor and working class Americans. According to one study, senior citizens, surviving spouses, and people with disabilities would see benefit cuts of between 30 and 46 percent annually under the Republican proposals.

REPUBLICAN LEADERSHIP AND BUSH ADMINISTRATION RESPONSE: TAX BREAKS FOR THE WEALTHY

The Administration's response to the declining economy has been the usual Republican panacea of cutting taxes for the wealthiest Americans and hoping it trickles down to the rest of the population. While many Americans got a check for $300 last year, the true beneficiaries of the Republican tax cut are those households making more than $370,000 per year, who will get an average benefit of more than $50,000 per year.

These are not modest tax breaks. The long-term size of the Republican tax break package is more than double the entire long-term Social Security shortfall. The present value of the Social Security shortfall over the next 75 years is $3.7 trillion—less than one-half of the $8.7 trillion that the Republican tax breaks will cost the Treasury.

A recent Brookings Institution assessment of the Republican tax break package concluded that it would reduce the size of the future economy, raise interest rates, and make taxes more regressive. The assessment concluded that the Bush tax package was fiscally unsound and unsustainable even before the economic downturn and the September 11 terrorist attacks—so much for Republican fiscal discipline.

At the same time, President Bush, in his fiscal year 2003 Budget Request, proposed an $8.6 billion, or 27 percent, cut in our Nation's highway infrastructure investment, which would cost the economy more than 360,000 good-paying jobs.

IMPACT ON THE FEDERAL BUDGET: ELIMINATING THE SURPLUS

Instead of surpluses, the Republican Leadership and the Bush Administration are running ever-larger Federal deficits as far as the eye can see. Under the Bush Administration, the projected Federal budget for the next decade (2002–2011) is in the midst of a $5.3 trillion swing in the wrong direction. A projected $5.6 trillion surplus has dwindled so that the Congressional Budget Office (CBO) now forecasts only a $336 billion surplus—all of which is in the Social Security Trust Fund. Excluding Social Security surpluses, CBO projects a $2 trillion budget deficit over the decade compared to the $3.1 trillion surplus projected just last year—and that is before the long-term consequences of President Bush's tax breaks or increased defense spending are factored into the equation. If we add these additional expenses to current budget estimates, the Federal budget will show a cumulative deficit of $3.2 trillion for the coming decade.

The Republicans pledged that they would protect Social Security—but they have violated that pledge. The Republican Leadership has passed an economic plan that diverts $2 trillion from Social Security into other non-Social Security initiatives. If Congress continues these Republican policies, over the next decade, we will consume the entire Social Security Surplus, all of the Medicare surplus, and add at least a trillion dollars to the national debt.

A DEMOCRATIC ECONOMIC PLAN: INFRASTRUCTURE INVESTMENT

Instead of passing tax breaks for the wealthy, the Republican Leadership and the Bush Administration could have developed a bipartisan plan to use the surplus to invest in our Nation's infrastructure, shore up the Social Security Trust Fund, and pay down the national debt. In less than two years, the Republican Leadership and the Bush Administration have squandered each of those opportunities.

Unlike the Republicans and their "trickle down" approach to the economy, the Democrats have proposed a program to stimulate the economy by creating jobs—especially jobs in nonresidential construction—and rebuilding our Nation's infrastructure. One year ago today, the Democrats on the Committee on Transportation and Infrastructure introduced H.R. 3166, the Rebuild America: Financing Infrastructure Renewal and Security for Transportation Act ("Rebuild America FIRST Act"). The Rebuild America: FIRST Act would have provided $50 billion to enhance the security of our Nation's infrastructure, including improvements to rail, highway, transit, aviation, maritime, water resources, environmental, and public building infrastructure. Moreover, by leveraging Federal infrastructure investments, the 10-year cost to the Federal Treasury would be less than $32 billion.

According to the U.S. Department of Transportation, each $1 billion in new highway infrastructure investment creates 47,500 jobs and $4.5 billion in economic activity. The Democratic infrastructure investment and security bill would have created more than two million jobs—virtually eliminating the job losses that have occurred since this Administration came into office—and restored more than $200 billion to our economy. Moreover, in the wake of the September 11, 2001 terrorist attacks, the bill provided that priority would be given to infrastructure investments that focus on enhanced security for our Nation's transportation and environmental infrastructure systems.

Our infrastructure investment package called for investments in ready-to-go projects in each of the critical areas of our Nation's transportation and environmental infrastructure: $23 billion for rail including high-speed rail, freight rail, and Amtrak; $10.4 billion for highways and transit; $9.2 billion for environmental infrastructure including wastewater, drinking water, wet weather, and Corps of Engineers projects; $3 billion for airports; $2.5 billion for marine transportation; and $2 billion for economic development and public buildings.

This package of infrastructure, transportation, and environmental investment and security enhancement made economic sense. It provided funds where they were most needed. It directly addressed unemployment problems. It directly addressed the Nation's security interests.

The Republicans defeated it. On October 24, 2001, the House considered H.R. 3090, the Republican Economic Stimulus bill, and Mr. RANGEL, Ranking Democratic Member of the Committee on Ways and Means, offered a Democratic Substitute amendment to the bill that included H.R. 3166. The Republicans defeated it, on a largely party-line vote, to accelerate their tax breaks for the rich.

Even in those cases where Democrats and Republicans have worked together to design legislative proposals to invest in America, the House Republican Leadership has thwarted those bipartisan efforts. For example, on June 12, 2001, the House Committee on Transportation and Infrastructure unanimously reported H.R. 1020, the Railroad Track Modernization Act of 2001, by voice vote. The bill authorized $1 billion of grants to short-line and regional railroads to help them upgrade their railroad tracks and bridges to be able to carry safely the 286,000-pound railcars that are becoming the standard in the railroad industry. One study found that the Nation's smaller railroads need $7 billion in new capital to make their necessary upgrades. Our failure to help keep these smaller railroads viable could have dire consequences for those in the industry and much of rural America. Despite these facts, for the past year and a half, the House Republican Leadership has refused to schedule the short-line railroad infrastructure bill for consideration by the House.

Another, even more dramatic case in point, was the proposed legislation to provide funding for the development of high-speed rail. Republicans and Democrats spent more than a year working together to craft bipartisan, compromise legislation that effectively blended the best elements of two high-speed rail bills, one bill originally advanced by Mr. YOUNG, the Chairman of the Committee on Transportation and Infrastructure, and another bill advanced by a bipartisan group of 190 Members and me, the Committee's Ranking Democratic Member. The proposed compromise legislation, H.R. 2950 ("RIDE 21"), as favorably reported by the Subcommittee on Railroads, would have provided $79 billion over 10 years to finance the construction of high-speed rail in America. By using a combination of tax credit bonds, tax-exempt bonds, loans, and loan guarantees, the bill's cost to the Federal Treasury would have been significantly less than $79 billion. However, the Republican Leadership made clear that, like the short-line railroad bill, it would not let the House consider the bill and it died in Committee.

Similarly, on March 20, 2002, the House Transportation and Infrastructure Committee unanimously ordered reported H.R. 3930, the Water Quality Financing Act of 2002. The bipartisan legislation authorizes $20 billion to invest in our Nation's wastewater infrastructure and helps ensure the protection of our Nation's streams, lakes, and coastal areas for generations to come. H.R. 3930 increases wastewater infrastructure investment and provides increased flexibility for local communities to tailor their programs to meet local water quality needs. Such investment is necessary if our communities are ever going to meet many of the goals of the Clear Water Act. However, the House Republican Leadership made clear that the House would not be allowed to consider this legislation, placing at risk this Nation's 30 years of effort to "restore and maintain the chemical, physical, and biological integrity of the Nation's waters."

What has frustrated these efforts to invest in our Nation's infrastructure, stimulate the economy, and create family-wage jobs? Why has the Republican Leadership opposed virtually every attempt to invest in America? The answer is simple. The Republican Leadership opposes Davis-Bacon. Specifically, it opposes Davis-Bacon provisions in these infrastructure investment bills and refuses to schedule any bill containing these provisions for consideration by the House, despite the fact that these bills would create good-paying jobs for American workers and would stimulate the economy.

Davis-Bacon ensures that construction projects financed by Federal tax dollars pay those who work on such projects the prevailing wage in the area where the construction takes place. Davis-Bacon provisions have been a part of infrastructure bills since the 1930's, but they are anathema to the House Republican Leadership and reflect a fundamental, philosophical difference between the Republican Leadership and, I believe, the majority of this House. The Republican leadership wants to roll back the clock. Prior to the 1930's, Federal contracting practice required that "the lowest reasonable bill" be accepted. While this may sound like an innocuous money-saving measure, in practice this meant that projects would be undertaken without any regard for the wages paid to workers or the conditions under which the work would be performed. In effect, this made the Federal government a collaborator with unscrupulous firms that sought to gain government contracts by exploiting workers. In 1931, Republican President Hoover signed the Davis-Bacon Act, so-named for its two Republican sponsors, to help stabilize the construction industry and secure fair wages for construction workers.

Today, the Davis-Bacon Act prevents cut-throat competition from "fly-by-night" firms that undercut local wages and working conditions and compete unfairly with local contractors. Davis-Bacon also helps stabilize the industry to the advantage of both employers and employees alike. In addition, Davis-Bacon assures the contracting agency of higher quality work as the employers are likely to hire the most competent and productive workers if they are required to pay the prevailing wage. As a result of Davis-Bacon, contracting agencies get better craftsmanship, less waste, more timely completion, reduced need for supervision, and fewer mistakes requiring corrective action. Thus, Davis-Bacon has the potential for actually saving the taxpayers' money on public construction projects.

It is irresponsible for the House Republican Leadership to refuse consideration of these infrastructure investment bills simply because they include Davis-Bacon provisions. Members of Congress deserve the opportunity to vote for or against these bills on the merits of the legislation. Moreover, I encourage the House Leadership to schedule these bills under an open rule that allows all Members an opportunity to offer amendments to the bill. If the Republican Leadership or any other Member wants to offer an amendment to strike the Davis-Bacon provisions from these bills, so be it—let the votes be counted. That is our democratic system.

Our Nation needs an economic stimulus program that creates jobs in hard hit sectors of our economy, rehabilitates our basic infrastructure to allow us to remain competitive in world markets, addresses the infrastructure security needs of our transportation and environmental systems, and helps to revise our stagnant economy. In response to these immediate needs, the Republican Leadership and the Bush Administration have provided tax breaks for the rich and renewed threats to the Social Security Trust Fund and have prevented Congress from even considering real economic stimulus legislation.

The American people deserve better. As the people's representatives, we must do better. I call on the House Republican Leadership to give this House the opportunity to consider these bills to reinvest in America and its infrastructure.

HONORING EDWARD MILES BROOKS, D.D.S.

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 24, 2002

Mr. BENTSEN. Mr. Speaker, I rise to honor Dr. Edward Miles Brook upon his receipt of the State of Israel Maimonides Award from the Texas Medical and Health Professions Division of State of Israel Bonds. The Maimonides Award, the highest honor for a member of the

Health Professions, salutes the recipient's outstanding involvement in the Jewish community, in addition to their continued dedication in the field of health care.

Dr. Brook has always shown a remarkable academic aptitude with a dedication to scholastic success. Born in Brooklyn, New York, Edward arrived in Texas to attend University of Texas at Austin and St. Mary's University in San Antonio. He continued his studies in the field of dentistry at the University of Texas Dental Branch, graduating in 1956. Upon completion of his dental degree, Edward Brook went on to serve his country as a captain in the U.S. Air Force.

Dr. Brook has been a valuable asset to the medical profession. Besides being a member of the Houston District Dental Society, Texas Dental Association, and the American Prosthodontic Association, Dr. Brook is known for his compassionate manner and the dutiful care that he provides to his patients. He has shared his exceptional talents with the Houston community by generously volunteering his dental services. Having served as President of Congregation Emanu El, Dr. Brook has utilized his dental skills on behalf of the Houston Jewish and greater Houston communities. As a result of his critical efforts in establishing the free care dental program at Seven Acres Jewish Geriatric Center, both its residents and the board have honored him for his volunteer dental care. His work with geriatric patients precipitated his appointment to the Jewish Federation of Greater Houston's Commission on Aging, serving as its first chairman. Dr. Brook has also volunteered his invaluable dental assistance to the Depelchin Children's Center, Houston Area Women's Center, and the Jewish Family Service, where he was a member of the board of directors and Refugee Advisory Committee. His dedication to the access of quality dental care for all people also carried him to China, where he participated in a two week medical mission, supplying essential training for Chinese physicians and dentists.

Dr. Brook's involvement in the Houston Jewish community began in 1959 when he joined the board of the Congregation Emanu El Brotherhood. From there, Dr. Brook continued his support for the congregation by serving as chairman on both the Religious School Committee and the Administration and Personnel Committee. In addition, he was a member of the Board of Trustees from 1973–2000, demonstrating his leadership as board treasurer, vice president, senior vice president, and then president of the Congregation Emanu El from 1989 until 1991.

Additionally, Dr. Brook has been extremely active in the Jewish community nationally, playing an instrumental role in the establishment of several programs, including the Becker Preschool Program. As chairman of the Leadership Planning Conference of the Presidents of Large Congregations at the Union of American Hebrew Congregations from 1990 to 1998, Dr. Brook demonstrated his commitment to the larger Reform movement through his exceptional leadership skills.

Ed Brook's compassionate demeanor stretches far beyond the care he provides to his patients, as he is a devoted husband, father, and grandfather. He and his wife Davna are the loving parents of Julie and Drew Alexander, Helen and John Brook, and Sara Brook, as well as the proud grandparents of five.

Mr. Speaker, Dr. Edward Brook is truly a committed civic leader, as well as a distinguished health care professional. I applaud the Texas Medical and Health Professions Division, State of Israel Bonds in recognizing his selflessness and commitment to the public good. I also commend Dr. Edward Brook on receiving this award and more importantly, his work to provide necessary dental services to the residents of the Houston community and to promote the health of citizens from all walks of life.

TRIBUTE TO ANNALISA MOLINE

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 24, 2002

Mr. SCHAFFER. Mr. Speaker, I rise today to recognize Miss Annalisa Moline of Denver, Colorado. Annalisa is the first resident at the fifth, and newest, Colorado State Veterans Home located at the old Fitzsimons VA facility in Denver.

An immigrant from Sweden, Annalisa Moline grew up in South Dakota where she graduated from high school in 1924. Upon graduation, she moved to New York to become a nurse and in 1940 joined the Army because she said, "I thought I should always do something better."

Mr. Speaker, Annalisa Moline was stationed in Paltava, Russia where she cared for American pilots sent on bombing runs in Europe. It was here that she helped set up a field hospital for the injured while weathering attacks from German bombers. For her courage and honor during this period she was awarded the Bronze Star for valor. She came home from World War II with the rank of major and put in another ten years of service with the Veterans Administration. In 1995, Annalisa was awarded the highest honor for nurses in Colorado, the Nightingale Award.

Annalisa has not only made her community proud, but also her state and country. On behalf of the citizens of Colorado, I ask the House to join me in extending thanks and congratulations to Miss Annalisa Moline for her service and contributions to the United States.

COMMENDING THE LAO AND HMONG-AMERICAN COMMUNITY OF RHODE ISLAND

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 24, 2002

Mr. KENNEDY of Rhode Island. Mr. Speaker, concerned individuals and organizations from the Laotian-American community in my district in Rhode Island and throughout the United States participated in key sessions of the U.S. Congressional Forum on Laos, held on both July 17 and October 1, 2002, in the U.S. House of Representatives. They presented testimony and provided critical information to the Congress about the deteriorating human rights situation in Laos and the plight of missing Lao student leaders, political and religious dissidents as well as the ongoing persecution and horrific massacre of minority peoples, including the Hmong people in the closed areas of Saysamboun Special Zone and Xieng Khouang Province.

Mr. Speaker, right now many Laotian and Hmong-Americans in Rhode Island have family members who are still suffering and dying in Laos under the brutal Pathet Lao regime. I am concerned that Laos remains a one-party Communist system that has nearly bankrupt the nation—both economically and morally, in terms of the lack of basic human rights and fundamental freedoms, including lack of religious freedom.

Mr. Speaker, it is important to honor and thank Mr. Thongsavanh Phongsavan, and his colleagues from North Providence, Rhode Island, who have helped to so honorably represent the Laotian-American community in Rhode Island as well as the Lao-American Council and the Lao Progressive Institute of Rhode Island. I also want to recognize and commend Mr. Philip S. Smith, Executive Director, of the Center for Public Policy Analysis for his important work and leadership in helping to coordinate the U.S. Congressional Forum on Laos with Members of Congress as well as assisting the freedom-loving people of Laos in Rhode Island and elsewhere in the Laotian Diaspora community. Special recognition and thanks also to: Mrs. Nouamkham Khamphylavong, Mr. Aly Chantala, Mr. Oudong Saysana and the members of the "Lao Students Movement for Democracy"; Mr. T. Kumar, Amnesty International; Ms. Christine Hines and Mr. John Tai, of the U.S. Commission on International Religious Freedom; Mr. Paul Martin, U.S. Department of State; Mrs. Kay Danes, former Australian political prisoner in Laos; Mr. Makram Ouaiss, National Democratic Institute; His Excellency Kat Dittavong, former Royal Lao Ambassador to Thailand 1973–75; Mr. Prakian Viravong, of the "December 14" organization, as well as a distinguished Lao poet and author; Mr. Khampoua Naovarangsy, of the Laos Institute for Democracy; Mr. Bounchaloune Phouthakhanty; Mr. Alan Sananikone, Col. Bounmee Sananikone, Mr. Bounthone Rathigna, Mr. Thongchanh Boulum, Col. Khamthene Chinyavong and Baramy Mitthivong, of the United League for Democracy in Laos, Inc.; The Honorable Dr. Sin Vilay, of the Royal Laos Foundation; Mr. Bounleung Ngonevolalath; Col. Khambang Sibounheuang—decorated officer and "White Dragon Two" author—and his colleague, Mr. Eugene Prater, of the Lao Nationalist Reform Party; Bon and Laura Xiong, Hubert Yang, Chuhu Xiong, Xieng Xiong and Ying Xiong, of the Hmong International Human Rights Watch and Hmong Reform Party; Mr. Moua Sao, of Lan Xang Democracy, Inc. and son of the legendary Hmong resistance leader Cher Pao Moua; Dr. Kayasith Rattanavongkoth, of the national Laotian-American Association; Jacqueline Sun; Dr. Edward Samada, International Buddhist Fellowship; Pastor Pat Kearney; Pastor Sidney Kahn; Mr. Kingsavanh Pathammavong, researcher, Lao history and culture; Mrs. Bounchan Senthavong, Lao

Community Advisor; Col. Thai C. Vang, Col. Wangyee Vang, Cherzong Vang, Mr. Chang Ger Xiong, Nao Lue Kue, Mr. Toua Kue, Xia Xu Kue and many others from the Lao Veterans of America, Inc.; Touy Manikham, former RLAF pilot; Professor Onsy Inthavong, Mr. Vanhlang Khamsouk, Manisakhone Sinhbandith and Nick Hanthaley, of the Federation for Free Elections in Laos; Mrs. Yer Ly, daughter of missing Hmong-American, Mr. Houa Ly; Mr. Bee Moua, Representative, Chao Fa Party; Mr. Bounheuang Manivong, Editor, Phendin Lao Magazine; Miss Ratdavone Yotharath, President, Miss Lao-American, Inc. of Rhode Island; Mr. Vue Lee, Hmong Community Advisor and businessman; Mr. Southalavong Boutah, Lao Veterans Association; and, George Vue and Dr. Houa Yang, of the Hmong National Council, Inc. as well as so many others.

Mr. Speaker, I remain deeply concerned about the plight of the suffering people of Laos and the deplorable human rights and economic situation under the current Pathet Lao regime. I join my colleagues in Congress in commending the Lao and Hmong-American community and the U.S. Congressional Forum on Laos for the important effort they have put forward to help raise further awareness about the difficult situation in Laos, including human rights violations, religious and ethnic persecution—and the terrible plight of missing Lao student leaders and Hmong-Americans.

HONORING MARTY DRIESLER

HON. DAVID VITTER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 24, 2002

Mr. VITTER. Mr. Speaker, it is such an honor and privilege to serve in the United States House of Representatives. This honor and privilege is made all the greater by the people I work with on a day to day basis, particularly my Chief of Staff, Marty Driesler.

Marty has toiled for the betterment of her country for more than thirty years by working as the chief of staff of two members of Congress, a campaign consultant, a political fundraiser, and in various high level administrative jobs working with key state and local government officials.

For the past three years, I have been fortunate to benefit from her service as my chief of staff. Her profound experience and encyclopedic knowledge of the workings of Congress have aided in my growth as a congressman. Much more importantly, her basic goodness, sound judgment, and wonderful sense of humor have allowed me to grow as a person. For that I am eternally grateful.

She is a trusted advisor, skillful tactician, and above all, a dear friend. The benefit of her tutelage has left an indelible impression on all those who have worked with her—and I would put myself at the top of that list. I do not hesitate to say that our country and this august body are much better because of her service.

After her many years of dedication and my many attempts to convince her otherwise, Marty has chosen to retire. She has heeded the higher calling as a devoted wife, a caring mother, and a doting grandmother. I never cease to be amazed by her joie de vivre and know that for Marty, this is just the beginning of another purposeful, celebratory stage of her wonderful life.

Marty, we love you dearly, and we wish you all the best.

RECOGNIZING RAY MARTINEZ

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 24, 2002

Mr. SCHAFFER. Mr. Speaker, I rise today to recognize the work of Ray Martinez, Mayor of Fort Collins, Colorado. Ray has over 26 years of public service and has been instrumental in making Fort Collins a "City of Character."

Martinez started his public service career by serving three years in the United States Army in Thailand and stateside. Upon completion of his military service he began a career in law enforcement by joining the Fort Collins Police Department in 1974, becoming an expert witness in the "field of identification, recognition, and investigation of dangerous drugs." When he retired from the police department in 1996 after 25 years of service he was the first hispanic sergeant in the history of the Fort Collins Police Department.

His public service career far from over, Martinez was elected Mayor of Fort Collins in 1999 and once again in 2001. At this time, he began to focus his attention on one of his primary concerns, public safety. It was the subject of his first book and, as mayor, he continued the effort by serving on two public safety boards. Mr. Martinez was appointed by the United States Conference of Mayors as co-chair of the Mayors and Police Chiefs Task Force and he also sits on the National League of Cities Steering Committee for Public Safety and Crime Prevention.

Mr. Speaker, Ray Martinez has been instrumental in transforming Fort Collins, Colorado into a "City of Character." Through his commitment to public safety, eagerness to listen to members of the community, and ability to work with youth, Mr. Martinez has transformed the city into a place that anybody would love to call home. On behalf of the citizens of Colorado, I ask the House to join me in extending congratulations to Mayor Ray Martinez for a job well done.

DAUGHTERS OF THE AMERICAN REVOLUTION

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 24, 2002

Mr. GILMAN. Mr. Speaker, I rise today in honor of the 100th Anniversary of the Minisink National Society Daughters of the American Revolution and the 85th Anniversary of the Beaverkill National Society Daughters of the American Revolution.

The National Society Daughters of the American Revolution (NSDAR) was founded on October 11, 1890. Objectives: Historical—to perpetuate the memory and spirit of the men and women who achieved American Independence; Educational—to carry out the injunction of Washington in his farewell address to the American people, "to promote, as an object of primary importance, institutions for the general diffusion of knowledge, thus developing an enlightened public opinion . . ." and Patriotic—to cherish, maintain and extend the institutions of American freedom, to foster true patriotism and love of country, and to aid in securing for mankind all the blessings of liberty.

Nearly 786,000 members have joined the NSDAR since it was founded. There are now over 170,000 members in chapters in all fifty states, the District of Columbia, Australia, Canada, United Kingdom, France, Mexico and Japan. Membership is open to any female applicant who is 18 years or older and who can prove a direct blood line from an ancestor who aided in the War for Independence either in military, civil or patriotic service between the dates of April 19, 1775 and November 26, 1783.

The Beaverkill Chapter was organized in 1917 and the Minisink Chapter was founded in 1902. Both chapters belong to the New York State Organization, which has approximately 7,300 women aged 18–100+ in 144 chapters across the State working to meet the DAR Objectives.

The New York State Organization is responsible for maintaining historic sites within New York State such as the Hervey Ely House and the Madam Brett Homestead, organizing a pilgrimage to Valley Forge and locating, transcribing and publishing previously unpublished genealogy source records. Moreover, each year, the State and local chapters award scholarships to college bound young women who exemplify the American Spirit and who are looking to attain a higher education with a view to their becoming better prepared for life and citizenship.

The work of the Daughters of the American Revolution is and will continue to be invaluable. Best known for their work in collecting and indexing unpublished genealogical material and source records and assisting prospective members in tracing their lineage, the Daughters of the American Revolution does so much more. Whether it is their work to preserve national landmarks and buildings of historical importance or their dedication to promoting education, patriotism and an appreciation for American history, the Daughters of the American Revolution are an American treasure.

Once again, congratulations to the Minisink and Beaverkill Chapters as they celebrate their momentous anniversaries.

IN HONOR OF SWEET HONEY IN THE ROCK AND THE COMMITMENT OF THE GROUP TO THE PURSUIT OF FULL CONGRESSIONAL VOTING RIGHTS FOR THE DISTRICT OF COLUMBIA AND TO THE STRUGGLE FOR FREEDOM AROUND THE WORLD

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 24, 2002

Ms. NORTON. Mr. Speaker, I rise today to acknowledge the extraordinary talent and uniquely effective activism of Sweet Honey in the Rock, the Grammy Award-winning African American female a cappella ensemble with deep roots in gospel, jazz, blues, and the civil rights movement. I am particularly pleased to honor the outstanding contributions that this ensemble has made in increasing national awareness and support for the struggle of the residents of the District of Columbia against taxation without representation.

We are fortunate that Sweet Honey calls the District of Columbia home. What better home for a group that specializes in songs about democracy and freedom? What better home than the only city in the United States still without full civil and political rights? What better home than the home of taxation without representation?

Sweet Honey gave its 29th Anniversary Concert to a packed house at the Warner Theatre on October 18, 2002. They sang and the audience sang. Among the songs was one that particularly delighted the hometown audience—Give the People Their Right To Vote! It is a tour de force of lyrics and song that tell the entire history of the denial of democracy and representation in the District. Sweet Honey manages this virtuoso mission with a song that educates as it makes you tap your feet.

In response to Congressional insistence that D.C. residents fulfill 100 percent of their obligations while denying these American citizens the vote in Congress, Sweet Honey in the Rock composed and regularly sings two songs about the distinctive denial of congressional representation in the nation's capital: Give the People Their Right To Vote! and We Want the Vote! Like Sweet Honey's other music, these songs educate, inspire, enlighten, and entertain all at once. Both songs speak to the injustice and exploitation of D.C. residents, who are second per capita in federal income taxes and who have fought in every American war since the Revolutionary War, incurring disproportionate casualties.

Yet, the songs Sweet Honey has written and the songs they sing tell the story of the struggles of people everywhere for freedom. Sweet Honey's range of music and style is unique in the musical world and appreciated throughout the world.

Sweet Honey was born in the civil rights movement out of the original Student Nonviolent Coordinating Committee (SNCC) Freedom Singers. Just as America's great African American jazz musicians and singers spring from the black church, Sweet Honey's roots are in African American church music, spirituals, movement songs, and folk music.

Sweet Honey is the brainchild of the group's founder, Bernice Johnson Reagon, who created Sweet Honey in the Rock in 1973. Ms. Reagon has used her unique talent, keen intellect, and deep commitment to create a group that is revered and loved both for its music and for its dedication to the struggles of oppressed people everywhere.

Sweet Honey uses the experience of African Americans with racial discrimination to inspire others to struggle against all forms of oppression. The group continually reminds us all that the black civil rights movement of the 1960s was not about parochial issues but about universal principles of human rights. And, as Sweet Honey reminds us in songs about the denial of the vote here, human rights must always begin at home.

Mr. Speaker, I ask the House to join me in honoring the unwavering activism and award-winning talent of this great ensemble, whose dedicated and creative approach to encouraging freedom around the world should serve as an inspiration to all who work for full democracy and complete congressional representation for the people of the District of Columbia.

TRIBUTE TO MR. JONATHAN L. HOTALING

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 24, 2002

Mr. SCHAFFER. Mr. Speaker, it is an honor to rise today to express gratitude and congratulations to one of Colorado's outstanding citizens, Mr. Jonathan L. Hotaling of Denver, Colorado. All who have been fortunate to know Jon speak of his commitment to God and his service to the community. I know Jon Hotaling and am glad to say he has been a strong leader in Colorado.

Jon is currently the Executive Director of the Christian Coalition of Colorado. He is a Colorado native who graduated from the University of Colorado in 1995. Jon became a Christian in his first semester of college and since that time has given up the worldly plan that most youths have. Instead of fame or fortune, Jon passed up many lucrative jobs in the area of finance to fight for justice in the public square. It is encouraging to see a young man follow the plan of the Savior, never persuaded to be of the world.

During his tenure as Executive Director, the Christian Coalition of Colorado has been recognized as the fastest growing state-based, pro-family political organization in all of America. Jon himself led the four-year successful campaign to eliminate taxpayer money going to Colorado abortionists such as Planned Parenthood. The funding contradicted Article 5, Section 50 of the Colorado Constitution.

Jon is a distinguished individual carrying out both his personal and professional lives with the values of dignity, respect, reverence to God, and a dedication to serving his community. He is truly a fine example for all Americans.

A native Coloradoan, Jon not only makes his community proud, but also those of his state and country. It is a true honor to know such an extraordinary citizen, a man who will be known as one who stood against the injustices of the world. We truly owe him a debt of gratitude for his service and dedication to America. I ask the House to join me in extending wholehearted congratulations to Mr. Jonathan Hotaling.

HONORING EVELYN "BLACKIE" WATTERS AND THE OTERO COUNTY REPUBLICAN WOMEN

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 24, 2002

Mr. SCHAFFER. Mr. Speaker, I rise today to give thanks to a very special group of ladies in Otero County, Colorado. The Otero County Republican Women work diligently to promote and defend the ideals of the Republican Party. They have been supportive of me, my staff, and every effort I have pursued in the Congress.

They are tireless leaders in their community, and I am so proud to have been able to represent them in Congress for the past six years. Their efforts on behalf of Republican Women and the Republican Party do not go without great admiration and appreciation.

One member of this organization that must be specifically recognized is Evelyn "Blackie" Watters. She leads this group with extraordinary skill, enthusiasm and vigor. The Otero County Republican Women are fortunate to have such a strong Republican woman at the helm. She is a testament to Republican activists throughout Colorado.

HONORING JACKSON SMITH

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 24, 2002

Mr. SCHAFFER. Mr. Speaker, I rise today to recognize Jackson Smith of Loveland, Colorado, former maintenance director for the building where Colorado's Fourth Congressional district office is located.

Jackson is a true American who takes pride in his work. Throughout the time he worked with my office, he always responded to trouble calls in a timely manner and was eager to fix any problems. He didn't wait for us to call to tell him light bulbs were burned out, he would periodically stop by the office to check and inquire about any needs we may have had. Jackson is the type of person every company would like on their payroll. Besides his work in building maintenance, Jackson is an avid Georgia Bulldogs and Atlanta Falcons football fan. He also coached boys and girls Golden Glove boxing, traveling to tournaments on weekends.

Jackson is a Democrat who said he voted Republican for the first time in his life when he voted for me to serve here in the Congress. He said he discovered Republicans were pretty nice people and told his friends to vote for me also.

Much to our regret, Jackson left the company he was working for and went to work for another maintenance company in a nearby city. He stopped by the office on October 21 to say "hi" and "bye." He is moving to Georgia to be near family as he was told he has a terminal case of cancer. He will be undergoing chemotherapy and radiation treatments.

Jackson is the kind of person who is not a quitter and we pray that God's will be done. Jackson is an outstanding American and a great example to our young people.

May God bless Jackson Smith. The thoughts and prayers of his friends and coworkers are with him. They will always remember his warm smile and his big heart.

HONORING GEORGE HALL

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 24, 2002

Mr. SCHAFFER. Mr. Speaker, I rise today to recognize George Hall of Greeley, Colorado as an outstanding businessman, community leader and benefactor. Mr. Hall is a fourth generation Coloradan who joined the U.S. Army and served in the Korean War. In 1957 George and his wife Betty moved to Greeley and shortly thereafter founded what is now the Hall-Irwin Corporation of which Mr. Hall has served as President and CEO for the past 39 years. In that time, the Hall-Irwin Corporation has grown from a four-person operation to a business that has six divisions and employs over 300 people. Under George's leadership, Hall-Irwin has been honored by the Greeley/Weld Economic Development Action Partnership with the "Industry Excellence Award."

In addition to his business, George Hall has also been active as a community leader, being first elected to the Greeley City Council in 1965. After serving two terms as Councilman, Mr. Hall was then elected to four consecutive terms as Greeley City Mayor.

A recipient of numerous awards for community service, Mr. Hall has received the "Community Excellence Award," the "Weld County Citizen of the Year Award," and the "Weld Distinguished Citizen Award" presented by the Longs Peak Boy Scouts Council.

At a time in his life when many people are content to simply enjoy retirement, George Hall remains active as a member of several boards, committees and philanthropic organizations including Greeley Rotary, Aims Community College Foundation Board of Directors, Greeley Chamber of Commerce, Greely/Weld EDAP Board of Directors, and the University of Northern Colorado Business College Advisory Council. George also continues to be active with the youth of his community by sharing his wisdom and talents as an assistant baseball coach for the city's youth league. Another of his most recent projects has been to manage Greeley's "Quality of Life" campaign, which will add parks and recreation areas for future generations to enjoy.

Despite the tremendous success in all that he does, Mr. Hall is a modest, humble man who serves as a role model to those who know him and whose lives he touches. I ask the House to join me in commemorating the remarkable Mr. George Hall of Colorado.

SENATE—*Monday, October 28, 2002*

The Senate met at 10:30 a.m. and was called to order by the Honorable CHRISTOPHER J. DODD, a Senator from the State of Connecticut.

The PRESIDING OFFICER. Today's prayer will be offered by our guest Chaplain, Father M. John Farrelly, a Benedictine monk from St. Anselm's Abbey in Washington, DC. Father Farrelly.

PRAYER

Let us pray.

As we gather together at the beginning of this day may we, by Your grace, Lord, so live that we will stand before You confidant in Your mercy, as we have shown mercy to those in need. Almighty and merciful God, we commend to You Senator PAUL WELLSTONE who was taken away, along with his wife and his daughter, so unexpectedly and suddenly from us, and who has left many colleagues and others stunned and deeply saddened by their loss of a highly valued coworker and friend.

May his legacy of voting according to his conscience and his concern for the ordinary citizen and the underprivileged endure in this Chamber. May the manner of his death remind all of us that the control we have of our lives is fragile and uncertain, and that our lives can be called from us at any moment.

May PAUL WELLSTONE dwell in Your house, Lord, forever and ever, and may You comfort his remaining family and the many friends, supporters, and the entire Senate family who are bereaved.

Amen.

PLEDGE OF ALLEGIANCE

The Honorable CHRISTOPHER J. DODD led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, D.C., October 28, 2002.*
>
> *To the Senate:*
>
> Under the provisions of Rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CHRISTOPHER J. DODD, a Senator from the State of Connecticut, to perform the duties of the Chair.
>
> ROBERT C. BYRD,
> *President pro tempore.*

Mr. DODD thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Minnesota is recognized.

DEATH OF PAUL WELLSTONE, A SENATOR FROM THE STATE OF MINNESOTA

Mr. DAYTON. Mr. President, on behalf of the majority leader, the Republican leader, all the Members of the Senate, and myself, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 354, submitted earlier today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

> A resolution (S. Res. 354) relative to the death of PAUL WELLSTONE, a Senator from the State of Minnesota:
>
> S. RES. 354
>
> Whereas the Honorable Paul Wellstone taught at Carleton College in Northfield, Minnesota, for more than 20 years in the service of the youth of our Nation;
>
> Whereas the Honorable Paul Wellstone served Minnesota in the United States Senate with devotion and distinction for more than a decade;
>
> Whereas the Honorable Paul Wellstone worked tirelessly on behalf of America's Veterans and the less fortunate, particularly children and families living in poverty and those with mental illness;
>
> Whereas the Honorable Paul Wellstone never wavered from the principles that guided his life and career;
>
> Whereas his efforts on behalf of the people of Minnesota and all Americans earned him the esteem and high regard of his colleagues; and
>
> Whereas his tragic and untimely death has deprived his State and Nation of an outstanding lawmaker: Now, therefore, be it
>
> *Resolved*, That the Senate expresses profound sorrow and deep regret on the deaths of the Honorable Paul Wellstone, late a Senator from the State of Minnesota, his wife Sheila, their daughter Marcia, aides Mary McEvoy, Tom Lapic, and Will McLaughlin, and pilots Richard Conry and Michael Guess.
>
> *Resolved*, That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased Senator, and the families of all the deceased.
>
> *Resolved*, That when the Senate adjourns today, it adjourn as a further mark of respect to the memory of the deceased Senator.

Mr. DAYTON. Mr. President, I ask that the Senate observe a moment of silence in tribute to Senator WELLSTONE and his family.

(Moment of silence.)

The ACTING PRESIDENT pro tempore. The Senator from Minnesota.

Mr. DAYTON. Mr. President, it is with a profoundly heavy heart that I rise today to present this resolution honoring my colleague, PAUL WELLSTONE. This is not the occasion in this brief session for eulogies. There will be other opportunities on the Senate floor for all of us to share our memories and our perspectives.

For myself, I cannot begin to do PAUL justice in a few minutes or even a few hours. He was such an extraordinary, such a remarkable man, and he brought so much life and enthusiasm and passion and commitment to the public life he lived, and he touched so many thousands of Minnesotans and others across this country who mourn his loss as we do here today.

He died fearlessly, as he lived his life. In the resolution that was just read, the words "never wavered from the principles" will be words that I will always associate with PAUL WELLSTONE. He never ever blinked in the face of adversity. Courageous, difficult, perhaps at times unpopular positions were articles of faith for PAUL because he believed in them.

It was not about polls. It was not about pundits. It was about the conviction he had about what was right for people, for his fellow citizens.

He was unpretentious, unassuming, just himself. He was no different as a Senator than as a man, than as a political activist all in one, he was extraordinary and he will never be replaced. In the hearts and minds of Minnesotans, he will never be forgotten.

Yet, Mr. President, he loved this institution. He respected enormously the traditions, the men and women who served here. They came to respect him for the courage of his convictions. I could see in the course of the 2 years I have shared with him in the Senate that he was respected by people who did not agree with him because they knew he was speaking from his heart, that he was speaking from his soul, that he was speaking what he truly believed.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

One could ask for no more, no less from any of us than the strength of our convictions and our willingness to speak out about them regardless of political cost.

PAUL and his wife, Sheila, at his side for 39 years, died last Friday together, as they would have wanted it to be, not with their daughter Marcia who also was on that flight and three of their devoted aides and two pilots. It is an unspeakable tragedy and horror for all of us in Minnesota, but it will be for all of us, on behalf of PAUL, to take a deep breath and carry on in behalf of our convictions and our causes—as he would want us to do.

I thank the Senate for this resolution on behalf of PAUL. And for his two surviving sons, David and Mark, and their families I know it will be of solace to them in their hours of terrible grief.

Mr. President, I yield to my colleague, the Senator from California.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. BOXER. Thank you very much, Mr. President.

Senator DAYTON, your remarks were beautiful and PAUL would have been so pleased to hear your tone and your spirit. And I can tell you, Senator DAYTON, how much he loved you, how proud he was to have you here by his side.

Mr. President, I have flown in from California to be here on the Senate floor today to make just a few remarks about our dear friend and colleague, Senator PAUL WELLSTONE. I want to start by reading two paragraphs written by his loyal and hardworking staff. After his plane went down, and they learned the worst, they wrote the following:

> Paul Wellstone was one of a kind. He was a man of principle and conviction, in a world that has too little of either. He was dedicated to helping the little guy, in a business dominated by the big guys. We who had the privilege of working with him hope that he will be remembered as he lived every day: as a champion for people.
>
> His family was the center of his life and it breaks our hearts that his wife of 39 years and his daughter Marcia were with him. Our prayers are with Mark and David and the grandchildren he and Sheila cherished so much.

That was posted on the Wellstone Web site by Senator WELLSTONE's staff.

Mr. President, Senator DAYTON, for me, the loss of PAUL WELLSTONE cuts very deep. Kind, compassionate, self-deprecating, a passionate voice for those without a voice, enthusiastic, a bundle of energy—this was a unique man of the people.

When we learned that the tragedy of PAUL's death was magnified by the death of the two women he cherished so much—his wife Sheila and his daughter Marcia—the wounds in our hearts cut deeper still, plus the loss of three staffers—Tom Lapic, Will McLaughlin, and Mary McEvoy—and the two pilots—Captains Richard Conry and Michael Guess.

Mr. President, no words—no words—can possibly ease the pain of all the family members who were touched by this tragedy. No words can ease the pain of David and Mark, PAUL's two sons, and their families. All we can do is let them know that we pray that they have the strength to endure this time for the sake of the Wellstone grandchildren: Cari, Keith, Joshua, Acacia, Sydney, and Matt. Let the record show that your grandchildren brought endless joy to you. And we say to the grandchildren, thank you for the joy that you gave to grandma and grandpa.

I want to say to the people of Minnesota, thank you, thank you for sending PAUL to us, for sharing PAUL with us these past 12 years. He loved the people of his State: the farmers, the workers, the children, the elderly, the sick, the disabled, the families. He fought for you all, so long and so hard, without stopping, in committees and subcommittees, in the Democratic caucus meetings, when he would get up and say: Just give me 30 seconds—just 30 seconds—to make my point about the people of Minnesota. He stood up at press conferences. He would grab Senators, one by one, and fight for you, the people of Minnesota, who were always in his thoughts and on his mind. And I know he is now in your thoughts and on your minds.

In my own State of California—so many thousands of miles away from Minnesota—there are memorial services being set up for PAUL. You see, his compassionate voice reached thousands of miles, and many people in my State are sending me condolence notes and flowers because they know how much I will miss working with PAUL WELLSTONE, and so will all Senators on both sides of the aisle.

As Mark said, PAUL was never afraid to speak out when it might be unpopular, nor was he afraid to be on the losing side of a Senate vote. He had courage. And when you told him that, when you said: "PAUL, you have courage," he shrugged it off. He would say something like: "What else could I do? It's just not right!" He would say that—determined, brave.

You see, PAUL WELLSTONE could not vote against his conscience or for something he did not believe was in the best interest of the people he represented. He couldn't; he wouldn't—no matter what the consequences.

He cared about the underdog always. He cared about the victim always. He cared about peace always. And PAUL, blessed are the peacemakers. PAUL, blessed are the peacemakers.

PAUL was a humble man. When his longtime staffer, Mike Epstein, died—and many of us knew Mike—PAUL took to the Senate floor, and this is what he said, in part:

> Mike, I know you will not like me saying this, but I'm going to say it anyway because it's true. I believe from the bottom of my heart that everything I've been able to do as a Senator that has been good for Minnesota and the country is because, Mike, you have been right by my side, 1 inch away from me.

And he said:

> Mike was my tutor. He was my teacher. He was teaching me.

That was PAUL WELLSTONE. He never bragged about himself. He loved his family so much. He loved his staff. He took time for all the Senate employees: the young people who work with us, the officers who protect us, the food service people, the elevator operators—all the Senate family, no matter what their status.

Mr. President, he wanted to give everyone—everyone he touched—his sense of optimism, his energy, his strength.

When PAUL learned he had multiple sclerosis, I worried and I said to him: Are you OK? He said: I probably had it for a long time. I'm just not going to think about it. And off he went in his usual rush. There was so much to do. Off he went to his desk in the Senate, his desk now incredibly shrouded in black.

PAUL loved that aisle desk. It gave him a bird's eye view of the Senate that he loved. And when he spoke from his desk, he could come out from behind it. He could leave his notes behind—arms gesturing, voice determined—and talk from his heart. He would say something like: I don't represent big business or big anything. He would say: I represent the people of Minnesota. And that he did every minute of his all-too-short life.

As our session wound down, PAUL wanted to finish our business and go home. He told us all: I want to be with my people. I need to touch them. I need to look them in the eye. I can't wait to get home.

PAUL was a powerful man. His power did not come from his physical stature. He was strong but he was slight of build. His power did not come from generations of family wealth. He was not a man of moneyed wealth. His parents were immigrants: Leon and Minnie Wellstone. His power did not come from political connections. His connections were with regular people.

Let me tell you from where his power came. It came from a fierce dedication to justice and truth and honesty and righteousness. He gave comfort and he gave hope to those he touched. And he gave them some of his power—the power to see the possibilities of their own lives. PAUL died on his way to give comfort and hope to those facing death. He was flying to a funeral service.

Today we say to PAUL: We will give comfort and hope to those you have left behind by doing all that we can to continue your legacy and your dream.

Together, we can build an America of fairness, of justice, of prosperity, a world of tolerance and a world of peace. And, PAUL, may you and yours rest in peace forever.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Vermont.

Mr. LEAHY. Mr. President, I thank the Senator from Minnesota and the Senator from California for their words. I know and respect both the Senator from Minnesota, Senator DAYTON, and the Senator from California, Senator BOXER. I know them well enough to know this was a very painful moment for both of them—just as it is for the distinguished Presiding Officer and as it is for the Senator from Vermont.

Mr. President, you and I have been here a long time in the Senate. With the Senator from Minnesota, who is now—not at his choice—the senior Senator from Minnesota, and the Senator from California, I think we can all say that there is no sadder sight than coming on the floor and seeing a black drape on a Senator's desk. The distinguished Presiding Officer and I have unfortunately seen that many times in our careers, for Senators on both sides of the aisle. In every instance when we have entered the chamber and seen the black drape we know that there has been a death in the family.

We are privileged in this body, 100 men and women—now 99 men and women—to represent the greatest nation on Earth, a nation of a quarter of a billion people. But because there are only 100 of us, no matter our political differences, when one is lost we all feel it. When I heard the news in Vermont, I was at a restaurant in Burlington with my son, Kevin. It was a small restaurant. There was a TV going but with no sound. My back was to it. I saw the look of shock on Kevin's face. He spun me around and I saw the news. We both left that restaurant in tears. The news spread quickly and as I walked down the street people—many of them I never met before—just came up and hugged me, because they, too, lost somebody.

PAUL WELLSTONE had come to Vermont and was greeted with great warmth. I vividly remember the evening he came to speak. Everybody came up to him. They didn't want him to leave. PAUL WELLSTONE, like one of his predecessors, my dear friend, Hubert Humphrey, was a happy warrior. If people wanted to talk with him he did not mind and would stay, the same way Hubert would have.

There is an affinity, I believe, between our State of Vermont and Minnesota. That is why there was a bond Vermonters felt with PAUL WELLSTONE. PAUL could sense it. And, we worked on many important issues as a team. During the recent farm bill debate he met with Vermont farmers and together we drafted a dairy provision that was beneficial to both of our States. I remember when he and JIM JEFFORDS and BERNIE SANDERS and I joined together to have a milk toast. We were joking around. PAUL was not a tall man. I playfully stood blocking him from the cameras. And he said: "Hey, remember, I'm a wrestler," at which point I quickly moved aside. Of course PAUL was far more than a wrestler—but it is easy to make the correlation to the way he wrestled with issues here on the floor. He wrestled them down. I thought to myself: What a man to have on your side. What a man to be a friend.

PAUL WELLSTONE served with powerful people but he was not intimidated by that. And, he never took on the airs of one who was powerful. He would introduce himself to people: Hi, I'm PAUL WELLSTONE. And someone else would have to say: That's a U.S. Senator.

I never went on an elevator with PAUL without him calling the elevator operator by name. He would talk with the pages and give them tutorials. He knew everybody in the Senate and they knew and loved him.

It is impossible to talk about our colleague PAUL WELLSTONE without mentioning Sheila Wellstone. They were inseparable. Whenever the Senate would have a late night session Sheila would be in the galleries, waiting for PAUL to leave.

Of all my memories of PAUL WELLSTONE, the one I may remember the most is the last time I saw the two of them. It was a late night session. You know these gorgeous halls we have, with the chandeliers and everything else, and here is this couple walking hand in hand down one of the halls about midnight—PAUL and Sheila WELLSTONE. I came around the corner and I said: "Hey, you teenagers," and they laughed and hugged each other. I saw them go out, down the steps into the night, hand in hand.

Let us hope that they have gone hand and hand into the light and that they are now together.

Marcella and I also extend our thoughts and prayers to Marcia, PAUL and Sheila's daughter, and her family. And, as the Senate noted in the resolution that was just passed a few moments ago, we all grieve for the Wellstone staff who were on board the plane: Tom Lapic, Mary McEvoy and Will McLaughlin. Our thoughts and prayer are with their families in these trying times. Our condolences also go out to the families of the pilots on the plane, Richard Conry and Michael Guess.

The PRESIDING OFFICER (Mrs. BOXER). The Senator from Connecticut.

Mr. DODD. Madam President, first let me express my thanks to our colleague from Minnesota, Senator DAYTON, and express our sympathies to him and through him to the people of Minnesota and to the Wellstone family, the extended family, for all that they are suffering in this particular time, and to express my gratitude as well to my colleague from California, Senator BOXER, and my colleague from Vermont, Senator LEAHY, for their very moving and emotional remarks. I think they captured to a large extent the sentiments of all of us.

This is a difficult time. I suppose the American people see we are in session and wonder why only a few of us are here. Obviously, with a week to go before the congressional elections, not many are here in Washington. But suffice it to say, were 96 or 97 other Senators here today, you would here much the same sentiments that have been expressed already by the now-senior Senator from Minnesota, the Senator from California, and the Senator from Vermont.

So I join my colleagues, and all Americans, in mourning the very tragic and sudden loss of our dear friend and colleague, Senator PAUL WELLSTONE, who will be forever remembered as a friend and patriot and true public servant, who fought each and every day of his public life—in fact, of his life—to the improve the lives of average Americans. We got to know him here over the last 10 or 11 years as a Member of the U.S. Senate, but the people of Minnesota and the people of Carleton College, students who had him as a professor, people who knew him beforehand, they knew that PAUL WELLSTONE didn't just become a fighter when he arrived in the Senate of the United States. He dedicated his life to it. It is what his parents taught him. It is what he believed in passionately as an American. We became witnesses to that sense of passion and outrage about wrongs in this country and around the world as we served with our colleague, PAUL WELLSTONE, for the last decade.

So, like my colleagues, I was stunned and deeply saddened by the enormous scope and tragedy of this loss. Obviously, the entire Wellstone family has suffered an unfathomable loss, as have the families of other victims of this horrendous accident. His wife Sheila—I join my colleagues in expressing our deep sense of loss. Sometimes, although we get to know Members, we don't get to know the spouses of our colleagues very well, but Sheila Wellstone really became a member of the Senate family aside from being a spouse. She was an unpaid volunteer in her husband's office.

If there are women today who are suffering less because of domestic violence—and they are many who are not, but many who are—you can thank some colleagues here. But I suspect one of the reasons they became so motivated about the issue was because there was a person by the name of Sheila Wellstone who arrived here a decade ago and wanted to make this a matter of the business of the U.S. Senate.

So they became partners, not just over the almost 40 years of love and affection for each other, but partners in their sense of idealism, sense of values, and sense of purpose.

Marcia I did not know very well but certainly heard PAUL and Sheila talk about her with great admiration and affection. In the loss suffered by her family, with young children, it is just difficult to even come up with the words to express the sense of grief that I feel for her and her family. And obviously the staff: Will McLaughlin, Tom Lapic, and Mary McEvoy, along with the pilots who have been mentioned already: Richard Conry and Michael Guess, we didn't know, but I suspect on that flight up there they had gotten to know the Wellstone family and the staff. And so we want to express our deep sense of loss to their families.

I ask unanimous consent to have printed at the end of my remarks a wonderful editorial by David Rosenbaum in the New York Times on Saturday which I thought captured perfectly the image of PAUL WELLSTONE, who he was and what he tried to do, better than any words I could possibly express here today.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. DODD. Madam President, William Shakespeare once wrote, "No legacy is so rich as honesty." I have never met, let alone worked with, a more honest or noble man than PAUL WELLSTONE.

His rich, rich legacy will be that of an honest, passionate and tireless fighter on behalf of justice and fairness for all Americans, especially those less fortunate than himself.

PAUL suffered a lot. He had this bad back. He would hobble around. He had this gait that if you didn't know he was hurting was almost an affectionate gait. He sort of limped around at various times; he would stand a lot at times in meetings because sitting would be so painful for him as a result of injuries he suffered. He had MS which he sort of shrugged off, as my colleague from California said. He grew up in a situation where his family were immigrants who came from Russia. They grew up actually in Arlington, VA, a short distance from here. A former staff member of mine was a neighbor of theirs. He knew PAUL as a child growing up. They had their own burdens to bear aside from being immigrants, problems of those newly arriving, with the language barriers. Trying to get acclimated to a new society such as ours is not easy. So PAUL understood the issues of those who suffered more than in just an intellectual effort. This was something he deeply felt and had grown up with and appreciated immensely.

When he came to this body and we got to know him as someone who would fight tirelessly on behalf of those who did not have lawyers, lobbyists, and others to express their concerns, to bring their issues to the debate of the Senate, we found in this individual just a remarkable voice and a remarkable fight. Like many of my colleagues, I might be home or completed the evening and turned on the television and the Senate would still be in session, and there would be PAUL WELLSTONE, standing at that desk in the rear of this Chamber, speaking to an empty place except for the millions of Americans tuned in to C–SPAN who would hear someone talking about subjects that were affecting their lives.

Single moms, working families, children without health care, the homeless, international victims of torture—these were among Senator PAUL WELLSTONE's core constituencies, and they could not have had a better spokesperson.

A lot of times we spend days here talking about issues that might seem terribly arcane to the average citizen in this country, matters that don't seem terribly relevant to their daily lives, and yet PAUL WELLSTONE never let a day go by that he didn't give voice to the concerns of average Americans or those who are, as Hubert Humphrey would talk about, in the shadows of life or the dawn of life or the dusk of life—PAUL WELLSTONE giving voice, that great Minnesota voice to those who needed to have their concerns raised in chambers such as this. And so for all of those people who are wondering today whether or not their concerns, their hopes, their fears will find expression, it is hard to find any silver lining with the passage of someone you care about so much, but I suspect as we reconvene here on November 12 and again with a new Congress coming in in January we will hear the words of PAUL WELLSTONE repeated quite frequently. We will hear the passion that he brought to the issues raised maybe more frequently than they otherwise might be. That's because we will remember an individual we had the privilege and honor of serving with who reminded this institution of what its role ought to be, not just to those who are well heeled, those who can afford to acquire the access, but those who need to have their issues raised—that their concerns and their worries, their hopes, their dreams for this country and their own families will be once again a part of the mainstream of debate in the Senate.

PAUL WELLSTONE fought some awfully tough battles. He fought a tough battle to get here, a man who was told he could not possibly get elected to the Senate, who was being outspent by overwhelming odds.

I rode with him in that bus—I am sure my colleague from Minnesota, maybe my colleagues from California and Vermont remember—that rattly old green bus, in the freezing cold, bitter cold, cold months of Minnesota. I remember going with him to some big fair or festival that he was holding on behalf of poor farmers and family farmers in Minnesota. Just a few weeks ago, Madam President, I campaigned with him in Minnesota, with some of the medical device companies around Minneapolis and St. Paul. This was supposed to be about a 20-minute meeting we were going to have at one of these firms to talk about the medical devices that PAUL played a major role in working to see to it that they were going to become a reality for people who would use them. We were supposed to leave in 15 or 20 minutes but the room was packed; the people wanted to talk about other things. And PAUL WELLSTONE stayed for about 1½ hours just engaging with the people in this room. They went far beyond the medical device issues. The people in that room wanted to talk about health care; they wanted to talk about education; they wanted to talk about the environment; they wanted to talk about prescription drugs and the elderly; they wanted to talk about issues affecting Native Americans and minority groups; they wanted to talk about foreign policy. And he engaged, engaged and engaged for an hour and a half. He would have stayed longer. Staff had to almost drag him out of the room. But it was so reflective, standing in the back of the room watching PAUL WELLSTONE with great passion and clarity expressing where he stood.

He didn't sit there and try to figure out where the question was coming from based on the tilt of their rhetoric. He answered them how he felt as their Senator, their representative, so they would know where he stood.

Madam President, I apologize for sort of meandering here, but it is how I feel. I have a great sense of loss and also a sense of joy. PAUL WELLSTONE had a great sense of humor. He cared deeply about issues but he also had the wonderful ability to laugh at himself, to appreciate the humor that only this institution can provide in some of the more bizarre moments, a wonderful relationship with virtually everyone here. It didn't happen automatically or initially. PAUL came here determined to change the world; if not the world, change the United States; if not that, maybe his Minnesota. Along the way and in the process he probably rubbed some people the wrong way, but those very people became the people who cared most about him in many ways in the final analysis because they realized that everything he said and everything he did was not about himself but about the people he wanted to represent. And so I know there are Members who are not here today because of other obligations, but who, when the opportunity comes, will express their own thoughts and feelings, but don't be surprised—Madam President, I know you will not be, nor my colleagues from Minnesota or Vermont—that some of the heartfelt remarks about PAUL will come from people who disagreed with him vehemently on substantive matters, but appreciated immensely his sense of conviction, something we can do a lot more of in politics in America today.

Frederick Douglass once said, "The life of a nation is secure only while the nation is honest, truthful, and virtuous." For 58 years, PAUL WELLSTONE lived a life that was honest, truthful, and virtuous. For 12 years, he personally lent those characteristics to the heart of the United States government.

America, Minnesota, and this institution have suffered a terrible loss at the death of PAUL WELLSTONE but there is a silver lining in all of this; that as a result of his service this country is a better place, there are people who are living better lives; this world with all of its difficulties has been a better world because PAUL WELLSTONE was a part of it.

I am confident as I stand before you today, Madam President, that in the weeks, months, and years ahead, his memory and legacy will live on in the debates, the discussions, and actions we take in this body.

For that, PAUL WELLSTONE, you ought to know that your service continues and your words and your actions will have a legacy borne out by those who come after you in the service of your State and the thousands of young people you motivated.

Madam President, if you could only see, as many have, the hundreds of young people throughout Minnesota who PAUL WELLSTONE energized and brought to the public life of this country, people who otherwise would not have paid any attention. PAUL WELLSTONE said: You ought to be involved; there is a reason to be involved.

His ability to attract people to come to a cause and to fight for the good cause will live on. I suspect one day this Chamber will have people who will serve in it who cut their teeth in politics working on a Wellstone campaign.

PAUL, the campaign goes on. Your battles will go on, and we are going to miss you. I yield the floor.

EXHIBIT 1

[From the New York Times, Oct. 26, 2002]

A DEATH IN THE SENATE: PAUL WELLSTONE, 58, ICON OF LIBERALISM IN SENATE

(By David E. Rosenbaum)

WASHINGTON, Oct. 25.—Paul Wellstone often seemed out of step. He called himself a liberal when many used that word as a slur. He voted against the Persian Gulf war in his first year in the Senate, and this month opposed using force against Iraq.

Senator Wellstone, 58, who died in a plane crash today while campaigning for re-election, fought for bills favored by unions and advocates of family farmers and the poor, and against those favored by banks, agribusiness and large corporations. This year he was the principal opponent of legislation supported by large majorities of Democrats and Republicans that would make it more difficult for people to declare bankruptcy. He argued that the measure would enrich creditors at the expense of people "in brutal economic circumstances." He advocated causes like national health insurance that even many of his fellow liberals abandoned as futile.

Mr. Wellstone was a rumpled, unfailingly modest man who, unlike many of his colleagues, lived on his Senate salary. He was married to the former Sheila Ison for 39 years, having married at 19 when he was in college. His wife and their 33-year-old daughter, Marcia, also died today in the crash.

When Mr. Wellstone arrived in the Senate in 1991, he was a firebrand who thought little of breaking the Senate tradition of comity and personally attacking his colleagues. He told an interviewer soon after he was elected that Senator Jesse Helms, the conservative North Carolina Republican, "represents everything to me that is ugly and wrong and awful about politics."

But as the years passed, Mr. Wellstone moderated his personality if not his politics and became well liked by Republicans as well as Democrats. Bob Dole, the former Senate Republican leader who often tangled with Mr. Wellstone on legislation, choked up today when he told a television interviewer that Mr. Wellstone was "a decent, genuine guy who had a different philosophy from almost everyone else in the Senate."

Mr. Wellstone was also an accomplished campaigner. Though he had never held elected office, he pulled off a major upset in 1990 when, running on a shoestring budget, he defeated the incumbent Republican senator, Rudy Boschwitz. He beat Mr. Boschwitz in a rematch in 1996. This year, he reneged on a promise to limit himself to two terms, ran for re-election and seemed in the most recent public polls to have pulled slightly ahead of his Republican challenger, former Mayor Norm Coleman of St. Paul.

His opponents always portrayed him as a left-wing extremist. Mr. Boschwitz's television commercials in 1996 called Mr. Wellstone "embarrassingly liberal and out of touch." This year, Mr. Coleman said the senator was "so far out of the mainstream, so extreme, that he can't deliver for Minnesotans."

But on the campaign trail, Mr. Wellstone appeared to be so happy, so comfortable, so unthreatening that he was able to ward off the attacks.

For years, he had walked with a pronounced limp that he attributed to an old wrestling injury. In February, he announced at a news conference that he had learned he had multiple sclerosis, but he said the illness would not affect his campaigning or his ability to sit in the Senate. "I have a strong mind—although there are some that might disagree about that—I have a strong body, I have a strong heart, I have a strong soul," he told reporters.

Paul David Wellstone was born in Washington on July 21, 1944, and grew up in Arlington, Va. His father, Leon, left Russia as a child to escape the persecution of Jews, and worked as a writer for the United States Information Agency. His mother, Minnie, the daughter of immigrants from Russia, worked in a junior high school cafeteria.

Growing up, he was more interested in wrestling than politics, and he had some difficulty in school because of what he later found out was a learning disability. He scored lower than 800, out of a total of 1,600, on his College Boards, and this led him as a senator to oppose measures that emphasized standardized test scores. In an interview, he once said that even as an adult he had difficulty interpreting charts and graphs quickly but that he had learned to overcome his disability by studying harder and taking more time to absorb information.

Partly because of his wrestling ability—he was a conference champion at 126 pounds—he was admitted to the University of North Carolina and, galvanized by the civil rights movement, he turned from wrestling to politics. He graduated in 1965 and stayed in Chapel Hill for a doctorate in political science. He wrote his thesis on the roots of black militancy.

Married with children, he once said he did not have time to participate in the student uprisings in the 1960's. He is survived by two grown sons, David and Mark, of St. Paul, and six grandchildren.

But while he was not a student rebel, Mr. Wellstone did not fit in from the day in 1969 when he began teaching political science at Carleton College, a small liberal arts campus in rural Northfield, Minn.

He was more interested in leading his students in protests than he was in publishing in academic journals, and he was often at odds with his colleagues and Carleton administrators. He fought the college's investments in companies doing business in South Africa, battled local banks that foreclosed on farms, picketed with strikers at a meatpacking plant and taught classes off campus rather than cross a picket line when Carleton's custodians were on strike.

In 1974, the college told him his contract would not be renewed. But with strong support from students, the student newspaper and local activists, he appealed the dismissal, and it was reversed.

In 1982, Mr. Wellstone dipped his toe into the political waters for the first time and ran for state auditor. He lost. But he had made contacts in the Minnesota Democratic-Farmer-Labor Party, and he stayed active in politics. In 1988, he was the state co-chairman of the Rev. Jesse Jackson's campaign in the president primary, and in the general election, he was co-chairman of the campaign of Michael S. Dukakis, the Democratic presidential nominee.

Few thought he had a chance when he announced that he would run for the Senate against Mr. Boschwitz, Russell D. Feingold, now a like-minded liberal Democratic senator from Wisconsin, today had this recollection of dropping by to meet Mr. Wellstone in 1989:

"He opened the door, and there he was with his socks off, 15 books open that he was reading, and he was on the phone arguing with somebody about Cuba. He gave me coffee, and we laughed uproariously at the idea that either of us would ever be elected. But he pulled it off in 1990 and gave me the heart to do it in Wisconsin."

Mr. Feingold was elected in 1992, also with a tiny treasury.

Mr. Boschwitz spent $7 million on his campaign, seven times Mr. Wellstone's budget. To counteract the Boschwitz attacks, Mr. Wellstone ran witty, even endearing television commercials produced without charge by a group led by a former student. In one ad, the video and audio were speeded up, and Mr. Wellstone said he had to talk fast because "I don't have $6 million to spend."

Mr. Wellstone toured the state in a battered green school bus, and in the end, he won 50.4 percent of the vote and was the only challenger in 1990 to defeat an incumbent senator.

He arrived in Washington as something of a rube. On one of his first days in town before he was sworn in, he called a reporter for the name of a restaurant where he could get a cheap dinner. When the reporter replied that he knew a place where a good meal was only $15, Mr. Wellstone said $15 was many times what he was prepared to spend.

He also made what he later conceded were "rookie mistakes." At one point, for instance, he used the Vietnam Veterans Memorial as a backdrop for a news conference to oppose the war against Iraq. Veterans' groups denounced him, and he later apologized.

But he soon warmed to the ways of the Senate and became especially adept at the unusual custom of giving long speeches to an empty chamber. Probably no one in the Senate over the last dozen years gave more speeches at night after nearly all the other senators had gone home.

His strength was not in getting legislation enacted. One successful measure he sponsored in 1996 with Senator Pete V. Domenici, Republican of New Mexico, requires insurance companies in some circumstances to give coverage to people with mental illness, but he failed this year in an effort to strengthen the law.

In a book he published last year, "The Conscience of a Liberal" (Random House), Mr. Wellstone wrote, "I feel as if 80 percent of my work as a senator has been playing defense, cutting the extremist enthusiasms of the conservative agenda (much of which originates in the House) rather than moving forward on a progressive agenda."

In a speech in the Senate this month explaining his opposition to the resolution authorizing the use of force in Iraq, Mr. Wellstone stressed that Saddam Hussein was "a brutal, ruthless dictator who has repressed his own people."

But Mr. Wellstone went on to say: "Despite a desire to support our president, I believe many Americans still have profound questions about the wisdom of relying too heavily on a preemptive go-it-alone military approach. Acting now on our own might be a sign of our power. Acting sensibly and in a measured way, in concert with our allies, with bipartisan Congressional support, would be a sign of our strength."

Later, Mr. Wellstone told a reporter that he did not believe his stance would hurt him politically. "What would really hurt," he said, "is if I was giving speeches and I didn't even believe what I was saying. Probably what would hurt is if people thought I was doing something just for political reasons."

Mr. Wellstone briefly considered running for president in 2000, but he called off the campaign because, he said, the doctors who had been treating him for a ruptured disk told him that his back could not stand the travel that would be required.

Often, Mr. Wellstone was the only senator voting against a measure, or one of only a few. He was, for instance, one of three senators in 1999 to support compromise missile defense legislation. He was the only one that year to vote against an education bill involving standardized tests, and the only Democrat who opposed his party's version of lowering the estate tax.

Mr. Wellstone was one of the few senators who made the effort to meet and remember the names of elevator operators, waiters, police officers and other workers in the Capitol.

James W. Ziglar, a Republican who was sergeant at arms of the Senate from 1998 to 2001 and who is now commissioner of the Immigration and Naturalization Service, remembered today "the evening when he came back to the Capitol well past midnight to visit with the cleaning staff and tell them how much he appreciated their efforts."

"Most of the staff had never seen a senator and certainly had never had one make such a meaningful effort to express his or her appreciation," Mr. Ziglar said. "That was the measure of the man."

The PRESIDING OFFICER. Without objection, the resolution and preamble are agreed to.

The resolution (S. Res. 354) was agreed to.

The preamble was agreed to.

ADDITIONAL STATEMENTS

PROTECT ACT

• Mr. LEAHY. Mr. President, I came to the Senate floor and joined Senator HATCH in introducing S. 2520, the PROTECT Act in April, after the Supreme Court's decision in Ashcroft v. Free Speech Coalition, Free Speech. Although there were some others who raised constitutional concerns about specific provisions in that bill, I believed—and still believe—that unlike the Administration proposal it was a good faith effort to work within the First Amendment.

It is important that we respond to the Supreme Court decision but it is just as important that we avoid repeating our past mistakes. Unlike the 1996 Child Pornography Prevention Act, CPPA, this time we should respond with a law that passes constitutional muster. Our children deserve more than a press conference in on this issue. They deserve a law that will stick.

After joining Senator HATCH in introducing the PROTECT Act, I convened a Judiciary Committee hearing on the legislation. We heard from the Administration, from the Center for Missing and Exploited Children, CMEC, and from experts who came and told us that our bill, as introduced, would pass constitutional muster, but the House-passed bill would not.

I also placed S. 2520 on the Judiciary Committee's calendar for the October 8, 2002 business meeting. I continued to work with Senator HATCH to improve the bill so that it could be quickly enacted. Senator HATCH circulated a Hatch-Leahy proposed Judiciary Committee substitute that improved the bill before our October 8 business meeting. Unfortunately, the committee was unable to consider it because of procedural maneuvering that had nothing to do with this important legislation, including the refusal of committee members on the other side of the aisle to consider any pending legislation on the committee's agenda.

I still wanted to get this bill done. That is why for a week I have been working to clear and have the Senate pass a substitute to S. 2520 that tracks the Hatch-Leahy proposed committee substitute in every area but also made one improvement to the affirmative defense. That one improvement related to the ability of defendants to assert an affirmative defense to a charge of child pornography if they could actually prove that only adults, and no children—virtual or not—were used in making the material in question. Other than that, it was identical to the Hatch-Leahy proposed committee substitute in every way. It did not change the definition of child pornography from the PROTECT Act and it also did not change the tools provided to prosecutors. All these provisions remained unchanged. Indeed, the substitute I offered even adopted parts of the House bill which would help the CMEC to work with local and state law enforcement on these cases.

As I stated many days ago on the Senate floor, every single Democratic Senator cleared that measure. I then urged Republicans to work on their side of the aisle to clear this measure—so similar to the joint Hatch-Leahy substitute—so that we could swiftly enact a law that would pass constitutional muster.

Instead of working to clear that bipartisan, constitutional measure, however, my colleagues on the other side of the aisle have opted to use this issue to play politics. They have redrafted the bill, changed crucial definitions, and are now offering a totally new version. Worse yet, the new version is not likely to pass Constitutional muster. Instead, if passed, it will lead to six more years of appellate litigation and yet another law struck down by the Supreme Court. That will help no one and certainly not help the children that these laws are intended to help.

Senator HATCH is offering a new version of the bill that experts have told us is plainly unconstitutional and does not respect or heed the parameters laid down by the Supreme Court as does the original Hatch-Leahy bill and the Hatch-Leahy substitute circulated to the Judiciary Committee.

First, the new Hatch proposal outlaws precisely the thing that Justice Kennedy and at least 5 other members of the Supreme Court said could not be banned—wholly computer generated child pornography where no real children are involved in the making of the material. The Hatch proposal, in section 5, adds a totally new definition of "child pornography" that covers non-obscene "computer generated images" not at all related to any real person, if they are "virtually indistinguishable" from an actual minor. That is the same approach as the House bill, that we heard so roundly criticized both at our Committee hearing and by other experts. At best, it addresses the concerns of only Justice O'Connor—but she was not the deciding vote in the Free Speech case.

Second, this new definition is particularly problematic because the bill does not allow any affirmative defense for defendants who can show that no children at all were used in the making of the non-obscene image. Thus, even a defendant who can produce an actual 25-year-old in court to prove that the material is not child pornography can be sent to jail under this new provision. So too can the person who can prove in court that the image did not involve real people at all, but only totally computer generated images. Again, that is precisely the problem that Justice Kennedy and even Justice Thomas expressed concern about in the Free Speech case in considering the affirmative defense in the CPPA.

Third, the new Hatch proposal significantly changes the definition of the new crime of "pandering" from the original version of S. 2520 that Senator HATCH and I introduced. First, it removes the link to the long-standing obscenity test despite the fact that constitutional experts tell us that this link is necessary for the pandering crime to be constitutional. This changed definition does not address Justice Kennedy's concern that child pornography should be linked to obscenity. We do not want a situation where people who present such movies as Traffic, American Beauty, and Romeo and Juliet could be subjected to criminal prosecution, and this new pandering crime does that.

Second, the new provision compounds the constitutional problems by extending the provision to "purported material" in addition to actual material. Thus, not only need the pandering not relate to "obscene" material, it need not relate to any material at all.

From a provision that criminalized primarily commercial speech relating to obscene material, the new proposal has changed to criminalize pure "chat," including over the Internet, about non-obscene child pornography. That is protected speech. I have a letter from Professor Fred Schauer, a nationally recognized First Amendment scholar who testified at our hearing, that I will place in the record that confirms that this change would render the provision pandering unconstitutional.

These are only some of the problems with the new Hatch language. I am disappointed that we could not work together to clear the prior substitute that I have been trying to clear through the Senate for almost a week. That proposal was virtually identical to the proposed Hatch-Leahy committee substitute, and was approved by every single Democratic Senator. If my colleagues would have been willing to do that, we would have had quick action on a law that would stick. Instead, we are being asked to consider a brand new version of S. 2520 with considerable constitutional problems. That is not the way to pass legislation quickly in the Senate.

Unlike Senator HATCH's prior proposals that I cosponsored, this provision will only offer the illusion of action. We need a law with teeth, not one with false teeth. In the end, this provision will be struck down just as was the 1996 CPPA and we will have wasted 6 more years without providing prosecutors the tools they need to fight child pornography and put in jeopardy any convictions obtained under a law that in the end is struck down as unconstitutional. I had hoped that we could work together to get a law that will clearly pass constitutional muster. This issue is too important for politics.

I ask that a letter from Frederick Schauer, Frank Stanton Professor of the First Amendment, be printed in the RECORD.

The material follows:

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HARVARD UNIVERSITY,
Cambridge, MA, October 3, 2002.

Re S. 2520.

Hon. PATRICK LEAHY,
U.S. Senate, Committee on the Judiciary,
Washington, DC.

DEAR SENATOR LEAHY: Following up on my written statement and on my oral testimony before the Committee on Wednesday, October 2, 2002, the staff of the committee has asked me to comment on the constitutional implications of changing the current version of S. 2520 to change the word "material" in Section 2 of the bill (page 2, lines 17 and 19) to "purported material."

In my opinion the change would push well over the constitutional edge a provision that is now right up against that edge, but probably barely on the constitutional side it.

As I explained in my statement and orally, the Supreme Court has from the Ginzburg decision in 1966 to the Hamling decision in 1973 to the Free Speech Coalition decision in 2002 consistently refused to accept that "pandering" may be an independent offense, as opposed to being evidence of the offense of obscenity (and, by implication, child pornography). The basic premise of the pandering prohibition S. 2520 is thus in some tension with more than thirty-five years of Supreme Court doctrine. What may save the provision, however, is the fact that pandering may also be seen as commercial advertisement, and the commercial advertisement of an unlawful product or service is not protected by the Supreme Court's commercial speech doctrine, as the Court made clear in both Virginia Pharmacy and also in *Pittsburgh Press* v. *Human Relations Commission*, 413 U.S. 376 (1973). It is important to recognize, however, that this feature of commercial speech doctrine does not apply to noncommercial speech, where the description or advocacy of illegal acts is fully protected unless under the narrow circumstances, not applicable here, of immediate incitement.

The implication of this is that moving away from communication that could be described as an actual commercial advertisement decreases the availability of this approach to defending Section 2 of S. 2520. Although it may appear as if advertising "material" that does not exist at all ("purported material") makes little difference, there is a substantial risk that the change moves the entire section away from the straight commercial speech category into more general description, conversation, and perhaps even advocacy. Because the existing arguments for the constitutionality of this provision are already difficult ones after Free Speech Coalition, anything that makes this provision less like a straight offer to engage in a commercial transaction increases the degree of constitutional jeopardy. By including "purported" in the relevant section, the pandering locks less commercial, and thus less like commercial speech, and thus less open to the constitutional defense I outlines in my written statement and oral testimony.

I hope that this is helpful.

Yours sincerely,

FREDERICK SCHAUER,
Frank Stanton Professor
of the First Amendment.●

VETERANS LONG-TERM CARE AND MEDICAL PROGRAMS ENHANCEMENT ACT OF 2002

● Mr. ROCKEFELLER. Mr. President, I am sincerely disappointed about the placing of an anonymous hold on S. 2043, the "Veterans Long-Term Care and Medical Programs Enhancement Act of 2002."

There is no apparent reason why this important piece of legislation should be held up at this time. It was developed in a bipartisan manner and encompasses many vital pieces of legislation from both sides of the aisle. It is my sincere hope that the Senator responsible for this hold will realize that this is certainly not the time to be playing politics with legislation that affects our Nation's veterans.

I would like to share with my colleagues some of the key provisions of S. 2043 that seek to improve the accessibility and quality of the VA health care system.

The centerpiece of this bill is an effort to make VA's prescription drug copayment policy a bit more equitable for lower-income veterans. Mr. President, currently, veterans with incomes of less than $24,000 a year are exempt from copayments for most VA health care services. However, when it comes to prescription drugs, the income threshold for exemption is about $9,000 a year. This bill would raise the exemption level for prescription copayments to make them the same as other VA health care copayments.

Veterans earning just over $9,000—which is well below the poverty threshold, are required to make prescription copayments. These copayments place an enormous financial burden on our poorest veterans. To compound this problem, earlier this year, the Department of Veterans Affairs increased the copayment for prescription drugs from $2 to $7 per 30-day prescription.

Most of the veterans who will benefit from this provision are older, are on fixed incomes, and are on many different medications, each requiring a separate copayment. Most of them have no health insurance except for Medicare and so they must depend upon the VA for their medications. With the lack of a Medicare drug benefit, these veterans are now faced with a 350 percent increase in what they must pay for life-sustaining medications.

Imagine the situation of a veteran with an income of about $10,000 a year who takes ten medications a month and it is not at all unusual for an elderly person to take that many medications. With the increase in the prescription copayment rate, that veteran now has to allocate over 8 percent of this annual income just to pay for prescription drugs. And although the $7 per prescription charge may seem like an insignificant amount to some, I can assure my colleagues that to the veteran and his family living on a very limited income, it is quite significant.

Of particular note, S. 2043 also contains mental health care provisions—a key element of caring for those who have served on the battlefield—that would ensure currently successful programs across the country continue to get necessity funding. Congress previously enacted a provision to designate $15 million in VA funding specifically to help medical facilities improve care for veterans with substance abuse disorders and PTSD. The funds for these mental health grant programs, mandated by the Veterans Millennium Benefits and Health Care Act of 1999, will soon revert to a general fund.

Despite the slow start, this funding has already increased the PTSD and substance abuse disorder treatment programs available to veterans. More than 100 staff have been hired in 18 of VA's 21 service networks to treat substance abuse disorders. Nine new programs—in Baltimore, Maryland; Atlanta, Georgia; San Francisco, California; and Dayton, Ohio among others—have initiated or intensified opioid substitution programs for veterans who have not responded well to drug-free treatment regimens. Other new programs, such as those in Tampa, FL; Cincinnati, OH; Columbia, MO; and Loma Linda, CA put special emphasis on treating veterans with more complex conditions that include PTSD and substance abuse. The additional funding has enabled VA to develop better outpatient substance abuse and PTSD treatment programs, outpatient dual-diagnosis programs, more PTSD community clinical teams, and more residential substance abuse disorder rehabilitation programs. The legislation being blocked in the Senate would ensure that this funding remained "protected" for three more years, and would increase the total amount of funding identified specifically for treatment of substance abuse disorders and PTSD from $15 million to $25 million.

Additionally, the bill contains authorization for four construction projects. Two of these projects are much-needed seismic corrections for VA Medical Centers in the state of California. I think all of my colleagues would agree that no veteran should ever be endangered by aging infrastructure while in the care of VA should a natural disaster, such as an earthquake, occur. I thank Senator BOXER for her leadership on the construction issue. The remaining two construction projects in S. 2043 are for nursing homes. One of these homes is in Beckley, WV, of which the design plans have already been made. I am proud to be involved in helping to bring a long-term care facility to the veterans of my home State who have been in need of such a home for quite some time now. The other nursing home project is in Lebanon, PA.

S. 2043 would also fix a longstanding problem faced by VA's retired nurses. Last December, Congress passed the Department of Veterans Affairs Health Care Programs Enhancement Act of 2001. Enacted as Public Law 107-135, this legislation gave VA several tools to respond to the looming nurse crisis. In addition, it altered how part-time service performed by certain title 38 employees would be considered when granting retirement credit.

Previously, the law required that title 38 employees' part-time services prior to April 7, 1986, be prorated when calculating retirement annuities, resulting in lower annuities for these employees. Section 132 of the VA Health Programs Enhancement Act was intended to exempt all previously retired registered nurses, physician assistants, and expanded-function dental auxiliaries from this requirement. However, the Office of Personnel Management has interpreted this provision to only apply to those health care professionals who retire after its enactment date.

The legislation being blocked in the Senate would require OPM to comply with the original intent of the VA Health Programs Enhancement Act, and therefore to recalculate the annuities for these retired health care professionals. This clarification would not extend retirement benefits retroactively to the date of retirement, but would ensure that annuities are calculated fairly from now on for eligible employees who retired between April 7, 1986, and January 23, 2002.

Mr. President, the legislation would also provide transfer rights for hourly rate Veterans Canteen Service, VCS, employees to title 5 VA positions through internal competitive procedures. VCS hourly employees are federal employees hired under the authority of 38 U.S.C. 7802. While this authority provides many of the same benefits that title 5 federal employees enjoy, (i.e., workers compensation, health benefits, retirement, and veterans preference) there are benefits to which they are not entitled. For example, VCS hourly employees do not have the same transfer rights to other VA positions that VCS managers have.

As a result, VCS hourly employees applying for VA food service positions, VA housekeeping positions, and other VA positions—positions for which they are well qualified—are not treated as internal competitive service candidates. Their years of service are irrelevant, as they cannot easily transfer to another job at VA without first going through civil service competitions. This legislation would change that and allow them to compete equally with other VA candidates. I wish to thank the American Federation of Government Employees for bringing this issue to my attention and for the assistance and leadership that they provided.

S. 2043 will help thousands of veterans across America, in a variety of ways. We cannot turn our backs on those who have sacrificed so much for this country. I strongly urge my colleagues to support this legislation.●

MESSAGES FROM THE HOUSE

ENROLLED BILLS SIGNED

Under the authority of the order of the Senate of January 3, 2001, the Secretary of the Senate, on October 23, 2002, during the recess of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bills:

S. 1210. An act to reauthorize the Native American Housing Assistance and Self-Determination Act of 1996.

S. 1227. An act to authorize the Secretary of the Interior to conduct a study of the suitability and feasibility of establishing the Niagara Falls National Heritage Area in the State of New York, and for other purposes.

S. 1270. An act to designate the United States courthouse to be constructed at 8th Avenue and Mill Street in Eugene, Oregon, as the "Wayne Lyman Morse United States Courthouse."

S. 1533. An act to amend the Public Health Service Act to reauthorize and strengthen the health centers program and the National Health Service Corps, and to establish the Healthy Communities Access Program, which will help coordinate services for the uninsured and underinsured, and for other purposes.

S. 1646. An act to identify certain routes in the States of Texas, Oklahoma, Colorado, and New Mexico as part of the Ports-to-Plains Corridor, a high priority corridor on the National Highway System.

S. 2690. An act to reaffirm the references to one Nation under God in the Pledge of Allegiance.

H.R. 2215. An act to authorize appropriations for the Department of Justice for fiscal year 2002, and for other purposes.

H.R. 2486. An act to authorize the National Oceanic and Atmospheric Administration, through the United States Weather Research

Program, to conduct research and development, training, and outreach activities relating to inland flood forecasting improvement, and for other purposes.

H.R. 3253. An act to amend title 38, United States Code, to enhance emergency preparedness of the Department of Veterans Affairs, and for other purposes.

H.R. 4015. An act to amend title 38, United States Code, to revise and improve employment, training, and placement services furnished to veterans, and for other purposes.

H.R. 4967. An act to establish new nonimmigrant classes for border commuter students.

H.R. 5542. An act to consolidate all black lung benefit responsibility under a single official, and for other purposes.

H.R. 5596. An act to amend section 527 of the Internal Revenue Code of 1986 to eliminate notification and return requirements for State and local party committees and candidate committees and avoid duplicate reporting by certain State and local political committees of information required to be reported and made publicly available under State law, and for other purposes.

H.R. 5647. An act to authorize the duration of the base contract of the Navy-Marine Corps Intranet contract to be more than five years but not more than seven years.

Under the authority of the order of the Senate of January 3, 2001, the enrolled bills were signed by the President pro tempore (Mr. BYRD) on October 23, 2002.

ENROLLED BILLS SIGNED

Under the authority of the Order of the Senate of January 3, 2001, the Secretary of the Senate, on October 25, 2002, during the recess of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bills:

H.R. 669. An act to designate the facility of the United States Postal Service located at 127 Social Street in Woonsocket, Rhode Island, as the "Alphonse F. Auclair Post Office Building."

H.R. 670. An act to designate the facility of the United States Postal Service located at 7 Commercial Street in Newport, Rhode Island, as the "Bruce F. Cotta Post Office Building."

H.R. 2245. An act for relief of Anisha Goveas Foti.

H.R. 2733. An act to authorize the National Institute of Standards and Technology to work with major manufacturing industries on an initiative of standards development and implementation for electronic enterprise integration.

H.R. 3034. An act to redesignate the facility of the United States Postal Service located at 89 River Street in Hoboken, New Jersey, as the "Frank Sinatra Post Office Building."

H.R. 3656. An act to amend the International Organizations Immunities Act to provide for the applicability of that Act to the European Central Bank.

H.R. 3738. An act to designate the facility of the United States Postal Service located at 1299 North 7th Street in Philadelphia, Pennsylvania, as the "Herbert Arlene Post Office Building."

H.R. 3739. An act to designate the facility of the United States Postal Service located at 6150 North Broad Street in Philadelphia, Pennsylvania, as the "Rev. Leon Sullivan Post Office Building".

H.R. 3740. An act to designate the facility of the United States Postal Service located at 925 Dickinson Street in Philadelphia, Pennsylvania, as the "William V. Cibotti Post Office Building."

H.R. 3801. An act to provide for improvement of Federal education research, statistics, evaluation, information, and dissemination, and for other purposes.

H.R. 4013. An act to amend the Public Health Service Act to establish an Office of Rare Diseases at the National Institutes of Health, and for other purposes.

H.R. 4014. An act to amend the Federal Food, Drug, and Cosmetic Act with respect to the development of products for rare diseases.

H.R. 4102. An act to designate the facility of the United States Postal Service located at 120 North Maine Street in Fallon, Nevada, as the "Rollan D. Melton Post Office Building."

H.R. 4685. An act to amend title 31, Untied States Code, to expand the types of Federal agencies that are required to prepare audited financial statements.

H.R. 4717. An act to designate the facility of the United States Postal Service located at 1199 Pasadena Boulevard in Pasadena, Texas, as the "Jim Fonteno Post Office Building."

H.R. 4755. An act to designate the facility of the United States Postal Service located at 204 South Broad Street in Lancaster, Ohio, as the "Clarence Miller Post Office Building."

H.R. 4794. An act to designate the facility of the United States Postal Service located at 1895 Avenida Del Oro in Oceanside, California as the "Ronald C. Packard Post Office Building."

H.R. 4797. An act to redesignate the facility of the United States Postal Service located at 265 South Western Avenue, Los Angeles, California, as the "Nat King Cole Post Office."

H.R. 4851. An act to redesignate the facility of the United States Postal Service located at 6910 South Yorktown Avenue in Tulsa, Oklahoma, as the "Robert Wayne Jenkins Station."

H.R. 5200. An act to establish wilderness areas, promote conservation, improve public land, and provide for high quality development in Clark County, Nevada, and for other purposes.

H.R. 5205. An act to amend the District of Columbia Retirement Protection Act of 1997 to permit the Secretary of the Treasury to use estimated amounts in determining the service longevity component of the Federal benefit payment required to be paid under such Act to certain retirees of the Metropolitan Police Department of the District of Columbia.

H.R. 5308. An act to designate the facility of the United States Postal Service located at 301 South Howes Street in Fort Collins, Colorado, as the "Barney Apodaca Post Office."

H.R. 5333. An act to designate the facility of the United States Postal Service located at 4 East Central Street in Worcester, Massachusetts, as the "Joseph D. Early Post Office Building."

H.R. 5336. An act to designate the facility of the United States Postal Service located at 380 Main Street in Farmingdale, New York, as the "Peter J. Ganci, Jr. Post Office Building."

H.R. 5340. An act to designate the facility of the United States Postal Service located at 5805 White Oak Avenue in Encino, California, as the "Francis Dayle 'Chick' Hearn Post Office."

H.R. 5574. An act to designate the facility of the United States Postal Service located at 206 South Main Street in Glennville, Georgia, as the "Michael Lee Woodcock Post Office."

H.R. 5651. An act to amend the Federal Food, Drug, and Cosmetic Act to make improvements in the regulation of medical devices, and for other purposes.

Under the authority of the order of the Senate of January 3, 2001, the enrolled bills were signed by the President pro tempore (Mr. BYRD) on October 25, 2002.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on October 23, 2002, she had presented to the President of the United States the following enrolled bills:

S. 1227. An act to authorize the Secretary of the Interior to conduct a study of the suitability and feasibility of establishing the Niagara Falls National Heritage Area in the State of New York, and for other purposes.

S. 1270. An act to designate the United States courthouse to be constructed at 8th Avenue and Mill Street in Eugene, Oregon, as the "Wayne Lyman Morse United States Courthouse."

S. 1533. An act to amend the Public Health Service Act to reauthorize and strengthen the health centers program and the National Health Service Corps, and to establish the Healthy Communities Access Program, which will help coordinate services for the uninsured and underinsured, and for other purposes.

S. 1646. An act to identify certain routes in the State of Texas, Oklahoma, Colorado, and New Mexico as part of the Ports-to-Plains Corridor, a high priority corridor on the National Highway System.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated.

By Mr. DAYTON (for himself, Mr. DASCHLE, Mr. LOTT, Mr. REID, Mr. NICKLES, Mr. AKAKA, Mr. ALLARD, Mr. ALLEN, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BREAUX, Mr. BROWNBACK, Mr. BUNNING, Mr. BURNS, Mr. BYRD, Mr. CAMPBELL, Ms. CANTWELL, Mrs. CARNAHAN, Mr. CARPER, Mr. CHAFEE, Mr. CLELAND, Mrs. CLINTON, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. CORZINE, Mr. CRAIG, Mr. CRAPO, Mr. DEWINE, Mr. DODD, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. EDWARDS, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. FITZGERALD, Mr. FRIST, Mr. GRAHAM, Mr. GRAMM, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mr. HATCH, Mr. HELMS, Mr.

HOLLINGS, Mr. HUTCHINSON, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. JEFFORDS, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LUGAR, Mr. MCCAIN, Mr. MCCONNELL, Ms. MIKULSKI, Mr. MILLER, Mr. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. REED, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SANTORUM, Mr. SARBANES, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH of New Hampshire, Mr. SMITH of Oregon, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. STEVENS, Mr. THOMAS, Mr. THOMPSON, Mr. THURMOND, Mr. TORRICELLI, Mr. VOINOVICH, Mr. WARNER, and Mr. WYDEN):

S. Res. 354. A resolution relative to the death of Paul Wellstone, a Senator from the State of Minnesota; considered and agreed to.

ADDITIONAL COSPONSORS

S. 1828

At the request of Mr. LEAHY, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1828, a bill to amend subchapter III of chapter 83 and chapter 84 of title 5, United States Code, to include Federal prosecutors within the definition of a law enforcement officer, and for other purposes.

S. 2581

At the request of Mr. MILLER, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 2581, a bill to conduct a study on the effectiveness of ballistic imaging technology and evaluate its effectiveness as a law enforcement tool.

S. 3058

At the request of Mr. BINGAMAN, the name of the Senator from Missouri (Mrs. CARNAHAN) was added as a cosponsor of S. 3058, a bill to amend the Energy Employees Occupational Illness Compensation Program Act of 2000 to provide benefits for contractor employees of the Department of Energy who were exposed to toxic substances at Department of Energy facilities, to provide coverage under subtitle B of that Act for certain additional individuals, to establish an ombudsman and otherwise reform the assistance provided to claimants under that Act, and for other purposes.

SENATE RESOLUTION 354—RELATIVE TO THE DEATH OF PAUL WELLSTONE, A SENATOR FROM THE STATE OF MINNESOTA

Mr. DAYTON (for himself, Mr. DASCHLE, Mr. LOTT, Mr. REID, Mr. NICKLES, Mr. AKAKA, Mr. ALLARD, Mr. ALLEN, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BREAUX, Mr. BROWNBACK, Mr. BUNNING, Mr. BURNS, Mr. BYRD, Mr. CAMPBELL, Ms. CANTWELL, Mrs. CARNAHAN, Mr. CARPER, Mr. CHAFEE, Mr. CLELAND, Mrs. CLINTON, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. CORZINE, Mr. CRAIG, Mr. CRAPO, Mr. DEWINE, Mr. DODD, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. EDWARDS, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. FITZGERALD, Mr. FRIST, Mr. GRAHAM, Mr. GRAMM, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mr. HATCH, Mr. HELMS, Mr. HOLLINGS, Mr. HUTCHINSON, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. JEFFORDS, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LUGAR, Mr. MCCAIN, Mr. MCCONNELL, Ms. MIKULSKI, Mr. MILLER, Mr. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. REED, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SANTORUM, Mr. SARBANES, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH of New Hampshire, Mr. SMITH of Oregon, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. STEVENS, Mr. THOMAS, Mr. THOMPSON, Mr. THURMOND, Mr. TORRICELLI, Mr. VOINOVICH, Mr. WARNER, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 354

Whereas the Honorable Paul Wellstone taught at Carleton College in Northfield, Minnesota, for more than 20 years in the service of the youth of our Nation;

Whereas the Honorable Paul Wellstone served Minnesota in the United States Senate with devotion and distinction for more than a decade;

Whereas the Honorable Paul Wellstone worked tirelessly on behalf of America's Veterans and the less fortunate, particularly children and families living in poverty and those with mental illness;

Whereas the Honorable Paul Wellstone never wavered from the principles that guided his life and career;

Whereas his efforts on behalf of the people of Minnesota and all Americans earned him the esteem and high regard of his colleagues; and

Whereas his tragic and untimely death has deprived his State and Nation of an outstanding lawmaker: Now, therefore, be it

Resolved, That the Senate expresses profound sorrow and deep regret on the deaths of the Honorable Paul Wellstone, late a Senator from the State of Minnesota, his wife Sheila, their daughter Marcia, aides Mary McEvoy, Tom Lapic, and Will McLaughlin, and pilots Richard Conry and Michael Guess.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit and enrolled copy thereof to the family of the deceased Senator, and the families of all the deceased.

Resolved, That when the Senate adjourns today, it adjourn as a further mark of respect to the memory of the deceased Senator.

ADJOURNMENT UNTIL 10:30 A.M., THURSDAY, OCTOBER 31, 2002

The PRESIDING OFFICER. Under the previous order, and as a further mark of respect to PAUL WELLSTONE, the Senate stands adjourned in his memory until the hour of 10:30 a.m. on Thursday, October 31, 2002.

Thereupon, the Senate, at 11:11 a.m., adjourned until Thursday, October 31, 2002, at 10:30 a.m.

HOUSE OF REPRESENTATIVES—*Monday, October 28, 2002*

The House met at 11 a.m.

The Reverend Emmett J. Gavin, Prior, Whitefriars Hall, Washington, DC, offered the following prayer:

Gracious and loving God, Author of all creation and Source of all wisdom, we once again come to You this day to seek the grace and guidance we need to be a faithful people. Help us to use wisely the many gifts and blessings You have given us as a Nation. Loving God, may we always be grateful for Your goodness and generosity to us and always use the blessings You have showered upon us to help bring peace, unity, and prosperity to all Your people throughout the world.

It is with deep gratitude that we recognize Your saving hand in the restoration of peace and security in this region surrounding our Nation's Capitol. We continue to mourn the loss of the men and women who lost their lives in the senseless rampage of killing that held our people hostage in these recent days. We offer our prayers and our support to their loved ones who have been left to bear the heavy burden of their loss.

We also recognize with profound sorrow the loss of the distinguished Senator from Minnesota, and his wife and daughter and staff. Our hearts go out to those who mourn their untimely passing.

It serves to remind us, Lord, that we live in a world where terror and danger in many forms threaten the peace and the security of Your children everywhere. Let us always have the courage and wisdom to lead the way in eradicating this scourge upon the human family. Bring men and women of good will together in all corners of our world so that we might in our own ways and in our own traditions worship and serve You, our one true God.

We make these prayers, Lord, confident that You will hear and answer them today and always. Amen.

PLEDGE OF ALLEGIANCE

The SPEAKER. The Chair will lead the House in the Pledge of Allegiance.

The Speaker led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ADJOURNMENT TO THURSDAY, OCTOBER 31, 2002

The SPEAKER. Without objection, when the House adjourns today, it shall stand adjourned until 11 a.m. on Thursday, October 31, 2002; and further, when the House adjourns on that day, it shall stand adjourned until 11 a.m. on Monday, November 4, 2002.

There was no objection.

BILLS PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on October 25, 2002 he presented to the President of the United States, for his approval, the following bills.

H.R. 5651. To amend the Federal Food, Drug, and Cosmetic Act to make improvements in the regulation of medical devices, and for other purposes.

ADJOURNMENT

The SPEAKER. Without objection, the House stands adjourned until 11 a.m. on Thursday, October 31, 2002, in respect of the memory of the late Honorable PAUL D. WELLSTONE of Minnesota.

There was no objection.

Accordingly (at 11 o'clock and 3 minutes a.m.), under its previous order, the House adjourned until Thursday, October 31, 2002, at 11 a.m. in memory of the late Honorable PAUL D. WELLSTONE of Minnesota.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

9753. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Codification of Poultry Substitution and Modification of Commodity Inventory Controls for Recipient Agencies (RIN: 0584-AD08) received October 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9754. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Cold Treatment of Fruits [Docket No. 02-071-1] received October 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9755. A letter from the Assistant Secretary, Pension and Welfare Benefits Administration, Department of Labor, transmitting the Department's final rule — Interim Final Rule Relating to Notice of Blackout Periods to Participants and Beneficiaries (RIN: 1210-AA90) received October 22, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

9756. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Compliance Alternatives for Provision of Uncompensated Services (RIN: 0906-AA52) received October 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9757. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Protection of Human Research Subjects (RIN: 0925-AA14) received October 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9758. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Medicaid Program; Use of Restraint and Seclusion in Psychiatric Residential Treatment Facilities Providing Psychiatric Services to Individuals Under Age 21 [HCFA-2065-IFC] (RIN: 0938-AJ96) received October 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9759. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — White Chocolate; Establishment of a Standard of Identity [Docket Nos. 86P-0297 and 93P-0091] received October 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9760. A communication from the President of the United States, transmitting the bimonthly report on progress toward a negotiated settlement of the Cyprus question covering the period August 1, 2002 through September 30, 2002, pursuant to 22 U.S.C. 2373(c); to the Committee on International Relations.

9761. A letter from the Chief Judge, United States Claims Court, transmitting certified copies of the Court's reports regarding the Alabama-Coushatta Tribe of Texas, et al; to the Committee on the Judiciary.

9762. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Great Lakes Maritime Academy — Eligibility of Certain Graduates for Unrestricted Third-Mate Licenses [USCG-2002-13213] (RIN: 2115-AG43) received October 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9763. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Drawbridge Operation Regulations; Passaic River, NJ [CGD01-02-116] (RIN: 2115-AE47) received October 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9764. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Security Zones; Port of Port Lavaca-Point Comfort, Point Comfort, TX; Port of Corpus Christi Inner Harbor, Corpus Christi, TX [COTP Corpus Christi-02-003] (RIN: 2115-AA97) received October 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

9765. A letter from the Deputy Assistant Administrator for Ocean Services and Coastal Zone Management, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Natural Resource Damage Assessments [Docket No. 990608154-2213-02] (RIN: 0648-AM80) received October 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9766. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; Part A Premium for 2003 for the Uninsured Aged and for Certain Disabled Individuals Who Have Exhausted Other Entitlement [CMS-8015-N] (RIN: 0938-AL69) received October 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9767. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; Inpatient Hospital Deductible and Hospital and Extended Care Services Coinsurance Amounts for 2003 [CMS-8013-N] (RIN: 0938-AL56) received October 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9768. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Tax Shelter Disclosure Statements [TD 9017] (RIN: 1545-BB32) received October 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9769. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Requirement to Maintain a List of Investors in Potentially Abusive Tax Shelters [TD 9018] (RIN: 1545-BB33) received October 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9770. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; Negotiated Rulemaking: Coverage and Administrative Policies for Clinical Diagnostic Laboratory Services [CMS-3250-F] (RIN: 0938-AL03) received October 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

9771. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; Monthly Actuarial Rates and Monthly Supplementary Medical Insurance Premium Rate Beginning January 1, 2003 [CMS-8014-N] (RIN: 0938-AL63) received October 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

9772. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Medicare and Medicaid Programs; Hospital Conditions of Participation: Anesthesia Services [HCFA-3049-F] (RIN: 0938-AK08) received October 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BURTON: Committee on Government Reform. Problems with the Presidential Gifts System (Rept. 107–768). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. CRANE (for himself and Mr. ROHRABACHER):

H.R. 5702. A bill to provide for the privatization of the United States Postal Service; to the Committee on Government Reform.

By Ms. ROYBAL-ALLARD (for herself, Mr. SERRANO, Mr. FROST, Ms. MILLENDER-MCDONALD, Mr. SANDERS, Ms. SOLIS, Ms. NORTON, Mr. WAXMAN, Ms. MCCOLLUM, Mr. PAYNE, Mr. OWENS, Ms. LEE, Mr. CROWLEY, Mr. MCDERMOTT, Ms. DELAURO, Mr. WEXLER, Mr. MENENDEZ, and Mrs. NAPOLITANO):

H.R. 5703. A bill to amend the Public Health Service Act to establish grant programs to provide for education and outreach on newborn screening and coordinated followup care once newborn screening has been conducted, and for other purposes; to the Committee on Energy and Commerce.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

372. The SPEAKER presented a memorial of the Legislature of the State of Utah, relative to House Joint Resolution No. 15 memorializing the United States Congress to urge Utah public school districts to ensure that school curriculums promote financial literacy among students; to the Committee on Education and the Workforce.

373. Also, a memorial of the Legislature of the State of Utah, relative to House Joint Resolution No. 22 memorializing the United States Congress to urge school and recreational sports officials, parents, and participants to work together to curb the escalating incidences of violence against sports officials; to the Committee on Education and the Workforce.

374. Also, a memorial of the Legislature of the State of Utah, relative to Senate Resolution No. 4 memorializing the United States Congress that this act designates the second week of September 2002 as Adult Lifelong Learning and Literacy week in the state of Utah; to the Committee on Education and the Workforce.

375. Also, a memorial of the Legislature of the State of Utah, relative to Senate Concurrent Resolution No. 2 memorializing the United States Congress to urge the Federal Bureau of Land Management to allow broad-based vegetation management practices on Bureau of Land Management lands; to the Committee on Resources.

376. Also, a memorial of the Legislature of the State of Utah, relative to House Joint Resolution No. 27 memorializing the United States Congress to approve the settlement agreement to be reached between the state of Utah, through the Department of Natural Resources, and the United States Department of the Interior, through the Fish and Wildlife Service, regarding the disposition of lands in question within the boundaries of the Bear River Migratory Bird Refuge; to the Committee on Resources.

377. Also, a memorial of the Legislature of the State of Utah, relative to House Resolution No. 3 memorializing the United States Congress that this resolution modifies House Rules eliminating the requirement of standing committee review for certain bills; to the Committee on Rules.

378. Also, a memorial of the Legislature of the State of Utah, relative to Senate Joint Resolution No. 9 memorializing the United States Congress that this act modifies interim committee responsibilities relating to legislative audits, clarifies the germaneness rule, modifies rules relating to reservation of bill numbers, and modifies rules governing legislative expenses for the Olympics recess; to the Committee on Rules.

379. Also, a memorial of the Legislature of the State of Utah, relative to Senate Joint Resolution No. 15 memorializing the United States Congress that the Legislative Management Committee assign to the appropriate interim committee the duty to study and make recommendations for legislative action it considers necessary to the 55th Legislature prior to the 2003 Annual General Session; to the Committee on Rules.

380. Also, a memorial of the Legislature of the State of Utah, relative to Senate Joint Resolution No. 1 memorializing the United States Congress that this act modifies the Senate Rules changing standing committee names to bring them into greater coordination with the interim structure; to the Committee on Rules.

381. Also, a memorial of the Legislature of the State of Utah, relative to House Resolution No. 1 memorializing the United States Congress that this resolution modifies House Rules changing standing committee names to bring them into compliance with the current structure; to the Committee on Rules.

382. Also, a memorial of the Legislature of the State of Utah, relative to House Resolution No. 2 memorializing the United States Congress that this act modifies the powers of the House Rules Committee, provides standards and requirements for the motion to lift a bill from committee, and makes technical corrections; to the Committee on Rules.

383. Also, a memorial of the Legislature of the State of Utah, relative to House Joint Resolution No. 2 memorializing the United States Congress that this joint resolution of the Legislature revises joint rules by more precisely defining which committees qualify to have their recommendations printed on bills as committee notes; to the Committee on Rules.

384. Also, a memorial of the Legislature of the State of Utah, relative to House Joint Resolution No. 7 memorializing the United States Congress that this resolution modifies joint rules by amending the name of an appropriations subcommittee; to the Committee on Rules.

385. Also, a memorial of the Legislature of the State of Utah, relative to Senate Resolution No. 2 memorializing the United States Congress that this act modifies Senate Rules by modifying requirements governing standing committee review of bills; to the Committee on Rules.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 198: Mr. HOSTETTLER.

H.R. 303: Mr. PORTMAN.

H.R. 408: Mr. RANGEL and Ms. WOOLSEY.

H.R. 536: Mr. KENNEDY of Rhode Island.

H.R. 975: Ms. McCollum.

H.R. 1307: Mr. Crowley.

H.R. 2908: Ms. Millender-McDonald.

H.R. 3337: Mr. McIntyre.

H.R. 4646: Mr. Shows.

H.R. 4720: Mr. Combest, Mr. Cunningham, and Mrs. Bono.

H.R. 4728: Mr. Quinn.

H.R. 4803: Mr. Stupak.

H.R. 5089: Mr. Larsen of Washington.

H.R. 5250: Mr. Schaffer.

H.R. 5359: Mr. Crowley.

H.R. 5383: Mr. Strickland.

H.R. 5458: Mr. English, Mr. Upton, Mr. Peterson of Minnesota, Mr. Holden, Mr. Olver, Mr. Quinn, Mr. Frank, Mr. Carson of Oklahoma, and Mr. Larsen of Washington.

H.R. 5491: Mr. Visclosky.

H.R. 5613: Mr. Frost and Mr. Kennedy of Rhode Island.

H.R. 5662: Mr. Inslee.

H. Con. Res. 164: Mr. Lantos.

H. Con. Res. 495: Ms. Lofgren, Mr. McNulty, Mr. Frost, Mr. Ryun of Kansas, Mr. Costello, Mr. Kind, Mr. Honda, Ms. Norton, and Mrs. McCarthy of New York.

EXTENSIONS OF REMARKS

NO CORRELATION BETWEEN EDUCATION SPENDING AND RESULTS

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 28, 2002

Mr. SCHAFFER. Mr. Speaker, I rise today to urge my colleagues to take a look at the facts about education spending and results. The teachers' unions and other alliances promoting bureaucracy are constantly pressuring Congress to expand federal education spending by billions of dollars. But, what do the numbers show us about the effectiveness of simply spending more money on education?

A recent scholarly article by Cal Thomas pokes holes in the mantra that more education funding will help improve students' education. I have submitted the article for the RECORD. In the article, Mr. Thomas cites statistics from the Department of Education to back his claims. While the federal government has increased education spending 132 percent between 1996 and the current fiscal year, test scores have remained stagnant. The Department of Education reports 32 percent of public school fourth-graders are proficient in reading, while only 26 percent are proficient in mathematics. These figures are a dismal commentary on the state of education in the United States.

In his article, Thomas cites a study by the bi-partisan American Legislative Exchange Council (ALEC), further revealing the lack or correlation between education spending and better academic results. "Particularly troubling is the finding that of the 10 states that increased per-pupil expenditures the most over the past two decades, none ranked in the top 10 in academic achievement. Additionally, of the top 10 that experienced the greatest decreases in pupil-to-teacher ratios over the past two decades, none ranked in the top 10 in academic achievement."

As the House works out appropriation levels for federal education funding over the next several weeks, I strongly urge it to take a look at the statistics. More money does not mean better student results.

Instead, I commend the House to follow Cal Thomas' advice regarding how to improve academic performance. Thomas states: "Allowing parents to have the power to choose where they believe their children can best be educated is the way to get higher test scores and better learning."

Mr. Speaker, I have introduced an education tax deduction bill that is currently reported to the House floor. It would empower parents with the ability to select the best education options for their children. Rather than spending more money on bureaucratic federal programs, I recommend my colleagues pass the Back to School Tax Relief Act, H.R. 5193, and begin sending money back to the parents to spend as they deem appropriate. Only when we empower parents will we begin to see a reversal in the negative test score trends.

[From Pioneer Press, Oct. 18, 2002]

MORE SPENDING DOESN'T ALWAYS TRANSLATE INTO IMPROVED EDUCATIONAL PERFORMANCE

(By Cal Thomas)

Democrats lament that the presumptive war with Iraq has kept them from focusing the public's attention on domestic issues.

OK, let's talk about one of their favorite domestic issues: education. Most Democratic candidates (and sometimes a few Republicans) promise that if elected, or re-elected, they will fight to spend more money for education. They imply a relationship between increased spending and better academic performance. The public has mostly accepted this line of thinking.

The federal government has spent $321 billion on education since 1965. The worthless Department of Education, which was established in 1979 as President Jimmy Carter's payoff to the teachers' unions, has an annual budget of $55 billion.

Yet on the DOE's own Web page, there are some embarrassing facts. Promoting its "No Child Left Behind" agenda *(www.nochildleftbehind.gov/next/stats/index.html)*, DOE notes that education spending has increased 132 percent between 1996 and the current fiscal year. As the watchdog group Citizens Against Government Waste notes, that compares to a 96 percent budget hike for the Department of Health and Human Services and a 48 percent boost for defense over the same period.

What are our children and their parents getting for this extra money? Not much. The DOE reports just 32 percent of public school fourth-graders are proficient in math. Of those who can't read well, 68 percent are minority children, even though sharp increases in Title One spending ($10 billion in the current budget) directed at improving basic skills among black, Hispanic and American Indian children have failed to achieve those goals.

If the federal government's own figures are not persuasive enough, a new study by the American Legislative Exchange Council are. In the ninth edition of "Report Card on American Education: A State-by-State Analysis," the study of two generations of students from 1976 to 2001 graded each state, using more than 100 measures of educational resources and achievement. ALEC is the nation's largest bipartisan, individual membership organization of state legislators.

In a news release, the ALEC says, "A key finding of the report shows there is no immediate evident correlation between conventional measures of education inputs, such as expenditures per pupil and teacher salaries, and educational outputs, such as average scores on standardized tests." Particularly troubling is the finding that of the 10 states that increased per-pupil expenditures the most over the past two decades, none ranked in the top 10 in academic achievement. Additionally, of the top 10 that experienced the greatest decreases in pupil-to-teacher ratios over the past two decades, none ranked in the top 10 in academic achievement.

The teachers' unions and the rest of the government education monopoly regularly tell us that more spending and smaller classrooms are the answer to improved test scores. But the ALEC study, along with the DOE statistics, proves that is not the case. (For a state-by-state breakdown go to www.ALEC.org.)

Allowing parents to have the power to choose where they believe their children can best be educated is the way to get higher test scores and better learning. If competition improves the products we buy, it can improve the quality of education our children receive—or, in this case, are not receiving. How much more money will it take before the public awakens to the unnecessary and ineffective education spending?

That would be one good question for the campaign trail in any debate about domestic issues.

TRIBUTE TO CATHERINE HARRIS

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 28, 2002

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise to honor the lifelong service of Catherine Harris. A dedicated civil service employee, Mrs. Harris has worked with the City of Philadelphia Department of Public Health for the past 40 years.

Mrs. Harris began her exemplary service as a Clerk-Typist in the Pharmacy Department. She eventually went on to become the only Mortality Coder for the entire health department. As a supervisor, she helped other staff learn the methods and principles used to rank importance of the cause of death for statistical purposes.

Mrs. Harris retired from the City of Philadelphia Department of Public Health on October 4, 2002. In recognition of her years of service to the Philadelphia community, I ask that you and my other distinguished colleagues rise to congratulate her on retirement.

SMALL BUSINESS ADMINISTRATION LOAN PROGRAMS SUBSIDY RATE MISCALCULATION

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, October 28, 2002

Mr. ROTHMAN. Mr. Speaker, small businesses are reeling from the downturn in the economy and are struggling to acquire the capital needed to establish or expand their businesses. These same small businesses are the backbone of our economy, and provide much of the innovation and inventions of new concepts and products that large corporations are unable to develop. The Small Business Administration plays an important role in supporting and assisting small businesses in our

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

country by offering a variety of loan programs, as well as counseling and training for all types of firms.

The Small Business Administration and its affiliates, including Certified Development Company, not to mention small businesses in general, have been struggling in recent years with user fees on loan programs and decreased assistance from Congress. Specifically, the Administration and the Office of Management and Budget have been miscalculating the anticipated cost of loan programs to the taxpayer, or the subsidy rates for loan programs.

The Administration's subsidy rate estimates for the Small Business Administration's 7(a) loan program and the 504 guaranteed loan program have regularly been miscalculated, leading to unnecessarily high fees charged to the borrowers who use the Small Business Administration's loan programs. This is, in effect, a tax on small businesses, and must be rectified.

The Administration and the Office of Management and Budget must re-estimate the subsidy rate calculations to ensure that the 7(a) loan program as well as the 504 guaranteed loan program are not threatened, and to reduce the tax burden on our nation's small businesses.

125TH ANNIVERSARY OF REGIS UNIVERSITY

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 28, 2002

Mr. SCHAFFER. Mr. Speaker, I rise today to recognize the 125th anniversary of Regis University, a highly acclaimed Jesuit institution in Denver, Colorado.

Founded in 1877 as Las Vegas College in Las Vegas, New Mexico, Regis University has undergone three name changes, two moves and significant growth since its inception one hundred twenty-five years ago. The university now enrolls more than 13,500 students in three constituent schools: Regis College, for traditional liberal arts; School for Professional Studies, with programs designed for working adults; and School for Health Care Professionals, which houses Regis' doctoral program in physical therapy. An additional 15,000 students attend the university's five branch campuses in Colorado and one in Las Vegas, Nevada.

As 1 of 28 Jesuit institutions of higher education in the country, Regis University has developed a reputation for academic excellence and a commitment to the Jesuit mission of developing leaders committed to the service of others. For seven consecutive years, U.S. News and World Report has ranked Regis University to be among its top tier of colleges and universities in the Western United States. The University has also been recognized for its leadership in the field of student character development. The university was 1 of 100 colleges and universities honored in the "Templeton Guide: Colleges that Encourage Character Development."

As a U.S. Representative from Colorado, I know my Colorado colleagues join me in expressing appreciation to Regis University for its significant contributions to the state, country and world at large. It has hosted numerous world leaders to its Colorado campus, including, ten Nobel Prize winners, Mother Theresa and the historic meeting between Pope John Paul II and the President in 1993. The school has also produced an American Rhodes Scholar, two Fulbright professors and two athletes named to USA Today's College All-Academic Team.

Mr. Speaker and Members of the House, please join me in honoring Regis University as it celebrates 125 years of dedicated service to the academic enrichment and development of thousands of college graduates. The university and all of its faculty and staff are to be congratulated on this momentous occasion.

DOMESTIC VIOLENCE AWARENESS MONTH

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 28, 2002

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise to recognize October as Domestic Violence Prevention Month and add my strong support to the struggle against domestic abuse.

Domestic Violence Awareness Month is an opportunity for us to remember those who have been victims of abuse, to support those who are survivors, to educate ourselves about the barriers and hardships domestic violence victims face, and to find effective and lasting solutions to this horrific crime.

I would like to share a story with you about a domestic violence survivor named Anna. Anna is married to an abusive man, who regularly harasses, threatens, and hits her. One evening, he flew into a rage and brutally beat her, because she was considering leaving him.

Anna came into work the next day and confided to her supervisor that her injuries were the result of domestic violence. Her boss referred her to the Human Resources office where the staff had training in working with employees who are victims of domestic violence. Human Resources helped Anna contact a local domestic violence service provider.

The employer gave Anna the rest of the day off to meet with a counselor and figure out other precautionary steps. When made aware that she would need several days off to get a restraining order and move into a shelter, Anna called her boss who gave her additional time off.

Before returning to work, Anna was able to develop a safety plan with her boss and counselor that included one afternoon off per week to attend group counseling sessions at the local service provider.

Anna's ability to get help and support from her employer had a significant positive impact on her life. Anna found a safe place to live and remained economically independent. Anna's boss also gained significantly by retaining a productive and contributing employee. Further saving the company time and money in not having to recruit and retrain a new employee.

Mr. Speaker, I use this story to underscore the benefits of having a supportive system in place to help domestic violence victims break the vicious cycle of violence. Sadly, however, this story is fiction rather than fact. Anna's story is a far cry from what most domestic violence victims currently encounter when they seek help from their employers. Federal law does not specifically allow women to take leave from work to effectively deal with abuse. Nor do most states allow women who leave work as a result of domestic violence to collect unemployment compensation.

Instead, victims of abuse live with the added fear of losing their job and falling into poverty if they take time off to go to a shelter or seek a protective order. In addition employers also lose out. It is estimated that it costs employers $100 million a year as a result of higher turnover, lower productivity, absenteeism and health and safety expenses.

To address the inadequacy of our current laws, I have introduced the Victim's Economic Security and Safety Act also known as VESSA. This bill ensures that victims of domestic violence are allowed to take time off from work to make necessary court appearances, seek legal assistance, contact law enforcement officials or make alternative housing arrangements, without the fear of being fired or demoted. Further, to make sure victims can retain financial independence VESSA requires states to provide unemployment benefits to women who are forced to leave work as a result of domestic violence. In addition, VESSA creates a workplace safety program tax credit for 40 percent of the costs incurred or paid by an employer who implements a domestic violence workplace safety and education program.

Mr. Speaker, Anna's story, although fiction, clearly illustrates how a comprehensive support system can help to break the cycle of violence as well as, benefit business and society as a whole. I am extremely pleased to announce that VESSA has already garnered the support of 115 of my colleagues in the House of Representatives. I'm hopeful that with the increased support of my colleagues in Congress VESSA will soon become law, and help turn victims of domestic abuse into survivors.

TRIBUTE TO MRS. MARIA LOUISE BROOKS JONES

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 28, 2002

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise to honor and celebrate the accomplishments of Mrs. Maria Louise Brooks Jones, a resident of Philadelphia for more than fifty years. "Mom Jones" as she is affectionately called, has been a blessing to many in the great city of brotherly love. She is a wife, mother of nine children, grandmother of twenty-six, great-grandmother of seventeen, and an adopted "mother" to a host of children and grandchildren that have claimed her throughout many years. Mom Jones gained some of these "children" because encouraging others is her way of life. The people in her community know that they can get assistance from her in the form of prayer, clothing, or shelter.

Mrs. Jones joined the church at an early age, and from Richmond, VA via Baltimore, MD joined Second Pilgrim Baptist Church in Philadelphia under the pastorate of the late Rev. R. L. Thomas. At Second Pilgrim Baptist Church, she has actively served as a member of the Combined Mass Choir and held various offices on the Jones Gospel Chorus, Senior Choir, Hospitality Ministry, Nurses Ministry, Widows' Ministry, Youth Supervisor, and the Delaware Valley Hospitality Circle.

Mom Jones is an activist and leader in the education of children both in and around her community and church. She worked in the public and private schools of Philadelphia for over fifty years, and remains active in the private sector to this day. As far as she is concerned, she'll help educate children as long as children need to be educated.

Mrs. Jones is a true lady, full of grace, honor, and respect. She has lived a life of honor and service. Along with her family, friends, and community, I ask that you and my other distinguished colleagues to join me in wishing Mrs. Jones a happy 77th birthday and commending her on her multiple accomplishments.

TRIBUTE TO OFFICER BILL CLEVELAND

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 28, 2002

Mr. SCHAFFER. Mr. Speaker, I rise today to honor Officer Bill Cleveland of the United States Capitol Police. During my service in Congress, Officer Cleveland has made a lasting, impression on me as a motivated public servant.

Often referred to as "Officer Fantastic," Bill greets Members, staff and visitors at his Cannon House Office Building post each morning with a smile and pleasant greeting. Every time an individual responds and asks how be is doing, Officer Cleveland replies, "Fantastic!" Although he works high intensity, twelve-hour days securing the building's entrances and consistently directing visitors around the maze of hallways, Bill always remains upbeat and friendly.

The more remarkable traits of Officer Cleveland's public duties reach beyond the halls of Congress. In 1988 Bill Cleveland became the first black Republican since Reconstruction to be elected to the City Council in Alexandria, Virginia. Furthermore, he currently serves as the Vice Mayor of Alexandria and is running for mayor in May 2003. If elected, Bill would be the first black mayor of Alexandria.

When I first met Officer Cleveland, I witnessed his motivating spirit and humble service. After countless encounters I have learned Bill's actions are inspired by his deep Christian faith. At work he not only serves the people, but he does so because of his fervor for the Lord. Officer Cleveland's leadership, enthusiasm, and sense of duty have been extraordinary examples for my staff and me. Each day be is a welcoming reminder of how truly great it is to serve in Congress.

Mr. Speaker, Officer Bill Cleveland is a great American and I ask the House of Representatives to join me in thanking him for such outstanding service.

TRIBUTE TO THANKSGIVING

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 28, 2002

Mr. SCHAFFER. Mr. Speaker, I rise today to recognize the national holiday of Thanksgiving to be held this year on the 28th of November.

This traditional holiday, bringing together families and celebrating what we are blessed with as individuals and as a country, takes on an ever more important meaning now as Americans confront terrorism. For the nation to give thanks to God is a hallowed custom, one which is truly American.

Initially celebrated by our forefathers, this holiday became a tradition of thanks for a bountiful harvest, which provided colonists with enough food to last through the winter. The observation was also a time to pray and give thanks for peace with their Native American neighbors. In 1863, President Abraham Lincoln officially appointed a national day of Thanksgiving. Since then, each president has issued a Thanksgiving Day proclamation, designating the fourth Thursday of each November as the official holiday.

As we take the time out of our busy lives to stop and give thanks for the food on our table, our loved ones, the homes we live in and our magnificent nation, let us also remember our forefathers and the sacrifices they made to build our great country and the freedoms by which we may celebrate and express our thanks.

TRIBUTE TO THE HONORABLE BILL OWENS

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 28, 2002

Mr. SCHAFFER. Mr. Speaker, I rise today to express gratitude and congratulations to the Honorable Bill Owens, Governor of Colorado. Four years ago, Gov. Owens promised to improve education for Colorado's children, reduce the tax burden on families, and make transportation a top priority. Gov. Owens has not only kept his promises to Colorado, but has managed to accomplish much more in his tenure as Governor.

On education, Governor Owens has made schools more accountable for the academic achievements of children. He has expanded assessment testing to better measure the success of children and has pushed for accountability reports that detail the safety and academic performance of Colorado schools. For the first time in a decade, the state is fully funding public education. Gov. Owens has also managed to create smaller class sizes for children in kindergarten through third grade and many full-day kindergarten programs. Other impacts of the education reform include a Read to Achieve grant to provide new programs and new textbooks for many Colorado classrooms.

Governor Owens has also made history by pushing the state's largest tax-relief package. That effort has amounted to $1 billion in rate cuts of personal income, sales, and capital gains taxes. He also has eliminated the marriage penalty tax. More over, Owens has managed to keep the budget balanced by making responsible decisions to veto $47 million in line items. He then called on state agencies to cut an additional 4 percent from their budgets.

As governor, Owens has paid special attention to Colorado's long-neglected transportation system. Under Owens' leadership, the state will invest more than $15 billion in Colorado's highway system in the next 20 years. Although this plan funds projects through the state, Owens constructed it without raising taxes. Colorado will now have better, cleaner, and safer roads for years to come.

Governor Owens has managed to accomplish all this under the pressure of other challenges facing the state and nation demanding his action. These calls to action include school violence, drought, wildfires, economic slowdown, terrorism, and much more.

Owens' leadership skills are unmatched, and his ability to work in a bipartisan manner earns him daily praise. More importantly, Gov. Owens is firmly committed to making Colorado a better place to live for present and future generations of Coloradans. I ask the House to extend its congratulations and sincere thanks to Governor Bill Owens for his success and accomplishment as Colorado's Governor.

CHANGING LIVES CHARACTER EDUCATION PROGRAM

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 28, 2002

Mr. SCHAFFER. Mr. Speaker, I rise today to recognize the Changing Lives character education program, an exceptional curriculum being used throughout the country with proven results to improve individual lives and schools.

The development of character among our young people today is critical to the stability and success of our nation and society. John Adams, the second President of the United States, recognized the immense importance of character and morality to our nation. "Our Constitution was made only for a moral and religious people," he said in an address to the military. "It is wholly inadequate to the government of any other."

Unfortunately, Mr. Speaker, there is a real vacuum of values in our culture today. Too many of our youth are growing up without the guidance and modeling of basic, time-honored character traits, which at one time were reinforced by one's family, church, school and community.

Two well-respected teachers and coaches have joined together to respond to this need for character development among elementary and secondary students. Dennis Parker and D.W. Rutledge, in conjunction with Zig Ziglar, have created a character curriculum called

"Changing Lives." The curriculum involves several innovative components, including "Word of the Week" character concepts, a mission statement for the school, banners an posters in the halls about character education, books and readings, journal writing, and focused activities facilitating student, parent, teachers and community involvement in the character education process.

While there are many character education programs on the market, the Changing Lives curriculum is the only one I know which has received extensive study and evaluation. Two psychologists at the University of Dayton recently conducted a scientifically based study of the Changing Lives program. They found that schools with the Changing Lives curriculum demonstrated positive behavior changes and results among the student body in comparison with schools that did not incorporate the curriculum into the classroom. Teachers reported less frequent negative student behaviors and fewer disciplinary actions. Students reported fewer unruly behaviors and a greater expectation from teachers for them to behave in positive ways. Parents were also more likely to attend school activities and rated the schools more positively.

Mr. Speaker, thank you for this opportunity to discuss the merits and benefits of the Changing Lives character education program. I would urge all school districts to consider using this program as they apply for the Character Education grants distributed by the Department of Education. It is a proven program with results that attest to its effectiveness in changing student behaviors and transforming school environments.

RECOGNIZING JOHN MICHAEL ROSE

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 28, 2002

Mr. SCHAFFER. Mr. Speaker, I rise today to recognize a true friend of Colorado's Arkansas Valley. John Rose is a good neighbor, and he typifies the Western values I hold dear.

John Michael Rose and his wife, Jolly, moved to the Lower Arkansas Valley in February of 1995. They settled near the town of Fowler, Colorado. John said, "We came down here to escape the metropolitan lifestyle, and to enjoy the peace and quiet associated with living a rural lifestyle." The Rose's have raised corn and alfalfa on their eighty-acre farm for two years. John switched the operation from farming to ranching in 1997 and went into a cow-calf operation. They enjoyed living on the land and learning about farming and ranching.

In October of 1998 John received a call from the local Soil Conservation District with an offer to fill a vacant chair on the Board of Directors. John said, "That was just the beginning of my reentry into public service." In December of 1999 the City of Aurora announced its intentions to purchase the remaining shares of the Rocky Ford Ditch. John encouraged the Soil Conservation Board to become proactive and get involved with the process of objecting to the sale and monitoring what would happen to the land when Aurora took the water and dried up the land. The board held a water forum and John served as the moderator. John says this thrust him into the spotlight and thus began his involvement in water issues in the Lower Arkansas Valley. The Otero County Commissioners created the Water Works Committee and asked John to be the coordinator. This led to the creation of the Arkansas Valley Preservation Land Trust; the revival of Arkansas Valley Conduit project, and the Arkansas Valley Water Preservation Group. John is a frequent speaker throughout the valley to community groups, service clubs, and to other governmental agencies.

John serves on the Board of Directors of Big Brothers-Big Sisters. He is active in the Masonic Lodge and continues to serve on West Otero Timpas Conservation District. He is a valuable member of his community, and I am proud to have represented such a vigorous conservator in the Congress. John is a man of integrity who does the right thing even when it isn't the easiest thing to do.

TRIBUTE TO MR. FREDERIC PAUL GRESKY

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 28, 2002

Mr. SCHAFFER. Mr. Speaker, it is an honor to rise today to express gratitude and congratulations to Mr. Frederic Paul Gresky, Colorado, one of Colorado's most outstanding citizens. Paul, a Colorado resident for over 30 years, is an individual who has made a positive and lasting difference in the lives of others.

In 1971, he and his wife Carol moved to Colorado and have raised two wonderful children, Ellen and Michael. His call to civic duty began in 1974 when a neighbor of Mr. Gresky's left a loaded shotgun unattended and the neighbor's son injured another boy. The injured boy happened to be the son of Paul's co-worker. We all have pivotal events that affect our lives, Mr. Speaker, and this was definitely Paul Gresky's. Instead of reacting irrationally, Paul set out to make a difference.

Since 1974, Paul Gresky has served as a volunteer hunter education instructor, teaching the values of safe firearm handling and responsible human-to-wildlife interaction. Mr. Gresky has earned the title of Division of Wildlife Master Instructor in 1983 and instructed an astonishing 11,000 students. In 1985, he was named Colorado Instructor of the Year and in both 1987 and 1989 he was the Colorado Candidate for Winchester's Instructor of the Year. Paul is a Certified Instructor for the Boy Scouts of America and has been called on by the Poudre Valley School District to teach Home Safety for Firearms.

Paul Gresky's commitment to wildlife has been equally impressive. When the Kodak Company wanted to develop a watchable wildlife site, they called on Mr. Gresky. His expertise resulted in one of only two watchable sites in Colorado, the only location where observers can walk through 41 acres and view natural wildlife habits.

The values that Paul Gresky holds should never be ignored. If you have the privilege of attending one of his classes, you will hear him quote Victor Hugo saying, "Common sense is developed without regard to education, not as a result of it." The young children in his courses go home with a life-changing regard to firearms, our country's heritage, and the value of wildlife.

Mr. Speaker, Paul Gresky's service and dedication to teaching and serving his country remind us of all that is good in America. Paul is truly a shining example for all Americans.

As a constituent of Colorado's Fourth Congressional District, Paul Gresky not only makes his community proud, but also his state and country. It is a true honor to have such an extraordinary citizen in Colorado and we owe him a debt of gratitude for his service and dedication to the community. I ask the House to join me in extending wholehearted congratulations to Mr. Frederic Paul Gresky.

TRIBUTE TO MR. ALAN FOUTZ

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 28, 2002

Mr. SCHAFFER. Mr. Speaker, it is an honor to rise today to express gratitude and congratulations to one of Colorado's outstanding citizens, Mr. Alan Foutz of Akron, Colorado. Mr. Foutz, a graduate of the Colorado State University's department of Soil and Crop Sciences, was recently honored for his leadership and contributions to agriculture.

Mr. Foutz received his bachelor's and master's degrees in agronomy from Colorado State in 1968 and 1970. Since owning Foutz Farms in Akron, Alan has been an advocate for relationships between Colorado State and rural communities. Always working for the future of agriculture, Mr. Foutz has pushed for more student scholarships and awards for faculty members deserving recognition. His influence in the agricultural industry has spanned many groups, including serving as president of the Colorado Farm Bureau and Colorado Farm Bureau Mutual Insurance. Additionally, Mr. Foutz has served on the board of directors for Western Farm Bureau Insurance, the American Farm Bureau Federation Wheat Advisory Committee and the National Sunflower Board. Mr. Foutz also serves on the Colorado State College of Agricultural Sciences advisory board and has been a university commencement speaker.

While his service with formal organizations has been impressive, Alan's own peers recognize his valuable contributions. Mr. Jim Quick, the Soil and Crop Sciences Department Head recently commented that Alan has made "many valuable contributions to science and to the crop industry."

As a constituent of Colorado's Fourth Congressional District, Alan Foutz not only makes his community proud, but also his state and country. It is a true honor to have such an extraordinary citizen in Colorado and we owe him a debt of gratitude for his service and dedication to the community. I ask the House to join me in extending wholehearted congratulations to Mr. Alan Foutz.

APPRECIATION FOR EDUCATION REFORM GROUPS

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 28, 2002

Mr. SCHAFFER. Mr. Speaker, I rise today to recognize the valuable contribution and tireless assistance of more than 30 organizations committed to helping all children achieve academic excellence through educational choice. Over the past year, these groups have demonstrated a remarkable dedication—often under difficult circumstances—to advancing education tax credit legislation.

During my time in Congress, no issue has captivated my time and attention more than education reform through school choice. Several years ago, a handful of my colleagues and I began meeting to work on a serious parental choice legislative effort. The result of our work was several education tax-related bills, including the Education Freedom Act (H.R. 5192) and the Back to School Tax Relief Act (H.R. 5193), which I introduced earlier this year.

As the 107th Congress draws to a close, I am struck by the historic progress we made toward advancing education tax credits. Dozens of education tax-related bills were introduced during the 107th Congress, and one bill, H.R. 5193, passed the Ways and Means Committee and is currently awaiting floor action in the House. Our President, George W. Bush, offered his endorsement of education tax credits and established a placeholder in his budget for such legislation.

Mr. Speaker, let me be the first to say, none of this progress could have been made without the relentless support of numerous individuals and organizations. Several of them deserve mention here in the House: Agudath Israel, Alexis de Tocqueville Institution, American Association of Christian Schools, American Conservative Union, Americans for Tax Reform, American Legislative Exchange Council, Association of Christian Schools International, Catholic Vote, CATO Institute, Children First America, Concerned Women for America, Center of the American Experiment, Council for American Private Education, Council for Urban Renewal, Education Leaders Council, Empower America, Family Research Council, Heritage Foundation, Institute for Policy Innovation, Latino Coalition, Lexington Institute, Maryland Catholic Conference, Minnesota Catholic Conference, National Association of Private Special Education Centers, National Catholic Education Association, National Center for Home Education, North Carolina Education Reform Foundation, People Advancing Christian Education, REACH Alliance, Union of Orthodox Jewish Congregations of America, United States Conference of Catholic Bishops, United New Yorkers for Choice in Education, Washington Scholarship Fund.

Mr. Speaker and Members of the House, please Join me in commnending these organizations for their fine work and dedication to improving the education of all children in America. The battle for education freedom will not be easy, but it will be won someday soon with the sustained efforts of these committed organizations. For me, it has been a true privilege to work alongside these fine organizations and the people they represent. May God bless them all.

SENATE—*Thursday, October 31, 2002*

The Senate met at 10:33 a.m. and was called to order by the Honorable BLANCHE L. LINCOLN, a Senator from the State of Arkansas.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, October 31, 2002

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BLANCHE L. LINCOLN, a Senator from the State of Arkansas, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mrs. LINCOLN thereupon assumed the Chair as Acting President pro tempore.

ADJOURNMENT UNTIL 10:30 A.M. MONDAY, NOVEMBER 4, 2002

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will stand adjourned until 10:30 a.m., Monday, November 4, 2002.

Thereupon, the Senate, at 10:33 and 50 seconds, adjourned until Monday, November 4, at 10:30 a.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

HOUSE OF REPRESENTATIVES—*Thursday, October 31, 2002*

The House met at 11 a.m. and was called to order by the Speaker pro tempore (Mr. WOLF).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
October 31, 2002.

I hereby appoint the Honorable FRANK R. WOLF to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Reverend Stephen J. Rossetti, Ph.D., D. Min., President, Saint Luke Institute, Silver Spring, Maryland, offered the following prayer:

Good and gracious God, during these closing days of the 107th Congress, we ask Your blessing upon all the Members of Congress, their loved ones, and all those whom they serve. Grant them the spirit of wisdom to see as You see. Mold in them a heart of compassion so that they will love as You love. Grant them courage, to be Your instruments in this world.

During these challenging times, may they perceive what is just for the people of this country and for those beyond our borders. May they promote a Nation and a world where the rights of all people are respected, especially those who are most vulnerable and in need of their protection.

When the sun sets on this Congress, on our lives, and, one day, on this great Nation, may it be said that we were wise, loving, and compassionate and thus, were like You in whose image we have been created. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER pro tempore led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate agreed to the following resolution:

S. RES. 354

Whereas the Honorable Paul Wellstone taught at Carleton College in Northfield, Minnesota, for more than 20 years in the service of the youth of our Nation;

Whereas the Honorable Paul Wellstone served Minnesota in the United States Senate with devotion and distinction for more than a decade;

Whereas the Honorable Paul Wellstone worked tirelessly on behalf of America's veterans and the less fortunate, particularly children and families living in poverty and those with mental illness;

Whereas the Honorable Paul Wellstone never wavered from the principles that guided his life and career;

Whereas his efforts on behalf of the people of Minnesota and all Americans earned him the esteem and high regard of his colleagues; and

Whereas his tragic and untimely death has deprived his State and Nation of an outstanding lawmaker: Now, therefore, be it

Resolved, That the Senate expresses profound sorrow and deep regret on the deaths of the Honorable Paul Wellstone, late Senator from the State of Minnesota, his wife Sheila, their daughter Marcia, aides Mary McEvoy, Tom Lapic, and Will McLaughlin, and pilots Richard Conry and Michael Guess.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased Senator, and the families of all the deceased.

Resolved, That when the Senate adjourns today, it adjourn as a further mark of respect to the memory of the deceased Senator.

COMMUNICATION FROM THE HONORABLE RICHARD A. GEPHARDT, DEMOCRATIC LEADER

The SPEAKER pro tempore laid before the House the following communication from the Honorable RICHARD A. GEPHARDT, Democratic Leader:

OFFICE OF THE DEMOCRATIC LEADER,
Washington, DC, October 30, 2002.

Hon. J. DENNIS HASTERT,
Speaker of the House, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to section 4404(c)(2) of Public Law 107-171, I hereby appoint the following individual to the Board of Trustees of the Congressional Hunger Fellows Program: Mr. Max Finberg, (New York).

Yours Very Truly,

RICHARD A. GEPHARDT,
Democratic Leader.

COMMUNICATION FROM ROSE AUMAN, DISTRICT DIRECTOR, OFFICE OF HON. DAVID PRICE, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Rose Auman, District Director, Office of the Honorable DAVID PRICE, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, October 22, 2002.

Hon. J. DENNIS HASTERT
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This letter is to formally notify you, pursuant Rule VIII of the Rules of the House, that I have been served with three trial subpoenas for testimony issued by the General Court of Justice, District Court Division, for the State of North Carolina.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoenas is consistent with the precedents and privileges of the House.

Sincerely,

ROSE AUMAN,
District Director.

COMMUNICATION FROM PAUL GANNOE, CASEWORKER, OFFICE OF HON. ERNIE FLETCHER, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Paul Gannoe, Caseworker, Office of the Honorable ERNIE FLETCHER, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, October 23, 2002.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House, that I have been served with a grand jury subpoena issued by the U.S. District Court for the Eastern District of Kentucky.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

PAUL GANNOE,
Caseworker.

COMMUNICATION FROM RACHEL WILLIAMS, SCHEDULER AND OFFICER MANAGER, OFFICE OF HON. FRED UPTON, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Rachel Williams, Scheduler and Office Manager, Office of the Honorable FRED UPTON, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, October 28, 2002.
Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena for testimony issued by the U.S. District Court for the Middle District of Tennessee.

After consultation with the Office of General Counsel, I will make the determinations required by Rule VIII.

Sincerely,
RACHEL WILLIAMS,
Scheduler and Office Manager,
Office of Congressman Fred Upton.

BILLS PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on October 25, 2002 he presented to the President of the United States, for his approval, the following bills.

H.R. 669. To designate the facility of the United States Postal Service located at 127 Social Street in Woonsocket, Rhode Island, as the "Alphonse F. Auclair Post Office Building."

H.R. 670. To designate the facility of the United States Postal Service located at 7 Commercial Street in Newport, Rhode Island, as the "Bruce F. Cotta Post Office Building."

H.R. 2245. For the relief of Anisha Goveas Foti.

H.R. 2733. "Enterprise Integration Act of 2002."

H.R. 3034. To redesignate the facility of the United States Postal Service located at 89 River Street in Hoboken, New Jersey, as the "Frank Sinatra Post Office Building."

H.R. 3656. To amend the International Organizations Immunities Act to provide for the applicability of that Act to the European Central Bank.

H.R. 3738. To designate the facility of the United States Postal Service located at 1299 North 7th Street in Philadelphia, Pennsylvania as the "Herbert Arlene Post Office Building."

H.R. 3739. To designate the facility of the United States Postal Service located at 6150 North Broad Street in Philadelphia, Pennsylvania, as the "Rev. Leon Sullivan Post Office Building."

H.R. 3740. To designate the facility of the United States Postal Service located at 925 Dickinson Street in Philadelphia, Pennsylvania, as the "William A. Cibotti Post Office Building."

H.R. 3801. To provide for improvement of Federal education research, statistics, evaluation, information, and dissemination, and for other purposes.

Jeff Trandahl, Clerk of the House reports that on October 29, 2002 he presented to the President of the United States, for his approval, the following bills.

H.R. 3253. "Department of Veterans Affairs Emergency Preparedness Act of 2002."

H.R. 4015. To amend title 38, United States Code, to revise and improve employment, training, and placement services furnished to veterans, and for other purposes.

H.R. 5205. To amend the District of Columbia Retirement Protection Act of 1997 to permit the Secretary of the Treasury to use estimated amounts of determining the service longevity component of the Federal benefit, etc.

H.R. 5308. To designate the facility of the United States Postal Service located at 301 South Howes Street in Fort Collins, Colorado, as the "Barney Apodaca Post Office."

H.R. 5333. To designate the facility of the United States Postal Service located at 4 East Central Street in Worcester, Massachusetts, as the "Joseph D. Early Post Office Building."

H.R. 5336. To designate the facility of the United States Postal Service located at 380 Main Street in Farmingdale, New York, as the "Peter J. Ganci, Jr. Post Office Building."

H.R. 5340. To designate the facility of the United States Postal Service located at 5805 White Oak Avenue in Encino, California as the "Francis Dayle 'Chick' Hearn Post Office."

H.R. 5574. To designate the facility of the United States Postal Service located at 206 South Main Street in Glennville, Georgia, as the "Michael Lee Woodcock Post Office."

ADJOURNMENT

The SPEAKER pro tempore. Without objection, the House stands adjourned until 11 a.m. Monday, November 4, 2002.

There was no objection.

Accordingly (at 11 o'clock and 5 minutes a.m.), under its previous order, the House adjourned until Monday, November 4, 2002, at 11 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

9773. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Importation of Clementines From Spain [Docket No. 02-023-4] (RIN: 0579-AB40) received October 25, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9774. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Irradiation Phytosanitary Treatment of Imported Fruits and Vegetables [Docket No. 98-030-4] (RIN: 0579-AA97) received October 25, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9775. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Clopyralid; Pesticide Tolerance Technical Correction [OPP-2002-0235; FRL-7276-9] received October 18, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9776. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Performance-Based Contracting Using Federal Acquisition Regulation Part 12 Procedures [DFARS Case 2000-D306] received October 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

9777. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Caribbean Basin Country—Honduras [DFARS Case 2002-D028] received October 25, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

9778. A letter from the Secretary, Department of Defense, transmitting letter on the approved retirement Vice Admiral Michael D. Haskins, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

9779. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Enterprise Software Agreements [DFARS Case 2000-D023] received October 25, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

9780. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Competition Requirements for Purchase of Services Under Multiple Award Contracts [DFARS Case 2001-D017] received October 25, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

9781. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Contracting Officer Qualifications [DFARS Case 2002-D021] received October 25, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

9782. A letter from the Director, Office of Management and Budget, transmitting a report on the Cost Estimate For Pay-As-You-Go Calculations; to the Committee on the Budget.

9783. A letter from the Secretary, Department of Health and Human Services, transmitting the twenty-third annual report on the implementation of the Age Discrimination Act of 1975 by departments and agencies which administer programs of Federal financial assistance, pursuant to 42 U.S.C. 6106a(b); to the Committee on Education and the Workforce.

9784. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule—Medicare and Medicaid Programs; Change of Agency Name: Technical Amendments [CMS-9010-FC] (RIN: 0938-AL02) received October 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9785. A letter from the Trial Attorney, NHTSA, Department of Transportation, transmitting the Department's final rule—Motor Vehicle Safety; Reimbursement Prior to Recall [Docket No. NHTSA-2001-11107; Notice 2] (RIN: 2127-AI28) received October 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9786. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans North Carolina: Approval of Revisions to Inspection and Maintenance (I/M) Regulations Within the North Carolina State Implementation Plan [NC 104-200239(a); FRL-7400-4] received October 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9787. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the

Agency's final rule—Massachusetts: Extension of Interim Authorization of State Hazardous Waste Management Program Revision [FRL–7400–1] received October 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9788. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—OMB Approvals Under the Paperwork Reduction Act; Technical Amendment [FRL–7399–1] received October 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9789. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Revision to the California State Implementation Plan, Ventura County Air Pollution Control District [CA 247–0364a; FRL–7396–1] received October 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9790. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to the California State Implementation Plan, Imperial County Air Pollution Control District, Ventura County Air Pollution Control District, and Santa Barbara County Air Pollution Control District [CA 242–0367; FRL–396–3] received October 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9791. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Unregulated Contaminant Monitoring Regulation: Approval of Analytical Method for Aeromonas. National Primary and Secondary Drinking Water Regulations: Approval of Analytical Methods for Chemical and Microbiological Contaminants [FRL–7398–4] (RIN: 2040–AD81) received October 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9792. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; State of Idaho; Northern Ada County Carbon Monoxide Redesignation to Attainment and Designation of Areas for Air Quality Planning Purposes [Docket No. ID–02–001; FRL–7398–1] received October 18, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9793. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans North Carolina: Approval of Miscellaneous Revisions to Regulations Within the North Carolina State Implementation Plan [NC 89–200240(a); FRL–7395–5] received October 18, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9794. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans North Carolina: Approval of Miscellaneous Revisions to Regulations Within the Forsyth County Local Implementation Plan [NC 92–200238b; FRL–7395–3] received October 18, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9795. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans State of North Carolina: Approval of Miscellaneous Revisions to the Mecklenburg County Air Pollution Control Ordinance [NC–85–200241(a); FRL–7395–7] received October 18, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9796. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Determination of Attainment of the 1-Hour Ozone Standard for San Diego County, California [CA–082–FOAa; FRL–7397–5] received October 18, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9797. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Finding of Attainment for PM–10; Wallula PM–10 Nonattainment Area, Washington [Docket WA–02–001; FRL–7397–1] received October 18, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9798. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants: Publicly Owned Treatment Works [FRL–7394–7] (RIN: 2060–AJ87) received October 18, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9799. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—Cost Recovery for Contested Hearings Involving U.S. Government National Security Initiatives (RIN: 3150–AH03) received October 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9800. A communication from the President of the United States, transmitting a six month periodic report on the national emergency with respect to Sudan that was declared in Executive Order 13067 of November 3, 1997, pursuant to 50 U.S.C. 1641(c) and 50 U.S.C. 1703(c); (H. Doc. No. 107–276); to the Committee on International Relations and ordered to be printed.

9801. A communication from the President of the United States, transmitting notification that the Sudan emergency is to continue in effect beyond November 3, 2002, pursuant to 50 U.S.C. 1622(d); (H. Doc. No. 107–277); to the Committee on International Relations and ordered to be printed.

9802. A letter from the Director, International Cooperation, Department of Defense, transmitting a copy of Transmittal No. 32–02 which informs of an intent to sign a Memorandum of Understanding between the United States and Sweden concerning Excalibur, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

9803. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report concerning compliance by the Government of Cuba with the U.S.-Cuba Migration Accords of September 9, 1994, and May 2, 1995, pursuant to Public Law 105–277; to the Committee on International Relations.

9804. A letter from the Auditor, District of Columbia, transmitting a copy of a report entitled, "Audit of Advisory Neighborhood Commission 6B for Fiscal Years 1999 Through 2002, as of June 30th," pursuant to D.C. Code section 47—117(d); to the Committee on Government Reform.

9805. A letter from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9806. A letter from the Assistant Secretary for Administration and Management, Department of Health and Human Services, transmitting the Department's Commercial Activities Inventory for Fiscal Year 2002; to the Committee on Government Reform.

9807. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule—Acquisition Regulation Revision—received October 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

9808. A letter from the Chairman, Federal Trade Commission, transmitting the semiannual report on the activities of the Office of Inspector General for the period ending March 31, 2002, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

9809. A letter from the Director, Office of Management and Budget, transmitting a report entitled "Statistical Programs of the United States Government: Fiscal Year 2003," pursuant to 44 U.S.C. 3504(e)(2); to the Committee on Government Reform.

9810. A letter from the Director, Office of Compensation Administration, Office of Personnel Management, transmitting the Office's final rule—Basic Pay for Employees of Temporary Organizations (RIN: 3206–AJ47) received October 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

9811. A letter from the Acting Assistant General Counsel, Federal Election Commission, transmitting the Commission's final rule—FCC Database Electioneering Communications [Notice 2002–21] received October 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on House Administration.

9812. A letter from the Chairman, Federal Election Commission, transmitting the Commission's final rule—Electioneering Communications [Notice 2002–20] received October 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on House Administration.

9813. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Magnuson-Stevens Act Provisions; Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Groundfish Fishery Management Measures [Docket No. 020904208–2208–01; I.D. 082702B] (RIN: 0648–AP85) received October 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9814. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Magnuson-Stevens Act Provisions; Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Groundfish Fishery Management Measures; Corrections [Docket No. 020904208–2208–01; I.D. 082702B] (RIN: 0648–AP85) received October 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9815. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Atlantic Deep-Sea Red Crab Fishery; Atlantic Deep-Sea Red Crab Fishery Management

Plan [Docket No. 020531136-2224-02; I.D. 041802C] (RIN: 0648-AP76) received October 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9816. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries Off West Coast States and in the Western Pacific; Coastal Pelagic Species Fisheries; Annual Specifications [Docket No. 020628163-2221-02; 061302B] (RIN: 0648-AP43) received October 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9817. A letter from the Assistant Attorney General, Department of Justice, transmitting a report of the Bureau of Justice Assistance Fiscal Year 2001 Annual Report entitled, "Justice for America"; to the Committee on the Judiciary.

9818. A letter from the Assistant Attorney General, Department of Justice, transmitting the 2001 Annual Report of the Office of the Police Corps and Law Enforcement Education; to the Committee on the Judiciary.

9819. A letter from the Regulations Officer, Federal Highway Administration, Department of Transportation, transmitting the Department's final rule—Discretionary Bridge Candidate Rating Factor [FHWA Docket No. FHWA-2000-7122] (RIN: 2125-AE88) received October 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9820. A letter from the Acting Director, Office of Regulatory Law, Department of Veterans Affairs, transmitting the Department's final rule—Evidence for Accrued Benefits (RIN: 2900-AH42) received October 25, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

9821. A letter from the Chief, Regulations Branch, Customs Service, Department of the Treasury, transmitting the Department's final rule—Presentation of Vessel Cargo Declaration to Customs Before Cargo is Laden Aboard Vessel at Foreign Port for Transport to the United States [T.D. 02-62] (RIN: 1515-AD11) received October 25, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9822. A letter from the Secretary, Department of Labor, transmitting the Department's bill entitled, "Black Lung Disability Trust Fund Debt Restructuring Act"; to the Committee on Ways and Means.

9823. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Hedges of Debt Instruments (Rev. Rul. 2002-71) received October 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9824. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property (Rev. Rul. 2002-74) received October 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9825. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Trade or Business Expenses (Rev. Rul. 2002-69) received October 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9826. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Certain Reinsurance Arrangements (Notice 2002-70) received October 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9827. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Deduction for Contributions of an Employer to an Employees' Trust or Annuity Plan and Compensation Under a Deferred-Payment Plan (Rev. Rul. 2002-73) received October 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9828. A letter from the Secretary, Department of Health and Human Services, transmitting a report on the FY 2000 Low Income Home Energy Assistance Program, pursuant to 42 U.S.C. 8629(b); jointly to the Committees on Energy and Commerce and Education and the Workforce.

9829. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule—Medicare and Medicaid Programs; End-Stage Renal Disease-Waiver of Conditions for Coverage Under a State of Emergency in Houston, TX Area [HCFA-3074-F] (RIN: 0938-AK98) received October 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

9830. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule—Medicare Program; Payment for Nursing and Allied Health Education [HCFA-1685-F, previously BPD-685-F] (RIN: 0938-AE79) received October 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 4689. A bill to disapprove certain sentencing guideline amendments (Rept. 107-769). Referred to the Committee of the Whole House on the State of the Union.

Mr. HANSEN: Committee on Resources. H.R. 5319. A bill to improve the capacity of the Secretary of Agriculture and the Secretary of the Interior to expeditiously address wildfire prone conditions on National Forest System lands and other public lands that threaten communities, watersheds, and other at-risk landscapes through the establishment of expedited environmental analysis procedures under the National Environmental Policy Act of 1969, to establish a predecisional administrative review process for the Forest Service, to expand fire management contracting authorities, to authorize appropriations for hazardous fuels reduction projects, and for other purposes; with an amendment (Rept. 107-770 Pt. 1). Ordered to be printed.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 5319. Referral to the Committee on Agriculture extended for a period ending not later than November 22, 2002.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII,

Mr. LARSEN of Washington introduced a resolution (H. Res. 596) recognizing Senator Henry Jackson, commemorating the 30th anniversary of the introduction of the Jackson-Vanik Amendment, and reaffirming the commitment of the House of Representatives to combat human rights violations worldwide; which was referred to the Committee on Ways and Means, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

386. The SPEAKER presented a memorial of the Legislature of the State of Utah, relative to House Concurrent Resolution No. 2 memorializing the United States Congress to support Utah businesses that provide stable jobs and create a healthy Utah economy; to the Committee on Energy and Commerce.

387. Also, a memorial of the Legislature of the State of Utah, relative to House Joint Resolution No. 4 memorializing the United States Congress to encourage the Utah Department of Health to identify and promote culturally competent health care to Utah's diverse populations; to the Committee on Energy and Commerce.

388. Also, a memorial of the Legislature of the State of Utah, relative to House Joint Resolution No. 26 memorializing the United States Congress to urge Utah state agencies and the Utah business community to work together to develop strategies that balance the need for regulatory protections with the needs faced by the business community in its role in strengthening the economy of the state; to the Committee on Energy and Commerce.

389. Also, a memorial of the Legislature of the State of Utah, relative to House Concurrent Resolution No. 7 memorializing the United States Congress to give approval for the operation of a Class V landfill to receive only construction and demolition waste; to the Committee on Energy and Commerce.

390. Also, a memorial of the Legislature of the State of Utah, relative to Senate Joint Resolution No. 12 memorializing the United States Congress to urge the federal government to evaluate all legitimate relocation alternatives for the Atlas Minerals Corporation Moab uranium mill tailings; to the Committee on Energy and Commerce.

391. Also, a memorial of the Legislature of the State of Utah, relative to Senate Concurrent Resolution No. 3 memorializing the United States Congress expressing deep gratitude to the Salt Lake Olympic Organizing Committee, its President, Mitt Romney, Olympic volunteers and public safety personnel for their invaluable contribution to the overwhelming success of the 2002 Olympic Winter Games; to the Committee on International Relations.

392. Also, a memorial of the Legislature of the State of Utah, relative to House Joint Resolution No. 24 memorializing the United States Congress to honor Princess Aisha Bint Al Hussein, a Colonel in the Jordanian Armed Forces, for her many personal accomplishments, and for her role in supporting women's rights on behalf of the women of Jordan, and welcomes her to Utah; to the Committee on International Relations.

393. Also, a memorial of the Legislature of the State of Utah, relative to House Concurrent Resolution No. 6 memorializing the United States Congress to welcome the world

to Utah and to the 2002 Olympic Winter Games and extends best wishes to all who come to participate in, to attend, to assist in the presentation and administration of the Games, and to enjoy world class athletic competition; to the Committee on International Relations.

394. Also, a memorial of the Legislature of the State of Utah, relative to Senate Joint Resolution No. 7 memorializing the United States Congress that this act fixes the compensation for legislative in-session employees for 2002; to the Committee on Government Reform.

395. Also, a memorial of the Legislature of the State of Utah, relative to Senate Resolution No. 3 memorializing the United States Congress that this act designates February 14, 2002, as Discover Navajo — People of the Fourth World Day during the 2002 Olympic Winter Games in Salt Lake City, Utah; to the Committee on Government Reform.

396. Also, a memorial of the Legislature of the State of Utah, relative to House Joint Resolution No. 1 memorializing the United States Congress that this act approves the reappointment of Mr. Wayne L. Welsh as legislative auditor general and providing an effective date; to the Committee on Government Reform.

397. Also, a memorial of the Legislature of the State of Utah, relative to House Joint Resolution No. 9 memorializing the United States Congress that this act rejects the salary recommendations of the Legislative Compensation Commission that would, except for this joint resolution, take effect on January 1, 2003; to the Committee on Government Reform.

398. Also, a memorial of the Legislature of the State of Utah, relative to House Joint Resolution No. 5 memorializing the United States Congress that this act urges an increase in respect and understanding of differences among Utahans and a greater determination to cross boundaries of culture, religion, and ethnicity to better understand and befriend one another; to the Committee on Government Reform.

399. Also, a memorial of the Legislature of the State of Utah, relative to House Concurrent Resolution No. 3 memorializing the United States Congress that this act follows approval to operate the landfill granted by the Department of Environmental Quality; to the Committee on Government Reform.

400. Also, a memorial of the Legislature of the State of Utah, relative to House Concurrent Resolution No. 10 memorializing the United States Congress that this act recognizes the Utah Shakespearean Festival for receiving the National Governors Association Award for Distinguished Service to the Arts for 2001 and expresses gratitude to those whose efforts bring quality and professionalism to the festival; to the Committee on Government Reform.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 408: Mr. KENNEDY of Rhode Island and Mr. WAXMAN.

H.R. 638: Mr. SERRANO.

H.R. 1086: Ms. BROWN of Florida.

H.R. 1265: Mr. ROTHMAN.

H.R. 1918: Mr. NADLER.

H.R. 2035: Mr. MOLLOHAN and Mr. DEUTSCH.

H.R. 2950: Mr. SCHIFF.

H.R. 5250: Mr. TURNER, Mr. TANCREDO, and Mr. HINOJOSA.

H.R. 5346: Mr. BECERRA, Mr. LAFALCE, Mr. LANGEVIN, Mr. BONIOR, and Mr. WEXLER.

H.R. 5383: Mr. SWEENEY.

H.R. 5491: Mr. WEXLER.

H.R. 5502: Mr. MATSUI, Mr. PRICE of North Carolina, and Mr. STUPAK.

H.R. 5649: Mr. ACKERMAN, Mr. DELAHUNT, Mr. BERMAN, and Mr. ROYCE.

H.R. 5663: Ms. NORTON, Mr. MEEHAN, Ms. DELAURO, Mr. WEXLER, Mr. SHAYS, Mr. FRANK, and Mr. ENGEL.

H.J. Res. 47: Mr. DELAHUNT.

H. Con. Res. 507: Mr. BRADY of Texas, Mr. KIND, and Mr. LIPINSKI.

H. Res. 108: Mr. WYNN.

H. Res. 595. Mr. COOKSEY, and Mr. JEFFERSON.

EXTENSIONS OF REMARKS

HONORING JESUS E. GARCIA

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 31, 2002

Mr. SCHAFFER. Mr. Speaker, I rise today to tell the story of a very special veteran—Jesus E. Garcia who resides in Las Animas, Colorado. He served his country with great honor and courage.

Jesus E. Garcia enlisted in the United States Army in July 26, 1961. He took his basic training in Ft. Leonard Wood, Missouri. He then spent some time in Germany before being assigned to Ft. Benning. Once in Georgia, he became part of the newly formed First Cavalry Airmobile Division.

Jesus was trained as an infantryman. In July 1965, his division was transferred to Vietnam. Jesus became a member of the First Cavalry Division, 3rd Brigade, 2/7 Battalion, A Company, Weapons Platoon. His Company was sent into the Ia Drang Valley on November 16, 1965, to assist with the Pleiku Campaign. A fierce battle lasting several days had been fought at the LZ Xray site. His company assisted with rescuing and wrapping up the battle, as well as the gruesome cleanup the following day. Most troops were flown out of LZ Xray. All of the 2/7th Battalion had to march to LZ Albany to be airlifted out. Jesus and his platoon were among those that marched. On November 17, 1965 the bloodiest battle of the Vietnam War was fought at LZ Albany. This intense fight cost the lives of over 200 Americans. Two days of brutal combat were then followed by two more days of an unforgettable cleanup and aftermath. The Americans had suffered heavy losses, but not as heavy as the North Vietnamese Army.

In January of 1966, his Battalion was sent to participate in Operation Masher, part of the Bong Son I Campaign. Jesus was to leave by plane with his company to arrive at their destination for the battle. At the last minute, he was taken off the plane as he had been chosen to temporarily fill in as the forward observer with another company. Jesus was requested for this assignment due to his expertise. Therefore, his commanding officer gave him the option of accepting this assignment as it was much more risky than his original orders for this battle. He chose to take the temporary assignment. He was taken off the plane and marched with this company through the jungle to their designated position. Upon his arrival, he learned the plane he was scheduled to ride in had crashed, and everyone on board was killed.

On January 29, 1977, during the battle of Bon Son I, Jesus Garcia's A Company was trying to route the NVA from a fortified trench around a small village. About 100 yards of open rice paddy separated the two lines. It was pouring rain. Repeated attempts to attack and take the position under sniper and machine gun fire had already cost several lives. As the A Company forward observer, Jesus was ahead of his fellow soldiers as they made another attempt to breach the enemy fortifications. As he advanced, he was shot in the leg; he suffered from a jagged hole in his leg and thigh. Medics were able to retrieve him and drag him back for protection. It was the next day before medical evacuation helicopters were able to retrieve him. His injury was severe and the doctors feared he might not ever walk again. After recovering from his injury in hospitals in Japan and Fitzsimons Army Hospital in Aurora, amazingly, he returned to active duty at Ft. Benning, Georgia in July 1966.

In May 1968, Jesus returned to duty in Vietnam with the 44th Medical Brigade in headquarters Company. He worked in the message center brigade headquarters. He served in this capacity until May 1969, when he returned to the United States to an assignment at Fitzsimons Army Hospital where he remained until 1972, as the Chief Clerk for a medical holding company. In 1972, he was again sent overseas to Germany to work in the Brigade Classified Section of the Headquarters Company at Stuttgart. He left Germany in 1974 and returned back to duty at Fitzsimons. In 1977, again he went overseas to serve in Korea. He was stationed in Taegue in the headquarters mailroom for one year. He returned stateside in 1978 to Ft. Carson, Colorado. He was commander of the Ft. Carson Mounted Color Guard until his retirement in December 1981, in which he received five honorable discharges.

During his military career he received the following awards and decoration: Purple Heart, Combat Infantryman Badge, Bronze Star; (5) Good Conduct Medals, (2) Presidential Unit Citations, National Defense Service Medal; Vietnam Service Medal, Army Service Ribbon, (2) Overseas Service Ribbons; Republic of Vietnam Campaign Ribbon with 60 Device, Vietnam Cross of Gallantry, Air Medal, and Expert Rifleman Badge.

Two books have been written that deal specifically with the cavalry groups Jesus served with and the battles they fought. "Baptism" by Larry Gwinn details the author's year in Vietnam. Gwin was Garcia's Executive Officer. The second book is entitled "We Were Soldiers Once and Young" and was written by Lt. Gen. Harold Moore and Joseph Galloway. The book is a very graphical and detailed account of LZ Xray and LZ Albany battles and is the basis for a motion picture starring Mel Gibson and Sam Elliott.

Jesus is a life-long resident of Las Animas, Colorado where he still lives with his wife Irene, of 41 years. Together they raised three sons. While providing for his family through his military career, he sacrificed a lot for his country—something he doesn't regret. He gave up his own youth, time with his family and friends, and some peace of mind.

I am proud to honor such a courageous American, husband, and father.

A TRIBUTE TO SPECIAL AGENT JAMES F. LINDNER

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 31, 2002

Mr. MURTHA. Mr. Speaker, I rise today to honor a lifetime commitment to patriotism and law and order in the United States. On November 1, 2002, Mr. James F. Lindner will retire as a Special Agent with the United States Naval Criminal Investigative Service, ending some 21 years of federal law enforcement service.

Mr. Lindner began his service to country in 1972 in the United States Army where he was assigned in the Military Police Corps. In 1981, following a brief career as a special investigator with Chase Manhattan Bank, Mr. Lindner was appointed as a Special Agent with the Naval Investigative Service, now known as the Naval Criminal Investigative Service. He embarked on a career that spanned the globe in locations such as Virginia, London, Bahrain, Puerto Rico, Germany, Rhode Island and Washington, DC.

Among his many achievements with the Naval Criminal Investigative Service, Special Agent Lindner will long be remembered for his contributions to its Counterintelligence (CI) Program. Under his capable leadership, Mr. Lindner negotiated the Department of the Navy CI policy dealing with Force Protection Response Groups, CI Support to Combatant Commands, CI organization within the DoN and other pivotal policy issues facing the United States Marine Corps and Director of Naval Intelligence.

While employed as a Special Agent, Mr. Lindner was selected for two significant liaison positions. He shared the wisdom of his experience as Chief, Counterintelligence Activities, European Operations, On-Site Inspection Agency (today consolidated with the Defense Threat Reduction Agency (DTRA). Mr. Lindner also held the distinction as a Naval War College appointee where he completed a Masters degree program in National Security and Strategic Studies and earned the prestigious Chairman, Joint Chiefs of Staff Distinguished Essay Award. While assigned to the War College, Mr. Lindner earned Honorable Mention in the B. Franklin Reinauer Defense Economics Competition.

Mr. President, in closing I wish to commend James F. Lindner for his many accomplished years of outstanding service to our country, and in particular, to the members of the Armed Services. I wish him continued success in his future endeavors and Godspeed in his retirement.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

CONGRATULATING CALIFORNIA CITRUS MUTUAL ON THEIR 25TH ANNIVERSARY

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 31, 2002

Mr. RADANOVICH. Mr. Speaker, I rise today to congratulate California Citrus Mutual as they celebrate their 25th anniversary.

In 1977, California Citrus Mutual, a nonprofit grower-based trade association, was envisioned by a group of citrus growers in order to form an organization for the expressed purpose of providing information, education, and advocacy to enhance per acre revenues for industry producers. Over the last quarter century, California Citrus Mutual has grown to become a respected voice within the citrus industry and a persuasive advocate for growers on local, state, and federal issues.

Their advocacy in state and federal government is second to none in the citrus industry and ranks with larger organizations in the fresh fruit and vegetable industry around the state and country. Successful issue management has become the cornerstone for California Citrus Mutual's continued growth.

Under the innovative leadership of President Joel Nelsen, California Citrus Mutual has overcome such challenges as catastrophic freezes, trade issues, pest exclusion activities, US–EPA directives, and Crop Insurance concerns.

Mr. Speaker, I want to congratulate California Citrus Mutual on their 25th Anniversary. I urge my colleagues to join me in wishing them many more years of success.

RECOGNIZING DON AND SHARON WIEDEMAN

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 31, 2002

Mr. SCHAFFER. Mr. Speaker, I rise today to recognize Mr. Don Wiedeman and his wife, Sharon, Johnstown of Weld County, Colorado.

Mr. Wiedeman was a farmer who only wanted to raise the best corn in the country. He never thought about owning a radio station until he and his family went on vacation and decided to attend Church services in Phoenix, Arizona. He was following along in his Bible as the pastor was reading Isaiah 40. The words "go up on a high mountain" seemed to speak out him and call him to action. At the same time as this was happening, one of the pastors of the Church pointed to him and said "God just told me he has something special for you in radio." Mr. Wiedeman pondered and prayed about this unusual event and talked to some acquaintances of his who had radio knowledge. After several years of work he started a radio station in Colorado.

Wiedeman's dream is now a conservative Christian (with Hebrew roots), pro-Constitution, pro-individual rights station with many different program hots. It is a station heard "around the world," on satellite and internet. The station has a large family of listeners who depend on it to be their "watchman on the wall," in all ways. Their program hosts report the news, not their interpretation of it. This radio station is based on "faith, truth and freedom," according to Wiedeman.

In November, 1997, a fire silenced the station for several weeks causing their family of listeners to go into mourning. The "watchman on the wall" was no longer available for all their faithful listeners. It was a deadly silence! When the station returned to the air in January, 1998, their family of listeners rejoiced. Their "watchman" was back.

Mr. Wiedeman is a humble, Christian man who has a spiritual program to start the day for his listeners. He teaches God's word to all who will hear it.

Mrs. Wiedeman is a humble, Christian woman who is dedicated to this family of listeners, too. It is a family of listeners because everyone who gets to know others at events sponsored by the station truly become friends. Mrs. Wiedeman also hosts a radio show on Fridays.

We are thankful for Mr. Wiedeman and for all that he does for the radio station to get the message out, and Mrs. Wiedeman for her spiritual input and knowledge. The Wiedeman's have long, outstretched arms that embrace a vast number of people. Coloradans hope they are able to continue in their work for many years to come.

I ask the House to join me in commending and thanking the Wiedemans for their service to the community and to the country they love.

RECOGNIZING 20TH ANNIVERSARY OF THE HONDA MARYSVILLE PLANT AND THE FIRST AMERICAN PRODUCED HONDA ACCORD

HON. DAVID L. HOBSON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 31, 2002

Mr. HOBSON. Mr. Speaker, I rise today to celebrate the 20th anniversary of a momentous event in the history of Central Ohio and specifically, in the town of Marysville, Ohio, which is in my Congressional district.

In October of 1982, Honda auto company opened its first automobile assembly plant in the United States in the town of Marysville in Union County. Soon after, the first Honda Accord rolled off the assembly line and began a new chapter in the manufacturing history of Ohio. The construction of the extensive assembly facilities in Marysville followed the company's long-standing policy of producing products in the markets where they are sold.

For 20 years now, Honda has demonstrated its commitment to Marysville, to Ohio and to the country. In 1988, Honda produced its first car for export to Japan. By 1994, Honda produced 100,000 cars for export. In 1995, Honda was the recipient of the Ohio Governor's Exporter of the Year Award. In two years, Honda will produce more vehicles in North America than in Japan.

In 1982, Honda's 400 Marysville associates assembled 968 Accords. By the next year, 55,337 Accords came off the plant's assembly line. In 2001, an astounding 456,348 Accords and Acura TL's were shipped from Marysville. Given the $2.3 billion investment in the Marysville facility, it is no surprise that Marysville is now the company's largest automobile plant in the United States.

This year, Honda launched the seventh-generation Accord, which has become one of the best-selling cars in America. This coincided with the introduction of a new and more efficient manufacturing system at the Marysville plant to improve efficiency and worker safety.

Put simply, the Honda assembly plant in Marysville has become a cornerstone of Ohio's manufacturing base. In addition to providing employment for thousands of Ohioans, the Marysville plant has consistently been on the cutting edge of automobile innovation and Honda has been an outstanding corporate citizen.

As Ohio's Seventh District Representative to the Congress of the United States, I take this opportunity to publicly recognize the associates at the Marysville Honda assembly plant for reaching this important milestone, and honor the company's 20 years of commercial investment in Marysville.

TRIBUTE TO MR. DAVID C. FORDHAM OF BARABOO, WISCONSIN

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 31, 2002

Ms. BALDWIN. Mr. Speaker, I rise today in recognition of Mr. David C. Fordham of Baraboo, Wisconsin, who is just concluding his career of more than 37 years of federal service.

Mr. Fordham has served as Commander's Representative at the Badger Army Ammunition Plant near Baraboo since 1976, with more than 31 years of service at Badger. His early positions at Badger included supervisory chemical engineer and contracting officer's representative. His achievements and awards have been numerous, including recognition annually for nearly the last decade with the Exceptional Performance Award and his award this year of the Superior Civilian Service Award.

Prior to the closure of the Badger plant, Mr. Fordham worked tirelessly to ensure that Army industrial installation at Badger was modernized and fully prepared to meet its role as the Army's only backup source for munitions propellant and smokeless powder.

However, Mr. Fordham's impact at the Badger plant over his many years of service has gone far beyond his critical role in ensuring the plant's readiness. He also ensured numerous energy conservation improvements, significant improvements in plant safety, and the resolution of numerous complex environmental remediation issues.

In more recent years, with the Army's declaration of the Badger plant as excess, Mr. Fordham has worked closely with federal, state, and local officials, community organizations, and concerned citizens, voluntarily attending countless public meetings—often until late into the night—in an advisory capacity on issues regarding reuse and cleanup of the plant.

Mr. Fordham's deep personal relationship with the plant, its employees past and present, its history, and his concern for its future has been clearly evident as my staff and I have worked closely with him on issues regarding Badger. Shortly after I was sworn into federal office, I had the pleasure of an in-depth tour of the Badger plant led by Mr. Fordham, who shared from this unparalleled knowledge of the plant. Again this year, despite his ill health, Mr. Fordham made it a point to brief my entire staff and me during our visit to Badger, as he highlighted issues of critical importance regarding the plant.

Since our first meeting, I have been deeply impressed by Mr. Fordham's continually increasing willingness to be of assistance that has far exceeded the requirements of his official duties, including his work to identify and prepare for the remediation of numerous sites on the Badger plant.

Dave Fordham has played multiple crucial roles at Badger and in the surrounding community, and his impact will be left for generations to come.

It has been an honor and a privilege to work with Dave Fordham. On behalf of a grateful nation, I offer him our gratitude for his accomplishments, has service, and his unwavering commitment to duty and community.

I appreciate the opportunity to recognize and commend Mr. David Fordham here today.

TRIBUTE TO MOTHER TERESA

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 31, 2002

Mr. SCHAFFER. Mr. Speaker, I rise today to honor the life of Mother Teresa whose blessed soul entered Heaven September 5, 1997, at the age of 87. She had been awarded the Congressional Medal of Honor just a few months earlier, blessing these hallowed halls with her presence.

Mother Teresa's death is a loss to those she worked with and cared for, the leaders who met her, all who were inspired by the humble nun so full of love. Her life however, was the greater inspiration and the reason she will be celebrated in perpetuity. She was light, hope, strength, and courage, possessing a full heart endowed by God which transcended the temporal world.

Mother Teresa was born into an Albanian, Roman Catholic family in the Macedonian city of Skopje as Agnes Gonxha Bojaxhiu on August 27, 1910.

At age 18 she joined the Iris order of the Sisters of Loretto. A year later, Mother Teresa was sent by the Sisters of Loretto to Calcutta, India to teach geography at St. Mary's High School. In 1946, on a train to Darjeeling, Mother Teresa received a calling from God to leave the covenant walls and go into the streets, helping the poor while living amongst them.

Heeding the call, Mother Teresa founded the Missionaries of Charity in 1950, an order emphasizing strict personal austerity and dedicated to the service of the poor. Today, this ministry extends to 120 countries with 568 houses dedicated to the unwanted, the unclothed, and the unfed. In Calcutta alone, she and her sisters have provided for the successful adoption of 8,000 children.

Mother Teresa was selected as a recipient of the first Pope John XXIII Peace Prize in 1971. In 1979, Mother Teresa accepted the Nobel Peace Prize in the name of the poor, using the award to build more hospices. She was awarded the prestigious Congressional Gold Medal in June 1997. Her only request of Congress was for prayer; "that we continue God's work with beautiful and with great love."

Mother Teresa is now destined to sainthood. In 1999, the Pope waived the five-year waiting period for opening the process toward her final canonization. This testifies to the Vatican's certainty of the holiness Mother Teresa embodied as Jesus Christ's disciple and servant, and her obedience to the Blessed Mother. In September of 2002, the Vatican Congregation for the Causes of Saints approved her "heroic virtues." The Vatican also recognizes a 1998 miracle in October of 2002. After one more approved miracle, Mother Teresa will have reached canonization, the final stage of sainthood where two distinctly different miracles must be attested to and proved. It is then Mother Teresa's soul will be officially declared to be among the angels in heaven.

Mother Teresa lived a life of service, one her admirers can only hope to emulate and we should strive to follow. I consider it an honor to have met this incredible saint and witnessed her works. Her humility and love were true gifts of God.

HONORING DR. EDWARD J. HANSBERRY

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 31, 2002

Mr. KILDEE. Mr. Speaker, I ask the House of Representatives to join me in honoring the memory of a truly great educator, Dr. Edward J. Hansberry. Dr. Hansberry passed away on October 26th. He left behind a legacy of outstanding contributions to the field of education.

Edward Hansberry devoted his life to brining knowledge to students. He took the command given in Psalm 78: "He gave his decrees to Jacob, and established a law for Israel, which he commanded them to teach their children," and put those words into action. He was committed to the ideal that all students could achieve their goals with the right encouragement and direction. From his beginning experience as a teacher in 1963 at the Rock Island Elementary School in Broward County Florida, Edward Hansberry worked tirelessly to inspire young minds with a desire to learn. He was zealous throughout his career as a teacher and administrator. I valued his wisdom and was privileged to have had Dr. Hansberry testify before my Early Childhood Subcommittee regarding Title I. He shared with us his expertise and insight.

The awards and recognition Dr. Hansberry received during his life were numerous. He authored several articles and publications on the educational system. He was seeking solutions to the problems faced by children in the early grades when he was struck down by illness. As a former educator, I know first hand the challenging and the joy of watching a struggling student understand an idea. It is an achievement unparalleled and Dr. Hansberry was a witness to that joy during his lifetime.

Mr. Speaker, our country has lost a valuable, vital voice with his passing. He was a kind, thoughtful man, always considerate of others, charitable to individuals and respectful of their ideas. I admired his determination to provide the best for the students in his care.

SPECIAL JOINT SESSION OF CONGRESS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 31, 2002

Mr. RANGEL. Mr. Speaker, for the benefit of my colleagues I rise to introduce statements delivered in connection with the Special Joint Session of Congress convened in New York City on September 6, 2002.

In commemoration of the September 11, 2001 attacks on the World Trade Center and Pentagon, a Special Joint Session of the Congress convened at Federal Hall in the City of New York—the location of the first meeting of Congress in 1789.

At the conclusion of this historic session, Mayor Michael R. Bloomberg hosted a luncheon for members of Congress and many other national and community leaders, as a gesture of thanks from the City of New York for all of the help that it received in recovering from the attacks.

I believe that the nature and occasion of the event necessitates its inclusion in this commemorative document so that, along with the events at the Special Joint Session, it can be recorded for posterity.

The attendees heard from the Mayor, the Governor of New York, George Pataki, Senate Majority Leader, TOM DASCHLE, Minority Leader, TRENT LOTT, Speaker of the House, DENNIS HASTERT, House Minority Leader GEPHARDT, and Mrs. Susan Magazine, Assistant Commissioner of the Family Assistance Unit of the Fire Department of New York City. As the Dean of the New York State Delegation, I also addressed those in attendance.

Mayor Bloomberg: Ladies and gentlemen, I'm Mike Bloomberg, and I'm pleased to be the mayor of the city of New York. Thank you.

There is an expression that you will hear in New York frequently at this time of the year that you may or may not be familiar with. It sounds like "chana tova," which means "happy new year." And for those of you that care, happy new year. (Applause)

Speaker Hastert, Majority Leader Daschle, Minority Leader Gephardt, Minority Leader Lott, distinguished members of Congress, including the dean of New York state's delegation, the Honorable Charles Rangel . . . (Applause) . . . and our two great members of the upper chamber, Senators Schumer and Clinton . . . (Applause) . . . good afternoon. I am delighted to welcome you to New York for this truly historic occasion.

Today, we hearken back to the early days of our republic, when the first Congress convened in New York and George Washington was inaugurated as our president. Many of our founding fathers lived in New York in those days, including Thomas Jefferson, John Adams, John Hancock and others. So many others, in fact, that the painter of "The Declaration of Independence," the famous canvas that hangs in the Capitol Rotunda, had to move to New York to finish his work.

It's often been pointed out that the decision Congress made to move the capital from New York to a new site on the banks of the Potomac, in effect, gave the U.S. two capitals. We now have one capital in Washington, DC, for the government, and one here, for business and culture. Rather than feel slighted, New York has always embraced its role.

Today's joint session, for however briefly, made New York the nation's capital once again. But now we'll just have to revert to our regular status: as capital of the free world. (Applause)

I would like to acknowledge an institution, first, without which this day just would not have been possible, the Annenberg Foundation.

The foundation generously donated $1 million to cover all the travel, food and security expenses associated with today's wonderful show of support for freedom. (Applause)

We are blessed to have with us today, from Pennsylvania and from California, Lee Annenberg.

Would you please stand and let us say thank you? (Applause)

Congress's decision to return to New York symbolically closes a circle at a crucial time in our history. It brings Congress back to its first home, if only for one day, to send a message to the nation and the entire world: The spirit of this city and the spirit of this country remains unshaken. (applause)

We are as united today as we were when the first congress met in Lower Manhattan more than 200 years ago, because our commitment to freedom has never been stronger. (Applause) As a nation, and as a city, we've learned a lot about ourselves on September 11th, when the unimaginable became a reality. What happened down the street from here wasn't just an assault on New York, it was an attack on our nation and on all freedom-loving people around the world.

That day, as the world watched, our rescue teams battled the smoke and the chaos. It didn't matter whether you came from Astoria or Atlanta or Australia, from Queens or Kansas or Kenya, New York was everybody's home town that day.

The stakes for our nation were raised. Someone placed a big bet that they could destroy New York, a city that has contributed immeasurably to building the greatest democracy on Earth. This city has responded. This nation has responded. America is a nation founded on a particular set of ideas: the right to express yourself as you see fit, the right to worship God in your own way, the right to live without fear.

What happened on September 11th was not only an attack on our people, but on those freedoms and our basic way of life. And all Americans understand that.

New Yorkers recognize that we would not have made it through the darkest days in our city's history without our nation's help. It poured in from around the country in the form of food, equipment and volunteers, and through emotional and moral support beyond value. And I want all Americans to understand that we know you were there for us when we needed you and we will be there for you if you ever need us. (Applause)

Congress has also stood with us. More than we ever had a right to expect, you helped and are continuing to help New York to rebuild and recover. And on behalf of all New Yorkers, it is my honor to say, "Thank you." (Applause)

As you know, our work is not done yet, not by any means. But the recovery that began on 9/11 and the work we've done since simply could not have happened without your support. And let me also convey our appreciation to President Bush for his courageous leadership in a time of crisis, for coming to New York to share our grief and to share our determination to not just endure the tragedy visited upon us, but to emerge stronger from the events of September 11th. (applause)

I am pleased to report that, with your help, we have made triumphant progress since that day. Because of remarkable bipartisan cooperation among all levels of government, labor and the private sector, we finished the recovery work at the World Trade Center site ahead of schedule, under budget, and with no additional loss of life. (Applause)

This while the search for the remains of our loved ones went forward with dignity and honor. We created a temporary memorial in Battery Park, where the Sphere sculpture from the World Trade Center Plaza now sits. Next Wednesday, during the one-year commemoration of that fateful day, U.N. Secretary General Kofi Annan and our secretary of state, Colin Powell, along with the heads of state from around the world, will join a ceremony there. At that observance, an eternal flame will be lighted near the base of the sphere in honor of those we lost, and to show that democracy and freedom will always endure. (Applause) We also honor those we lost by building a better city for the future. With Congress's help, we are doing just that.

Largely due to an economic incentive program which you have funded, many companies that were displaced plan to rejoin those, such as American Express, Merrill Lynch and Dow Jones, that have already moved back and made long-term commitments to staying in Lower Manhattan.

Because of a residential incentive program you have funded and because Lower Manhattan is a great place to live, more than 90 percent of the housing in Lower Manhattan is currently occupied. And the federally funded liberty bonds program will spur billions of dollars in construction in Lower Manhattan for new commercial spaces and housing.

The federal, state and local governments have forged a genuine partnership to revive Lower Manhattan and to rebuild our essential transportation, telecommunications and energy structures. Just last month, FEMA granted us unprecedented flexibility to spend federal funds to create a transportation center for the 21st century that will make Lower Manhattan more accessible than ever.

The future of Lower Manhattan is promising, as is the future of all New York City and indeed of the entire country. Here, our city continues to be the safest large city in the nation.

We have committed increased resources to combat the new threats we now face from enemies foreign and domestic. We've strengthened our counterterrorism and intelligence operations. And as they take on new burdens, our police department continues to drive crime down.

New York has no intention of relinquishing its title of capital of the free world. (Applause) New York is a city of big ideas, big projects and big events, and that will never change. For example, in the year since the September 11th attack, New York City has been host to a World Series, the New York City Marathon, the Macy's Thanksgiving Day Parade, New Year's Eve celebration in Times Square, where I was inaugurated, the World Economic Forum, a new international film festival, the Fourth of July fireworks spectacular telecast nationally, the U.S. Tennis Open currently going on, and last night's Times Square kick-off of the NFL season, where I met Jon Bon Jovi. (Laughter) (Applause) We even held a world-class grand prix bicycle race right here on Wall Street this summer.

Since we're not the type to rest on our laurels, we are trying to convince both the Republican and Democratic National Committees to hold both conventions here in the year 2004. (Applause)

As a matter of fact, this joint session is a perfect opportunity to go after both at the same time. How bipartisan can you be? (Laughter)

We are also pursuing a Super Bowl and the 2012 Summer Olympics. (Applause) I see Nancy Pelosi is here from our fellow Olympic finalist San Francisco: Do you want me to arm-wrestle for it, Nancy? (Laughter)

I better start training though. After all, Nancy, you are the minority whip, so. But that's just the kind of ambition you'd expect of this city. And, if anything, 9/11 has made us even more committed to demonstrating the energy and vibrant cultural life of our city. We will create a memorial on the site of the World Trade Center that everyone can be proud of; a memorial that not only honors those that were taken, but reaffirms the values that triumphed on that day and the days after.

In our actions, in our passion, we can do great things and show that we not allow our lives to be ruled by fear, and be guided by the very principles of democracy which you the Congress represent and which the terrorists found so threatening.

When you look at New York today, when you look at the city where people from all parts of the world live next to each other, where more than 120 different languages are spoken and where virtually every religion in the world is practiced, you realize what makes America and what makes New York great. We thrive because of our diversity, because of our respect for one another and because a free society is a strong society.

In conclusion, let me recall what our president said about that September morning. He described it as a battle between fear and freedom.

By convening in our city, you, the U.S. Congress, have demonstrated to all New Yorkers and all the world that fear can never prevail as long as freedom is strong.

Thank you very much. (Applause) Thank you. Thank you. Please be seated.

One of our founding fathers, an eminent New Yorker, Alexander Hamilton, wrote in "The Federalist Papers" that quote, "Energy in the executive is a leading character in the definition of good government."

New York state is fortunate to have an energetic chief executive, who has wisely and skillfully guided our city and state through the crisis created by the attack of 9/11.

Our next speaker is the great governor of the wonderful state of New York, the Honorable George E. Pataki. (Applause)

Governor Pataki: Thank you very much, Mayor Bloomberg. And thank you for those inspiring words on behalf of the people of New York City.

To Speaker Hastert, Leader Daschle, Leader Gephardt, Leader Lott, ladies and gentlemen of the 107th Congress, welcome to the greatest city in the world. (Applause)

It's been 212 years since Congress last gathered here, only blocks away from where we're assembled right now. It was here that America's first Congress met, here that George Washington took the oath of office and here that the Bill of Rights was ratified, protecting the freedoms of American citizens. So it is altogether fitting that you, the men and women of the 107th Congress, have returned here to affirm once more our nation's commitment to preserving those freedoms from those who would seek to destroy them.

We meet nearly one year after the worst terrorist attack ever launched against the United States. Our nation is 226 years old, but the vigilance needed to preserve our liberty and to protect our democracy must be eternal.

It was in this spirit, fueled by our love for America and our reverence for freedom, that New Yorkers responded in the early morning hours of September 11th. And in times of crisis, there are no stronger people than the people of New York. Police officers, firefighters, court officers, port authority officers, EMTs, construction workers, volunteers and citizens from all backgrounds rushed to the scene in a demonstration of extraordinary courage and sacrifice. We met adversity with resolve. We answered terror with strength. We responded to evil with good. We defeated hatred with tolerance.

Your assembling here today sends a powerful message to the people of the world, to our allies and to our enemies. Inspired by the strength, perseverance and compassion of our heroes and the people across America, our unity and our resolve has only grown stronger. We will remember. We will rebuild. And we will move forward with the unity and confidence of a free people.

Our sadness from the images of destruction and our memories of those we lost on September 11th will forever be embedded in our minds. Yet when we look back on that fateful day, we will look back not just in sadness, but also with pride, in the actions of New Yorkers and of Americans across this great land, who stepped forward in our cities in our nation's hour of adversity.

And to President Bush, and to this united Congress, you stepped forward for New York and for America, helping families and helping this city to recover, to rebuild and to reclaim its destiny.

You came to ground zero. You saw the destruction. And like so many other Americans, you responded and did your part. On behalf of all New Yorkers, I'd like to say thank you. (Applause)

Freedom is our legacy and our inalienable right as citizens of this great nation. It is our heritage. It is our birthright that was established here by the first Congress 212 years ago, and then reaffirmed today by this Congress 212 years later. Your presence here today means a great deal to all Americans, but especially to New Yorkers. It shows we have not forgotten, nor will future generations of America forget.

A century from now, they will know that the terrorists failed. They will know that in the face of destruction—we faced destruction with determination. We turned despair into hope. And we turned tragedy into triumph. We are united in our fight against terror. And in our defense of freedom, we are vigilant, we are strong, we are New Yorkers, we are Americans. Thank you. God bless New York. And God bless the United States of America. Thank you. (Applause)

Mayor Bloomberg: Fourteen days after September 11th, New York's newspaper, The Daily News, first proposed New York's hosting of a joint congressional session. It wrote that such a session would be a symbol, quote, "of unity, strength and resolve such as the world has never seen." Now I would like to introduce the earliest governmental champion of that idea, the dean of New York's congressional delegation, Charlie Rangel. (Applause)

CONGRATULATING THE ARCADIA, CALIFORNIA ROTARY CLUB ON ITS 75TH ANNIVERSARY

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 31, 2002

Mr. DREIER. Mr. Speaker, it is with pleasure and pride that I call upon my colleagues in the United States House of Representatives to join me in extending congratulations to the Arcadia, California Rotary Club on the occasion of its 75th Anniversary. The members of the club have truly lived up to their motto, "Service Above Self." and I am proud to have this opportunity to express appreciation for myself and the residents of the 28th Congressional District of California for the many benefits that our community has derived from their good works. Indeed, the members of the Arcadia Rotary Club have been a model of excellence as to what a few can do for the benefit of all.

The members of the Arcadia Rotary Club go about their volunteer activities quietly, without fanfare, and their accomplishments are oftentimes not given the full recognition that they so richly deserve. I am, therefore, happy to make these remarks a part of the public record.

Chartered on October 27, 1927, the Arcadia Rotary Club began their first organized effort in the community by working with crippled children. They later pioneered the establishment of Arcadia Methodist Hospital of Southern California and remain strong supporters of this hospital today. The Club sponsored a Boy Scout Troop in 1929 and formed a student loan fund for needy students who wanted to complete their education. Many students needed help to stay in school during the Depression. They also established a scholarship fund to encourage high school students to complete their education. Members constructed Youth Huts on the playgrounds of several local schools—donating both dollars and labor.

While I cannot list all the ways in which the members of the Arcadia Rotary Club have served others over the years, I can list a few: The Club has helped build an orphanage in Mexico, and constructed many buildings at Camp Trask, the Boy Scout facility in the mountains above Monrovia, California. They have donated money for a water well in Africa. The Club honors outstanding middle school and high school students in the Arcadia Unified School District. The Arcadia Rotary Club donated money to rebuild a school in France shortly after World War II. They have run a Junior Achievement program at the Alternative High School in Arcadia that was named the outstanding Junior Achievement Program in Southern California for the year 1995. Each year, the Arcadia Rotary Club sponsors and serves a luncheon for the senior citizens of Arcadia. Over the years, they have planted trees and shrubbery at the L.A. County Arboretum. The Club has been a generous contributor to Rotary International's program to eradicate polio throughout the world.

Arcadia Rotary Club will continue to serve the community in many of the same ways and look for new opportunities to be of service to others for decades to come.

TRIBUTE TO TATYANA VELIKANOVA

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 31, 2002

Mr. SCHAFFER. Mr. Speaker, there are certain times in our lives when we do well to pause, reflect upon, and honor those outstanding persons who have fought, at great personal sacrifice, to make a real difference in the never-ending struggle around the world for basic human rights. Now is one of those special times for sure.

On September 21 of this year one of the greatest heroines in the long fight against the horrible human terrors of the Soviet Union died in Moscow after a battle with cancer at age seventy. Tatyana Velikanova was a leading champion of the Soviet-era dissident movement. She was described by Andrei Sakharov, the 1975 Noble Peace Prize winner, as an "embodiment of the . . . purity and strength of the Soviet human rights movement."

Andrei Sakharov lauded Ms. Velikanova in a statement written during his own banishment from Moscow for her dedication to the cause of the oppressed, regardless of whether she agreed with their views. "Her only consideration was whether someone had suffered injustice," he wrote.

"She was a symbol of the human rights movement," said Sergei Kovalyov in an Associated Press story about her death. Kovalyov, a prominent dissident who worked alongside Ms. Velikanova, described her as "absolutely reliable, a crystally honest person." Kovalyov regards Andrei Sakharov and Tatyana Velikanova as the brightest representatives of the Soviet human rights movement.

Mr. Speaker, I stand today to honor the amazing life of Tatyana Velikanova. Freedom-loving people everywhere join us in honoring her life, her commitment, her courage, her dedication and her long struggle to tell the world the truth about the unbelievable human rights abuses perpetrated throughout the Soviet Union for so many long years including those in the country of my heritage, Ukraine.

Marjorie Farquharson, a writer on human rights issues, wrote in a recent article published by Radio Free Europe/Radio Liberty. "The death on 21 September this year of Tatyana Velikanova, the editor of 'Khronika tekushchykh sobytii' ('A Chronicle of Current Events'), draws a line under the most remarkable publishing venture of the Soviet era."

Tatyana Velikanova was arrested in 1979 on charges of "anti-Soviet propaganda," and received a nine-year sentence, serving four years in prison camp before being exiled to a desolate part of Kazakhstan.

Mr. Speaker, according to Mr. E. Morgan William, a personal friend of mine and an expert on Eastern European affairs, "all those around the world today who love and support the cause of human rights and basic human freedom owe a debt to Tatyana Velikanova. Her life and the cause she fought for must not be forgotten." Mr Williams' personal appreciation of Velikanova has motivated him to articulate the magnitude of her legacy on a mass scale. In fact, these very remarks are inspired by his passion for liberty and his devotion to Velikanova's cause for human dignity.

Williams is right to suggest the conflict is ongoing and the champions of freedom continue where Velikanova's efforts have ended. "The fight for basic human rights still goes on today," Williams told me. "We must step up the long struggle against those who crush the human spirit and deny people their basic human rights."

Mr. Speaker, I ask the House to join me now in offering the prayers and supplications of a thankful nation to the Almighty God of our country for life and works of His servant, Tatyana Velikanova. May her soul and all souls of the faithfully departed, through the Mercy of God, rest in eternal peace.

Finally, Mr. Speaker, I hereby submit for the RECORD, three published accounts of Tatyana Velikanova's life. This submission is particularly important because of the constrained press that still exist throughout the former Soviet Union. Even today, those whose freedom was advanced by the sacrifice of Velikanova are least likely to be exposed to stories like these that document her courage.

[From the New York Times, Oct. 17, 2002]

TATYANA VELIKANOVA, SOVIET HUMAN RIGHTS ACTIVIST, DIES AT AGE 70

(By Sophia Kishkovksy)

MOSCOW, Oct. 14.—Tatyana M. Velikanova, a Soviet human rights activist who was a leading editor of the most important samizdat journal of human rights abuses and spent nearly nine years in prison camp and exile, died of cancer on Sept. 19. She was 70 and lived in Moscow.

Ms. Velikanova, a mathematician by profession, became a dissident in 1968, when she went to Red Square with her husband, Konstantin Babitsky, who was one of only seven people to demonstrate openly against the Soviet-led invasion of Czechoslovakia that crushed the Prague Spring reforms.

Mr. Babitsky was arrested and banished for several years to the far north of Russia. The next year, Ms. Velikanova helped found the Initiative Group for the Defense of Human Rights in the U.S.S.R., and became the backbone of the Chronicle of Current Events, a samizdat news bulletin, after the arrest of its founder, Natalya Gorbanevskaya. The chronicle was the main uncensored source of information about the dissident movement around the Soviet Union during the rule of Leonid I. Brezhnev.

At a time when photocopying machines were rare and kept literally under lock and key in Soviet offices, the compilers of the chronicle gathered information and then produced multiple copies by typing through layers of carbon paper.

The chronicle was written in a dry, telegraphic style, and defended all repressed groups, from Pentecostal believers to Jewish refuseniks, Russian Orthodox priests, Georgian nationalists, deported Crimean Tatars, and intellectuals and religious believers in the Baltic republics.

Ms. Velikanova herself was an observant Orthodox Christian.

She was arrested in 1979 on charges of "anti-Soviet propaganda," and a report in the Chronicle around that time detailed official questioning of her sister about her ties to the West, as well as the interrogator's relaying his prisoner's request for a Bible and photographs of her grandchildren.

Ms. Velikanova received a nine-year sentence, serving four years in prison camp and then being exiled to a desolate part of Kazakhstan.

In a statement written during his own banishment from Moscow to the city of Gorky (now Nizhny Novgorod), Andrei D. Sakharov lauded Ms. Velikanova for her dedication to the cause of the oppressed, regardless of whether she agreed with their views. "Her only consideration was whether someone had suffered injustice," he wrote.

During the reforms of Mikhail S. Gorbachev, Ms. Velikanova was allowed to return to Moscow before her nine-year term was fully served. In her final years, she lived out of the public eye, teaching math and Russian language and literature at a Moscow school until just months before her death.

She is survived by three children, Natalie Babitsky of France, Fyodor Babitsky of Moscow and Yulia Keidan of Italy; 13 grandchildren; two brothers, Andrew Velihan of Northport, N.Y., and Kirill Velikanov of Moscow; and two sisters, Yekaterina Velikanova of Moscow and Mary Velihan Grigorenko of New York City.

[From the Boston Globe, Oct. 18, 2002]

TATYANA VELIKANOVA, LEADING SOVIET-ERA DISSIDENT, DIES AT AGE 70

MOSCOW.—Tatyana Velikanova, a leading member of the Soviet-era dissident movement who was arrested and jailed for chronicling human rights abuses by the authorities, has died in Moscow of cancer. She was 70.

"She was a symbol of the human rights movement," Sergei Kovalyov, a prominent dissident also persecuted by the authorities, said yesterday. Ms. Velikanova, a mathematician, first defied the authorities in 1968, when she appeared in Red Square with her husband and six other people to protest the Soviet invasion of Czechoslovakia. After her husband, Konstantin Babitsky, was arrested, Ms. Velikanova became an active participant in the dissident movement.

In 1969, Ms. Velikanova helped found the Initiative Group for the Defense of Human Rights and later played a leading role in publishing the Chronicle of Current Events, a samizdat, or self-published bulletin reporting human rights abuses by the authorities and news about the dissident movement. The Chronicle was the cornerstone of the dissident movement for many years.

"She was absolutely reliable, a crystally honest person," said Kovalyov, who worked on the Chronicle alongside Ms. Velikanova until his arrest in 1974. "For me, [Andrei] Sakharov and Velikanova were the brightest representatives of the Soviet human rights movement."

Sakharov, who won the 1975 Nobel Peace Prize for his human rights activities, once hailed Ms. Velikanova as an "embodiment of the . . . purity and strength of the Soviet Union's human rights movement."

Following years of harassment by the authorities, Ms. Velikanova was arrested in 1979 and sentenced to four years in a prison camp and five years of exile in the steppes of western Kazakhstan. She was pardoned by the government in 1987 as part of Soviet leader Mikhail Gorbachev's reforms, but she refused to return to Moscow for another half-year.

For the past decade, Ms. Velikanova taught in Moscow.

[From Radio Free Europe/Radio Liberty, Oct. 16, 2002]

HONORING A SAMIZDAT PIONEER—THE AMAZING LIFE OF TATYANA VELIKANOVA

(By Marjorie Farquharson)

The death on 21 September this year of Tatyana Velikanova, the editor of "Khronika tekushchykh sobytii" ("A Chronicle of Current Events"), draws a line under the most remarkable publishing venture of the Soviet era.

Although it concentrated on reporting the here-and-now, "Khronika" actually reached far into the future. Some of the issues it highlighted have not been resolved even today.

"Khronika" gave an uncensored account of what was going on in the Soviet Union, and thus prefigured the events of the late 1980s that so surprised the world in a way that "Izvestiya" never could. Before then-Communist Party General Secretary Mikhail Gorbachev launched his policy of "glasnost" in the late 1980s, you could scour the official press in vain for indications of nationalism in Georgia or Ukraine. By contrast, the pages of "Khronika" traced the lives of some individuals who later became the first to head their republics as independent states, and others who became Nobel laureates or members of the new Russian government.

"Khronika" was the only samizdat journal devoted to human rights issues (Article 19 of the UN civil rights covenant was its masthead) throughout the Soviet Union and it ran for 14 years—longer than almost any other. It began as a brief record of what happened to the seven people who demonstrated in Red Square against the invasion of Czechoslovakia in 1968, among them Velikanova's husband Konstantin Babitskii. By the time the authorities finally suppressed the publication in 1983, it had regular rubrics on emigration, religion, nationalities, psychiatry, prisoners, and the media.

Compared with the websites available now, the legal fragments in "Khronika" look like shards of ancient pottery. In the chronicle's day through, Soviet readers had no right to see the laws that governed them, and what was not expressly permitted was wisest assumed forbidden. "Khronika" published whatever secret decrees came its way, some with enormous implications for human rights—such as instructions of forcible psychiatric confinement from 1972, residency restrictions on ex-offenders, and rules on prison punishments. It was not until the USSR had collapsed that the new 1991 Russian Constitution included the idea that laws must be accessible to the public if they are to be legal.

Journalists in democracies have a duty to impart information, not merely the right to do so, according to international standards accepted by Russia in 1998 and by those other ex-Soviet republics that have been accepted into the Council of Europe. "Khronika" chose to write in that same spirit 34 years ago, but under the constraints of Soviet censorship. An early issue advises: "Our journal is by no means illegal, but the peculiar notion of freedom of information that has been bred over many years in Soviet institutions prevents us from putting a return address on the back page. If you want the public to know what is going on in the country, give your information to the person who gave you 'Khronika,' and they will pass it on to the person who gave it to them. Only don't try to follow the trail to the end or people will take you for an informer."

In 1979 that trail led to Velikanova and her arrest, but by then it had evidently become a long and intricate one. (Soon afterward a Pentecostalist living 11 time zones away in the Pacific town of Nakhodka was questioned about Velikanova's case.) Well-versed in political trials, Velikanova took no part in the investigation of her own case, refused a defense lawyer, and did not appeal against her nine-year sentence in 1980 for "anti-Soviet agitation and propaganda"—her only response to the verdict being "The farce is over." She served four years in a Mordovian labor camp, then was exiled to a camel station in Kazakhstan where she worked as a bookkeeper. The first information about women political prisoners and their conditions emerged when she was in Mordovia.

"Khronika" did not anticipate the explosion in information technology that has ripped through the world since 1990, carrying the Russian Federation with it. The chroniclers were caught in an era when Soviet typewriters were identifiable by their registration numbers, photocopiers did not exist, and no one had dreamt of a fax or electronic mail. Velikanova took enormous risks as editor of "Khronika." Apart from the constant danger of arrest, there were the problems of protecting sources, distributing material to trusted people and guarding against fake information supplied by the KGB to discredit the journal. Contributors too took risks. How did they know the journal would represent them fairly? And protect their identity when needed?

The continual growth in the chronicle's depth and scope is a counterpoint to Velikanova's own integrity and skill. From the first issue to the last, the same neutral and unassuming voice speaks through its pages—a voice that must have been very close to her own.

"Khronika" foreshadowed many changes, but two causes it espoused have not been resolved. The Meskhetians and the Crimean Tartars, who were expelled from their homes by Stalin during World War II still struggle for full civil rights. The Tartars feature in the chronicle's earliest issues. Their leader, Mustafa Dzhemilev, was a member of the Initiative Group for the Defense of Human Rights set up by Velikanova and her fellow "Khronika" founder Sergei Kovalev and Tatyana Khodorovich in 1969.

Until she was sacked from the Academy of Sciences in 1977 and began work as a cleaner in a children's hospital, Velikanova engaged in mathematical research. After her release in 1987, she united her two great loves and became a mathematics teacher in a Moscow school, where she still worked at the time of her death at 71. She was shy in public, and in the 1990s never became known as a magnet for the foreign media and financiers. A complete set of her edited works survives her, however. "A Chronicle of Current Events" is available in Russian on the website of the human rights group Memorial (http://www.memo.ru) and in English from Amnesty International.

SENATE—*Monday, November 4, 2002*

The Senate met at 10:30 a.m. and was called to order by the Honorable PAUL S. SARBANES, a Senator from the State of Maryland.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, November 4, 2002.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable PAUL S. SARBANES, A Senator from the State of Maryland, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. SARBANES thereupon assumed the chair as Acting President pro tempore.

ADJOURNMENT UNTIL 10:30 A.M., THURSDAY, NOVEMBER 7, 2002

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate stands in adjournment until the hour of 10:30 a.m. on Thursday, November 7, 2002.

Thereupon, the Senate, at 10:31 a.m., adjourned until Thursday, November 7, 2002, at 10:30 a.m.

HOUSE OF REPRESENTATIVES—*Monday, November 4, 2002*

The House met at 11 a.m. and was called to order by the Speaker pro tempore (Mr. TOM DAVIS of Virginia).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
November 4, 2002.

I hereby appoint the Honorable TOM DAVIS to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, You are the creator and salvation of Your people. You raise up the lowly and put down the high and the mighty to accomplish Your holy will.

Be with the people of the United States of America as they approach the election of those who will be given legislative power to govern this grand and free Nation in the coming year.

Lord, the Constitution of the United States assures citizens of this country the right to vote. Tomorrow may citizens across this Nation find within themselves the internal freedom to exercise this sacred right. By their participation in the voting process and by their understanding of world events and the needs of Your people, may they make wise choices and witness to the world the beauty and lasting values of this Republic.

May incumbent Members and all who seek to serve in this House of Representatives be blessed. In campaigning, as well as in victory or defeat, be with them.

May they be remembered only for gracious words and noble deeds which will prove them to be leaders of a Nation founded upon respected diversity and the common pursuit of virtue.

Make this Nation strong and ever more powerful in Your sight by the free and unobstructed election of Your people.

This we pray now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER pro tempore led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ADJOURNMENT

The SPEAKER pro tempore. Without objection, when the House adjourns today, it shall stand adjourned until 11 a.m. on Thursday, November 7; and further, when the House adjourns on that day, it shall stand adjourned until 11 a.m. on Friday, November 8.

There was no objection.

COMMUNICATION FROM CHIEF OF STAFF OF HONORABLE WILLIAM L. JENKINS, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Brenda J. Otterson, Chief of Staff to the Honorable WILLIAM L. JENKINS, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, October 30, 2002.

Hon. DENNIS HASTERT,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena for testimony issued by the U.S. District Court for the Middle District of Tennessee.

After consultation with the Office of the General Counsel, I will make the determinations required by Rule VIII.

Sincerely,

BRENDA J. OTTERSON,
Chief of Staff.

COMMUNICATION FROM THE HONORABLE KENNETH E. BENTSEN, JR., MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable KENNETH E. BENTSEN, JR., Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, October 31, 2002.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena for testimony and documents issued by the 351st Criminal District Court for Harris County, Texas.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is inconsistent with the precedents and privileges of the House.

Sincerely,

KENNETH E. BENTSEN, JR.,
Member of Congress.

ADJOURNMENT

The SPEAKER pro tempore. Without objection, the House stands adjourned until 11 a.m. on Thursday, November 7, 2002.

There was no objection.

Accordingly (at 11 o'clock and 5 minutes a.m.), under its previous order, the House adjourned until Thursday, November 7, 2002, at 11 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

9831. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Head Start Program (RIN: 0970-AB24) received October 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

9832. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Requirements for Facilities Transferring or Receiving Select Agents (RIN: 0920-AA02) received October 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9833. A letter from the Attorney-Advisor, NHTSA, Department of Transportation, transmitting the Department's final rule — Federal Motor Vehicle Safety Standards; Child Restraint Systems [Docket No. NHTSA-2001-10916, Notice 2] (RIN: 2127-AI55) received October 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9834. A letter from the Attorney Advisor, NHTSA, Department of Transportation, transmitting the Department's final rule — Federal Motor Vehicle Safety Standards; Child Restraint Systems [Docket No. NHTSA-2002-12065] (RIN: 2127-AI88) received October 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9835. A letter from the Senior Attorney, NHTSA, Department of Transportation, transmitting the Department's final rule — Reporting of Information About Foreign Safety Recalls and Campaigns Related to Potential Defects [Docket No. NHTSA 2001-10773; Notice 3] (RIN: 2127-AI26) received October 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9836. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's

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☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

final rule — Ricky Ray Hemophilia Relief Fund Program (RIN: 0906-AA56) received October 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

9837. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Alternate Hull Examination Program for Certain Passenger Vessels, and Underwater Surveys for Nautical School, Offshore Supply, Passenger and Sailing School Vessels [USCG-2000-6858] (RIN: 2115-AF95) received October 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9838. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30332; Amdt. No. 3025] received October 29, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9839. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Drawbridge Operation Regulations: Hackensack River, NJ. [CGD01-02-117] received October 29, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9840. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Drawbridge Operation Regulations: Dorchester Bay, MA. [CGD01-02-101] (RIN: 2115-AE47) received October 29, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9841. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Office of Inspector General-Health Care; Medicare and Medicaid Programs; Peer Review Organizations: Name and Other Changes-Technical Amendments [CMS-3088-FC] (RIN: 0938-AL38) received October 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

9842. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's "Major" final rule — Medicare Program; Changes to the Hospital Outpatient Prospective Payment System and Calendar Year 2003 Payment Rates; and Changes to Payment Suspension for Unfiled Cost Reports [CMS-1206-FC and CMS-1179-F] (RIN: 0938-AL19 and 0938-AK59) received November 1, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

9843. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Medicare and Medicaid Programs; Emergency Recertification for Coverage for Organ Procurement Organizations [CMS-3064-IFC] (RIN: 0938-AK81) received October 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

9844. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Medicare and Medicaid Programs; Physicians' Referrals to Health Care Entities With Which They Have Financial Relationships [HCFA-1809-FC] (RIN: 0938-AG80) received October 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under Clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. STUMP: Committee on Armed Services. H.R. 5132. A bill to express the sense of Congress concerning the fiscal year 2003 end strengths needed for the Armed Forces to fight the War on Terrorism; with an amendment (Rept. 107-771). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII,

Mr. NADLER (for himself, Ms. NORTON, Mr. SERRANO, Mrs. MCCARTHY of New York, Mr. MEEKS of New York, and Mr. OWENS) introduced A bill (H.R. 5704) to provide that Community Development Block Grant funds relating to the recovery of New York City from the September 11, 2001, terrorist attacks shall not be subject to Federal taxation; which was referred to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 218: Mr. MURTHA.

H.R. 690: Mr. LANGEVIN.

H.R. 778: Mr. SIMPSON.

H.R. 3741: Mr. ANDREWS.

H.R. 3961: Ms. RIVERS, Ms. WOOLSEY, and Ms. ESHOO.

H.R. 4210: Mr. MEEKS of New York.

H.R. 5268: Mr. HINCHEY and Mr. ENGEL.

H.J. Res. 97: Ms. KILPATRICK.

H. Con. Res. 127: Mr. BONIOR.

H. Con. Res. 403: Mr. BONIOR.

EXTENSIONS OF REMARKS

FIVE TRUE AMERICAN HEROES

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 4, 2002

Mr. VISCLOSKY. Mr. Speaker, It is my distinct honor and privilege to congratulate five true American heroes. Adam Kirschner, Joseph Giorgio, Edward Szczepanski, Norman Schoon, and Richard Krame are World War II Army veterans who risked their lives to protect our freedom. These brave men will be honored on Sunday, November 3, 2002 at the Salute 2002 ceremony to be held at Munster High School in Munster, Indiana.

Sergeant Adam Kirschner was raised in East Chicago, Indiana and graduated from Washington High School in June 1941. After serving in the Indiana National Guard, Adam was inducted into active duty in the Army on March 2, 1943. He participated in the Landing at Normandy on D–Day, and he continued to fight into Northern France and the Rhineland. Sergeant Kirschner scouted new terrain searching for minefields and enemy troops. He was subjected to heavy artillery, mortar, and small arms fire, but his superior skill and his desire to fulfill his duty guided him. Adam earned many medals and awards for his bravery, including the Bronze Star and the Purple Heart Medal. He separated from the Army on November 16, 1945, and returned to his wife, Theresa, in East Chicago, where they raised a loving family. Sergeant Kirschner has remained loyal to Northwest Indiana by participating in several service organizations, including the American Legion, Purple Heart Association, and the D.A.V.

Mr. Speaker, Joseph Giorgio was also raised in East Chicago and enlisted in the Army after graduating from Roosevelt High School. He joined the Army on August 3, 1944 and served in the Third Infantry Division, 30th Regiment, Company I. On March 15, 1945, Joseph was leading an attack with two other men against German forces in the town of Schmittviller, Germany. Joseph lost one leg and an eye after stepping on a landmine. The explosion alerted the Germans to the American position, and a battle ensued. During the battle, Joseph was shot by German forces and was left for dead. His two companions were also shot and were rescued by American forces later that night, but they left Joseph behind because he had lost consciousness and they believed he had lost his life. His miraculous will to live carried Joseph through the night, and when another battle began the next day Joseph called out for help and was rescued. Joseph was discharged from the Army on December 12, 1945, earning many awards, including two Bronze Stars, a Purple Heart, and the French Croix de Guerre with a Bronze Palm, the highest honor given to a soldier by the French Government, for his heroism.

Edward Szczepanski was called into service by the United States Army on April 11, 1941. After several months of training, Edward arrived in Ora Bay, New Guinea to begin what would be a 27-month tour of duty as a Technical Sergeant with the 38th Division, 151st Infantry. He risked his life in order to save the lives of others while fighting in New Guinea, the Philippines, and the Island of Corriegdor. He was awarded numerous medals for his bravery, including the Asiatic Pacific Theater Ribbon with five Bronze Stars, the Philippine Liberation Ribbon with Bronze Star, the Expert Rifle Badge, and the Good Conduct Medal. Edward was also selected to be a member of the Honor Guard for General Douglas MacArthur on his return to Corriegdor. Edward separated from the Army on October 4, 1945, and returned to his home in East Chicago, where he later married his wife, Dorothy, and raised a family while serving as an active member of the American Legion.

Mr. Speaker, Norman Schoon was a farmer from Wheatfield, Indiana before he entered the Army on January 25, 1943 at Fort Benjamin Harrison in Indianapolis, Indiana. Fewer than eleven months later, Norm was a Sergeant with the famed Golden Lion Division, the 423rd Infantry, 106th Division and fighting the German forces at the "Battle of the Bulge." Norman was one of 7,000 American troops in his Division that were taken as prisoners of war and forced to endure harsh treatment by the German military. Four months after being imprisoned by the Germans, Norman was rescued by Allied troops on November 19, 1945. Norman separated from the Army on October 28, 1945 as a highly decorated and respected soldier. He later married his wife, Marti, and raised a family while becoming active in the VFW and the Purple Heart Member club.

Richard A. Krame joined the Army on March 10, 1943 at Fort Benjamin Harrison in Indianapolis. He was assigned to the 1st Brigade Engineers, who landed on Utah Beach in Normandy at 6:30 a.m. on June 6, 1944. Inclement weather forced the troops to fight only with small firearms. As the weather cleared, they were able to receive the supplies that they needed to fight their way off of the beach and into the heart of France. Richard fought in five engagements in Normandy, Northern France, Rhineland, Ardennes, and Central Europe. He also received the Croix de Guerre with a Star from the French Government, as well as many awards for his bravery from the Army. Richard separated from the Army on December 3, 1945, and is a proud member of his Schererville community.

Mr. Speaker, I ask that you and my other colleagues join me in thanking these five men, as well as our other former and current members of the United States military, for their braverv and valor in the face of danger. These men risked their lives in order to protect the freedoms that we enjoy each day, and they deserve all of our honor and respect. I am proud to represent them in the First Congressional District.

MARY ANN KEIRANS HONORED

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 4, 20

Mr. KANJORSKI. Mr. Speaker, I rise today to call the attention of the House of Representatives to the service to the community of Mary Ann Keirans from the Visiting Nurse Association in Luzerne County, Pennsylvania. Having worked hard to improve the lives of thousands of people in the community, she will be honored November 5 on the occasion of her retirement.

She holds a master of business administration from Wilkes University, a master of arts in public health nursing administration from Columbia University and a bachelor of science in nursing, from Cornell University-New York Hospital School of Nursing.

For more than 33 years, Mary Ann Keirans has dedicated herself to the mission of the Visiting Nurse Association, which has changed names several times over the years. She began working for the association in 1969 and has served as its administrator since August 1975.

Mr. Speaker, her professional activities and instances of community involvement are too numerous to list them all here. To give a few examples of her dedication, she has served on the board of directors of the Pennsylvania Association of Home Health Agencies for 28 years, including as the board's president, second vice president and treasurer, and chairing numerous committees of the board.

Additionally, she is a member of the board of directors of the Visiting Nurse Associations of Pennsylvania and MMI Preparatory School, as well as a member of the Business School Advisory Council at King's College. She is also a member of the founding board of directors of Leadership Wilkes-Barre and a member of its steering and program committee, as well as a member of the Women's Executive Council of the Greater Wilkes-Barre Chamber of Business and Industry.

Given her dedication, Mr. Speaker, you will not be surprised to learn that Mary Ann Keirans has received several awards, including the Pennsylvania Association of Home Health Agencies Member of the Year Award in 1985 and its President's Award in 1995, as well as the 1987 Athena Award for Outstanding Professional Woman of the Year from the Greater Wilkes-Barre Chamber of Business and Industry. She is also active in numerous civic organizations and in church activities.

Mr. Speaker, I am pleased to call to the attention of the House of Representatives the

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Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

long record of service to the community of Mary Ann Keirans, and I wish her all the best.

IN RECOGNITION OF NEW YORK ARTISTS EQUITY ASSOCIATION'S 55TH ANNIVERSARY

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 4, 2002

Mr. NADLER. Mr. Speaker, I rise today in recognition of New York Artists Equity Association (NYAEA), now celebrating its 55th anniversary.

Since 1947, New York Artists Equity Association has been a strong advocate for legislation on behalf of visual artists, and has provided services to support the development of the visual arts in our communities. NYAEA not only fights for the future of the visual arts, but places the New York artistic community in the context of history, as a necessary component of society, one that enriches our lives.

New York Artists Equity Association's mission of education, awareness, and support for the visual arts has provided the basis for its constant efforts. By promoting emerging artists in its wonderful Broome Street Gallery, it has successfully integrated those artists into the larger community. By preserving endangered visual art work, it assures the record of our rich artistic past. Through educational outreach, it has developed a new audience which is constantly expanding.

Mr. Speaker, I particularly commend NYAEA, under the leadership of its Executive Director, Regina Stewart, for supporting visual artists at a time when the resources they receive from the government are simply not enough. NYAEA has provided support for many visual artists who otherwise would not have received help. Through referrals, legal services, and health care programs, the Association helps ensure economic stability for visual artists who might otherwise be forced to abandon their talents due to economic difficulties. By providing communication within the community, it helps establish a strong support base for issues relevant to artists' needs.

I stand here today to thank New York Artists Equity Association for all it has done to advocate for visual artists, consistent with the needs of their community. I am proud that NYAEA is in my Congressional District, and that its work reaches far beyond my District to help visual artists in the larger community. I also want to thank one of the Association's Past Vice Presidents, Doris Wyman, who serves on my Arts Advisory Committee, for consistently championing the needs of visual artists. Because of my on-going work with this fine organization and their leadership, I know of their constant efforts to change regressive policies on the arts and I commend them.

For fifty-five years, NYAEA has supported visual artists and been a passionate advocate for their causes. I salute New York Artists Equity Association for helping to assure a stable artistic community—one that is, and always must be, an integral part of our heritage and culture.

SENATE—*Thursday, November 7, 2002*

The Senate met at 10:31 a.m., and was called to order by the Honorable EDWARD M. KENNEDY, a Senator from the Commonwealth of Massachusetts.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, November 8, 2002.

To the Senate:

Under the provisions of Rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable EDWARD M. KENNEDY, a Senator from the Commonwealth of Massachusetts, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. KENNEDY thereupon assumed the chair as Acting President pro tempore.

ADJOURNMENT UNTIL 10:30 A.M. TOMORROW

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate stands in adjournment until 10:30 a.m., Friday, November 8, 2002.

Thereupon, the Senate, at 10:32 a.m., adjourned until Friday, November 8, 2002, at 10:30 a.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

HOUSE OF REPRESENTATIVES—*Thursday, November 7, 2002*

The House met at 11 a.m. and was called to order by the Speaker pro tempore (Mr. TOM DAVIS of Virginia).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
November 7, 2002.

I hereby appoint the Honorable TOM DAVIS to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, loving Father of all, You know all our comings in and our goings out. You help us reflect on our movements until we find a purity of intention in our actions. Be with this Nation and particularly with the Members of Congress that all may be Your servants of justice.

Lord, reward with peace and tranquility the American people who exercised their democratic right in electing men and women to govern local communities and this great Nation in the halls of Congress. Guide all those who are in transitions of life. Surround their families with Your love and deepen their faith in You at moments of fear and uncertainty.

May all those who were reelected to public office renew their commitments to personal integrity and to build public trust. May their work be blessed and consecrated to You because it is undertaken not for personal gain, but as service to the common good of those they represent in a government of the people.

This we pray now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER pro tempore led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

REAPPOINTMENT AS MEMBER TO ADVISORY COMMITTEE ON STUDENT FINANCIAL ASSISTANCE

The SPEAKER pro tempore. Without objection, pursuant to section 491 of the Higher Education Act (20 U.S.C. 1098 (c)), and upon the recommendation of the majority leader, the Chair announces the Speaker's reappointment of the following member on the part of the House to the Advisory Committee on Student Financial Assistance for a 3-year term:

Ms. Judith Flink, Morton Grove, Illinois.

There was no objection.

ADJOURNMENT FROM FRIDAY, NOVEMBER 8, 2002 TO TUESDAY, NOVEMBER 12, 2002

The SPEAKER pro tempore. Without objection, when the House adjourns on Friday, November 8, it shall stand adjourned until 12:30 p.m. on Tuesday, November 12, 2002, for morning hour debates.

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

The SPEAKER pro tempore. Without objection, the business in order under the Calendar Wednesday rule shall be dispensed with on Wednesday next.

There was no objection.

ADJOURNMENT

The SPEAKER pro tempore. Without objection, the House stands adjourned until 11 a.m., Friday, November 8, 2002.

There was no objection.

Accordingly (at 11 o'clock and 4 minutes a.m.), under its previous order, the House adjourned until tomorrow, Friday, November 8, 2002, at 11 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

9845. A letter from the Chief, Regulatory Review and Foreign Investment Disclosure Branch, Department of Agriculture, transmitting the Department's final rule — Direct and Counter-Cyclical Program (RIN: 0560-AG71) received November 1, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9846. A letter from the Deputy Secretary, Department of Defense, transmitting a letter on the approved retirement of General Montgomery C. Meigs, United States Army, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

9847. A letter from the Comptroller, Comptroller of the Currency, transmitting the Office's 2001 Annual Report, pursuant to 12 U.S.C. 14; to the Committee on Financial Services.

9848. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Section 8 Homeownership Program: Downpayment Assistance Grants and Streamlining Amendments [Docket No. FR-4670-F-02] (RIN: 2577-AC28) received November 1, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9849. A letter from the Vice Chairman, Export-Import Bank of the United States, transmitting a report involving U.S. exports to Kenya, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Financial Services.

9850. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule — Suspension of Community Elligibility [Docket No. FEMA-7793] received November 1, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9851. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule — Final Flood Elevation Determinations — received November 1, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9852. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule — Final Flood Level Elevation Determinations — received November 1, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9853. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule — Changes in Flood Elevation Determinations — received November 1, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9854. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule — Changes in Flood Elevation Determinations [Docket No. FEMA-D-7529] received November 1, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9855. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule — National Flood Insurance Program (NFIP); Group Flood Insurance Policy (GFIP) (RIN: 3067-AD31) received November 1, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9856. A letter from the General Counsel, Federal Emergency Management Agency,

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

transmitting the Agency's final rule — Changes in Flood Elevation Determinations [Docket No. FEMA-P-7616] received November 1, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9857. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule — Final Flood Elevation Determinations — received November 1, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9858. A letter from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting the Corporations's final rule — Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits — received November 1, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

9859. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Administration's final rule — Listing of Color Additives Exempt From Certification; Mica-Based Pearlescent Pigments [Docket No. 00C-1321] received November 1, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9860. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule — Amendment to Examination and Investigation Sample Requirements [Docket No. 98N-0417] received October 31, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9861. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule — Postmarket Surveillance [Docket No. 00N-1367] received October 31, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9862. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Postmarketing Studies for Approved Human Drug and Licensed Biological Products; Status Reports; Delay of Effective Date [Docket No. 99N-1852] received October 31, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9863. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Additional Criteria and Procedures for Classifying Over-the-Counter Drugs as Generally Recognized as Safe and Effective and Not Misbranded [Docket No. 96N-0277] (RIN: 0910-AA01) received October 31, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9864. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed issuance of export licenses to Australia [Transmittal No. DTC 238-02], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

9865. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed manufacturing license agreement with Japan (Transmittal No. DTC 253-02), pursuant to 22 U.S.C. 2776(c) and 22 U.S.C. 2776(d); to the Committee on International Relations.

9866. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to the United Kingdom (Transmittal No. DTC 146-02), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

9867. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

9868. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 2003-1, pursuant to Section 102 (a)(2) of the Arms Export Control Act; to the Committee on International Relations.

9869. A letter from the White House Liaison, Department of the Treasury, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9870. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Iowa Regulatory Program [IA-011-FOR] received November 1, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9871. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Wyoming Regulatory Program [WY-029-FOR] received November 1, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9872. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Pennsylvania Regulatory Program [PA-136-FOR] received November 1, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9873. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Texas Regulatory Program [SPATS No. TX-048-FOR] received November 1, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9874. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Utah Regulatory Program [SPATS No. UT-041-FOR] received November 1, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9875. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Kentucky Regulatory Program [KY-238-FOR] received November 1, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9876. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Economic Exclusive Zone Off Alaska; Trawl Gear in the Gulf of Alaska [Docket No. 011218304-1301-01; I.D. 101102A] received November 1, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9877. A letter from the Senior Attorney, Financial Management Service, Department of the Treasury, transmitting the Department's final rule — Treasury Debt Collection (RIN: 1505-AA90) received November 1, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

9878. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report pursuant to section 219 of the Immigration and Nationality Act as added by the Antiterrorism and Effective Death Penalty Act of 1996 and amended by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996; to the Committee on the Judiciary.

9879. A letter from the Acting Deputy Counsel, Small Business Administration, transmitting the Administration's final rule — Pre-Disaster Mitigation Loans (RIN: 3245-AE44) received November 1, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

9880. A letter from the Acting Director, Office of Regulatory Law, Department of Veterans Affairs, transmitting the Department's final rule — Civilian Health and Medical Program of the Department of Veterans Affairs (CHAMPVA) (RIN: 2900-AK89) received November 1, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

9881. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Tax forms and instructions (Rev. Proc. 2002-70) received November 1, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

401. The SPEAKER presented a memorial of the Legislature of the State of California, relative to Senate Joint Resolution No. 50 memorializing the Congress of the United States that the Legislature of the State of California recognizes that the United States Military Academy at West Point is a living testament to the accomplishments of the United States throughout its history; to the Committee on Armed Services.

402. Also, a memorial of the Legislature of the State of California, relative to Senate Joint Resolution No. 42 memorializing the Congress of the United States to approve legislation that increases and reauthorizes funding for the Child Care and Development Block Grant; to the Committee on Education and the Workforce.

403. Also, a memorial of the Legislature of the State of California, relative to Senate Joint Resolution No. 38 memorializing the President and Congress of the United States to reject legislation that inappropriately impedes the progress of medical science by impeding stem cell and therapeutic cloning research, and denies Americans legal access to effective medical therapies; to the Committee on Energy and Commerce.

404. Also, a memorial of the Legislature of the State of California, relative to Senate Joint Resolution No. 49 memorializing the President, Congress, the Secretary of Health and Human Services, the Director of the Centers for Disease Control and Prevention, and the California Congressional delegation to seek the immediate release to the State Department of Health Services, and thereby to the California public, of the California-specific findings from the 1999 CDC National Report on Human Exposure to Environmental Chemicals; to the Committee on Energy and Commerce.

405. Also, a memorial of the Legislature of the State of California, relative to Senate Joint Resolution No. 40 memorializing the President and Congress of the United States

that the Congress and the United States Trade Representative should preserve the traditional powers of state and local governments; to the Committee on International Relations.

406. Also, a memorial of the Legislature of the State of California, relative to Senate Joint Resolution No. 51 memorializing the President and Congress of the United States to reinstate the $34 million in funding for the United Nations Population Fund; to the Committee on International Relations.

407. Also, a memorial of the Legislature of the State of California, relative to Senate Joint Resolution No. 52 memorializing the President and Congress of the United States to enact S. 2535, the California Wild Heritage Act of 2002; to the Committee on Resources.

408. Also, a memorial of the Legislature of the State of California, relative to Senate Joint Resolution No. 41 memorializing the Congress of the United States to enact either S. 1829 or H.R. 3505, or both, without the provisions that provide for an expedited naturalization process, as the Airport Security Personnel Protection Act; to the Committee on Transportation and Infrastructure.

409. Also, a memorial of the Legislature of the State of California, relative to Senate Joint Resolution No. 48 memorializing the President and Congress of the United States to make sufficient funds available to California to support the state's Fire Service first responder preparedness needs; to the Committee on Transportation and Infrastructure.

410. Also, a memorial of the Legislature of the State of California, relative to Senate Joint Resolution No. 39 memorializing the President and Congress of the United States to consider the removal of trade, financial, and travel restrictions relating to Cuba; jointly to the Committees on International Relations and Ways and Means.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 1520: Mr. WOLF and Mr. LOBIONDO.
H.R. 3397: Ms. MILLENDER-MCDONALD.
H.R. 5484: Ms. RIVERS and Mr. GORDON.
H.R. 5492: Mrs. CLAYTON and Mr. OWENS.

EXTENSIONS OF REMARKS

HONORING DR. CHAN-LIN TIEN

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 7, 2002

Mr. MATSUI. Mr. Speaker, with the passing of Dr. Chan-Lin Tien, the Asian American community as well as the entire nation, has lost an extraordinary educator, scientist, and leader. I rise today joining many friends and admirers across the country and around the world in expressing my deepest sympathy to Dr. Tien's wife, Di-Hwa and his three children, Norman, Phyllis and Christine.

Dr. Tien's remarkable legacy is evident in the fact that his presence could be felt in many fields of study. But Dr. Tien's contributions went far beyond the academic. By bringing his passion, enthusiasm, and personality to each new endeavor, Dr. Tien touched countless lives and inspired people from all walks of life to achieve excellence.

As the University of California at Berkeley's seventh Chancellor, Dr. Tien became the first Asian American to head a major research university in the United States. As Chancellor, Dr. Tien was known for the energy and personal touch he brought to his job. A leader in the right for affirmative action in the UC admissions process, Dr. Tien understood the great value that diversity brings to institutions of learning and to the fabric of our nation. All members of the University community—staff, faculty, students, and alumni—were enriched by Dr. Tien's vision and warmth.

Though Dr. Tien was first and foremost a man of science and learning, he was also deeply committed to opening doors for Asian Pacific Americans in all areas of public life and leadership. As a founding board member of the Asian Pacific American Institute for Congressional Studies (APAICS), his efforts will undoubtedly continue to inspire future generations of APA leaders.

Dr. Tien strove to cultivate excellence in the academic world, in government, and in the APA community. Dr. Tien truly was a giant in his field, and his loss will be deeply felt in the hearts of those who had the privilege of knowing and working with him. He will be greatly missed.

SENATE—*Friday, November 8, 2002*

The Senate met at 10:31 a.m. and was called to order by the Honorable JEFF BINGAMAN, a Senator from the State of New Mexico.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, November 8, 2002.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JEFF BINGAMAN, a Senator from the State of New Mexico, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. BINGAMAN thereupon assumed the chair as Acting President pro tempore.

ADJOURNMENT UNTIL 1 P.M., TUESDAY, NOVEMBER 12, 2002

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate stands in adjournment until the hour of 1 p.m. on Tuesday, November 12, 2002.

Thereupon, the Senate at 10:32 a.m., adjourned until Tuesday, November 12, 2002, at 1 p.m.

HOUSE OF REPRESENTATIVES—*Friday, November 8, 2002*

The House met at 11 a.m.

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Eternal God, strong to save, You honor the courageous and reward eternally those who are willing to lay down their lives out of love for their countrymen. This weekend Americans will honor veterans who have made the ultimate sacrifice to defend this Nation and uphold the justice and freedom which have fashioned its soul.

As people of diverse faiths gather and find various ways to honor the fallen heroes of this country, we pray also for their widows and children who may still be burdened by their pain of loss.

May this Veterans Day provide celebration for all who have worn or presently wear the proud uniform of American military service. May our remembering those who have been wounded by war or killed by war strengthen our resolve to be promoters of life and search for ways to secure peace.

This we pray now and forever. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ADJOURNMENT

The SPEAKER. Without objection, the House stands adjourned until 12:30 p.m. on Tuesday, November 12, 2002, for morning hour debates.

There was no objection.

Accordingly (at 11 o'clock and 4 minutes a.m.), under its previous order, the House adjourned until Tuesday, November 12, 2002, at 12:30 p.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

9882. A letter from the Administrator, Tobacco Programs, Department of Agriculture, transmitting the Department's final rule—Flue-Cured Tobacco Advisory Committee; Amendment of regulations [Docket No. TB-02-14] (RIN: 0581-AC11) received November 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9883. A letter from the Secretary, Department of Defense, transmitting a report on the retirement of Lieutenant General Russell C. Davis, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

9884. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule—Uniform Compliance Date for Food Labeling Regulations [Docket No. 98N-1149] received October 31, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9885. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule—Indirect Food Additives: Adhesives and Components of Coatings [Docket No. 92F-0443] received October 31, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9886. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule—Hematology and Pathology Devices; Reclassification; Restricted Devices; OTC Test Sample Collection Systems for Drugs of Abuse Testing; Delay of Effective Date [Docket No. 97N-0135] received October 31, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9887. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule—Medical Devices; Reclassification and Codification of Home Uterine Activity Monitor [Docket No. 97P-0350] received October 31, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9888. A letter from the Director, International Cooperation, Department of Defense, transmitting a copy of Transmittal No. 33-02 which informs you of our intent to sign Amendment Number One to the Operations Support System (OSS) and Command Control and Information System (CCIS) Cooperative Project Memorandum of Agreement (OSS/CCIS MOA) between the United States and the Supreme Allied Commander Atlantic (SACLANT), pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

9889. A letter from the Comptroller General, General Accounting Office, transmitting the Month in Review: September 2002 Reports, Testimony, Correspondence, and Other Publications, pursuant to 31 U.S.C. 719(h); to the Committee on Government Reform.

9890. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9891. A letter from the Assistant Secretary for Water and Science, Department of the Interior, transmitting the Department's draft bill entitled, "Pacific Northwest Reclamation Project Habitat Restoration Act"; to the Committee on Resources.

9892. A letter from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule—Government Property—Instructions for Preparing NASA Form 1018 (RIN: 2700-AC33) received November 5, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

9893. A letter from the Acting Director, Office of Regulatory Law, Department of Veterans Affairs, transmitting the Department's final rule—Service Connection by Presumption of Aggravation of a Chronic Preexisting Disease (RIN: 2900-AL20) received November 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

9894. A letter from the Chairman, U.S.-China Commission, transmitting notification regarding the Commission's "classified annex" to the first annual report; jointly to the Committees on Ways and Means, International Relations, and Armed Services.

9895. A letter from the General Counsel, Department of Commerce, transmitting the Department's legislative proposal to authorize appropriations for the programs of the Department of Commerce's Technology Administration, to amend the National Institute of Standards and Technology Act; jointly to the Committees on Science, the Judiciary, Energy and Commerce, and Government Reform.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. COX:

H.R. 5705. A bill to improve health care choice by providing for the tax deductibility of medical expenses by individuals; to the Committee on Ways and Means.

By Mr. COX:

H.R. 5706. A bill to repeal the Federal estate and gift taxes and the tax on generation-skipping transfers; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 4983: Ms. LEE.

H.R. 5250: Mr. CRAMER.

☐This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

EXTENSIONS OF REMARKS

CONGRATULATING CHRISTINE HAAS AS "AMERICA'S TOP YOUNG SCIENTIST"

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 8, 2002

Mr. RADANOVICH. Mr. Speaker, I rise today to congratulate Christine Haas of Clovis, California for being named "America's top Young Scientist" in the 2002 Discovery Channel's Young Scientist Challenge. Christine won the nationwide middle school science competition for her botany and zoology project.

On August 17, 1998, Christine Haas was discovered at Reyburn Intermediate School with her science project by the Massachusetts Institute of Technology Lincoln Laboratory's Near-Earth Asteroid Research (LINEAR) program. Christine, now a Clovis East High School student, received the honor of having a minor planet named after her for her achievements. She also earned a $15,000 college scholarship, a Hollywood Studio tour, and a television appearance in an hour-long program that will air in late December 2002.

Christine's project investigated the use of buckeye blossoms as a means of controlling mosquitoes. She determined that the buckeye plant's natural poisons deterred mosquito development in Wonder Valley's vernal pools. This project was ideal for Christine because Wonder Valley has too many mosquitoes, and it also has livestock owners leery of spraying pesticides around water.

Christine's selection for his award shows her determination and ingenuity which is reflected through this project. She is to be admired and congratulated on her efforts.

Mr. Speaker, I rise to congratulate Christine Haas for her scientific achievement. I urge my colleagues to join me in wishing Christine Haas many years of continued success.

IN RECOGNITION OF ELIAS M. ELIASOF

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, November 8, 2002

Mrs. ROUKEMA. Mr. Speaker, I rise today to recognize and congratulate an outstanding member of our community and of northern New Jersey—Elias "Hy" Eliasof, who tomorrow evening will be honored for his contribution to one of New Jersey's most worthy non-for-profit organizations, the Spectrum for Living.

Mr. Speaker, it is impossible to list all of the contributions Hy has made to New Jersey as a public servant and philanthropist over the last three decades. Hy has served with distinction as the Mayor of Closter and as a Member of the Closter Council. He has chaired the Northern Valley Community Development Program, and served on the Board of Directors of the Community Center for Mental Health, the Pascack Valley Hospital, and the Family Counseling Service of Closter. Hy was the Founder and President of the Northern Valley Mayors' Association, is a Past President of the North Valley Lodge B'nai B'rith, and was a member of the New Jersey Regional Board of Directors of the Anti-Defamation League. Hy is the first recipient of the B'nai B'rith Youth Services Appeal Humanitarian Award, and shared with his wife Marion the first North Valley Hadassah Citizens Award for dedicated and significant contributions in education and community services. The residents of Closter have been well-served by Hy, as have the countless members of our New Jersey community who have benefited from his philanthropy and civic involvement.

On November 8, 2002, Hy will be honored for his dedication, support, and contribution to Spectrum for Living. Spectrum is a not-for-profit organization that provides barrier-free residential facilities, nursing, psychological, recreational, vocational/educational, dietary, psychological, social and therapeutic services for persons with physical and developmental disabilities. Spectrum serves hundreds of people with disabilities, providing an environment where they are respected as individuals and given the freedom, responsibility, and opportunity to face and meet life's challenges. Spectrum provides the physical and emotional support that every individual needs to achieve his or her full potential.

Hy's well-deserved pride in this honor is shared with Marion, their daughter Lucy, their grandchildren Betsy, David, Benjamin, and in the memory of their daughter Diane.

Mr. Speaker, through his decades of public service and good works, Elias "Hy" Eliasof exemplifies the American values that have made our country great. I ask my colleagues in the House of Representatives to join me in congratulating Hy on his achievements, and thanking and saluting him for his dedication and contribution to so many members of our New Jersey community.

TRIBUTE TO JOSEPHINE WAGNER ELDRIDGE

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 8, 2002

Ms. ESHOO. Mr. Speaker, I rise to honor Josephine Wagner Eldridge, a beloved mother and grandmother who died on June 9, 2002.

Josephine Wagner was born in 1917 and was raised in Roanoke, Virginia, where she was an outstanding athlete and student. She graduated from Duke University School of Nursing in 1940 and worked as a nurse at Memorial Baptist Hospital in New Orleans, where she met and married Bill Eldridge, a pilot in the Army Air Corps. Following World War II they settled in the San Francisco Bay Area.

Josephine Wagner Eldridge and her husband Bill were long-time members of Contra Costa Country Club and founding members of Lafayette-Orinda Presbyterian Church. Once their three sons were raised, Josephine returned to her passion of painting. Her painting career flourished and her works were displayed throughout the region with the Las Juntas Artists group and several other art organizations.

Josephine is survived by her sons Bill and his wife Judy, Steve and his wife Sue, Keith and his wife Jan, grandchildren Sheri, Kim, Tommy, Teo, Erin, Ryan and Alex, and her great-grandchildren Sydney and Jessica.

Mr. Speaker, I ask my colleagues to join me in honoring Josephine Wagner Eldridge, for the life she led, for the extraordinary family she raised and for her contributions to the community and the country she loved.

CONGRATULATING DR. PETE MEHAS

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 8, 2002

Mr. RADANOVICH. Mr. Speaker, I rise today to congratulate Dr. Pete Mehas for receiving the Distinguished Alumnus Award at the Fresno State Alumni Awards Gala in Fresno, California on the evening of November 8, 2002. This award is the highest honor given to an alumnus of the University.

The Distinguished Alumnus Award is based on scholarship, leadership, and service to the University, the San Joaquin Valley, and the State of California. It has been established to provide special recognition to an individual who has distinguished himself through outstanding achievement during his post-collegiate career. Nominees must have received national or international recognition, as well as made a significant contribution through volunteer or donor work to the University, the Valley, and the State.

In 1962, Pete Mehas received his bachelor's degree from California State University, Fresno, his master's degree from UCLA in 1967, and his doctorate in education from the University of Southern California in 1979. He began his teaching profession at Roosevelt High School and later became a legislative advocate in Sacramento and Washington DC. In 1987, Dr. Mehas was appointed by Governor George Deukmejian as his Chief Advisor on matters relating to all public education in the state, as well as serving as the Director of the

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Governor's Office of Education Planning and Policy Committee. In September 1991, President Bush appointed Dr. Mehas to a 17-member advisory commission to implement his executive order on Latino education.

Dr. Pete Mehas was elected Fresno County Superintendent of Schools in June 1990, and has had unanimous endorsement from Fresno area Republican and Democratic legislators during his three elections since. Dr. Mehas currently serves on the Fresno Compact Executive Board, Fresno State's President's Education Commission and Dean of Education Advisory Committee, and the UC Advisory Board.

Mr. Speaker, I rise today to congratulate Dr. Pete Mehas for earning the 2002 Distinguished Alumnus Award. I urge my colleagues to join me in wishing Dr. Pete Mehas more years of continued success.

IN RECOGNITION OF ASSEMBLYMAN JOHN E. ROONEY

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, November 8, 2002

Mrs. ROUKEMA. Mr. Speaker, I rise today to recognize and congratulate an outstanding member of our community and of northern New Jersey—Assemblyman John E. Rooney, who tomorrow evening will be honored for his contribution to one of New Jersey's most worthy not-for-profit organizations, the Spectrum for Living. I am privileged to have known John as a constituent, as a talented municipal leader and state legislator, and as a valued friend and counselor.

Mr. Speaker, it is impossible to list all of the contributions John has made to New Jersey as a public servant over the last two decades. John has served with distinction as the Mayor of Northvale, and for almost twenty years has served as a Member of New Jersey's State Assembly. He has chaired the Northern Valley Community Development Program, served on the Bergen County Utilities Authority, and held the office of President of the Northern Valley Mayors' Association. At the same time, John has been an active member and dedicated supporter of American Legion Post 366, the Vietnam Veterans for America Post 1, and the Elks Closter Lodge 2304. The residents of Northvale—and indeed, all of the Thirty-Ninth Legislative District of New Jersey—have been well-served and well-represented by John, as have the many members of our New Jersey community who have benefited from John's active civic involvement.

On November 8, 2002, John will be honored for his dedication, support, and contribution to Spectrum for Living. Spectrum is a not-for-profit organization that provides barrier-free residential facilities, nursing, psychological, recreational, vocational/educational, dietary, psychological, social and therapeutic services for persons with physical and developmental disabilities. Spectrum serves hundreds of people with disabilities, providing an environment where they are respected as individuals and given the freedom, responsibility, and opportunity to face and meet life's challenges. Spectrum provides the physical and emotional support that every individual needs to achieve his or her full potential.

John's well-deserved pride in this honor is shared by his wife Martha, and their children Beth and Patrick.

Mr. Speaker, through his decades of public service and good works, Assemblyman John Rooney exemplifies the American values that have made our country great. I ask my colleagues in the House of Representatives to join me in congratulating John on his achievements, and thanking and saluting him for his dedication and contribution to so many members of our New Jersey community.

HONORING THE KOEHLER FAMILY

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

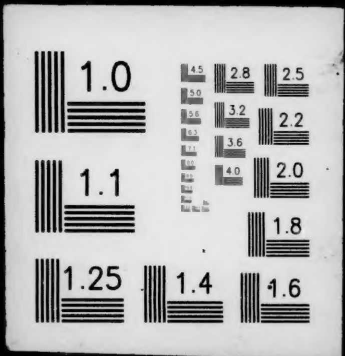
Friday, November 8, 2002

Mr. RADANOVICH. Mr. Speaker, I rise today to honor the Koehler family for their loyalty and exemplary dedication to the United States Armed Forces over the past 50 years. The Koehler family has exemplified heroism throughout the years through their service during World War I, World War II, and the Korean War.

Mr. David Koehler was the father of fourteen children, eleven of them sons; eight of which served in the United States Armed Forces. Mr. Koehler began his career with the United States Army and served in World War I. The Koehler brothers began enlisting in the Armed Forces in 1941. Chris, Jacob, Adam, John, and brother-in-law Rodger Schuester, served in the United States Navy during the World War II. William served in the United States National Guard and Army during World War II. During the Korean War, Henry and Edward joined the United States Air Force, and Sam followed in his father's footsteps by enlisting in the United States Army.

The Koehler family's time in the service demonstrates their commitment to our country. The contributions the Koehler family made during our times of war and peace have gone above and beyond the normal call of duty.

Mr. Speaker, I rise to honor the Koehler family for their patriotism and heroic efforts to keep our nation great and free. I urge my colleagues to join me in expressing deep gratitude to the Koehler family.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